Alvin ISD PUD
206.73 Acre Tract

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT; AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO REZONE CERTAIN PROPERTY FROM SINGLE FAMILY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT; APPROVING A PLANNED UNIT DEVELOPMENT PLAN WITH LIMITATIONS AND RESTRICTIONS; PROHIBITING DEVELOPMENT OR CONSTRUCTION IN THE REZONED AREA WITHOUT PRIOR APPROVAL FROM THE CITY; PRESERVING ALL DISCRETION AND AUTHORITY OF THE CITY; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE CITY'S AGENTS WITH RESPECT THERETO; PROVIDING FOR AMENDMENT OF THE ZONING MAP; AND CONTAINING A SEVERANCE CLAUSE, SAVINGS CLAUSE, AND EFFECTIVE DATE.

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

Section 1. Findings

The City Council of the City of Iowa Colony, Texas, ("the City") makes the following findings of fact:

a. The Owner of the premises hereby rezoned, or the Owner's duly authorized agent, has timely filed with the City Secretary a request for this action, containing all necessary information.

b. The public hearing required by the Zoning Enabling Act of the State of Texas, codified as Section 211.001, et seq., Texas Local Government Code, and the Zoning Ordinance, has been conducted in the manner and at the time required.

c. More than fifteen (15) days prior to the date of such hearing, public notice of such hearing was published once in the Alvin Sun, a newspaper of general circulation in and the official newspaper of the City, stating the date, time and place of such hearing.

d. More than ten (10) days before the date of such hearing, and more than thirty (30) days prior to the passage of this ordinance, written notice of said application was sent to the owners of the herein described property for which the rezoning is proposed and to all owners of property located within two hundred (200') feet of that property.

e. After giving due regard to the nature and consideration of all adjacent uses and structures and of the nature and condition of the City as a whole, the City Council is of the opinion that such proposed rezoning conforms to the requirements and intent of the City and the Comprehensive Plan of the City, and that such rezoning will not constitute a nuisance or be detrimental to the public health, safety, morals, or welfare of the community.

f. The health, safety, morals, and general welfare of the people of the City will best be served by the adoption of this ordinance and the granting of this rezoning.

g. All requirements of law have been satisfied.

Section 2. Rezoning

a. The Comprehensive Zoning Ordinance of the City is hereby amended, and the following described real property (herein called "the premises") located within the corporate limits of the City is hereby rezoned from Single Family Residence to Planned Unit Development:

> A 206.73 acre tract, bounded on the north by Davenport Parkway (former County Road 64), and on the east by Iowa Colony Boulevard (former County Road 65), in Brazoria County, Texas, as more fully shown on the property description and map attached hereto as Exhibit "A," and those documents are incorporated herein in full.

b. Subject to the restrictions and limitations herein, the City hereby approves all plans, specifications, and drawings of any nature (herein collectively called the "Planned Unit Development Plan" or the "PUD Plan," regardless of the title on those documents), which are attached hereto as Exhibit "B," and those documents are incorporated herein in full.

c. However, as a strict condition of this ordinance and of all zoning amendments herein, no person shall cause or perform any development or construction on the premises, without first obtaining approval from the City for all matters that the City would have the right to approve or disapprove in considering a subdivision plat or development plat. Even if no subdivision or development is being created so as to invoke the subdivision ordinance or to require approval of a subdivision or development plat in the absence of this section, this rezoning ordinance shall nevertheless require the City's approval to be obtained concerning the same subjects that the City would have the right to regulate or approve if approval of a subdivision or development plat were required. Thus, this ordinance is not sufficient to authorize any development or construction without further approval by the City.

d. Nothing in any portion of this ordinance shall restrict or impair the City's authority or discretion to approve or disapprove any development, construction, subdivision, or any other matter.

Section 3. Ratification of Actions of Agents

The City Council of the City of Iowa Colony hereby ratifies and confirms any and all actions taken by the Mayor, Mayor Pro-Tem, City Secretary, City Attorney, City Manager, or any other officer or agent thereof, in connection with the granting of the

rezoning evidenced by this ordinance, in giving the public notice of the above described hearing, in giving written notice of such hearing to the owner of the premises and to the adjoining property owners, and in conducting the public hearing required by said Act and said Ordinance.

Section 4. Zoning Map

The City Secretary shall amend the zoning map of the City of Iowa Colony to reflect this rezoning of the premises.

Section 5. Other Ordinances

This ordinance is cumulative of and in addition to all other ordinances of the City of Iowa Colony on the same subject, and all such other ordinances are hereby expressly saved from repeal. In the event any provisions of any such other ordinance conflict with or overlap the provisions of this ordinance, whichever imposes the more stringent regulation shall control, except as may be specifically stated otherwise herein. The Zoning Ordinance shall remain in full force and effect, subject to the changes herein specified.

Section 6. Severance Clause

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Section 7. Effective Date

This ordinance shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED ON THIS DATE: April 30, 2019

MICHAEL B. HOLTON, MAYOR
CITY OF IOWA COLONY, TEXAS

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY
CITY OF IOWA COLONY, TEXAS

EXHIBIT "A"
PROPERTY DESCRIPTION AND MAP

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 Iowa 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.

