

# City of Alvin, Texas

Paul Horn, Mayor

Glenn Starkey, Mayor Pro-tem, District D  
Brad Richards, At Large Pos. 1  
Joel Castro, At Large Pos. 2  
Martin Vela, District A



Adam Arendell, District B  
Keith Thompson, District C  
Gabe Adame, District E

---

## ALVIN CITY COUNCIL AGENDA

**THURSDAY, JANUARY 9, 2020**

**7:00 P.M.**

(Council Chambers)

**Alvin City Hall, 216 West Sealy, Alvin, Texas 77511**

*Persons with disabilities who plan to attend this meeting that will require special services please contact the City Secretary's Office at 281-388-4255 or [droberts@cityofalvin.com](mailto:droberts@cityofalvin.com) 48 hours prior to the meeting time. City Hall is wheel chair accessible and a sloped curb entry is available at the front east entrance to City Hall.*

---

NOTICE is hereby given of a Special Called Meeting of the City Council of the City of Alvin, Texas, to be held on **THURSDAY, JANUARY 9, 2020**, at 7:00 p.m. in the Council Chambers at: City Hall, 216 W. Sealy, Alvin, Texas.

### SPECIAL MEETING AGENDA

#### 1. CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. OTHER BUSINESS

- A. Consider Ordinance 20-A, annexing 5.058 acres of land, more or less, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date.

#### 4. ADJOURNMENT

---

I hereby certify that a copy of this notice was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website: [www.alvin-tx.gov](http://www.alvin-tx.gov), in compliance with Chapter 551, Texas Government Code, on MONDAY, JANUARY 6, 2020 at 5:00 P.M.



  
\_\_\_\_\_  
Dixie Roberts, City Secretary

Removal Date: \_\_\_\_\_

**\*\* All meetings of the City Council are open to the public, except when there is a necessity to meet in Executive Session (closed to the public) under the provisions of Chapter 551, Texas Government Code. The Council reserves the right to convene into executive session on any of the above posted agenda items that qualify for an executive session by publicly announcing the applicable section of the Open Meetings Act, including but not limited to sections 551.071 (litigation and certain consultation with the attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations), or 551.087 (qualifying economic development negotiations).**



# AGENDA COMMENTARY

**Meeting Date:** 1/9/2020

**Department:** City Attorney

**Contact:** Suzanne L. Hanneman, City Attorney

**Agenda Item:** Consider Ordinance 20-A, annexing 5.058 acres of land, more or less, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date.

**Type of Item:** Ordinance Resolution Contract/Agreement Public Hearing Plat Discussion & Direction Other

**Summary:** On October 31, 2019, Blake and Kelley Lacy petitioned the City to annex approximately 5.058 acres of land located at 3513 County Road 161, for the purpose of developing the tract by constructing a multi-purpose business park. Council authorized the commencement of annexation proceedings on November 7, 2019, in Resolution 19-R-40.

Public hearings were held on December 5, 2019, and December 19, 2019. There were no comments made at either public hearing. This ordinance, upon passage, will finalize the annexation.

Staff recommends approval of Ordinance 20-A.

**Funding Expected:** Revenue  Expenditure  N/A  **Budgeted Item:** Yes  No  N/A

**Funding Account:** \_\_\_\_\_ **Amount:** \_\_\_\_\_ **1295 Form Required?** Yes  No

**Legal Review Required:** N/A  Required  **Date Completed:** 1/6/2020 SLH

**Supporting documents attached:** Ordinance 20-A

**Recommendation:** Move to approve Ordinance 20-A, annexing 5.058 acres out of land, more or less, into the corporate limits of the City; approving a service plan for the annexed area; making findings of fact; providing a severability clause; and providing an effective date.

