



CITY COUNCIL AGENDA
CITY OF PEARLAND
PUBLIC HEARING
MONDAY, NOVEMBER 17, 2014, 6:30 P.M.
COUNCIL CHAMBERS | PEARLAND CITY HALL | 3519 LIBERTY DRIVE
281.652.1600

- I. CALL TO ORDER**
- II. Purpose of Hearing - Proposed annexation of approximately 11.448 acres.**

11.448 acres of land, more or less, generally located on the west side of County Road 48, west of Southern Trails Subdivision and south of Broadway Street.
- III. Staff review of the Feasibility Plan and Service Plan**
- IV. Citizen Comments**
- V. Council/Staff Discussion**
- VI. ADJOURNMENT**

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

All agenda supporting documents are available at pearlandtx.gov

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: November 17, 2014	ITEM NO.: Public Hearing
DATE SUBMITTED: October 7, 2014	DEPT. OF ORIGIN: Planning
PREPARED BY: Johnna Matthews	PRESENTOR: Lata Krishnarao
REVIEWED BY: Lata Krishnarao	REVIEW DATE: November 10, 2014
SUBJECT: The first of two public hearings pursuant to Chapter 43 of the Texas Local Government Code, regarding the voluntary annexation of approximately 11.448 acres, located on the west side of County Road 48, west of Southern Trails Subdivision and south of Broadway Street	
ATTACHMENTS: Aerial Map Zoning Map Future Land Use Map Notification Map Feasibility Report Service Plan Legal Descriptions Petition for Annexation	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department:	
Finance	Legal
Ordinance	Resolution

EXECUTIVE SUMMARY

Alan Mueller, applicant; on behalf of the owners, John McMahan (owner of approximately 2.726 acres) and Joe Laney (owner of approximately 8.722 acres); has

petitioned the City to annex approximately 11.448 into its corporate city limits. The subject property is located on the west side of County Road 48, west of Southern Trails Subdivision and south of Broadway Street. The approximately 20 acres just west of the subject property is under common ownership with the approximately 2.726 acres proposed for annexation, and was annexed into the City in 2001. Upon approval of the annexation of the subject property, the applicant proposes to combine it with the 20 acres to the west and rezone to Single Family Residential 1 (R-1) for a Cluster Plan Development. The applicant will also be seeking annexation into MUD District 34, who will fiancé and extend water and wastewater infrastructure.

The subject property is surrounded by residential uses, including single family and a manufactured home; in addition to a warehouse/storage use to the north. It is important to note that if the annexation of the subject property is approved, an unincorporated pocket north of the site will remain in the extraterritorial jurisdiction (ETJ) of the City, and will be surrounded by land located within the City on all sides.

The below table identifies surrounding zoning districts and uses:

	Zoning	Land Use
North	ETJ	Warehouse/Storage
South	ETJ	Single Family
East	Southern Trails PD	Single Family
West	Single Family Estate (RE)	Undeveloped Commercial

According to the Comprehensive Plan, the future land use designation for the subject property is “Low Density Residential.” Major features and proposed land uses of the aforementioned future land use designation include conventional single-family detached developments with a density (dwelling units per acre) of 0-4 dwelling units per acre. The recommended average lot size is 7,500 square feet. However, smaller lots may be acceptable if common open space is provided and overall density is not increased. Recommended zoning districts include Single Family Residential 1 (R-1) and R-2.

In accordance with Chapter 43 of the Texas Local Government Code, the following statutory requirements are mandated for annexation.

- Notice of Intent to all property owners, public/private entities, railroad companies;
- Preparation of a Service Plan that provides for the extension of full municipal services;
- Two public hearings are required at which persons interested in the annexation are given the opportunity to be heard;
- Reading of the Annexation Ordinance
- Pre-Clearance (Justice Department Notification)

Staff recommends approval of the proposed annexation for the following reasons:

- The proposed annexation is voluntary (initiated by the property owner) and will not affect nearby properties in a negative manner. It will give assurances to nearby property owners that development of the property will be subject to City of Pearland regulations.
- The proposed annexation will provide an opportunity to direct future growth and guide development.
- The proposed annexation will prevent the creation of potential non-conformities of structures and uses; and will have in place guidelines to protect existing and proposed single family developments.
- The provision of municipal services can be provided with existing resources as indicated within the attached Service Plan and Feasibility Report. However, the applicant is seeking annexation into MUD 34 and water and sewer services will be financed and extended by the MUD.
- The property is proposed to be zoned R-1. This zoning for the currently undeveloped property will ensure that the property develops in a manner which is most compatible for the location and surrounding land uses.
- The zoning of the property will be based on the Future Land Use Plan and regulated by the Unified Development Code.
- The future land use designation for the site is "Low Density," which is consistent with surrounding uses and the proposed R-1 Cluster Development Plan, with common open space and a density comparable to the future land use designation.



PUBLIC HEARING
THE CITY COUNCIL CITY OF THE CITY OF PEARLAND, TEXAS,
MONDAY, NOVEMBER 17, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

The first of two public hearings pursuant to Chapter 43 of the Texas Local Government Code, regarding the voluntary annexation of approximately 11.448 acres, located on the west side of County Road 48, west of Southern Trails Subdivision and south of Broadway Street.

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL//STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.



**AERIAL MAP
ANNEXATION
WEST SIDE OF CR 48 &
WEST OF SOUTHERN
TRAILS SUBDIVISION**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 422 feet

