

**PETITION FOR ADDITION OF CERTAIN LAND TO
THE CITY OF BAY CITY, TEXAS MUNICIPAL BOUNDARIES**

STATE OF TEXAS

COUNTY OF MATAGORDA

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BAY CITY,
TEXAS:

Arthur J. Milberger and Bryan M. Milberger, as Co-Trustees of the Arthur J. Milberger Trust, the Bryan M. Milberger Trust, and the Francis Wayne Milberger Trust ("Petitioners"), acting pursuant to the provisions of Chapter 43, Texas Local Government Code, particularly Subchapter C-3, Section 43.0671, petitions the Honorable Council Members to add the 81.98 acres of land described by metes and bounds in **Exhibits A and B** ("Land"), attached hereto and incorporated herein for all purposes, to the City of Bay City, Texas ("City") municipal boundaries, and in support of this petition the Petitioners represents, covenants, and agrees as follows:

Section 1: The Land sought to be added to the City lies entirely within Matagorda County, Texas, and is accurately described by metes and bounds in **Exhibits A and B**.

Section 2: The Petitioners holds fee simple title to and full ownership of all the Land, as shown on the appraisal rolls of Matagorda County, Texas, or, as indicated by the certificate of ownership provided by the Matagorda County Appraisal District and supplemented by a deed recorded in the Official Public Records of Matagorda County, Texas.

Section 3: All of the Land is within the extraterritorial jurisdiction of the City.

Section 4: The addition of the Land to the municipal boundaries of the City is feasible and practical and will be to the advantage of and a benefit to the City, and the water supply, sanitary sewer, and drainage systems and other improvements of the City are sufficient or will be sufficient to supply the added Land without injuring the land already within the City.

Section 5: The Petitioners hereby certifies that there are no qualified voters residing on the Land.

Section 6: The Petitioners hereby certifies that there are no holders of liens on the Land.

Section 7: Pursuant to Section 43.0672 of the Texas Local Government Code, Petitioners and the City have entered into the written **Municipal Service Plan found in Exhibit C**.

Section 8: Prior to the institution of annexation proceedings herein, the City, in compliance with Section 43.0673 of the Texas Local Government Code, published and posted timely notice of a public hearing that was duly held at which persons interested in such annexation were afforded an opportunity to be heard.

WHEREFORE, the Petitioners prays that this Petition be granted; that the Land be added to and become a part of the municipal boundaries of the City; and that this Petition, if granted, be filed for record and be recorded in the Official Records of Matagorda County, Texas, and be filed with the Texas Comptroller's Office and the Matagorda County Appraisal District.

[Execution page follows.]

RESPECTFULLY SUBMITTED on _____, 20__.

By: _____

Arthur J. Milberger,
acting as Co-Trustee of the Arthur J. Milberger
Trust, the Bryan M. Milberger Trust, and the
Francis Wayne Milberger Trust

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on _____, 20__, by Arthur J. Milberger, acting as Co-Trustee of the Arthur J. Milberger Trust, the Bryan M. Milberger Trust, and the Francis Wayne Milberger Trust.

Notary Public, State of Texas

(NOTARY SEAL)

By: _____

Bryan M. Milberger,
acting as Co-Trustee of the Arthur J. Milberger
Trust, the Bryan M. Milberger Trust, and the
Francis Wayne Milberger Trust

STATE OF TEXAS

COUNTY OF _____

This instrument was acknowledged before me on _____, 20__, by Bryan M. Milberger, acting as Co-Trustee of the Arthur J. Milberger Trust, the Bryan M. Milberger Trust, and the Francis Wayne Milberger Trust.

Notary Public, State of Texas

(NOTARY SEAL)

Attachments

Exhibits A and B – Legal Description of the Land

Exhibit C – Written Municipal Services Plan Between Landowner/Petitioners and City of Bay City,
Texas

EXHIBIT A
METES AND BOUNDS DESCRIPTION
29.18 ACRE TRACT
IN THE JOHN DUNCAN SURVEY, SECTION 3, ABSTRACT NO. 150
MATAGORDA COUNTY, TEXAS

