

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, ANNEXING COMMERCIAL AREAS OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 53 (AT SIERRA VISTA WEST) FOR THE LIMITED PURPOSES OF IMPOSING, LEVYING, AND COLLECTING IN THOSE AREAS ALL SALES AND USE TAXES OF THE CITY OF IOWA COLONY AND ANY ENTITIES CREATED AT ANY TIME BY THE CITY; IMPOSING THOSE TAXES IN THOSE AREAS; PROVIDING FOR CERTAIN RIGHTS OF VOTERS AND RESIDENTS OF THE LIMITED PURPOSE ANNEXATION AREA; AND PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

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

1. This annexation for limited purposes is authorized by Section 43.0751 of the Texas Local Government Code, any and all other applicable law, and the Strategic Partnership Agreement between the City of Iowa Colony ("the City") and Brazoria County Municipal Utility District No. 53.

2. The procedures required by the Texas Local Government Code and the above described agreement have been duly followed concerning this annexation for limited purposes. This limited purpose annexation complies with all applicable law.

3. The term "the Limited Purpose Annexation Area" herein shall mean the property described on Exhibit "A," which is attached hereto and incorporated herein in full, together with all public street rights-of-way and dedicated easements of any nature adjoining the property described on Exhibit "A" hereto.

4. The Limited Purpose Annexation Area is hereby annexed to the City of Iowa Colony, Texas, for the limited purpose of imposing, levying, and collecting in that area all sales and use taxes of the City of Iowa Colony and of any entities created at any time by the City of Iowa Colony. The boundary limits of the City of Iowa Colony are hereby extended to include the Limited Purpose Annexation Area for those purposes. All sales and use taxes of the City and of any entity created at any time by the City are hereby imposed, levied, and shall be collected in the Limited Purpose Annexation Area.

5. a. The qualified voters of the Limited Purpose Annexation Area are entitled to vote in municipal elections regarding: (1) the election or recall of members of the governing body of the City of Iowa Colony or of any entity created at any time by the City; (2) the election or recall of the controller, in the event that the office of controller is created and is an elective position of the City; and (3) the amendment of the municipal charter.

b. The voters of the Limited Purpose Annexation Area may not vote in any bond election of the City or of any entity created at any time by the City.

c. A resident of the Limited Purpose Annexation Area is not eligible to be a candidate for or to be elected to a municipal office of the City or of any entity created at any time by the City.

6. 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 ordinance is ever held invalid as to any portion, of whatever size, of the Limited Purpose Annexation Area, then this ordinance shall remain valid as to the remainder of such territory.

7. This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED on the 20 day of March, 2023.


MICHAEL BYRUM-BRATSEN, Mayor
City of Iowa Colony, Texas

ATTEST:


KAYLEEN ROSSER, City Secretary



EXHIBIT "A"
LIMITED PURPOSE ANNEXATION AREA
COMMERCIAL AREA OF MUD 53

A **METES & BOUNDS** description of a certain 8.709 acre (379,380 square feet) tract of land situated in the Lavaca Navigation Company Survey, Section 1, Abstract No. 329 in Brazoria County, Texas, being a portion of a called 21.52 acre tract (Parcel "A", Tract "9") conveyed to Astro Sierra Vista, L.P., by deed recorded in Clerk's File No. 2021084557, Brazoria County Official Public Records; said 8.709 acre (379,380 square feet) tract of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

COMMENCING at a 5/8-inch iron rod (with cap) found, being the southeast corner of Crystal View Drive Phase II according to the plat thereof recorded in Clerk's File No. 2019057701, Brazoria County Official Public Records, being the northeast corner of said called 21.52 acre tract, and being on the west right-of-way line of County Road No. 48 (based on a width of 40 feet) recorded in Volume 2, Page 113, Brazoria County Deed Records;

THENCE, along the south line of said Crystal View Drive Phase II and the north line of said called 21.52 acre tract, the following three (3) courses and distances:

1. South 87°14'55" West, 10.00 feet to a 5/8-inch iron rod (with cap) found, being the beginning of a curve to the left;
2. Along said curve to the left in a northwesterly direction, with a radius of 30.00 feet, a central angle of 90°00'18", an arc length of 47.13 feet, and a chord bearing North 47°44'41" West, 42.43 feet to a 5/8-inch iron rod (with cap) found;
3. South 87°15'10" West, 22.05 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, departing the south line of said Crystal View Drive Phase II, over and across said called 21.52 acre tract, the following three (3) courses and distances,

1. South 02°44'50" East, 648.70 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the southeast corner of the herein described tract;
2. South 87°15'28" West, 521.12 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being the southwest corner of the herein described tract;
3. North 31°01'13" West, 464.87 feet to a 5/8-inch iron rod (with cap stamped "ELS") set, being on the south line of said called Crystal View Drive Phase II, being on the north line of said called 21.52 acre tract, being the northwest corner of the herein described tract, and the beginning of a curve to the left;

THENCE, along the south line of said Crystal View Drive Phase II and the north line of said called 21.52 acre tract, the following three (3) courses and distances:

1. Along said curve to the left in a northeasterly direction, with a radius of 1,040.00 feet, a central angle of 02°00'01", an arc length of 36.31 feet, and a chord bearing North 58°51'00" East, 36.31 feet to a 5/8-inch iron rod (with cap) found;

2. North $57^{\circ}51'00''$ East, 200.25 feet to a 5/8-inch iron rod (with cap) found, being the beginning of a curve to the right;
3. Along said curve to the right in an easterly direction, with a radius of 960.00 feet, a central angle of $29^{\circ}24'10''$, an arc length of 492.65 feet, and a chord bearing North $72^{\circ}33'05''$ East, 487.26 feet to a 5/8-inch iron rod (with cap) found;

THENCE, North $87^{\circ}15'10''$ East, 63.62 feet to the **POINT OF BEGINNING, CONTAINING 8.709 acres (379,380 square feet)** of land in Brazoria County, Texas filed in the offices of Elevation Land Solutions in The Woodlands, Texas.