

March 28, 2024
Item No. 9.5.
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 (1) approximately 11.667 acres of land generally located at Hopes Creek Road and N. Dowling Road, (2) approximately 10.725 acres of land generally located at Old Arrington and Arrington Road, and (3) approximately 99.844 acres of land generally located along Royder Road between Greens Prairie Road and Frierson Road.

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 them from the City's ETJ.

Budget & Financial Summary:

Attachments:

- 1. ETJ Denial Resolution Holland Holdings 3-13-24
- 2. Holland Holdings 11.667 Acre Petition Exhibit A
- 3. ETJ Denial Resolution Final Chance LLC 3-13-24
- 4. Final Chance 10.725 Acre Petition Exhibit A
- 5. ETJ Denial Resolution Bassichis 3-18-24
- 6. Bassichis Development 99.844 Acre Petition Exhibit A
- 7. ETJ Property Map 3-18-24

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DENYING HOLLAND HOLDINGS RESERVE, 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 February 20, 2024, Holland Holdings Reserve, 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 in the approximate area of Hopes Creek Road and North Dowling Road 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, 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 action 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 11.667 acres of land being in the Thomas Yates Survey, Abstract 248, generally located at Hopes Creek Road and N. Dowling Road.

Glenn Jones
PE #97600
Firm #9951



Consulting • Engineering • Construction

Services

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

February 20, 2024

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, Holland Holdings Reserve, LLC. c/o Charlie Dickerson, who has undersigned below, and is the owner of a 11.667 Acre Tract in the Thomas Yates Survey, Abstract 248, in accordance with Senate Bill 2038, hereby petitions that said property be removed from the City of College Station Extra Territorial Jurisdiction (ETJ). Said property is further defined by Exhibit A, attached hereto and containing a certified metes and bounds description of the property with exhibit.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Jones", is written over a horizontal line. The signature is somewhat stylized and includes a large loop.

Glenn Jones, PE
President

A handwritten signature in blue ink, appearing to read "Charlie Dickerson", is written over a horizontal line. The signature is cursive and fluid.

Holland Holdings Reserve, LLC.
c/o Charlie Dickerson
Property Owner

Date Signed:

2/20/24

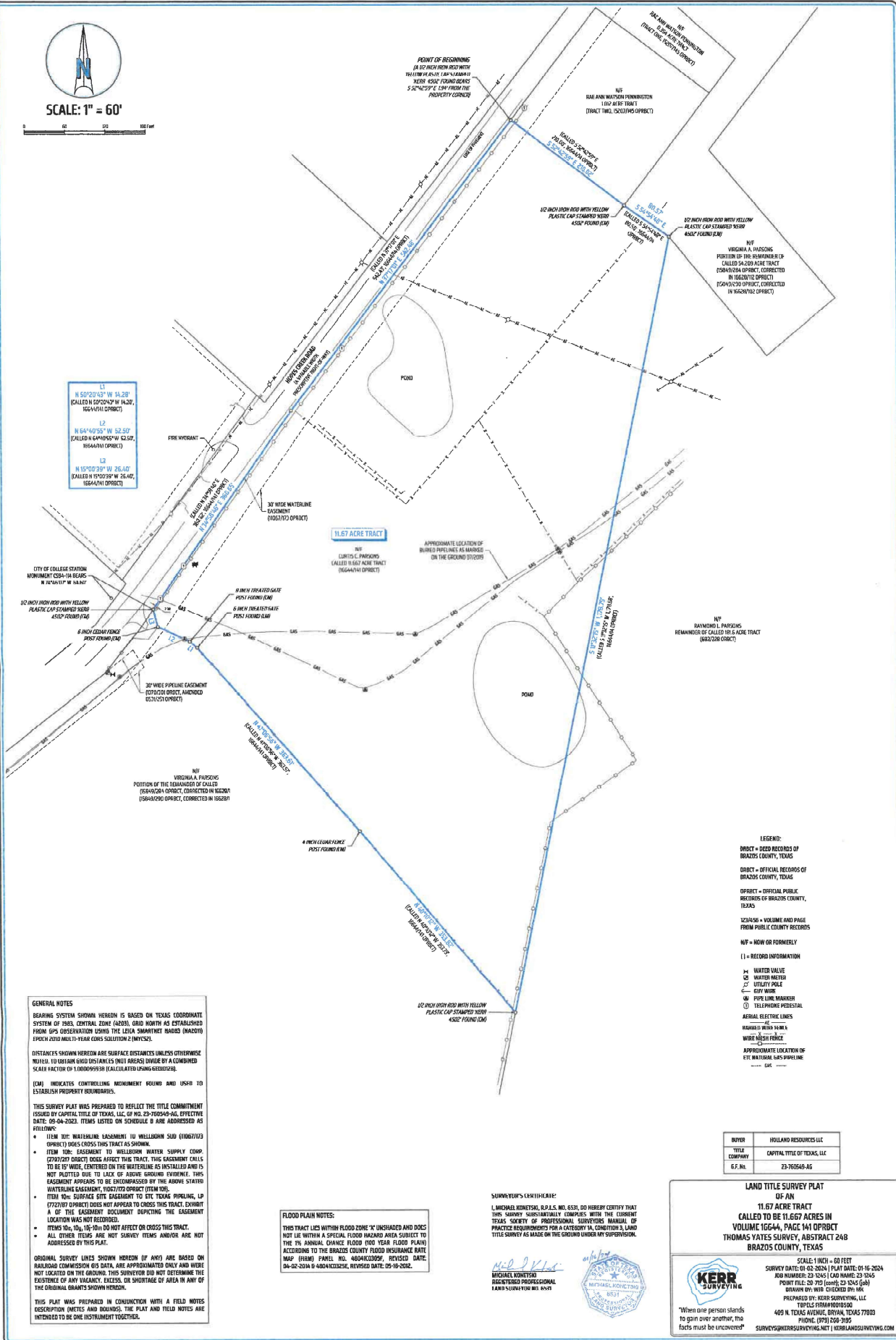
DOB:

04/21/1963

Residential Mailing Address:
1504 Foxborough Ln
Plano, TX 75093



SCALE: 1" = 60'



L1
N 89°27'43" W 14.28'
CALLED IN 82024297 W 14.28'
16544141 OBJECT

L2
N 64°42'35" W 52.50'
CALLED IN 84040574 W 52.50'
16544141 OBJECT

L3
N 15°00'39" W 26.40'
CALLED IN 10001007 W 26.40'
16544141 OBJECT

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SHANNETTER RABBIT (RAB070) EPOCH 2020 MULTI-FREQUENCY COLLECTION (MFC) INSTRUMENT.