A 29.18 ACRE TRACT OF LAND IN THE JOHN DUNCAN SURVEY, SECTION 3, ABSTRACT NO. 150, MATAGORDA COUNTY, TEXAS, BEING OUT OF A CALLED 230.7 ACRE TRACT OF LAND, CONVEYED TO FRANCIS WAYNE MILBERGER AND CAROL M. MILBERGER, AS RECORDED UNDER VOLUME 490, PAGE 463 OF THE MATAGORDA COUNTY DEED RECORDS (M.C.D.R.), THE SAID 29.18 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a capped 5/8-inch iron rod, stamped "E.H.R.A. 713-784-4500" found marking the most westerly corner of a called 15.9 acre tract of land, conveyed to the Matagorda County Rice and Irrigation Company, as recorded under Volume 16, Page 249, M.C.D.R., an interior corner of said 230.7 acre tract, and the northeast corner of the herein described tract, from which a found 5/8-inch iron rod bears for reference South 54°41' West, a distance of 0.46 feet;

THENCE, South 55°24'42" East, along the common line of said 15.9 acre tract and said 230.7 acre tract, a distance of 1,771.24 feet to the city limits line of Bay City, for the southeast corner of the herein described tract;

THENCE, South 54°29'19" West, along said city limits line, a distance of 1,091.53 feet, to the southwest corner of the herein described tract;

THENCE, North 33°39'23" West, over and across said 230.7 acre tract, a distance of 1,667.60 feet to a capped 5/8-inch iron rod, stamped "E.H.R.A. 713-784-4500" found in the southeasterly Right-of-Way (R.O.W.) line of Van Vleck Road (60-feet-wide) as recorded under Volume 149, Page 533, M.C.D.R., marking the northwest corner of the herein described tract

THENCE, North 54°38'25" East, along the southeasterly R.O.W. line of said Van Vleck Road, common with the northwesterly line of said 230.7 acre tract, a distance of 305.75 feet to a capped 5/8-inch iron rod, stamped "E.H.R.A. 713-784-4500" found marking an angle point;

THENCE, North 54°41'00" East, continuing along said R.O.W. line, a distance of 95.62 feet to a 5/8-inch iron rod found marking an interior corner of said 230.7 acre tract and an angle point of the herein described tract;

THENCE, North 54°41'39" East, over and across said 230.7 acre tract, a distance of 33.28 feet to the **POINT OF BEGINNING** and containing 29.18 acres of land. This description is accompanied by an exhibit of even date.

This document was prepared under 22 TAC 663.21 and does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPLS No. 10092300



Kevin M. Reidy, R.P.L.S.
Texas Registration No. 6450
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: November, 2021
Job No: 201-007-00
File No: R:\2020\201-007-00\Docs\Description\Boundary\29.18AC-MB.doc

EXHIBIT B

**METES AND BOUNDS DESCRIPTION
52.80 ACRE TRACT
IN THE JOHN DUNCAN SURVEY, SECTION 3, ABSTRACT NO. 150
MATAGORDA COUNTY, TEXAS**

A 52.80 ACRE TRACT OF LAND IN THE JOHN DUNCAN SURVEY, SECTION 3, ABSTRACT NO. 150, MATAGORDA COUNTY, TEXAS, BEING OUT OF A CALLED 230.7 ACRE TRACT OF LAND, CONVEYED TO FRANCIS WAYNE MILBERGER AND CAROL M. MILBERGER, AS RECORDED UNDER VOLUME 490, PAGE 463 OF THE MATAGORDA COUNTY DEED RECORDS (M.C.D.R.), THE SAID 52.80 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8-inch iron rod, found marking the most northerly corner of a called 15.9 acre tract of land, conveyed to the Matagorda County Rice and Irrigation Company, as recorded under Volume 16, Page 249, M.C.D.R., an interior corner of said 230.7 acre tract, and the herein described tract;

THENCE, South 54°41'00" West, along with the northwesterly line of said 15.9 acre tract, common with a southeasterly line of said 230.7 acre tract, a distance of 212.96 feet to a capped 5/8-inch iron rod, stamped "E.H.R.A. 713-784-4500" found marking the most westerly corner of said called 15.9 acre tract, from which a found 5/8-inch iron rod bears for reference South 54°41' West, a distance of 0.46 feet;

THENCE, South 54°41'39" West, over and across said 230.7 acre tract, a distance of 33.28 feet to a 5/8-inch iron rod found marking an interior corner of said 230.7 acre tract;

