

## **Ordinance No. 24 - 111**

### **AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF PLEAK, TEXAS, CONSENTING TO THE EXPANSION AND EXTENSION OF ITS EXTRATERRITORIAL JURISDICTION TO INCLUDE 49.30 ACRES OWNED BY BGM LAND INVESTMENTS, LTD.**

**WHEREAS**, Section 42.022 of the Texas Local Government Code, as amended, provides that landowners may request the expansion of the Village's extraterritorial jurisdiction to include an area contiguous to the otherwise existing extraterritorial jurisdiction of the Village, so long as the expansion will not include any area in the existing extraterritorial jurisdiction of another municipality; and

**WHEREAS**, BGM LAND INVESTMENTS, LTD, a Texas limited partnership, (the "Petitioner") has petitioned the Village for its written consent to expand and extend its extraterritorial jurisdiction to include an approximately 49.30 acres of land in Fort Bend County, Texas, as described by metes and bound in Exhibit A to the Petition, and which 49.30 acres is contiguous to the existing extraterritorial jurisdiction of the Village of Pleak; and

**WHEREAS**, the requested expansion and extension will not include any area in the existing extraterritorial jurisdiction of any other municipality.

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

**Section 1.** All of the matters and facts set forth in the preamble hereof are true and correct.

**Section 2.** The Petition Requesting Expansion and Extension of Extraterritorial Jurisdiction (the "Petition") is attached hereto as Exhibit "A" and made a part hereof for all purposes.

**Section 3.** The Village hereby grants the Petition and specifically expands and extension its extraterritorial jurisdiction to include the approximate 49.30 acres of land described in the Petition and orders the updating of its official map.

**Section 4.** The Board of Aldermen of the Village officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the Board of Aldermen was posted at a place convenient to the public, at the Village Hall, and on the Village website, for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon. The Board of Aldermen further ratifies, approves, and confirms such written notice and the contents and posting thereof.

**Section 5.** This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 18th day of September 2024.

  
\_\_\_\_\_  
Larry Bittner, Mayor

ATTEST:

  
\_\_\_\_\_  
Erin Walley, City Secretary

**PETITION REQUESTING EXPANSION AND EXTENSION  
OF EXTRATERRITORIAL JURISDICTION**

TO THE HONORABLE MAYOR AND BOARD OF ALDERMEN OF THE VILLAGE OF  
PLEAK, TEXAS:

BGM LAND INVESTMENTS, LTD., a Texas limited partnership (herein the "Petitioner"), the owner of the property described in the exhibit attached hereto as **Exhibit A** and incorporated herein for all purposes (the "Property"), and acting pursuant to the provisions of Chapter 42 of the Texas Local Government Code, particularly Section 42.022, as amended, hereby petitions the Mayor and Board of Aldermen of the Village of Pleak, Texas ("Pleak"), to expand the Pleak's extraterritorial jurisdiction to include the Property, and would show the following:

I.

The Petitioner is the owner of title to all of the land within the Property, as shown by the tax rolls of Fort Bend County, Texas, and there are no other owners, lienholders, or claimants to any legal or equitable interests in or to the Property.

II.

The Property is neither within the limits of any incorporated city, town, or village, nor within the extraterritorial jurisdiction (as such term is defined in Chapter 42 of the Texas Local Government Code) of any city, town, or village. The Property is or will be contiguous to the existing extraterritorial jurisdiction of Pleak.

III.

This petition and request is made pursuant to Section 42.022, Texas Local Government Code.

IV.

Whereas the Texas Legislature declared in Section 42.001, Texas Local Government Code, it to be the policy of the state to designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.

V.

The Petitioner believes that it will be in the best interests of the Petitioner and

Pleak, and will benefit the Property and Pleak, if Pleak extends and expands its extraterritorial jurisdiction to include all of the Property.

VI.

