

# Filing Receipt

Received - 2021-08-03 03:58:54 PM Control Number - 51801 ItemNumber - 18

## **ORDINANCE NO. 21-A-04**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 142 ACRES OF LAND LOCATED IN COMAL COUNTY APPROXIMATELY 3,500 FEET SOUTHWEST OF THE INTERSECTION OF DOERR LANE AND BELL NORTH DRIVE

WHEREAS, the City Council of the City of Schertz (the "City") has determined that it should annex the territory described on <u>Exhibit A</u> attached hereto and made a part hereof (the "Annexed Land"); and

**WHEREAS,** the Annexed Land is located entirely within the extraterritorial jurisdiction of the City, is contiguous to the corporate boundaries of the City (or is deemed to be contiguous, pursuant to Section 43.035(c) of the Texas Local Government Code, as amended), and may be annexed pursuant to Chapter 43 of the Texas Local Government Code, as amended; and

WHEREAS, Texas Local Government Code Section 43.028 authorizes the City of Schertz to extend its City limit boundaries through the voluntary annexation of area adjacent to those boundaries upon petition of a landowner; and

WHEREAS, a public hearing notice was published in the San Antonio Express News on December 16, 2020 for the hearing held on January 5, 2021 and notice was published in the San Antonio Express News on January 13, 2021 for the hearing on January 26, 2021; and

WHEREAS, on January 5, 2021 the City Council conducted a public hearing and after considering the request for voluntary annexation, adopted Resolution 21-R-03 accepting a petition for voluntary annexation; and

WHEREAS; the City Council finds that the Annexed Land is suitable, and it is in the best interest of the City and the citizens and inhabitants thereof that the Annexed Land be annexed to and made a part of the City.

# **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS: THAT:**

Section 1. The City hereby annexes the Land described in Exhibit A.

Section 2. The Annexed Land shall be included within the City's corporate limits effective on the effective date of this Ordinance, and all taxable property in the Annexed Land shall hereafter bear its pro rata part of the taxes levied by the City, subject to allowable exemptions.

Section 3. The land and territory more particularly described as that portion of the tract of land described in Exhibit A, attached hereto and incorporated herein by reference shall be part of the City of Schertz, Texas and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Schertz, Texas.

Section 4. A service plan outlining the provisions of necessary municipal service to the property described in Exhibit A is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit B.

Section 5. The City manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the additions to the City's Corporate Limits and the City Secretary is hereby authorized and directed to provide appropriate notice to the State of Texas and the County of Guadalupe of this annexation.

Section 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 7. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 11. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 12. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed. Approved on first reading the 26<sup>th</sup> day of January, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 2<sup>nd</sup> day of February, 2021.

Ralph Gutierrez, Mayor

ATTEST: M

Brenda Dennis, City Secretary (SEAL ON THE CITY)



## Exhibit A

Metes and Bounds Description

**APPROXIMATELY 142 ACRES** 



#### LEGAL DESCRIPTION 141.494 ACRES OF LAND

141.494 acres of land located in the Vincente Micheli Survey Number 114, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comal County, Texas; said 141.494 acres being more particularly described as follows:

BEGINNING, at a found ½ inch iron rod located in the northwesterly right of way line of the Union Pacific Railroad and marking the most easterly corner of the said 142.096 acres;

THENCE, South 61deg 54' 35" West, along the northwesterly right of way line of the Union Pacific Railroad, a distance of 2,601.87 feet, to a found ½ inch iron rod with "CUDE" cap marking the most southerly corner of the said 142.096 acres;

THENCE, North 30deg 20' 49" West, leaving the northwesterly right of way line of the Union Pacific Railroad and along the southwesterly line of the said 142.096 acres, a distance of 1843.02 feet, to a found ½ inch iron rod with "CUDE" cap marking the most westerly corner of the said 142.096 acres;

THENCE, North 59deg 35' 59" East, along a northwesterly line of the said 142.096 acres, a distance of 1,074.50 feet, to a found ½ inch iron rod with "CUDE" cap marking an interior corner of the said 142.096 acres;

