

**Petition to Release Houston ETJ Tract from  
The City of Houston's Extraterritorial Jurisdiction**

October 31, 2018

To:  
The Honorable Sylvester Turner  
Mayor  
City of Houston  
c/o Ms. Nicole Smothers  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

Re: Petition for Release from the City of Houston's Extraterritorial Jurisdiction of Land outlined and described in Exhibit A to this letter ("Petition"), and also shown in the "Proposed ETJ Release: FM 1463 Parcels" attached to this letter (the "Houston ETJ Tract")

Dear Mayor Turner:

We represent the developer, Cross Development, LLC ("Developer"), in connection with this Petition to Release the Houston ETJ Tract from the City of Houston's Extraterritorial Jurisdiction (the "Houston ETJ"). Developer is the buyer under two (2) separate Commercial Contracts - Unimproved Property, one with John M. Perko ("Perko"), as seller, and the other with KKP Real Estate Management LLC ("KKP"), as seller. The Houston ETJ Tract is located within the Houston ETJ.

A letter from the Mayor of the City of Katy dated September 19, 2018, requesting that the City of Houston release the Houston ETJ Tract from the City of Houston ETJ, has previously been sent to you and is attached hereto as Exhibit B. It is our understanding that a resolution of the City of Katy that covers the City of Houston requirements with respect to FM 1463 and the City of Houston Major Thoroughfare and Freeway Plan was also provided to you with the City of Katy letter.

After release of the Houston ETJ Tract from the City of Houston ETJ, Developer will petition the City of Katy to annex the Houston ETJ Tract into the City of Katy's corporate limits.

Perko, whose address is P.O. Box 239, San Felipe, Texas 77473, is the owner of a part of the Houston ETJ Tract described as: 1500 FM 1463, Katy, TX 77494 (FBCAD ACCOUNT: 0385-00-004-0002-914), being more fully described as Tract 1 of 3 in Exhibit A attached hereto (the "Perko Tract"). There is no lender holding a contractual lien against the Perko Tract.

KKP, whose address is 2802 Sundance Summit Lane, Katy Texas 77494, is the owner of the part of the Houston ETJ Tract described as: 1610 FM 1463, Katy, TX 77449 (0383 Jesse Burdett, Tract 1, Acres 7.796, Lot 8, Lexington Estates Unrecorded, being more fully described as Tract 2 of 3 in Exhibit A attached hereto (the “KKP Tract”). There is no lender holding a contractual lien against the KKP Tract.

The remainder of the Houston ETJ Tract is owned by Fort Bend County, consisting of the FM 1463 roadbed and adjacent right of way abutting the Perko and KKP Tracts, being marked “FM 1463” on the survey attached as Tract 3 of 3 in Exhibit A attached hereto (the “Fort Bend County Tract”). Also included in this request for the release from the Houston ETJ is the Fort Bend County Tract. The Perko Tract, the KKP Tract and the Fort Bend County Tract collectively constitute the Houston ETJ Tract.

Perko, as owner of the Perko Tract, joins in the execution of this Petition. KKP, as owner of the KKP Tract, joins in the execution of this Petition. Fort Bend County, as owner of the Fort Bend County Tract, joins in the execution of this Petition.

The highest and best use for the Houston ETJ Tract is commercial/retail and this is Developer’s planned use for the Houston ETJ Tract. Developer has met with the City of Katy regarding its development plans, and the City of Katy is willing to provide utilities and City of Katy services to the Houston ETJ Tract.

Since the City of Katy will annex the Houston ETJ Tract into the City of Katy upon receipt of a petition with respect to the Houston ETJ Tract, the release of the Houston ETJ Tract will provide for efficient utility services and planning, allow the City of Katy to provide water, sanitary sewer, drainage, police, fire and garbage services to the Houston ETJ Tract, and permit the Houston ETJ Tract to be developed in the City of Katy under uniform standards.