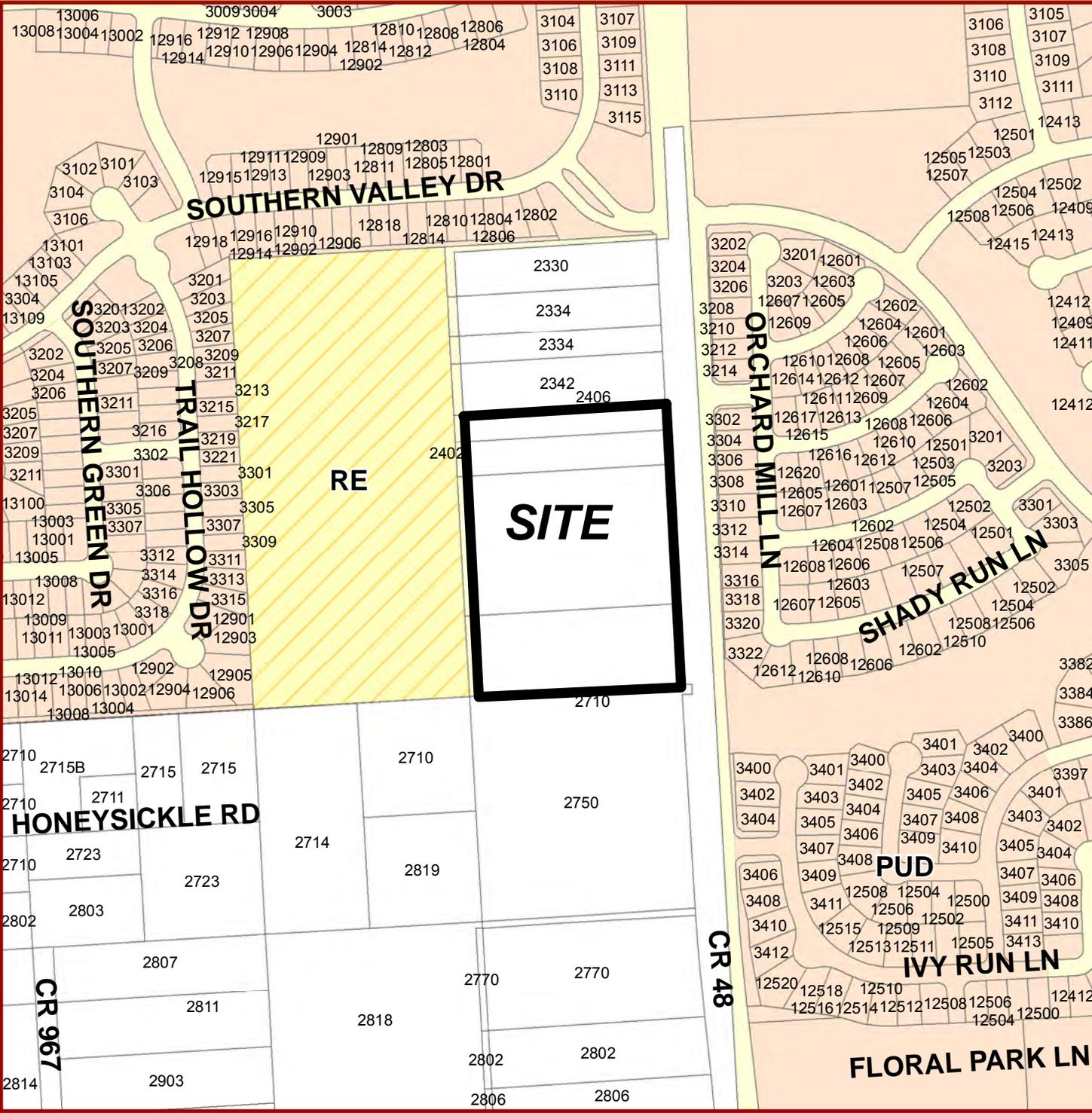
22 MAY 2014
PLANNING DEPARTMENT



Attachment 2

ZONING MAP

ANNEXATION WEST SIDE OF CR 48 & WEST OF SOUTHERN TRAILS SUBDIVISION

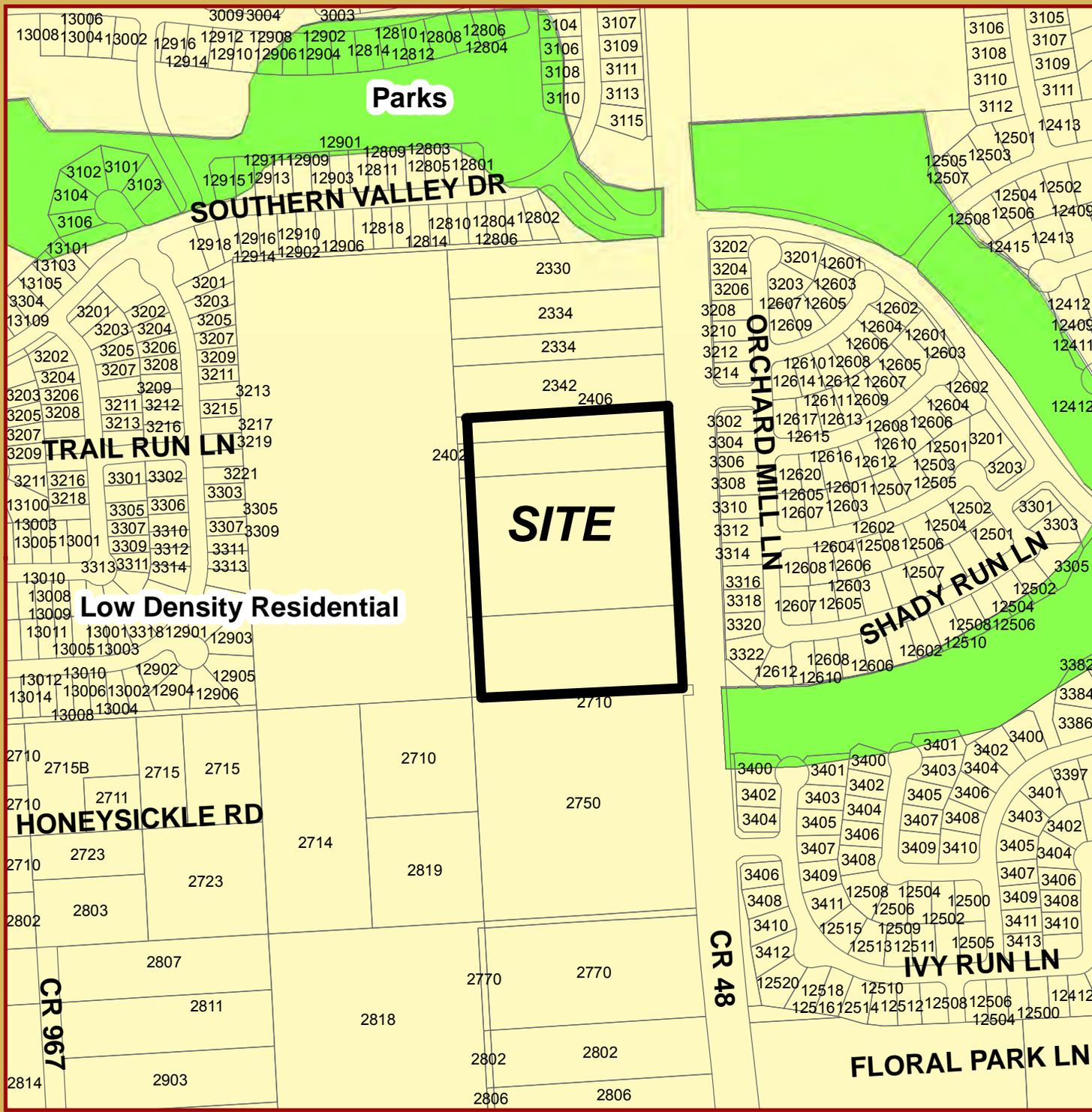


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 422 feet

22 MAY 2014
PLANNING DEPARTMENT





FLUP MAP
ANNEXATION
WEST SIDE OF CR 48 &
WEST OF SOUTHERN
TRAILS SUBDIVISION

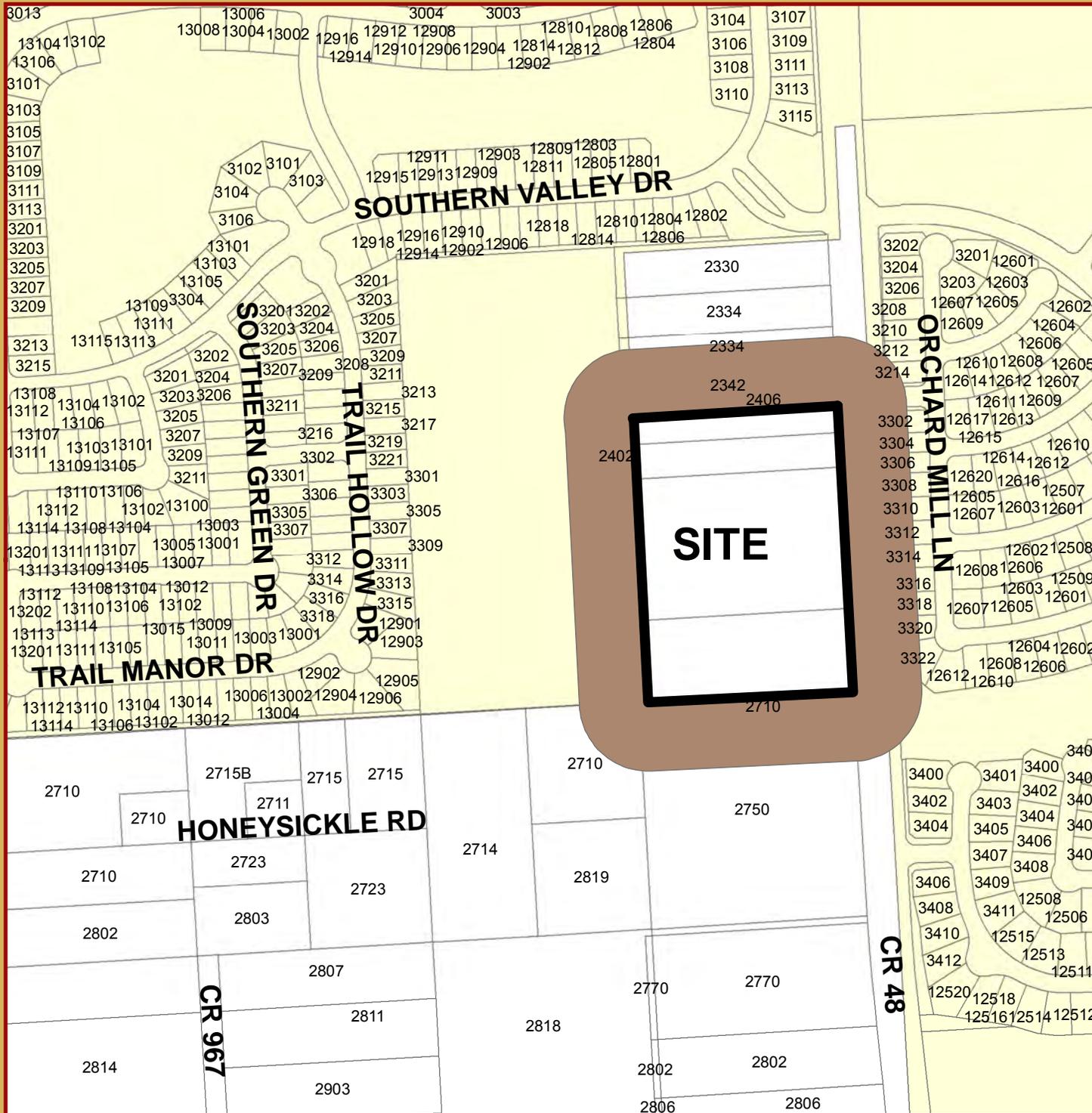


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 422 feet

22 MAY 2014
 PLANNING DEPARTMENT





NOTIFICATION MAP

WEST SIDE OF CR 48, SOUTH OF BROADWAY STREET & WEST OF SOUTHERN TRAILS SUBDIVISION



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 418 feet

22 MAY 2014
PLANNING DEPARTMENT



**PROPERTY OWNER INITIATED ANNEXATION:
PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF COUNTY
ROAD 48, WEST OF SOUTHERN TRAILS SUBDISION AND
APPROXIMATELY 2,000 FEET SOUTH OF BROADWAY STREET**

FEASIBILTY REPORT

LOCATION:

The subject property is located within the City of Pearland's extraterritorial jurisdiction (ETJ), Brazoria County and includes approximately 11.482 acres. The property is bounded by the City of Pearland's ETJ to the north and south; and City of Pearland's city limits to the west and east. Specifically, the property is located on the west side of County Road 48, west of Southern Trails Subdivision and approximately 2,000 feet south of Broadway Street.

CURRENT USE OF LAND:

Approximately 2.726 acres are owned by John McMahan, and are developed with a single family home and a warehouse/storage building. The remaining 8.722 acres are owned by Joe Laney and are developed with a single family home and accessory structures.

SURROUNDING LAND:

As described above, the property is bounded by the City of Pearland's ETJ to the north and south; and City of Pearland's city limits to the west and east. Properties to the north and south are developed with mobile homes and single-family homes. Properties to the west are currently undeveloped, however under common ownership with the approximately 2.726 acres proposed for annexation and the properties to the east are developed with a single family subdivision; Southern Trails.

ACCESSIBILITY:

The subject property has frontage and direct access to County Road 48, which runs north and south and is located on the eastern boundary of the subject property. County Road 48 is currently operated and maintained by Brazoria County. According to the Thoroughfare Plan, County Road 48 (future Kinglsey Drive) is a Major Thoroughfare (to be widened), and requires 120 feet of right-of-way.

VALUATION:

According to Brazoria County Appraisal District records, the subject property includes 4 tracts of land. Market, appraised and assessed valuations for each tract are listed in the below table:

Property ID	Market/Appraised/Assessed Value
176846	\$127,630
176847	\$140,410
176838	\$140,170
176842	\$73,510

AVAILABILITY OF AND IMPACT ON CITY SERVICES:

Statutory Services:

Police Protection:

The Pearland Police Department does not currently provide police protection in the extraterritorial jurisdiction (ETJ). Upon annexation the Pearland Police Department will provide police protection and law enforcement to the Tract. These activities will include normal patrols and responses, the handling of complaints and incident reports, and, as appropriate, support by special units of the Department.

The City of Pearland Police Department can provide police protection using existing resources.

Fire Protection:

The Pearland Fire Department currently provides fire suppression response services and enforces the City’s Code of Ordinances with regards to illegal fireworks and illegal trash burning in the ETJ. Upon annexation the Pearland Fire Department will continue to provide fire protection to the Tract, including enforcing the City’s Code of Ordinances with regards to illegal fireworks and illegal trash burning. Additionally, the Fire Marshal’s Office will provide the following services upon annexation:

- Enforcement of city ordinances as applied to the Fire Code, enforcement of 2012 Life Safety Code and 2012 International Fire Code as applied to new and existing business occupancies.
- Review plans when submitted for new construction, tenant occupancies and installation of fire protection systems.

- Fire inspections of new construction, tenant occupancies and new fire protection systems.
- Routine fire inspections of all existing business occupancies including foster care homes.
- If requested by the owner, fire inspections of residential homes.
- Investigations of all fires to determine origin and cause.
- Respond to fire hazard complaints including enforcement of illegal burning and illegal fireworks.
- Respond to and enforce environmental crimes.
- Abatement of unsafe, dangerous and dilapidated structures.
- Provide public awareness and education of fire prevention and emergency management.

The Pearland Fire Department and the Fire Marshal's Office can provide fire protection and various other services listed above using existing resources.