THENCE, North 29deg 38' 06" West, along the southwesterly line of the said 142.096 acres, a distance of 817.74 feet, to a found ½ inch iron rod with "CUDE" cap located in the southeasterly right of way line of the Missouri Pacific Railroad and marking the most northerly westerly corner of the said 142.096 acres;

THENCE, North 60deg 06' 45" East, along the southeasterly right of way line of the said Missouri Pacific Railroad, a distance of 1,514.91 feet, to a point located in the current city limit line of the City of Schertz, Texas;

THENCE, along the northeasterly line of the said 142.096 acres, same being the current city limit line of the City of Schertz, Texas, the following courses:

South 30deg 28' 21" East, a distance of 1,132.16 feet, to a found ½ inch iron rod; South 30deg 16' 16" East, a distance of 1,619.85 feet, to the **POINT OF BEGINNING** and containing 141.494 acres of land. more or less.

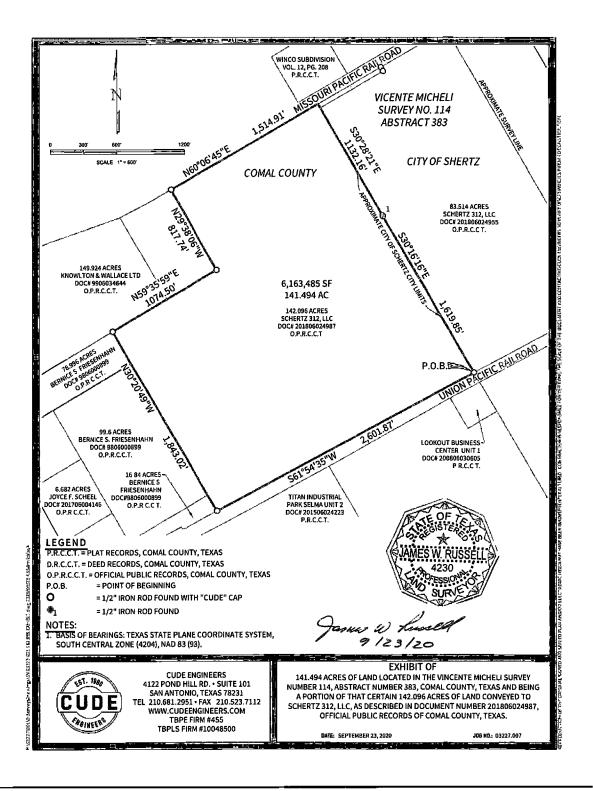
Basis of bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

This document was prepared under 22 TAC 663.21, 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.

James W forsell 9/23/20 James W. Russell Registered Professional Land Surveyor No. 4230 Cude Engineers 4122 Pond Hill Road, Suite 101 San Antonio, Texas 78231 TBPELS Firm No. 10048500 TBPE Firm No. 455 Job No. 03227-007

SAN ANTONIO | AUSTIN

4122 POND HILL ROAD, STE 101 SAN ANTONIO, TEXAS 78231 PHONE: (210) 681-2951 CUDEENGINEERS.COM TBPE NO. 455 TBPLS NO 10048500



## CITY OF SCHERTZ, TEXAS

## ANNEXATION SERVICE PLAN

#### AREA ANNEXED

An approximately 142-acre tract of land, located in the Vincente Micheli Survey Number 114, Abstract Number 383, Comal County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comal County, Texas; generally located 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas; Property ID: 77739

See Exhibit A, "Metes and Bounds Description", attached hereto for a complete description of the property.

#### INTRODUCTION

This service plan has been prepared in accordance with Local Government Code Section 43.056. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city at the following levels and in accordance with the following schedule:

#### POLICE PROTECTION

Patrolling, responses to calls, and other police services will be provided on the effective date of the annexation at the same level as provided throughout the city.

## FIRE PROTECTION AND FIRE PREVENTION

Fire protection and fire prevention services will be provided on the effective date of the annexation at the same level as provided throughout the city.

#### EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

## SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city. However, no obligation exists for the city to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider.

