

AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

January 12, 2015

6:30 p.m.

MAYOR
Tom Reid

Keith Ordeneaux
Mayor Pro-Tem
Position No. 4

COUNCIL MEMBERS

Tony Carbone
Position No. 1

Scott Sherman
Position No. 2



Gary Moore
Position No. 3

Greg Hill
Position No. 5

Jon R. Branson
Deputy City Manager

Clay Pearson
City Manager

Trent Epperson
Assistant City Manager

Darrin Coker
City Attorney

Young Lorfing
City Secretary

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.



CITY COUNCIL AGENDA
CITY OF PEARLAND
REGULAR COUNCIL MEETING
MONDAY, JANUARY 12, 2015 | 6:30 P.M.
COUNCIL CHAMBERS | PEARLAND CITY HALL | 3519 LIBERTY DRIVE
281.652.1600

- I. **CALL TO ORDER**
- II. **INVOCATION AND THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA FLAG AND TEXAS FLAG**
- III. **ROLL CALL:** Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, Moore, and Hill.
- IV. **CITIZEN COMMENTS:** In order to hear all citizen comments at a reasonable hour, the City Council requests that speakers respect the three-minute time limit for individual comments and the five-minute time limit for an individual speaking on behalf of a group. This is not a question-answer session, however, it is an opportunity to voice your thoughts with City Council.
- V. **PUBLIC HEARING** – None
- VI. **CONSENT AGENDA:**

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the City Council. These items will be enacted/approved by one motion unless a councilmember requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (*VI. matters removed from Consent Agenda*). Approval of the Consent Agenda enacts the items of legislation.

- A. **Consideration And Possible Action – Approval Of Minutes:**
 - 1. Minutes of the December 8, 2014, Regular Meeting, held at 6:30 p.m.
 - 2. Minutes of the December 15, 2014, Public Hearing, held at 6:30 p.m.
- B. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-128** – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas (**generally located on the**

south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east), Zone Change 2014-20Z; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

- C. Consideration and Possible Action – Resolution No. R2015-7** – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$77,450.00, for the period of January 13, 2015 through January 12, 2016.
- D. Consideration and Possible Action – Resolution No. R2015-6** – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for the operation and management of the Independence Park Pool with Greater Houston Pool Management, Inc., in the estimated amount of \$62,108.00, for the period of May 25, 2015 through August 23, 2015.
- E. Consideration and Possible Action – Resolution No. R2015-5** – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of firearm ammunition for the Police Department, with Bailey’s House of Guns in the estimated amount of \$62,255.20, for the period of January 14, 2015 through January 13, 2016.

VII. MATTERS REMOVED FROM CONSENT AGENDA

VIII. NEW BUSINESS:

- 1. Consideration and Possible Action – First Reading of Ordinance No. CUP 2014-09** – An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a Nursing/Convalescent Home, for certain property, being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk’s File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk’s File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk’s File Number 97-010496 of the O.R.B.C, with ownership being conveyed to new owners, now being Global XYZ Development, **(located on the west side of Business Center Drive, north of County Road 59; and west of State Highway 288)**, Conditional Use Permit Application No 2014-09, within the BP 288 zoning district; at the request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of George Fishman, owner; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

2. **Consideration and Possible Action – First Reading of Ordinance No. 1509** – An Ordinance of the City Council of the City of Pearland, Texas, extending the city limits of the City of Pearland, Texas, to include all land area within certain limits and boundaries and annexing to the City of Pearland all of the area within such limits and boundaries (**generally located on the west side of CR48, west of the Southern Trails Subdivision and south of Broadway Street**); approving a service plan for all of the area within such limits and boundaries; containing other provisions related to the subject; and providing a savings and severability clause.

3. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-129** – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 32.3 acres of land out of called 14.0513 acres of land, said 14.135 being The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and; The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and; A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas, **located West of County Road 48 and 2000 feet south of Broadway Street, Zone Change 2014-21Z**, a request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family Residential - 1 (R-1) on approximately 32.3 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

4. **Consideration and Possible Action – Resolution No. R2015-15** – A Resolution of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located in the vicinity of Hughes Road at Clear Creek and Manvel Road west of the West Lea Subdivision, into Harris County Municipal Utility District No. 509.

5. **Consideration and Possible Action – Resolution No. 2015-4** – A Resolution of the City Council of the City of Pearland, Texas, Declaring Intention to Reimburse Project Expenditures from Proceeds of Future Tax-Exempt Permanent Improvement Bonds, Certificates of Obligation, and Water/Sewer Revenue Bonds.

6. **Consideration and Possible Action – Resolution No. R2015-3** – A Resolution of the City Council of the City of Pearland, Texas, declaring intention to reimburse project expenditures from future capital lease proceeds or from other financing sources.
7. **Consideration and Possible Action – Resolution No. R2015-9** – A Resolution of the City Council of the City of Pearland, Texas, authorizing an Advanced Funding Agreement with the State of Texas for the Smith Ranch Road Project.
8. **Consideration and Possible Action – Resolution No. R2015-8** – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract amendment for engineering services, in the amount of \$234,000.00, with CDM Smith, Inc. for design services associated with the Reflection Bay Water Reclamation Facility Expansion Project.

OTHER BUSINESS:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

1. **Section 551.071 – Regarding Consultations with Attorney** - Regarding the City's disposition of certain extraterritorial jurisdiction property.

IX. MAYOR/COUNCIL ISSUES

X. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfin at 281.652.1840 prior to the meeting so that appropriate arrangements can be made.

All agenda supporting documents are available at pearlandtx.gov

Consent Agenda Item A

A. Consideration And Possible Action – Approval Of Minutes:

1. Minutes of the December 8, 2014, Regular Meeting, held at 6:30 p.m.
2. Minutes of the December 15, 2014, Public Hearing, held at 6:30 p.m.

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, DECEMBER 8, 2014, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 6:30 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Keith Ordeneaux
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Gary Moore
Councilmember	Greg Hill
City Manager	Clay Pearson
Deputy City Attorney	Nghiem Doan
City Secretary	Young Lorfing

Others in attendance: Clair Bogard Director of Finance; Jon Branson Deputy City Manager; Matt Buchanan President of Pearland Economic Development Cooperation; Trent Epperson Assistant City Manager; Michelle Graham Director of Parks and Recreation; Bonita Hall Director of Human Resource and Safety Management; Richard Mancilla Interim Deputy Director/City Engineer; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects; Bob Pearce Purchasing Officer; Johnny Spires Assistant Police Chief; Joel Hardy Grants Coordinator; John McCarter Management Assistant.

The invocation was given by Councilmember Moore and the Pledge of Allegiance was led Assistant Police Chief Johnny Spires.

CALL TO ORDER

ROLL CALL: Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, Moore, and Hill.

CITIZEN COMMENTS:

Daniel Combs, 301 E. House Street, representing Alvin Independent School District addressed Council thanking the Mayor, Councilmembers and the City of Pearland for the incredible partnership. He further stated many times when Alvin ISD has a need regarding the students, the growth of Alvin, or the schools, the Pearland support is always there. Alvin ISD appreciates the support and looks forward to a continued partnership.

Cheryl Harris, 301 E. House Street, President of the Alvin Independent School District Board of Trustees addressed Council stating after a six month search Alvin ISD is pleased to announce Dr. James "Buck" Gilcrease as the new Alvin ISD Superintendent. Dr. Gilcrease will take office on January 5, 2015. She further stated Alvin ISD, and Dr. Gilcrease appreciates the City of Pearland's partnership and looks forward to a continued partnership with the City.

Lance Foss, 1409 O'Day Road, addressed Council stating concerns he has regarding New Business item number 4 and number 6 on tonight's Agenda. He further stated regarding the "Hire Pearland Only" Incentive is great. This encourages Pearland businesses to hire Pearland residents. After some research he found this to be a program with the Pearland

Chamber of Commerce where employers provide a link to their website to hire people to fill vacant positions. Not necessarily people that live in Pearland.

PUBLIC HEARING – None

CONSENT AGENDA:

- A. Consideration And Possible Action – Approval Of Minutes:**
 - 1. Minutes of the November 10, 2014, Regular Meeting, held at 6:30 p.m.
 - 2. Minutes of the November 17, 2014, Special Meeting, held at 7:30 p.m.

- B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-126** – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 26.524 acres of land located in the Thomas J.GreenSurvey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas **(generally located at the southeast corner of Pearland Pkwy. and Barry Rose Rd., Pearland, Texas), Zone Change 2014-11Z**; a request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

- C. Consideration and Possible Action** – Excuse the absence of Councilmember Greg Hill from the Regular Council Meeting held on November 24, 2014.

- D. Consideration and Possible Action – Resolution No. R2014-151** – A Resolution of the City Council of the City of Pearland, Texas, conveying an easement to CenterPoint Energy for utility service at the Shadow Creek Ranch Sports Complex.

- E. Consideration and Possible Action – Resolution No. R2014-154** – A Resolution of the City Council of the City of Pearland, Texas, supporting Brazoria County’s applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Ordeneaux, to adopt Consent Agenda Items A through E as presented on the Consent Agenda.

Voting “Aye” Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting “No” None.

Motion Passed 5 to 0.

NEW BUSINESS:

First Reading of Ordinance No. 2000M-127 - An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, (**located at 6906 Broadway Street**), **Zone Change 2014-19Z**, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 2000M-127 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of Zone Change 2014-19Z.

City Manager Clay Pearson reported the subject property includes approximately 2.743 acres of land, of which the applicant is requesting a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family Residential – (R-1) zoning districts.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-148 – A Resolution of the City Council of the City of Pearland, Texas, adopting an Impact Fee Deferred Payment Policy.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-148.

City Manager Clay Pearson reported following the City Council's recent discussion on this topic, Staff met to develop narrowly tailored options for a payment plan as well as possible changes to the Service Unit Equivalent Table in our existing ordinance.

Councilmember Hill thanked Staff for working on this and bringing it back to Council. He stated the concerns are for the small businesses in Pearland that may not be able to expand because of the impact fees. He further stated he has a concern with the Proposed Payment Plan Criteria. He feels the City should allow all businesses that qualify for the payment plan be allowed to, and not just the businesses outside of a strip center.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding the meter issues, the Certificate of Occupancy, and the 5% compounded interest charged on the balance of Impact fees.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-158 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Amended Interlocal Agreement with Brazoria County Municipal Utility District No. 26 ("District") extending the term for the District's use of a portion of the Shadow Creek Ranch Sports Complex property for temporary multi-use athletic fields.

Councilmember Moore made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-158.

City Manager Clay Pearson reported one year ago the City of Pearland and Brazoria County Municipal Utility District No. 26 entered into a one year agreement that would allow the MUD to use 4 acres of the City's park property to construct temporary recreational improvements and multi-use athletic fields. Any improvements constructed by the MUD are required to be approved by the Director of Parks and Recreation. The subject property is not planned for development during the next four years, so the MUD has asked the City to extend the term of the agreement until December 2018.

Discussion ensued between Council and City Manager Clay Pearson regarding the reason for the extension.

Councilmember Sherman stated he wished a Municipal Utility District No. 26 representative was present to discuss the plans for that property.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, and Carbone.

Voting "No" Councilmember Sherman.

Motion Passed 4 to 1.

First Reading of Ordinance No. 1506-1 – An Ordinance of the City Council of the City of Pearland, Texas, Amending Ordinance No. 1506, the 2014-2015 annual budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

Councilmember Hill made the motion, seconded by Councilmember Sherman, to approve Ordinance No. 1506-1 on its First Reading.

City Manager Clay Pearson reported Council is being asked for approval of an Ordinance amending Ordinance No. 1506, the 2014-2015 Annual Budget Ordinance, by authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-150 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the SH35 Water Line Project to Reddico Construction Company in the amount of \$1,767,071.75.

Councilmember Carbone made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Resolution No. R2014-150.

City Manager Clay Pearson reported the SH35 water line from FM 518 to John Lizer Road is part of the 2013-2017 CIP Program. The project generally includes 6,800 linear feet of 16-inch water line with connections to existing service lines along SH35. The purpose of the new line is to distribute water from the Alice Street Water Plant, which receives water through the 30" interconnect from the City of Houston. It will also connect newly installed 16" water lines to the north and south.

Discussion ensued between Council and Assistant City Manager Trent Epperson regarding if the City should have any concerns with this project.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-157 – A Resolution of the City Council of the City of Pearland, Texas, adopting a State Legislative Agenda for the 84th Session of the Texas Legislature.

Councilmember Sherman made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Resolution No. R2014-157.

