

ORDINANCE NO. 19-Z

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, ANNEXING 3.97 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, FOR LENAMON GROVE ADDITION, LOCATED ALONG STATE HIGHWAY 35 AND MOORE ROAD; 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 August 27, 2019, the City received a request and petition for annexation from DGOGAlvintx10252018, LLC., the owner 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 territory, as hereinafter described, is adjacent to the present City limits;

WHEREAS, the City Council authorized the commencement of annexation procedures with respect to the subject property described in Exhibit A on September 5, 2019, in Resolution 19-R-35;

WHEREAS, the 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 3.97 acre tract of land, being situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOGAlvintx10252018, LLC., as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-f-way) adjoining said 3.36 acre tract being more particularly shown and described in the 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 B.

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 4th day of November 2019.

THE CITY OF ALVIN, TEXAS

By: _____

Paul A. Horn, Mayor

ATTEST

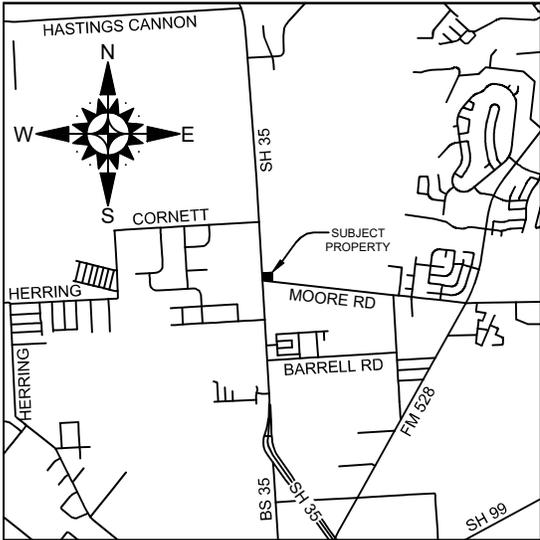
By: _____

Dixie Roberts, City Secretary

EXHIBIT "A"

Description of Property

A 3.97 acre tract of land, being situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOGAlvintx10252018, LLC., as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-f-way) adjoining said 3.36 acre tract and being more fully described in the attached.



VICINITY MAP
(1" = 1.3 MILES)

STATE HIGHWAY 35
(APPARENT 100' R.O.W.)

N 03°14'03" W 532.49'

FOUND 2-1/2" IRON PIPE

91.50'

POINT OF BEGINNING

Y = 13,739,152.24'
X = 3,162,785.90'

MOORE ROAD
(VARIABLE WIDTH R.O.W.)

N 83°49'51" W 307.21'

CALLED 1.0 ACRES
CHARLES M. JACKSON, JR.
DOC. NO. 1994009467
O.P.R.B.C.T.

FOUND 1" IRON PIPE

S 87°32'14" E 332.79'

CALLED 0.8222 ACRES
CHARLENE ELKINS
DOC. NO. 1993006439
O.P.R.B.C.T.

108.22'

FOUND 1" IRON PIPE

S 01°21'32" E 171.33'

CALLED 2.8757 ACRES
JEROMIE A. ISBELL AND
AUTUMN N. CATES
DOC. NO. 2018024716
O.P.R.B.C.T.

298.64'

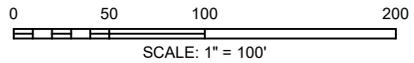
S 00°09'39" W 379.08'

3.97 ACRES
(173,026 SQ. FT.)

CALLED 3.36 ACRES
DGOALVINTX10252018, LLC
DOC. NO. 2019034970
O.P.R.B.C.T.

LEGEND

- ⊙ SET 5/8" IRON ROD WITH CAP STAMPED "FRONTIER 10082900"
- ⦿ FOUND 5/8" IRON ROD
- FOUND IRON PIPE



The undersigned hereby certifies that an on the ground survey was conducted under my direction and supervision that meets the minimum requirements set forth by the Texas Board of Professional Land Surveying.

