

ORDINANCE 18-Q

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, DISCONTINUING 817.85 ACRES OF LAND, MORE OR LESS, MORE PARTICULARLY DESCRIBED IN EXHIBIT A; JURISDICTIONALLY ANNEXING 4.51 ACRES OF LAND, MORE OR LESS, CONSISTING OF A FIVE (5) FOOT WIDE STRIP OF LAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT B; PROVIDING FOR OPEN MEETINGS, AND OTHER RELATED MATTERS.

WHEREAS, on July 19, 2018, the owner (the “Petitioner”) of certain property located within Brazoria County, Texas, petitioned the City of Alvin, Texas (herein the “City”), a home-rule municipality, for discontinuance of approximately 817.85 acres (the “Discontinuance Property”), from the municipal boundaries of the City, in accordance with Section 43.154 of the Texas Local Government Code; and

WHEREAS, the Petitioner also simultaneously petitioned the City for jurisdictional annexation of approximately 4.51 acres consisting of a five (5) foot wide strip (the “Jurisdictional Annexation Property”), more particularly described herein into the City limits, in accordance with Section 43.052(h)(2) of the Texas Local Government Code; and

WHEREAS, the City Council authorized the commencement of discontinuance and annexation procedures with the respect to the property described in herein, on August 2, 2018, in Resolution 18-R-24; and

WHEREAS, the City Charter authorizes the City Council to unilaterally discontinue and annex property within its city limits; and

WHEREAS, the City Council has determined that it is appropriate to discontinue the property described in Exhibit A and jurisdictionally annex the property described in Exhibit B under the authority of the City Charter, subject to satisfying the procedural requirements for the discontinuance and annexation of land set forth in the City Charter and state law;

NOW, THEREFORE, BE IT ORDAINED 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. Discontinuance. The City hereby discontinues for all purposes the property as follows:

A 295.76-acre tract of land out of the Francis Moore League, Abstract 100, Brazoria County, Texas; and being out of and a portion of that certain called 2,075.08-acre tract of land as conveyed in Special Warranty Deed to SUNTEX FULLER CORPORATION, recorded in Clerk’s File Number 99-003294 of the Official Public Records of Real Property in Brazoria County, Texas, and being more particularly shown and described by metes and bounds in Exhibit “A,” attached hereto and incorporated herein for all purposes.

A 522.09-acre tract of land out of the Francis Moore League, Abstract 100, Brazoria County, Texas; and being out of and a portion of that certain called 2,075.08-acre tract of land as conveyed in Special Warranty Deed to SUNTEX FULLER CORPORATION, recorded in Clerk's File Number 99-003294 of the Official Public Records of Real Property in Brazoria County, Texas, and being more particularly shown and described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes.

Save and Except: All of a called 4.80 acres described in a document to Century Concrete Partners, Inc. as recorded under Brazoria County Clerk's File Number 2014015716 and all of a called 3.34 acres described in a document to Savannah Plantation Development, LP as recorded under Brazoria County Clerk's File Number 2004047755, with a total of 523.53 acres of land, more or less, and being more particularly shown and described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes.

And all of an 80-foot Access Easement being 1.44-acre tract of land as recorded under Brazoria County Clerk's File Number 03-040034. With a total of 522.09 acres of land, more or less, and being more particularly shown and described by metes and bounds in Exhibit "A," attached hereto and incorporated herein for all purposes.

Section 3. Jurisdictional Annexation. The City hereby jurisdictionally annexes the property as follows:

Tract I

A 2.20 acre tract of land out of the Francis Moore League, Abstract 100, Brazoria County, Texas; and being out of and a portion of that certain called 1,401.60 acre tract of land as conveyed in General Warranty Deed to SAVANNAH JOINT VENTURE, as recorded in Clerk's File Number 2009028077 of the Official Public Records of Real Property in Brazoria County (O.P.R.P.B.C.), Texas, and being more particularly shown and described by metes and bounds in Exhibit "B," attached hereto and incorporated herein for all purposes.

Tract II

A 0.43 acre tract of land out of the Francis Moore League, Abstract 100, Brazoria County, Texas; and being out of and a portion of that certain called 1,401.60 acre tract of land as conveyed in General Warranty Deed to SAVANNAH JOINT VENTURE, as recorded in Clerk's File Number 2009028077 of the Official Public Records of Real Property in Brazoria County (O.P.R.P.B.C.), Texas, and being more particularly shown and described by metes and bounds in Exhibit "B," attached hereto and incorporated herein for all purposes.

Tract III

A 1.88 acre tract of land out of the Francis Moore League, Abstract 100, Brazoria County, Texas; and being out of and a portion of that certain called 1,401.60 acre tract

of land as conveyed in General Warranty Deed to SAVANNAH JOINT VENTURE, as recorded in Clerk's File Number 2009028077 of the Official Public Records of Real Property in Brazoria County (O.P.R.P.B.C.), Texas, and being more particularly shown and described by metes and bounds in Exhibit "B," attached hereto and incorporated herein for all purposes.

Section 4. 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 5. Open Meetings. 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 4th day of October 2018.

PASSED and APPROVED on second and final reading on the 18th day of October 2018.

THE CITY OF ALVIN, TEXAS

ATTEST

Paul A. Horn, Mayor

Dixie Roberts, City Secretary