

ORDINANCE NO. 24 - 105

AN ORDINANCE OF THE VILLAGE OF PLEAK, TEXAS RELEASING A TRACT OF 49.32 ACRES FROM ITS EXTRATERRITORIAL JURISDICTION UPON PETITION FROM THE LANDOWNERS, PURSUANT TO SECTION 42.101 - .105 OF THE TEXAS LOCAL GOVERNMENT CODE AND CALLING FOR AN AMENDMENT TO THE OFFICIAL MAP OF THE VILLAGE OF PLEAK LIMITS AND EXTRATERRITORIAL JURISDICTION.

WHEREAS, Sections 42.102 of the Texas Local Government Code requires a municipality to release land from its extraterritorial jurisdiction upon petition from the landowners; and

WHEREAS, the Angela Janczak Estate, by its Independent Executrix Cynthia Blink, and through its attorney Laura C. Davis, presented a Petition for Release of Area from the Extraterritorial Jurisdiction to the Village on December 28, 2023; and

WHEREAS, the Village secretary and attorney have reviewed the Petition and found it to be complete and in full compliance with the Texas Local Government Code 42.102-.105; and

WHEREAS, the area to be released consists of 49.32 acres of land located within the extraterritorial jurisdiction of the Village, is described by metes and bounds and map in the Petition.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF PLEAK, TEXAS THAT:

Findings: That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and are adopted as part of this Ordinance for all purposes.

Section 1: That the 49.32-acre tract as fully described by metes and bounds and map in the Landowner's petition attached hereto for all purposes as "Exhibit A" is hereby released from the extraterritorial jurisdiction of the Village of Pleak, Texas.

Section 2: That the Village staff are hereby directed to amend the official map of the Village of Pleak and its extraterritorial jurisdiction to reflect this release from the extraterritorial jurisdiction.

Section 3: That the landowner's Petition and this Ordinance shall be filed of record in the Village Secretary's office.

Section 3: Severability

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole of any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the Village of Pleak, Texas declare that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4: Repealer

All provisions of any ordinance in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed, and all other provisions in any other ordinance not in conflict with the provisions of this Ordinance shall remain in full force and effect.

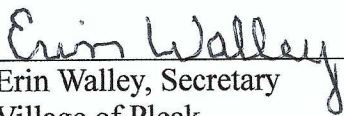
Section 5: Adoption and Effective Date

This Ordinance shall become effective upon its approval and passage.

PASSED AND APPROVED AND EFFECTIVE on the 17th day of January, 2024.

ATTEST:

APPROVED:


Erin Walley, Secretary
Village of Pleak

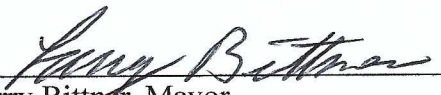

Larry Bittner, Mayor
Village of Pleak

EXHIBIT "A"

PETITION FOR RELEASE

**PETITION FOR RELEASE OF AREA
FROM THE EXTRATERRITORIAL JURISDICTION**

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TO THE HONORABLE MAYOR AND COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:

The undersigned (hereinafter called "Petitioner"), acting pursuant to Section 42.102 of the Texas Local Government Code, as amended, hereby respectfully petitions the Village of Pleak, Texas (hereinafter called the "City"), for the removal of the area described in Exhibit "A" and depicted on the map in Exhibit "B", both attached hereto (the "Property"), from the extraterritorial jurisdiction (the "ETJ") of the City.

In support of this Petition, Petitioner would respectfully show:

I.

Petitioner has authority, pursuant to Section 42.102(b) of the Texas Local Government Code, to file this Petition as the owner of the majority in value of an area of land in a municipality's ETJ, as described herein.

II.

This Petition is signed by a majority in value of the holders of title of land in the area as described by this Petition, as indicated by the tax rolls of the Fort Bend Central Appraisal District and evidenced by the Certificate attached as Exhibit "C".

III.

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

IV.

The signature collected for this Petition is in writing, pursuant to Section 42.104(c) of the Texas Local Government Code.

V.

The Property is located in Fort Bend County, Texas, and totals approximately 49.32 acres, as described in Exhibit "A", which is located within the extraterritorial jurisdiction of the City and, to the best of the Petitioner's knowledge, is not subject to any of the exceptions from applicability described in Section 42.101, Texas Local Government Code.

VI.

This Petition shall be verified by the City Secretary of the City or other person at the City responsible for verifying signatures.

VII.

The City must notify the residents or landowners of the Property of the results of the Petition, which notification requirement may be satisfied by notifying the Petitioner in writing.

VIII.

If Petitioner has obtained the signatures on the Petition required under Section 42.104, Texas Local Government Code to release the Property from the City's ETJ, the City shall immediately release the Property from its ETJ pursuant to Section 42.105(c), Texas Local Government Code.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the City Secretary of the Village of Pleak, Texas, and that, thereafter, the Property be removed from the extraterritorial jurisdiction of the City, in the manner provided by law, including particularly Sections 42.102-105 of the Texas Local Government Code, as amended, that after this Petition has been granted, that it and the Petitioner's action thereon be filed of record and be recorded in the Office of the City Secretary of the Village of Pleak, Texas; and that Petitioner have such other order and relief to which it may show itself entitled. If the City Council has not released the Property from the ETJ by the later of the 45th day after the date the City receives this Petition or the next meeting of the City Council that occurs after the 30th day after the date the City receives this Petition, the Property shall be released by operation of law pursuant to Chapter 42.105(d), Texas Local Government Code.