NOTES

1. Coordinates and bearings are based on NAD83 (2011), Texas South Central Zone. All distances are U.S. Survey Feet (grid).

ANNEXATION EXHIBIT

BEING a 3.97 acre tract of land situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOALVINTX10252018, LLC, as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-of-way) adjoining said called 3.36 acre tract

FRONTIER
SURVEYING COMPANY
WWW.FRONTIERSURVEYING.COM
710 BUFFALO ST., SUITE 700
CORPUS CHRISTI, TEXAS 78401
TBPLS FIRM NO. 10082900
PHONE: (361) 881 - 8044

Registered Professional Land Surveyor
Allen W. Kerley, R.P.L.S. No. 5427

Job Number:	1810014	Scale:	1" = 100'
Field Date:	6/27/2019	Checked by:	AWK
Field Tech(s):	NL	Office Tech(s):	CMB
Drawing Date:	8/7/2019	Revision:	

3.97 Acres

Metes and Bounds Description

BEING a 3.97 acre tract of land situated in the Hennell Stevens Survey, Abstract No. 595, Brazoria County, Texas, being all that certain called 3.36 acre tract of land described in deed to DGOGAlvintx10252018, LLC, as recorded in Document No. 2019034970, Official Public Records of Brazoria County, Texas (O.P.R.B.C.T.), and that certain portion of Moore Road (a variable width right-of-way) adjoining said called 3.36 acre tract, and being more particularly described by metes and bounds as follows:

BEGINNING at a point (Y = 13,739,152.24', X = 3,162,785.90') at the intersection of the south line of said Moore Road and the east line of State Highway 35 (an apparent 100-foot wide right-of-way);

THENCE North 03°14'03" West, along said east line, passing at a distance of 91.50 feet a 2.5-inch iron pipe found marking the southwest corner of said called 3.36 acre tract, and continuing a total distance of 532.49 to a 1.5-inch iron pipe found marking the common west corner of said called 3.36 acre tract and that certain called 1.0 acre tract of land described in deed to Charles M. Jackson, Jr., as recorded in Document No. 1994009467, O.P.R.B.C.T.;

THENCE South 87°32'14" East, along the north line of said called 3.36 acre, passing at a distance of 224.57 feet a 1-inch iron pipe found marking the common south corner of said called 1.0 acre tract and that certain called 0.8222 acre tract of land described in deed to Charlene Elkins, as recorded in Document No. 1993006439, O.P.R.B.C.T., and continuing a total distance of 332.79 feet to a 1-inch iron pipe found marking the common north corner of said called 3.36 acre tract and that certain called 2.8757 acre tract of land described in deed to Jeromie A. Isbell and Autumn N. Cates, as recorded in Document No. 2018024716, O.P.R.B.C.T.;

THENCE South 01°21'32" East, along the common line of said called 3.36 acre and 2.8757 acre tracts, a distance of 171.33 feet to a 5/8-inch iron rod found;

THENCE South 00°09'39" West, continuing along said common line, passing at a distance of 298.64 feet the southwest corner of said called 2.8757 acre tract, and continuing a total distance of 379.08 feet to a point on the aforesaid south line of Moore Road;

THENCE North 83°49'51" West, along said south line, a distance of 307.21 feet to the POINT OF BEGINNING and containing 3.97 acres (173,026 square feet) of land.

Coordinates and bearings are based on NAD83 (2011), Texas South Central Zone.
All distances are U.S. Survey Feet (grid).

Prepared By:

Frontier Surveying Company
710 Buffalo Street, Suite 700
Corpus Christi, TX 78401
Texas Firm Registration No. 10082900



Registered Professional Land Surveyor
Allen W. Kerley, R.P.L.S. No. 5427



Prop. Annexation of the Lenamon Grove Addition

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.

(3) **Specifically Excluded Municipal Services.** Due to the location of the subject property, the following municipal services cannot be provided:

A. Waste water service.