Emergency Medical Service:

The Pearland Fire Department currently provides emergency medical services in the ETJ. Upon annexation, the Pearland Fire Department will continue to provide emergency medical services to the Tract.

The Pearland Fire Department can provide emergency medical services using existing resources.

Solid Waste Collection:

Solid waste collection services in the ETJ is currently being provided by private contractors; Waste Management Services, Progressive or Best Waste.

Upon annexation of the Tract solid waste collection services will be provided by Waste Management Services under contract with the City. The property is currently undeveloped, but it is important to note that any person currently being serviced by a privately owned solid waste management service provider may continue to use that service for two years after the effective date of the annexation.

The City of Pearland provides solid waste collection services to residents via a private contractor.

Water and Wastewater Facilities:

The applicant has indicated the desire of annexation into MUD 34. MUD 34 will provide water and wastewater.

There are currently no public water or wastewater lines adjacent to the subject property along County Road 48. The nearest water and

wastewater facilities are located along Southern Trails Drive; several hundred feet north of the site.

As development commences, the extension of water and wastewater facilities would be required in accordance with the provision of the City's codes, ordinances and regulations.

The City of Pearland Public Works Department can provide for the operation and maintenance of existing and any new water and wastewater facilities, installed in conjunction with future development, should appropriate resources be provided through the budget process.

Roads:

County Road 48 is currently operated and maintained by Brazoria County. Brazoria County is in the process of expanding County Road 48 to a concrete four-lane divided section.

Future public roads and streets, including street lighting, will be operated and maintained by the City of Pearland.

The City of Pearland can provide for the operation and maintenance of future roads and streets, including street lighting, using existing resources.

Parks, Playgrounds and Swimming Pools:

There are no such public facilities on the subject property, therefore, there would be no impact on City operations. Upon annexation residents will have access all public parks within the City.

Any other Publicly Owned Facility, Building, or Service:

There are no other public facilities or services on the subject property, therefore, there would be no impact on City operations

Additional Services:

Library Service will be provided from existing facilities and future facilities outside the Tract. Residents of the Tract will be eligible for borrowing privileges at City/County libraries on the same basis as current residents. The City of Pearland can provide library services using existing resources.

The City of Pearland does not currently provide health services in the ETJ. Upon annexation health services will be provided by the City Health Department to area residents and businesses. Health services include City inspection of restaurants, groceries, convenience stores, schools, day-cares and foster homes. The City of Pearland can provide health services using existing resources.

The City of Pearland does not currently provide code enforcement services in the ETJ. Upon annexation, code enforcement personnel will enforce the City's housing code and ordinances against junk motor vehicles, high weeds, unsafe buildings, and illegal dumping of refuse. The City of Pearland can provide code enforcement services using existing resources.

The City of Pearland Animal Control and Adoption Center does not currently provide services in the ETJ. Upon annexation, the City of Pearland Animal Control and Adoption Center will provide services to protect animals and promote pet adoptions. The City of Pearland can provide animal control services using existing resources.

Other City Services, to the extent applicable to persons or properties within the Tract, in accordance with standard policies and procedures will be provided.

LOCATION WITHIN MUNICIPAL UTILITY DISTRICT (MUD):

The subject property is not located within a MUD. However, the applicant is proposing annexation into MUD 34.

COMPREHENSIVE PLAN RECOMMENDATIONS:

The subject property is located within the *Low Density Residential* future land use designation. Major features and proposed land uses of the aforementioned future land use designation include the following:

- Conventional single-family detached developments;
- 0-4 dwelling units per acre;
- Average lot size of 7,500 square feet;
- Smaller lots may be acceptable if common open space is provided and overall density is not increased; and
- Appropriate zoning districts include R-1, Single Family, R-2 Single Family.