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

STATE OF TEXAS
REGISTERED
ROBERT L. BOELSCHE
4446
PROFESSIONAL
LAND SURVEYOR

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

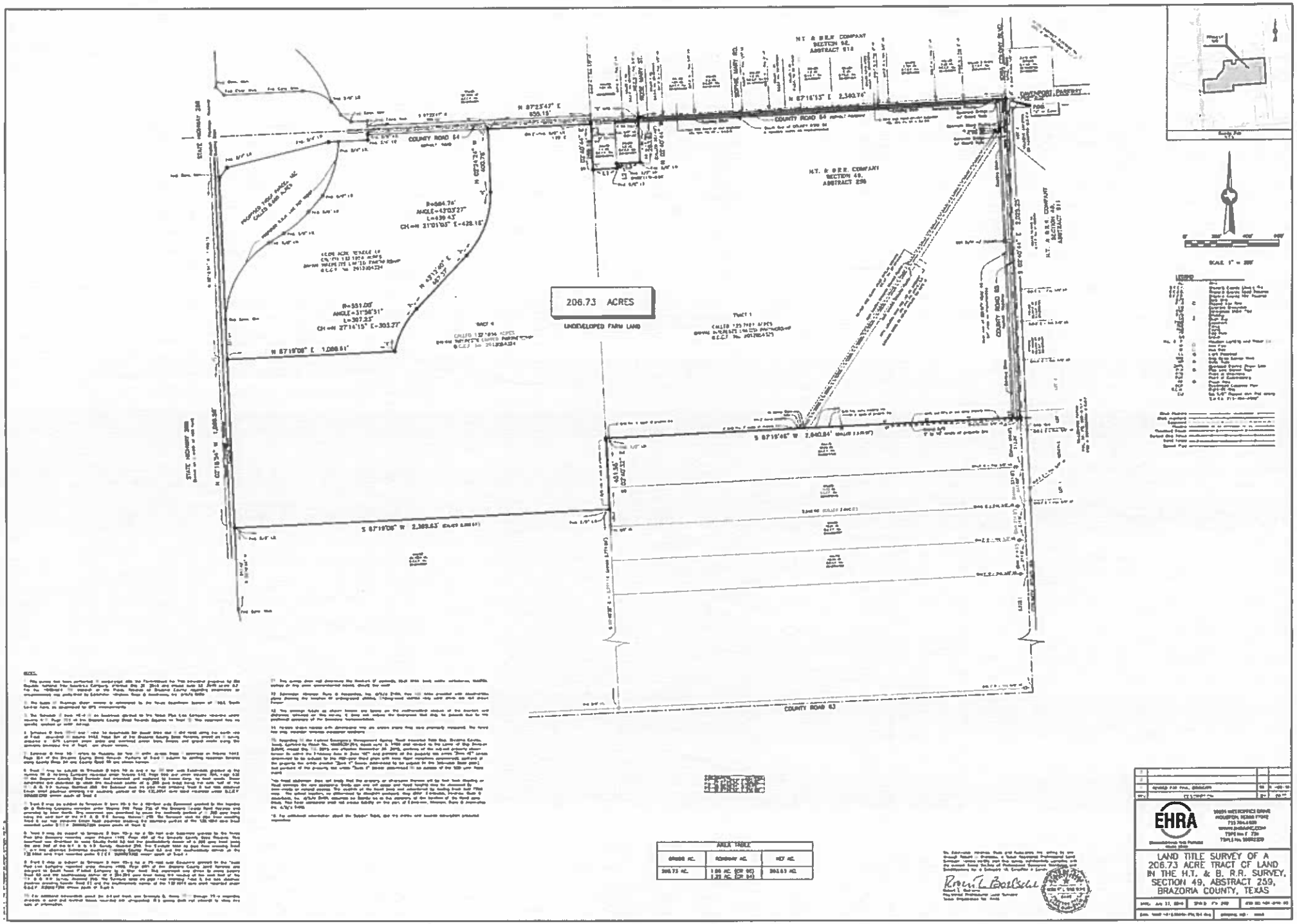
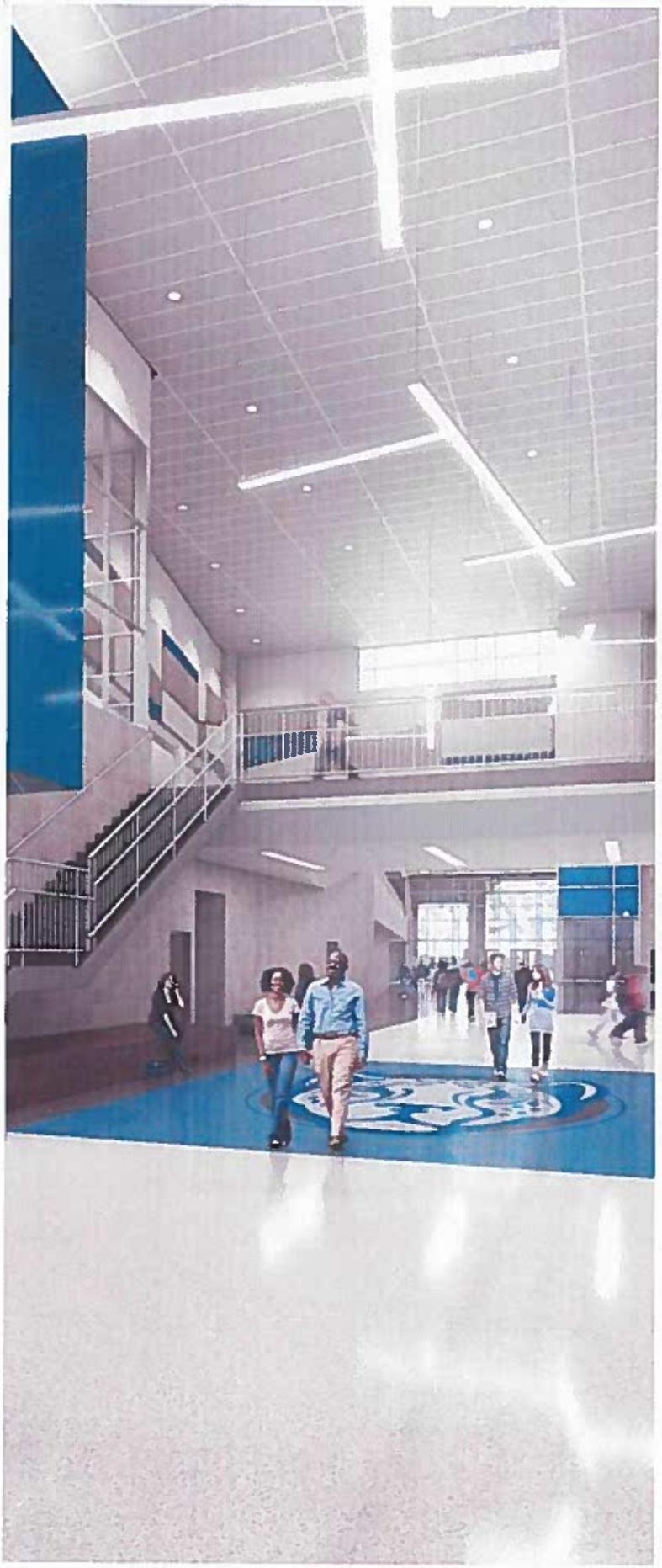

206.73 ACRES
UNDEVELOPED FARM LAND
COUNTY ROAD 64
COUNTY ROAD 63
COUNTY ROAD 65
STATE HIGHWAY 288
H.T. & B.R.R. COMPANY
SECTION 49,
ABSTRACT 259
N 87°25'43" E
N 87°16'13" E
S 87°19'46" W
S 87°19'08" W
N 87°19'08" E
R=664.76'
ANGLE=43°03'27"
L=499.43'
R=551.00'
ANGLE=31°56'31"
L=307.23'
N 02°19'54" W
S 02°40'44" E
S 02°40'44" W
N 02°40'44" E
SCALE 1" = 200'
LEGEND
AREA TABLE
GROSS AC.
ROADWAY AC.
NET AC.
206.73 AC.
1.88 AC. (CR 64)
1.25 AC. (CR 63)
202.63 AC.
EHRA
LAND TITLE SURVEY OF A
206.73 ACRE TRACT OF LAND
IN THE H.T. & B. R.R. SURVEY,
SECTION 49, ABSTRACT 259,
BRAZORIA COUNTY, TEXAS

EXHIBIT "B"
PLANNED UNIT DEVELOPMENT PLAN



Alvin ISD Planned Unit Developement

The City of Iowa Colony

TABLE OF CONTENTS

A. INTRODUCTION

1. Summary

A Planned Unit Development (PUD) agreement between the City of Iowa Colony (The City) and Alvin Independent School District (District) is sought to establish common grounds for the design and development of Public Schools and commercial amenities that will serve the needs of the community of Iowa Colony while promoting quality of life within the surrounding area.

2. Purpose

It is intended that this PUD agreement will provide common guidance and regulations by which the identified property may be developed in a responsible manner, using development criteria which provides quality and clarity for the City, the District, the community, and all other stakeholders.

3. Project Location

The area comprises 206.73 acres at the southwest intersection of city roads 64 (Davenport Parkway) and 65 (Iowa Colony Boulevard). Currently a portion of the property lies within the City extra territorial jurisdiction with some portion currently within the annexed limits of the City.

4. Existing Zoning

Current classification is Single-Family Residential Dwelling District (SFR).

5. Surrounding Land Use

Existing land use in proximity to the site is agricultural and single family residential.

6. Existing Site Conditions

The contour of the existing property is relatively flat with drainage into Hayes Creek on the southwest corner and into Brazoria County Drainage Ditch 101-05 on the northeast. Natural vegetation and remnants of past agricultural plantings exist along with soft wood tree species and underbrush scattered along fence lines.

