

**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.

B

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

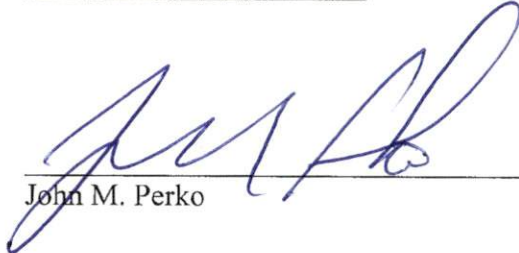
Attachments/Enclosures:

- 
- 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

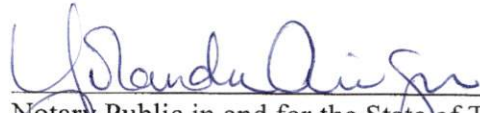
The Undersigned, as owner of the Perko Tract, joins in the execution of this Petition to Release the Houston ETJ Tract from The City of Houston's Extraterritorial Jurisdiction.

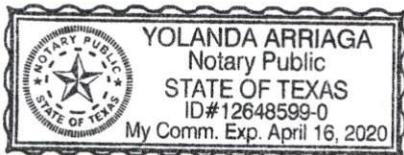
Owner of the Perko Tract

  
\_\_\_\_\_  
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

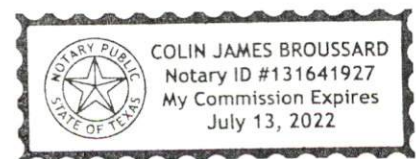


By: \_\_\_\_\_  
Printed Name: PHILIP JOHN  
Title: MANAGER

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

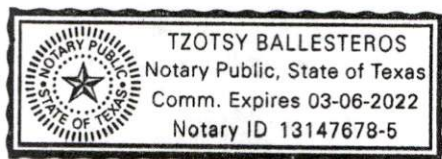
Fort Bend County

By: *Kyle George*  
Printed Name: KP George  
Title: County Judge

THE STATE OF TEXAS           §  
  §  
COUNTY OF Fort Bend       §

This instrument was acknowledged before me on the 8<sup>th</sup> day of January, 2019, by KP George, County Judge of Fort Bend County, Texas, on behalf of said county.

*Tzotsy Ballesteros*  
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

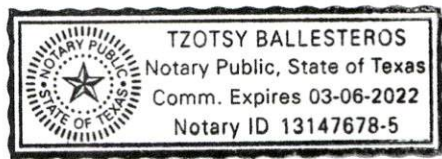
Fort Bend County

By: *KP George*  
Printed Name: KP George  
Title: County Judge

THE STATE OF TEXAS           §  
  §  
COUNTY OF Fort Bend       §






This instrument was acknowledged before me on the 8<sup>th</sup> day of January, 2019, by KP George, County Judge of Fort Bend County, Texas, on behalf of said county.

*Tzotsy Ballato*  
Notary Public in and for the State of Texas



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# 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.