THOROUGHFARE PLAN:

The subject property has frontage and direct access to County Road 48, which runs north and south and is located on the eastern boundary of the subject property. According to the Thoroughfare Plan, County Road 48 is a Major Thoroughfare (to be widened), and requires 120 feet of

right-of-way. Brazoria County is in the process of widening Country Road 48 to a 4 lane section.

POSSIBLE USES OF LAND IF NOT ANNEXED AND DEGREE OF CONFORMANCE TO THE COMPREHENSIVE PLAN OF THOSE LAND USES:

If the property is not annexed it may develop in an unplanned manner. Currently there are no safeguards to buffer existing adjacent residential developments appropriately, such as height restrictions; lot area and bulk requirements; location of structures, uses of land, etc.

Unplanned growth may have a negative effect on the development of adjoining land in the City's jurisdiction and on existing surrounding single family subdivisions. New investment and development of land within the City Limits, adjacent to the subject property, may be curtailed and impeded due to uncertainties of surrounding development.

IMPACT OF ANNEXATION – LONG TERM AND SHORT TERM:

In the long and short term, the annexation of the approximately 11 acres will enable the City of Pearland to plan for this area in accordance with the Comprehensive Plan and Unified Development Code. Upon annexation, the applicant has indicated a desire to combine the subject property with the approximately 20 acres just west of the site, apply a zoning district of Single-Family Residential 1 (R-1) to the entire 30 acres for the purpose of a Cluster Plan Development. The applicant will also be seeking annexation of the 30 acres into MUD 34.

RECOMMENDATION:

It is staff's recommendation that the City should pursue annexation and prepare a service plan for the subject area.

City of Pearland, TX Service Plan

The herein described 11.448 acres, more or less, being legally described as 2.726 acres and 8.722 acres in the H.T. & B.R.R. Co. Survey, Abstract 538, Brazoria County, Texas, to be annexed into the City of Pearland.

I. INTRODUCTION

This Service Plan ("Plan") is made by the City of Pearland, Texas ("City") pursuant to Chapter 43 of the Local Government Code ("the Act"). This Plan relates to the annexation by the City, by petition of the owners, of land located adjacent to the city limits and encompassing approximately 11.448 acres in Brazoria County, Texas. Tract 1 (2.726 acres) is described by metes and bounds and a survey of the property in "Exhibit A-1"; Tract 2 (8.722 acres) is described by metes and bounds and a survey of the property in "Exhibit A-2" which are attached to this Plan and to the annexation ordinance of which this Plan is a part.

II. TERM: EFFECTIVE DATE

This Plan will be in effect for a term of ten years commencing on the effective date of the annexation of the Tract. Renewal of this Plan will be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

III. SERVICE PROGRAMS

- A. In General. This Plan includes two service programs: (I) the Early Action Program, described below, and (II) a Capital Improvement Program according to the Texas Local Government Code, Chapter 43, described below.

- B. Scope and Quality of Services. This Plan will provide a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance currently provided and available in other parts of the municipality with topography, land use, and population density similar to the Tracts. However, it is not the intent of this Plan to require that a uniform level of services be provided to all areas of the City (including the Tracts) where differing characteristics of topography, land utilization and population density are considered as sufficient basis for providing differing service levels.

C. Definitions.

1. As used in this Plan, “providing services” includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services, in whole or part.
2. As used in this Plan, the phrase “Standard Policies and Procedures” means those policies and procedures of the City applicable to a particular service which are in effect either at the time that the service is requested or at the time that the service is made available or provided. The policies and procedures may require that a specific type of request be made, such as an application or a petition. They may require that fees or charges be paid, and they may include eligibility requirements and similar provisions.

D. Early Action Program

1. Statutory Services. The statutory services will be provided within the Tracts within the period that meets or exceeds that required by State law. The following services will be provided in accordance with Standard Policies and Procedures immediately upon the effective date of the annexation:
 - a. Police Protection: The Police Department of the City will provide protection and law enforcement to the Tract. These activities will include normal patrols and responses, the handling of complaints and incident reports, and, as appropriate, support by special units of the Department.
 - b. Fire Protection: The Pearland Fire Department (PFD) of the City of Pearland will provide fire protection to the Tracts. Additionally, the Fire Marshal’s Office will provide the following services upon annexation:
 - Enforcement of city ordinances as applied to the Fire code, enforcement of 2012 Life Safety Code and 2012 International Fire Code as applied to new and existing business occupancies.
 - Review plans when submitted for new construction, tenant occupancies and installation of fire protection systems.
 - Fire inspections of new construction, tenant occupancies and new fire protection systems.
 - Routine fire inspections of all existing business occupancies including foster care homes.

- If requested by the owner, fire inspections of residential homes.
 - Investigations of all fires to determine origin and cause.
 - Respond to fire hazard complaints including enforcement of illegal burning and illegal fireworks.
 - Respond to and enforce environmental crimes.
 - Abatement of unsafe, dangerous and dilapidated structures.
 - Provide public awareness and education of fire prevention and emergency management.
- c. Emergency Medical Service: The Pearland Fire Department (PFD) will provide emergency medical services to the Tract.
- d. Solid Waste Collection: Service will be provided to eligible property by private contractor, under contract with the City. To be eligible for City solid waste collection service, property must have frontage on a public street or other approved location and place solid waste in containers approved for the specific type of occupancy. Any person currently being serviced by a privately owned solid waste management service provider may continue to use that service for two years after the effective date of the annexation.
- e. Operation and Maintenance of Water and Wastewater Facilities: Existing public water and wastewater facilities, if any, will be operated and maintained by the City or by private contractor under contract to the City.
- f. Operation and Maintenance of Road and Streets (including lighting): Existing public roads and streets, including lighting and traffic control devices, if any, will be operated and maintained by the City, subject to the jurisdiction of other governmental entities. State highways and farm-to-market roads remain the primary responsibility of the Texas Department of Transportation, for instance. Existing roadside drainage ditches not maintained under the jurisdiction of another entity will be operated and maintained by the City.
- g. Operation and Maintenance of Parks, Playgrounds and Swimming Pools: Not Applicable.
- h. Operation and Maintenance of Any Other Publicly Owned Facility, Building or Service: Not Applicable.

2. Additional Services. Certain services, in addition to the statutory services, will be provided in accordance with Standard Policies and Procedures within the Tracts to the same extent they are provided to similar territories elsewhere in the City. These are as follows:
 - a. Library Service will be provided from existing facilities and future facilities outside the Tracts. Residents of the Tracts will be eligible for borrowing privileges at City/County libraries on the same basis as current residents.
 - b. Health services will be provided by the City Health Department to area residents and businesses. Health services include City inspection of restaurants, groceries, convenience stores, schools, day-cares and foster homes.
 - c. Code Enforcement personnel will enforce the City's housing code and ordinances against junk motor vehicles, high weeds, unsafe buildings, and illegal dumping of refuse.
 - d. Animal Control services will be provided by the City of Pearland Animal Control and Adoption Center to protect animals and promote pet adoptions.
 - e. Other City Services, to the extent applicable to persons or properties within the Tract, in accordance with standard policies and procedures will be provided.

E. Capital Improvement Program

As necessary, the City will initiate the construction of certain capital improvements necessary for providing municipal services for the Tracts. Those improvements, which are necessary, are indicated below. Access to the improvements will be in accordance with Standard Policies and Procedures. The improvements shall be completed as soon as reasonably possible and shall be substantially completed within the time period indicated below.

1. Police Protection: Additional capital improvements are not necessary at this time to provide police protection. The Tracts will be included with other territory in connection with planning for new, revised, or expanded public safety facilities.