City Manager Clay Pearson reported this item provides a City Legislative Agenda for the upcoming state legislative session. The agenda will be provided to the City's representatives in the state legislature. It will be used to communicate the legislative issues to our citizens, and will be utilized during Pearland Day and Brazoria County Day in Austin to articulate the City's positions and priorities.

Council thanked Staff for their time, and State Representative Ed Thompson for being a great advocate for the City of Pearland at the State level.

Mayor Reid thanked Carol Artz-Bucek, President and CEO of the Pearland Chamber of Commerce for her attendance and taking the leadership role in the Pearland Day in Austin, Texas.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-155 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract with Linebarger, Goggan, Blair, & Sampson, LLP for collection services associated with delinquent fines and fees, and a contract with Perdue, Brandon, Fielders, Collins and Mott, LLP for collection services associated with delinquent property taxes.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-155 as amended.

City Manager Clay Pearson reported Council is being asked to enter into a contract with Linebarger, Goggan, Blair and Sampson, LLP for collection services associated with delinquent fines and fees, and a contract with Perdue, Brandon, Fielders, Collins and Mott, LLP for collection services associated with delinquent property taxes.

Councilmember Hill stated it appears Municipal Court made the recommendation because the management scored the quantity and proficiency of Linebarger's staffing levels on Court accounts higher than those of Perdue and McCreary. He further stated if you look at quantity as the main issue that would be a reason to go with Perdue and McCreary. He would like to hear from Perdue if they are able to work with the City's new system.

City Manager Clay Pearson stated the reference to quantity is not the quantity of clients, but the quantity of the volume of collections.

Mayor Pro-Tem Ordeneaux stated he is going to go with Staff's recommendation. City Staff are the ones that deal with the company's day to day.

Councilmember Sherman stated he agrees with Mayor Pro-Tem Ordeneaux, and will go with Staff's recommendation.

Councilmember Carbone stated he has questions regarding the Scofflaw Program. It concerns him that the City has used one company for many years and have not participated in the Scofflaw Program.

Municipal Court Administrator Jennifer Huhn stated the previous Administrator of Linebarger, Goggan, Blair and Sampson, LLP did not participate in the Scofflaw Program.

Mike Darlow Representative for Perdue, Brandon, Fielders, Collins and Mott, LLP stated once this program is up and running the plan is to reach out to Cities to see if they would like to participate in a local agreement to do the Scofflaw Program. He further stated Perdue, Brandon, Fielders, Collins and Mott, LLP work with over 80 City's that use the Incode Collection Program. It would not be a problem working with Incode Collection or converting data.

Richard Hill Representative for Linebarger, Goggan, Blair and Sampson, LLP stated they are capable and do provide Scofflaw Representation to other clients. The data that is required for Scofflaw is data reevaluate to debtors that have delinquent citations pending in the City of Pearland. Linebarger, Goggan, Blair and Sampson, LLP is capable of doing the Scofflaw Program for the City of Pearland.

Councilmember Carbone made a motion to amend the motion, seconded by Councilmember Hill to award the delinquent fines and fees, and the delinquent property tax collection contracts to Perdue, Brandon, Fielders, Collins and Mott, LLP.

Discussion ensued between Councilmembers regarding the reasoning for awarding both contracts to Perdue, Brandon, Fielders, Collins and Mott, LLP.

Voting "Aye" Councilmembers Carbone, Moore, and Hill.

Voting "No" Councilmembers Sherman and Ordeneaux.

Motion Passed 3 to 2.

Mayor Reid called for the vote on the original motion as amended.

Voting "Aye" Councilmembers Hill, Moore, and Carbone.

Voting "No" Councilmembers Ordeneaux and Sherman.

Motion Passed 3 to 2.

OTHER BUSINESS: None.

MAYOR/COUNCIL ISSUES: None.

ADJOURNMENT

Meeting was adjourned at 7:27 p.m.

Minutes approved as submitted and/or corrected this the ____ day of January, A.D., 2015.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary

MINUTES OF A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, DECEMBER 15, 2014, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 6:35 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Keith Ordeneaux
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Gary Moore
Councilmember	Greg Hill
City Manager	Clay Pearson
Deputy City Attorney	Nghiem Doan
City Secretary	Young Lorfing

Others in attendance: Jon Branson Deputy City Manager; Matt Buchanan President of Pearland Economic Development Corporation; Trent Epperson Assistant City Manager; Lata Krishnarao Director of Community Development; Skipper Jones Assistant Director of Capital Projects; Johnna Matthews City Planner; John McCarter Management Assistant.

Call to Order

Purpose of Hearing - Proposed annexation of approximately 11.448 acres.

Staff review of the Feasibility Plan and Service Plan:

City Planner Johnna Matthews gave an overview of the voluntary annexation of approximately 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.

Applicant Presentation:

Alan Mueller, 4102 Broadway, addressed Council stating he is the applicant on behalf of the owners, John McMahan and Joe Laney requesting annexation, and will answer any questions Council may have.

Citizen Comments:

Larry Marcott, 3606 Inverness Court, addressed Council stating he is concerned if this is going to be R-4 housing. He is against R-4 housing because they are inexpensive houses. He stated the City needs quality houses in the community to keep up with the cost of services.

Council/Staff Discussion:

Councilmember Moore stated he would like to clarify for Larry Marcott that this is going to be combined with the 20 acres to the west and rezone to Single Family Residential 1 (R-1) for a Cluster Plan Development.

Councilmember Carbone stated in one area it states R-4 Cluster Development and in the next Joint Public Hearing it states a Single Family R-1. He asked Staff to clarify.

City Planner Johnna Matthews stated the R-4 is a type o, it is going to be an R-1 Single Family Residential Cluster Plan Development.

Meeting was adjourned at 6:45 p.m.

Minutes approved as submitted and/or corrected this the _____ day of January, A.D., 2015.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary

Consent Agenda Item B

- B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-128** – An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas **(generally located on the south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east), Zone Change 2014-20Z**; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

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

AGENDA OF: January 15, 2014	ITEM NO.: Ordinance No. 2000M-128
DATE SUBMITTED: January 5, 2015	DEPT. OF ORIGIN: Planning
PREPARED BY: Johnna Matthews	PRESENTOR: Lata Krishnarao
REVIEWED BY: Lata Krishnarao	REVIEW DATE: January 6, 2015
<p>SUBJECT: Ordinance No. 2000M-128 - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas (generally located on the south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east), Zone Change 2014-20Z; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject. Second Reading</p>	
<p>ATTACHMENTS: Ordinance No. 2000M- 128 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Southern Trails PD Amendment) Joint Public Hearing Packet (11.17.14)</p>	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT 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

PROJECT SUMMARY: The applicant proposes to change the zoning of an approximately 1.4-acre tract, originally designated for a civic use; specifically for a Fire Station; to General Business (GB). It is important to note that due to an increase in right-of-way and detention, the original 1.4 – acre civic parcel now includes approximately 0.9 acres.

As part of the proposed amendment, the applicant also proposes to update the land use summary to reflect the proposed change, include a metes and bounds description and proposed plat for the new 3.6 acre GB site; and update Exhibits D (Conceptual Plan), Exhibit E (Trail System Plan) and Exhibit F (Monumentation Plan).

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the zone change. At the time of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on November 17, 2014, Planning and Zoning Commissioner Mary Starr amended her original motion of a recommendation approval, to a recommendation of approval with conditions. The motion was seconded by Commissioner Ginger McFadden. The motion passed 7/0, with all commissioners present and all commissioners in favor of the amended motion.

The recommended conditions of the Planning and Zoning Commission are as follows. The red text indicates how the applicant has addressed the conditions:

1. The following uses shall be prohibited:

- Automobile and Automobile-Service Related Uses
- Animal/Pet- Related Uses
- Big Box Retail/Department Stores
- Stand-Alone Restaurants
- Drive-Thru Restaurants

The applicant included 28 prohibited uses on page 10 of the PD document. However, the above mentioned five (5) specific uses recommended by the Planning and Zoning Commission are not listed as prohibited uses in the PD.

2. Screening to buffer the proposed non-residential development from the existing single family subdivisions to the west and south, shall be consistent in design, including height, material, color, etc., with the existing screening wall provided by CVS to buffer against adjacent single family subdivisions.

The proposed PD amendment includes the following text regarding residential screening:

J. Screening

For development within the General Business zone, screening must be provided in order to buffer the proposed non-residential development from the existing single family subdivision to the west and south. All required screening shall be consistent in design. All new screening must match the height, material and color of any existing screening within the General Business zone.

CITY COUNCIL DISCUSSION 1ST READING: During the 1st Reading of the ordinance before City Council on December 15, 2014, discussion ensued regarding the list of prohibited uses recommended by the Planning and Zoning Commission (the Commission), versus the list of prohibited uses proposed by the applicant. Mayor Pro Tem Keith Ordeneaux and Councilmember Tony Carbone indicated no concern regarding the use of the subject property as a restaurant. Mayor Pro Tem Keith Ordeneaux also expressed no concern regarding the use of the subject property being developed with “Big Box” retail, due to the size of the subject property; or retail in general, including the sale of auto parts. However, Mayor Pro Tem Keith Ordeneaux expressed concerns regarding “auto service,” i.e. auto repair. See #1 above for a list of prohibited uses recommended by the Commission.

STAFF RECOMMENDATION: Staff recommends approval of the amendment to the Southern Trails PD, to reallocate the 0.9 acres from a civic use to a GB use, for the following reasons, and with the following condition:

1. The subject property was originally designated as a non-residential use; civic use for a Fire Station and will continue to be designated for non-residential uses allowed within the GB zoning district.
2. The PD and the proposed amendment generally meet the intent of the future land use designation of “Retail, Offices and Services” by providing non-residential uses to serve the surrounding single family subdivisions; with limited general business strip centers, as recommended by the “Minor Node” future land use designation.

Conditions

1. Prior to signing of the ordinance/adoption of the ordinance, the applicant shall provide a revised PD, with the list of the prohibited uses to include the following, approved by the City Council.

- Automobile related uses, except for auto parts sales, indoor only
- Pet – related uses

Ordinance No. 2000M-128

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas (generally located on the south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east), Zone Change 2014-20Z; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

WHEREAS, BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; is requesting approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 1.749 acres of land (now 0.9 acres of land, due to right-of-way dedication, detention, etc.) of the total 522.62 acres included within the Southern Trails Planned Development; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "A," and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B," and

WHEREAS, on the 17th day of November 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of

Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 17th day of November, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed PD amendment to change the zoning of an approximately 1.749 acre tract (now 0.9 acres) from a civic use, specifically for a fire station to General Business (GB), with conditions, said recommendation attached hereto and made a part hereof for all purposes as Exhibit “D”; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 15th day of December 2014 and the 12th day of January 2015; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), attached hereto as Exhibit E, from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with a list of prohibited uses, as referenced in Exhibit E; on approximately 1.749 acres of land (now 0.9 acres of land, due to right-of-way dedication, detention, etc.) of the total 522.62 acres included within the Southern Trails Planned Development, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Southern Trails Planned Development (PD), and designated for a Civic/Church use, specifically for a Fire Station, is hereby granted a change in zoning to Southern Trails Planned Development (PD), with an overlay district of General Business (GB), with conditions regarding prohibited uses, as written in the PD document attached hereto as Exhibit E, in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: South side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east, Pearland, TX

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of

this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property

Section VII. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 15th day of December, 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 12th
day of January, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

**Exhibit B
Vicinity Map**



**Exhibit C
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING
OF THE CITY COUNCIL**

AND

**THE PLANNING AND ZONING COMMISSION
OF THE CITY OF PEARLAND, TEXAS**

ZONE CHANGE APPLICATION NUMBER: 2014-20Z

Notice is hereby given that on November 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of BGE/Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD) to remove the Fire Station designation to allow for General Business (GB) non-residential uses on approximately 1.4 acres of the total 522.63 acres of land, to wit:

Being 1.4 acres, a certain parcel of ground together with all the buildings and improvements begin a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas, containing an area of 3.55 acres (154,859 square feet).

General Location: Southwest corner of Broadway Street and Kingsley Drive, Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
City Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

November 17, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-20Z, Southern Trails
Planned Development (PD) Amendment

Honorable Mayor and City Council Members:

At their meeting on November 17, 2014, the Planning and Zoning Commission considered the following:

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 0.9 acres of land of the total 522.62 acres, to wit:

Legal Description: A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

General Location: South side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east, Pearland, TX

Commissioner Mary Starr made a motion to amend her original motion of a recommendation of approval of Zone Change Application Number 2014-20Z to amend the Southern Trails Planned Development, to a recommendation of approval with, conditions. The motion was seconded by Commissioner Ginger McFadden.