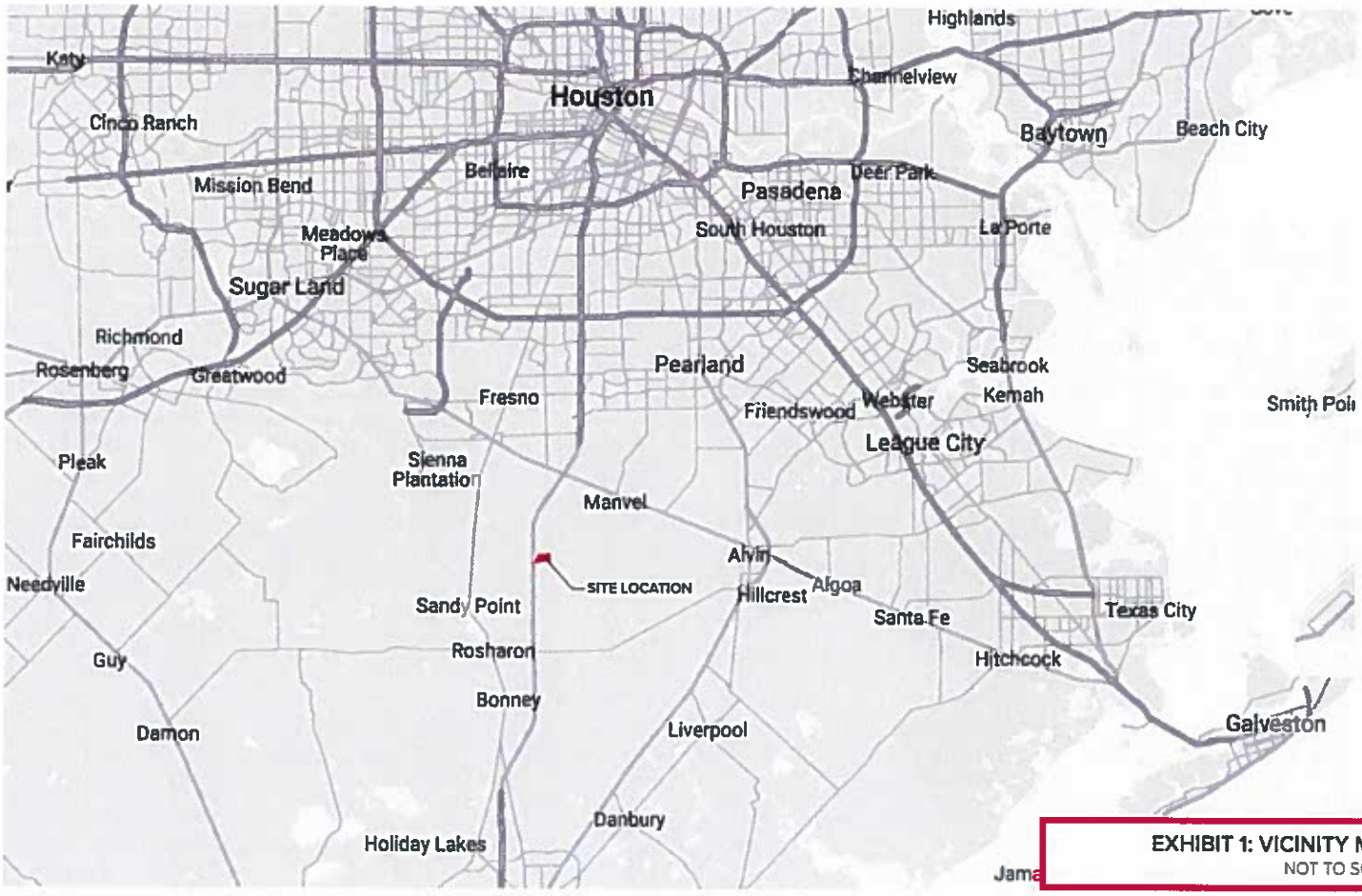


EXHIBIT 1: VICINITY MAP
NOT TO SCALE

B. DEVELOPMENT PLAN

1. Purpose and Intent

The purpose of the Development Plan is to clarify intended use and functions within the plan area and assist with understanding, mutual effort, and direction for all of the stakeholders.

This section provides general descriptions for the goals and objectives of the District to pursue a product consistent with the favor of the community both now and for future generations.

2. Goals and Objectives

a. Establish opportunity for children and community
b. Build and support 21st century learning environment
c. Provide opportunity for building citizenship and future productive community leaders
d. Provide public education capacity for a growing community
e. Model an architecture style which visually contributes value and pride to the physical character of the community.
f. Allows opportunity for commercial development essential to the needs of the community

3. Preliminary Land Use Plan

Land uses proposed for the 206.73 acres include:

a. Commercial – the commercial reserve category is designed to meet the demand for commercial development along State Highway 288. Access to commercial needs and services is fundamental to a thriving and comprehensive community lifestyle. A PUD amndment will be submitted when development details are avaiable.
b. Public education - education reserve constitutes the majority of the surface acres and would be developed in phases depending on velocity and density of population growth, TEA regulations and mandates, and at the direction prescribed by local public control of the District. A senior high school is planned for the initial phase of development, complete with necessary parking, sports fields, detention, and miscellaneous supporting amenities. The balance of the education reserve would support the possibility of additional development phases to build a junior high school, an elementary school, and other District support facilities to the extent the acreage will support.

4. Benefits to the City of Iowa Colony

Quality schools and school facilities are an essential element of support and pride to the leaders and families within a community. A well rounded, comprehensive, thriving

community is reliant on school facilities not only as the primary learning center for young people but also as a center for community pride, unification, socialization, citizenship, recognition, outreach, success, memories, and promise for current and future generations. Viable public school system and facilities provide community stability and opportunity while simultaneously creating a positive influence and appeal both within the community and outward to other communities. The success and stature of a community's public schools has a direct correlation to the appeal and esteem of a community as viewed by the outside world. There exists a level of accreditation and prosperity afforded only through the community buildout of the public school system, with its facilities, programs, and events.

5. **Transportation**

Development of the property for both public schools and commercial facilities will hasten the pace for development of the City Thoroughfare Plan. State and County agencies have and will continue to give attention to more expedient road building schedules in locations hosting public schools.

a. Discovery Drive right of way will be conveyed and built out by the District to the extent identified in the Traffic Impact Analysis, concurrent with the development phases.
b. Davenport Parkway right of way will be conveyed and build out by the District to the extent identified in the Traffic Impact Analysis, concurrent with the development phases.
c. Iowa Colony Boulevard right of way will be conveyed and built out by the District to the extent identified in the Traffic Impact Analysis, concurrent with the development phases.

6. **Parks, Open Space, and Trails**

The District will build and maintain outside green spaces for the primary use and purpose of public schools but some of which will also be available, outside the normal school times, for public leisure.

7. **Infrastructure and Public Facilities**

a. Domestic Water & Wastewater
To be served and provided through the construction and extension of services from MUD #55.
b. Storm Drainage and Detention System
The drainage plan and storm sewer system will be designed in accordance with City of Iowa Colony regulations and approvals as the flood plain administrator. The outfall, divide for partial drainage into both Hayes Creek and Brazoria County Drainage Ditch 101-05, will be designed and approved in accordance with City and Drainage District #5 criteria.

c. Flood Plain Management
The various drainage and flood plain management agencies serving the area have provided information and professional opinions indicating that the current FEMA "flood plain" maps and design criteria do not accurately reflect actual existing conditions. The District (Alvin ISD) will initiate an engineering study to provide current mapping and proven detail to perfect the flood plain maps. The District along with participating adjacent land owners will conduct a formal process known as a "Letter of Map Revision" (LOMR) application. The LOMR application will be based on the best available date, more precise topographical surveys, more detailed computer modeling, and result in a more reliable flood plain map that reflects and serves decisions for control and management for the existing conditions of the area.

