



ORDINANCE NO. 2019-24

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT; ANNEXING THE BAHAM/KHONSARI 34 AND 26 ACRE TRACTS, 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 Section 43.028 of the Texas Local Government Code and all other applicable law.
2. All procedures and requirements under the Texas Local Government Code and any other applicable law have been duly followed and satisfied concerning this annexation.
3. 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.
4. 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.
7. 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.

RECORDER'S MEMORANDUM:

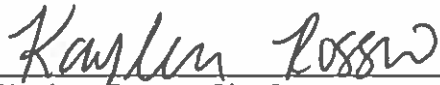
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon, or photo-copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

READ, PASSED AND APPROVED on July 15, 2019.



Michael Byrum-Bratsen, Mayor
City of Iowa Colony, Texas

ATTEST:



Kayleen Rosser, City Secretary

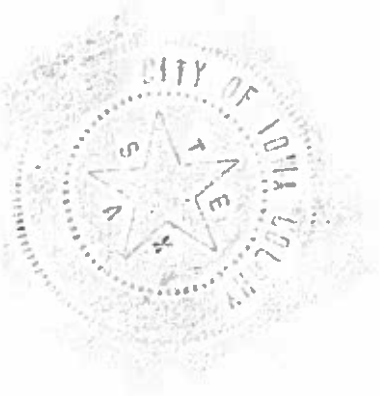


EXHIBIT "A"
ANNEXED AREA

**DESCRIPTION OF A TRACT OF LAND CONTAINING
34.000 ACRES (1,481,040 SQUARE FEET) SITUATED
IN THE H. T. & B. RR. COMPANY SURVEY, SECTION 49, ABSTRACT 259
BRAZORIA COUNTY, TEXAS**

Being a tract of land containing 34.000 acres (1,481,040 square feet), situated in the H. T. & B. RR. Company Survey, Section 49, Abstract 259, Brazoria County, Texas, being all of a tract of land conveyed unto Ley Ouch by deeds recorded under County Clerk's File Nos. 2005001446 and 2005002636 of the Official Records of Brazoria County, Texas. Said 34.000-acre tract being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the southeast corner of H. T. & B. RR. Company Survey, Section 49, Abstract 259, as recorded in Volume 17, Page 241 of the Plat Records of Brazoria County, Texas, said point being on the east 45.00 feet of County Road 65 (75.00 feet wide);

THENCE North, along the east 45.00 feet of said County Road 65, a distance of 2691.00 feet for the POINT OF BEGINNING and being the southeast corner of said tract herein described;

THENCE West, passing a found 1/2-inch iron rod in the west right-of-way line of said County Road 65 at a distance of 45.00 feet and continue for a total distance of 2640.00 feet to the southwest corner of said tract herein described (from which a found 1/2-inch iron rod bears South 62°49' West, a distance of 1.4 feet);

THENCE North 561.00 feet to the northwest corner of said tract herein described (from which a found 1/2-inch iron rod bears South 50°35' West, a distance of 1.2 feet);

THENCE East, passing a found 1/2-inch iron rod in the west right-of-way line of said County Road 65 at a distance of 2595.00 feet, and continue for a total distance of 2640.00 feet for the northeast corner of said tract herein described;

THENCE South, along the east line of the said 45.00 feet of said County Road 65, a distance of 561.00 feet to the POINT OF BEGINNING and containing 34.000 acres (1,481,040 square feet), more or less.

Note: This metes and bounds description is referenced to a survey drawing prepared by Survey 1, Inc. (Firm Registration No. 100758-00) dated October 17, 2018, job number 10-67524-18.



 **vey 1, Inc.**
Your Land Survey Company

1. 1/2" = 1' SCALE
2. 1/4" = 1' SCALE
3. 1/8" = 1' SCALE
4. 1/16" = 1' SCALE

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1000 000
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PLANNING

