2019023902 MISC

Total Pages: 16

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT: ANNEXING THE NEW SCHOOL TRACT, THE BAHAM 46 ACRE TRACT, AND THE RIGHT OF WAY OF HIGHWAY 288 AND COUNTY ROAD 64, ALL AS MORE FULLY DESCRIBED HEREIN; ADOPTING A SERVICE PLAN, AND PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS, DULY ASSEMBLED:

- 1. This annexation is authorized by Sections 43.103 and 43.028 of the Texas Local Government Code and all other applicable law.
- All procedures and requirements under the Texas Local Government Code and any other applicable law have been duly followed and satisfied concerning this annexation.
- The property (herein called "the Annexed Area") described on Exhibit "A," which is attached hereto and incorporated herein in full, is hereby annexed into the City of Iowa Colony, Texas, and the boundary limits of the City of Iowa Colony are hereby extended to include the Annexed Area within the territorial limits of the City of Iowa Colony. The inhabitants of the Annexed Area shall hereafter be entitled to all the rights and privileges of citizens of the City of Iowa Colony and shall be bound by the acts, ordinances, resolutions, and regulations of said city.
- However, a portion of the Annexed Area was already in the Iowa Colony city limits, at the time of the passage of this ordinance. Therefore, this ordinance annexes the remainder of the Annexed Area, so that the entire Annexed Area is now within the boundary limits of the City of Iowa Colony.
- 5. The City of Iowa Colony hereby adopts and enacts the Municipal Service Plan attached hereto as Exhibit "B" and incorporated herein in full.
- 6. The City Secretary is hereby directed to file certified copies of this ordinance with the Brazoria County Clerk, the Brazoria County Appraisal District, and the Texas Comptroller of Public Accounts.
- If any portion of this ordinance, of whatever size, is ever held to be invalid for any reason, the remainder of this ordinance shall remain in full force and effect. Without limiting the generality of the foregoing, if this annexation is ever held invalid as to any portion, of whatever size, of the territory described on Exhibit "A" hereto, then this annexation shall remain valid as to the remainder of such territory.
 - 8. This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED on the 30th day of April, 2019.

Michael B. Holton, Mayor City of Iowa Colony, Texas

ATTEST:

Kayleen Rosser, City Secretary

EXHIBIT "A" ANNEXED AREA

METES AND BOUNDS DESCRIPTION BEING 206.73 ACRES SITUATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259 BRAZORIA COUNTY, TEXAS

DESCRIPTION OF A 206.73 ACRE TRACT OF LAND SITUATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259, BRAZORIA COUNTY, TEXAS, BEING THAT CERTAIN TRACT OF LAND CONVEYED TO BAHAM INTERESTS LIMITED PARTNERSHIP BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2012054325 (AS TO A CALLED 120.7481 ACRE TRACT OF LAND) AND PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO BAHAM INTERESTS LIMITED PARTNERSHIP BY DEED RECORDED UNDER B.C.C.F. No. 2012054324, SAID 206.73 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a "X" in concrete marking the recognized northeasterly corner of the H.T. & B.R.R. Company Survey, Section 49, Abstract 259, said point being located at the intersection of County Road 65 (also known as lowa Colony Boulevard) and County Road 64 (also known as Davenport Parkway;