2. Fire Protection: Additional capital improvements are not necessary at this time to provide fire protection. The Tracts will be included with other territory in connection with planning for new, revised, or expanded public safety facilities.
3. Emergency Medical Service: Additional capital improvements are not necessary at this time to provide emergency medical service. The Tracts will be included with other territory in connection with planning for new, revised, or expanded public safety facilities.
4. Solid Waste Collection: No capital improvements are necessary at this time to provide solid waste collection services within the Tracts. The Tracts will be included with other territory in connection with planning for new revised or expanded solid waste facilities.
5. Water and Wastewater Facilities: Additional capital improvements are not necessary at this time to service the tracts. The cost of future connections to available water and sewer lines will be the responsibility of the Tract owners, as it is within the existing City utility system following standard policies and procedures. Capital recovery charges or impact fees will also be assessed at the time of future connections to the City's utility system or upon issuance of building permits for lots developed within the Tracts.

The City will make wastewater treatment capacity in existing or future wastewater treatment plants built and operated by the City available for the Tracts.

The city will make potable water supply from existing or future sources built and operated by the City available to the Tracts. The City currently operates its own ground water wells and purchases wholesale surface water via contract from third parties.

6. Roads and Streets (including lighting): Additional roads, streets or related facilities are not necessary at this time to serve the tract. Future extensions or widening of roads or streets and future installation of related facilities, such as traffic control devices or street lights will be undertaken in accordance with Standard Policies and Procedures. The Tracts will be included with other territory in connection with planning for new, revised, widened, or enlarged roads, streets, or related facilities.
7. Parks, Playgrounds, and Swimming Pools: Additional capital improvements are not necessary at this time to provide such services to

the Tracts. The Tracts will be included with other territory in connection with planning for such facilities.

8. Other Publicly-Owned Facilities, Building or Services: All other City functions and services, and the additional services described above, can be provided for the Tracts by using existing capital improvements. Additional capital improvements are not necessary to provide City services, but the Tract will be included with other territory in connection with planning for new, revised, or expanded facilities, buildings or services.

II. AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Act or other controlling law. Neither changes in the methods nor means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City will constitute amendments to this Plan and the City reserves the right to make such changes. This Plan is subject to and will be interpreted when in accordance with the Act, the Constitution and laws of the federal governments of the United States of America and the State of Texas, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

III. FORCE MAJEURE

Should a force majeure interrupt the service described herein, the City will resume services under this Plan within a reasonable time after the cessation of the force majeure. "Force Majeure," for the purpose of this Plan will include, but not be limited to, acts of God, acts of the public enemy, ware blockades, insurrection, riots, epidemics, landslides, lightning, earthquakes, fire, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City.

IV. ENTIRE PLAN

This document contains the entire and integrated Service Plan relating to the Tracts, and supersedes all other negotiations, representations, plans and agreements, whether written or oral.

EXHIBIT A-1

October 3, 2014
Job No. 1406-3701

DESCRIPTION OF
2.726 ACRES
H. T. & B. R.R. CO. SURVEY, ABSTRACT 538
BRAZORIA COUNTY, TEXAS

Being 2.726 acre of land located in the Northeast Quarter of Section 84, H. T. & B. R.R. CO. Survey, Abstract 538, Brazoria County, Texas, more particularly being all of that certain called 2.72 acre tract conveyed to John T. McMahan by an instrument of record under Document Number 2012028590, O.P.R.B.C.TX., said 2.726 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at 5/8-inch iron rod with cap stamped "Laney" found marking the common south corner of the aforementioned 2.72 acre tract and of that certain called 0.1364 acre tract conveyed to Brazoria County by an instrument of record under File Number 2012026896, O.P.R.B.C.TX., and the northwest corner of that certain called 0.4349 acre tract conveyed to Brazoria County by an instrument of record under File Number 2007028839, O.P.R.B.C.TX., said point also being in the north line of that certain called 10 acre tract conveyed to Joe R. and Lois Darlene Laney by an instrument of record in Volume 1310, Page 260, O.P.R.B.C.TX. and the current right of way line of C.R. 48;

Thence, South 87° 00' 32" West, along the common line of said 2.72 acre tract and said 10 acre tract, 600.17 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 2.72 acre tract and said 10 acre tract, same being in the east line of that certain called 20 acre tract conveyed to John T. McMahan by an instrument of record under File Number 2003015336, O.R.B.C.TX.;

2.726 Acres

October 3, 2014
Job No. 1406-3701

Thence, North 03° 08' 19" West, along the common line of said 20 acre tract and said 2.72 acre tract, 197.91 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 2.72 acre tract and that certain called 2.0 acre tract conveyed to Melvin Raymond Shield Jr, by an instrument of record under Document Number 2011012440 and 2013044706, O.P.R.B.C.TX.;

Thence, North 87° 00' 32" East, along the common line of said 2.0 acre tract and said 2.72 acre tract, 599.76 feet to a 5/8-inch iron rod found marking the common north corner of said 2.72 acre tract and the aforementioned 0.1364 acre tract, being in said right of way line of C.R. 48;

Thence, South 03° 15' 31" East, along said right of way line and the common line of said 2.72 acre tract and said 0.1364 acre tract, 197.91 feet to the POINT OF BEGINNING and containing 2.726 acres of land.

Note: This document was prepared under 22 TAC § 663.21, does not reflect the results of an on-the-ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.


Guy W. Grisdale, RPLS
Registered Professional Land Surveyor
Texas Registration No. 6202
LJA Engineering, Inc.





EXHIBIT A-2

October 3, 2014
Job No. 1406-3701

DESCRIPTION OF
8.722 ACRES
H. T. & B. R.R. CO. SURVEY, ABSTRACT 538
BRAZORIA COUNTY, TEXAS

Being 8.722 acre of land located in the Northeast Quarter of Section 84, H. T. & B. R.R. CO. Survey, Abstract 538, Brazoria County, Texas, more particularly being a portion of that certain called 10 acre tract conveyed to Joe R. and Lois Darlene Laney by an instrument of record in Volume 1310, Page 260, O.P.R.B.C.TX., said 8.722 acre tract being more particularly described in two parts by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at 5/8-inch iron rod with cap stamped "Laney" found marking the common south corner of that certain called 0.1364 acre tract conveyed to Brazoria County by an instrument of record under File Number 2012026896, O.P.R.B.C.TX., and that certain called 2.72 acre tract conveyed to John T. McMahan by an instrument of record under File Number 2012028590, O.P.R.B.C.TX., and the northwest corner of that certain called 0.4349 acre tract conveyed to Brazoria County by an instrument of record under File Number 2007028839, O.P.R.B.C.TX., said point also being in the north line of the aforementioned 10 acre tract and the current right of way line of C.R. 48;

Thence, South 03° 15' 31" East, along said right of way line and the west line of the aforementioned 0.4349 acre tract, 631.60 feet to a 5/8-inch iron rod with cap stamped "Weisser" found marking the southwest corner of said 0.4349 acre tract, being in the south line of said 10 acre tract and the north right-of-way line of Faydur Court (40' wide) as shown on Allison-Richey Gulf Coast, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County, Texas, (B.C.P.R.);

8.722 Acres

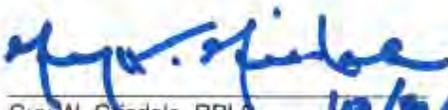
October 3, 2014
Job No. 1406-3701

Thence, South $86^{\circ} 43' 54''$ West, along said south line and said north right-of-way line, 600.17 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the common south corner of said 10 acre tract and that certain called 20 acre tract conveyed to John T. McMahan by an instrument of record under File Number 2003015336, O.R.B.C.TX.;

Thence, North $03^{\circ} 15' 31''$ West, along the common line of said 20 acre tract and said 10 acre tract, 634.50 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 10 acre tract and said 2.72 acre tract;

Thence, North $87^{\circ} 00' 32''$ East, along the common line of said 10 acre tract and said 2.72 acre tract, 600.17 feet to the POINT OF BEGINNING and containing 8.722 acres of land.

Note: This document was prepared under 22 TAC § 663.21, does not reflect the results of an on-the-ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.


