

ORDINANCE NO. 18-B

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, ANNEXING A 19.134 ACRE TRACT, 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 September 15, 2017, the City received a request and petition for annexation from Don Barras Development, 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 21, 2017, in Resolution 17-R-26;

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 tract of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce’s Addition to Alvin, Texas, as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas, and 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 A.

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 first reading on the ____ day of December 2017.

PASSED and APPROVED on second and final reading on the ____ day of January 2018.

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**

STATE OF TEXAS

§

COUNTY OF BRAZORIA

§

§

**REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF ALVIN
FOR ANNEXATION OF PROPERTY**

WHEREAS, the undersigned is the owner of a certain tract of property located within Brazoria County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the "subject property");

WHEREAS, the undersigned has sought the annexation of the subject property by the City of Alvin, Texas (hereinafter sometimes referred to as "City"), in order to obtain the benefits of City services to the subject property by the City;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to §43.021 of the Texas Local Government Code and the request of the property owner, is authorized to annex the subject property; and

WHEREAS, the undersigned agrees and consents to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

NOW THEREFORE, the undersigned by this Petition and Request:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Alvin, Texas, of all portions of the subject property not previously annexed into the City and further described as follows:

A tract of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce's Addition to Alvin, Texas, as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water, and general governmental services as set forth in the municipal services plan.

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B" (proposed to be applicable to and

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

A tract of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce's Addition to Alvin, Texas, as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas, more fully described in the attached.

DESCRIPTION

Of 19.173 acres of land, being out of Lots 51, 52, 63 and 64 of the subdivision of The Hooper and Wade Survey, Section 23, Abstract 420, Brazoria County, Texas, according to the plat recorded in Volume 49, Page 161, of the Deed Records of Brazoria County, Texas, and being a portion of Lot 10 of the Map of Pierce's Addition to Alvin, Texas as recorded in Volume 46, Page 7, of the Deed Records of Brazoria County, Texas. Said 19.173 acres being out of a called 227 12 acres tract (Tracts 1, 3, 9 and 10) conveyed by deed dated July 7 1997 from Peggy Swoboda Jobes to Lepper Family Partnership, Ltd., as recorded in Brazoria County Clerk's File No. 97-024069, all of the Official Records of Brazoria County, Texas. Said 25 915 acres being out of said Hooper & Wade Survey, Section 23, Abstract 420 and Section 24, Abstract 485, Brazoria County, Texas and being more particularly described by metes and bounds as follows; (Bearings based on the east line of Forest Heights Section One (B.C.P.R. Vol. 24, Pg. 69)

BEGINNING at a 5/8 inch iron rod with Rainwater cap found for the northeast corner of said Forest Heights Section One, same being in the west line of the G C & S F RR (based on a 100' R O.W.) and being the southeast corner of the herein described tract;

THENCE South 76° 56' 05" West along the north line of said Forest Heights Section One, passing at a distance of 320.00 (found 319.86) a 5/8 inch iron rod with Rainwater cap (bent), the northwest corner of said Forest Heights Section One, same being the northeast corner of Forest Heights Section Three according to the plat recorded in Document # 2004076091 of the Official Records of Brazoria County, Texas, and continuing in all for a total distance of 845.05 feet to a 5/8 inch iron rod with Rainwater cap found for the northwest corner of said Forest Heights Section Three;

THENCE South 41° 57' 00" West for a distance of 111.26 feet to a 5/8 inch iron rod with Rainwater cap found for the northeast corner of Lot 10, Block 10 of Forest Heights Section 4, according to the plat recorded in Document # 2006004775 of the Official Records of Brazoria County, Texas,

THENCE along the common lines of the herein described tract and said Forest Heights Section 4, the following calls:

North 48° 04' 59" West for a distance of 242.84 feet to a 5/8 inch iron rod found for corner,

North 39° 28' 53" West for a distance of 91.36 feet to a 5/8 inch iron rod found for corner,

North 47° 58' 37" West for a distance of 194.61 feet to a 5/8 inch iron rod with Rainwater cap found for corner,

South 42° 13' 26" West for a distance of 30.46 feet to a 5/8 inch iron rod with Rainwater cap found for corner,

North 47° 46' 33" West for a distance of 130.00 feet to a 5/8 inch iron rod with Rainwater cap found for corner,

North 42° 13' 26" East for a distance of 480.00 feet to a 5/8 inch iron rod with Rainwater cap found for corner,

South 47° 46' 34" East for a distance of 15.00 feet to a 5/8 inch iron rod with Rainwater cap found for corner,

North 42° 13' 26" East for a distance of 337.95 feet to a 5/8 inch iron rod with LJA cap set for corner,

THENCE South 47° 46' 34" East for a distance of 176.85 feet to a 5/8 inch iron rod with LJA cap set for corner,