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.000099938 (CALCULATED USING GEOID2022).

(EM) INDICATES CONTROLLING MONUMENT FOUND AND (FSP) TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED TO REFLECT THE TITLE COMMITMENT ISSUED BY CAPITAL TITLE OF TEXAS, LLC, OF NO. 23-70540-AG, EFFECTIVE DATE: 09-04-2023. ITEMS LISTED ON SCHEDULE B ARE ADDRESSED AS FOLLOWS:

- ITEM 101: WATERLINE EASEMENT TO WELLSBORO SUB (116071073 OBJECT) DOES CROSS THIS TRACT AS SHOWN.
- ITEM 102: EASEMENT TO WELLSBORO WATER SUPPLY COOP. (2707207 OBJECT) DOES AFFECT THIS TRACT. THIS EASEMENT CALLS TO BE 15' WIDE, ENTRENCHED ON THE WATERLINE AS INSTALLED AND IS NOT PLOTTED DUE TO LACK OF ABOVE GROUND EVIDENCE. THIS EASEMENT APPEARS TO BE ENCOMPASSED BY THE ABOVE STATED WATERLINE EASEMENT. (116071073 OBJECT) (ITEM 015).
- ITEM 103: SURFACE SITE EASEMENT TO ETC TEXAS PIPELINE, LP (172107 OBJECT) DOES NOT APPEAR TO CROSS THIS TRACT. EXHIBIT A OF THE EASEMENT DOCUMENT RESPECTING THE EASEMENT LOCATION WAS NOT RECORDED.
- ITEMS 104, 105, 106-108 DO NOT AFFECT OR CROSS THIS TRACT.
- ALL OTHER ITEMS ARE NOT SURVEY ITEMS AND ARE NOT ADDRESSED BY THIS PLAT.

ORIGINAL SURVEY LINES SHOWN HEREON (IF ANY) ARE BASED ON RAILROAD COMMISSION GIS DATA, ARE APPROXIMATED ONLY AND WERE NOT LOCATED ON THE GROUND. THIS SURVEYOR DID NOT DETERMINE THE EXISTENCE OF ANY VACANCY, EXCESS, OR SHORTAGE OF AREA IN ANY OF THE ORIGINAL GRANTS SHOWN HEREON.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (NETS AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE "X" (UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE BRAZOS COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48040C0500, REVISED DATE: 04-02-2014 & 48040C0325E, REVISED DATE: 05-10-2002.

SURVEYOR'S CERTIFICATION:

I, MICHAEL KOWERT, R.P.L.S. NO. 6531, DO HEREBY CERTIFY THAT THIS SURVEY UNDOUBTABLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CERTIFIED PROFESSIONAL LAND TITLE SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

MICHAEL KOWERT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6531

- LEGEND:**
- OBJECT = DEED RECORDS OF BRAZOS COUNTY, TEXAS
 - OBJECT = OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS
 - OBJECT = OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS
 - 123456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS
 - N/F = NOW OR FORMERLY
 - () = RECORD INFORMATION
 - W = WATER VALVE
 - WM = WATER METER
 - UT = UTILITY POLE
 - RY = RAY MARK
 - OP = PIPE LINE MARKER
 - TE = TELEPHONE POSTAL
 - AL = AERIAL ELECTRIC LINES
 - HA = HANGERS WITH TONS
 - WH = WIRE MESH FENCE
 - AP = APPROXIMATE LOCATION OF ETC WATERLINE SAS PIPELINE
 - EM = EASEMENT

BUYER	HOLLAND RESOURCES LLC
TITLE COMPANY	CAPITAL TITLE OF TEXAS, LLC
G.F. No.	23-70540-AG

LAND TITLE SURVEY PLAT OF AN 11.67 ACRE TRACT CALLED TO BE 11.667 ACRES IN VOLUME 16644, PAGE 141 OBJECT THOMAS VATTES SURVEY, ABSTRACT 248 BRAZOS COUNTY, TEXAS

SCALE: 1 INCH = 60 FEET
 SURVEY DATE: 01-02-2024 | PLAT DATE: 01-16-2024
 JOB NUMBER: 23-1245 | CAD NAME: 23-1245
 POINT FILE: 20-705 (cont); 23-1245 (JOB)
 DRAWN BY: WIS CHECKED BY: MK

PREPARED BY: KERR SURVEYING, LLC
 TREVISO FORMAN/PROFESSOR
 409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
 PHONE: (979) 256-7955
 SURVEYS@KERRSURVEYING.NET | WWW.KERRSURVEYING.COM

KERR SURVEYING

When one person stands to sign over another, the facts must be uncovered



FIELD NOTES DESCRIPTION
OF AN
11.67 ACRE TRACT

THOMAS YATES SURVEY, ABSTRACT 248
BRAZOS COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 11.67 ACRES IN THE THOMAS YATES SURVEY, ABSTRACT 248, IN BRAZOS COUNTY, TEXAS, BEING ALL OF A CALLED 11.667 ACRE TRACT OF LAND DESCRIBED IN A DEED TO CURTIS C. PARSONS RECORDED IN VOLUME 16644, PAGE 141 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID 11.67 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point on the southeast side of Hopes Creek Road (a variable width prescriptive right-of-way), for the north corner of said 11.667 acre tract and the west corner of a called 1.012 acre tract of land described in a deed to Rae Ann Watson Pennington recorded in Volume 15207, Page 145 (OPRBCT), from which a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found bears S 52° 42' 59" E, a distance of 1.34 feet;