The motion passed 7/0, with all commissioners present and all commissioners in favor of the amended motion.

The recommended conditions of the Planning and Zoning Commission are as follows:

The recommended conditions of the Planning and Zoning Commission are as follows, and how the applicant addressed the conditions:

1. The following uses shall be prohibited:
 - Automobile and Automobile-Service Related Uses
 - Animal/Pet- Related Uses
 - Big Box Retail/Department Stores
 - Stand-Alone Restaurants
 - Drive-Thru Restaurants

2. Screening to buffer the proposed non-residential development from the existing single family subdivisions to the west and south, shall be consistent in design, including height, material, color, etc., with the existing screening wall provided by CVS to buffer against adjacent single family subdivisions.

Sincerely,

Johnna Matthews

A handwritten signature in cursive script that reads "Johnna Matthews".

City Planner
On behalf of the Planning and Zoning Commission

Exhibit E
Southern Trails Planned Development (Amended)

See Following Pages

**SOUTHERN TRAILS PLANNED UNIT DEVELOPMENT
AMENDMENT**

CITY OF PEARLAND, TEXAS

PREPARED FOR:

CL ASHTON WOODS, LP

PREPARED BY:

BGE| KERRY R. GILBERT & ASSOCIATES

NOVEMBER 2014

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I. INTRODUCTION TO SOUTHERN TRAILS

The Southern Trails planned unit development application was prepared on behalf of Conifer Development, Ltd. in accordance with the City of Pearland Zoning ordinance related to a planned Unit Development (“PUD”). It is the intent of the Developer to utilize a Planned Unit Development to establish a comprehensive land use plan and zoning guideline for the entire development project that will govern the future improvements, signage, landscaping, and use of open space.

Southern Trails is a 522.63 acre master planned community located west of SH 288 and south of Broadway in the eastern portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, C.R. 48 to the west, C.R. 59 to the south, and future extension of Kirby to the east.

All of the property is within the Pearland City Limits. At the core of the community's identity is an extensive recreational trail network service as a link to the various neighborhoods and focal points throughout the community. The development plan consists of residential, church, and general business uses, including facilities such as a parks, lakes and trails and significant open space.

II. AMENDMENT TO THE SOUTHERN TRAILS PUD (2011)

This application was prepared on behalf of CL Ashton Woods, LP and Taylor Morrison of Texas, Inc., pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 60% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the Trails System Plan Exhibit.

Southern Trails has been divided into two distinct developments divided by Kingsley Drive: Southern Trails and Southern Trails West. The current owner for Southern Trails is C.L. Ashton Woods, LP and the current owner for Southern Trails West is Taylor Morrison of Texas, Inc.

The revisions to the Trails System Plan Exhibit are described in detail in this document in Section IV.(E) Parks and Recreation.

III. AMENDMENT TO THE SOUTHERN TRAILS PUD (2014)

This application was prepared on behalf of CL Ashton Woods, LP, pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 85% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the overall land use acreages to reflect said revisions. Additionally, the proposed Fire Station site, which has decreased in size due to an increase in right of way

and detention requirements, is being reallocated to the General Business designation. Exhibit C.1 shows the property subject to the proposed amendment.

All of Southern Trails West has been developed and is privately owned. For Southern Trails, with the exception of the privately owned lots, the current owner is C.L. Ashton Woods, LP.

The revisions to the land use acreages are noted on Table 1: Acreage per Land Use Summary and can be seen on Exhibits D, E and F.

IV. EXISTING CONDITIONS

A. Site Description

The property was a compilation of fifteen tracts of various sizes and was vacant and unimproved at the time of acquisition and approval of the PUD. The property was used as farmland for growing milo and grain sorghum for generations. As shown on the Exhibit A-Area Map Exhibit aerial photograph, some of the development issues affecting the project were:

- Kingsley Drive (C.R. 48) divides the project
- There is a regional east-west drainage ditch bisecting the property which is owned and maintained by Brazoria County Drainage District #4. The improvements required for this ditch will be beyond the needs of this project in order to serve the region.
- A secondary north-south drainage ditch bisects much of the Property.
- The drainage outfall constraints increase the amount of land required for detention.
- The irregular shape of the property (See Exhibit A-Area Map Exhibit) impacts the public street design as well as the lot design/layout.
- The updated *Conceptual Plan* illustrates the platted lots that have been platted thus far.

B. Surrounding Land Use

The surrounding vicinity is characterized by recent residential development and a scattered mix of permanent residences and mobile homes. Recent residential activity illustrated in Exhibit A-Area Map Exhibit is:

- Shadow Creek Ranch to the north, as 3,300 acre master planned community, is immediately across and north of Broadway.
- Southgate, a 185 acre development, is located immediately to the east and across the future extension of Kirby Drive.
- Southfork, a 330 acre residential development, is located south of C.R. 59 and to the east in the City of Manvel.
- A proposed Alvin ISD High School west of Kirby Drive, between Southern Trails and Broadway.

There is a new school adjacent to Southern Trails on the east side of Kirby. (See *Exhibit D Conceptual Development Plan*).

V. GOALS AND OBJECTIVES

The proposed Planned Unit Development will have its own guidelines and restrictions in addition to those imposed by the City of Pearland. The Southern Trails Planned Unit Development will establish a comprehensive land use plan and zoning regulations to guide future improvements, including signage, landscape architecture, and generous open space. The Planned Unit Development provisions will guarantee the long-term aesthetic quality and continuity of the development and preserve the character of the community over time.

Southern Trails residents will immediately know that they are within their community; however, the sense of place will not be conveyed by monumentation as much as the tone set by the design of the streetscape and orientation around pedestrian activity.

The recreational trails are designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

Main arterial roads (minor collectors) through the project will be enhanced with street trees and additional landscaping.

Detention facilities for Southern Trails will be consolidated and constructed in such a manner as to provide usable open space incorporating the trails, parks, and other recreational facilities.

Open spaces will be designed with the goal of encouraging social interaction among residents, thus adding to the safety of the community as a whole.

VI. PLAN OF DEVELOPMENT

A. Project Description

The 522.63 Planned Unit Development is entirely single family residential development with the exception of a 9.3 acre church parcel and a general business parcel totaling 3.6 acres at the southwest corner of Kingsley Drive (C.R. 48) and Broadway.

There will be approximately 110 acres of open space and park areas within Southern Trails. The trail system will link lakes, recreational facilities, and residential neighborhoods creating a pedestrian friendly community.

Southern Trails design offers accessible water features that can be enjoyed by the entire community; this is accomplished through the strategic location of lakes in park areas, thereby abandoning the conventional development practices of completely surrounding lakes with waterfront homes.

B. Current Land Use

Southern Trails is located west of SH 288 and south of Broadway in the western portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, Kingsley Drive (C.R. 48) to the west, C.R. 59 to the south and the future extension of Kirby to the east.

The property is a compilation of 17 tracts ranging in size from 1 acre to 120 acres, and is currently vacant and unimproved, consisting of flat coastal plain used farming row

crops. The surrounding vicinity is characterized by vacant tracts of land, subdivision, and a scattered mix of rural residences and mobile homes.

The property lies within the city limits of Pearland. The current zoning designation of the surrounding properties are a mixture of medium and low density residential (R1, R2, R3) with scattered commercial uses. The subject property is currently zoned in mixed classifications of SD, RE, R1, and R2.

C. Proposed Land Use

The City of Pearland’s Comprehensive Plan indicates this portion of the planning area as medium and low density residential with appropriate commercial uses. The proposed Conceptual Development Plan presents a low density master planned community with a wide range of attractive housing in well defined neighborhoods.

The *Conceptual Development Plan* complies with the intent of the Comprehensive Plan with an overall density not to exceed 3.6 dwelling units per net acre based on a maximum of 1390 homes on 381.5 residential use acres. Gross calculations yield 2.7 lots per acre based on 522.6 acres as shown in the Land Use Plan.

TABLE 1: ACREAGE PER LAND USE SUMMARY

USE	ACRES	MIX
Single Family Residential (SFR)*	381.5	73%
Multi Family Residential	0	0.00%
Light Industrial	0	0.00%
General Business ***	3.6	1%
Civic/Church	9.3	2%
Parks/Recreation/Open Spaces**	112.5	22%
Major Thoroughfare Rights-of-Way	15.7	3%
Total	522.6	100.00%

*Single family residential encompasses R-1 (180 acres); R-2 (145 acres); and R-3 (56.5 acres) single family dwelling districts as presented in Appendix “A” hereto. Any district may, increase in acreage by up to 15%. The total increase in SFR is defined in the *Land Use Changes* section below.

**Parks, recreation and open space includes public and private parks, community recreation centers, linear parks and greenbelts, and open space, lakes, bayous and drainage ways.

***Development of the western 0.9 Acre of the commercial tract is subject to the General Business regulations as stated in the current Unified Development Code. See Exhibit C.1 for the exact location of the 0.9 Acres. This 0.9 Acres is also subject to the prohibited Uses listed in Appendix “A” under General Business.

D. Land Use Changes

Land use shall be regulated on a total acreage basis illustrated in Table 1 and by a finite cap on the number of dwelling units. Each land use category may be increased in acreage by up to 15% as long as the total number of dwelling units does not exceed 1390. This flexibility is required to ensure the overall success of the development. If a proposed land use is requested to be an increase in an area by more than 15%, an amendment to this Planned Unit Development must be requested and approved by the City of Pearland. Land uses may be interchanged within the boundaries of the project provided they are in compliance with the acreage defined in Table 1, subject to the 15% allowable increase.

E. Parks and Recreation

The focal point of the Southern Trails Planned Unit Development is its proliferation of trails and lakes throughout the community. The comprehensive trail system is designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

The Exhibit E *Trail System* illustrates the location of the proposed amenities. Some of the features of the development plan are:

- A continuous and easily accessible trail system with natural open space;
- Fitness stations and water fountains on the trail network;
- Passive use recreation facilities such as picnic areas;
- Common areas strategically lighted for nighttime enjoyment;
- Vantage points that offer visitors and residents beautiful views;
- A minimum of 6.7 acres of pedestrian trail system. (9,800 ft x 30 ft)
- Two of the four lakes totaling 7.3 acres will serve primarily as amenities intentionally designed with limited detention capacity creating nearly constant water levels in a park like setting;
- The third and largest lake (approximately 16.6 acres) is located in the center of the project and acts as a “hub” for the trail network;
- A fourth lake, located within one of the single family sections, serves to provide additional amenities to the larger lots.
- In order to increase accessibility and enjoyment of the principals lake for the entire community, there will be a 3.0 acres lakeside recreational facility;
- An additional ± 1.0 acre neighborhood park;
- An additional ± 0.6 acre neighborhood park;
- Three additional parks being ± 0.5 acre each.

At this time, all of the above stated amenities are constructed. In addition to the parks, there is a trail system connecting the entire Southern Trails community. Exhibit E Trail System has been updated to depict revisions to the underground pedestrian tunnels

and sidewalks. The following revisions are shown on the revised Exhibit E Trail System and are listed below:

Southern Trails

- The proposed below grade pedestrian crossing located on Southern Trails Drive south of Broadway, will not be constructed. Instead, the existing six (6) foot sidewalks along each side of Southern Trail Drive coupled with the signal controlled intersection with two-way ramps and crosswalks located at Broadway eliminate the need for the proposed crossing.
- A six (6) foot sidewalk was constructed along the east side of Kingsley Drive, extending from Southern Trails Drive north to the northern property edge of the Southern Trails development and to install handicap ramps at each intersection.

Southern Trails West

- Construct a six (6) foot sidewalk along the westside of Kingsley Drive from Southern Trails Drive north to the Commercial site (option for developer to construct or pay City of Pearland in lieu of construction).
- Install crosswalk at grade on Kingsley with appropriate signage and striping, in lieu of a below grade pedestrian crossing (under Kingsley Drive).
- Not to construct a trail along the drainage easement on the southern boundary between Kingsley Drive and Trail Hollow Drive. The sidewalk along Southern Valley Drive provides a pedestrian pathway parallel to the drainage easement.

Construction of sidewalks interior to the development adjacent to the lots will be completed in conjunction with the home construction. Also, the construction of the sidewalks in front of the model homes will occur at the time of conversion from a model home to home ownership. The construction of fencing internal to the project will be constructed at the time of home construction.