DESIGN

CONSTRUCTION

MAINTENANCE

OPERATION

REPAIR

RENOVATION

RECONSTRUCTION

DEMOLITION

LANDSCAPE

PAVING

SEWER

WATER

ELECTRIC

HEATING

Cooling

Lighting

Sound

Security

Fire

Insurance

Legal

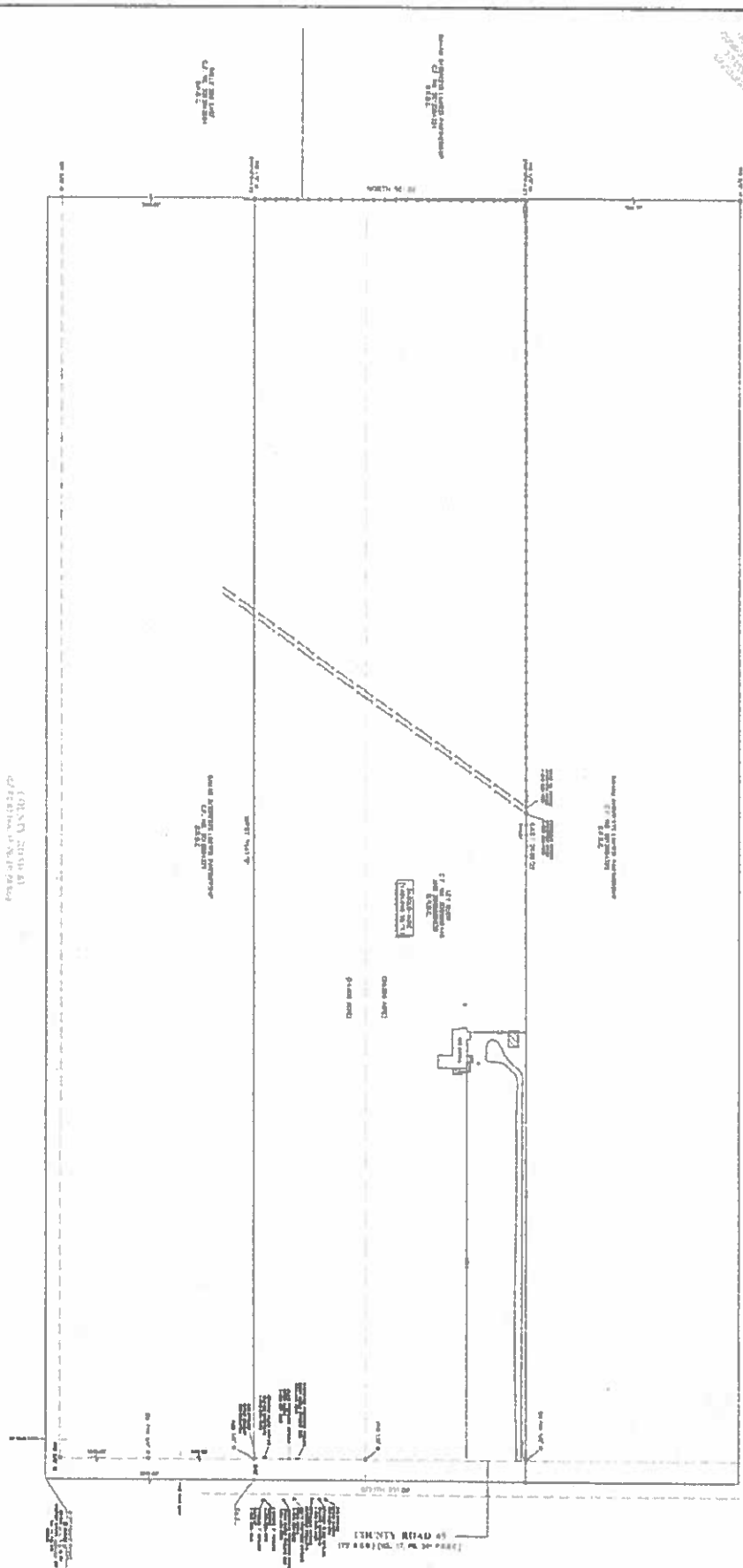
Financial

Administrative

Other

1. 1/2" = 1' SCALE
2. 1/4" = 1' SCALE
3. 1/8" = 1' SCALE
4. 1/16" = 1' SCALE

1. 1/2" = 1' SCALE
2. 1/4" = 1' SCALE
3. 1/8" = 1' SCALE
4. 1/16" = 1' SCALE



1. 1/2" = 1' SCALE
2. 1/4" = 1' SCALE
3. 1/8" = 1' SCALE
4. 1/16" = 1' SCALE

County: Brazoria
Project: Baham 288
M&B No: 18-031
CS Job No: 18039

METES AND BOUNDS DESCRIPTION OF 26.000 ACRES

Being a tract of land containing 26.000 acres, located in the H.T. & B. R.R. Co. Survey, Section 49, Abstract 259, in Brazoria County, Texas; Said 26.000 acre tract being all of a called 13.0000 acre tract of land recorded in the name of Baham Interests Limited Partnership in Brazoria County Clerk's File Number (B.C.C.F. No.) 2012054327 (the north 13.0000 acre tract) and all of a called 13.0000 acre tract of land recorded in the name of Baham Interests Limited Partnership in B.C.C.F. No. 2012054326 (the south 13.0000 acre tract); Said 26.000 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a point for the northeast corner of said north 13.0000 acre tract and the southwest corner of a called 14.00 acre tract of land recorded in the name of Ley Ouch in B.C.C.F. No. 2005602363, on the centerline of County Road 65 (width varies);

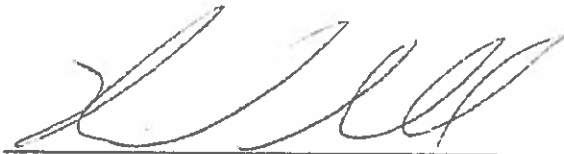
THENCE, South 02° 40' 17" East with the east lines of said north and south 13.0000 acre tracts and the centerline of said County Road 65, a distance of 429.00 feet to a point for the southeast corner of said south 13.0000 acre tract and the northeast corner of a called 7.000 acre tract of land recorded in the name of Jack O. Baird, III, in B.C.C.F. No. 2016017044;

THENCE, South 87° 19' 43" West, with the south line of said south 13.0000 acre tract and the north lines of said 7.000 acre tract, a called 11.6060 acre tract of land recorded in the name of Jerry Dace in B.C.C.F. No. 2012041204, a called 11.6060 acre tract of land recorded in the name of Leroy A. Stevens in B.C.C.F. No. 2012041201, a called 43.230 acre tract of land recorded in the name of Lashonda Naco Petry in B.C.C.F. No. 2017025181, and a called 20.03 acre tract of land recorded in the name of Domingo Salinas in