- (1) THENCE, South 02°40'44" East, along County Road 65 (based on a width of 80 feet as occupied and monumented) with the easterly line of the H.T. & B.R.R. Company Survey, Section 49, Abstract 259 being the easterly line of the called 120.7481 acre tract and along the westerly line of the H.T. & B.R.R. Company Survey, Section 48, Abstract 511 and those certain tracts of land shown or described on the plat of Salazar Estates subdivision (Lot 1), under B.C.C.F. No. 01-028482 (called 13.0495 acres), under B.C.C.F. No. 2013050102 (called 20.7217 acres), under B.C.C.F. No. 03-040407 (called 26.6486 acres) and shown on the plat of Ballentree Farms subdivision (Lots 1 and 2) for a distance of 2,025.25 feet to a "MAG" nail set in an asphalt road marking the southeasterly corner of the called 120.7481 acre tract and the northeasterly corner of that certain tract of land called 20.00 acres as described by deed recorded under B.C.C.F. No. 2005001446;
- (2) THENCE, South 87"19'46" West, along the common line between the called 120.7481 acre tract and the called 20.00 acre tract, passing at a distance of 44.75 feet a 1/2-inch Iron rod called for and found for a reference rod for the said 20.00 acre tract, and continuing along the common line for a distance of 2,640.84 feet (called 2,639.57 feet in the 120.7481 acre tract deed) to a 1/2-inch iron rod called for and found marking the northwesterly corner of the said 20.00 acre tract and the southwesterly corner of the said 120.7481 acre tract being in the easterly line of the aforementioned 132.1854 acre tract;
- (3) THENCE, South 02°40'32" East, along the common line between the called 132.1854 acre tract and the called 20.00 acre tract and of that certain tract of land called 14.00 acres as described by deed recorded under B.C.C.F. No. 2005002636 for a distance of 451.55 feet to a 5/8-inch iron rod called for and found marking the southeasterly corner of the said 132.1854 acre tract and the northeasterly corner of that certain tract of land called 132.1854 acres as described by deed recorded to Rally 288 East, LLC under B.C.C.F. No. 2013040084;
- (4) THENCE, South 87°19'08" West, along the common line between the called 132.1854 acre tracts for a distance of 2,389.63 feet (called 2,388.93 feet) to a 5/8-inch iron rod called for and found in the easterly right-of-way line of State Highway 288 (based on a width of 420 feet at this location) marking the westerly common corner of said 132.1854 acre tracts of land;
- (5) THENCE, North 02°18'54" West, along the easterly right-of-way line of said State Highway 288 for a distance of 1,069.58 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;
- (6) THENCE, North 87°19'08" East, for a distance of 1,066.61 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner in the arc of a non-tangent curve;