Since the City of Houston cannot currently provide utility and other City of Houston services to the Houston ETJ Tract, utility services and planning can be more efficient if the Houston ETJ Tract is released from the City of Houston ETJ and subsequently annexed into the City of Katy corporate limits.

We hereby petition the City of Houston to release the Houston ETJ Tract from the City of Houston ETJ. This release will promote the efficient delivery of utilities to the Houston ETJ Tract, and will promote regional cooperation.

Legal Counsel for Cross Development, LLC  
**KANE RUSSELL COLEMAN & LOGAN PC**



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Forrest M. Smith III

Attachments/Enclosures:

Signature/Acknowledgment Page (John M. Perko)

Signature/Acknowledgment Page (KKP Real Estate Management LLC)

Signature/Acknowledgment Page (Fort Bend County)

Exhibit A (Page 1) (Proposed ETJ Release: F.M. 1463 Parcels)

Exhibit A (Page 2) (Boundary of ETJ Release Property)

Exhibit A (Tract 1 of 3) (Description of Perko Tract)

Exhibit A (Tract 2 of 3) (Description of KKP Tract)

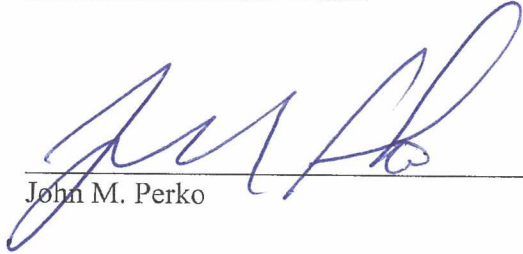
Exhibit A (Tract 3 of 3) (Description of FM 1463 roadbed and adjacent right of way)

Exhibit B (Letter from the Mayor of City of Katy dated September 19, 2018)

Signature/Acknowledgment Page of John M. Perko

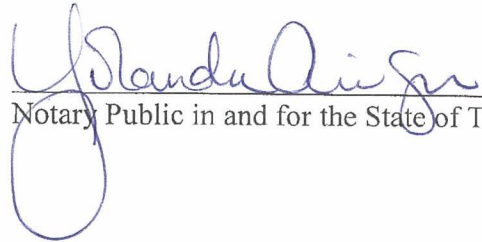
The Undersigned, as owner of the Perko Tract, joins in the execution of this Petition to Release the Houston ETJ Tract from The City of Houston's Extraterritorial Jurisdiction.

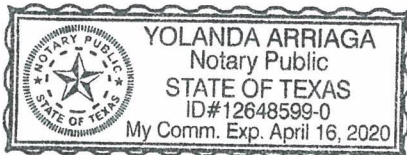
Owner of the Perko Tract

  
\_\_\_\_\_  
John M. Perko

THE STATE OF TEXAS           §  
  §  
COUNTY OF Austin           §

This instrument was acknowledged before me on the 17<sup>th</sup> day of December, 2014 by John M. Perko.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

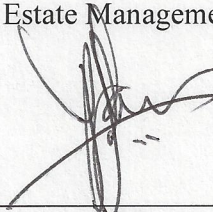


**Signature/Acknowledgment Page of KKP Real Estate Management LLC**

The Undersigned, as owner of the KKP Tract, joins in the execution of this Petition to Release the Houston ETJ Tract from The City of Houston's Extraterritorial Jurisdiction.

**Owner of the KKP Tract**

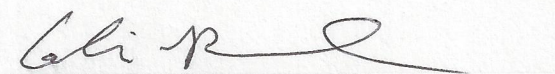
KKP Real Estate Management LLC

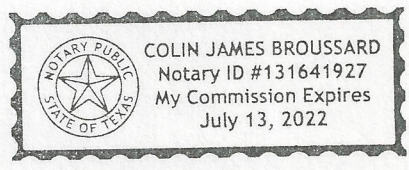


By: \_\_\_\_\_  
Printed Name: PHILIP JOHN  
Title: MANAGER

THE STATE OF TEXAS       §  
  §  
COUNTY OF Harris       §

This instrument was acknowledged before me on the 6 day of December, 2018, by Philip John, manager of KKP Real Estate Management LLC, a Texas limited liability company, on behalf of said limited liability company.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



**Signature/Acknowledgment Page of Fort Bend County**

The Undersigned, as owner of the Fort Bend County Tract, joins in the execution of this Petition to Release the Houston ETJ Tract from The City of Houston's Extraterritorial Jurisdiction.