WHEREFORE, the Petitioner prays that this petition be granted; that the Property be added to and included within the extraterritorial jurisdiction of Pleak and that this petition, if granted, be filed for record and be recorded in the Official Public Records of Fort Bend County, Texas; provided, however, that this petition is submitted on the condition of Pleak's contemporaneous consideration and approval of Petitioner's "Petition For Consent to Annex Land Into Fort Bend County Municipal Utility District No. 157" regarding the Property and the inclusion of the Property in said district.

[EXECUTION PAGE FOLLOWS.]



RESPECTFULLY EXECUTED this 21<sup>st</sup> day of JUNE, 2024.

**BGM LAND INVESTMENTS, LTD.,**  
a Texas limited partnership

By: GP LandVest, LLC,  
a Texas limited liability company,  
its General Partner

By: Roger B Medors

Name: Roger B. Medors

Title: Manager

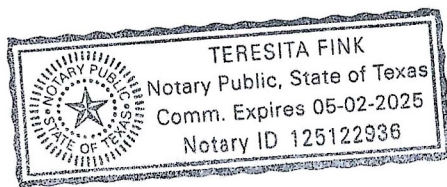
THE STATE OF TEXAS

COUNTY OF Harris

§  
§  
§

This instrument was acknowledged before me on June 21, 2024,  
by Roger B. Medors, as Manager of GP LandVest, LLC, a Texas limited liability company,  
General Partner of BGM LAND INVESTMENTS, LTD., a Texas limited partnership, on  
behalf of said limited liability company and said limited partnership.

(Seal)



Teresita Fink  
Notary Public, State of Texas

**Attachment:**

**Exhibit A - Metes and Bounds Description of the Property**

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Mai Lynn Womack.

County: Fort Bend  
Project: Brentwood/Thielemann  
M.S.G.: 241065  
Job Number: 1356.00-ALTA

### FIELD NOTES FOR A 49.30 ACRE TRACT

Being a tract of land containing 49.30 acres (2,147,641 square feet), located in the Asa Wickson Survey, Abstract Number (No.) 94, the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract No. 127, and the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract No. 130 in Fort Bend County, Texas; said 49.30 acre tract being all of a remainder of a called 44.986 acre tract recorded in the name of BGM Land Investments, Ltd., in Fort Bend County Clerk's File (F.B.C.C.F.) No. 2018007767 and all of a called 40.434 acre tract recorded in the name of BGM Land Investments, Ltd., in F.B.C.C.F. No. 2018106755; said 49.30 acre tract being more particularly described by metes and bounds as follows (bearings based on the Texas Coordinate System of 1983, South Central Zone, per GPS observations.):

**BEGINNING** at a 1/2-inch iron pipe with a Kalkomey cap found at the most westerly corner of said 44.986 acre tract and marking an easterly interior corner of a called 548.9 acre tract recorded in the name of BGM Land Investments, Ltd., in F.B.C.C.F. No. 2016124987, for the west corner of the herein described tract;

**THENCE**, with the easterly southeast line of said 548.9 acre tract and the northwest line of said 44.986 acre tract, North 42 degrees 04 minutes 05 seconds East, a distance of 419.06 feet to an angle point on the centerline of the Tributary of Big Creek and the most westerly southwest corner of a called 36.117 acre tract recorded in the name of Clarence Thielemann and Erna Thielemann, in F.B.C.C.F. No. 2018106749, for the north corner of the herein described tract;

**THENCE**, with the centerline of the Tributary of Big Creek, being the southwesterly lines of said 36.117 acre tract, the following six (6) courses:

1. South 55 degrees 50 minutes 52 seconds East, a distance of 98.29 feet to the beginning of a curve to the left;
2. 90.46 feet along the arc of said curve to the left, having a radius of 405.00 feet, through a central angle of 12 degrees 47 minutes 53 seconds, with a chord bearing of South 62 degrees 14 minutes 49 seconds East, a distance of 90.28 feet to a point of tangency;
3. South 68 degrees 38 minutes 45 seconds East, a distance of 32.33 feet to the beginning of a curve to the left;
4. 75.91 feet along the arc of said curve to the left, having a radius of 105.00 feet, through a central angle of 41 degrees 25 minutes 28 seconds, with a chord bearing of South 89 degrees 21 minutes 29 seconds East, a distance of 74.27 feet to a point of tangency;
5. North 69 degrees 55 minutes 47 seconds East, a distance of 219.68 feet to the beginning of a curve to the right;
6. 58.71 feet along the arc of said curve to the right, having a radius of 120.00 feet, through a central angle of 28 degrees 02 minutes 03 seconds, with a chord bearing of North 83 degrees 56 minutes 49 seconds East, a distance of 58.13 feet, to a point of tangency;