The Parks Department has agreed to accept a cash payment in lieu of acreage dedication; however, the Developer and the City are currently discussing alternatives

F. Street Circulation

The Southern Trails 90-foot boulevard entrances (*see Exhibit F Project Monumentation*) will merge into the main arteries which adhere to the City of Pearland Comprehensive Plan and shall be 60-foot rights-of-ways with two 10-foot utility easement as required by City ordinance. The street design of the community is such that no home shall front the minor collectors, eliminating the need for direct access (driveways) and on-street parking. These streets will have 28-foot paving sections (*see Exhibit G Typical Collector Street Cross Section*) and 6' sidewalks will be constructed on both sides of the right-of-way. Local streets serving development pods will be a minimum of 50-foot rights-of-way with 28-foot paving.

G. Utilities

Southern Trails shall have over 78 acres of drainage and detention facilities. The drainage facilities include a network of landscaped linear detention systems throughout the development. The drainage plan was prepared by Brown and Gay Engineers, Inc.

All drainage plans will comply with Brazoria County Drainage District #4 and the City of Pearland's requirements.

H. Project Phasing / Development Schedule

The first phase of the Southern Trails will contain \pm 20 acres at an expense of approximately \$12.9 million. Future sections are illustrated in the *Conceptual Development Plan*.

The completion of the proposed Southern Trails Planned Unit Development was originally anticipated in 2012, projecting a 9 year build out, with an estimated total cost of approximately \$65 million. However, the competition is now estimated to occur in 2018, resulting in a 15 year build out.

I. Signage

The *Project Monumentation Exhibit* illustrates the proposed entry monument. Except as otherwise provided for in the Planned Unit Development, the signage is the Planned Unit Development will comply with the City of Pearland signage regulations.

J. Screening

For development within the General Business zone, screening must be provided in order to buffer the proposed non-residential development from the existing single family subdivision to the west and south. All required screening shall be consistent in design. All new screening must match the height, material and color of any existing screening within the General Business zone.

VII. Exhibits

- A – Area Map
- B – Survey
- C – Metes & bounds description
- C.1- Metes & bounds description (Amendment)
- D – Conceptual Plan Exhibit – **Revised**
- E – Trail System Plan Exhibit
- F – Project Monumentation Exhibit
- G – Typical Collector Street Cross Section

APPENDIX “A”

R-1 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-1 Dwelling District provides for large lot, single family detached dwellings. The district is the most restrictive of all residential districts, requiring large lots, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

R-2 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-2 Dwelling District is intended to permit the low density residential development of detached, single family dwelling units, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-2 PUD district, and amendments thereto.

R-3 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-3 Dwelling District provides for medium density lot, single family detached dwelling units, an appropriate grouping of dwelling units to achieve larger open space areas and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

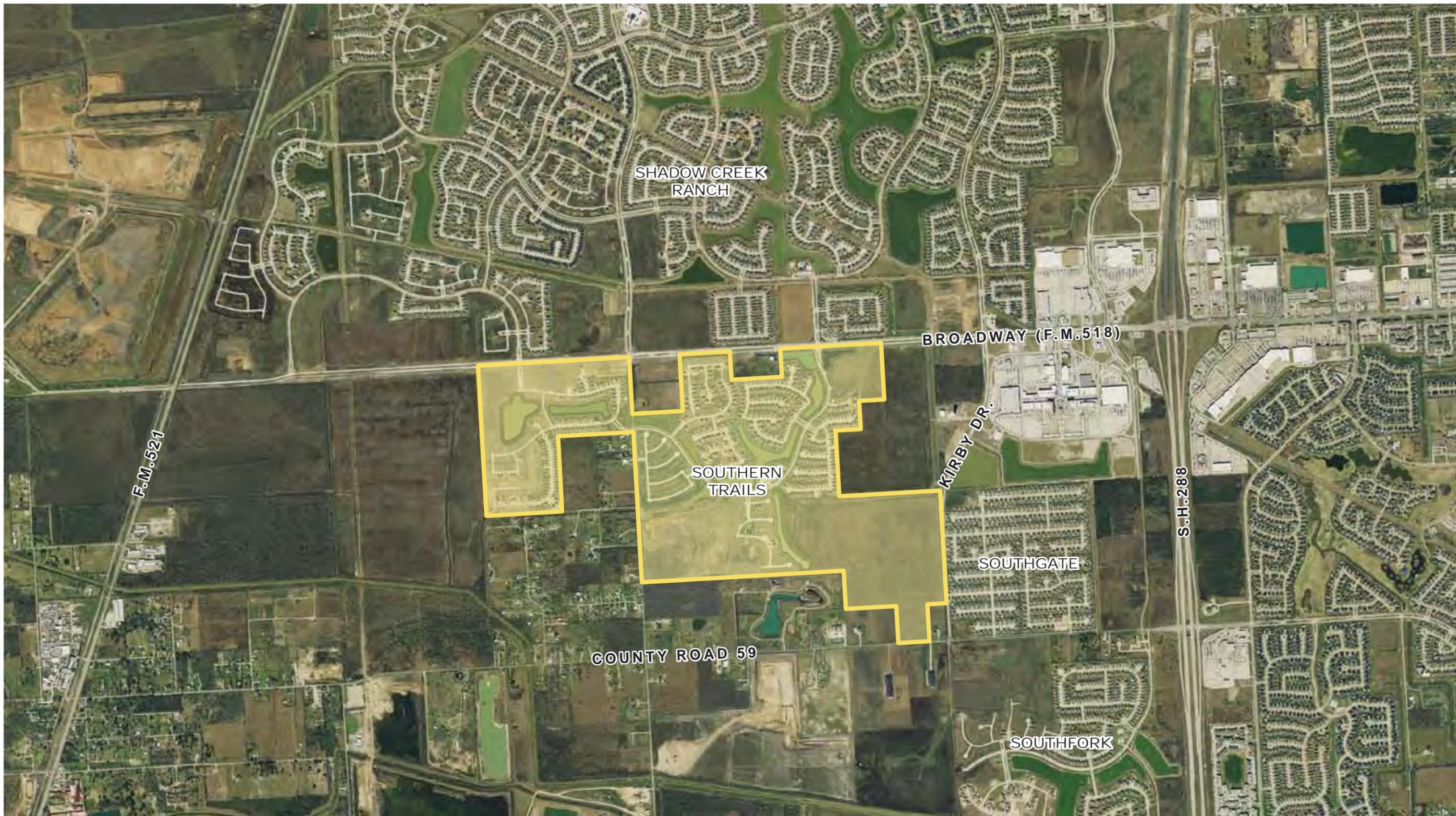
GB GENERAL BUSINESS DISTRICT

Purpose of District

The General Business district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. However, this district shall be restricted from sexually oriented businesses (i.e. modeling studios, bath houses, adult movie rentals, etc.). This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the GB PUD district, and amendments thereto.

In addition to the previously mentioned uses, the following uses are prohibited within the western 0.9 Acre of the General Business district (See Exhibit C.1):

- Health and beauty Aids Retailer
- Greeting Card Store
- Sale of alcoholic beverages for off premise consumption
- Discount store/ 99 cent store/ dollar store
- Pinball, Video game or any form of entertainment arcade
- Gambling or betting office other than sale of lottery tickets
- Massage Parlor
- Cinema, theatre, video store or bookstore selling, renting or exhibiting primarily material of pornographic or adult nature
- Adult entertainment bar or club (excluding comedy club)
- Bowling alley
- Roller skating or ice skating rink
- Billiard parlor or pool hall (unless ancillary use to a restaurant or similar)
- Firearms shooting range
- Cinema or theatre
- Health club or exercise salon over 2500 s.f.
- Educational or vocational institution
- Flea market
- Warehouse
- Gas station
- Facility with on-site dry cleaning
- Facility with on-site auto-repair
- Office except as incidental to a permitted retail uses such as offices customarily in commercial retail centers (i.e. brokerage/investment type office, real estate, insurance or similar)



**EXHIBIT
"A"**

an area map for

SOUTHERN TRAILS

± 522.63 ACRES OF LAND

prepared for

**C.L. ASHTON WOODS, L.P.
TAYLOR MORRISON OF TEXAS, INC.**

KERRY R. GILBERT & ASSOCIATES, INC.

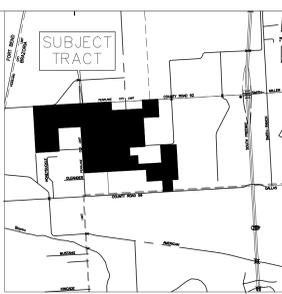
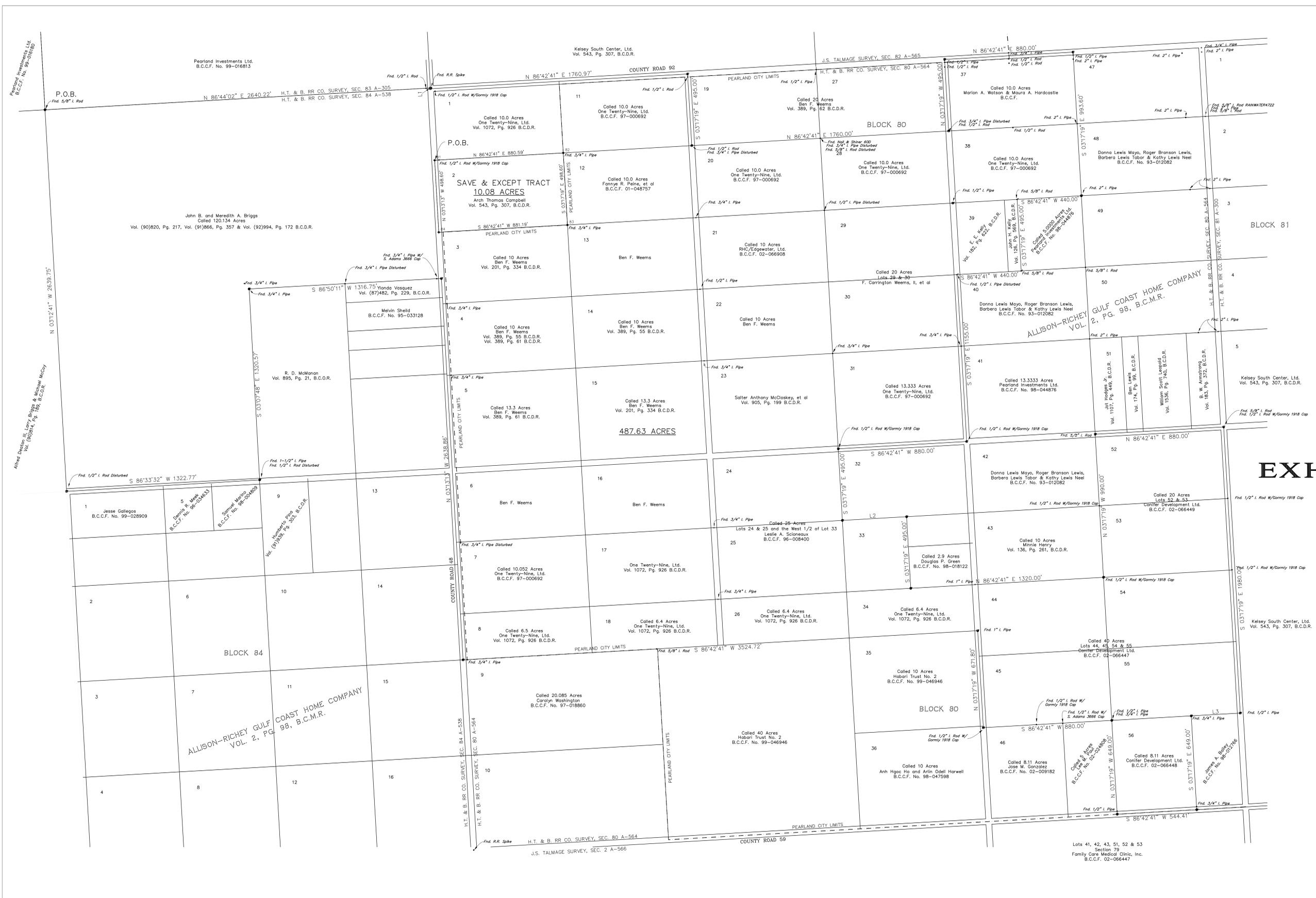
Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JANUARY 14, 2011
KGA #06101

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



LEGEND

D.E.	Drainage Easement
Fnd.	Found
B.C.C.F.	Brazoria County Clerk's File
B.C.D.R.	Brazoria County Deed Records
B.C.M.R.	Brazoria County Map Records
I.	Iron
R.O.W.	Right-of-Way
U.E.	Utility Easement
W.L.E.	Water Line Easement

LINE DATA

NUMBER	BEARING	DISTANCE
L1	S 03°11'26" E	4.56'
L2	N 86°42'41" E	440.00'
L3	S 86°42'41" W	335.59'

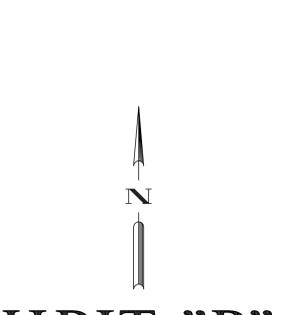


EXHIBIT "B"

497.71 ACRES
Less 10.08 ACRES
487.63 ACRES

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

Notes:
1. Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This map or plat was prepared under 22 Texas Annotated Code § 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe and draw the political boundary limits of the Harris County Municipal Utility District No. 157; and 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.

