

4301 Bull Creek Rd | Ste 150 Austin, Texas 78731 phone 512.328.2008

fax 512,328,2409 www.mcleanhowardlaw.com

September 1, 2023

City of Pflugerville Attn: Trista Evans, City Secretary 100 East Main Street, Suite 300 Pflugerville, Texas 78660

Via Hand Delivery

RE: Request and Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Pflugerville

Dear Ms. Evans,

On behalf of Elizabeth Ann Tyner, acting in her capacity as Independent Executor to the Estate of Irby Max Ford, Deceased ("<u>Petitioner</u>"), the owner of property located within the extraterritorial jurisdiction of the City of Pflugerville, enclosed please find a Request and Petition for Release of Property from the Extraterritorial Jurisdiction of the City of Pflugerville (the "<u>Petition</u>"). In accordance with Sections 42.101-105 of the Texas Local Government Code, the Petitioner requests the release of lands owned by the Estate of Irby Max Ford, Deceased, from the City's extraterritorial jurisdiction.

Please file stamp and return the enclosed extra copy of the Petition. We appreciate the City's actions regarding this Petition.

Received
SEP 0 1 2023
City of Pflugerville
City Secretary's Office

Sincerely,

Jeffrey S. Howard

cc:

Elizabeth Ann Tyner

REQUEST AND PETITION FOR RELEASE OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE (19.861 ACRES)

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF PFLUGERVILLE, TEXAS:

The undersigned ("<u>Petitioner</u>"), acting in her capacity as Independent Executor to the Estate of Irby Max Ford, Deceased, Cause No. C-1-PB-23-000394 in the Probate Court of Travis County, Texas, and pursuant to the provisions of Sections 42.101-105 of the Texas Local Government Code, respectfully petitions the City of Pflugerville (the "<u>City</u>") to release the land described by metes and bounds on <u>Exhibit "A"</u> and depicted on <u>Exhibit "A-1"</u> (the "<u>Land</u>") from the extraterritorial jurisdiction ("<u>ETJ</u>") of the City. In support of this petition, Petitioner would show the following:

I.

The Estate of Irby Max Ford, Deceased, is the owner of all of the Land, comprised of 19.86 acres currently situated within the extraterritorial boundaries of the City in Travis County, Texas, and is fully described by metes and bounds on **Exhibit "A"**, attached hereto and incorporated herein by reference. Petitioner, as the Independent Executor of the Estate of Irby Max Ford, certifies that the description of the Land attached as **Exhibit "A"** is true and correct. A map of the Land to be released is attached hereto as **Exhibit "B"**.

II.

Pursuant to section 43.102(b) of the Texas Local Government Code, Petitioner certifies that the Estate of Irby Max Ford, Deceased, is the owner of one hundred percent (100%) in value of the holders of title of the Land pursuant to the tax rolls of the Travis County Appraisal District as evidenced by **Exhibit "C"** and is, therefore, authorized to file this Petition.

III.

To the extent required by applicable law, this Petition has satisfied the signature requirements described in Sections 42.103 and 42.104(a) of the Texas Local Government Code and Chapter 277 of the Texas Election Code, not later than the 180th day after the date the first signature for the Petition is obtained.

IV.

Petitioner, as the Independent Executor of the Estate of Irby Max Ford, as evidenced by Letters Testamentary attached hereto as **Exhibit "D"**, is authorized to sign this petition based on the powers and authorities conferred upon an independent executor by the Texas Estates Code. The signature is hereby sufficient to effectuate the immediate release of the Land from the City's ETJ. If the City fails to take action to release the Land by the later of the 45th day after the date the City receives this Petition or the next meeting of the City's governing body that occurs after the 30th day after the date the City receives this Petition, the Land is released by operation of law.

V.

Petitioner prays that (i) this Petition be verified by the City Secretary or other person at the City responsible for verifying signatures, (ii) the Petitioner be notified of the results, and (iii) this Petition be granted, immediately releasing the Land from the City's ETJ.

Executed to be effective as of the 1st day of September, 2023.

SIGNATURE PAGE TO

REQUEST AND PETITION FOR RELEASE OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE (19.861 ACRES)

PETITIONER:

Elizabeth Ann Tyner

Independent Executor of the Estate of Irby Max Ford, Deceased

Date: 8/24/23

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

Before me, the undersigned notary, on this day personally appeared Elizabeth Ann Tyner, Independent Executory of the Estate of Irby Max Ford, Deceased, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument for the purposes and

consideration expressed in the instrument.

