

**RESOLUTION NO. 17-R-26**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF 19.173 ACRES, MORE OR LESS, FOR FOREST HEIGHTS, SECTION 6 LOCATED ALONG THE PROPOSED FM 528 EXTENSION BETWEEN BUSINESS 35 AND STATE HIGHWAY 6; FROM DON BARRAS DEVELOPMENT, LLC; 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"), for annexation of such properties 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 service plan shown in Exhibit "B," submitted by Petitioners is hereby accepted:

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.

Two public hearings are hereby 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. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary

## **Exhibit "A"**

### **PROPERTY DESCRIPTION**

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;

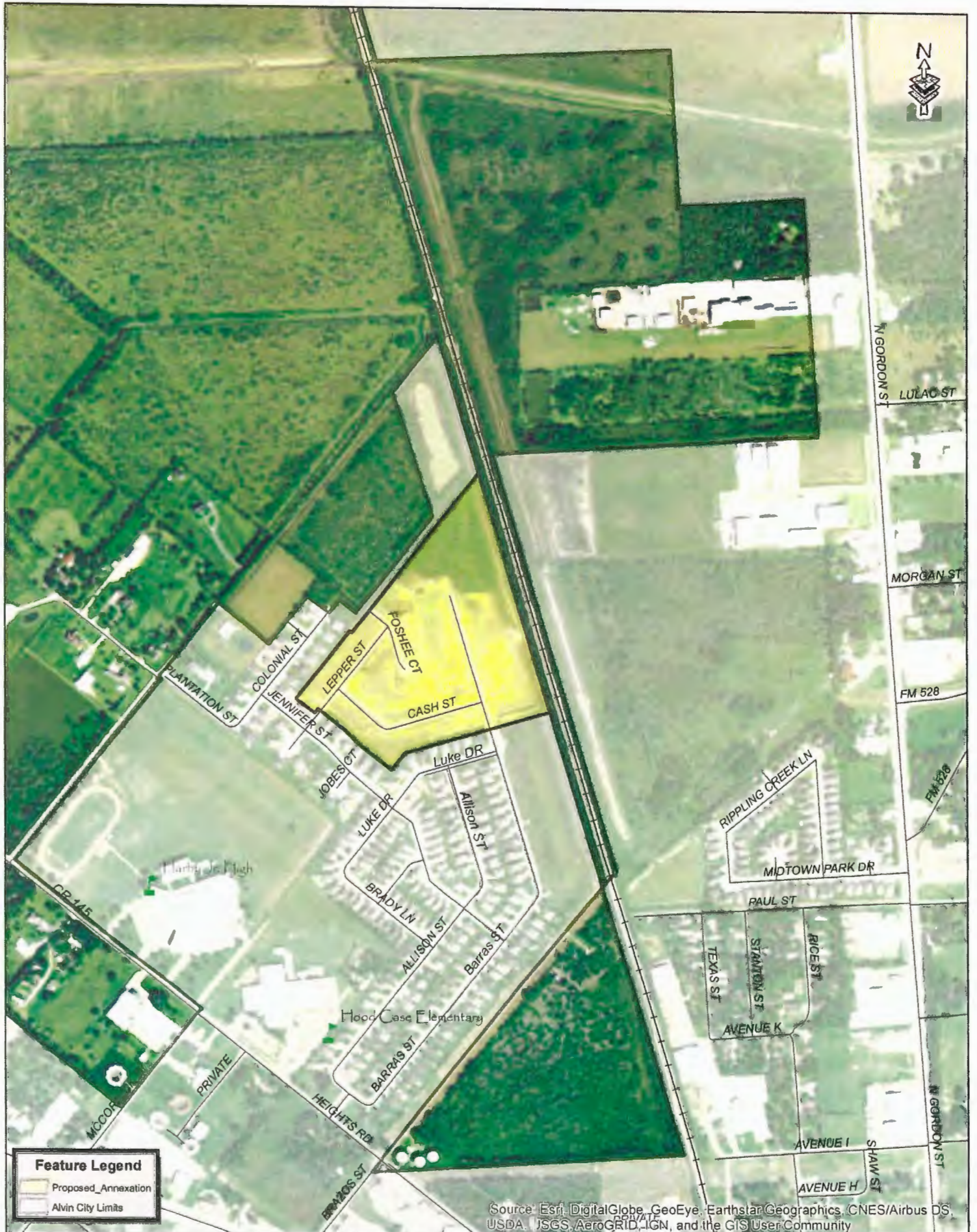
**THENCE** South 13° 03' 55" East for a distance of 17.07 feet to a 5/8 inch iron rod with LJA cap set for corner;

**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



Proposed Forest Heights Sec. 6 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.