Surveyed this the 23rd day of May, 2003.

Revised: June 24, 2003
BROWN & GAY CIVIL ENGINEERS & SURVEYORS HOUSTON, TEXAS



Richard Fussell, RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

SOUTHERN PINES M.U.D. A 487.63 ACRE TRACT OF LAND SITUATED IN THE H.T. & B RR CO. SUR. SEC. 80, A-564 & H.T.&B RR CO. SUR., SEC 84, A-538 CITY OF PEARLAND BRAZORIA COUNTY, TEXAS

P.C.	B.G.	Date:	JUNE, 2003	Sheet	1
TECH:	S.T.	Scale:	1" = 250'		
R.P.L.S.:	R.F.	Job No.:	1504-ST		
Coordinate File:	\\PROJECTS\SERVER\PROJECTS\BASE.DWG				of 1

522.62 ACRES

DECEMBER 1, 2003
JOB NO. TER04-5T

DESCRIPTION OF A 522.62ACRE TRACT OF LAND
SITUATED IN THE
H.T. & B. RR COMPANY SURVEY, SECTION 80, ABSTRACT 564 AND
THE H.T. & B. RR COMPANY SURVEY, SECTION 84, ABSTRACT 538
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

BEING a 522.62 acre tract of land situated in the H.T. & B. RR Co. Survey, Section 80, Abstract 564 and the H.T. & B. RR Co. Survey, Section 80, Abstract 538, City of Pearland, Brazoria County, Texas; being all of a called 120.134 acre tract of land described in a deed recorded Volume (90) 820, Page 217, Volume (91) 866, Page 357 and Volume (92) 994, Page 172 all of the Brazoria County Deed Records, and Lots 3 through 8, 11 through 18, 20 through 26, 27 through 34, Lots 37 & 38 and the west 1/2 of Lot 39, all of Lots 42, 43, 44, 45, 52 through 55 and 8.11 acres of Lot 56 of the Allison-Richey Gulf Coast Home Company subdivision recorded in Volume 2, Page 98 of the Brazoria County Map Records; said 522.62 acre tract of land being more particularly described as follows:

BEGINNING at 5/8-inch iron rod found at the northwest corner of said called 120.134 acre tract being the common corner of a tract of land recorded in Volume (90)814, Page 189 of the Brazoria County Deed Records, a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016180 and a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016813 for the northwest corner of the herein described tract;

THENCE N 86°44'02" E, a distance of 2640.22 feet to the intersection of County Roads 92 and 48 being the northeast corner of said called 120.134 acre tract for a corner of the herein described tract from which a found RR spike bears N 86°45'10" E, 7.70 feet and a found 1/2-inch iron rod bears S 86°31'02" W, 29.70 feet;

THENCE S 03°17'01" E, a distance of 4.56 feet with the centerline of said County Road 48 (based on original 40' width) to a point for corner from which a found 1/2-inch iron rod bears S 60°00'12" E, 35.94 feet;

THENCE N 86°42'41" E, a distance of 0.96 feet with the centerline of said County Road 92 (based on original 40' width) and the north line of said Section 80 to a point for corner;

THENCE S 03°13'13" E, a distance of 993.60 feet with the center line of said County Road 48 (original 40.00 foot width) and the west line of said Lots 2 and 1 to a point for corner;

THENCE N 86°42'41" E, a distance of 881.19 feet to a found 3/4-inch iron pipe for corner;

THENCE N 03°17'19" W, a distance of 993.60 feet to a point in the centerline of said County Road 92 (based on original 40' width) for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03°17'19" E, at a distance of 20.00 feet pass a 1/2-inch iron rod, in all a total distance of 495.00 feet to a 1/2-inch iron rod found for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet to a point for corner from which a found 60d nail with shiner;

THENCE N 03°17'19" W, at 475.00 feet pass a found 1/2-inch iron rod, in all a total distance of 495.00 feet to a point for corner;

THENCE N 86°42'41" E. a distance of 1760.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03° 17' 19" E, along the East line of said Lot 37 and 38, passing at 19.74 feet and East 1.41 foot a 1/2-inch iron pipe, at 48.09 feet pass a 2-inch iron pipe and East 1.22', a total distance of 993.60 feet to a found 2-inch iron pipe;

THENCE S 86°42'41" W, a distance of 440.00 feet to a point for corner from which a found 5/8-inch iron rod bears S 72°58" W, 0.6 feet;

THENCE S 03°17'19" E, a distance of 495.00 feet to a found 5/8-inch iron rod bears S 86°23'W, 0.5 feet for corner;

THENCE S 86°42'41"W, a distance of 440.00 feet to a point for corner from which a found 1/2-inch iron pipe bears S 67°22' W, 0.40 feet;

THENCE S 03°17'19" E, a distance of 1155.00 feet to a 1/2-inch iron rod with a cap stamped "Gormly 1918" found for corner;

THENCE N 86°42'41" E, a distance of 1760.00 feet to a point for corner from which a found a 1/2-inch iron rod with a cap stamped "Gormly 1918" bears N 13°12'20" W, 1.22 feet and a found 5/8-inch iron rod bears N 15°42'41" W, 1.34 feet;

THENCE S 03°17'19" E, a distance of 1980.00 feet to a point for corner from which a found 1/2-inch iron pipe bears N 02° 22'32" E, 1.82 feet;

THENCE S 86°42'41" W, a distance of 335.59 feet to a point for corner from which a found 3/4-inch iron pipe bears N 07°31'57" E, 1.79 feet;

THENCE S 03°17'19" E, a distance of 649.00 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 01° 45' 50" W, 21.56 feet;

THENCE S 86°42'41" W, a distance of 544.41 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 1/2-inch iron pipe bears N 02°04'04" W, 21.38 feet;
4

THENCE N 03°17'19" W, a distance of 649.00 feet to a point for corner from which a found 1/2-inch iron pipe and a 3/4-inch iron pipe bear N 07°04'14" E, 1.49 feet;

THENCE S 86°42'41" W, a distance of 880.00 feet to a point for corner from which a 1/2-inch iron

rod with a cap stamped "Gormly 1918" bears N 22°04'06" E, 0.99 feet;

THENCE N 03°17'19" W, a distance of 671.80 feet to a 1-inch iron pipe found for corner;

THENCE S 86°42'41" W, a distance of 3524.72 feet to a point in the centerline of said County Road 48 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 87°42'35" E, 28.47 feet;

THENCE N 03°13'13" W, a distance of 2638.86 feet with the centerline of said County Road 48 (based on original 40' width) to a point from which a found 3/4-inch iron pipe with cap stamped "S. Adams 3666" bears S 87°06'43" W, 31.63 feet;

THENCE S 86°50'11" W, a distance of 1316.75 feet to a point for corner from which a found 3/4-inch iron pipe bears S 12°34'15" E, 5.57 feet and a found 3/4-inch iron pipe bears N 40°37'46" W, 49.20 feet;

THENCE S 03°07'48" E, a distance of 1320.57 feet to a 1 1/2-inch iron pipe found for corner from which a found 1/2-inch iron rod bears S 18°37'20" W, 6.28 feet;

THENCE S 86°33'32" W, a distance of 1322.77 feet to a 1/2-inch iron rod found for corner;

THENCE N 03°12'41" W, a distance of 2639.75 feet to the **POINT OF BEGINNING** and containing 497.71 acres of land.

In conclusion, the herein described 522.621 acre tract comprises a **TOTAL ACREAGE** of **522.62 ACRES**.

Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This metes and bounds description was prepared under 22 Texas Annotated Code # 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe the political boundary limits of the Brazoria County MUD No. 34; and 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 is was prepared.




Richard Fussell RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer Road, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

Exhibit C-1

LEGEND		
	EXIST. GUY WIRE	EXIST.
	EXIST. CONC. AREA	SMH
	EXIST. BOUNDARY LINE	EXISTING
	CONC.	SEWER MANHOLE
	WATER METER	EXIST. SEWER MANHOLE
	GAS METER	EXIST. DRAIN MANHOLE
	GAS VALVE	EXIST. SIGN
	WATER VALVE	EXIST. POWER OR TELEPHONE POLE
	DENOTES IRON ROD FOUND	HOSE BIB
	DENOTES 1/2" IRON ROD SET	EXIST. STREET LIGHT
	DENOTES CROSS CUT SET	EXIST. DITCH
	LINE NOT TO SCALE	EXIST. TRAFFIC LIGHT
	TITLE	EXIST. FIRE HYDRANT
		EXIST. DROP INLET
		DENOTES CROSS CUT
		ACTUAL

PLAT NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, G.F. NO. 1017002997, EFFECTIVE DATE: MAY 31, 2013. ISSUE DATE: JUNE 5, 2013.
- ALL BEARING REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
- CITY OF PEARLAND GPS #9 WITH A PUBLISHED ELEVATION OF 59.03 1987 ADJUSTMENT.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 480338200202B, WITH THE EFFECTIVE DATE OF JUNE 5, 1989, THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN.) ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
- ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.
- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA DRAINAGE DISTRICT #4. LOT LINES SHALL BE THE CENTER OF A 6 FOOT WIDE DRAINAGE EASEMENT.
- THIS PROPERTY IS LOCATED WHOLLY WITHIN MUNICIPAL UTILITY DISTRICT NO. 34.
- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
- BUILDINGS NOT SHOWN FOR CLARITY.

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, ACTING BY AND THROUGH NEIL ELLIS, PRESIDENT, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORP., ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY NEIL ELLIS, PRESIDENT, THIS _____ DAY OF _____, 2014.

OWNER: FIRST HARTFORD REALTY CORPORATION A LIMITED PARTNERSHIP

BY: _____
NEIL ELLIS, PRESIDENT

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NEIL ELLIS, PRESIDENT OF FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, ACTING BY AND THROUGH _____ MANAGING MEMBER, OWNER OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORPORATION, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____ MANAGING MEMBER, THIS _____ DAY OF _____, 2014.

OWNER: CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP

BY: _____
MANAGING MEMBER

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ MANAGING MEMBER OF CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