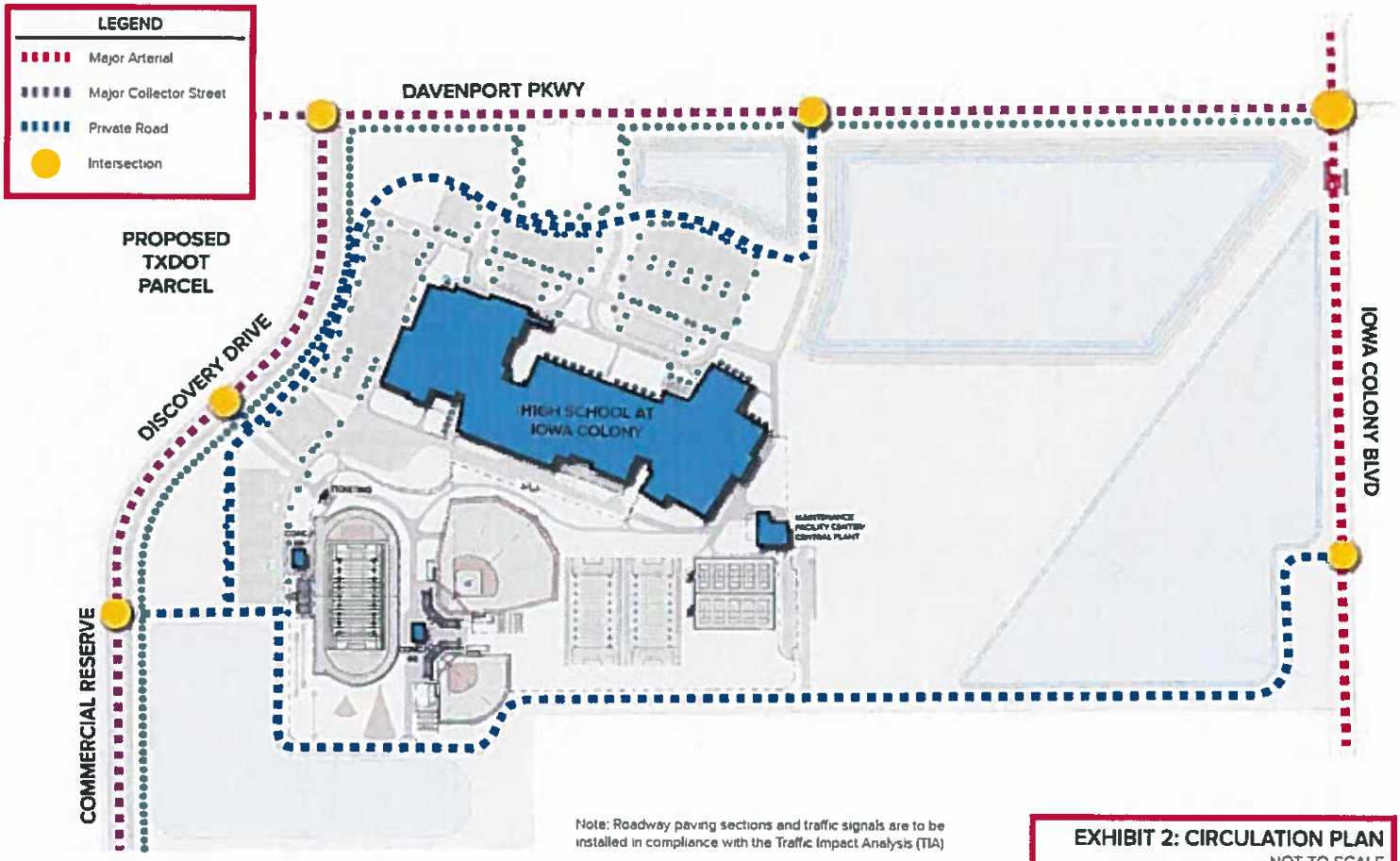
Once adopted by the local flood plain administrator and FEMA, the LOMR will form the baseline against which required floodplain mitigation volumes will be calculated.

i. Phase 1 construction will be calculated and designed using the current flood plain maps. Upon completion and acceptance of a new LOMR and flood plain baselines, excess Phase 1 construction mitigation and detention volumes in excess of the revised detention standards, may be applied to the credit of subsequent construction phases.
ii. Phase 2 and subsequent phase detention requirements will be calculated based on any revised adoption of LOMR or flood plain standards.

d. Other Utilities
Electricity, natural gas, telecommunications, cable and fiber services will be provided to the District through agreements with private utility companies as construction phases and needs occur. The District reserves the right to provide its own fiber optics cabling network.

8. Project Phasing

a. Phase 1 will consist of the high school and supporting amenities and infrastructure to serve a minimum student population of 2,500 students and staff.
b. Future Phases will be forthcoming and be submitted for review and permitting to possibly include a junior high school, an elementary school, and commercial development at a timing determined through population growth, community need, and secured funding.



Note: Roadway paving sections and traffic signals are to be installed in compliance with the Traffic Impact Analysis (TIA)