**Owner of the Fort Bend County Tract**

Fort Bend County


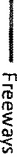
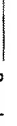


By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_, \_\_\_\_\_ of  
Fort Bend County, Texas, on behalf of said county.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**Proposed ETJ**  
**Release:**  
**F.M. 1463 Parcels**

-  Proposed ETJ Release
-  Freeways
-  Roads
-  Ft. Bend Parcels
-  Houston ETJ

Source: City of Houston GIS Database  
Date: August 2018

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**PLANNING &  
DEVELOPMENT  
DEPARTMENT**



# EXHIBIT A (page 2)

## CROSS

4358 Marsh Ridge  
 City of Katy  
 78114-1423  
 www.crossdevelopment.com

### PROJECT INFORMATION

**SITE AREA**  
 TOTAL ACRES 11.71 ACRES  
 STORAGE PARCEL 22.87 ACRES  
 CARPARK PARCEL 20.99 ACRES  
 CHICKEN PARCEL 11.57 ACRES  
 SONIC PARCEL 10.72 ACRES  
 TOTAL 82,131 SF

**BUILDING AREA**  
 SERVICE PRET 10,778 SF  
 STORAGE 41,200 SF  
 CARPARK 1,511 SF  
 SONIC 4,272 SF  
 CHICKEN 1,000 SF  
 TOTAL 62,771 SF

**PARKING SUMMARY**

USE	NO. OF SPACES	NO. OF SPACES
STORAGE	1,200 SF	24
STORAGE	1,200 SF	24
STORAGE	1,200 SF	24
STORAGE	1,200 SF	24
STORAGE	1,200 SF	24
TOTAL	1,200 SF	24

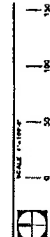
**BUILDING COVERAGE RATIO**  
 TOTAL BUILDING AREA = 62,771 SF  
 TOTAL SITE AREA = 346,011 SF (8.95 AC)  
 B.C.R. = 17.7%

**TERMINUS CLASSIFICATION:** CITY OF KATY  
 ZONING DISTRICT: 180  
 EXISTING ZONING: 180  
 REQUESTED ZONING: 180

**PROJECT NOTES**  
 1. THE EXISTING SITE PLAN IS FOR PARKING PURPOSES ONLY. THE EXISTING BUILDING FOOTPRINTS AND DRIVEWAYS ARE NOT TO BE REPLICATED.  
 2. THIS SITE PLAN IS BASED ON AERIAL PHOTO DATA.  
 3. ALL DISTANCES ARE APPROXIMATE.  
 4. ALL DISTANCES ARE APPROXIMATE.