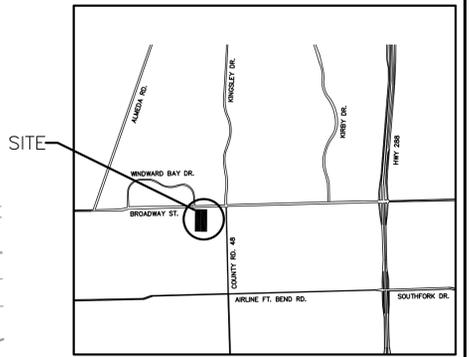
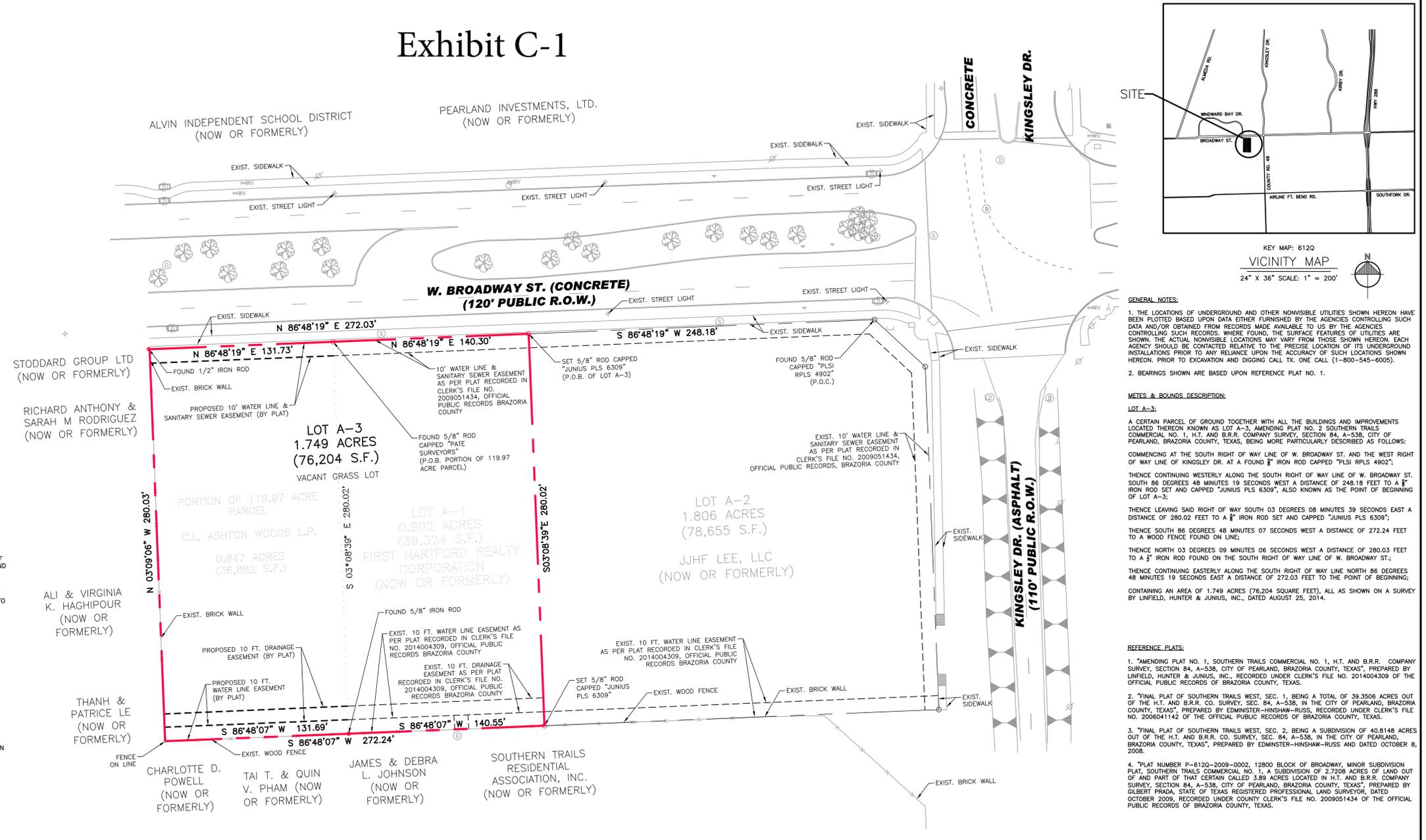
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

I, NATHAN J. JUNIUS, P.E., R.P.L.S., REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6309, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT.

NATHAN J. JUNIUS, P.E., R.P.L.S.
TEXAS REGISTRATION NO. 6309

DEPUTY _____ COUNTY CLERK OF BRAZORIA COUNTY, TEXAS



KEY MAP: 6120
VICINITY MAP
24" X 36" SCALE: 1" = 200'

GENERAL NOTES:

- THE LOCATIONS OF UNDERGROUND AND OTHER NONVISIBLE UTILITIES SHOWN HAVE BEEN PLOTTED BASED UPON DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR OBTAINED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FOUND, THE SURFACE FEATURES OF UTILITIES ARE SHOWN. THE ACTUAL NONVISIBLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY SHOULD BE CONTACTED RELATIVE TO THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATIONS PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON. PRIOR TO EXCAVATION AND DIGGING CALL TX. ONE CALL (1-800-545-6005).
- BEARINGS SHOWN ARE BASED UPON REFERENCE PLAT NO. 1.

METS & BOUNDS DESCRIPTION:

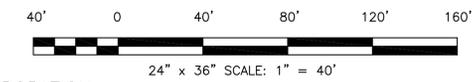
LOT A-3:
A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED THEREON KNOWN AS LOT A-3, AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 5/8" IRON ROD CAPPED "PLS RPLS 4902"; THENCE CONTINUING WESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. SOUTH 86 DEGREES 48 MINUTES 19 SECONDS WEST A DISTANCE OF 248.18 FEET TO A 5/8" IRON ROD SET AND CAPPED "JUNIUS PLS 6309", ALSO KNOWN AS THE POINT OF BEGINNING OF LOT A-3;
THENCE LEAVING SAID RIGHT OF WAY SOUTH 03 DEGREES 08 MINUTES 39 SECONDS EAST A DISTANCE OF 280.02 FEET TO A 5/8" IRON ROD SET AND CAPPED "JUNIUS PLS 6309"; THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 272.24 FEET TO A WOOD FENCE FOUND ON LINE;
THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 5/8" IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.; THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 272.03 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 1.749 ACRES (76,204 SQUARE FEET), ALL AS SHOWN ON A SURVEY BY LINFIELD, HUNTER & JUNIUS, INC., DATED AUGUST 25, 2014.

REFERENCE PLATS:

- "AMENDING PLAT NO. 1, SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY LINFIELD, HUNTER & JUNIUS, INC., RECORDED UNDER CLERK'S FILE NO. 2014004309 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
- "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 1, BEING A TOTAL OF 39.3506 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY EDWINSTER-HINSHAW-RUSS, RECORDED UNDER CLERK'S FILE NO. 2006041142 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
- "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 2, BEING A SUBDIVISION OF 40.8148 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY EDWINSTER-HINSHAW-RUSS AND DATED OCTOBER 8, 2008.
- "PLAT NUMBER P-6120-2009-0002, 12800 BLOCK OF BROADWAY, MINOR SUBDIVISION PLAT, SOUTHERN TRAILS COMMERCIAL NO. 1, A SUBDIVISION OF 2.7208 ACRES OF LAND OUT OF AND PART OF THAT CERTAIN CALLED 3.89 ACRES LOCATED IN H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY GILBERT PRADA, STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, DATED OCTOBER 2009, RECORDED UNDER COUNTY CLERK'S FILE NO. 2009051434 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1 H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538 CITY OF PEARLAND, BRAZORIA COUNTY TEXAS

ONE (1) LOT ONE (1) BLOCK
REASON FOR PLAT AMENDMENT: COMBINE TWO (2) EXISTING LOTS INTO 1 LOT OF RECORD



OWNER -- LOT A-1:
FIRST HARTFORD REALTY CORPORATION
149 COLONIAL RD.
MANCHESTER, CT 06042
(860) 646-6555

OWNER -- PORTION OF 119.97 ACRE PARCEL
CL ASHTON WOODS, L.P.
3355 W. ALABAMA, SUITE 1240
HOUSTON, TX 77098
PH: (713) 255-7401

LINFIELD, HUNTER & JUNIUS, INC.
PROFESSIONAL ENGINEERS, ARCHITECTS
AND SURVEYORS
3608 18th Street, Suite 200
Metairie, Louisiana 70002
T.X.L.S. FIRM NO. 10193767
T.B.P.E. FIRM NO. 11654
© 2011 by Linfield, Hunter & Junius, Inc.

DATE OF LAST FIELD WORK: JULY 25, 2014
DATE OF PLAT MAP: AUGUST 25, 2014
LH&J JOB NO. 14-90
PRELIMINARY

Exhibit C-1

METES & BOUNDS DESCRIPTION:

OVERALL PARCEL:

A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED BEING A PORTION OF NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 5/8 INCH IRON ROD CAPPED "PLSI RPLS 4902";

THENCE SOUTH 48 DEGREES 10 MINUTES 35 SECONDS EAST A DISTANCE OF 49.48 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309" ON THE WEST RIGHT OF WAY LINE OF KINGSLEY DR.;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 03 DEGREES 09 MINUTES 29 SECONDS EAST A DISTANCE OF 245.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE LEAVING SAID RIGHT OF WAY SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 283.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 140.55 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 131.69 FEET TO A WOOD FENCE FOUND ON LINE;

THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.;

THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 131.73 FEET TO A 5/8 INCH IRON ROD FOUND AND CAPPED "PATE SURVEYORS";

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 140.30 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 248.18 FEET TO
THE POINT OF BEGINNING;

CONTAINING AN AREA OF 3.555 ACRES (154,859 SQUARE FEET).

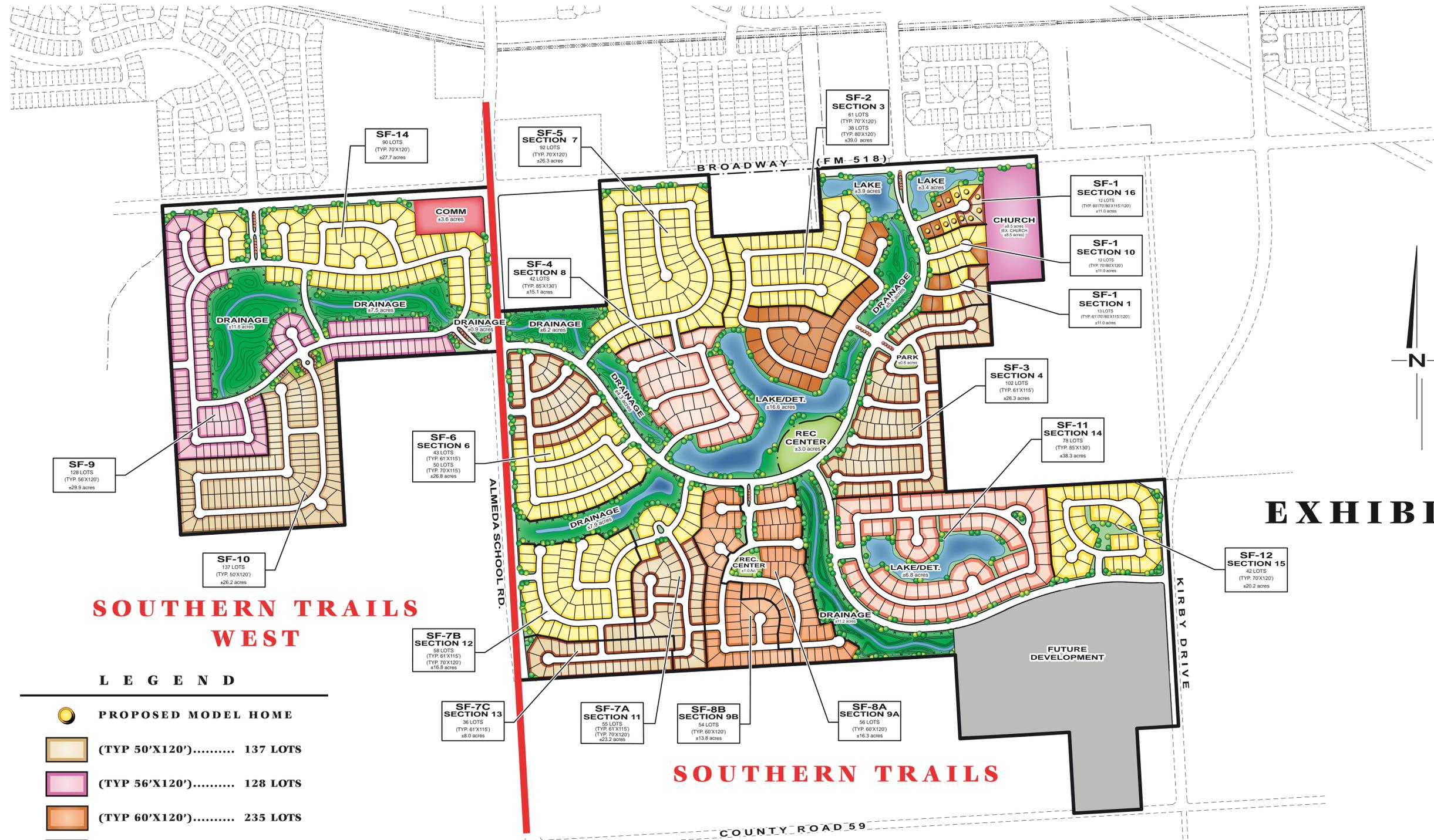


EXHIBIT "D"

SOUTHERN TRAILS WEST

LEGEND

-  PROPOSED MODEL HOME
-  (TYP 50'X120')..... 137 LOTS
-  (TYP 56'X120')..... 128 LOTS
-  (TYP 60'X120')..... 235 LOTS
-  (TYP 61'X115')..... 233 LOTS
-  (TYP 70'X115'/120')... 445 LOTS
-  (TYP 80'X120')..... 47 LOTS
-  (TYP 85'X130')..... 120 LOTS

Note:
Per the 2015 PD Amendment, development of the western 0.9 Acre of the commercial tract is subject to the General Business regulations as stated in the current Unified Development Code. See Exhibit C.1 for the exact location of the 0.9 Acres.