## OPERATION AND MAINTENANCE OF WATER AND WASTEWATER FACILITIES THAT ARE NOT WITHIN THE SERVICE AREA OF ANOTHER WATER OR WASTEWATER UTILITY

Operation and maintenance of water and wastewater facilities that are not within the service area of another water or wastewater utility will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

Development within the annexed property will pay a fee equal to the sewer capital recovery fee that would be assessed and collected per CHAPTER 90, Article V WATER AND WASTEWATER CAPITAL RECOVER FEES and as amended, as if the property was in the established service area City of Schertz.

## **OPERATION AND MAINTENANCE OF ROADS AND STREETS**

Operation and maintenance of roads and streets will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

#### STREET LIGHTING

Street lighting will be made available on the effective date of the annexation on the same basis and at the same level in comparable areas as provided throughout the city.

## OPERATION AND MAINTENANCE OF PUBLIC PARKS AND OTHER PUBLICLY OWNED FACILITIES

If any public park, playground, swimming pool, or any other publicly owned facility, building or service is located within the annexed area, it will be maintained on the effective date of the annexation on the same basis and at the same level as similar facilities are maintained throughout the city.

#### **OTHER SERVICES**

Other services that may be provided by the city such as planning, code enforcement, animal control, library, park and recreation, court, and general administration will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

#### CAPITAL IMPROVEMENTS

The city will make available to the annexed area any necessary water, sewer, street, and drainage facilities within two and one-half (2-1/2) years of the effective date of the annexation unless the construction of the necessary facilities is interrupted by circumstances beyond the control of the city, or unless this period is extended by an arbitration decision. No impact fees will be charged to any developer or landowner within the annexed area except in conformity with Local Government Code Ch. 395. Construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

## UNIFORM LEVEL OF SERVICES MAY NOT BE REQUIRED

Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

## **TERM**

This service plan shall be valid for a term of ten (10) years. Notwithstanding the foregoing, city's obligation to provide services as set forth herein shall survive expiration of this service plan

#### AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Local Government Code Section 43.0561.

## AGREEMENT

I desire to enter into this written agreement for municipal services with the City of Schertz pursuant to Section 43.0672 of the Local Government Code. I certify that I was offered a development agreement pursuant to Section 43.016 of the Local Government Code and still requested annexation. I certify that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

#### OWNER(S): (add additional signature lines for each owner)

Signature: 1375-		Print Name: <u>Ben F. Spencer</u>
NOTARY ACKNOWLEDGEMENT STATE OF NEW MEXICO	9 9	

**BEFORE ME,** the undersigned authority, on this day personally appeared Ben F. Spencer, as manager of Titan Lone Star, LLC, as manager of Schertz 312 Management, LLC, as manager of Schertz 312, LLC, owner of the annexed property, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this 26th day of January, 2021.

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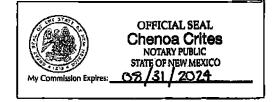
(SEAL)

I MAAL

NOTARY PUBLIC in and for the STATE OF TEXAS

CHENOA CRITES

Printed Name My commission expires: <u>08/31/2024</u>



COUNTY OF BERNALILLO

ATTEST:

SIGNED:

City Secretary

City Manager

Exhibit A

Metes and Bounds Description

**APPROXIMATELY 142 ACRES** 



#### LEGAL DESCRIPTION 141.494 ACRES OF LAND

141.494 acres of land located in the Vincente Micheli Survey Number 114, Abstract Number 383, Comel County, Texas and being a portion of that certain 142.096 acres of land conveyed to Schertz 312, LLC, as described in Document Number 201806024987, Official Public Records of Comel County, Texas; said 141.494 acres being more particularly described as follows:

BEGINKING, at a found 1/2 inch iron rod located in the northwesterly right of way line of the Union Pacific Railroad and marking the most easterly comer of the said 142.096 acres;

THENCE, South 61deg 54' 35" West, along the northwesterly right of way line of the Union Pacific Railroad, a distance of 2,601.87 feet, to a found ½ inch iron rod with "CUOE" cap marking the most southerly comer of the said 142.096 acres;

THENCE, North 30deg 20' 49" West, leaving the northwesterly right of way line of the Union Pacific Railroad and along the southwesterly line of the said 142.096 acres, a distance of 1843.02 feet, to a found ½ inch iron rod with "CUDE" cap marking the most westerly comer of the said 142.096 acres;

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THENCE, North 60deg 06'45" East, along the southeasterly right of way line of the said Missouri Pacific Railroad, a distance of 1,514.91 feet, to a point located in the current city limit line of the City of Schentz, Texas;

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Basis of bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

This document was prepared under 22 TAC 663.21, 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.