Reviewed by Department Head, if applicable

Reviewed by City Attorney, if applicable

Reviewed by Chief Financial Officer, if applicable

Reviewed by City Manager

## **ORDINANCE 20-A**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, ANNEXING 5.058 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alvin, Texas (the “City”), is a home-rule municipality authorized by State law and Charter to annex territory lying adjacent and contiguous to the City;

**WHEREAS**, on October 31, 2019, the City received a request and petition for annexation from Blake and Kelley Lacy, the owners of the property, as hereinafter described, in compliance with the Texas Local Government Code and Section 5 of Article I of the City Charter;

**WHEREAS**, the property, as hereinafter described, is adjacent to the present City limits;

**WHEREAS**, the City Council authorized the commencement of annexation proceedings with respect to the subject property described in Exhibit A on November 7, 2019, in Resolution 19-R-40;

**WHEREAS**, two (2) separate public hearings, publications and notices were provided prior to consideration of this Ordinance, in accordance with the Texas Local Government Code;

**WHEREAS**, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit “B;”

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:**

**Section 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** That the following described property not previously annexed by the City, (hereinafter referred to as the “Annexed Property”), is hereby annexed into the corporate limits of the City of Alvin:

A tract containing 5.058 acres out of lot number twenty-nine (29) of the Willdford and Arnim Subdivision of Section 10 H.T.& B.R.R. Survey, Abstract 478, Brazoria County, Texas, and being more fully described in Exhibit “A,” attached hereto and incorporated herein for all purposes. Along with that certain portion of County Road 161 (right-of-way 60 feet in width) recorded in volume 1069 page 371 of the Brazoria County Deed Records adjoining said 4.678-acre tract being more particularly shown in Exhibit “A,” attached hereto and incorporated herein for all purposes.

**Section 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “B.”

**Section 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “B,” and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**Section 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Alvin.

**Section 6.** That the Annexed Property shall be assigned to Council District C.

**Section 7.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 8.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**Section 9.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED and APPROVED** on the \_\_\_\_ day of January 2020.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary

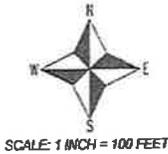
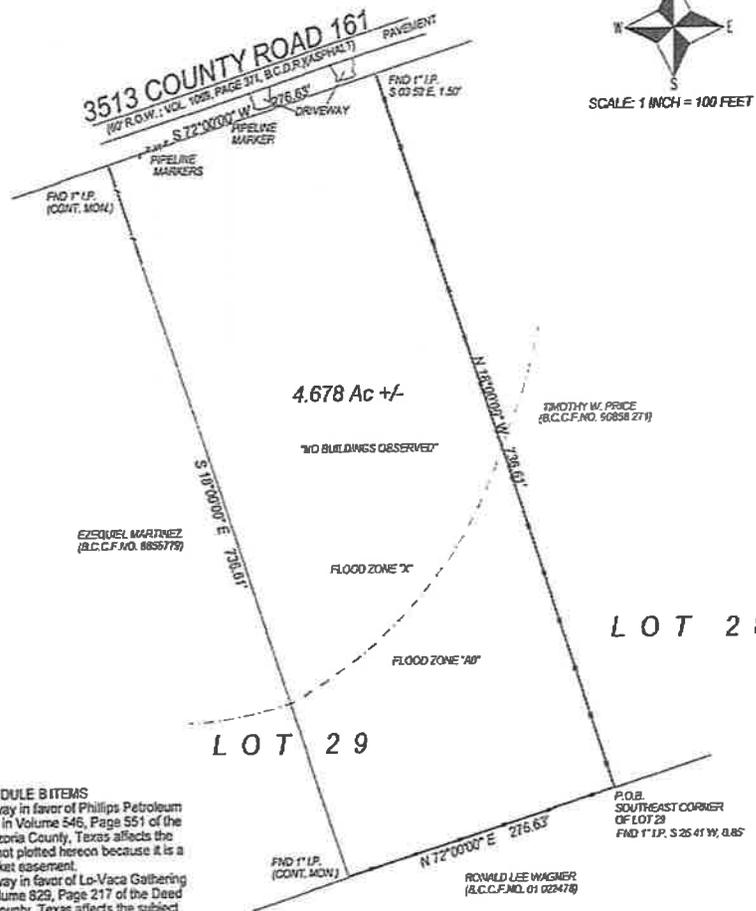
**EXHIBIT "A"**

**Petition for Annexation with  
Description of Property**



# Exhibit A - Prop. Lacy Annexation





ALTA/NSPS LAND TITLE SURVEY  
 A TRACT CONTAINING 4.678 ACRES OUT OF LOT NUMBER TWENTY-NINE  
 (29) OF THE WILLDFORD AND ARNIM SUBDIVISION OF SECTION 10, N. T. &  
 B. R. R. CO. SURVEY, ABSTRACT 478, BRAZORIA COUNTY, TEXAS, AND  
 BEING MORE FULLY DESCRIBED BY METES AND BOUNDS ON ATTACHED  
 EXHIBIT "A".