Guy W. Grisdale, RPLS
Registered Professional Land Surveyor
Texas Registration No. 6202
LJA Engineering, Inc. *10/3/2014*



Library Services:

Signature

Job Title

Date

Health and Code Enforcement:

Signature

Job Title

Date

Animal Control:

Signature

Job Title

Date

DESCRIPTION OF
2.726 ACRES
H. T. & B. R.R. CO. SURVEY, ABSTRACT 538
BRAZORIA COUNTY, TEXAS

Being 2.726 acre of land located in the Northeast Quarter of Section 84, H. T. & B. R.R. CO. Survey, Abstract 538, Brazoria County, Texas, more particularly being all of that certain called 2.72 acre tract conveyed to John T. McMahan by an instrument of record under Document Number 2012028590, O.P.R.B.C.TX., said 2.726 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at 5/8-inch iron rod with cap stamped "Laney" found marking the common south corner of the aforementioned 2.72 acre tract and of that certain called 0.1364 acre tract conveyed to Brazoria County by an instrument of record under File Number 2012026896, O.P.R.B.C.TX., and the northwest corner of that certain called 0.4349 acre tract conveyed to Brazoria County by an instrument of record under File Number 2007028839, O.P.R.B.C.TX., said point also being in the north line of that certain called 10 acre tract conveyed to Joe R. and Lois Darlene Laney by an instrument of record in Volume 1310, Page 260, O.P.R.B.C.TX. and the current right of way line of C.R. 48;

Thence, South 87° 00' 32" West, along the common line of said 2.72 acre tract and said 10 acre tract, 600.17 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 2.72 acre tract and said 10 acre tract, same being in the east line of that certain called 20 acre tract conveyed to John T. McMahan by an instrument of record under File Number 2003015336, O.R.B.C.TX.;

2.726 Acres

October 3, 2014
Job No. 1406-3701

Thence, North 03° 08' 19" West, along the common line of said 20 acre tract and said 2.72 acre tract, 197.91 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 2.72 acre tract and that certain called 2.0 acre tract conveyed to Melvin Raymond Shield Jr. by an instrument of record under Document Number 2011012440 and 2013044706, O.P.R.B.C.TX.;

Thence, North 87° 00' 32" East, along the common line of said 2.0 acre tract and said 2.72 acre tract, 599.76 feet to a 5/8-inch iron rod found marking the common north corner of said 2.72 acre tract and the aforementioned 0.1364 acre tract, being in said right of way line of C.R. 48;

Thence, South 03° 15' 31" East, along said right of way line and the common line of said 2.72 acre tract and said 0.1364 acre tract, 197.91 feet to the POINT OF BEGINNING and containing 2.726 acres of land.

Note: This document was prepared under 22 TAC § 663.21, does not reflect the results of an on-the-ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.


Guy W. Grisdale, RPLS
Registered Professional Land Surveyor
Texas Registration No. 6202
LJA Engineering, Inc.



SOUTHERN TRAILS WEST, SEC. 1
DOC.NO. 2006041142 B.C.P.R.

PEARLAND CITY LIMITS

Melvin Raymond Shield Jr.
Called 3.0 Acres
Doc. No. 2011012440
O.P.R.B.C.TX.

Melvin Raymond Shield Jr.
Called 2.0 Acres
Doc. No. 2011012440
O.P.R.B.C.TX.

BRAZORIA COUNTY
(30' WIDE)
CALLED 0.1364 ACRE
I.N. 2009051857
O.P.R.B.C.TX.

BRAZORIA COUNTY
(30' WIDE)
CALLED 0.1364 ACRE
I.N. 2012026896
O.P.R.B.C.TX.

John T. McMahan
Called 2.72 Acres
F.N. 2012028590
O.P.R.B.C.TX.

TOTAL SURVEY
2.726 Acres

Joe R. and Lois Darlene Laney
Called 10 Acres
Vol. 1310, Page 260
D.R.B.C.TX.

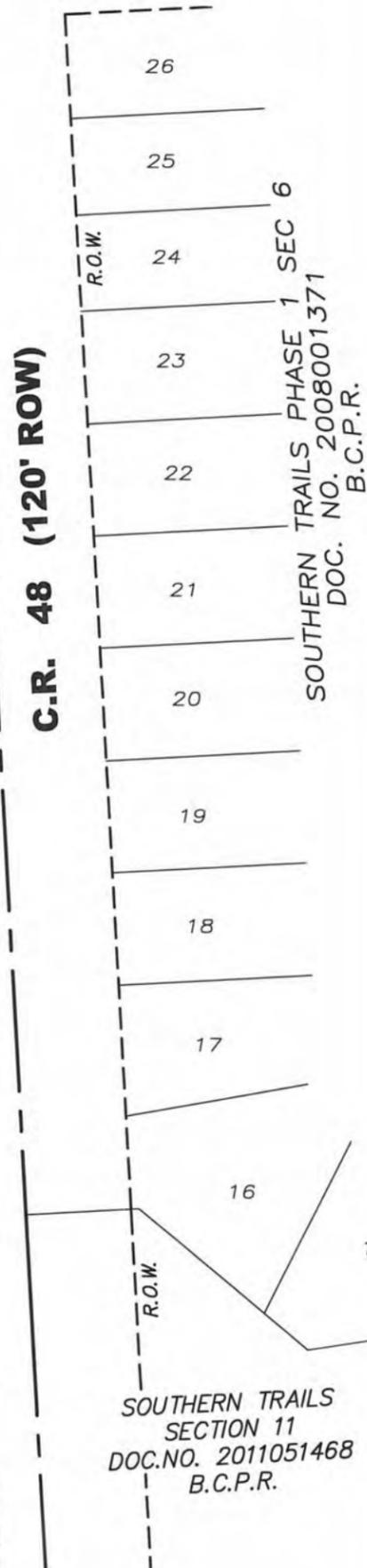
H.T. & B. RR CO. SURVEY,
ABSTRACT 538, SECTION 84

BRAZORIA COUNTY
(30' WIDE)
CALLED 0.4349 ACRE
F.N. 2007028839
O.P.R.B.C.TX.

FAYDUR COURT (40' ROW)

ALLISON-richey GULF COAST HOME COMPANY
VOLUME 2, PAGE 98 B.C.P.R.

TOMMY SUWAT & JURAIWAN SUPPATKUL
CALLED 9.849 ACRES
FILE NO. 99 043615
O.P.R.B.C.TX.



SCALE 1" = 100'

N

John T. McMahan Called 20 Acres
F.N. 2003015336 O.R.B.C.TX.

N03°08'19"W 197.91'

PEARLAND CITY LIMITS

471.19'

5/8" I.R. W/LANEY CAP

N87°00'32"E 599.76'

5/8" I.R.

5/8" I.R.

S03°15'31"E 197.91'

N87°00'32"E 600.17'

P.O.B.
5/8" I.R. W/LANEY CAP

5/8" I.R.

5/8" I.R. W/LANEY CAP

R.O.W.

PEARLAND CITY LIMITS

R.O.W.

5/8" I.R.

5/8" I.R. W/WEISSER CAP

R.O.W.

R.O.W.

R.O.W.

5/8" I.R. W/WEISSER CAP

R.O.W.

SOUTHERN TRAILS
SECTION 11
DOC.NO. 2011051468
B.C.P.R.

NOTES:

- 1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (2001 adjusted)
- 2) This document was prepared under 22 TAC 663.21 and does not reflect the results of an on the ground survey. It is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
- 3) Metes and bounds description prepared for subject tract on separate instrument by the undersigned dated October 3, 2014.



ANNEXATION EXHIBIT
OF 2.726 ACRES
LOCATED IN THE
H.T. & B. R.R. CO. SURVEY,
ABSTRACT 538, SECTION 84,
BRAZORIA COUNTY, TEXAS

OCTOBER 2014

JOB NO. 1406-3701

LJA Engineering, Inc.