THENCE, with the common line of said 11.667 acre tract and said 1.012 acre tract, S 52° 42' 59" E, for a distance of 210.02 feet to a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found at the south corner of said 1.012 acre tract and the southwest corner of a portion of the remainder of a called 54.209 acre tract of land described in a deed to Virginia A. Parsons recorded in Volume 15849, Page 284 (OPRBCT);

THENCE, with the common line of said 11.667 acre tract and said portion of 54.209 acre tract, S 54° 54' 48" E, for a distance of 80.57 feet to a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found at a northwest corner of the remainder of a called 181.6 acre tract of land described in a deed to Raymond L. Parsons recorded in Volume 682, Page 228 of the Official Records of Brazos County, Texas (ORRBCT), for the east corner of said 11.667 acre tract and the east corner hereof;

THENCE, with the common line of said 11.667 acre tract and said remainder of 181.6 acre tract, S 11° 32' 15" W, for a distance of 1,178.79 feet to a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found at the northeast corner of a portion of said remainder of 54.209 acre tract, for the south corner of said 11.667 acre tract and the south corner hereof;

THENCE, with the southwest line of said 11.667 acre tract, the following five (5) courses and distances:

- 1) N 40° 10' 12" W, a distance of 353.82 feet to a 4 inch cedar fence post found;
- 2) N 41° 06' 56" W, a distance of 363.61 feet to a 6 inch treated gate post found;
- 3) N 50° 20' 43" W, a distance of 14.28 feet to an 8 inch treaded gate post found;

- 4) N 64° 40' 55" W, a distance of 52.50 feet to a 6 inch cedar fence post found; and
- 5) N 15° 00' 39" W, a distance of 26.40 feet to a 1/2 inch iron rod with yellow plastic cap stamped 'KERR 4502' found on the southeast side of Hopes Creek Road for the west corner of said 11.667 acre tract and the west corner hereof, from which the City of College Station monument C594-114 bears N 74° 46' 07" W, a distance of 64.60 feet;

THENCE, along the southeast side of Hopes Creek Road, with the northwest line of said 11.667 acre tract, the following two (2) courses and distances:

- 1) N 34° 58' 46" E, a distance of 360.65 feet to a point; and
- 2) N 37° 17' 01" E, a distance of 542.48 feet to the **POINT OF BEGINNING** hereof and containing **11.67** acres, more or less.

Surveyed on the ground January 2024 under my supervision. See plat prepared January 2024 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 (MNC2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.000095938 (calculated using GEOID12B). Reference drawing: 23-1245.

Michael Konetski 1/16/24

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 | TPPELS Firm No. 10018500

Secretary of State
P. O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709
Filing Fee: \$300



**Certificate of Formation
Limited Liability Company**

Filed in the Office of the
Secretary of State of Texas
Filing #: 804520804 04/14/2022
Document #: 1139733550006
Image Generated Electronically
for Web Filing

Article 1 - Entity Name and Type

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

Holland Holdings Reserve, 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:

Holland Resources

OR

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

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

Street Address:

1504 Foxborough Ln Plano TX 75093

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: **Charlie D Dickerson IV**

Address: **1504 Foxborough Lane Plano TX, USA 75093**

Title: **Manager**

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.

[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:

**1504 Foxborough Lane
Plano, TX 75093
USA**

Organizer

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

Charlie D Dickerson IV 1504 Foxborough Ln. Plano, Tx 75093

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.

Charlie D Dickerson IV

Signature of Organizer

FILING OFFICE COPY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DENYING FINAL CHANCE, LLC’S, WCJ, LLC’S, AND SHERI AND SCOTT BOLES’ 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 December 18, 2023, Final Chance, LLC, WCJ, LLC, and Sheri and Scott Boles (“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 in the approximate area of Old Arrington and Arrington Road 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, 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 action 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 10.725 acres of land being in the S.W. Robertson League, Abstract 202 generally located Old Arrington and Arrington Road.

RECEIVED
JAN 18 2024

Glenn Jones
PE #97600
Firm #9951



Consulting • Engineering • Construction
Services

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

December 18, 2023

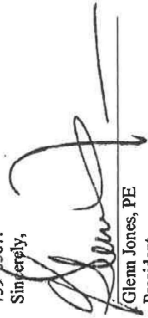
Tanya D. Smith
City Secretary - City of College Station
1101 Texas Avenue
College Station, Texas 77840


RE: Petition to Remove Property from City's ETJ

Ms. Smith,


On behalf of my clients, Final Chance, LLC c/o Joe Scott Boles, WCI, LLC c/o Jan Hinkle, and Scott & Sherri Boles, who have undersigned below, and are the owners of 10.725 Acre Tract in the S.W. Robertson League Survey, Abstract 202, 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 979-739-9567.
Sincerely,



Glenn Jones, PE
President


Joe Scott Boles - Final Chance LLC
Property Owner
Date Signed: 1-3-2024
DOB: 12-15-1961