- (7) THENCE, in a northeasterly direction along the arc of a curve to the right having a radius of 551.00 feet, an angle of 31°56′51", a length of 307.23 feet and a chord bearing North 27°14′15" East, for a distance of 303.27 feet to a 5/8-Inch capped Iron rod stamped "E.H.R.A. 713-784-4500" set for a point of tangency;
- (8) THENCE, North 43°12'40" East, for a distance of 467.37 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for a point of curvature;
- (9) THENCE, in a northeasterly direction along the arc of a curve to the left having a radius of 584.74 feet, an angle of 43°03′27", a length of 439.43 feet and a chord bearing North 21°01′03" East, for a distance of 429.16 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for a point of tangency;
- (10) THENCE, North 02*24'24" West, for a distance of 400.76 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner in the southerly right-of-way line of County Road 64 (based on a variable width);
- (11) THENCE, North 87°23'47" East, along the southerly right-of-way line of County Road 64 for a distance of 655.15 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner in the westerly line of that certain tract of land called 1.1 acres as described by deed recorded under B.C.C.F. No. 2006002972 and marking the northeasterly corner of the aforementioned 132.1854 acre tract of land;
- (12) THENCE, South 02°40'44" East, along the common line between the called 1.1 acre tract and the called 132.1854 acre tract, passing at a distance of 6.2 feet a 5/8-inch iron rod found 1.85 feet east of line, and continuing for a total distance of 289.16 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for the southwesterly corner of the said 1.1 acre tract and the most west northwesterly corner of the aforementioned 120.7481 acre tract of land;
- (13) THENCE, North 87°16'13" East, along the common line between the called 1.1 acre tract and the called 120.7481 acre tract for a distance of 150.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for the southeasterly corner of the said 1.1 acre tract and an internal "L" corner of the said 120.7481 acre tract;
- (14) THENCE, North 02°40'44" West, along the common line between the called 1.1 acre tract and the called 120.7481 acre tract for a distance of 29.05 feet to the southwesterly corner of that certain tract of land called 1.0 acre as described by deed recorded under B.C.C.F. No. 2011015007 and an "L" corner of the said 120.7481 acre tract from which a found 1/2-inch iron pipe bears N 86°11' W, a distance of 0.56 feet;
- (15) THENCE, North 87°16'13" East, along the common line between the called 1.0 acre tract and the called 120.7481 acre tract for a distance of 150.00 feet to a 5/8-inch iron rod found for the southeasterly corner of the said 1.0 acre tract and an internal "L" corner of the said 120.7481 acre tract;
- (16) THENCE, North 02°40'44" West, along the common line between the called 1.0 acre tract and the called 120.7481 acre tract, passing at a distance of 261.46 feet a 5/8-inch Iron rod found for a reference rod for the said 1.0 acre tract, and continuing for a total for a distance of 283.63 feet (called 287.40 feet in the 120.7481 acre tract deed) to a "MAG" nail set in County Road 64 (an asphalt road) marking the most north northwesterly corner of the called 120.7481 acre tract being in the recognized north line of the H.T. & B.R.R. Company Survey, Section 49, Abstract 259;
- (17) THENCE, North 87°16'13" East, along County Road 64 (based on a variable width as monumented) with the northerly line of the H.T. & B.R.R. Company Survey, Section 49, Abstract 259 being the northerly line of the called 120.7481 acre tract and along the southerly line of the H.T. & B.R.R. Company Survey, Section 52, Abstract 513 and those certain tracts of land described by deeds recorded under B.C.C.F. No. 2015030690 (called 1 acre), under B.C.C.F. No. 2013046414 (called 1 acre), under B.C.C.F. No. 2016049286 (called 1.84 acres), under B.C.C.F. No. 04-014612 (called 2.2 acres), under B.C.C.F. No. 94-015520 (called 1.6 acres), under B.C.C.F. No. 2017003060 (called 1 acre), under B.C.C.F. No. 09-019250 (called 1.0 acre), under B.C.C.F.

206.73 Acres

H.T. & B.R.R. Co. Survey, Section 49, Abstract 259

No. 2014004011 (called 1.8 acres), under B.C.C.F. No. 03-021524 (called 2 acres), under B.C.C.F. No. 2016030544 (called 0.918 acres), under B.C.C.F. No. 2013053764 (called 2.755 acres), under B.C.C.F. No. 95-015056 (called 2.03 acres) and under B.C.C.F. No. 2010034016 (called 2 acres) for a distance of 2,340.74 feet to the POINT OF BEGINNING and containing 206.73 acres of land. This description accompanies a Land Title Survey (18103800V-PBLT01.dwg) prepared by EHRA, Inc. July 27, 2018 and revised November 6, 2018.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC.

dba EHRA, Inc. TBPLS No. 10092300

Robert L. Boelsche, R.P.L.S. Texas Registration No. 4446 10555 Westoffice Drive Houston, Texas 77042

713-784-4500

Date: July 27, 2018; rev. 11/06/2018

Job No: 181-038-00

File No: \Client\R\$\2018\181-038-00\Docs\Description\Boundary\18103800MB-PBLT01.doc

LEGAL DESCRIPTION - Commercial Reserve

METES AND BOUNDS DESCRIPTION BEING 44.EP ACRES SITUATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259 BRAZDRIA COUNTY, TELAS

DESCRIPTION OF A 46.09 ACRE TRACT OF LAND SITUATED IN THE H.T., & B.R.R. COMPANY SHRYEY, SECTION 49, ABSTRACT 259, BRAZORIA COUNTY, TEXAS, BEING THE RESIDUE OF THAT CERTAIN TRACT OF LAND CONVEYED TO BAHAM INTERESTS LIMITED PARTHERSHIP BY DESCRIBED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2012/034324 (AS TO A CALLED 132-1854 ACRE TRACT OF LAND), SAID 46.09 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COGROHATE: SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS).

