

ORDINANCE NO. 22-PP

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, RELEASING LAND FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY; CONSENTING TO AN AGREEMENT CONCERNING THE EXTRATERRITORIAL JURISDICTION AND ITS RELEASE; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FINDINGS OF FACT; CONTAINING A SEVERANCE CLAUSE AND EFFECTIVE DATE; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Section 42.023 of the Texas Local Government Code authorizes the governing body of a municipality to reduce its extraterritorial jurisdiction (“ETJ”) by ordinance or resolution; and

WHEREAS, the City Council of the City of Alvin desires to release a portion of land from its extraterritorial jurisdiction that is further described in Exhibit A and reflected on Exhibit B, both attached hereto and incorporated herein for all purposes (the “Land”); and

WHEREAS, the City Council of the City of Alvin believes it is in the best interest of the City to release the Land from its ETJ;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Release. The City hereby releases for all purposes the Land from its extraterritorial jurisdiction.

Section 3. This Ordinance shall not be construed to in any way alter, modify, or revise the ETJ of any municipality other than the City of Alvin. Any portion of Alvin’s ETJ that becomes non-contiguous to the corporate boundaries or ETJ of the City of Alvin as a result of the release of ETJ pursuant to this Ordinance shall be deemed to have been hereby released by the City of Alvin.

Section 4. The official map and boundaries of the City of Alvin are hereby amended and revised so as to release solely the portion of its ETJ that is described in Exhibit A and reflected on Exhibit B.

Section 5. The City hereby agrees to the Agreement for ETJ Release attached hereto as Exhibit B and incorporated herein in full (the “Agreement”). The Mayor and the City Secretary are hereby authorized to execute said Agreement. All statements in said Agreement are hereby found to be true and valid. The Land, as defined in said Agreement and this Ordinance, is hereby excluded and released from the extraterritorial jurisdiction of the City of Alvin.

Section 6. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 7. Open Meetings. 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 this 4th day of August 2022.

CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

EXHIBIT A

LEGAL DESCRIPTION

BEING A 159.3127 ACRE TRACT OF LAND OUT LOTS 53, 54, 55, 56, 57, 58, 59, 60, 61 AND 62 OF THE ALLISON RICHEY SUBDIVISION IN THE EAST END OF THE D. TALLY LEAGUE, ABSTRACT 130, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2, PAGE 126 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS; (BEARINGS BASED ON GPS OBSERVATION, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL, NAD83);

COMMENCING AT A 5/8 INCH CAPPED IRON ROD STAMPED SOUTH TEXAS SURVEYING SET AT THE SOUTHWEST CORNER OF LOT 51, OF THE ALLISON RICHEY SUBDIVISION, SAME BEING THE SOUTHEAST CORNER OF A CALLED 107.60 ACRE TRACT OF LAND RECORDED UNDER BRAZORIA COUNTY CLERK'S NO. 93-046808;

THENCE NORTH 87 DEGREES 47 MINUTES 12 SECONDS EAST, ALONG THE SOUTH LINE OF LOTS 51, 52 AND A PORTION OF LOT 53, A DISTANCE OF 2,242.15 FEET TO A POINT FOR THE SOUTHWEST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 62 DEGREES 03 MINUTES 19 SECONDS EAST, ACROSS SAID LOT 53, A DISTANCE OF 6.87 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE RIGHT OF THE HEREIN DESCRIBED TRACT;

THENCE IN A NORTHEASTERLY DIRECTION ACROSS LOTS 53, 54, 55, 56, 57 AND 58 ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 10,574.33 FEET, A CENTRAL ANGLE OF 25 DEGREES 00 MINUTES 44 SECONDS, A CHORD BEARING AND DISTANCE OF NORTH 75 DEGREES 01 MINUTES 33 SECONDS EAST, 4,579.59 FEET AND AN ARC LENGTH OF 4616.15 FEET TO A POINT IN THE NORTH LINE OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87 DEGREES 36 MINUTES 17 SECONDS EAST, ACROSS LOTS 58, 59, 60, 61 AND 62, A DISTANCE OF 3,819.78 FEET TO A POINT IN THE EAST LINE OF LOT 62, SAME BEING THE EAST LINE OF THE DAVID TALLEY LEAGUE, ABSTRACT NO. 130, SAME BEING THE WEST LINE OF THE H.T. & B. R.R. CO. SURVEY, ABSTRACT NO. 235 AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02 DEGREES 19 MINUTES 35 SECONDS EAST, ALONG THE EAST LINE OF LOT 62, SAME BEING THE COMMON LINE OF THE DAVID TALLEY LEAGUE, ABSTRACT NO. 130, AND THE H.T. & B. R.R. CO. SURVEY, ABSTRACT NO. 235, A DISTANCE OF 1026.67 FEET TO A POINT FOR THE SOUTHEAST CORNER OF LOT 62, ALSO BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 87 DEGREES 47 MINUTES 12 SECONDS WEST, ALONG THE SOUTH LINE OF LOTS 62 THROUGH 51 A DISTANCE OF 8,294.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 159.3127 ACRES (6,939,663 SQUARE FEET) OF LAND, MORE OR LESS.

LEGAL DESCRIPTION

BEING A 8.3292 ACRE TRACT OF LAND OUT OF A CALLED 7.928 ACRE TEXAS FIREARMS TRACT DESCRIBED IN DEED RECORDED IN CLERKS FILE NO. 1991030411, VOLUME 91957, PAGE 406, SITUATED IN THE WEST END OF THE H.T. & B. R.R. COMPANY SURVEY, ABSTRACT 235, BRAZORIA COUNTY, TEXAS; (BEARINGS BASED ON GPS OBSERVATION, TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL, NAD83);

BEGINNING AT A POINT AT THE SOUTHEAST CORNER OF SAID 7.928 ACRE TRACT, BEING IN THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 288 AND BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 87 DEGREES 47 MINUTES 12 SECONDS WEST, ALONG THE SOUTH LINE OF SAID CALLED 7.928 ACRE TRACT, A DISTANCE OF 352.68 FEET TO A POINT IN THE WEST LINE OF SAID H.T. & B. R.R. COMPANY SURVEY, SAME BEING THE EAST LINE OF THE DAVIS TALLEY LEAGUE, ABSTRACT NO. 130, BEING IN A ROADWAY FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 02 DEGREES 19 MINUTES 35 SECONDS WEST, ALONG THE COMMON SURVEY LINE, A DISTANCE OF 1026.67 FEET TO A POINT AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE IN A NORTHEASTERLY DIRECTION ACROSS SAID 7.928 ACRE TRACT ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 11,552.20 FEET, A CENTRAL ANGLE OF 01 DEGREES 44 MINUTES 57 SECONDS, A CHORD BEARING AND DISTANCE OF NORTH 87 DEGREES 04 MINUTES 45 SECONDS EAST, 352.64 FEET AND AN ARC LENGTH OF 352.65 FEET TO A POINT IN THE EAST LINE OF SAID 7.928 ACRE TRACT, SAME BEING THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 288 AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02 DEGREES 19 MINUTES 35 SECONDS EAST, ALONG THE EAST LINE OF SAID 7.928 ACRE TRACT, SAME BEING THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 288, A DISTANCE OF 1030.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.3292 ACRES (362,821 SQUARE FEET) OF LAND, MORE OR LESS.

