

ORDINANCE 20-E

ORDINANCE OF THE CITY OF ALVIN, TEXAS, GRANTING CONSENT TO AND AUTHORIZING A REDUCTION IN THE CITY OF ALVIN'S EXTRATERRITORIAL JURISDICTION BY A TOTAL OF 5.161 ACRES OF LAND LOCATED ENTIRELY WITHIN MUNICIPAL UTILITY DISTRICT 44, IN BRAZORIA COUNTY, TEXAS; PROVIDING AN EFFECTIVE DATE; AND MAKING OTHER FINDINGS RELATED THERETO.

WHEREAS, on November 20, 2019, the City of Alvin, Texas (the "City"), received a Petition Requesting Release of Extraterritorial Jurisdiction filed by WB Pradera Oaks Land 1, LLC, a Texas Limited Liability Company, the owner of the 5.161 acres of land, more or less, to be released (the "Property"), and Brazoria County MUD No. 44 (the "District"), in which all of the Property lies (herein "Petitioners"). A copy of the Petition and all exhibits thereto is attached hereto and incorporated herein as Exhibit A (the "Petition"); and

WHEREAS, the Property is located in the City of Alvin's extraterritorial jurisdiction and wholly within the District; and

WHEREAS, the Petitioner plans to build, on behalf of the District, a storm water drainage detention pond on the Property; and

WHEREAS, it is hereby found that it is in the best interest of the City to release certain acres from the City's extraterritorial jurisdiction; and

WHEREAS, Section 42.023 of the Texas Local Government Code requires the written consent of the government body of the municipality prior to reducing the municipality's extraterritorial jurisdiction; and

WHEREAS, the City believes that it will be in the best interest of the City, Petitioner, and the District, and will benefit the Property and the City, as the Property will be used for drainage and detention purposes and be owned and operated by the District;

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

Section 1. The findings contained in the preamble of this Ordinance are declared to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The City Council of the City of Alvin, Texas, finds that it is in the best interest of the City for the Property to be used for drainage and detention purposes, owned and operated by the District.

Section 3. The City Council of the City of Alvin, Texas, hereby gives its written consent to the release of 5.161 acres of land, more or less, located in Brazoria County Municipal Utility District No. 44, as described in Exhibit A of the Petition, attached hereto.

Section 4. The City of Alvin, Texas, hereby reduces its extraterritorial jurisdiction by a total of 5.161 acres of land, more or less, located in Brazoria County Municipal Utility District No. 44 as described in Exhibit A of the Petition, attached hereto.

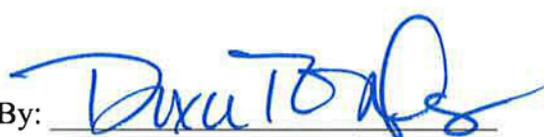
Section 5. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED on the first and final reading on the 20th day of February 2020.

CITY OF ALVIN, TEXAS

ATTEST:

By: 
Paul A. Horn, Mayor

By: 
Dixie Roberts, City Secretary

PETITION REQUESTING RELEASE OF EXTRA TERRITORIAL JURISDICTION

TO THE HONORABLE MAYOR AND ALDERMEN OF THE CITY OF ALVIN, TEXAS:

WB Pradera Oaks Land 1, LLC, a Texas Limited Liability Company (herein, "Petitioner"), the owner of all of the acres described in the exhibit attached hereto as **Exhibit A** and incorporated herein for all purposes (the "Land"), hereby petitions and requests the City of Alvin, Texas ("Alvin"), to reduce Alvin's extraterritorial jurisdiction ("ETJ") to exclude all of the Land, and would show the following:

I.

Petitioner is the owner of title to all of the Land, as shown by the tax rolls of Brazoria County, Texas. Petitioner is a tax-exempt entity under Texas law, and plans to build, on behalf of Brazoria County MUD No. 44 (the "District"), a storm water drainage detention pond on the Land. The remainder of the 243 acres of land in the District is in the ETJ of the Village of Bonney, Texas.

II.

The Land is included in the existing extraterritorial jurisdiction of Alvin and none of the Land is located within any other existing extraterritorial jurisdiction. The Petitioner and the District deem that all land in the District be in the City of the Village of Bonney ETJ.

III.

This Petition and request is made pursuant to the provisions of Section 42.023, Texas Local Government Code, whereby Petitioner is asking Alvin to reduce its ETJ by giving the consent of its governing body.

IV.

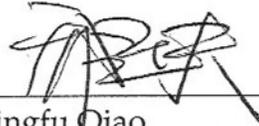
Petitioner believes that it will be in the best interests of Petitioner and Alvin, and will benefit the Land and Alvin, especially since the Land and use of the Land for drainage and detention purposes that will be armed and operated by the District improvements is exempt from any taxes levied by any governmental entity. The Land is located immediately adjacent to land currently in the ETJ of the City of Alvin, Texas and the Village of Bonney. The Land is currently without water, sanitary sewer and drainage services, but will be used for detention to serve land in Brazoria County Municipal Utility District No. 44 (the "District"). The District has available water, sanitary sewer and drainage facilities to serve the Land. Time is of the essence as

Petitioner is proceeding with plans to build drainage detention needed to meet the needs of Petitioner and the District.