**THENCE**, continuing with the southwesterly line of said 36.117 acre tract, and the northeasterly line of said 40.434 acre tract, South 82 degrees 02 minutes 10 seconds East, a distance of 799.10 feet to the beginning of a curve to the right;

**THENCE**, continuing with the northeasterly lines of said 40.434 acre tract, the following eight (8) courses:

1. 60.31 feet along the arc of said curve to the right, having a radius of 120.00 feet, through a central angle of 28 degrees 47 minutes 53 seconds, with a chord bearing of South 67 degrees 38 minutes 13 seconds East, a distance of 59.68 feet to a point of tangency;
2. South 53 degrees 14 minutes 17 seconds East, a distance of 189.01 feet to the beginning of a curve to the right;
3. 68.39 feet along the arc of said curve to the right, having a radius of 120.00 feet, through a central angle of 32 degrees 39 minutes 06 seconds, with a chord bearing of South 36 degrees 54 minutes 44 seconds East, a distance of 67.46 feet to a point of tangency;
4. South 20 degrees 35 minutes 11 seconds East, a distance of 192.20 feet to the beginning of a curve to the left;
5. 46.37 feet along the arc of said curve to the left, having a radius of 135.00 feet, through a central angle of 19 degrees 40 minutes 45 seconds, with a chord bearing of South 30 degrees 25 minutes 34 seconds East, a distance of 46.14 feet, to a point of tangency;
6. South 40 degrees 15 minutes 56 seconds East, a distance of 472.50 feet to the beginning of a curve to the right;
7. 74.53 feet along the arc of said curve to the right, having a radius of 145.00 feet, through a central angle of 29 degrees 26 minutes 57 seconds, with a chord bearing of South 25 degrees 32 minutes 28 seconds East, a distance of 73.71 feet to a point of tangency;
8. South 10 degrees 49 minutes 00 seconds East, a distance of 97.49 feet to a point on the line common to said 40.434 acre tract and a called 60.042 acre tract recorded in the name of Stephen A. Doggett, in F.B.C.C.F. No. 2022136641, for the east corner of the herein described tract;

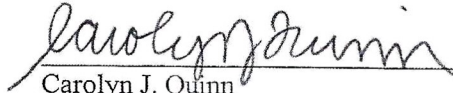
**THENCE**, with the line common to said 40.434 and 60.042 acre tracts, South 41 degrees 55 minutes 35 seconds West, a distance of 970.02 feet to a 5/8-inch iron rod with a Miller Survey cap found on an easterly line of said 548.9 acre tract, being the most westerly corner of said 60.042 acre tract and the most southerly corner of said 40.434 acre tract and the herein described tract, from which a 1/2-inch iron pipe bears North 41 degrees 55 minutes 35 seconds East, a distance of 2.57 feet;

**THENCE**, with the line common to said 40.434, 548.9, and 44.986 acre tracts, North 47 degrees 58 minutes 10 seconds West, a distance of 2,054.61 feet to a 1-1/2-inch iron pipe found for angle point;



**THENCE**, with the line common to said 44.986 and 548.9 acre tracts, North 48 degrees 44 minutes 50 seconds West, a distance of 161.21 feet to the **POINT OF BEGINNING** and containing 49.30 acres of land.

An exhibit of the herein described tract was prepared in conjunction with and accompanies this description.



Carolyn J. Quinn  
Registered Professional Land Surveyor  
Texas Registration No. 6033



**Miller Survey | DCCM**  
Texas Firm Registration No. 10047100  
PH: (713) 413-1900  
M & B No. 241065  
April 2, 2024