

RESOLUTION NO. 19-R-40

A RESOLUTION OF THE CITY OF ALVIN, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 5.058 ACRE, MORE OR LESS, PARCEL OF LAND LOCATED ALONG COUNTY ROAD 161, IN BRAZORIA COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the owner of certain property located within Brazoria County, Texas, has petitioned the City of Alvin, Texas, (herein the “City”), a home-rule City, for annexation of said property, more particularly described herein (the “subject property”), into the City limits;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City and the owners have made application for annexation;

WHEREAS, after review and consideration of such petition for annexation, the City Council finds that the property is exempt from the City’s annexation plan pursuant to §43.052 (h)(2) of the Local Government Code; and

WHEREAS, the petitioner has agreed and consented to the annexation of the subject property by the City and further agreed 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, BE IT RESOLVED 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. Proceedings. The petition for annexation of all portions of the following property not previously annexed into the City, and the draft services plan shown in Exhibit “B,” submitted by Petitioner, are hereby accepted:

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.

Two (2) public hearings are set for the dates of December 5, 2019, and December 19, 2019. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

Section 3. Severability. Should any section or part of this Resolution 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 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution 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 this the 7th day of November 2019.

THE CITY OF ALVIN, TEXAS



Paul A. Horn, Mayor

ATTEST



Dixie Roberts, City Secretary

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.

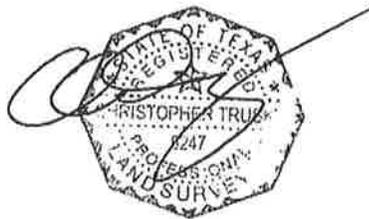
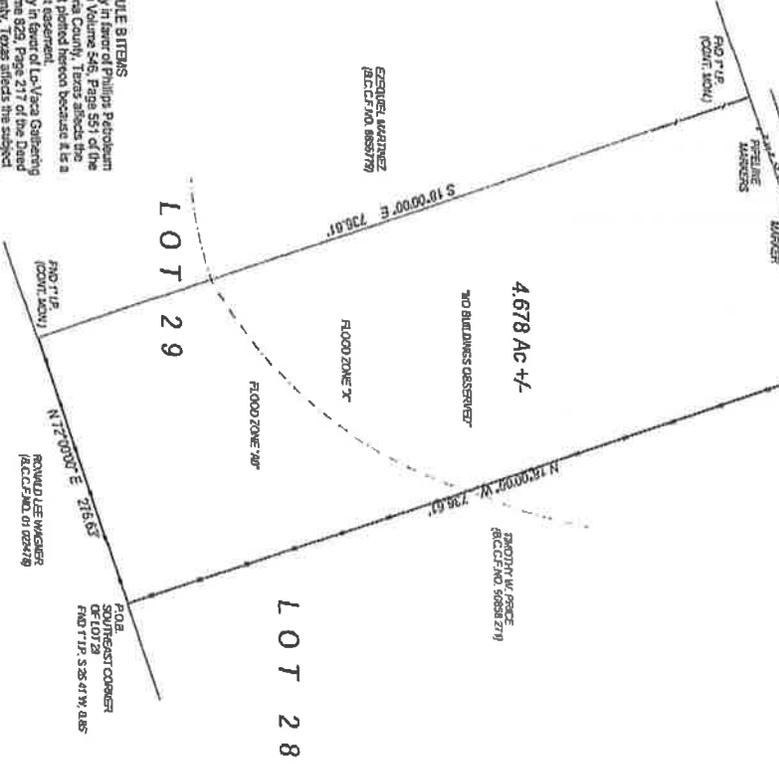




Exhibit A - Prop. Lacy Annexation



3513 COUNTY ROAD 161
 PARALLEL
 TO ROW 1, VOL. 008, PAGE 311, BROWNFIELD T. & B. R. CO. SURVEY, JUDY DEWENY
 316.53' S 73.00' W 1.31' S 303.51' E 1.57'



ALTAMPS LAND TITLE SURVEY
 A TRACT CONTAINING 4.678 ACRES OUT OF LOT NUMBER TWENTYNINE (29) OF THE WILDFORD AND PENNA. SUBDIVISION, SECTION 10, T. 8 B. R. CO. SURVEY, JUDY DEWENY, BRADSON COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED BY NOTES AND BOUNDS ON ATTACHED EXHIBIT 'A'.

For: Extra Checker 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 ALTIMPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The redwork was completed on June 15, 2016.

Christopher Trudy
 Christopher Trudy
 RPLS No. 5947
 Land Survey Co./LLC
 Firm Reg. No. 10045206
 281-338-4008



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

According to FINAL Corrective Plat No. 48039016581, dated 6/30/03, this property lies in Flood Zone 'X' and 'YR'. Surveyor makes no representation as to whether or not this property may flood.
 Division line between Flood Zone 'YR' and 'X' as shown hereon is scaled from the FEMA FIRMA 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, of the Deed Records of Brazoria County, Texas. The subject property but is not platted hereon because it is a blanket easement.

Survey performed in connection with the transaction described in G.F. No. ATCH-88F-ATCH-1807994-110A of Alamo Title Co. upon which surveyor relied for all matters affecting the subject property.

SCHEDULE E BIRTHS

- 10.1) 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 platted hereon because it is a blanket easement.
- 10.6) Pipeline right of way in favor of La Vaca Gathering Co. as described in Volume 929, Page 217 of the Deed Records of Brazoria County, Texas affects the subject property but is not platted hereon because it is a blanket easement.
- 10.12) Road right of way in favor of Brazoria County as described in Volume 1069, Page 371, Brazoria County Deed Records is platted hereon and refers to the right of way of County Road 161.

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 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 TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including 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 Service Plan, attached hereto as Exhibit “B” (proposed to be applicable to and adopted

for the subject property), and that such Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and Municipal Service Plan, publish notice, and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Alvin and in the real property records of Brazoria County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

FILED this 31 day of October 2019, with the City Secretary of the City of Alvin, Brazoria County, Texas.

Petitioner: Blake Lacy

By: Blake Lacy, Owner

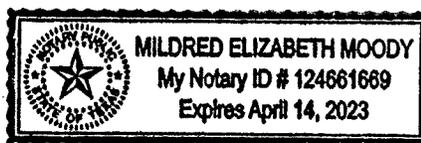
Petitioner: Kelley Lacy

By: K. Lacy, Owner

STATE OF TEXAS

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§
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COUNTY OF BRAZORIA



BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Blake and Kelley Lacy, Owners of the subject property and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 31 day of October 2019.

(SEAL)

Mildred Elizabeth Moody
Notary Public - State of Texas

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

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.

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.



ALVIN BUSINESS PARK

3545 CR 161, ALVIN TX 77511

Subject: Request to voluntarily annex into the city of Alvin.

To: Michelle Segovia
City Engineer

As discussed in our city pre-development meetings I am formally requesting to annex into the city of Alvin as soon as possible.

The property below is wholly owned by myself and my wife and is located on the border of the city limits on CR 161 off of Mustang Road.

We are requesting to be annexed based on the understanding that we will be allowed to develop the small business park we have discussed in our pre-development meetings and as part of this development, we will be allowed to connect to city water and sewer.

We respectfully request that the city consider and grant our request as soon as possible.

Location of subject property.

3513 County Road 161, Alvin TX 77511

Property ID: 174430

Geo ID: 0478-0022-118

Owners: LACY BLAKE & KELLEY

Sincerely,
Blake Lacy (409) 750-3090



Kelley Lacy (832) 671-9127



Mailing address:
138 Lily Lane, Rosharon TX 77583