

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS GRANTING A PETITION FILED BY JAMES & CYNTHIA WEATHERLY UNDER SECTION 42.102 OF THE LOCAL GOVERNMENT CODE AND REMOVING APPROXIMATELY 25.925 ACRES OF LAND ADDRESSED AS 819 W BETHESDA RD, AND AS FURTHER DESCRIBED IN THE PETITION FROM THE CITY'S EXTRATERRITORIAL JURISDICTION.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Subchapter D "Release of Area by Petition of Landowner or Resident from Extraterritorial Jurisdiction" of Chapter 42 of the Local Government Code became effective on September 1, 2023; and

WHEREAS, on October 30, 2023, the City received a petition in accordance with Subchapter D from James & Cynthia Weatherly, a copy of said petition being attached to this resolution as Exhibit "A" and incorporated herein by reference for all purposes; and

WHEREAS, the petition requests the City release the real properties commonly known and addressed as 819 W Bethesda Rd and that is more fully described in the petition from the City's extraterritorial jurisdiction (the "Property"),

WHEREAS, the City Council finds that Subchapter D applies to the Property, that the petitioner has the authority to file the petition, and that the petition meets all of the requirements of Subchapter D; and

WHEREAS, in accordance with Section 42.105 of the Local Government Code, the City Council desires to release the real property described in the petition from the City's extraterritorial jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

Section 1.

In accordance with Section 42.105 of the Local Government Code, the City hereby grants the petition and releases the Property from the City's extraterritorial jurisdiction.

Section 2.

The City Manager is hereby directed to amend the official city map to reflect the removal of real property from the City's extraterritorial jurisdiction, in accordance with Section 41.001 of the Local Government Code. Additionally, the City Manager is hereby further directed to deliver a copy of this resolution to the petitioner, in accordance with Section 42.105 of the Local Government Code.

Section 3.

The foregoing recitals are adopted and incorporated herein for all purposes.

Section 4.

This resolution shall take effect immediately from and after its passage.

PASSED, APPROVED, AND SO RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 20____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

OCT 30 2023

Release from Extraterritorial Jurisdiction (ETJ) Petition

APPLICANT / OWNER

Applicant or Authorized Agent	Owner
Name: JAMES & CYNTHIA WEATHERLY	Name: JAMES & CYNTHIA WEATHERLY
Company::	Company:
Address:: 819 W. BETHESDA Rd CLEBURNE, TX 76031	Address:: 819 W. BETHESDA Rd CLEBURNE TX 76031
Telephone: 817-933-2056	Telephone: 817-933-2056
Email: Cdw1967@yahoo.com	Email: Cdw1967@yahoo.com
Signature:	Signature:

SITE INFORMATION

Number of properties within the area to be released:	2 HOUSES 1 MOBILE HOME
General location or address of area to be released:	819 W. BETHESDA RD, CLEBURNE TX
Total Acres to be released:	25.925
County of Request	JOHNSON CO. TEXAS

REQUIRED ITEMS FOR PETITION
(Applicant must initial next to each item)


<input type="checkbox"/>	Completed Application
<input type="checkbox"/>	Exact Property description in the form of: 1) Metes and Bounds, or 2) Identification of the property (Lot and Block) on a Recorded Plat
<input type="checkbox"/>	Signed "Release from ETJ Petition" (see next page) 50% of all owners within the area to be released must provide a NOTARIZED signature
<input type="checkbox"/>	If property is owned by an entity, estate, trust, etc. – provide proof of authority to sign on behalf of the entity, estate, trust, etc.
<input type="checkbox"/>	If current ownership differs from data available on the Appraisal District website provide deed(s) as proof of ownership
<input type="checkbox"/>	Owner of the property acknowledges that with the submittal of this petition, that they may no longer assume they will have the ability to receive City of Burleson utility or emergency services for the property being removed for the extraterritorial jurisdiction (ETJ) of the City of Burleson. This petition may also trigger CCN discountenance efforts by the City of Burleson.
<input type="checkbox"/>	Owners signature required:

Case # REL23-326

CITY OF BURLESON RELEASE FROM ETJ PETITION

By signing this petition, I hereby request to be removed from the City of Burleson Extraterritorial Jurisdiction (ETJ). I hereby affirm that I am the legal owner of the property identified below (attach additional pages as required).