THENCE, North 36°03'44" West, along a southwesterly line of said 230.7 acre tract, a distance of 60.01 feet to a capped 5/8-inch iron rod, stamped "E.H.R.A. 713-784-4500" found in the southeasterly line of a called 11.856 acre tract of land, conveyed to J.V. McCrosky, as recorded under Volume 204, Page 464, M.C.D.R., marking the northwest corner of the herein described tract;

THENCE, North 54°41'00" East, along the northwesterly line of said 230.7 acre tract, common with the southeasterly line of said 11.856 acre tract and the southeasterly line of a called 5.207 acre tract of land, conveyed to The Dow Chemical Company, as recorded under Volume 225, Page 612, M.C.D.R., a distance of 1,111.80 feet to a capped 5/8-inch iron rod, stamped "E.H.R.A. 713-784-4500" found marking the southeast corner of said 5.207 acre tract, the southwest corner of a called 7.83 acre tract of land, conveyed to M. Dabney, as recorded under Volume 338, Page 386, M.C.D.R., from which a found 1/2-inch iron rod bears for reference North 54°28'59" East, a distance of 0.50 feet;

THENCE, North 54°28'59" East, along the northwesterly line of said 230.7 acre tract, common with the southeasterly line of said 7.83 acre tract, a distance of 746.78 feet to a capped 5/8-inch iron rod, stamped "E.H.R.A. 713-784-4500" found marking the northeast corner of said 230.7 acre tract and the herein described tract;

THENCE, South 35°55'04" East, along the northeasterly line of said 230.7 acre tract, a distance of 1,721.94 feet the city limits line of Bay City, for the southeast corner of the herein described tract;

THENCE, South 54°29'19" West, along said city limit line, a distance of 1,021.33 feet to the northeasterly line of said 15.9 acre tract, common with a southwesterly line of said 230.7 acre tract, for the southwest corner of the herein described tract;

THENCE, North 55°24'42" West, along said common line, a distance of 1,770.47 feet to the **POINT OF BEGINNING** and containing 52.80 acres of land. This description is accompanied by an exhibit of even date.

This document was prepared under 22 TAC 663.21 and does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPLS No. 10092300