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James W. Russell Registered Professional Land Surveyer No. 4230 Cude Engineers 4122 Pond Hill Road, Suite IO1 San Antuelo, Texes T&731 TBPELS Rim No. 10046500 TBPE Firm No. 455 Jab No. 62227-007



CUDE ENGINEERS

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4122 POND HILL ROAD, STE 101 SAN ANTONIO, TEXAS 76231 PHONE: (210)681-2951 CUDEENGINEERS.COM TBPE NO. 455 TBPLS NO. 10048500



1400 SCHERTZ PARKWAY **SCHERTZ, TEXAS 78154-1634** (210) 619-1030 FAX (210) 619-1039 bdennis@schertz.com

## Affidavit of Custodian of Records for the City of Schertz

I, the undersigned am the City Secretary of the City of Schertz. I am a custodian of records for the City. In this capacity, I have personal knowledge of the accuracy of the matters stated herein.

Attached to this affidavit are true and correct copies of selected documents maintained in the City Secretary's Office of the City of Schertz that relate to Annexation Ordinance 21-A-04

Brenda Dennis, City Secretary

Chorny 3,5

Acknowledged on this  $3^{\circ}$  day of February 2021.

petra a. Siminar

Notary State of Texas

28,2022 Expiration





Brenda Dennis, TRMC-MMC City Secretary

February 3, 2021

## BY CERTIFIED MAIL - 7011 1570 0002 6858 6885

Comal County Attn: Cynthia Jaqua 178 E. Mill Street., Suite 100 New Braunfels, TX 78130

Re: City of Schertz Annexation of Property

Dear Cynthia,

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexation the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of Ordinance 21-A-04 is enclosed. A map detailing the added territory is attached to the respected Ordinance.

If you have any questions regarding this annexation, please do not hesitate to contact me.

Very truly yours

Brenda Dennis



1400 SCHERTZ PARKWAY SCHERTZ, TEXAS 78154-1634 (210) 619-1030 FAX (210) 619-1039 bdennis@schertz.com

Brenda Dennis, TRMC, MMC City Secretary

February 3, 2021

BY CERTIFIED MAIL 7011 1570 0002 6858 6892

Honorable Ruth R. Hughs Texas Secretary of State 1019 Brazos Street Austin, Texas 78701

Re: City of Schertz Annexations of Property

Dear Honorable Hughs:

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexations the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of ordinances 21-A-04 are enclosed. Maps detailing the added territories are attached to the respected ordinances.

If you have any questions regarding these annexations, please do not hesitate to contact me.

Very truly yours,

Brenda Dennis



Brenda Dennis, TRMC-MMC City Secretary

February 3, 2021

## BY CERTIFIED MAIL - 7019 0700 0000 0371 2016

Honorable Kristen H. Hoyt Tax Accessor-Collector 205 N. Seguin Avenue New Braunfels Texas 78130

Re: City of Schertz Annexation of Property

Dear Honorable Kristen Hoyt,

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexation the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

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If you have any questions regarding this annexation, please do not hesitate to contact me.

Very truly yours.

Brenda Dennis



Brenda Dennis, TRMC-MMC City Secretary

I

February 3, 2021

## BY CERTIFIED MAIL - 7011 1570 0002 6858 6908

Glenn Hegar Texas Comptroller of Public Accounts 111 East 17<sup>th</sup> Street Lyndon B. Johnson State Office Building Austin Texas 78774

Dear Sir or Madam,

Pursuant to Section 41.0015 of the Texas Local Government Code, as amended, the City of Schertz hereby notifies your office of the following annexation the City completed, in order to ensure that the City will receive any sales taxes generated in the newly annexed areas.