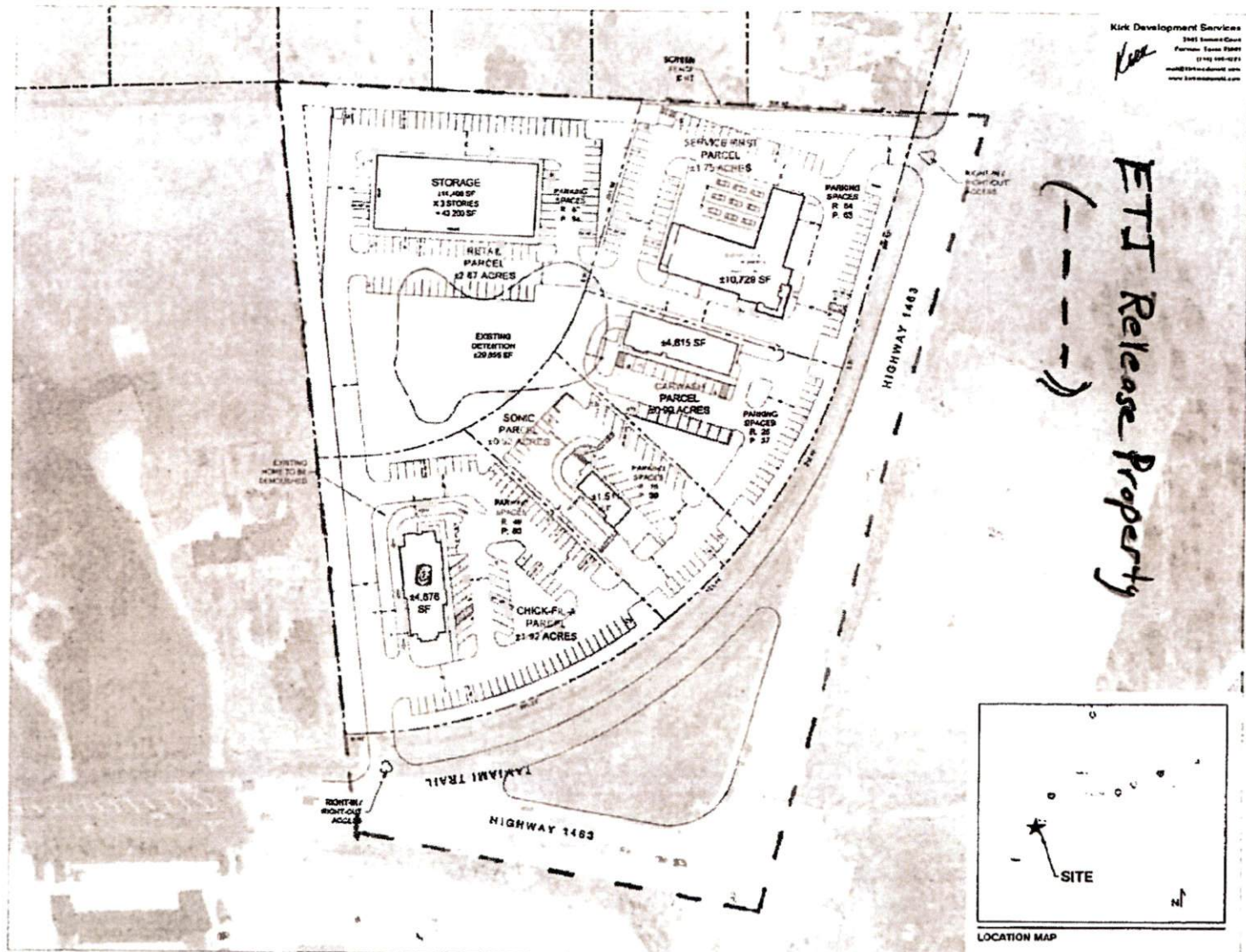


**PLANNING &  
DEVELOPMENT  
DEPARTMENT**

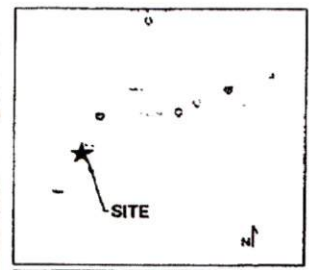


Kirk Development Services  
 3941 S. Loop East  
 Houston, Texas 77057  
 (713) 666-0271  
 www.kirkdevelopment.com

*ETJ Release Property*



(-----)



LOCATION MAP

**CROSS**

4338 Marsh Ridge  
 Carrollton, TX 75010  
 214-814-8232  
 www.crossdevelopment.net

PROJECT INFORMATION

SITE AREA	
SERVICE FIRST PARCEL	11.75 ACRES
STORAGE PARCEL	12.87 ACRES
CARWASH PARCEL	20.99 ACRES
SONIC PARCEL	10.82 ACRES
CHICK-FIL-A PARCEL	21.92 ACRES
TOTAL	78.35 ACRES

BUILDING AREA	
SERVICE FIRST	10,719 SF
STORAGE	43,200 SF
CARWASH	4,815 SF
SONIC	1,344 SF
CHICK-FIL-A	4,876 SF
TOTAL	65,154 SF

PARKING SUMMARY			
USER	RATIO	SPACES REQUIRED	SPACES PROVIDED
SERVICE FIRST	1/200 SF	54	63
STORAGE	1/500 SF	87	94
CARWASH	1/200 SF	25	37
SONIC	1/100 SF	48	36
CHICK-FIL-A	1/100 SF	49	60
TOTAL		213	313

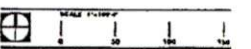
BUILDING COVERAGE RATIO  
 TOTAL BUILDING AREA = 65,154 SF  
 TOTAL SITE AREA = 78,351 SF (28.45 AC)  
 RATIO = 17.7%

ZONING CLASSIFICATION	
JURISDICTION	CITY OF KATY
EXISTING ZONING	T20
REQUIRED ZONING	T20

- PROJECT NOTES
- THE CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING CONDITIONS, EXISTING PARKING LAYOUTS, UTILITIES, AND PROPOSED UTILITIES MUST BE VERIFIED.
  - THE SITE PLAN IS BASED ON AERIAL PHOTOGRAPHS.
  - ALL CURB CUTS AND DRIVEWAYS SHOULD BE SHOWN, DETAILED, AND PROPOSED MUST BE PLANNED.

DRAWING TITLE/REVISION RECORD  
 DATE: 4/21/14  
 DRAWN: [signature]  
 CHECKED: [signature]

KATY  
 TX  
 HIGHWAY 1463  
 & SPRING GREEN BLVD



**SCHEME 5**

EXHIBIT A (page 2)

[signature]

# EXHIBIT A (Tract 1 of 3)

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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°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°56'57", an arc distance of 499.35 feet, a radius of 572.80 feet, and a chord which bears North 62°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°15' East, 0.6 feet;

THENCE, North 01°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°34'59" East (called South 87°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°22' East, 1.1 feet;

THENCE, South 16°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°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°37'00", an arc distance of 216.11 feet, a radius of 572.80 feet, and a chord which bears South 27°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°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°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°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°59'24" East (called North 88°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°00'47" East (called North 88°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  $87^{\circ}34'59''$  East (called South  $87^{\circ}33'59''$  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  $01^{\circ}24'40''$  East (called South  $01^{\circ}26'24''$  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  $64^{\circ}15'$  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  $49^{\circ}56'57''$ , an arc distance of 499.35 feet, a radius of 572.80 feet, and a chord which bears South  $62^{\circ}50'32''$  West, 483.69 feet to a PK Nail found marking the end of said curve;

THENCE, South  $87^{\circ}33'16''$  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 B

*City of Katy*  
OFFICE OF THE MAYOR

*MS*

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