WHEREFORE, Petitioner and the District pray that this petition be properly filed, and that it be heard by the governing body of Alvin and that the governing body of Alvin duly pass and adopt a resolution reducing Alvin ETJ to exclude all of the Land from its ETJ.

RESPECTFULLY EXECUTED this 11th day of October, 2019.

WB Pradera Oaks Land 1, LLC



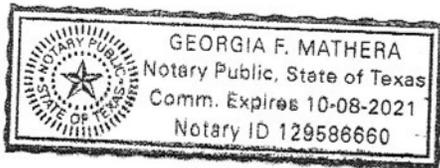
Tingfu Qiao
Manager & Chief Executive Officer

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 11th day of October, 2019, by Tingfu Qiao, manager and CEO, of WB PRADERA OAKS LAND 1 LLC, a Texas limited liability company, on behalf of said limited liability company.

(NOTARY SEAL)


Notary Public, State of Texas



BRAZORIA COUNTY MUNICIPAL UTILITY
DISTRICT NO. 44

By: *Joel Michael*
President, Board of Directors

ATTEST:

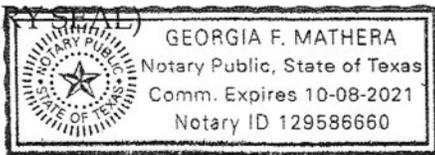
By: *Noel Barfoot* (SEAL)
Secretary, Board of Directors



THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 11 day of October, 2019, by Joel Michael, and Noel Barfoot, of the Board of Directors of BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 44, a political subdivision of the State of Texas, on behalf of said political subdivision.

(NOTARY SEAL)



Georgia F. Mathera
Notary Public, State of Texas

Attachment:

Exhibit A: Description of the Land

County: Brazoria
Project: Pradera Oaks
M.S.G. No.: 191248
Job Number: 3848-BV

FIELD NOTES FOR A 5.161 ACRE TRACT

Being a tract of land containing 5.161 acres (224,827 square feet), located within the Warren D.C. Hall League, Abstract Number (No.) 69, in Brazoria County, Texas; Said 5.161 acre tract being a portion of Lots 22 and 23 of Bogart and Taylor subdivision of the west 1/2 of said Warren D.C. Hall League, Abstract No. 69, a subdivision of record in Volume (Vol.) 1, Page (Pg.) 64, Brazoria County Plat Records (B.C.P.R.) and being a portion of Tract 1 (called 122.9334 acres) and Tracts 2, 3, 4, 5 and 6 (all five tracts being called 0.2008 acre) all being recorded in the name of WB Pradera Oaks Land 1 LLC in Brazoria County Clerk's File Number (B.C.C.F.) No. 2019031292; Said 5.161 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, per GPS observations):

BEGINNING at a 1/2-inch iron pipe with a cap stamped "RPLS 2506" found at the intersection of the westerly Right-of-Way (R.O.W.) line of Texas State Highway 288 (width varies, no record document found) and the northerly R.O.W. line of County Road 35 (unimproved, 95-feet wide as fenced and as per Vol. 50, Pages 102 and 104, Brazoria County Deed Records (B.C.D.R.), marking the southeast corner of said Tract 1 and the herein described tract;

Thence, with the line common to the northerly R.O.W. line of said County Road 35 and the southerly lines of said Tracts 1, 2, 3, 4, 5 and 6, South 86 degrees 53 minutes 56 seconds West, a distance of 632.41 feet passing a 5/8-inch iron rod with a cap stamped "Kalkomey" found at the southeast corner of said Tract 6, a distance of 907.42 feet passing a 1/2-inch iron pipe found (bears South 07 degrees 06 minutes West a distance of 0.6' feet) at the southwest corner of said Tract 2, continuing for a total distance of 1,199.30 feet to the beginning of a curve to the left, being on the southerly line of said Tract 1, for the intersection of the northerly R.O.W. line of said County Road 35 and the Village of Bonney 1/2 Mile Extraterritorial Jurisdiction (ETJ) Line from Ordinance No. 3-90, recorded in B.C.C.F. No. 1990830770, same being the City of Alvin ETJ Line and being at the southwest corner of the herein described tract;

Thence, along the said ETJ line and through and across said Tracts 1, 2, 3, 4, 5 and 6, 1,308.83 feet along the arc of said curve to the left, having a radius of 2,640.00 feet, a central angle of 28 degrees 24 minutes 20 seconds and a chord that bears North 64 degrees 36 minutes 06 seconds East, a distance of 1,295.47 feet to the line common to the westerly R.O.W. line of said Texas State Highway 288 and the easterly line of said Tract 1, being the northeast corner of the herein described tract;

Thence, with the line common to the westerly R.O.W. line of said Texas State Highway 288 and the easterly line of said Tract 1, South 03 degrees 10 minutes 56 seconds East, a distance of 491.51 feet to the **POINT OF BEGINNING** and containing 5.161 acres (224,827 square feet) of land.