EXHIBIT 2: CIRCULATION PLAN
NOT TO SCALE

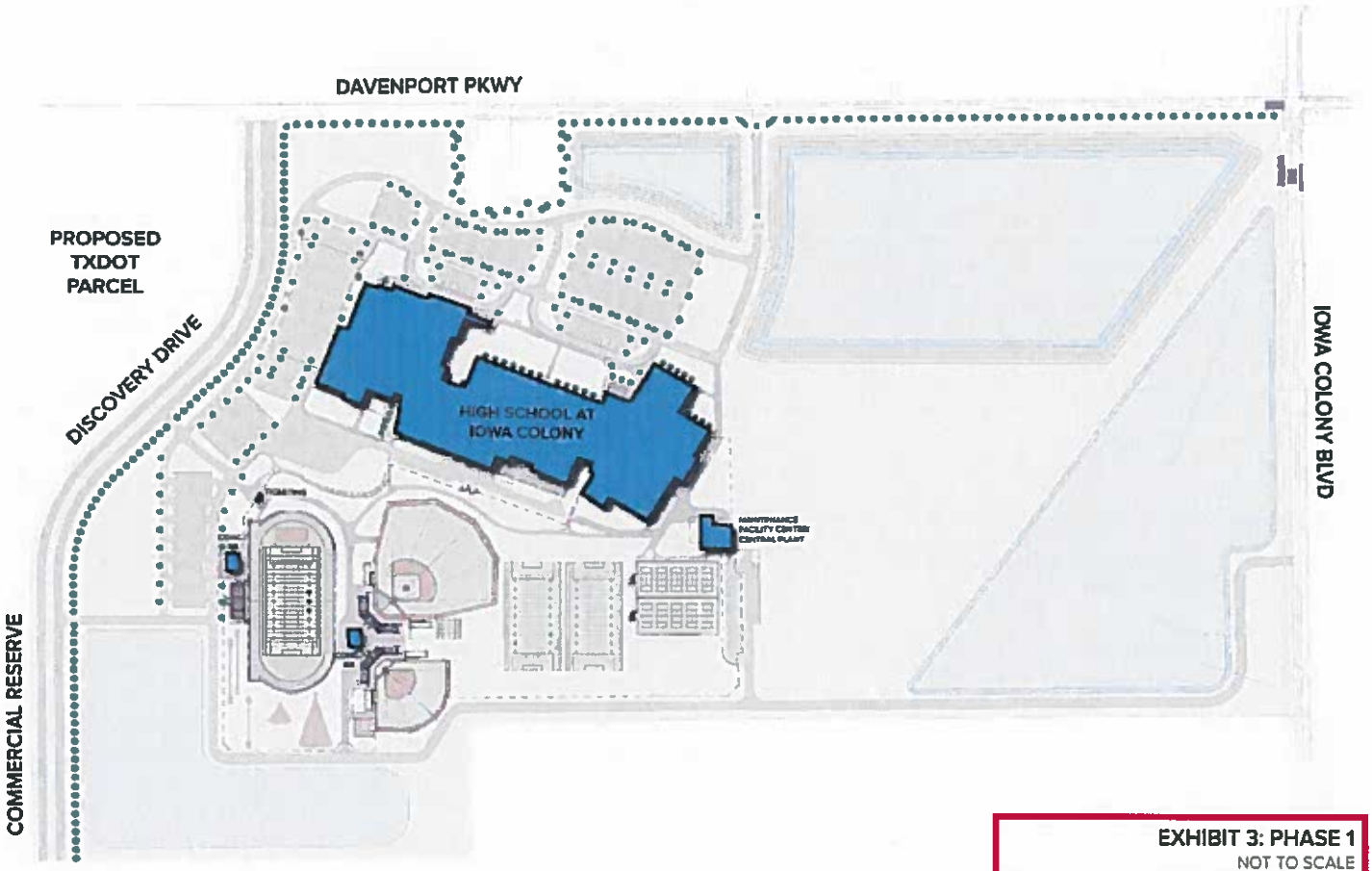


EXHIBIT 3: PHASE 1
NOT TO SCALE

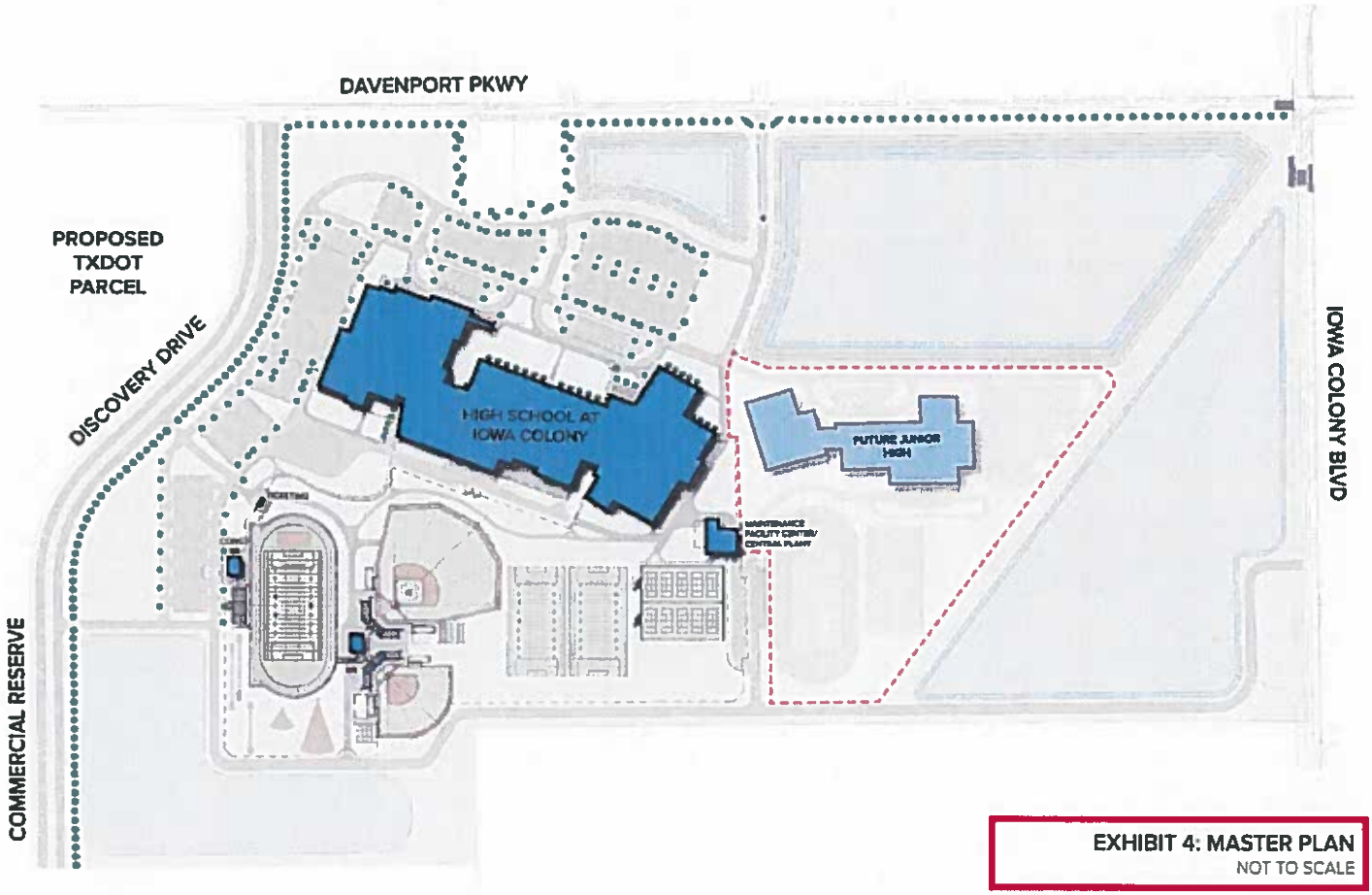


EXHIBIT 4: MASTER PLAN
NOT TO SCALE

C. DEVELOPMENT REGULATIONS

1. Purpose and Intent

The purpose of the Development Regulations is to serve as the primary means of achieving the goals and objectives of the Development Plan.
They are designed to establish clear minimum development standards while providing a reasonable amount of flexibility in order to accommodate future needs.

2. General Provisions

a. Applicability

The regulations contained herein shall apply to all property located within the boundaries of Alvin ISD PUD. See exhibits for property description.
All construction and development within the PUD area shall comply with applicable provisions of the City of Iowa Colony codes and ordinances as they exist on the date of adoption of this PUD and the laws of the State of Texas, except as modified within the PUD.
If specific development standards are not established or if an issue, condition, or situation arises or occurs that is not clearly addressed or understandable in the PUD, then those regulations and standards of the City of Iowa Colony codes and ordinances that are applicable for the most similar issue, condition, or situation shall apply as determined by the City's Designated Official. Appeal of any determination regarding applicability may be made to City Council.
This PUD may be amended by the same procedure as it was adopted. Each amendment shall include all sections or portions of the PUD that are affected by the change.

b. Additional Uses

In the event that a proposed use has not specifically been listed as being a permitted use in a particular land use category within the PUD, it shall be the duty of the City's Designed Official to determine if said use is: 1) consistent with the intent of the zone; and 2) compatible with other listed permitted uses.

3. Grading

The District shall be permitted to commence grading of the property, including clearing and grubbing, in preparation of development upon preliminary plat approval. However, prior to any grading activity a Storm Water Pollution Plan must be submitted and any required City of Iowa Colony grading permits must be obtained. The City may issue the necessary permits prior to the approval of construction plans and plat recordation with the understanding that any grading performed under these circumstances shall be at the risk of the developer.

4. Temporary Uses

Temporary uses conducted in connection with the development of the property shall not require zoning permits from the city, but will require compliance with safety standards. All temporary uses must be approved by the District.