Notary Public, State of Texas

(SEAL)

ATTACHMENT PAGE TO

REQUEST AND PETITION FOR RELEASE OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF PFLUGERVILLE (19.861 ACRES)

To the extent required by applicable law pursuant to Section 42.103 of the Texas Local Government Code, additional information of the signatory, signing in her capacity as Independent Executor of the Estate of Irby Max Ford, Deceased, is as follows:

DOB or VRN of Signer: 10/28/1955

Residence Address of Signer:

1006 Rocky Creek Dr

Pflugerville, TX 78660

EXHIBIT "A" THE LAND

METES AND BOUNDS DESCRIPTION

FOR A 19.861 ACRE TRACT OF LAND SITUATED IN THE JOSEPH WIEHL SURVEY, ABSTRACT NO. 802, TRAVIS COUNTY, TEXAS, BEING ALL OF THE CALLED 16.0 ACRE TRACT OF LAND CONVEYED TO IRBY MAX FORD RECORDED IN VOLUME 12317, PAGE 572 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 16.0 ACRE TRACT OF LAND (TRACT 1) BEING MORE FULLY DESCRIBED BY METES AND BOUNDS IN VOLUME 11526, PAGE 796 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THE REMNANT PORTION OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 2) CONVEYED TO IRBY MAX FORD, RECORDED IN SAID VOLUME 11526, PAGE 796, AND BEING ALL OF THE CALLED 2.00 ACRE TRACT OF LAND (TRACT 3) CONVEYED TO IRBY MAX FORD, RECORDED IN SAID VOLUME 11526, PAGE 796. SAID 19.861 ACRE TRACT OF LAND BEING SURVEYED ON THE GROUND BY DIAMOND SURVEYING DURING THE MONTHS OF MARCH AND APRIL, 2023 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with cap marked "Diamond Surveying" on the northwest corner of said remnant portion of the 2.00 acre Ford tract (Tract 2) and the northeast corner of the called 6,676 square foot tract of land conveyed to the City of Pflugerville, Texas, recorded in Document No. 2016158329 of the Official Public Records of Travis County, Texas, same being on the south boundary line of the called 24.372 acre tract of land conveyed to the City of Pflugerville, Texas recorded in Document No. 2003038258 of the Official Public Records of Travis County, Texas, same being on an angle point in the east right-of-way line of Weiss Lane, for the northwest corner and **POINT OF BEGINNING** hereof:

THENCE, **S 62°31'53"** E with the north boundary line of said remnant portion of the 2.00 acre Ford tract (Tract 2) and the south boundary line of said 24.372 acre City of Pflugerville, Texas tract, for a distance of **240.69 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" on the northeast corner of said remnant portion of the 2.00 acre Ford tract (Tract 2) and the northwest corner of the said 2.00 acre Ford tract (Tract 3), from which a 1/2" iron rod found bears N 17°59'01" E for a distance of 0.68 feet;

THENCE, **S 62°31'00"** E with the north boundary line of said 2.00 acre Ford tract (Tract 3) and said south boundary line of the 24.372 acre City of Pflugerville, Texas tract, for a distance of **261.40** feet to a 1/2" iron pipe found leaning monumenting the northeast corner of said 2.00 acre Ford tract (Tract 3) and the northwest corner of said 16.0 acre Ford tract;

THENCE, **S 62°26'36" E** with the north boundary line of said 16.0 acre Ford tract and said south boundary line of the 24.372 acre City of Pflugerville, Texas tract, for a distance of **2085.67 feet** to an iron rod found with cap marked "Randall Jones" monumenting the northeast corner of said 16.0 acre Ford tract, the southeast corner of said 24.372 acre City of Pflugerville, Texas tract and the northwest corner of Lot 1A, Block M, Caramel West Phase 1, Section 2, a subdivision recorded in Document No. 201800099 of the Official Public Records of Travis County, Texas, same being on the southwest corner of the called 86.00 acre tract of land conveyed to Norman Weiss, ET UX, recorded in Volume 3431, Page 2019 of the Deed Records of Travis County, Texas, for the northeast corner hereof;

THENCE, with the east boundary line of said 16.0 acre Ford tract and the west boundary line of said Caramel West Phase 1, Section 2, the following two (2) courses and distances:

- 1. **S 27°19'27' W** for a distance of **323.84 feet** to an iron rod found with cap marked "Randall Jones":
- 2. S 32°38'19" W for a distance of 10.34 feet to a 1/2" iron pipe found monumenting the southeast corner of said 16.0 acre Ford tract and the northeast corner of the called 1.48 acre tract of land (Exhibit A.1) conveyed to the City of Pflugerville, Texas, recorded in Document No. 2016199031 of the Official Public Records of Travis County, Texas, same being on an angle point in the north right-of-way line of Wolf Pack Drive, for the southeast corner hereof;

THENCE, **N 62°27'07" W** with the south boundary line of said 16.0 acre Ford tract in part with the north boundary line of said 1.48 acre City of Pflugerville, Texas tract, in part with said north right-of-way line of Wolf Pack Drive, and in part with the north boundary line of a remnant portion of the called 149.96 acre tract of land (Exhibit A-1) conveyed to the Board of Trustees of the Pflugerville Independent School District, recorded in Document No. 2014175132 of the Official Public Records of Travis County, Texas, for a distance of **2086.86 feet** to a 1/2" iron pipe found monumenting the southwest corner of said 16.0 acre Ford tract and the southeast corner of said 2.00 acre Ford Tract (Tract 3), same being on said north boundary line of the remnant portion of the 149.96 acre Board of Trustees of the Pflugerville Independent School District tract, for an angle point hereof;

THENCE, **N 62°25'06" W** in part with the south boundary line of said 2.00 acre Ford tract (Tract 3), in part with the south boundary line of said remnant portion of the 2.00 acre Ford tract (Tract 2), in part with said north boundary line of the 149.96 acre Board of Trustees

of the Pflugerville Independent School District tract, and in part with the north boundary line of the called 1.72 acre tract of land conveyed to the City of Pflugerville, Texas, recorded in Document No. 2016012221 of the Official Public Records of Travis County, Texas, for a distance of **501.29 feet** to a 1/2" iron rod set with cap marked "Diamond Surveying" on the southwest corner of said remnant portion of the 2.00 acre Ford Tract (Tract 2) and the southeast corner of said 6,676 square foot City of Pflugerville, Texas tract, same being on said north boundary line of the 1.72 acre City of Pflugerville, Texas tract, same being on an angle point in said east right-of-way line of Weiss Lane, for the southwest corner hereof;

THENCE, **N 27°33'14"** E with the west boundary line of said remnant portion of the 2.00 acre Ford tract (Tract 2) and the east boundary line of said 6,676 square foot City of Pflugerville, Texas tract, same being with said east right-of-way line of Weiss Lane, for a distance of **333.52 feet** to the **POINT OF BEGINNING** hereof and containing 19.861 acres of land more or less.

Bearing Basis: NAD-83, Texas Central Zone (4203) State Plane System. Distances shown hereon are surface distances based on a combined surface adjustment factor or 1.00010.

A drawing has been prepared to accompany this metes and bounds description.

OLIAMOND SURVEYING, INC.