B.C.C.F. No. 1996009986, at a distance of 45.00 feet pass a 3/4-inch iron pipe found on the west Right-of-Way (R.O.W.) line of said County Road 65, continuing in all a distance of 2,640.00 feet to a 5/8-inch Iron rod found at the southwest corner of said south 13.0000 acre tract and the northwest corner of said 20.03 acre tract, on the east line of a called 132.1854 acre tract of land recorded in the name of Rally Capital Texas, LLC, in B.C.C.F. No. 2013040084;

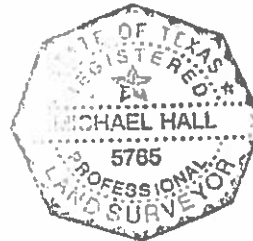
THENCE, North 02° 40' 17" West, with the west lines of said south and north 13.000 acre tracts and the east line of said 132.1854 acre tract, a distance of 429.00 feet to a 1/2-inch iron rod found at the northwest corner of said north 13.0000 acre tract and the southwest corner of aforesaid 14.00 acre tract;

THENCE, North 87° 19' 43" East, with the north line of said north 13.0000 acre tract and the south line of said 14.00 acre tract, at a distance of 2,595.00 feet pass a 1/2-inch iron rod found on the west R.O.W. line of said County Road 65, continuing in all a distance of 2,640.00 feet the **POINT OF BEGINNING** and containing 26.000 acres of land.

A Standard Land Survey of the herein described tract was prepared in conjunction with and accompanies this description.



Michael Hall, R.P.L.S.
Texas Registration Number 5765



CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
April 10, 2018

EXHIBIT “B”
SERVICE PLAN

CITY OF IOWA COLONY
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION OF TWO KHONSARY TRACTS
2019

INTRODUCTION

The City of Iowa Colony has received two petitions for annexation owned by Baham Interests Limited Partnership. One tract is 46.09 acres. The second tract is 60 acres. This Municipal Services Plan applies to both.

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

At this time, municipal utility district will provide water service to the area in accordance with the applicable codes and City policy.

SANITARY SEWER SERVICE

At this time, 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.

FILED and RECORDED

Instrument Number: 2019035252

Filing and Recording Date: 07/24/2019 12:07:34 PM Pages: 13 Recording Fee: \$70.00

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.



A handwritten signature in cursive script, appearing to read "Joyce Hudman".

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.

cc:clerk-bonnie