Mailing Address:
1516 County Road L
Lamesa, TX 79331


Jan Hinkle - WCJ LLC
Property Owner
Date Signed: 1/16/2023
DOB: 3/14/1959

Mailing Address:
5111 150th Street
Lubbock, TX 79424

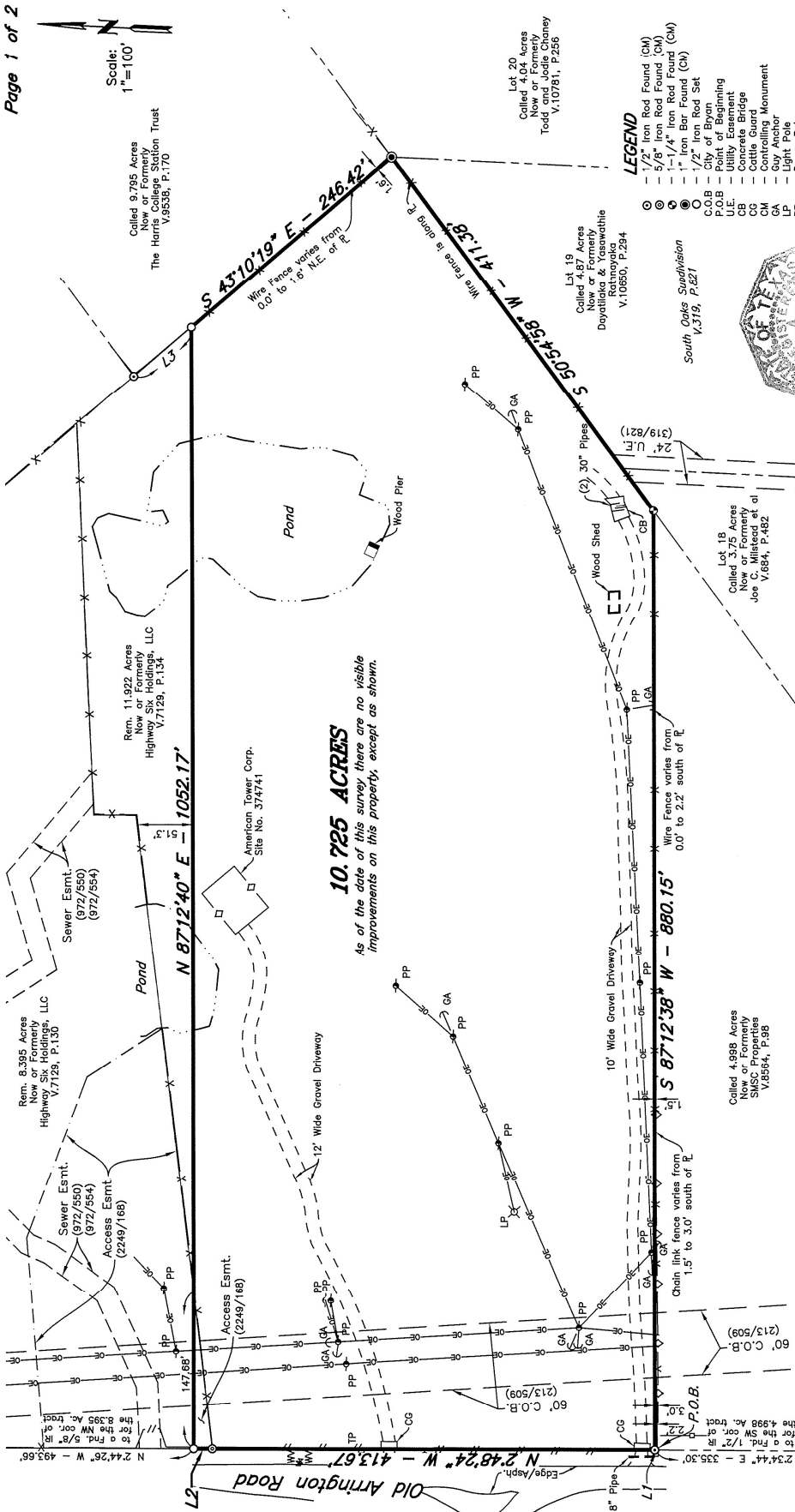

Scott Boles
Property Owner
Date Signed: 1-2-2024
DOB: 12-15-1961

Mailing Address:
1516 County Road L
Lamesa, TX 79331


Sherri Boles
Property Owner
Date Signed: 1-2-2024
DOB: 1-22-1963

"Aggie Owned and Operated"
-Page 1 of 1-

LINE	BEARING	DISTANCE
L1	S 40°25'57" W	2.95'
L2	N 2°44'26" W	17.56'
L3	N 43°10'19" W	70.76'



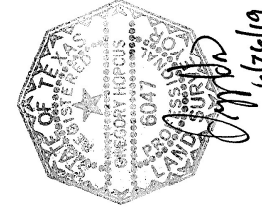
GENERAL SURVEYOR NOTES:

- ORIGIN OF BEARING SYSTEM: The bearing system is consistent with the deed recorded in Volume 7129, Page 134 of the Official Records of Brazos County, Texas.
- According to the Flood Insurance Rate Maps for Brazos County, Texas and Incorporated Areas, Map Number 48041C0325E, Map Revised May 16, 2012, this property is not located in a Special Flood Hazard Area.
- This survey is valid only if the print has original seal and signature of Surveyor.
- See Page 2 of 2 for Metes and Bounds prepared with this survey plat.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.
- The locations of underground utilities as shown hereon are based on above-ground structures, utility markers and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/structures.
- The easements shown hereon are based on the plat shown hereon. The following comments correspond to the easement items as numbered in the above referenced commitment:
 - Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 7857, Page 236 of the Official Records of Brazos County, Texas. (Not located on subject tract)
 - Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 7857, Page 236 of the Official Records of Brazos County, Texas. (Not located on subject tract)
 - Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 709, Page 497 of the Official Records of Brazos County, Texas. (Shown on survey)
 - An Easement granted to Kurt Mendez, by instrument recorded under Volume 972, Page 544 of the Official Records, Brazos County, Texas. (Shown on survey)
 - Right of Way Easement granted to John P. Groat, Mary Ann Richardson and Richard Groat, by instrument recorded under Volume 972, Page 550 of the Official Records of Brazos County, Texas. (Shown on survey)
 - Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 976, Page 479 of the Official Records of Brazos County, Texas. (Blanket)
 - Easement granted to Brianne S. Williams, by instrument recorded under Volume 2248, Page 2856 of the Official Records of Brazos County, Texas. (Blanket)
 - Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 2856, Page 121 of the Official Records of Brazos County, Texas. (Blanket)
 - Utility Easement granted to the City of College Station, Texas, by instrument recorded under Volume 7857, Page 236 of the Official Records of Brazos County, Texas. (Not located on subject tract)

Schedule B:

- Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 144, Page 33 of the Deed Records of Brazos County, Texas. (Blanket)
- Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 213, Page 509 of the Deed Records of Brazos County, Texas. (Shown on survey)
- An Easement granted to Kurt Mendez, by instrument recorded under Volume 709, Page 497 of the Official Records of Brazos County, Texas. (Blanket)
- Right of Way Easement granted to John P. Groat, Mary Ann Richardson and Richard Groat, by instrument recorded under Volume 972, Page 544 of the Official Records of Brazos County, Texas. (Shown on survey)
- Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 976, Page 479 of the Official Records of Brazos County, Texas. (Blanket)
- Easement granted to Brianne S. Williams, by instrument recorded under Volume 2248, Page 2856 of the Official Records of Brazos County, Texas. (Blanket)
- Right of Way Easement granted to the City of Bryan, by instrument recorded under Volume 2856, Page 121 of the Official Records of Brazos County, Texas. (Blanket)
- Utility Easement granted to the City of College Station, Texas, by instrument recorded under Volume 7857, Page 236 of the Official Records of Brazos County, Texas. (Not located on subject tract)

Owner: Highway Six Holdings, LLC



I, Gregory Hopcus, Registered Professional Land Surveyor No. 6047, State of Texas, hereby certify that this survey was made on the ground on June 26, 2019, and that this survey correctly represents the facts found at the time of survey and that this professional service conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Bonded III Survey.

6/26/19

FIELD NOTES
10.725 ACRES

Being all that certain tract or parcel of land lying and being situated in the S.W. ROBERTSON LEAGUE Abstract No. 202, in Brazos County, Texas and being parts of the called 11.922 acre tract described in the deed from Donald A. Turner and wife, Mary An Turner f/k/a Mary An Groot f/k/a Mary An Richardson to Highway Six Holdings, LLC recorded in Volume 7129, Page 134 of the Official Records of Brazos County, Texas (O.R.B.C.) and part of the called 8.395 acre tract described in the deed from Bernadine Lorino Young nka Bernadine Lorino Groot and spouse, Roy Groot to Highway Six Holdings, LLC recorded in Volume 7129, Page 130 (O.R.B.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at a found 1/2-inch iron rod marking the common southwest corner of this tract and the called 11.922 acre Highway Six Holdings tract, said iron also being the northwest corner of the called 4.998 acre SMSC Properties tract recorded in Volume 8564, Page 98 (O.R.B.C.) and being in the east margin of Old Arrington Road, from whence a found 1/2-inch iron rod marking the southwest corner of the called 4.998 acre SMCS Properties tract bears S 02°34'44" E at a distance of 335.30 feet for reference and a found 5/8-inch iron rod bears S 40°25'57" W at a distance of 2.95 feet for reference;

THENCE: along the fenced east margin of said Old Arrington Road for the following two (2) calls:

- 1) N 02°48'24" W for a distance of 413.67 feet to a found 5/8-inch iron rod marking the common west corner of the called 11.922 acre Highway Six Holdings tract (7129/134) and the called 8.395 acre Highway Six Holdings tract (7129/130), and
- 2) N 02°44'26" W for a distance of 17.56 feet to a 1/2-inch iron rod set for the northwest corner of this tract, from whence a found 5/8-inch iron rod marking the northwest corner of the called 8.395 acre Highway Six Holdings tract (7129/130) bears N 02°44'26" W at a distance of 493.66 feet for reference;

THENCE: N 87°12'40" E into and through the 8.395 acre Highway Six Holdings tract (7129/130), pass at 147.68 feet the intersecting point of the called 11.922 acre Highway Six Holdings tract (7129/134), continue through the interior of the called 11.922 acre Highway Six Holdings tract (7129/134) for a total distance of 1,052.17 feet to a 1/2-inch iron rod set for the northeast corner of this tract and being in the southwest line of the called 9.795 acre The Harris College Station Trust tract recorded in Volume 9538, Page 170 (O.R.B.C.), from whence a found 1/2-inch iron rod marking the west corner of the called 9.795 acre The Harris College Station Trust tract and being an angle point in the called 8.395 acre tract bears N 43°10'19" W at a distance of 70.76 feet for reference;

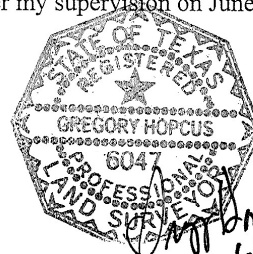
THENCE: S 43°10'19" E along the fenced common line of the called 11.922 acre Highway Six Holdings tract and the called 9.795 acre The Harris College Station Trust tract for a distance of 246.42 feet to a found 1-inch iron pipe marking the common east corner of this tract and the called 11.922 acre Highway Six Holdings tract, said iron pipe being the south corner of the called 9.795 acre The Harris College Station Trust tract and in the northwest line of SOUTH OAKS Subdivision according to the plat recorded in Volume 319, Page 821 of the Brazos County Deed Records (B.C.D.R.);

THENCE: S 50°54'58" W along the fenced common line of the called 11.922 acre Highway Six Holdings tract and said SOUTH OAKS Subdivision for a distance of 411.38 feet to a found 1-1/4-inch iron bar marking the northeast corner of the called 4.998 acre SMSC tract;

THENCE: S 87°12'38" W along the common line of the called 11.922 acre Highway Six Holdings tract and the called 4.998 acre SMSC Properties tract for a distance of 880.15 feet to the POINT OF BEGINNING and containing 10.725 acres of land, more or less.

I, Gregory Hopcus, Registered Professional Land Surveyor No. 6047, State of Texas, do hereby certify to the best of my knowledge, information and belief, and in my professional opinion, that this survey is true and correct and agrees with a survey made on the ground under my supervision on June 26, 2019.

See survey plat on Page 1 of 2
for additional information.



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



**Certificate of Formation
Limited Liability Company**

Filed in the Office of the
Secretary of State of Texas
Filing #: 803386700 08/06/2019
Document #: 904970750002
Image Generated Electronically
for Web Filing

Filing Fee: \$300

Article 1 - Entity Name and Type

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

Final Chance, 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:

Scott Boles

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

Street Address:

1516 County Road L Lamesa TX 79331

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: **Sheri Boles**

Title: **Manager**

Address: **1516 County Road L Lamesa TX, USA 79331**

Manager 2: **Scott Boles**

Title: **Manager**

Address: **1516 County Road L Lamesa TX, USA 79331**

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.]