These uses may include but are not limited to:

a. Construction office
b. Construction/storage yards
c. Construction roads
d. Fencing
e. Water pumps and ponds
f. Concrete batch plants and equipment for the processing of on-site materials provided such operations:
    i. Maintain a 500 foot separation between all operations of storage and the nearest occupied residence;
    ii. Limit hours of operations to between 7:00 a.m. and dusk, Monday through Friday;
    iii. Do not include the import or export of materials except as to be used on the property or for off-site improvements related to the project.

5. Development Standards

a. Commercial

The commercial reserve tract is intended for the development of service, institutional, or retail facilities that meets the needs of the community.

Prohibited Uses:

i. Cocktail lounge, bar, or any other establishment that sells alcoholic beverages, or otherwise in violation of Texas state law or the regulations of the Texas Alcoholic Beverage Commission with respect to the proximity to a public or private school;
ii. Disco; Skating rink, roller rink, amusement arcade (except for the operation of video arcade games incidental to the operation of a restaurant otherwise p3ermitted hereunder);
iii. Auction house (except that any antique shop shall be permitted to hold auctions of antiques within its facility);
iv. Flea market; Sale or trade of firearms, weapons, or ammunitions;
v. Blood bank;
vi. Tattoo or piercing parlor;
vii. Funeral home;
viii. Any smelting, rendering, refining, chemical manufacturing or processing;
ix. Any mining or mineral exploration or development except by non-surface means;
x. A carnival, amusement park or circus;

xi. Off track betting establishment (however, the foregoing shall not limit or restrict the sale of lottery tickets as an incidental part of another permitted business operation);
xii. Bingo hall or game room;
xiii. Any use involving the use, storage, disposal or handling of hazardous materials other than the ancillary, prudent and customary use, storage, disposal, and handling of hazardous materials in the ordinary course of business (whose primary business is not the use, storage, disposal or handling of hazardous materials) being operated in accordance with all applicable laws;
xiv. Any facility for the sale of paraphernalia for use with illicit drugs;
xv. Noncompliance with city, county, state, or federal law especially in regard to education; and
xvi. Sexually oriented business including but not limited to adult book store, adult theatre, adult amusement facility, any facility selling or displaying pornographic materials or having such displays

A PUD amendment will besubmitted for the commercial reserve when additional development criteria is determined before development of the commercial reserve.

D. GENERAL ADMINISTRATION & AMENDMENTS

1. Purpose

This section establishes guidelines regarding the administration and future amendments to the PUD.

2. Changes to the Zoning Ordinance

The Development Regulations section of the PUD addresses only those areas that differ from the City of Iowa Colony Zoning Ordinance. In the event that an issue, condition or situation arises that is not specifically addressed in the PUD, the City of Iowa Colony Zoning Ordinance in place at the time of the adoption of this document shall be used by the City's Designated Official as the basis to resolve the issue.

3. Variances from the UDC

The criteria established in this PUD require variances from the City of Iowa Colony Subdivision Ordinance. These variances are necessary to create a cohesive environment for the students of City of Iowa Colony. List 1 references the Letter of Reccomendaion by the staff regarding the variances requested from the UDC corresponding section of the subdivision ordinance. These variances shall apply only to the non-commercial portions of the PUD.

TABLE 1

UDC Section	Requirement	Request	Recommendation from Staff
Section 3.1.2.6 – (a)	Street trees shall be planted within the public street rights-of-way, or on private property within ten feet (10') parallel and adjacent to a local street right-of-way, or on private nonresidential property within 25 feet (25') parallel and adjacent to a major thoroughfare, or in the esplanade pursuant to the requirements of section 3.1.2.8 (b). When the building site abuts a designated state or federal highway or road or any designated county road and street trees are not otherwise required by law, street trees shall be planted on private property in accordance with this section. The number of street trees planted shall equal the total number of trees (T) required under the following formula: T = (X/30), where X shall represent the length in linear feet measured along each side of the property line on the public street(s). This formula and all resulting planting requirements under this section shall be applied separately to each side of the property that abuts a street right-of-way, and if any side abuts two (2) or more block faces, then separately to each block face.	We are asking if we can use the City of Alvin calculation T=X/50 which is defined as: Ordinance No. 16-Q - "Abutting nonresidential use. If the premises abutting the opposite side of the highway is used for nonresidential use, one canopy tree is required in the streetscape buffer for each fifty (50) feet of lot width, or portion thereof, measured along the front property line. (see attached reference - Section 3.1.2.6 (a).1) if the T/50' is not acceptable we are asking if we can plant 50% 4" trees verses 100% 2" at the T=X/30' We are requesting a variance to place trees on the east side of discovery Drive only as it will be expanded in the future. Trees would be planted per the ordinance on the west side of Discovery Drive at the point of improvement. We are requesting a variance that could only require the placement of trees along Davenport to the point of the improved paving section. Trees will be planted when the remainder of the road is improved.	Based on the site plan submitted with the variance request, staff can support an increased minimum spacing along Davenport Parkway as the purpose of the street buffer is to provide a visual buffer between the street and the adjacent building and the proposed building location for the high school is sufficient from Davenport Parkway to warrant a waiver. However, staff only recommends a variance be granted to allow one (1) tree for every forty (40) feet of frontage with minimum 4-inch caliper trees to offset the increased allowed spacing. Regarding Discovery Drive, the proposed high school building is much closer to Discovery Drive than to Davenport Parkway. As such, staff cannot recommend the requested increase in spacing for street trees along Discovery Drive. The need for a visual buffer between the school and proposed commercial development is significant and should not be modified. Staff does not support an increase in the minimum spacing along Discovery Drive.
Section 3.1.2.6 – (a)	Street trees shall be planted within the public street rights-of-way, or on private property within ten feet (10') parallel and adjacent to a local street right-of-way, or on private nonresidential property within 25 feet (25') parallel and adjacent to a major thoroughfare, or in the esplanade pursuant to the requirements of section 3.1.2.8 (b). When the building site abuts a designated state or federal highway or road or any designated county road and street trees are not otherwise required by law, street trees shall be planted on private property in accordance with this section. The number of street trees planted shall equal the total number of trees (T) required under the following formula: T = (X/30), where X shall represent the length in linear feet measured along each side of the property line on the public street(s). This formula and all resulting planting requirements under this section shall be applied separately to each side of the property that abuts a street right-of-way, and if any side abuts two (2) or more block faces, then separately to each block face.	We are requesting a variance regarding the planting of the trees along the property line along Iowa Colony Blvd. We are requesting that the trees required by the calculation T=(X/30) can be added within the future Elementary school project, or the Future Junior High Project. By allowing for phasing the design team and district can reduce the amount of potential demolition of these trees as well as plan for the trees to appropriately accent and elevate the surrounding designs. (see attached reference - Section 3.1.2.6 (a).2)	Regarding Iowa Colony Boulevard, the current development plan includes only the high school plant and the proposed junior high school and elementary school will be constructed at a later date. Staff supports the variance request for the provision of street trees along Iowa Colony Boulevard associated with the development of the junior high school and the elementary school sites to be delayed until the development of these facilities begins. The planting spacing at that time will remain at one (1) tree for every thirty (30) feet of frontage.
Section 3.1.2.7 – (a)	In addition to any street trees that may be required pursuant to section 3.1.2.6, the owner of a building site included under section 3.1.2.1 shall provide one (1) tree for every ten (10) parking spaces, rounding up or down in the case of a fraction to the nearest whole number, but in no case less than one (1) tree. There shall be at least one (1) parking lot or street tree within one hundred and twenty feet (120') of each parking space as measured from the center of the trunk of the tree to some point on the marked parking space. Not fewer than one-half (1/2) of the parking lot trees so required shall be large trees, and the remainder may be either large or small trees. In the case of a parking lot that is being expanded, the trees required pursuant to this subsection may be planted in the same manner as those required for a new parking lot.	We are requesting a variance on having a tree within 120' of each parking space within the western lot that will be used for band practice. We will maintain the same amount of trees required for the parking spaces within this space but are erquesting to plant them outside the 120' regulation.	Staff does support the requested spacing variance for the proposed parking lot to the west of the high school building that will be used for a band practice area. However, the number of required trees will remain the same and the trees can be planted at other locations around the open parking lot.
Section 3.4.1.6 - (b) - (1)	Sports facilities must request special use permit.	We would like to request a special use permit for the High School #4 site as 3 sport complexes (football field, baseball field, and softball field) are being planned. Each of the three complexes will be lit with 6700K LED sports lighting structures. These sports lights will only be in use when the associated sports complex is in use. These LED fixtures will have sharp cut-off optics to minimize spill lighting outside the fields as well as minimize glare.	Staff supports this variance request as a special use requiring higher light temperature color