This description was prepared in conjunction and accompanies an Exhibit Map prepared by Miller Survey Group.

Anthony R. Peacock

Anthony R. Peacock, R.P.L.S.
Texas Registration No. 5047



Miller Survey Group

www.millersurvey.com

Texas Firm Reg. No. 10047100

Ph: (713) 413-1900

M&B No. 191248

Dwg. No. 3848-EXH-9

Date: October 9, 2019

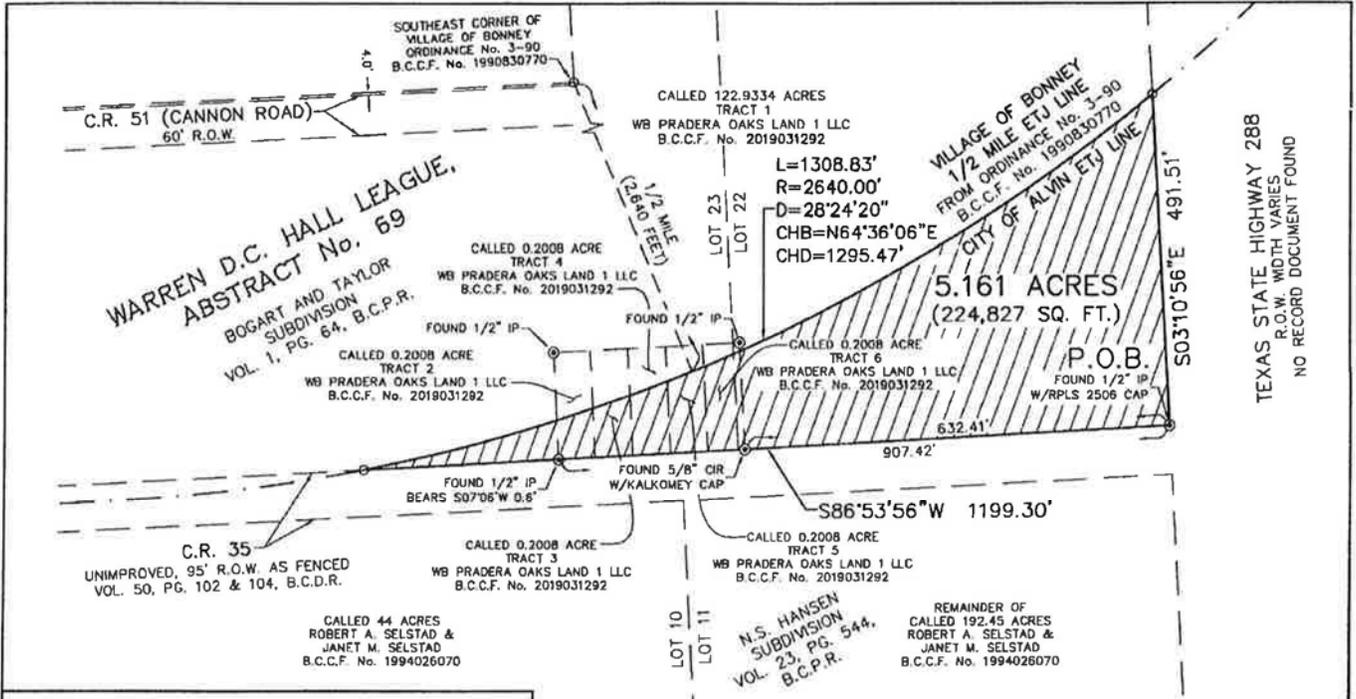
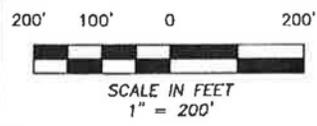


EXHIBIT MAP
5.161 ACRE TRACT
 LOCATED IN THE
 WARREN D.C. HALL LEAGUE, ABSTRACT No. 69
 BRAZORIA COUNTY, TEXAS



1760 WEST SAM HOUSTON PARKWAY NORTH • HOUSTON, TEXAS 77043
 PHONE 713-413-1900 • FAX 713-413-1944
 TEXAS FIRM REGISTRATION No. 10047100



NOTES:
 1. ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
 2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

LEGEND

- B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
- B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
- B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
- No. = NUMBER
- IR = IRON ROD
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R.O.W. = RIGHT-OF-WAY
- SQ. FT. = SQUARE FEET
- PG. = PAGE
- VOL. = VOLUME
- C.R. = COUNTY ROAD
- ETJ = EXTRATERRITORIAL JURISDICTION
- ⊙ = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
- = ANGLE POINT

A. 13446-PRADERA OAKS-DISTRICT-04-01-2019-13/26/2019 Terry Nease

JOB No. 3848-BV	SCALE: 1" = 200'	DATE: 10/09/2019	FIELD BOOK: 19010/HW
DWG. No. 3448-EXH-9	DRAWN BY: BJN	CHK. BY: ARP	M&B No. 191248

TEXAS STATE HIGHWAY 288
 R.O.W. WIDTH VARIES
 NO RECORD DOCUMENT FOUND