Tax ID # and Physical Address	Property Owners Signature	Notary
819 W. Bethesda Rd Cleburne Tx 76031		State of <u>Texas</u> County of <u>Johnson</u> The instrument was signed or acknowledged before me on <u>10-27-2023</u> By <u>James H. Weatherly</u> Print name of signer(s)  
819 W. Bethesda Rd Cleburne Texas 76031		State of <u>Texas</u> County of <u>Johnson</u> The instrument was signed or acknowledged before me on <u>10-27-2023</u> By <u>Cynthia D. Weatherly</u> Print name of signer(s)  Notary Signature 

General Warranty Deed

Date: _____

Grantor: **LILLIAN DESKINS, a single woman**

Grantor's Mailing Address:

LILLIAN DESKINS
801 W. Bethesda Road
Cleburne, Texas 76031
Johnson County

Grantee: **JAMES WEATHERLY and CYNTHIA WEATHERLY, husband and wife**

Grantee's Mailing Address:

JAMES WEATHERLY and CYNTHIA WEATHERLY
819 W. Bethesda Road
Cleburne, Texas 76031
Johnson County

Consideration:

Love of, and affection for, Grantee.

Property (including any improvements):

BEGINNING at a point in the South line of D C Higgins 30 acre tract as described in deed from W E Howell, et ux to D C Higgins as recorded in Vol. 293, page 198, Deed Records of Johnson County, Texas, 62.5 vrs, more or less, east of the West line of the Samuel Myres Survey, being also at the intersection of the North boundary line of the Joshua and Bethesda Highway with the South boundary line of said 30 acre D C Higgins tract;

THENCE, North 50 deg. East 62.5 vrs., more or less, along the meanderings of the North boundary line of said Joshua and Bethesda Highway;

THENCE, North 15 deg. East 137 vrs. and North 78 deg. East 150 vrs. still along the meanderings of the North boundary line of said Joshua and Bethesda Highway;

THENCE, due East 300 vrs. and North 63 deg. East 130 vrs. to an iron pipe for a corner in the East line of a 78 acre tract conveyed by C M McAfee and wife to Marvin Dunlap, as recorded in Vol. 320, page 264, Deed Records of Johnson County, Texas;

THENCE, South 58 vrs. to a point in the North line of said D C Higgins 30 acre tract, at iron pipe for corner;

THENCE, East $184\frac{2}{3}$ vrs. to a point in the East boundary line of the Samuel Myres Survey;

THENCE, South along the East boundary line of said Samuel Myres Survey 190 vrs. t

an iron pipe for a corner:

THENCE, along the South boundary line of the D C Higgins 30 acre tract (approximately 827.5 vrs.) to the place of BEGINNING, and being the same property conveyed to grantor by deed dated October 14, 1951, and recorded in Vol. 382, page 315 of the Deed Records of Johnson County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

None

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

Lillian M. Deskins

LILLIAN DESKINS

James W. Weatherly

JAMES WEATHERLY

Cynthia D. Weatherly

CYNTHIA WEATHERLY

NOTICE

Prepared by the State Bar of Texas for use by Lawyers only. 6-74-5M
To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements.

174

RELEASE OF LIEN

THE STATE OF TEXAS
COUNTY OF JOHNSON



KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, of the County of Galdwell, and State of Texas, the legal and equitable owner and holder of that one certain promissory note in the original principal sum of Seven Thousand Dollars (\$7,000.00) dated November 8, 1958, executed by W. M. Deskins and Lillian Deskins, payable to the order of Eugenia Harger, more fully described in a deed, duly recorded in Vol. _____ page _____ of the Deed Records of Johnson County, Texas; said note being secured by a vendor's lien against the following described property, to-wit:

25.925 acres of land, more or less, out of the Samuel Myers Survey in Johnson County, Texas, more particularly described in deed recorded in Volume 382, page 315, of the Deed Records of Johnson County, Texas; and said note additionally secured by a deed of trust of even date with said note, executed by W. M. Deskins and Lillian Deskins, to E. R. Hawkins, Trustee, recorded in the Deed of Trust Records of Johnson County, Texas;

for and in consideration of the full and final payment of all indebtedness secured by the aforesaid lien or liens, the receipt of which is hereby acknowledged, has released and discharged, and by these presents hereby releases and discharges, the above described property from all liens held by the undersigned securing said indebtedness.

EXECUTED this 29th day of April, A. D. 1976.

Mary O'Hern Treadway
Mary O'Hern Treadway
174 Independent Executrix and Trustee of the
Estate of Eugenia Harger, deceased

PLAT SHOWING

25.925 ACRES OF LAND OUT OF THE SAMUEL MYERS SURVEY
ABST. 626 IN JOHNSON COUNTY, TEXAS.

SURVEYED 15 MAY 1958

BY *Henry M. Dickson Jr.*

HENRY M. DICKSON JR.
COUNTY SURVEYOR TARRANT COUNTY, TEXAS
REGISTERED PUBLIC SURVEYOR #980



50 PAGES

*N. E. CORNERS
M. MYERS #626
SAMUEL MYERS SURVEY
JOHNSON COUNTY
TEXAS*