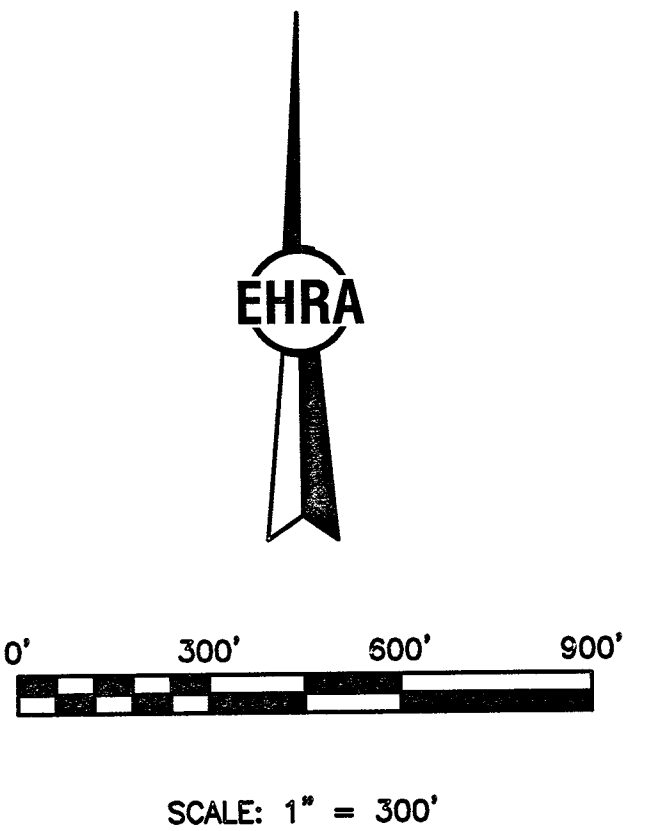
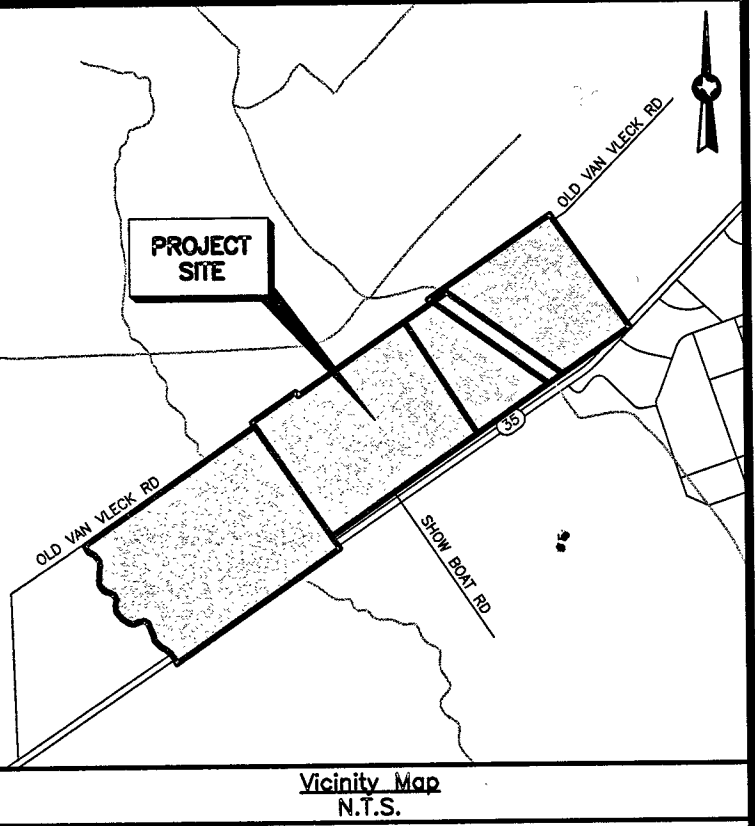
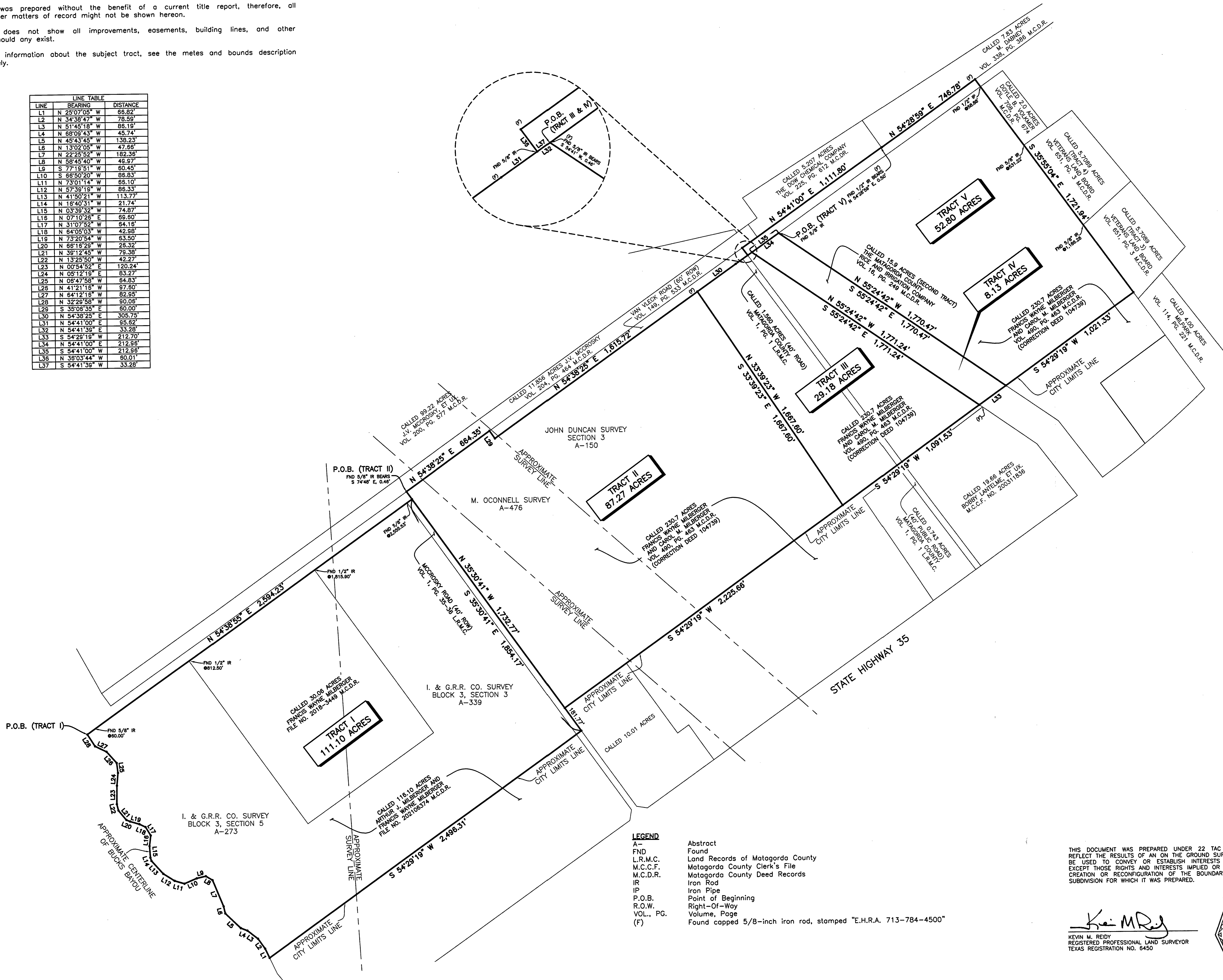