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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SOUTHERN TRAILS

a conceptual plan for
SOUTHERN TRAILS
 + 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd. Suite A-250
 Katy, Texas 77494
 (281) 579-0340
 Fax (281) 579-8212



NOVEMBER 24, 2014
 KGA# 06101B



EXHIBIT "E"

LEGEND

-  Pedestrian Trail System
-  Pedestrian Underpass
-  Pedestrian at Grade Crossing
-  Recreation Park
-  Tot Lot / Park

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a master development plan for
SOUTHERN TRAILS

+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

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 Katy, Texas 77494
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OCTOBER 01, 2014
 KGA# 06101B



EXHIBIT "F"

LEGEND

-  PRIMARY ENTRY MONUMENT
-  SECONDARY IDENTIFIER MONUMENT
-  SECONDARY IDENTIFIER MONUMENT FOR SOUTHERN TRAILS WEST

a master development plan for
SOUTHERN TRAILS

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Land Planning Consultants

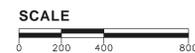
23501 Cinco Ranch Blvd.

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OCTOBER 01, 2014
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JOINT PUBLIC HEARING

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION 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

Zone Change Application No. 2014-20Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 0.9 acres of land of the total 522.62 acres, to wit:

Legal Description: A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

General Location: South side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east, Pearland, TX

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/PLANNING COMMISSION/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.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 17, 2014

Re: Zone Change Application Number 2014-20Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 0.9 acres of land of the total 522.62 acres of land.

Proposal

The Southern Trails Planned Development (PD) includes approximately 522.62 acres of land located on the south side of Broadway Street; east and west sides of Kingsley Drive and west of Kirby Drive.

The applicant proposes to add the original 1.4-acre civic parcel designated for a Fire Station to the adjacent GB parcel. It is important to note that due to an increase in right-of-way and detention, the original 1.4 – acre civic parcel now includes 0.9 acres.

As part of the proposed amendment, the applicant also proposes to update the land use summary to reflect the proposed change, include a metes and bounds description and proposed plat for the new 3.6 acre GB site; and update Exhibits D (Conceptual Plan), Exhibit E (Trail System Plan) and Exhibit F (Monumentation Plan).

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the amendment to the Southern Trails PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the proposed amendment to the Southern Trails PD, as identified above, and in detail within the attached Staff Report, identified as Exhibit 1; for the following reasons, and with the following condition:

1. The subject property was originally designated as a non-residential use; civic use for a Fire Station and will continue to be designated for non-residential uses allowed within the GB zoning district.
2. The PD and the proposed amendment general meet the intent of the future land use designation of “Retail, Offices and Services” by providing non-residential uses to serve the surrounding single family subdivisions; with limited general business strip centers, as recommended by the “Minor Node” future land use designation.
3. The base zoning district for the subject property is proposed to be GB and will comply with the requirements of the GB zoning district in the Unified Development Ordinance. This will ensure that the current requirements on side yards, lot coverage, and height will apply to development on this site.
4. When originally approved, the PD required landscaping along Broadway Street, which has not been planted. The street trees and landscaping needs to be planted along Broadway Street, as approved in the PD. This needs to be addressed in the PD prior to first reading.
5. Add a note on Exhibit E – Conceptual Development, stating that the subject 0.9 acre parcel will comply with all the regulations of the GB zoning district in the current Unified Development Code, prior to first reading.

Exhibits

1. Staff Report
2. Southern Trails Boundary Map
3. Aerial Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Amendment # 2: Red-lined Southern Trails PD



Exhibit 1 Staff Report

Summary of Request

The Southern Trails Planned Development includes approximately 522.62 acres of land and was originally approved in February, 2004 to allow for mostly single family developments, with the exception of a 9.5 acre church parcel, a 2.7-acre General Business (GB) parcel and a 1.4 acre- civic use adjacent to the GB parcel; specifically for a Fire Station, and various amenities. As a result of right-of-way dedication and detention within the development, the original 1.4 – acre civic use site has decreased to 0.9 acres.

The applicant proposes to add the remaining 0.9 acres allocated for civic uses to the 2.7-acre GB site, for a total of 3.6 acres allocated to GB uses. As part of the proposed amendment, the applicant also proposes to update various exhibits and the Land Use Summary to reflect current acreages for all land uses within the development, as the PD allowed for an increase in acreage by up to 15%, as long as the total number of dwelling units did not exceed 1,506 units.

Site History

The subject property known as the Southern Trails Planned Development was annexed into the City of Pearland at various times. The PD is divided by Kingsley Drive. The property on the east side of Kingsley Drive was annexed into the City in 1999; and the property on the west side of Kingsley Drive was annexed into the City in 2001. To date, one (1) amendment to the PD was approved in April, 2011 to promote pedestrian safety, accessibility and ease of use. Specifically the 2011 amendment added a lit crossing at Kingsley Drive and Southern Trails Drive; modified the pedestrian trails; reduced sidewalk width from 8 feet to 6 feet along minor streets; notation was added regarding the construction of sidewalks on internal streets as development occurs; and finally the originally approved third “Tot Lot” was added to Exhibit E, as it was inadvertently not shown on the exhibit.

Approximately 85% of the project is developed. All amenities have been constructed, which include a trail system with natural open space, fitness stations and water fountains; picnic areas; lit common areas for nighttime enjoyment; 4 lakes totaling 7.3 acres; a 16.6 acre lake located within the center of the project; and parks.

The PD is surrounded by mostly single family subdivisions and PDs to the north, west and east; and unincorporated land to the south. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Shadow Creek Ranch PD	Single Family Undeveloped
South	Single Family Estate (RE) Extra-territorial Jurisdiction (ETJ)	Single Family
East	Ridge Rock PD	Undeveloped
West	Shadow Creek Ranch PD	Single Family

Conformance with the Thoroughfare Plan

The subject 0.9 acres has frontage on Broadway Street and will be combined with the GB tract located at the southeast corner of Broadway Street and Kingsley Drive. According to the Thoroughfare Plan, both Broadway Street and Kingsley Drive are Major Thoroughfares and require 120 feet of right-of-way. Broadway Street is of sufficient width and County Road 48 will be widened.

Conformance with the Unified Development Code

The Southern Trails PD was originally approved in 2004 under the Land Use and Urban Development Ordinance. The base zoning district for the subject property is proposed to be GB and will comply with the requirements of the GB zoning district in the Unified Development Ordinance. This is significant in light of the fact that the previous Land Use and Urban Development Ordinance did not have restrictions on side yards, lot coverage, and height. The GB district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishment, offices and commercial recreational uses of limited scope. The district will follow the provisions provided within the Unified Development Code for GB zoning district.

Conformance with the Comprehensive Plan

The Southern Trails PD is located in various future land use designations, including Retail, Offices and Services; Minor Nodes; Low Density, Parks, etc. However, specific

to the 0.9 acres, the future land use designation is Retail, Offices and Services; and Minor Nodes. The proposed GB zoning district conforms to characteristics of the proposed GB overlay zoning district. Major characteristics of each of the two future land use designations follows:

Retail, Office and Services

- Neighborhood or convenience shopping centers , or developed as separate uses
- Preferably located at major intersections
- Limited outdoor retail activities
- Buffer from neighboring single family residential
- Appropriate zoning districts include Office & Professional (OP); Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district

Minor Nodes

- Broadway Street-Kingsley Road intersection is designated as a minor node which are intended to comprise less than 25 acres of non-residential uses, including retail, office and services uses, with limited strip development for general business uses along Broadway Street.

Platting Status

The 0.9 acre subject property is not platted. Upon approval of the amendment, the applicant proposes to combine the subject property with the adjacent 2.7 acres which is currently platted as Block 1, Tract A, Southern Trails Commercial No. 1.

Availability of Utilities

The subject property has access to public water and sewer. According to GIS records, there is an existing 24 inch and 30-inch sewer line along the south side of Broadway Street and Kingsley Drive, respectively; and a 16 inch water line along the north side of Broadway Street. Utilities and the extension of utilities will be assessed at the time of platting.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the Southern Trails PD to reallocate the 0.9 from a civic use (fire stations) to a GB use will have any significant impact on existing or future developments. The 0.9 acres will be combined with the adjacent property to the east, which is currently developed with a non-residential use, CVS. The subject property was designated as a non-residential use when the PD was originally adopted in 2004, and will continue to allow for non-residential uses permitted within the GB zoning district.

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for amendment to the Southern Trails PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

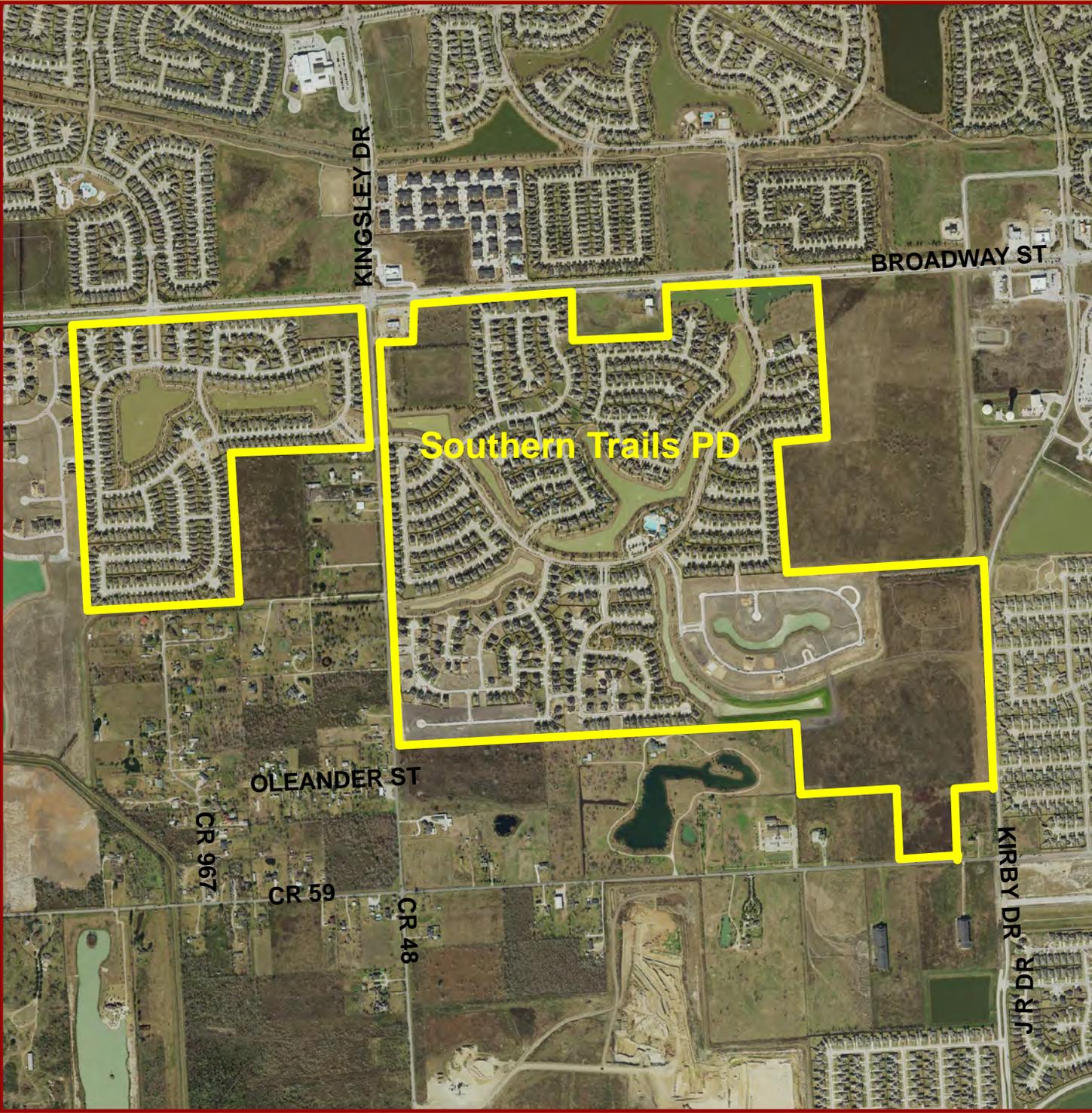
Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request to amend the PD.