2929 Briarpark Drive
Suite 600
Houston, Texas 77042 T.B.P.L.S. Firm No. 10110501

Phone 713.953.5200
Fax 713.953.5026

GUY W. GRISDALE, RPLS 6202

Guy W. Grisdale
10/3/2014

DESCRIPTION OF
8.722 ACRES
H. T. & B. R.R. CO. SURVEY, ABSTRACT 538
BRAZORIA COUNTY, TEXAS

Being 8.722 acre of land located in the Northeast Quarter of Section 84, H. T. & B. R.R. CO. Survey, Abstract 538, Brazoria County, Texas, more particularly being a portion of that certain called 10 acre tract conveyed to Joe R. and Lois Darlene Laney by an instrument of record in Volume 1310, Page 260, O.P.R.B.C.TX., said 8.722 acre tract being more particularly described in two parts by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at 5/8-inch iron rod with cap stamped "Laney" found marking the common south corner of that certain called 0.1364 acre tract conveyed to Brazoria County by an instrument of record under File Number 2012026896, O.P.R.B.C.TX., and that certain called 2.72 acre tract conveyed to John T. McMahan by an instrument of record under File Number 2012028590, O.P.R.B.C.TX., and the northwest corner of that certain called 0.4349 acre tract conveyed to Brazoria County by an instrument of record under File Number 2007028839, O.P.R.B.C.TX., said point also being in the north line of the aforementioned 10 acre tract and the current right of way line of C.R. 48;

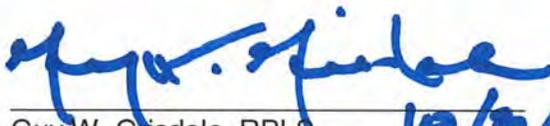
Thence, South 03° 15' 31" East, along said right of way line and the west line of the aforementioned 0.4349 acre tract, 631.60 feet to a 5/8-inch iron rod with cap stamped "Weisser" found marking the southwest corner of said 0.4349 acre tract, being in the south line of said 10 acre tract and the north right-of-way line of Faydur Court (40' wide) as shown on Allison-Richey Gulf Coast, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County, Texas, (B.C.P.R.);

Thence, South 86° 43' 54" West, along said south line and said north right-of-way line, 600.17 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set marking the common south corner of said 10 acre tract and that certain called 20 acre tract conveyed to John T. McMahan by an instrument of record under File Number 2003015336, O.R.B.C.TX.;

Thence, North 03° 15' 31" West, along the common line of said 20 acre tract and said 10 acre tract, 634.50 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 10 acre tract and said 2.72 acre tract;

Thence, North 87° 00' 32" East, along the common line of said 10 acre tract and said 2.72 acre tract, 600.17 feet to the POINT OF BEGINNING and containing 8.722 acres of land.

Note: This document was prepared under 22 TAC § 663.21, does not reflect the results of an on-the-ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.


Guy W. Grisdale, RPLS. 10/3/2014
Registered Professional Land Surveyor
Texas Registration No. 6202
LJA Engineering, Inc.



SOUTHERN TRAILS WEST, SEC. 1
DOC.NO. 2006041142 B.C.P.R.

PEARLAND CITY LIMITS

Melvin Raymond Shield Jr.
Called 3.0 Acres
Doc. No. 2011012440
O.P.R.B.C.TX.

Melvin Raymond Shield Jr.
Called 2.0 Acres
Doc. No. 2011012440
O.P.R.B.C.TX.

BRAZORIA COUNTY
(30' WIDE)
CALLED 0.1364 ACRE
I.N. 2009051857
O.P.R.B.C.TX.

BRAZORIA COUNTY
(30' WIDE)
CALLED 0.1364 ACRE
I.N. 2012026896
O.P.R.B.C.TX.

John T. McMahan
Called 2.72 Acres
F.N. 2012028590
O.P.R.B.C.TX.

Joe R. and Lois Darlene Laney
Called 10 Acres
Vol. 1310, Page 260
D.R.B.C.TX.

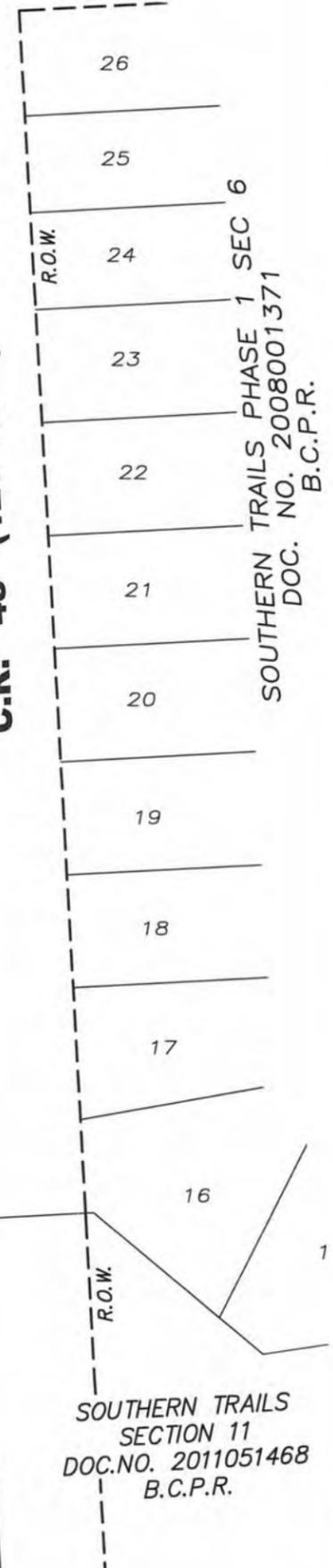
TOTAL SURVEY
8.722 Acres

H.T. & B. RR CO. SURVEY,
ABSTRACT 538, SECTION 84

BRAZORIA COUNTY
(30' WIDE)
CALLED 0.4349 ACRE
F.N. 2007028839
O.P.R.B.C.TX.

ALLISON-richey GULF COAST HOME COMPANY
VOLUME 2, PAGE 98 B.C.P.R.

TOMMY SUWAT & JURAIWAN SUPPATKUL
CALLED 9.849 ACRES
FILE NO. 99 043615
O.P.R.B.C.TX.



SCALE 1" = 100'

N

- NOTES:
- 1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (2001 adjusted)
 - 2) This document was prepared under 22 TAC 663.21 and does not reflect the results of an on the ground survey. It is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
 - 3) Metes and bounds description prepared for subject tract on separate Instrument by the undersigned dated October 3, 2014.



**ANNEXATION EXHIBIT
OF 8.722 ACRES
LOCATED IN THE
H.T. & B. R.R. CO. SURVEY,
ABSTRACT 538, SECTION 84,
BRAZORIA COUNTY, TEXAS**

OCTOBER 2014 JOB NO. 1406-3701
LJA Engineering, Inc.
2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5026
Houston, Texas 77042 T.B.P.L.S. Firm No. 10110501

Guy W. Grisdale
10/3/2014
GUY W. GRISDALE, RPLS 6202

Attachment 1
Property Owner Request for Annexation

Date 8/4/14

Darin Coker
City Attorney
City of Pearland
3519 Liberty Drive
Pearland TX 77581

RE: Voluntary Annexation Request
Tracts 9 & 9A, H.T. & B.R.R Survey, Abstract 538
Approximately 9.57 Acres (west side of CR 48, approximately 2,000 feet south of Broadway)

Mr. Coker:

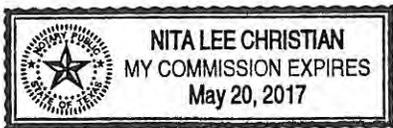
As owner of the referenced property, I hereby request annexation of the property into the corporate limits of the city of Pearland. Please contact me if you have any questions.

Sincerely,

Joe R. Laney

Joe R. Laney
2018 Mustang Lane
Rosharon, TX 77583
832-643-3251

SUBSCRIBED AND SWORN TO before me on August 4, 2014, by Joe R. Laney.



Nita Lee Christian
Notary Public, State of Texas

THE STATE OF TEXAS :
:
COUNTY OF BRAZORIA :

John T. McMahan
1980 Post Oak Blvd., Suite 1101
Houston, Texas 77056
Phone: (713) 552-1101

July 31, 2014

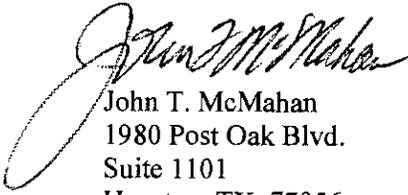
Attn: Darin Coker
City Attorney
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

RE: Voluntary Annexation Request
Tracts 9C2 & 9CA, H.T. & B.R.R. Survey, Abstract 538
Approximately 2.72 Acres (west side of CR 48, approximately 1,800 feet south of Broadway)

Mr. Coker:

As owner of the referenced property, I hereby request annexation of the property into the corporate limits of the City of Pearland. Please contact me if you have any question.