**DRAWING TITLE:** PRELIMINARY REGIONAL  
**DATE:** 04/27/14  
**SCALE:** AS SHOWN

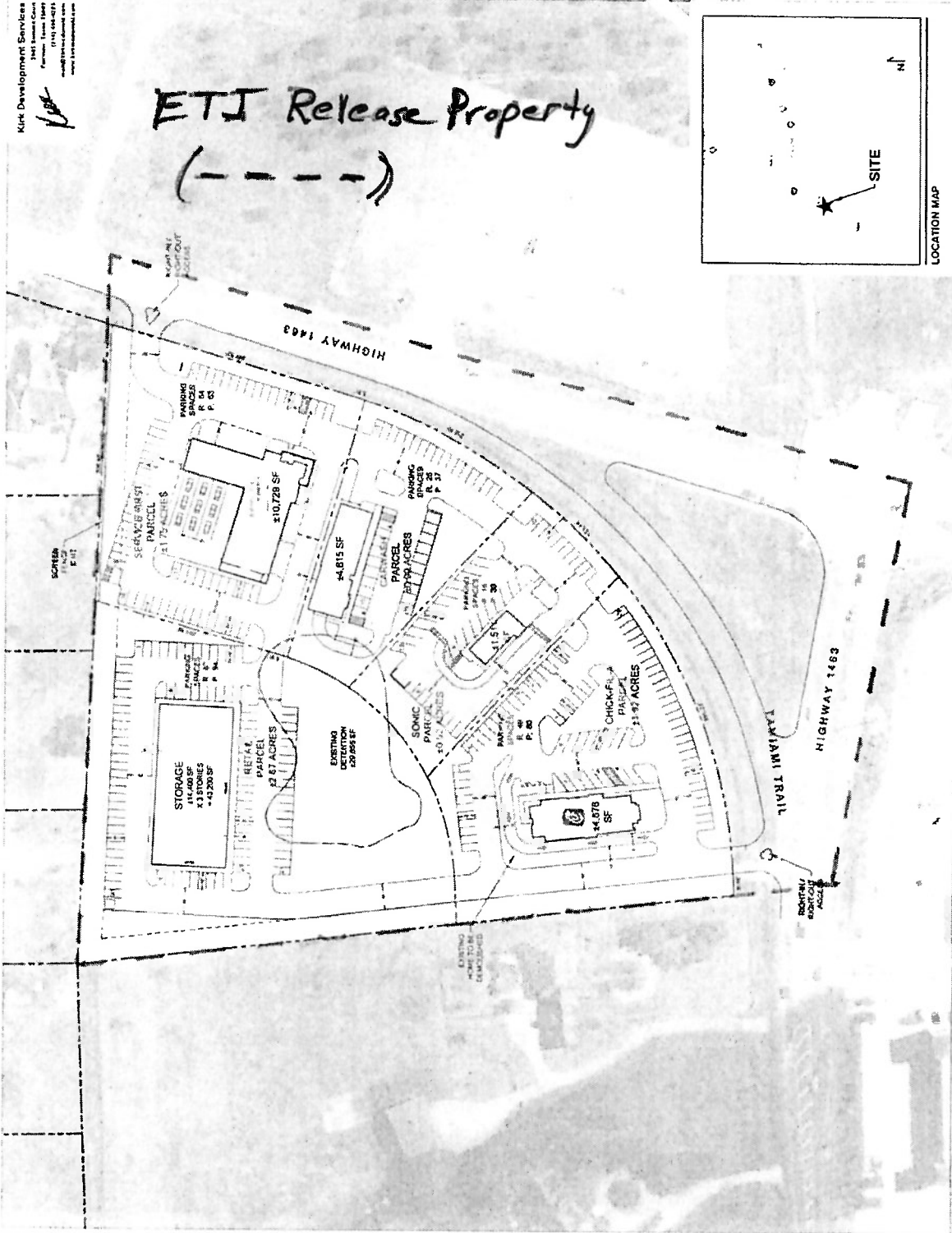
**KATY TX**  
 HIGHWAY 1463  
 4 SPRING GREEN BLVD



## SCHEME 5

Kirk Development Services  
 1441 Emmet Clark  
 Houston, TX 77057  
 (713) 964-0211  
 www.kirkdevelopment.com

*ETI Release Property*  
 (---)



LOCATION MAP

# EXHIBIT A (Tract 1 of 3)

METES AND BOUNDS DESCRIPTION  
1.250 ACRES (54,445 SQUARE FEET)  
EDWARD P. EVERETT SURVEY, ABSTRACT NUMBER 385  
FORT BEND COUNTY, TEXAS