Kevin M. Reidy, R.P.L.S.
Texas Registration No. 6450
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: November, 2021
Job No: 201-007-00
File No: R:\2020\201-007-00\Docs\Description\Boundary\52.80AC-MB.doc

- NOTES:
1. Bearings shown hereon refer to the Texas State Plane Coordinate System of 1983, South Central Zone, as determined by GPS measurements.
 2. This exhibit was prepared without the benefit of a current title report, therefore, all easements or other matters of record might not be shown hereon.
 3. This exhibit does not show all improvements, easements, building lines, and other encumbrances, should any exist.
 4. For additional information about the subject tract, see the metes and bounds description prepared separately.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 25°07'05" W	66.82'
L2	N 34°38'47" W	78.59'
L3	N 51°45'18" W	86.19'
L4	N 68°09'43" W	45.74'
L5	N 45°43'45" W	138.23'
L6	N 13°02'05" W	47.68'
L7	N 22°25'52" W	182.38'
L8	N 58°45'40" W	49.87'
L9	S 77°19'51" W	80.45'
L10	S 68°50'20" W	88.83'
L11	N 73°01'14" W	85.10'
L12	N 57°39'19" W	86.33'
L13	N 41°50'21" W	113.77'
L14	N 18°40'31" W	21.74'
L15	N 03°39'32" W	74.87'
L16	N 07°10'26" E	69.60'
L17	N 31°07'52" W	64.18'
L18	N 64°05'03" W	42.98'
L19	N 73°20'54" W	63.50'
L20	N 68°18'28" W	25.32'
L21	N 38°12'45" W	79.38'
L22	N 13°25'50" W	42.27'
L23	N 00°54'52" E	120.24'
L24	N 05°12'19" E	83.27'
L25	N 09°47'58" W	64.83'
L26	N 41°21'16" W	97.60'
L27	N 64°12'16" W	82.95'
L28	N 32°25'58" W	90.08'
L29	S 35°08'33" E	80.00'
L30	N 54°38'25" E	305.73'
L31	N 54°41'00" E	95.62'
L32	N 54°41'36" E	33.28'
L33	S 54°29'19" W	212.70'
L34	N 54°41'00" E	212.98'
L35	S 54°41'00" W	212.98'
L36	N 38°03'44" W	80.01'
L37	S 54°41'36" W	33.28'



3			
2			
1			
REV	DESCRIPTION	BY	DATE
EHRA 10011 MEADOWGLEN LN HOUSTON, TEXAS 77042 713-784-4500 WWW.EHRAINING.COM TBPE No. F-726 TBPLS No. 10092300			
CITY LIMITS OF BAY CITY ANNEXATION MAP 5 TRACTS MATAGORDA COUNTY, TEXAS			
DATE: November, 2021	SCALE: 1" = 300'	JOB NO.: 201-007-00	
DWG. NAME: Bay_City_Annexation.dwg	DRAWING NO.: NONE		