Certified copies of Ordinance 21-A-04 is enclosed. A map detailing the added territory is attached to the respected Ordinance.

If you have any questions regarding this annexation, please do not hesitate to contact me.

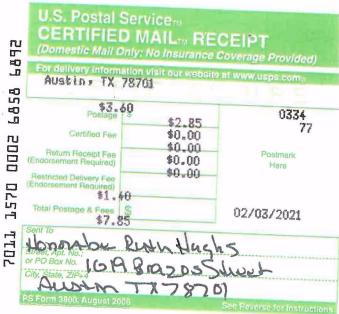
Very truly yours,

**Brenda** Dennis









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or call 1-800-410-7420.

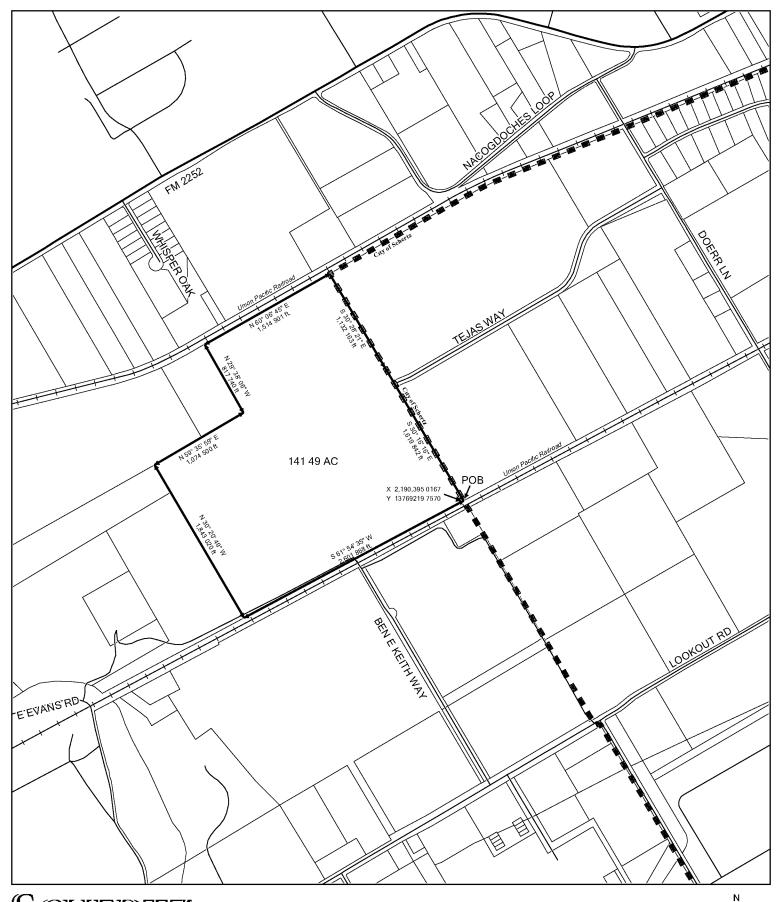
UFN: 488150-0334

Receipt #: 840-57800218-2-4661316-2 Clerk: 77

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Tracking #: 701115700 Return Receipt	000268	586885	\$2.85
Tracking #: 9590 952: Total	1 0615	0257 43	• - · ·
First-Class Mail@ Large Envelope	1		\$1.40
Austin, TX 7870: Weight: 0 lb 2.80 Estimated Deliver Sat 02/06/203	D oz ry Date	e	
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**EXHIBIT A** 