116 SKYLINE ROAD, GEORGETOWN, TX 78628 (512) 931-3100

T.B.P.E.L.S. FIRM NUMBER 10006900

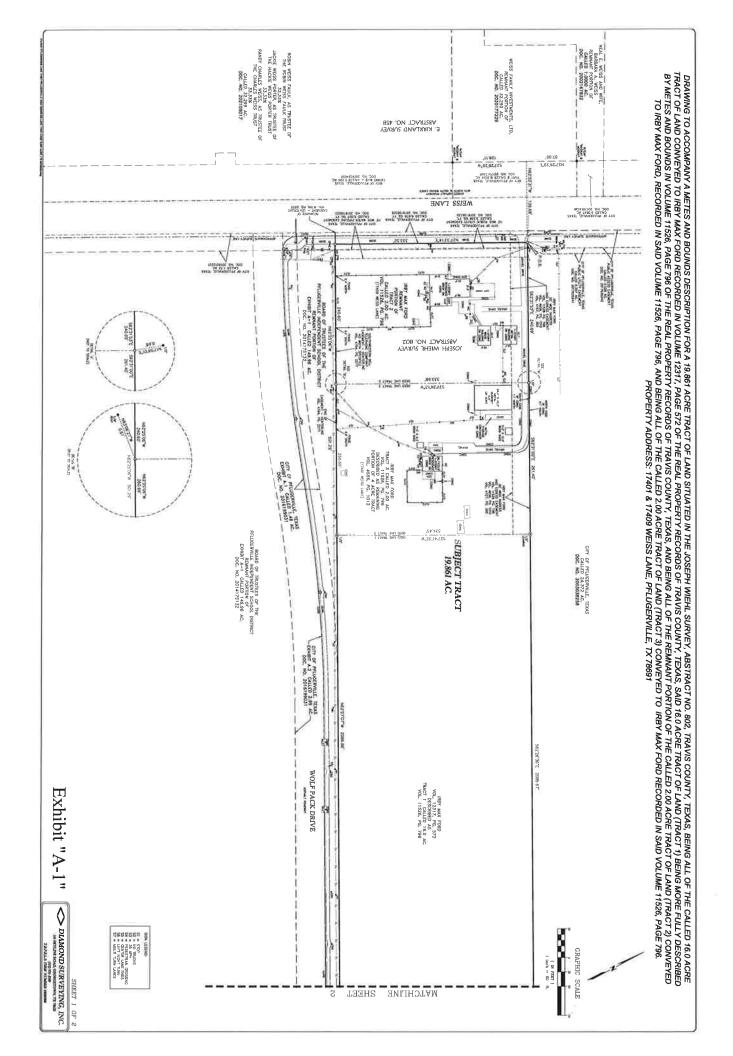
May 25, 2023

SHANE SHAFER, R.P.L.S. NO. 5281

DATE

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EXHIBIT "A-1" THE LAND



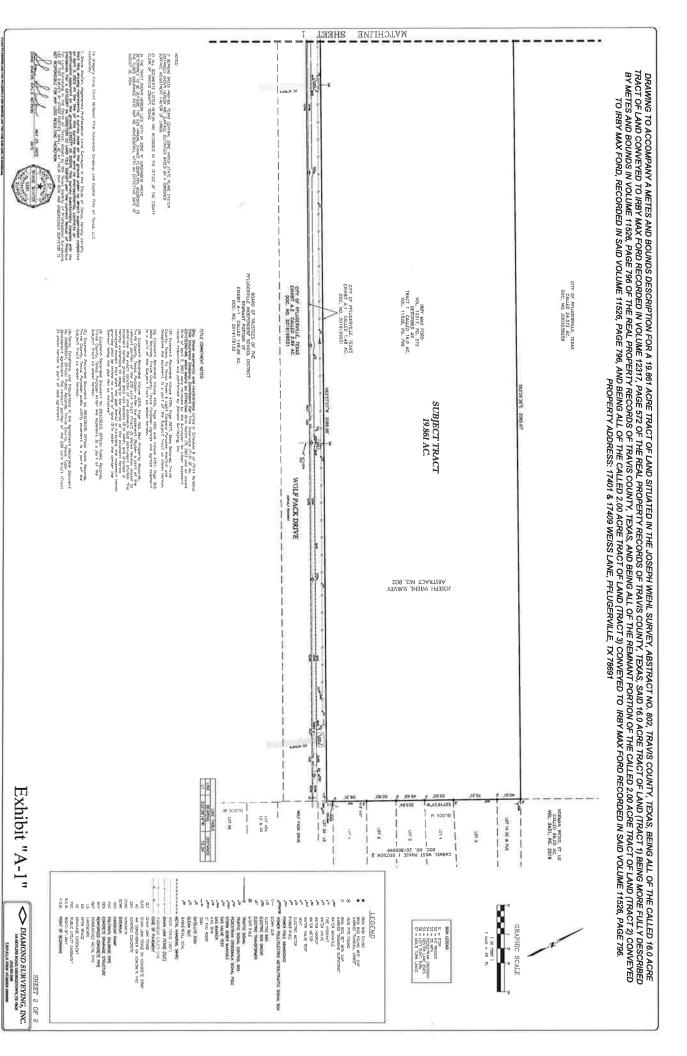


EXHIBIT "B" MAP

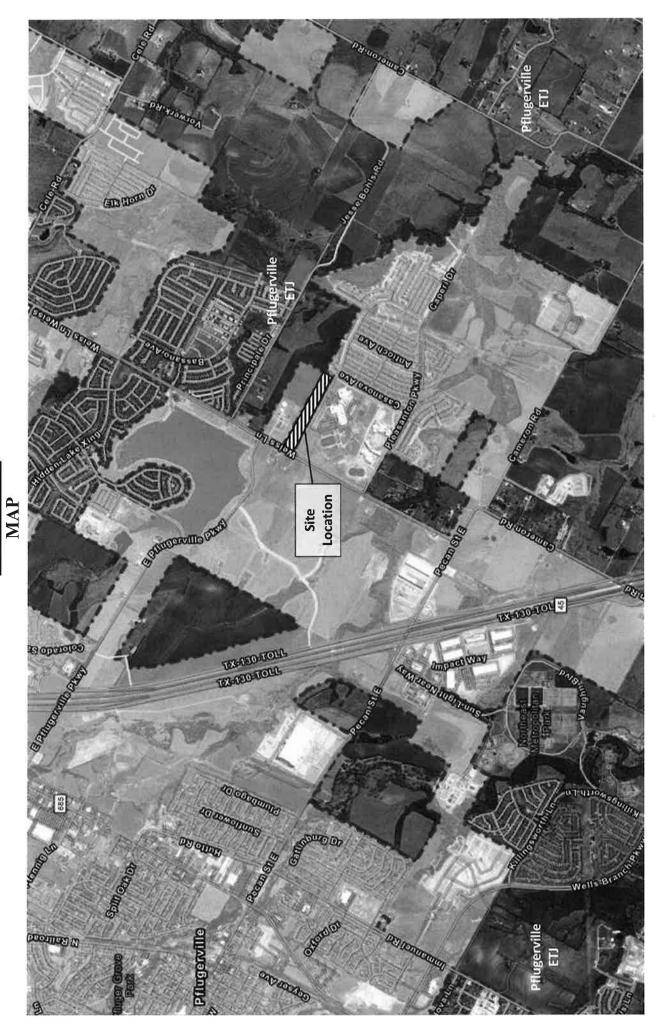


EXHIBIT "B"

EXHIBIT "C" TAX CERTIFICATE

TAX CERTIFICATE Bruce Elfant Travis County Tax Assessor-Collector P.O. Box 1748 Austin, Texas 78767 (512) 854-9473

ACCOUNT NUMBER: 02-6750-0415-0000

PROPERTY OWNER:

PROPERTY DESCRIPTION:

FORD IRBY MAX SR ESTATE 1006 ROCKY CREEK DR PFLUGERVILLE, TX 78660-2868

ABS 802 SUR 8 WIEHL J ACR .50

SITUS INFORMATION: 17409

ACRES

WEISS

.5000 MIN%

.00000000000 TYPE

LN

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR ENTITY 2022 TRAVIS COUNTY
PFLUGERVILLE ISD
TRAVIS CENTRAL HEALTH
TRAVIS COUNTY ESD #2

TOTAL SEQUENCE

TOTAL *ALL PAID*

ALL PAID *ALL PAID*

ALL PAID

ALL PAID