Organizer

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

Scott Boles **1516 County Road L, Lamesa, Texas 79331**

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.

Scott Boles

Signature of Organizer



FILING OFFICE COPY

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 #: 803478911 11/25/2019
Document #: 929056900002
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:

WCJ, 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:

Jan Hinkle

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

Street Address:

5111 150th Street Lubbock TX 79424

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: **Jan Hinkle**

Title: **Manager**

Address: **5111 150th Street Lubbock TX, USA 79424**

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.]

Organizer

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

Jan Hinkle 5111 150th Street, Lubbock, Texas 79424

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.

Jan Hinkle

Signature of Organizer

FILING OFFICE COPY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DENYING BASSICHIS DEVELOPMENT, 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 February 12, 2024, Bassichis Development, 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 in the approximate area along Royder Road between Greens Prairie Road and Frierson Road 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, 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 action 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 99.844 acres of land being in the Samuel Davidson League, Abstract No. 13, generally located at along Royder Road between Greens Prairie Road and Frierson Road.

BASSICHIS DEVELOPMENT, LLC
COLLEGE STATION, TEXAS

February 12, 2024

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

RE: Bassichis Development, LLC Tract (Royder 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 property:

- Legal Description: Samuel Davidson Survey, A-13, Tract 111, 99.962 Acres
 - Brazos CAD Property ID: 11214
 - Refer to attached Tract Exhibit (Exhibit A) for location information.
- Owner: Bassichis Development, LLC
 - Refer to attached Certificate of Formation (Exhibit B) and Certificate of Amendment (Exhibit C) confirming my authority to represent this entity.

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

Respectfully Submitted,

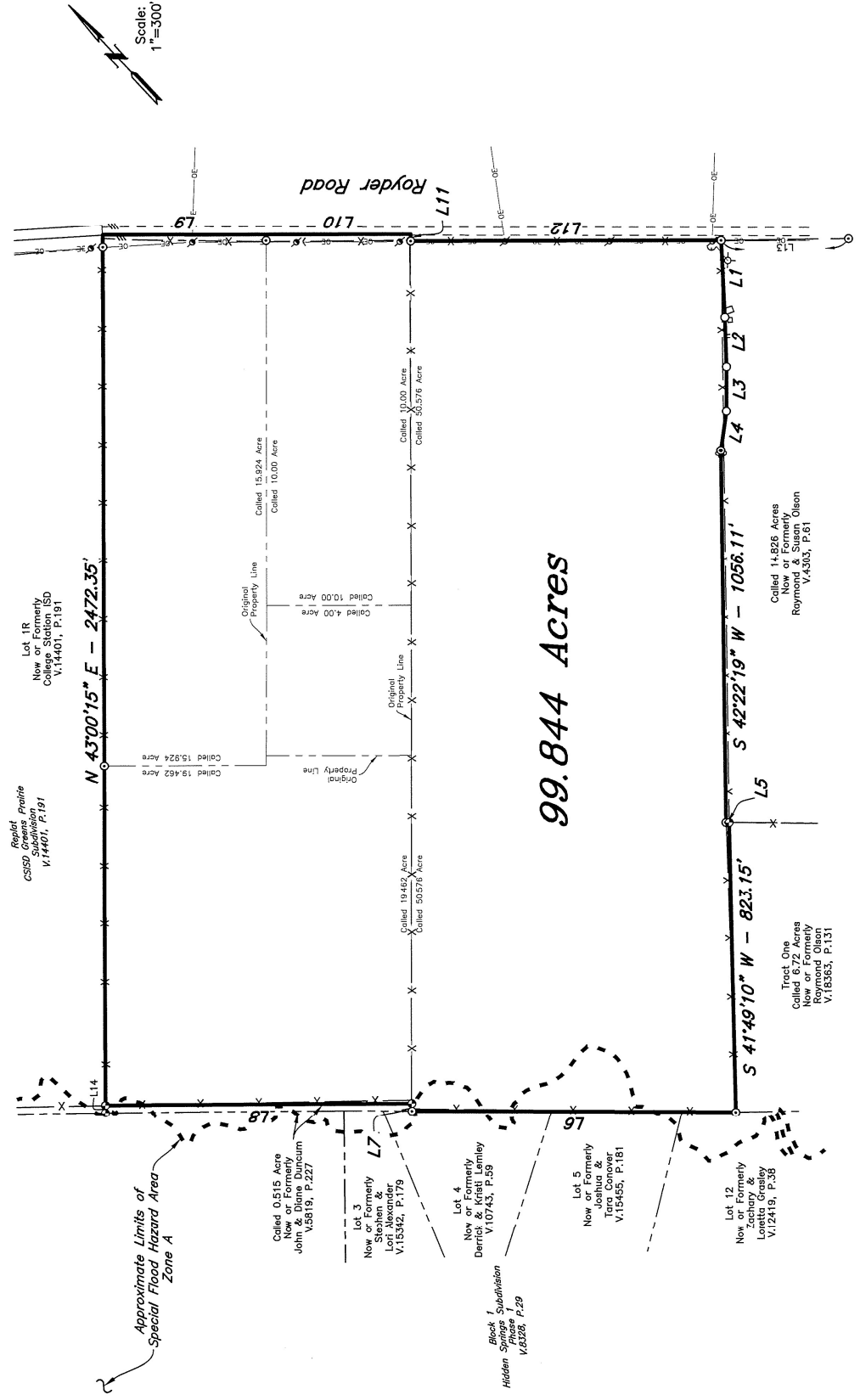


William Bassichis, Manager
Bassichis Development, LLC
1501 Wolf Run
College Station, Texas 77840

Date: 2/12/2024
D.O.B.: 8/9/1937
Uster ID: 1040570881

CC: Bryan Woods, College Station City Manager
Michael Ostrowski, Planning & Development Services Director
Prarthana Banerji, Brazos County Engineer

Attachments: Exhibit A – Tract Exhibit
Exhibit B – Certification of Formation
Exhibit C – Certificate of Amendment