Being a tract or parcel containing 1.250 acres (54,445 square feet) of land situated in the Edward P. Everett Survey, Abstract Number 385, Fort Bend County, Texas, and being out of and a portion of the residue of the called 9.046 acre tract as described in the deed to John M. Perko recorded under Fort Bend County Clerk's File Number 2007083398; said 1.250 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas State Plane Coordinate System, South Central Zone):

COMMENCING at a PK nail found in the northerly right-of-way line of Farm To Market Road 1463 (width varies) marking the southwest corner of said called 7.796 acre tract as described in the deed to KKP Real Estate Management, LLC, recorded under Fort Bend County Clerk's File Number 2017095385 common with the southeast corner of the called 4.9686 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2010124507;

THENCE, North  $87^{\circ}33'16''$  East, along said northerly right-of-way line, a distance of 23.25 feet to a PK Nail found marking the Point of Curvature of a curve to the left;

THENCE, continuing along said northerly right-of-way line, along said curve to the left having a central angle of  $49^{\circ}56'57''$ , an arc distance of 499.35 feet, a radius of 572.80 feet, and a chord which bears North  $62^{\circ}50'32''$  East, 483.69 feet to the south corner and POINT OF BEGINNING of the herein described tract common with the southeast corner of the aforesaid called 7.796 acre tract, from which a found 1/2-inch iron pipe bears South  $64^{\circ}15'$  East, 0.6 feet;

THENCE, North  $01^{\circ}24'40''$  West, along the east line of said called 7.796 acre tract, a distance of 486.52 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking the northwest corner of the herein described tract common with the northeast corner of said called 7.796 acre tract;

THENCE, South  $87^{\circ}34'59''$  East (called South  $87^{\circ}33'59''$  East), along the south line of the called 0.781 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 200709208, a distance of 193.51 feet to the northeast corner of the herein described tract in the aforesaid northerly right-of-way line of Farm To Market Road 1463, from which a found Mag Nail bears South  $86^{\circ}22'$  East, 1.1 feet;

THENCE, South  $16^{\circ}15'02''$  West, along said northerly right-of-way line, a distance of 298.84 feet to the Point of Curvature of a curve to the right, from which a found (bent) 1/2-inch iron rod bears North  $49^{\circ}40'$  East, 0.6 feet;

THENCE, continuing along said northerly right-of-way line, along said curve to the right having a central angle of  $21^{\circ}37'00''$ , an arc distance of 216.11 feet, a radius of 572.80 feet, and a chord which bears South  $27^{\circ}03'34''$  West, 214.83 feet to the POINT OF BEGINNING and containing 1.250 acres (54,445 square feet) of land. This description is based on the ALTA/NSPS Land Title Survey prepared by Terra Surveying Company, Inc., dated October 29, 2018, TSC Project Number 0280-1801-B01.

# EXHIBIT A (Tract 2 of 3)

METES AND BOUNDS DESCRIPTION  
7.806 ACRES (340,046 SQUARE FEET)  
JESSE BURDETTE SURVEY, ABSTRACT NUMBER 383  
FORT BEND COUNTY, TEXAS

Being a tract or parcel containing 7.806 acres (340,046 square feet) of land situated in the Jesse Burdette Survey, Abstract Number 383, Fort Bend County, Texas, and being all of the called 7.796 acre tract as described in the deed to KKP Real Estate Management, LLC, recorded under Fort Bend County Clerk's File Number 2017095385 which is the remainder of Lot 8 and parts of Lot 6 and Lot 7 of Lexington Estates, a subdivision depicted and described in the instrument recorded under Fort Bend County Clerk's File Number 9774409; said 7.806 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas State Plane Coordinate System, South Central Zone):

BEGINNING at a PK nail found in the northerly right-of-way line of Farm To Market Road 1463 (width varies) marking the southwest corner of said called 7.796 acre tract common with the southeast corner of the called 4.9686 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2010124507;

