

RESOLUTION NO. 17-R-25

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 10.00 ACRE, MORE OR LESS, PARCEL OF LAND LOCATED ALONG HEIGHTS ROAD A/K/A COUNTY ROAD 145, 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 or parcel of land containing 10.019 acres or 436,441 square feet of land being all of Lot 29 out of Section No. 23 Hooper and Wade Survey as recorded under Vol. 49, Pg. 161, Brazoria County Deed Records, (B.C.D.R.) conveyed to J.B. Mannahan and Robbie Dell Mannahan as recorded under Vol. 3692, Pg. 667, Brazoria County Deed Records (B.C.D.R.) situated in the Hooper and Wade survey, Abstract No 420, Brazoria County, Texas, and being more particularly shown and described in the Exhibit “A” attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of November 2, 2017, and November 16, 2017. 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, Texas Government Code.

PASSED AND APPROVED this the ____ day of _____, 2017.

THE CITY OF ALVIN, TEXAS

ATTEST

Paul A. Horn, Mayor

Dixie Roberts, City Secretary

Exhibit "A"

PROPERTY DESCRIPTION

A tract or parcel of land containing 10.019 acres or 436,441 square feet of land being all of Lot 29 out of Section No. 23 Hooper and Wade Survey as recorded under Vol. 49, Pg. 161, Brazoria County Deed Records, (B.C.D.R.) conveyed to J.B. Mannahan and Robbie Dell Mannahan as recorded under Vol. 3692, Pg. 667, Brazoria County Deed Records (B.C.D.R.) situated in the Hooper and Wade survey, Abstract No 420, Brazoria County, Texas, more fully described in the attached.



WINDROSE
LAND SURVEYING | PLATTING

**DESCRIPTION OF
10.019 ACRES OR 436,441 SQ. FT.**

A TRACT OR PARCEL CONTAINING 10.019 ACRES OR 436,441 SQUARE FEET OF LAND BEING ALL OF LOT 29 OUT OF SECTION NO. 23 HOOPER AND WADE SURVEY AS RECORDED UNDER VOL. 49, PG. 161, BRAZORIA COUNTY DEED RECORDS (B.C.D.R.) CONVEYED TO J.B. MANNAHAN AND ROBBIE DELL MANNAHAN AS RECORDED UNDER VOL. 3692, PG. 667, BRAZORIA COUNTY DEED RECORDS (B.C.D.R.) SITUATED IN THE HOOPER AND WADE SURVEY, ABSTRACT NO. 420, BRAZORIA COUNTY, TEXAS, WITH SAID 10.019 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A MAG NAIL SET IN THE CENTERLINE OF COUNTY ROAD 145 AT THE COMMON CORNER OF LOTS 28, 38 AND 39 OF SAID SECTION NO. 23, AND SAID LOT 29;

THENCE, SOUTH 51 DEG. 27 MIN. 01 SEC. EAST, ALONG THE COMMON LINE OF SAID LOTS 29 AND 38, THE SAME BEING THE CENTERLINE OF COUNTY ROAD 145, A DISTANCE OF 659.06 FEET TO A MAG NAIL SET FOR THE COMMON CORNER LOTS 30 AND 37 OF SAID SECTION NO. 23, AND SAID LOTS 29 AND 38;

THENCE, SOUTH 38 DEG. 40 MIN. 56 SEC. WEST, ALONG THE COMMON LINE OF SAID LOTS 29 AND 30, PASSING A DISTANCE OF 25.50 TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR REFERENCE ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 145 AND CONTINUING FOR A TOTAL DISTANCE OF 661.33 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE COMMON CORNER OF LOTS 21 AND 28 OF SAID SECTION 23, AND SAID LOTS 29 AND 30;