TABLE 1

Section 3.5.3.1 - (4)	If both (i) property frontage is on a designated major arterial; and (ii) either (a) the tract size is two (2) acres or larger or (b) the proposed building size is greater than twenty-five thousand (25,000) square feet of Gross Leasable Area (GLA), then the front wall of the building shall be located on a build-to building setback line of seventy-one (71) feet from the ultimate right-of-way line of the street along the front of the property.	As Davenport Parkway as a baseline, the front wall of Alvin High School #4 school is intended to sit approximately 650' from the ultimate right-of-way line. We are asking for a variance to allow this setback dimension which provides space for necessary detention ponds, retention ponds, as well as visitor, staff, and special event parking. (see attached reference - Section 3.5.3.1 (4))	As the proposed high school building is located on a very large tract and situated a significant distance from Davenport Parkway, staff supports this variance request.
Section 3.5.3.2 - (a)	Buildings shall squarely face the front street, with their principal façade and entrance in full view. Buildings shall also have rear building entrances to access the building from the on-site parking located behind the building unless a minimum five (5) feet wide sidewalk is provided from the parking area to the front entrance. This is not an exception to any entrance, exit, or access requirements of the Fire Code or any other ordinance or law.	We have defined Davenport Parkway as the "front Street", as Davenport Parkway nearly parallel to the principal façade. We are asking for a variance to allow Alvin High School #4 to run roughly 22 degrees off square with relation to the "front street." This angle allows for greater view from the Davenport Pkwy and Iowa Colony Blvd intersection, it allows for greater use of the full site, and is the ideal orientation to reduce solar gain and increase the efficiency of the building.	Staff recommends supporting this variance request. The building front is set back a considerable distance from Davenport Parkway and it would be difficult to determine visually at that distance where the orientation of the building would be in relation to the street. Also, supporting the variance for better solar orientation is sound public policy.
Section 3.5.3.7 - (a)	Building height in Iowa Colony is restricted to a maximum of two (2) stories, but in no case more than thirty-five (35) feet from the natural ground elevation, as fire protection above that height is not now possible. This regulation may be changed after fire-fighting equipment is secured to allow taller construction.	The request for this variance will be contingent upon our review with the fire marshal. We have portions of the building where the roof line is below 35' and ladder access from the fire lane will be possible. Further access to higher roofs will be provided from one roof plane to another. Note: this building is sprinklered.	With written approval from the Fire Marshall, staff supports this variance request.
Section 3.5.3.8 - (a) - (5c)	New materials not listed as approved, prohibited or conditional, may be approved if a variance is granted. In addition to the other requirements for a variance, the variance shall not be granted unless the alternative finish is substantially equal to or better than an allowed or specified exterior finish in quality, durability, and unless the use of the material will not violate any other provision of this UDC.	We are asking for a variance to use a small percentage of metal panel along the exterior of the building. All metal panel is located along canopy/overhand projection faces, or at the upper story set back walls where carrying masonry over portions of the building is of structural concern. 90% of the metal panel is above 30', and set back from the façade of the building. The color chosen will be darker grey.	Staff supports this variance request. The sustainability of this application is sufficient to warrant long-term use and the use of this material will not be detrimental to the visual image of the building.
Section 3.5.3.11-(b)	Vertical breaks shall be provided on all sides of buildings to provide architectural relief as in (a) above. The maximum vertical distance without a break shall be ten (10) feet.	We are asking for a variance of this 10' requirement due to the grand scale of the high school. We have also considered the distance offset from the public roads for which faces do not comply. We also ask for overall design consideration when reviewing this item. The design is meant to articulate the functions that take place beyond the wall itself, due to this you will see hardened spaces will have little to no vertical breaks. As well please consider the distance from the major thoroughfares of the outbuildings.	Staff supports this variance request. There are sufficient vertical breaks in the majority of the building façade to allow the vertical variety that is generally acceptable. The provision of some larger elements highlights the difference and supports visual variety.
Section 3.5.3.12-(b)	Transparency – Each exterior wall of a commercial/retail/office building facing a public street must contain at least sixty-five (65) percent transparent material to allow visual penetration of at least three (3) feet into the building. Transparency includes stationary glass, windows, and the glass area of doors.	We are asking for a variance for the Percentage transparency. Primarily we are unable to gain the needed 65% transparency due to the primary use of the facility being for education. The west side of the building houses the auditorium, stage, theatrical storage, as well as music rooms which require minimum or no transparency for optimal use. The east side of the building houses the gymnasiums, natatorium, and the locker rooms. Each of these spaces, to function appropriately, do not have transparency. The North façade of the building is designed to allow light into the instructional spaces. The South façade includes student entry and exit locations, as well as spaces for delivery.	Staff is in support of this variance request. Generally, an institutional monument type building is given considerable leeway in design to allow for the atypical design warranted. In this case, there is considerable overall transparency in the building design and that amount is sufficient to provide the desired effect.

Note No variances have been requested or approved for the proposed commercial area between SH288 and Discovery Drive

4. **Interpretation**
The City's Designated Official shall be responsible for interpreting the provisions of the PUD. Appeals to the Designated Official's interpretation may be made to City Council within thirty (30) days of the date of the interpretation.

5. **Administrative Approval**
Certain changes to the provisions may be made administratively by the City of Iowa Colony Designated Official, provided such changes are consistent with the intent and general purpose of the PUD and do not result in limiting the property to be used for Educational purposes, including athletic development, or affect the ability of the Commercial Development to be established.

Decisions by the Designated Official regarding administrative changes shall be subject to appeal by the City Council. The following categories shall be considered administrative changes, but are not limited to:

a. The addition of new information to the PUD, including maps or text that does not change or affect any of the regulations or guidelines contained therein.

b. Changes to the community infrastructure phasing and alignment, such as roads, drainage, water and sewer systems, excluding water and sewer plant locations.

c. Changes to development regulations that are in the interest of the community and do not affect health or safety issues.

The City's Designated Official shall have the authority to make a determination whether an administrative approval is appropriate regarding any situations or circumstances that are not specifically listed here.

6. **Substantial Change**
The PUD may be substantially amended by the procedure outlined in Article VIII of the City of Iowa Colony Zoning Ordinance.

7. **Fees**
All fees associated with the entitlement process shall be assessed as indicated by the City's adopted fee schedule that is in place at the time of Council approval. All fees shall be fair and reasonable.