BEGINNING at a concrete monument called for and found in the easterly right-of-way line of State Highway 288 (based on a width of 420 feet at this location) marking the most west northwesterly corner of the called 132,1854 acre tract of land at the southwesterly end of a cutliack corner located at the intersection of County Road 54;

- (1) THENCE, North 36"57"11" East, along the easterly right-of-way line of said State Highway 288 for a distance of 77:58 feet to a 3/4-inch iron rod found for the northeasterly end of said cut-back furner.
- (Z) THENCE, North 76"03"31" East, along a transitional portion of the easterly right-of-way line of said State Highway 286 for a distance of 665.12 feet to a 3/4-inch iron rod found marking an angle point.
- (3) THENCE, North 87"21"51" East, continuing along the easterly right of way line of said State Highway 288 for a distance of 250,00 feet to a 3/4-inch iron rod found for corner:
- (4) THENCE, North 02"36"19" West, continuing along the easterly right-of-way line of said State Highway 288 for a distance of 34.29 feet to a 5/8-inch iron rod called for and found for corner in the southerly right-of-way line of County Road 64 (based on a variable width);
- (5) THENCE, North 87°23'47° East, along the southerly right-of-way line of County Road 64 for a distance of 768.55 to a 5/8-inch capped fron rod stamped "E.H.R.A. 713-784-4500" set for the northwesterly comer of the herrin described tract of land from which a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for comer in the westerly line of that certain tract of land called 1.1 acres as described by deed recorded under B.C.C.F. No. 2006002972 and marking the northeasterly corner of the aforementioned 132.1854 acre tract of land bears North 87°23'47" East for a distance of 655.15 feet;
- (6) THENCE, South 02"24"24" East, for a distance of 400.76 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for a point of curvature;
- (7) THERCE, in a southwesterly direction along the arc of a curve to the right having a radius of 584.74 feet, an angle of 43°03'27', a length of 439.43 feet and a chord bearing South 21°01'03" West, for a distance of 429.16 feet to a 5/8 inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for a point of targency;
- (8) THENCE, South 43"12"40" West, for a distance of 467.37 feet to a 5/8-inch capped Iron rod stamped "E.H.R.A. 713-784-4500" set for a point of curvature;
- (9) THENCE, in a southwesterly direction along the arc of a curve to the left having a radius of \$51.00 feet, an angle of \$1156/51", a length of 307.23 feet and a chord bearing 5outh 27714/15" Wast, for a distance of 303.27 feet to a 5/E-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for the southeasterly corner of the herein described tract of land.
- (10) THEMCE, South 87°19'08" West, for a distance of 1,066.61 feet to a S/8-inch capped iron rod stamped "EH.R.A. 713-784-4500" set for corner in the easterly right-of-way line of state Highway 288 marking the southwesterly corner of the herein described tract of land from which a S/8-inch iron rod called for and found marking the southwesterly corner of the aforementioned 132.1854 acre 8aham Interests tract and the northwesterly corner of that

46.09 Acres

H.T. & B.R.R. Co. Survey, Section 49, Abstract 259

certain tract of land called 132,1854 acres as described by deed recorded under B.C.C.F. No. 2013040084 bears South 02"18'54" Fast for a distance of 1,069.58 feet;

(11) THENCE, North 02°18'54" West, along the easterly right-of-way line of said State Highway 288, passing at a distance of 251.01 feet a concrete monument found for reference, and continuing along said easterly right-of-way line of said State Highway 288 for a distance of 1,159.15 feet to the POINT OF BEGINNING and containing 46.09 acres of land. This description accompanies a Standard Land Survey (18103860V-PBSLD1.dwg) prepared by EHRA, Inc. December 3, 2018.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC.

dba EHRA, Inc. TBPLS No. 10092300

Robert L. Boelsche, R.P.L.S. Texas Registration No. 4446 10555 Westoffice Drive

Houston, Texas 77042 713-784-4500

Date: December 3, 2018

lob No. 181-038-60 File Not. \/Client/R\$\2018\181-038-60\Docs\Description\Boundary\18103860MB PRSL01.doc