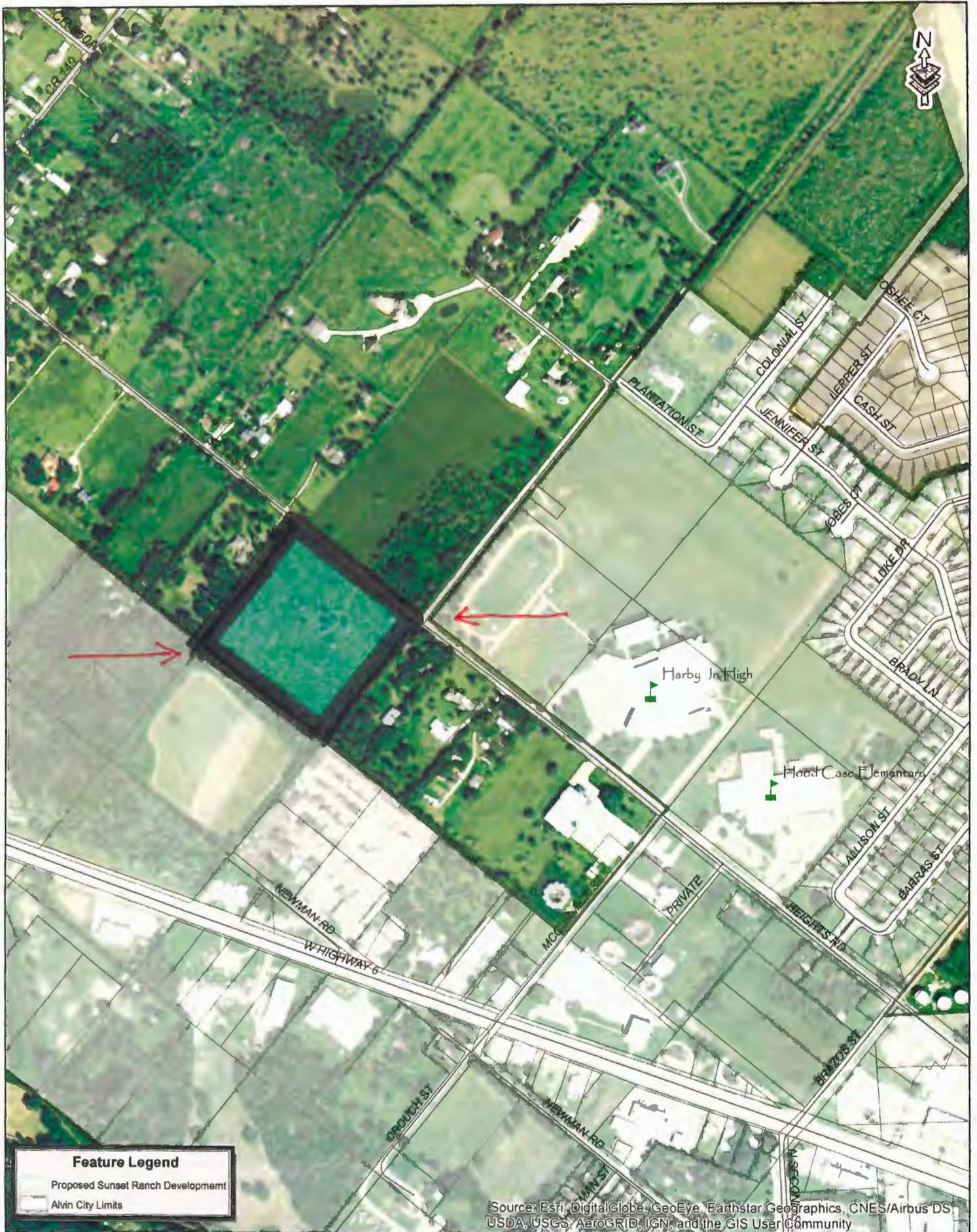
THENCE, NORTH 51 DEG. 30 MIN. 32 SEC. WEST, ALONG THE COMMON LINE OF SAID LOTS 22 AND 29, A DISTANCE OF 660.17 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON CORNER OF LOT 23 OF SAID SECTION NO. 23, AND SAID LOTS 22, 28 AND 29;

THENCE, NORTH 38 DEG. 46 MIN. 40 SEC. EAST, ALONG THE COMMON LINE OF SAID LOTS 28 AND 29, PASSING A DISTANCE OF 636.50 FEET, A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE SOUTHWEST R.O.W. OF SAID COUNTY ROAD 145, AND CONTINUING FOR A TOTAL DISTANCE OF 662.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 10.019 ACRES OR 436,441 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 53419-10.019AC, PREPARED BY WINDROSE LAND SERVICES.


RONALD PATRICK KELL
R.P.L.S. NO. 6424
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



05-26-17
DATE:



Feature Legend

- Proposed Sunset Ranch Development
- Alvin City Limits

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

Sunset Ranch Development Annexation

Rev. Date 6/5/2017
Engineering Dept.

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 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.