To: Extra Cheeddar LLC and Alamo Title Co., exclusively:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The fieldwork was completed on June 15, 2018.

Christopher Trusty  
 RPLS No. 5247  
 Land Survey Co., LLC  
 Firm Reg. No. 10045708  
 281-338-4008

Notes:  
 Basis of bearings is the right of way of County Road 161, as described on a monumented.

According to FIRM Community Panel No. 48039CD165H, dated 6/05/09, this property lies in Flood Zones "X" and "A0". Surveyor makes no representation as to whether or not this property may flood.

Division line between Flood Zone "A0" and "X" as shown hereon is scaled from the FEMA FIRM and therefore is in an approximate location only. No field surveying was performed to determine elevation of this tract.

Property subject to blanket pipeline right of way in favor of Phillips Petroleum Co. as described in Vol. 546, Page 551, and Lo-Vaca Gathering Company as described in Vol. 829, Page 217, both of the Deed Records of Brazoria County, Texas.

Survey performed in connection with the transaction described in G.F. No. ATCH-80F-ATCH18079941MA of Alamo Title Co. upon which surveyor relied for all matters affecting the subject property.

- SCHEDULE B ITEMS**
- 10 f.) Pipeline right of way in favor of Phillips Petroleum Company as described in Volume 546, Page 551 of the Deed Records of Brazoria County, Texas affects the subject property but is not plotted hereon because it is a blanket easement.
  - 10 g.) Pipeline right of way in favor of Lo-Vaca Gathering Co. as described in Volume 829, Page 217 of the Deed Records of Brazoria County, Texas affects the subject property but is not plotted hereon because it is a blanket easement.
  - 10 h.) Road right of way in favor of Brazoria County as described in Volume 1069, Page 371, Brazoria County Deed Records is plotted hereon and refers to the right of way of County Road 161.

EXHIBIT "A"

TRACT OF LAND CONTAINING 4.678 ACRES OUT OF LOT TWENTY-NINE (29) OF THE WILLDFORD AND ARNIM SUBDIVISION OF SECTION 10, HT & BRR SURVEY, ABSTRACT 478, BRAZORIA COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

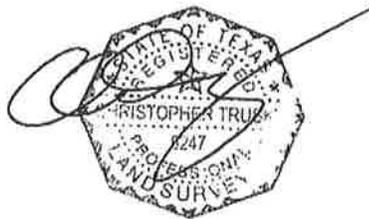
BEGINNING at the Southeast corner of said Lot No. 29, from which a found 1 Inch Iron pipe bears South 26 deg. 41 min. West, a distance of 0.85 feet;

THENCE North 18 deg. 00 m n. 00 sec. West, 736.61 feet along the Easterly boundary line of said Lot 29 to a point for corner, from which a found 1 inch Iron pipe bears South 03 deg. 52 min. East, a distance of 1.50 feet;

THENCE South 72 deg. 00 m n. 00 sec. West, 276.63 feet along the right of way of County Road 161 to a 1 Inch iron pipe found for corner;

THENCE South 18 deg. 00 m n. 00 sec. East, a distance of 736.61 feet to a 1 inch iron pipe found for corner;

THENCE North 72 deg. 00 m n. 00 sec. East, 276.63 feet along the Southerly boundary line of said Lot 29 to the PLACE OF BEGINNING, containing 4.678 acres of land, more or less.



**EXHIBIT “B”**

**Municipal Service Plan**

**Exhibit “B”**

**MUNICIPAL SERVICES PLAN  
FOR PROPERTY TO BE  
ANNEXED INTO THE CITY OF ALVIN**

**WHEREAS**, the City of Alvin, Texas (the “City”) intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the “subject property”);

**WHEREAS**, Section 43.056 of the Texas Local Government Code, requires a service plan be adopted with the annexation ordinance;

**WHEREAS**, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

**WHEREAS**, infrastructure provided for herein and that are existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits, and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by Chapter 43 of the Texas Local Government Code to annex the subject property into the City;

**NOW, THEREFORE**, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD and the volunteer fire department.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in state law and duly adopted ordinances.

(2) **Scheduled Municipal Services.** Due to the location of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject property's owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject property, or applicable portions

thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject property's owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required in City ordinances. Upon acceptance of the wastewater lines within the subject property and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service.