THENCE, North  $06^{\circ}48'47''$  West, along the east line of said called 4.9686 acre tract, a distance of 719.15 feet to a 1/2-inch iron rod found marking the northeast corner of said called 4.9686 acre tract common with an angle corner of the herein described tract;

THENCE, South  $88^{\circ}01'42''$  West, along the north line of said called 4.9686 acre tract, passing at a distance of 477.68 feet a 5/8-inch iron rod found marking the northeast corner of the called 5.8015 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2012096618, and continuing along the north line of said called 5.8015 acre tract for a total distance of 1,010.56 feet to a 1/2-inch iron rod found in the east line of the called 7.7993 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2002066942 marking the northwest corner of said called 5.8015 acre tract and an angle corner of the herein described tract;

THENCE, North  $01^{\circ}58'18''$  West, along said east line, a distance of 16.00 feet to a 1/2-inch iron rod found in the south line of the called 123.4 as described in the deed recorded under Fort Bend County Clerk's File Number 2017046050 marking the northwest corner of the aforesaid called 7.796 acre tract common with the northwest corner of the herein described tract;

THENCE, North  $87^{\circ}59'24''$  East (called North  $88^{\circ}01'42''$  East), a distance of 434.00 feet to a 1/2-inch iron rod found marking the southwest corner of the called 2.5764 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2006098474 common with an angle corner of the herein described tract;

THENCE, North  $88^{\circ}00'47''$  East (called North  $88^{\circ}01'42''$  East), along said south line, passing at a distance of 193.25 feet a 5/8-inch iron rod found marking the southwest corner of the called 2.329 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2006064390 and continuing along the south line of said called 2.329 acre tract and then along the south line of that certain tract of land as described in the deed to Mark Vitek, et ux, recorded in Volume 2659, Page 805 of the Fort Bend County Deed Records and continuing along the south line of said Mark Vitek, et ux, tract for a total distance of 575.21 feet to a 1/2-inch iron pipe found marking the southwest corner of the called 1.740 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2008095850 common with an angle corner of the herein described

tract;

THENCE, South 87°34'59" East (called South 87°33'59" East), along the south line of said called 1.740 acre tract and then along the south line of the called 1.602 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2010083931 and then along the south line of the called 1.4807 acre tract as described in the deed recorded under Fort Bend County Clerk's File Number 2003029264, a distance of 529.32 feet to a 5/8-inch iron rod with plastic cap stamped "TERRA SURVEYING" set marking an the northeast corner of the herein described tract common with the northeast corner of the aforesaid called 7.796 acre tract;

THENCE, South 01°24'40" East (called South 01°26'24" East), along the east line of said called 7.796 acre tract, a distance of 486.52 feet (called 486.14 feet) to the southeast corner of the herein described tract common with the southeast corner of said called 7.796 acre tract and a point on a curve to the left in the aforesaid northerly right-of-way line of Farm To Market Road 1463, from which a found 1/2-inch iron pipe bears South 64°15' East, 0.6 feet;

#### METES AND BOUNDS DESCRIPTION

7.806 ACRES

PAGE 2 OF 2

THENCE, along said northerly right-of-way line, along said curve to the right having a central angle of 49°56'57", an arc distance of 499.35 feet, a radius of 572.80 feet, and a chord which bears South 62°50'32" West, 483.69 feet to a PK Nail found marking the end of said curve;

THENCE, South 87°33'16" West, continuing along said northerly right-of-way line a distance of 23.25 feet to the POINT OF BEGINNING and containing 7.806 acres (340,046 square feet) of land. This description is based on the ALTA/NSPS Land Title Survey prepared by Terra Surveying Company, Inc., dated October 29, 2018, TSC Project Number 0280-1801-B01.