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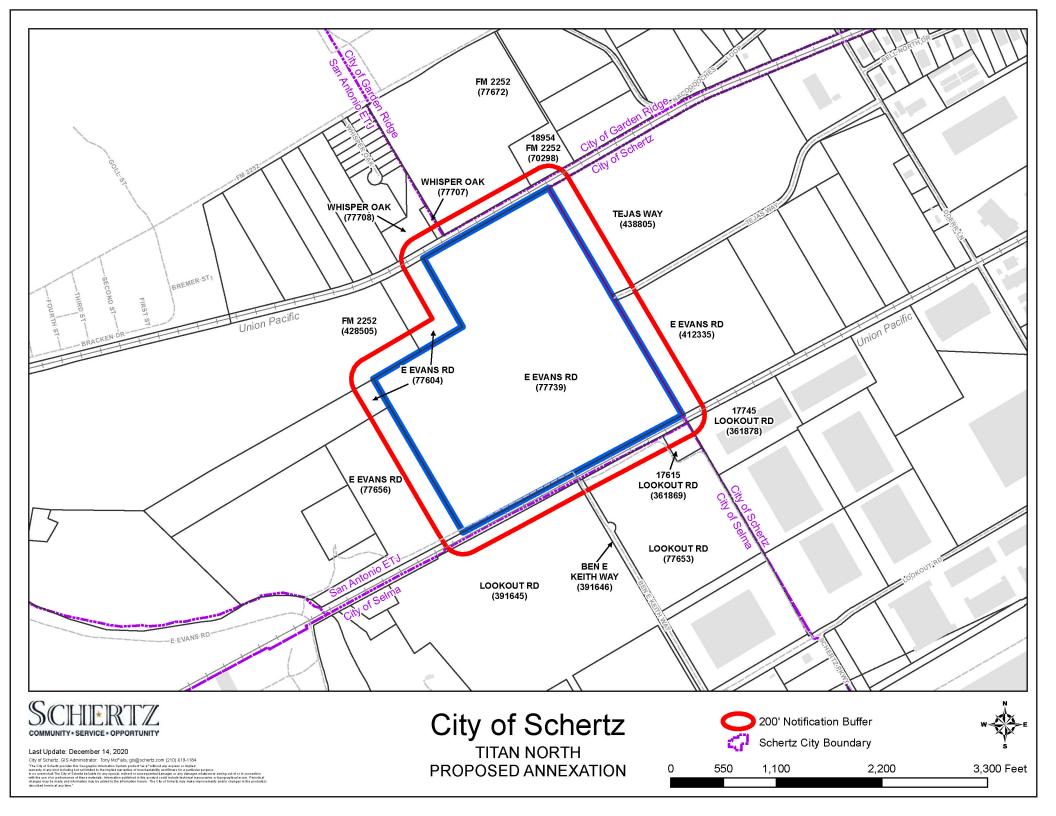
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# SCHIERRIZ COMMUNITY \* SERVICE \* OPPORTUNITY

Last Update September 16, 2020

City of Schertz, GIS Administrator Tony McFalls, gis@schertz com (210) 619-1184 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Parcel ID	Owner	Mailing Address	
70298	MAVERICK OF TEXAS CONSTRUCTION INC	18954 FM 2252, SAN ANTONIO TX 78266-2703	
77604	SCHEEL REVOCABLE TRUST	POAE DINIDSEIL INI SANI ANITONIO TY 78266 2107	
77656	SCHEEL REVOCABLE TRUST	8045 BINDSEIL LN, SAN ANTONIO TX 78266-2107	
77653	TITAN SELMA INDUSTRIAL LLC		
77739		6300 RIVERSIDE PLAZA LN NW STE 200, ALBUQUERQUE NM 87120- 2617	
412335	SCHERTZ 312 LLC		
438805			
77672	CAVERN RIDGE LLC	20525 FM 3009, SAN ANTONIO TX 78266-2529	
77707		8165 WHISPER OAK, SAN ANTONIO TX 78266-4411	
77708	JADE REAL PROPERTIES LLC		
361869		9375 CORPORATE DR, SELMA TX 78154-1250	
391646	SELMA CITY OF		
361878	DG INDUSTRIAL PORTFOLIO II PROPERTY OWNER LP	17304 PRESTON RD STE 550, DALLAS TX 75252-5625	
391645	BEN E KEITH COMPANY	PO BOX 2628, FORT WORTH TX 76113-2628	
428505	JARCO HOLDINGS LP	22592 STATE HIGHWAY 16 S, VON ORMY TX 78073-5380	