APPENDIX

ITEM 1

BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 55
c/o Allen Boone Humphries Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

November 8, 2018

Alvin Independent School District
Attn: Mr. Patrick Miller
2200 Stapp Maxwell, Building A
Alvin, Texas 77511

RE: Potential Annexation of an Approximate 206.73-Acre Tract (the "ISD Tract"), as described on Exhibit A-1, and an Approximate 46.08-Acre Tract (the "Commercial Tract") (the ISD Tract and the Commercial Tract are referred to collectively herein as the "Tracts"), as shown on Exhibit A-1, into Brazoria County Municipal Utility District No. 55 (the "District")

Dear Mr. Miller:

The purpose of this non-binding letter of understanding (this "Letter of Understanding") is to set forth the general terms and conditions regarding the above-referenced potential annexation. Alvin Independent School District, (the "ISD") has requested that the Board of Directors of the District (the "Board") consider annexation of the Tracts into the boundaries of the District.

1. Subject to the ISD's purchase of the ISD Tract and execution of a final agreement between the ISD, the owner of the Commercial Tract (the "Commercial Tract Owner"), and the District on the documents contemplated in this Section 1 and Section 6 below, the Board will pursue annexation of the Tracts into the District boundaries, provided that the ISD and the Commercial Tract Owner (the ISD and the Commercial Tract Owner are referred to collectively herein as the "Petitioners") supply to the District all of the items listed in Section 2 below and provided that the Petitioners comply with all of the terms and conditions set forth in annexation agreements to be drafted to include the terms set forth herein (each agreement to be referenced as an "Annexation Agreement").

2. The annexation proceedings concerning the Tracts cannot begin until all of the following items have been received by the District:

a. ***Legal descriptions of the ISD Tract and the Commercial Tract. This may be satisfied with a metes and bounds description and survey (with the seal and signature of a registered professional land surveyor) of the ISD Tract and the Commercial Tract*** proposed to be annexed reflecting the exact acreage and boundaries of the ISD Tract and the Commercial Tract. Once the metes and bounds descriptions of the Tracts are provided and work on the annexation begins, no change may be made to the metes and bounds descriptions, or all the annexation work must be started over from the beginning.

b. ***A current title report or policy showing that the ISD has acquired title to the ISD Tract*** and describing any liens, encumbrances, mineral interests, or other matters affecting title to the ISD Tract, as well as ***a current title report or policy showing the current Commercial Tract Owner*** and describing any liens, encumbrances, mineral interests, or other matters affecting title to the Commercial Tract. The metes and bounds and acreage descriptions incorporated into the title policies must be exactly the same as the metes and bounds and acreage descriptions of the ISD Tract and the Commercial Tract proposed to be annexed.

c. ***Copies of Deeds of Trust with signature block for any lien holders for the ISD Tract and the Commercial Tract (if applicable).*** The District will provide you certain documents that you will need to get executed by the lienholder.

d. ***Copies of the organizational documents of the Petitioners*** (e.g. Articles of Incorporation, Articles of Organization, and/or Partnership Agreement). These documents will be submitted to the Attorney General to determine the authority of the persons executing documents on behalf of the Petitioners. You may redact any confidential information not related to the authority of the person executing documents.

e. ***A county-certified copy of the recorded deed(s) tracing ownership*** of the Tracts from previous owners to the Petitioners (if needed to update the County tax records).

f. ***The correct legal names of the landowners, lien holders and option holders,*** their addresses and correct signature blocks for each of these entities.

g. ***One copy of the Annexation Agreement for the ISD Tract, fully executed by the Petitioner, and one copy of the Annexation Agreement for the Commercial Tract, fully executed by the Commercial Tract Owner.***

g. *One copy of the Annexation Agreement for the ISD Tract, fully executed by the Petitioner, and one copy of the Annexation Agreement for the Commercial Tract, fully executed by the Commercial Tract Owner.*

h. *A check or checks payable to* **Brazoria County Municipal Utility District No. 55** in the total amount of $30,000 representing a deposit for Annexation Costs (as defined in this Letter of Understanding) for the ISD Tract and the Commercial Tract.

3. The Petitioners, and/or all other owners, lien holders and option holders of the Tracts shall execute and file with the District Petitions for Addition of Certain Land and all collateral documents in accordance with the Texas Water Code, as amended, in a form approved by the District that we will provide to you. The Petitioners agree, to take all actions necessary to diligently pursue, respectively, annexation of the Tracts to completion. In the event that all of the ISD Tract or the Commercial Tract, or any portion thereof, is sold by either Petitioner prior to annexation, the relevant Petitioner is responsible for obtaining all necessary documentation as determined by the District, in a form approved by the District, and signatures for processing the annexation, including revised metes and bounds descriptions, if applicable.

4. The Petitioners should be aware that documents to be signed in conjunction with the annexation may require various certificates of authority for all signers acting in representative capacities. The ISD will be responsible for securing the executions and acknowledgments for all landowners and lienholders that are needed on all documents relating to the proposed annexation of the ISD Tract, and the Commercial Tract Owner will be responsible for securing the executions and acknowledgments for all landowners and lienholders that are needed on all documents relating to the proposed annexation of the Commercial Tract.

5. The District shall pursue the annexation of the Tracts on the condition that the Petitioners pay all costs and expenses relating to the annexation of the Tracts, including without limitation, legal fees, engineering fees, filing fees, copying costs, legal costs associated with the preparation of the Annexation Agreements, and all other related costs, fees, and expenses ("Annexation Costs"). It is currently anticipated that the ISD's total Annexation Costs will be approximately $15,000 for the ISD Tract, and the Commercial Tract Owner's total annexation Costs will be approximately $15,000 for the Commercial Tract. If for any reason at any time it is determined that an annexation is not feasible, or if the Petitioners fail to make any payment required by the Annexation Agreement, or if the Petitioners decide not to pursue annexation of the Tracts into the District, then the Tracts shall not be annexed by the District and the District will retain any

funds deposited by the Petitioner.

6. Prior to pursuing annexation of the Tracts, the District, and the Petitioners will enter into an agreement with the District that will govern the extension of facilities to serve the Tracts, the advancement of funds by the Petitioners to the District for the construction of such facilities, and any other terms the District deems desirable to include, in a form acceptable to the District. The estimate of costs for such facilities is set forth on Exhibit B attached hereto. Petitioners understand and agrees that the costs set forth in Exhibit B attached hereto are estimates only, and actual costs could be higher. Petitioners will be responsible for their shares of the actual costs, and will not seek reimbursement by the District for such costs.

7. The Annexation Agreements will be no guarantee that either the ISD Tract or the Commercial Tract will be annexed to the District, but will be an expression of the District's best good faith intention to annex the Tracts into the District if the ISD and the Commercial Tract Owner each comply with the terms of their respective Annexation Agreements and if the applicable annexation is determined to be feasible by the District and approved by the City of Iowa Colony. Nothing contained in either Annexation Agreement will benefit, or shall inure to the benefit of, any third party.

If the ISD is in agreement with the terms and conditions of this Letter of Understanding, please execute the acknowledgment as indicated on both originals of the Letter of Understanding and return both originals of the Letter of Understanding to the District. We will return one fully executed original of the Letter of Understanding to the ISD when available.

[EXECUTION PAGES FOLLOW]

EXHIBIT A-1

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 Iowa 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

STATE OF TEXAS
REGISTERED
ROBERT L. BOELSCHE
4446
PROFESSIONAL
LAND SURVEYOR

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

EXHIBIT A-2