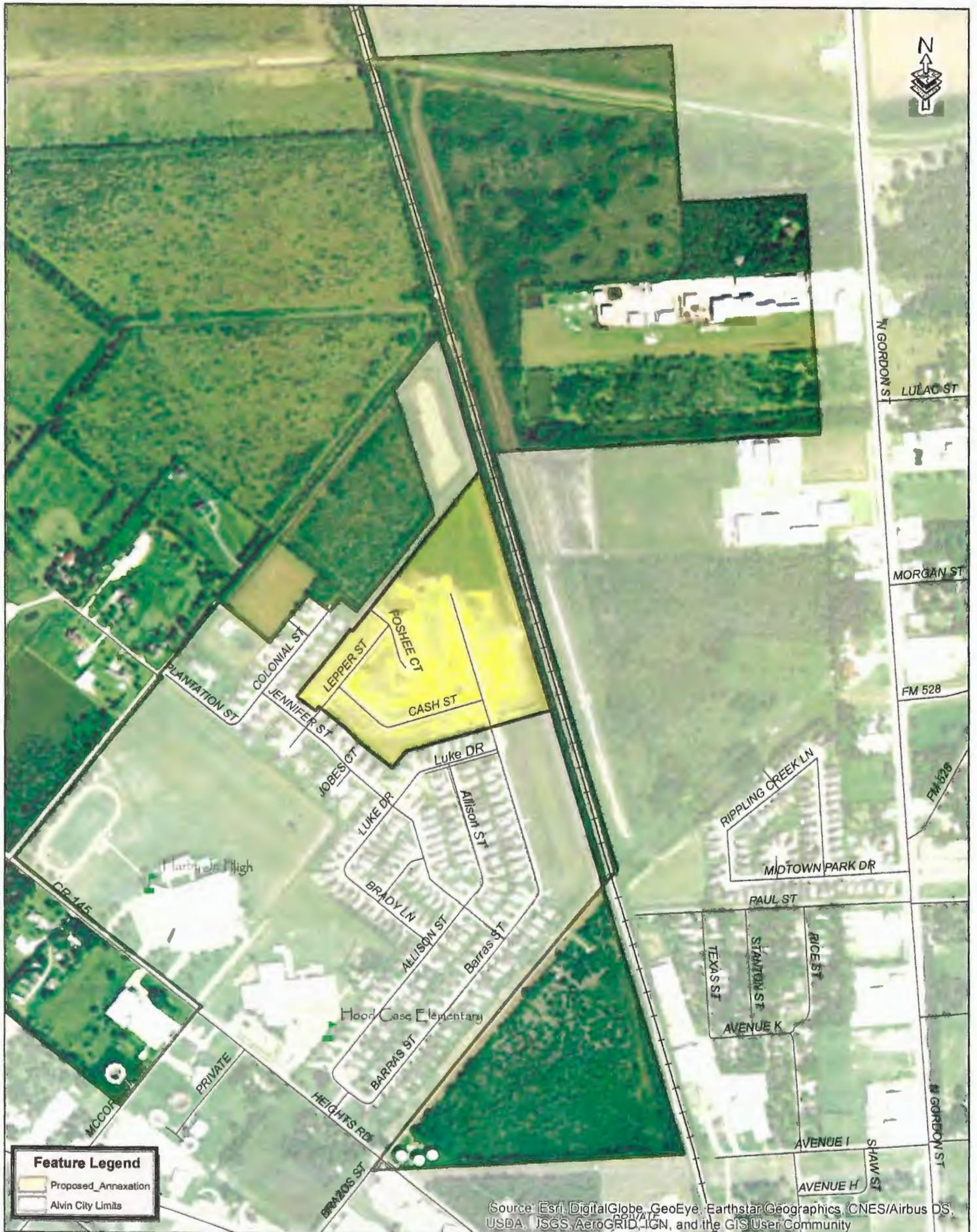
THENCE South 13° 03' 55" East for a distance of 17.07 feet to a 5/8 inch iron rod with LJA cap set for corner,

THENCE North 76° 56' 05" East for a distance of 225.00 feet to a 5/8 inch iron rod with LJA cap set for corner,

THENCE South 13° 03' 55" East for a distance of 167.00 feet to a 5/8 inch iron rod with LJA cap set for corner,

THENCE North 76° 56' 05" East for a distance of 320.00 feet to a 5/8 inch iron rod with LJA cap set for corner in the west line of said G.C. & S.F. RR (100' R O.W.)

THENCE South 13° 03' 55" East along the west line of said G.C. & S.F. RR (100' R O.W.) for a distance of 590.00 feet to the **PLACE OF BEGINNING** of the herein described tract of land and containing within these calls 19.173 acres or 835,157 square feet of land



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, JGS, AeroGRID, IGN, and the GIS User Community

Rev. Date 6/5/2017
Engineering Dept.

Proposed Forest Heights Sec. 6 Annexation

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 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 size and vacancy 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 the water lines within the subject property and 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. New water 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 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.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.