PROPERTY DESCRIPTION OF ANNEXATION TRACT - RIGHTS OF WAY OF CR 64 AND SH 288

A portion of the rights of way of County Road 64 and State Highway 288 in Brazoria County, Texas, described as follows:

Beginning at the existing northwest outside corner of the Iowa Colony city limits located in the right of way of State Highway 288 approximately 660 feet north of the centerline of County Road 64;

THENCE west to the western right of way line of State Highway 288;

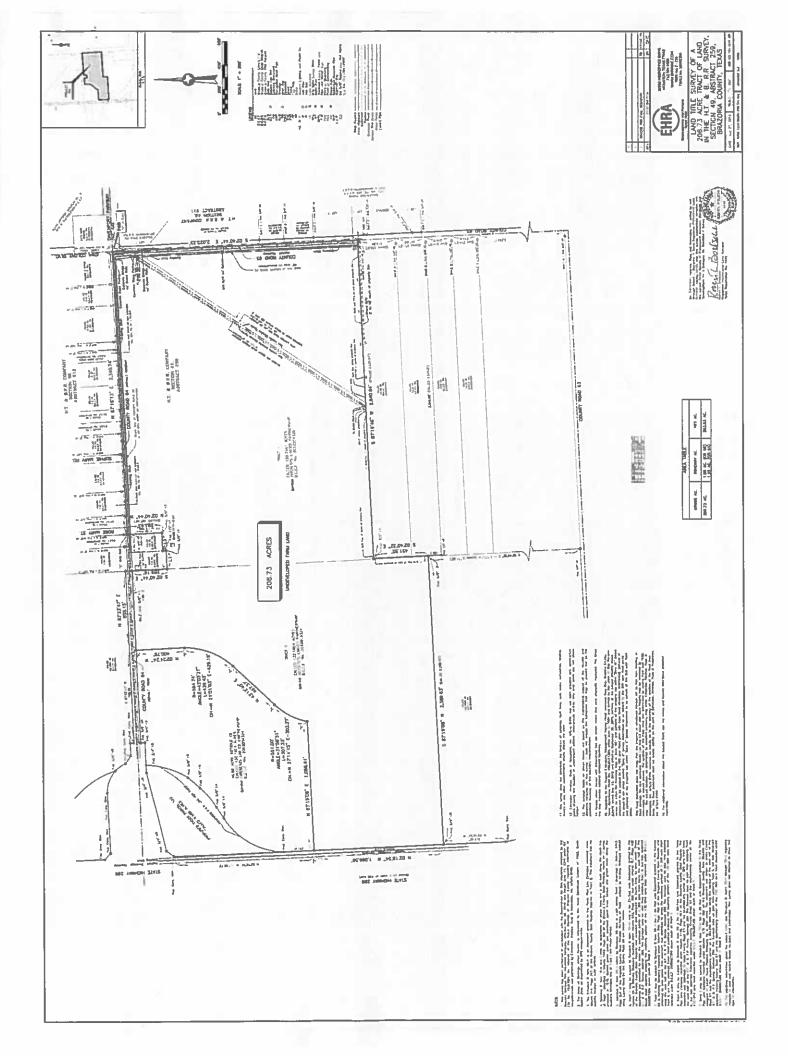
THENCE southerly along the western right of way line of State Highway 288 to its intersection with the northern right of way line of County Road 64;