LINE	BEARING	DISTANCE
L1	S 40°15'46\"	215.78'
L2	S 41°21'04\"	142.46'
L3	S 43°09'10\"	124.30'
L4	S 51°15'16\"	112.70'
L5	S 45°47'53\"	3.78'
L6	N 46°46'40\"	915.63'
L7	N 41°42'45\"	21.62'
L8	N 47°15'38\"	857.27'
L9	S 46°49'29\"	451.67'
L10	S 46°59'38\"	405.00'
L11	S 43°03'44\"	19.60'
L12	S 47°01'48\"	877.33'
L13	S 47°48'52\"	350.78'
L14	S 43°00'15\"	21.56'

99.844 Acres

EXHIBIT

FIELD NOTES
99.844 ACRES

Being all that certain tract or parcel of land lying and being situated in the SAMUEL DAVIDSON LEAGUE, Abstract No. 13, Brazos County, Texas and being a total of 99.844 acres of land consisting of the following four (4) individual tracts:

- 1) Being all of the called 15.924 acre Tract One and all of the called 4.00 acre Tract Two described in the deed from Smiling Mallard Management, LLC. to Bassichis Development, LLC. recorded in Volume 15562, Page 71 of the Official Public Records of Brazos County, Texas (O.P.R.B.C.),
- 2) Being all of the called 19.462 acre tract described in the deed from William H. Bassichis and Yudith Z. Bassichis to Bassichis Development, LLC. recorded in Volume 17012, Page 219 (O.P.R.B.C.),
- 3) Being all of the called 50.576 acre tract described in the deed from William H. Bassichis and Yudith Z. Bassichis to Bassichis Development, LLC. recorded in Volume 17012, Page 225 (O.P.R.B.C.), and
- 4) Being all of the called 10.00 acre tract described in the deed from Karen Bassichis to Bassichis Development, LLC. recorded in Volume 17012, Page 230 (O.P.R.B.C.),

and being more particularly described by metes and bounds as follows:

BEGINNING: at a found 1/2-inch iron rod marking the common east corner of this herein described tract and the called 50.576 acre Bassichis Development, LLC. tract, said iron rod also marking the north corner of the called 14.826 acre Raymond Olson and Susan Olson tract recorded in Volume 4303, Page 61 of the Official Records of Brazos County, Texas (O.R.B.C.) and being in the southwest margin of Royder Road, from whence a found 1/2-inch iron rod marking the east corner of the called 14.826 acre Olson tract bears S 47° 48' 52" E at a distance of 360.78 feet for reference;

THENCE: along the common line of this tract and the called 14.826 acre Olson tract for the following six (6) calls:

- 1) S 40° 15' 46" W for a distance of 215.78 feet to a 1/2-inch iron rod set for angle,
- 2) S 41° 21' 04" W for a distance of 142.45 feet to a 1/2-inch iron rod set for angle,
- 3) S 43° 09' 10" W for a distance of 124.30 feet to a 1/2-inch iron rod set for angle,
- 4) S 51° 15' 16" W for a distance of 112.70 feet to a found 3/8-inch iron rod marking an angle point of this tract,
- 5) S 42° 22' 19" W, at 4.66 feet, pass a found 36-inch post oak for reference, continue for a total distance of 1,056.11 feet to a found 3/8-inch iron rod marking a corner of this tract, and
- 6) S 45° 47' 53" E for a distance of 8.78 feet to a found 5/8-inch iron rod marking an exterior corner of this tract, said iron rod also marking the west corner of the called 14.826 acre Olson tract and the north corner of the called 6.72 acre Raymond Olson Tract One recorded in Volume 18363, Page 131 (O.P.R.B.C.);

THENCE: S 41° 49' 10" W along the common line of this tract and the called 6.72 acre Olson Tract One for a distance of 823.15 feet to a found 1/2-inch iron rod marking the common south corner of this tract and the called 50.576 acre Bassichis Development, LLC. tract, said iron rod also marking the west corner of the called 6.72 acre Olson Tract One and an angle point of Lot 12, Block 1, HIDDEN SPRINGS SUBDIVISION, PHASE 1 according to the Final Plat recorded in Volume 8328, Page 29 (O.P.R.B.C.);

THENCE: N 46° 46' 40" W along the common line of this tract, said Lot 12, Block 1 and Lots 5 and 4, Block 1 of said HIDDEN SPRINGS SUBDIVISION, PHASE 1 for a distance of 915.63 feet to a found

1/2-inch iron rod marking an exterior corner of this tract, said iron rod also marking the west corner of the called 50.576 acre Bassichis Development, LLC. tract and the south corner of the called 0.515 acre John M. Duncum and Diane Duncum tract recorded in Volume 5819, Page 227 (O.R.B.C.);

THENCE: along the common line of this tract and the called 0.515 acre Duncum tract for the following two (2) calls:

- 1) N 41° 42' 45" E for a distance of 21.62 feet to a found 5/8-inch iron rod marking an interior corner of this tract, said iron rod also marking the east corner of the called 0.515 acre Duncum tract and the south corner of the called 19.462 acre Bassichis Development, LLC. tract, and
- 2) N 47° 15' 38" W for a distance of 867.27 feet to a found 5/8-inch iron rod marking the common west corner of this herein described tract and the called 19.462 acre Bassichis Development, LLC. tract, said iron rod also marking the north corner of the called 0.515 acre Duncum tract and being in the southeast line of Lot 1R, Block 1, CSISD GREENS PRAIRIE SUBDIVISION according to the Replat recorded in Volume 14401, Page 190 (O.P.R.B.C.), from whence a found 5/8-inch iron rod marking the south corner of said Lot 1R, Block 1 and the west corner of the called 0.515 acre Duncum tract bears S 43° 00' 15" W at a distance of 21.56 feet for reference;