[SIGNATURE PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this 15th day of December, 2023.

"Petitioner"

The Estate of Angela Janczak

By: Cynthia A. Blinka
Cynthia A. Blinka, Independent Executrix

DATE OF BIRTH: 12/24/1958
RESIDENCE ADDRESS: 2202 Shady Oaks Ln., Rosenberg, Texas 77471-9669
DATE OF SIGNING: 12/15/2023

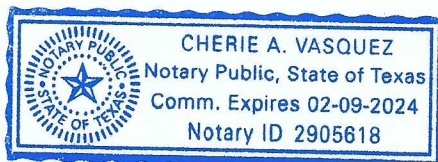
THE STATE OF TEXAS

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COUNTY OF FORT BEND

This instrument was acknowledged before me on the 15th day of December, 2023,
by Cynthia A. Blinka, as Independent Executrix of The Estate of Angela Janczak, on behalf of said
estate.

(SEAL)



Cherie A. Vasquez
NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT "A"

**LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM THE
EXTRATERRITORIAL JURISDICTION**

[Please See Attached]

County: Fort Bend
Project: Janczak Tract – Boundary
C.I. No.: 1289-23 (Boundary Map prepared)
Job Number: 2023-242-020

METES AND BOUNDS DESCRIPTION
49.32 ACRES

Being a 49.32 acre tract of land located in the G.M. Stone 1/3 League, Abstract No. 312 in Fort Bend County, Texas; said 49.32 acre tract being a portion of Lot 14 of the subdivision of the G.M. Stone 1/3 League recorded in Volume 10, Page 275 of the Deed Records of Fort Bend County (D.R.F.B.C.), and a portion of a called 51.76 acre tract of land recorded in the name of Theodore Janczak in Volume 240, Page 243 of the D.R.F.B.C.; said 49.32 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, North American Datum 1983 (NAD 83), South Central Zone);

Beginning at a 1-inch iron pipe found at the southwest corner of said 51.76 acre tract, the northwest corner of a called 1.49 acre tract of land recorded in the name of Charlie A. Wleczyk and wife, Barbara A. Wleczyk in Clerk's File (C.F.) No. 84031089 of the Official Public Records of Fort Bend County (O.P.R.F.B.C.), the northwest corner of Lot 1 of Seabourne Creek Farms, an unrecorded subdivision, and being on the easterly right-of-way line of State Highway No. 36 (100 feet wide);

1. Thence, with the westerly line of said 51.76 acre tract and the easterly right-of-way line of said State Highway No. 36, North 02 degrees 33 minutes 31 seconds West, a distance of 736.89 feet to a 1-1/2-inch iron pipe found at the southwest corner of a called 2.500 acre tract of land recorded in the name of Fort Bend County Farm Bureau in C.F. No. 8612261 of the O.P.R.F.B.C.;
2. Thence, with the southerly line of said 2.500 acre tract, North 87 degrees 05 minutes 54 seconds East, a distance of 484.36 feet to a 1-1/4-inch iron pipe found at the southeast corner of said 2.500 acre tract;
3. Thence, with the easterly line of said 2.500 acre tract, North 02 degrees 33 minutes 46 seconds West, a distance of 225.14 feet to a 1/2-inch iron rod found at the northeast corner of said 2.500 acre tract, being on the northerly line of aforesaid 51.76 acre tract and the southerly line of a called 4.43 acre tract of land recorded in the name of Johnnie Kujawa and wife, Emma Kujawa in Volume 470, Page 575 of the D.R.F.B.C.;
4. Thence, with the northerly line of said 51.76 acre tract and the southerly line of said 4.43 acre tract, North 87 degrees 13 minutes 05 seconds East, a distance of 241.10 to a 5/8-inch iron rod found at the southeast corner of said 4.43 acre tract and the southwest corner of Lot 9, Block 6 of The Trails at Seabourne Parke Section Two, a subdivision recorded under Plat No. 20150158 of the Plat Records of Fort Bend County (P.R.F.B.C.);

5. Thence, with the northerly line of said 51.76 acre tract, the southerly line of said The Trails at Seabourne Parke Section Two, and the southerly line of The Trails at Seabourne Parke Section Three, a subdivision recorded under Plat No. 20160021 of the P.R.F.B.C., North 86 degrees 55 minutes 53 seconds East, a distance of 1,617.30 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the northeast corner of said 51.76 acre tract and the northwest corner of a called 105.216 acre tract recorded in the name of Platinum Gymkhana in C.F. No. 2015108067 of the O.P.R.F.B.C.;
6. Thence, with the easterly line of said 51.76 acre tract and the westerly line of said 105.216 acre tract, South 02 degrees 57 minutes 41 seconds East, at a distance of 3.56 feet pass a 5/8" iron pipe found, and continuing a total distance of 963.04 feet to a 1/2-inch iron pipe found at the southeast corner of said 51.76 acre tract, the northeast corner of a called 1.00 acre tract of land recorded in the name of Diane B. Gutierrez in C.F. No. 2018076843 of the O.P.R.F.B.C., and being the northeast corner of Lot 18 of aforesaid Seabourne Creek Farms;
7. Thence, with the northerly lines of Lots 1 through 18 of said Seabourne Creek Farms, South 87 degrees 01 minutes 14 seconds West, a distance of 2,350.94 feet to the **Point of Beginning** and containing 49.32 acres of land.