Compiled by: Mark J. Piriano, RPLS  
Terra Surveying Company, Inc.  
MB7806.doc

# EXHIBIT A (Tract 3 of 3)

EDWARD P. EVERETT SURVEY, A-385

JESSE BURDETTE SURVEY, A-383

**1.250**  
**PERKS**  
**F.M. 1463**

**1.796 AC**  
**9.056 ACRES**  
**TKP**  
**1.796 AC**

**F.M. 1463**

**F.M. 1463**

**F.M. 1463**

*Signals*

*GAS*  
*Exmt*

*HOUSE*

*POND*



*W.L.H.*

EDWARD P. EVERETT SURVEY, A-385	1.250 ACRES
JESSE BURDETTE SURVEY, A-383	1.796 ACRES
TOTAL ACRES	
9.056 ACRES	
EDWARD P. EVERETT SURVEY, A-385	
JESSE BURDETTE SURVEY, A-383	
TOTAL ACRES	
9.056 ACRES	
EDWARD P. EVERETT SURVEY, A-385	
JESSE BURDETTE SURVEY, A-383	
TOTAL ACRES	
9.056 ACRES	

*[Detailed survey text and notes, including acreage calculations and descriptions of land parcels.]*

# EXHIBIT B

## *City of Katy* OFFICE OF THE MAYOR

September 19, 2018

The Honorable Sylvester Turner, Mayor  
City of Houston  
c/o Ms. Margaret Wallace  
Ms. Nicole Smothers  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

Re: Request for Release of Land Described as Three (3) Tracts in Exhibit A to this Letter (the "Houston ETJ Tract") from the City of Houston's Extraterritorial Jurisdiction

Dear Mayor Turner:

The Houston ETJ Tract is located within the extraterritorial jurisdiction (the "ETJ") of the City of Houston.

John M. Perko ("Perko"), whose address is P.O. Box 239, San Felipe, Texas 77473, is the owner of a part of the Houston ETJ Tract described as: 1500 FM 1463 Rd., Katy, TX 77494 (FBCAD ACCOUNT: 0385-00-004-0002-914).

KKP Real Estate Management LLC ("KKP"), whose address is 2802 Sundance Summit Lane, Katy, Texas 77494, is the owner of the remaining part of the Houston ETJ Tract described as: 1610 FM 1463 Rd., Katy, TX 77449 (0383 Jesse Burdett, Tract 1, Acres 7.796, Lot 8, Lexington Estates Unrecorded (collectively with Perko, the "Owner").

Cross Development, LLC ("Cross Development") is the buyer under two (2) separate Commercial Contracts - Unimproved Property, one with Perko, as seller, and the other with KKP, as seller.

Also included in the Owner's request for the release from the Houston ETJ is the portion of roadbed of FM 1463 Rd. lying adjacent to Tracts 1 and 2 described in Exhibit A, which roadbed is described as Tract 3 in Exhibit A.

I am writing this letter to express the City of Katy's support of the Owner's request for the release of the Houston ETJ Tract from the City of Houston's ETJ. The highest and best use for the Houston ETJ Tract is commercial/retail and this is Cross Development's planned use for the Houston ETJ Tract. Since the City of Katy will annex the Houston ETJ Tract into the City of Katy upon receipt of a petition from the Owner with respect to

City of Houston  
Re: Request for Release of Land

September 19, 2018  
Page 2

the Houston ETJ Tract, the release of the Houston ETJ Tract will provide for efficient utility services and planning; allow the City of Katy to provide water, sanitary sewer, drainage, police, fire, and garbage services to the Houston ETJ Tract; and permit the Houston ETJ Tract to be developed in the City of Katy under uniform standards.

Also enclosed is a resolution from the City of Katy that covers the City of Houston requirements with respect to FM 1463 Rd. and the City of Houston Major Thoroughfare and Freeway Plan.

I appreciate your consideration of the Owner's and Cross Development's request for the release of the Houston ETJ Tract from the City of Houston's ETJ. If you have any questions, please do not hesitate to contact me.

Sincerely,



Chuck Brawner  
Mayor, City of Katy

CB/lv

Encl