THENCE: N 43° 00' 15" E along the common line of this tract, said Lot 1R, Block 1 and into said Royder Road, at 965.65 feet, pass a found 1/2-inch iron rod marking the north corner of the called 19.462 acre Bassichis Development, LLC. tract and the west corner of the called 15.924 acre Bassichis Development, LLC. Tract One, continue for a total distance of 2,472.35 feet to a point marking the common north corner of this tract and the called 15.924 acre Bassichis Development, LLC. Tract One, said point also being at or near the centerline of said Royder Road, from whence a found 1/2-inch iron rod marking the east corner of said Lot 1R, Block 1 bears S 43° 00' 15" W at a distance of 35.37 feet for reference;

THENCE: along the approximate centerline of said Royder Road for the following two (2) calls:

- 1) S 46° 49' 28" E for a distance of 461.67 feet to an angle point, said point also marking the east corner of the called 15.924 acre Bassichis Development, LLC. Tract One and the north corner of the called 10.00 acre Bassichis Development, LLC. tract, from whence a found 1/2-inch iron rod being in the southwest margin of said Royder Road bears S 43° 03' 44" W at a distance of 16.98 feet for reference, and
- 2) S 46° 59' 40" E for a distance of 409.00 feet to a point for corner, said point also marking the east corner of the called 10.00 acre Bassichis Development, LLC. tract;

THENCE: S 43° 03' 44" W into and through said Royder Road for a distance of 19.60 feet to a found 1/2-inch iron rod marking an interior corner of this tract, said iron rod also marking the north corner of the called 50.576 acre Bassichis Development, LLC. tract and being in the southwest margin of said Royder Road;

THENCE: S 47° 01' 48" E along the southwest margin of said Royder Road for a distance of 877.33 feet to the POINT OF BEGINNING and containing 99.844 acres of land.

I, Cody Karisch, Registered Professional Land Surveyor No. 7004, State of Texas, do hereby certify to the best of my knowledge, information and belief, and in my professional opinion, that this survey is true and correct and agrees with a survey made on the ground under my supervision on March 4, 2024.

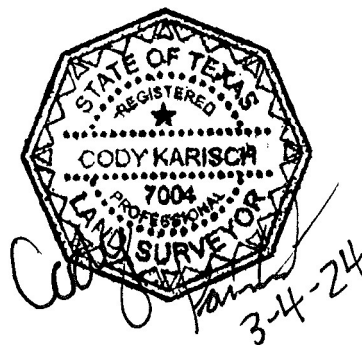


EXHIBIT A



BASSICHIS DEVELOPMENT, LLC

COLLEGE STATION, TEXAS

TRACT EXHIBIT
2/3/2024
Page 325 of 337

EXHIBIT B

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Rolando B. Pablos
Secretary of State

Office of the Secretary of State

November 27, 2017

Attn: Goldin Peiser & Peiser LLP

Goldin Peiser & Peiser LLP
16800 Dallas Pkwy Ste 240
Dallas, TX 75248 USA

RE: Bassichis Development LLC
File Number: 802866211

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 <http://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

Phone: (512) 463-5555
Prepared by: Lisa Sasin

Come visit us on the internet at <http://www.sos.state.tx.us/>

Fax: (512) 463-5709
TID: 10285

Dial: 7-1-1 for Relay Services
Document: 775786190002



Office of the Secretary of State

CERTIFICATE OF FILING OF

Bassichis Development LLC
File Number: 802866211

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Liability Company (LLC) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 11/21/2017

Effective: 11/21/2017



A handwritten signature in black ink, appearing to read "Rolando B. Pablos".

Rolando B. Pablos
Secretary of State

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 #: 802866211 11/21/2017
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**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:

Bassichis Development 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:

Goldin Peiser & Peiser LLP

OR

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

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

Street Address:

16800 Dallas Pkwy Ste 240 Dallas TX 75248

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:

Managing Member 1: (Business Name) **Merkaz Management LLC**

Address: **4515 Dorset Rd Dallas TX, USA 75229**

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.]

Organizer

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

William Bassichis 1501 Wolf Run, College Station TX 77840

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.

William Bassichis

Signature of Organizer

FILING OFFICE COPY

<p>Form 424 (Revised 05/11)</p> <p>Submit 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</p>	<p style="text-align: right;">This space reserved for office use.</p> <div style="text-align: center;">  Certificate of Amendment </div> <div style="text-align: right;"> <p>FILED In the Office of the Secretary of State of Texas</p> <p>APR 24 2018</p> <p>Corporations Section</p> </div>
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Entity Information

The name of the filing entity is:

Bassichis Development, LLC

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- For-profit Corporation
- Nonprofit Corporation
- Cooperative Association
- Limited Liability Company
- Professional Corporation
- Professional Limited Liability Company
- Professional Association
- Limited Partnership

The file number issued to the filing entity by the secretary of state is: 802866211

The date of formation of the entity is: November 21, 2017

Amendments

1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

Registered Agent

(Complete either A or B, but not both. Also complete C.)

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

OR

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

William

Bassichis

First Name

M.I.

Last Name

Suffix

The person executing this instrument affirms that the person designated as the new registered agent has consented to serve as registered agent.

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

1501 Wolf Run

College Station

TX 77840

Street Address (No P.O. Box)

City

State Zip Code

3. Other Added, Altered, or Deleted Provisions

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:

Empty box for adding provisions.

Alter each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

Article 3-Governing Authority is amended in its entirety as follows: Article 3. The limited liability company is to be managed by one or more managers. The name and address of the person who is to serve as manager until the first annual meeting of the members or until his successor(s) is elected and qualified are as follows:

Manager: William Bassichis

Address: 1501 Wolf Run, College Staion, Texas 77840

Delete each of the provisions identified below from the certificate of formation.

Empty box for deleting provisions.

Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

Effectiveness of Filing (Select either A, B, or C.)

- A. This document becomes effective when the document is filed by the secretary of state.
- B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

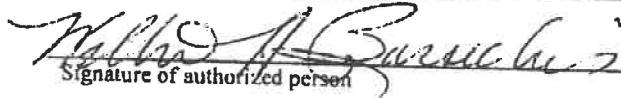
The following event or fact will cause the document to take effect in the manner described below:

Execution

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.

Date: April 23, 2018

By: _____


Signature of authorized person

William Bassichis, Manager
Printed or typed name of authorized person (see instructions)

ETJ Release Petitions