TOTAL TAX: UNPAID FEES: INTEREST ON FEES: COMMISSION: TOTAL DUE ==>

ALL PAID NONE * NONE

NONE *ALL PAID*

TAXES PAID FOR YEAR 2022

\$1,312.30

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2022 EXCEPT FOR UNPAID YEARS LISTED ABOVE. The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code). Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/22/2023

Fee Paid: \$10.00

Bruce Tax A Elfant

Assessor-Collector

TAX CERTIFICATE TAX CERTIFICATE Bruce Elfant Travis County Tax Assessor-Collector P.O. Box 1748 Austin, Texas 78767 (512) 854-9473

ACCOUNT NUMBER: 02-6750-0415-0001

PROPERTY OWNER:

PROPERTY DESCRIPTION:

FORD IRBY MAX SR ESTATE 1006 ROCKY CREEK DR PFLUGERVILLE, TX 78660-2868

ABS 802 SUR 8 WIEHL J ACR 1.3467 (

1-D-1)

ACRES

1.3467 MIN%

.000000000000 TYPE

SITUS INFORMATION:

WEISS

LN

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR ENTITY

2022 TRAVIS COUNTY PFLUGERVILLE ISD

TRAVIS CENTRAL HEALTH TRAVIS COUNTY ESD #2

TOTAL SEQUENCE

TOTAL *ALL PAID*

ALL PAID

ALL PAID
ALL PAID

ALL PAID

TOTAL TAX:

UNPAID FEES: INTEREST ON FEES: COMMISSION: TOTAL DUE ==>

ALL PAID

NONE NONE *

NONE *ALL PAID*

TAXES PAID FOR YEAR 2022

\$7.95

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2022 EXCEPT FOR UNPAID YEARS LISTED ABOVE. The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code). Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/22/2023

Fee Paid: \$10.00

Bruce Elfant Tax Assessor-Collector

RIOJASV printed on 08/22/2023 @ 11:01:30:56

Page#

1

TAX CERTIFICATE Bruce Elfant Travis County Tax Assessor-Collector P.O. Box 1748 Austin, Texas 78767 (512) 854-9473

ACCOUNT NUMBER: 02-6750-0404-0000

PROPERTY OWNER:

PROPERTY DESCRIPTION:

FORD IRBY MAX SR ESTATE 1006 ROCKY CREEK DR PFLUGERVILLE, TX 78660-2868

ABS 802 SUR 8 WIEHL J ACR 2.00 (1-

ACRES

2.0000 MIN%

.000000000000 TYPE

SITUS INFORMATION:

WEISS

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR ENTITY 2022 TRAVIS COUNTY PFLUGERVILLE ISD

TRAVIS CENTRAL HEALTH TRAVIS COUNTY ESD #2

TOTAL SEQUENCE

TOTAL *ALL PAID* *ALL PAID*

ALL PAID

ALL PAID

TOTAL TAX: UNPAID FEES: INTEREST ON FEES: COMMISSION: TOTAL DUE ==>

ALL PAID NONE * * NONE

NONE *ALL PAID*

TAXES PAID FOR YEAR 2022

\$1,936.93

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2022 EXCEPT FOR UNPAID YEARS LISTED ABOVE. The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/22/2023

Fee Paid: \$10.00

Bruce Elfant Tax Assessor-Collector

TAX CERTIFICATE Bruce Elfant Travis County Tax Assessor-Collector P.O. Box 1748 Austin, Texas 78767 (512) 854-9473

ACCOUNT NUMBER: 02-6750-0405-0000

PROPERTY OWNER:

PROPERTY DESCRIPTION:

FORD IRBY MAX SR ESTATE 1006 ROCKY CREEK DR PFLUGERVILLE, TX 78660-2868

ABS 802 SUR 8 WIEHL J ACR 16.00 (1

ACRES

16.0000 MIN% .00000000000 TYPE

SITUS INFORMATION:

WEISS

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

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YEAR ENTITY 2022 TRAVIS COUNTY

PFLUGERVILLE ISD TRAVIS CENTRAL HEALTH TRAVIS COUNTY ESD #2

TOTAL SEQUENCE

TOTAL

ALL PAID *ALL PAID*
ALL PAID

ALL PAID

ALL PAID

TOTAL TAX: UNPAID FEES: INTEREST ON FEES: COMMISSION:

TOTAL DUE ==>

ALL PAID
* NONE * NONE NONE *ALL PAID*

TAXES PAID FOR YEAR 2022

\$94.45

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2022 EXCEPT FOR UNPAID YEARS LISTED ABOVE. The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 0.8/22/2023

Fee Paid: \$10.00

Bruce Elfant

Tax Assessor-Collector

Page#

1

EXHIBIT "D" LETTERS TESTAMENTARY

C-1-PB-23-000394

ESTATE OF

IN PROBATE COURT

IRBY MAX FORD, SR. A/K/A

#1

IRBY MAX FORD

TRAVIS COUNTY, TEXAS

DECEASED

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, the undersigned Clerk of the Probate Court No. 1 of Travis County Texas, do hereby certify that on March 21, 2023, Elizabeth Ann Tyner was duly granted by said Court, Letters Testamentary of the Estate of Irby Max Ford, Sr. a/k/a Irby Max Ford Deceased, and that she qualified as INDEPENDENT EXECUTOR without bond of said estate on March 21, 2023 as the law requires, said appointment is still in full force and effect.

Given under my hand and seal of office at Austin, Texas, on this the 21st day of March, 2023.

DYANA LIMON-MERCADO, County Clerk Travis County, Texas 200 West 8th Street, Ste. 140 Austin, TX 78701

P.O. Box 149325 Austin, Texas, 78714-9325

y: (

B Hicks