Sincerely,

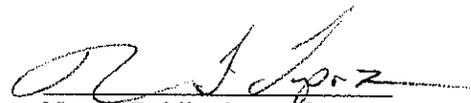

John T. McMahan
1980 Post Oak Blvd.
Suite 1101
Houston, TX 77056
(713) 552-1101

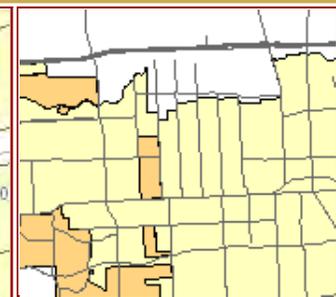
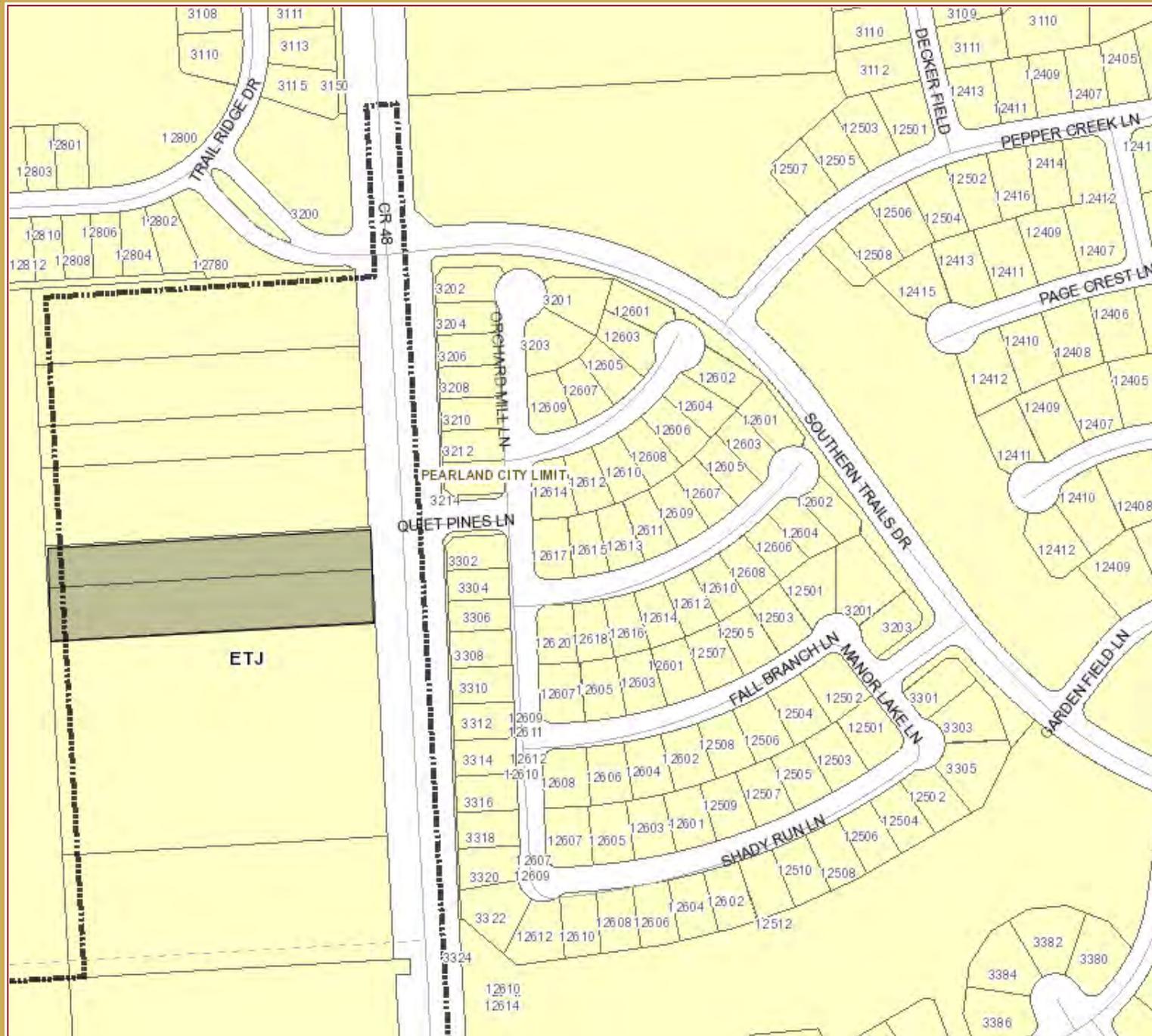
THE STATE OF TEXAS

COUNTY OF HARRIS

SUBSCRIBED AND SWORN TO me on this 31 day of July, 2014, by John T. McMahan.



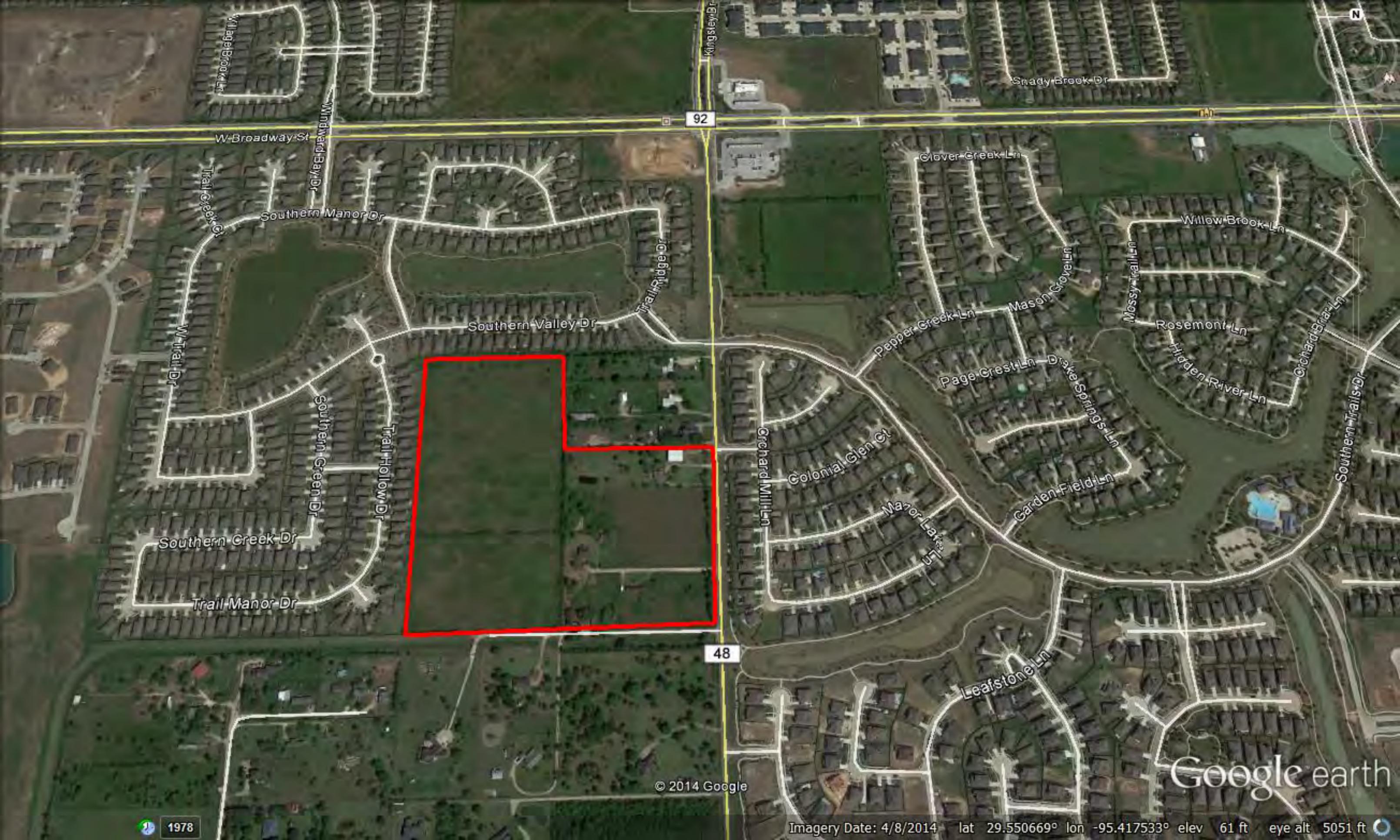

Notary Public, State of Texas



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Scale 1:3,105
1 in = 259 ft
July 23, 2014





92

48

© 2014 Google

Google earth

1978

Imagery Date: 4/8/2014 lat 29.550669° lon -95.417533° elev 61 ft eye alt 5051 ft