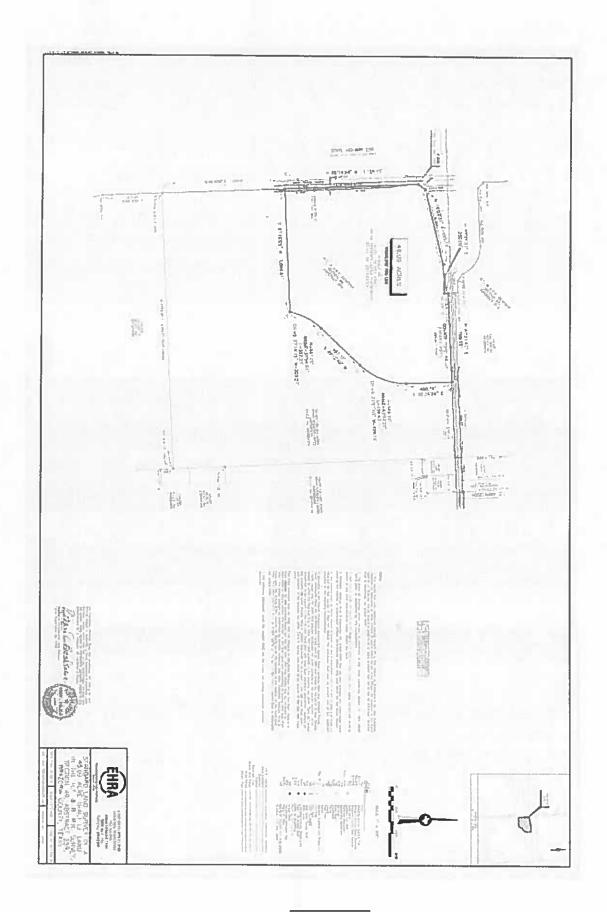
THENCE westerly and southerly along the curves of the northern right of way line of County Road 64 to the eastern right of way line of future Karsten Boulevard, as shown on the Thoroughfare and Zoning Map of the City of Iowa Colony on its website at www.cityofiowacolony.com;

THENCE south to the existing city limit line of Iowa Colony at County Road 64;

THENCE eastward along the existing city limit line of Iowa Colony to an interior northwest corner of the Iowa Colony city limits located in the right of way of State Highway 288;

THENCE northerly along the existing city limit line of Iowa Colony within the right of way of State Highway 288 to the point of beginning.