Joseph B. May
12-11-2023



EXHIBIT "B"

**MAP OF AREA TO BE REMOVED FROM THE
EXTRATERRITORIAL JURISDICTION**

[Please See Attached]

Costello

SUBDIVISION OF THE G.M. STONE 1/3
LEAGUE RECORDED IN VOLUME 10, PAGE
275 OF THE D.R.F.B.C.

G.M. STONE 1/3 LEAGUE,
ABSTRACT NO. 312
FORT BEND COUNTY, TEXAS

DECEMBER 11, 2013

JOB NO. 2073-242-020
MIS NO. 1269-23

Costello, Inc.
2107 Clayland Blvd., 2nd Floor

EXHIBIT "C"

**CERTIFICATE OF OWNERSHIP OF AREA TO BE REMOVED FROM THE
EXTRATERRITORIAL JURISDICTION**

[Please See Attached]



FORT BEND CENTRAL APPRAISAL DISTRICT
2801 B. F. Terry Blvd., Rosenberg, Texas 77471-5600
Phone 281.344.8623
Website www.fbcad.org

Ownership Certificate **Re: Fort Bend County MUD # 225**

Date: December 21, 2023

Certificate No. 1147

The 2023 FBCAD appraisal roll as of December 13, 2023, for the land described in the legal description attached has an ownership(s) of:

1. Angela Janczak Estate

Ownership is based on Instrument #:

1. Fort Bend County Probate Case # 19-CPR-033813

Existing or Parent Accounts on Last Certified Roll (2023) with Appraisal Values:

	Market Value	Ag Value
1. 0312-00-000-0230-901	\$4,0009,000	\$18,050
2. 0312-00-000-0231-901	\$ 331,570	

Name: Judy Marcantel

Organization: SK Law

Sue Gore

Senior Research Associate

Certificate Cost: \$20.00

Cert 1147

1 of 3

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Project: Janczak Tract – Boundary
C.I. No.: 1289-23 (Boundary Map prepared)
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Joseph B. May
12-11-2023



CERTIFICATE OF THE ESTATE OF ANGELA JANCZAK

THE STATE OF TEXAS
COUNTY OF FORT BEND

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I, Cynthia A. Blinka, Independent Executrix of The Estate of Angela Janczak, hereby certify that the documents attached as Exhibit "A" are true and correct copies of documents related to The Estate of Angela Janczak, qualifying me as the Independent Executrix of the Estate.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

WITNESS MY HAND AS OF THIS 15th day of December, 2023.

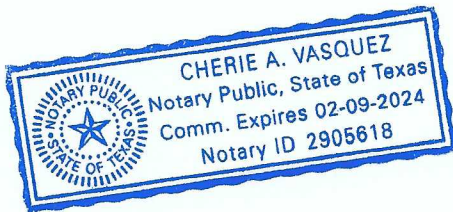
The Estate of Angela Janczak

By: Cynthia A. Blinka
Cynthia A. Blinka, Independent Executrix

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 15th day of December, 2023, by Cynthia A. Blinka, as Independent Executrix of The Estate of Angela Janczak, on behalf of said estate.

(SEAL)



Cherie A. Vasquez
NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT "A"

Documents of The Estate of Angela Janczak qualifying Cynthia A. Blinka as
Independent Executrix of The Estate of Angela Janczak

LETTERS TESTAMENTARY

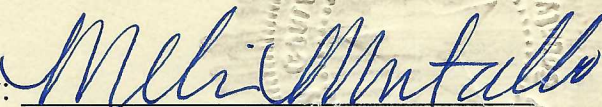
NO: 19-CPR-033813

THE STATE OF TEXAS	}}	IN THE COUNTY COURT
	}}	
COUNTY OF FORT BEND	}}	FORT BEND COUNTY, TEXAS
	}}	

I, Laura Richard, Clerk of the County Court of Fort Bend County, Texas do hereby certify that on the 26th day of October, 2020, Cynthia A. Blinka was(were) duly granted by said Court, Letters Testamentary of the Estate of Angela Janczak, Deceased, and that She qualified as such Independent Executrix of said Estate on the 18th day of November, 2020, as the law requires, and that said appointment is still in full force and effect.

Witness my hand and seal of office in Richmond, Texas this the 20th day of November, 2020.

LAURA RICHARD, COUNTY CLERK
FORT BEND COUNTY, TEXAS

By: 
Melissa Montalbo, Deputy