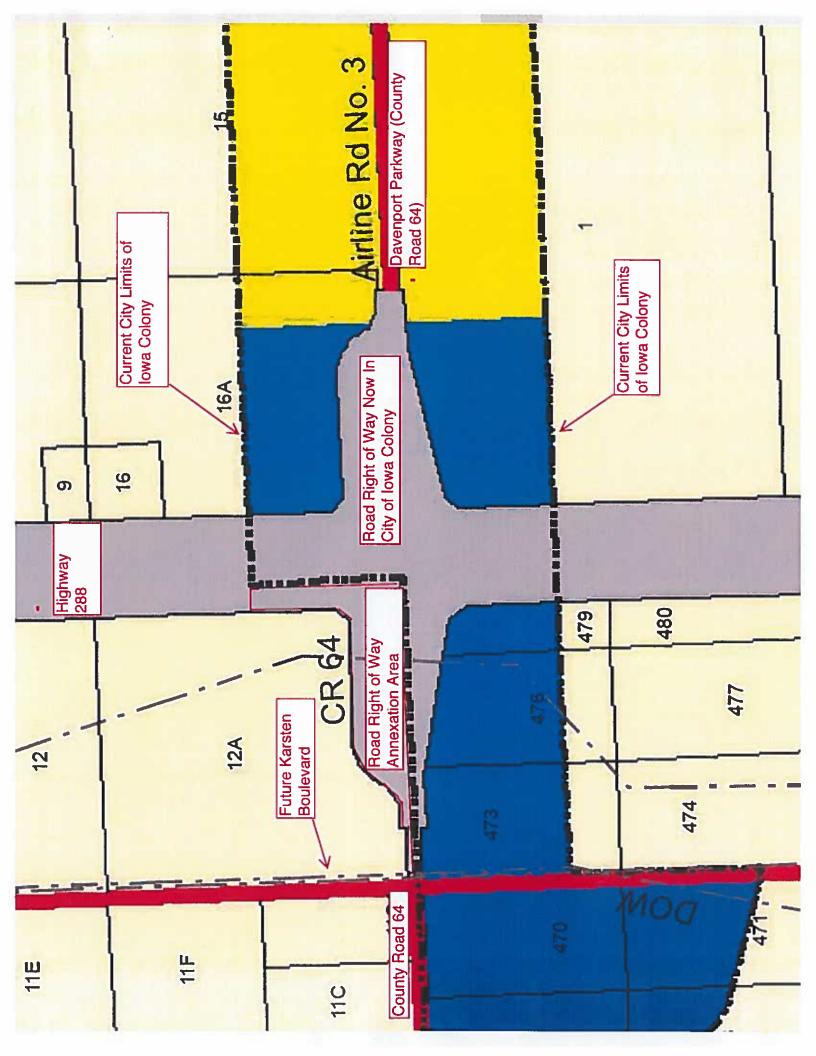


EXHIBIT "B" SERVICE PLAN

CITY OF IOWA COLONY MUNICIPAL SERVICE PLAN FOR PROPOSED ANNEXATION of AISD HIGH SCHOOL AND OTHER PROPERTY 2019

POLICE

Currently, the area is under the jurisdiction of the Brazoria County Sheriff's Office. However, upon annexation, the City of Iowa Colony Police Department, supplemented by the Brazoria County Sheriff's Office, will provide police services to the area.

FIRE

Fire suppression will be available to the area upon annexation. Primary fire response will be provided by the Iowa Colony Volunteer Fire Department. Fire services will also be provided by the Brazoria County Emergency Services District No. 4.

BUILDING INSPECTION and CODE ENFORCEMENT

The Iowa Colony Building Official and Code Enforcement Officer will provide code enforcement services upon annexation. This includes issuing building, electrical and plumbing permits and providing inspection services for any new construction and remodeling and enforcing all other applicable codes which regulate building construction within the City of Iowa Colony.

The City will also provide a myriad of code enforcement services. These include zoning enforcement, animal control, subdivision regulation enforcement, junk vehicle compliance, among other codes and ordinances the City has adopted.

PLANNING AND ZONING

The City of Iowa Colony's authority to regulate development and land use through the administration of the City's Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Iowa Colony's Subdivision Ordinance.

CODE ENFORCEMENT

The Iowa Colony's Code Enforcement Officer will implement the enforcement of the City of Iowa Colony's ordinances and regulations in the annexed area on the effective date of the annexation.

STREETS

All public street improvements will be inspected by the City Engineer for compliance with the Design Criteria Manual. Maintenance to the publicly dedicated street facilities will be provided by the City in cooperation with Brazoria County upon the effective date of the annexation, subject to any obligation of the subdivider or other persons concerning streets.

STORM WATER MANAGEMENT

Developers will provide storm water drainage at their own expense, and such facilities will be inspected by the City Engineers at time of completion. The City will then maintain the public drainage systems following city approval and acceptance.

STREET LIGHTING

The developer/subdivider will provide street lighting as provided in the Subdivision Ordinance and development agreement.

WATER SERVICE

A municipal utility district will provide water service to the area in accordance with the applicable codes and City policy.

SANITARY SEWER SERVICE

A municipal utility district will provide sanitary sewer service to the area in accordance with applicable codes and City policy.

SOLID WASTE SERVICES

Solid Waste Collection shall be provided to the area by private contractors. Service shall comply with any City policies, beginning with occupancy of structures.

MISCELLANEOUS

Any other applicable municipal services will be provided to the area in accordance with the City of Iowa Colony's established policies governing extension of municipal services to newly annexed areas.

Any reference herein to services being provided by a municipal utility district is subject to the City's consent to the formation or expansion of such district, to the extent required by law. This service plan does not constitute that consent.

FILED and RECORDED

Instrument Number: 2019023902

Filing and Recording Date: 05/21/2019 01:42:01 PM Pages: 16 Recording Fee: \$82.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-tammy