Recommendation

Staff recommends approval of the amendment to the Southern Trails PD, to reallocate the 0.9 acres from a civic use to a GB use, for the following reasons:

1. The subject property was originally designated as a non-residential use; civic use for a Fire Station and will continue to be designated for non-residential uses allowed within the GB zoning district.
2. The PD and the proposed amendment general meet the intent of the future land use designation of “Retail, Offices and Services” by providing non-residential uses to serve the surrounding single family subdivisions; with limited general business strip centers, as recommended by the “Minor Node” future land use designation.
3. The base zoning district for the subject property is proposed to be GB and will comply with the requirements of the GB zoning district in the Unified Development Ordinance. This will ensure that the current requirements on side yards, lot coverage, and height will apply to development on this site.
4. When originally approved, the PD required landscaping along Broadway Street, which has not been planted. The street trees and landscaping needs to be planted along Broadway Street, as approved in the PD. This needs to be addressed in the PD prior to first reading.
5. Add a note on Exhibit E – Conceptual Development, stating that the subject 0.9 acre parcel will comply with all the regulations of the GB zoning district in the current Unified Development Code, prior to first reading.



AERIAL MAP

**ZONE CHANGE
2014-20Z**



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 = 1,274 feet

22 MAY 2014
PLANNING DEPARTMENT





AERIAL MAP

ZONE CHANGE 2014-20Z



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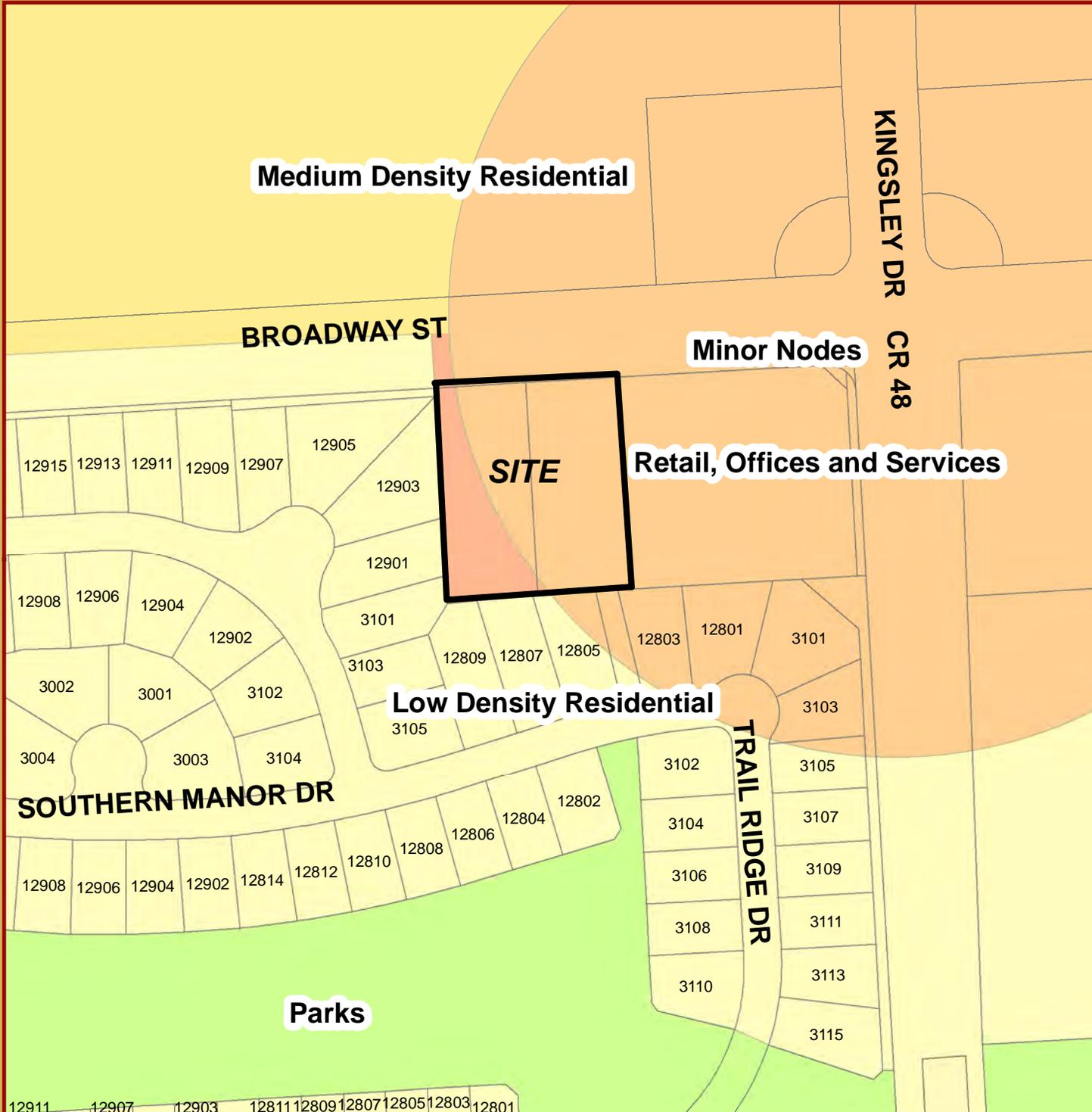
1 inch = 191 feet

22 MAY 2014
PLANNING DEPARTMENT



FLUP MAP

ZONE CHANGE 2014-202Z



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 = 191 feet

22 MAY 2014
PLANNING DEPARTMENT



**Zone Change 2014-20Z
Notification List**

Owner	Address	SUITE
ASHTON HOUSTON RESIDENTIAL LLC	11375 S SAM HOUSTON PKWY W	STE 100
AYYAGARI SRINIVAS & SUNEETHA	3102 MOSSY TRAIL LN	
BIGI MARINUS A & AMANDA L	3008 MASON GROVE LN	
CHUNDRU GHOWTHAM & APARNA KAJA	3002 MASON GROVE LN	
DAVIS DARREL & DONNA MURRAY	12215 WILLOW BROOK LN	
DINH TUAN	12314 SHADY BROOK DR	
DONNELLY PAUL & DAWN	12213 WILLOW BROOK LN	
GAUVAIN TAGGART T & ERIN B	12406 SHADY BROOK DR	
GREEN BRIAN H & LISA M	3105 MASON GROVE LN	
HARRIS SHEILA H & STACY L	12211 WILLOW BROOK LN	
HEAD ANGELA	12416 SHADY BROOK DR	
JOSEPH JOSHY	3010 MASON GROVE LN	
KONGO DANIEL H	12312 SHADY BROOK DR	
LINVILLE CAIN & ERIKA SATO	3003 MASON GROVE LN	
LLAMAS RENATO L & IMELDA	3102 MASON GROVE LN	
NGUYEN CLIFF & TRACY T	3101 MASON GROVE LN	
NIEVE FERNANDO A & LETICIA	12216 WILLOW BROOK LN	
ORTEGA JESUS	12219 WILLOW BROOK LN	
PEARLAND NEW HARVEST	PO BOX 1966	
PERRY HOMES	PO BOX 34306	
POLAR MARTIN K & TIFFANY J	3103 MASON GROVE LN	
POPP CHARLES M & AMY J	12412 SHADY BROOK DR	
RAEZER SHERYL	3001 MASON GROVE LN	
RAVIKOYY LLC	15414 PALM GRASS CT	
RIGGINS CHELSIE	12410 SHADY BROOK DR	
SCHNITZER ALAN	12217 WILLOW BROOK LN	

SHADOW CREEK RANCH MAINTENANCE ASSOCIATION	12234 SHADOW CREEK PKWY	BLDG 3
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	2500 LEGACY DR	STE 220
SPARKS KEITH	12318 SHADY BROOK DR	
THOMAS BINOY C & BINDHU M CHERIAN	3006 MASON GROVE LN	
THOMPSON FREDRICK & LOCKETT- THOMPSON KATRINA	12408 SHADY BROOK DR	
TILLMAN JASON A & WYKENA M LIPSCOMB	12401 CLOVER CREEK LN	
UNGER WILLIAM L & YOLAND	12414 SHADY BROOK DR	
WARREN RONALD P JR	3005 MASON GROVE LN	
WEYRICH STEVEN A JR	12404 SHADY BROOK DR	
BGE KERRY R GILBERT & ASSOCIATES BELTWAY 23, LTD CL ASHTON WOODS, L.P.	23501 CINCO RANCH BLVD 5855 SOVEREIGN DR. 10110 W. SAM HOUSTON PKWY N.	SUITE A-250 SUITE B SUITE A-200

PEARLAND	TX	77584
FRISCO	TX	75034
PEARLAND	TX	77584
KATY	TX	77494
HOUSTON	TX	77036
HOUSTON	TX	77064

**SOUTHERN TRAILS PLANNED UNIT DEVELOPMENT
AMENDMENT**

CITY OF PEARLAND, TEXAS

PREPARED FOR:

CL ASHTON WOODS, LP

PREPARED BY:

BGE| KERRY R. GILBERT & ASSOCIATES

OCTOBER 2014

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I. INTRODUCTION TO SOUTHERN TRAILS

The Southern Trails planned unit development application was prepared on behalf of Conifer Development, Ltd. in accordance with the City of Pearland Zoning ordinance related to a planned Unit Development (“PUD”). It is the intent of the Developer to utilize a Planned Unit Development to establish a comprehensive land use plan and zoning guideline for the entire development project that will govern the future improvements, signage, landscaping, and use of open space.

Southern Trails is a 522.63 acre master planned community located west of SH 288 and south of Broadway in the eastern portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, C.R. 48 to the west, C.R. 59 to the south, and future extension of Kirby to the east.

All of the property is within the Pearland City Limits. At the core of the community's identity is an extensive recreational trail network service as a link to the various neighborhoods and focal points throughout the community. The development plan consists of residential, ~~civic~~, church, and general business uses, including facilities such as a ~~fire station~~, parks, lakes and trails and significant open space.

II. AMENDMENT TO THE SOUTHERN TRAILS PUD (2011)

This application was prepared on behalf of CL Ashton Woods, LP and Taylor Morrison of Texas, Inc., pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 60% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the Trails System Plan Exhibit.

Southern Trails has been divided into two distinct developments divided by Kingsley Drive: Southern Trails and Southern Trails West. The current owner for Southern Trails is C.L. Ashton Woods, LP and the current owner for Southern Trails West is Taylor Morrison of Texas, Inc.

The revisions to the Trails System Plan Exhibit are described in detail in this document in Section IV.(E) Parks and Recreation.

III. AMENDMENT TO THE SOUTHERN TRAILS PUD (2014)

This application was prepared on behalf of CL Ashton Woods, LP, pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 85% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the overall land use acreages to reflect said revisions. Additionally, the proposed Fire Station site, which has decreased in size due to an increase in right of way

and detention requirements, is being reallocated to the General Business designation. Exhibit C.1 shows the property subject to the proposed amendment.

All of Southern Trails West has been developed and is privately owned. For Southern Trails, with the exception of the privately owned lots, the current owner is C.L. Ashton Woods, LP.

The revisions to the land use acreages are noted on Table 1: Acreage per Land Use Summary and can be seen on Exhibits D, E and F.

III IV. EXISTING CONDITIONS

A. Site Description

The property ~~is~~ ~~was~~ a compilation of fifteen tracts of various sizes and ~~is~~ ~~was~~ ~~currently~~ vacant and unimproved ~~at the time of acquisition and approval of the PUD~~. The property ~~has been~~ ~~was~~ used as farmland for growing milo and grain sorghum for generations. As shown on the Exhibit A-Area Map Exhibit aerial photograph, some of the development issues affecting the project ~~are~~ ~~were~~:

- Kingsley Drive (C.R. 48) divides the project
- There is a regional east-west drainage ditch bisecting the property which is owned and maintained by Brazoria County Drainage District #4. The improvements required for this ditch will be beyond the needs of this project in order to serve the region.
- A secondary north-south drainage ditch bisects much of the Property.
- The drainage outfall constraints increase the amount of land required for detention.
- The irregular shape of the property (See Exhibit A-Area Map Exhibit) impacts the public street design as well as the lot design/layout.
- The updated *Conceptual Plan* illustrates the platted lots that have been platted thus far.

B. Surrounding Land Use

The surrounding vicinity is characterized by recent residential development and a scattered mix of permanent residences and mobile homes. Recent residential activity illustrated in Exhibit A-Area Map Exhibit is:

- Shadow Creek Ranch to the north, as 3,300 acre master planned community, is immediately across and north of Broadway.
- Southgate, a 185 acre development, is located immediately to the east and across the future extension of Kirby Drive.
- Southfork, a 330 acre residential development, is located south of C.R. 59 and to the east in the City of Manvel.
- A proposed Alvin ISD High School west of Kirby Drive, between Southern Trails and Broadway.

There ~~are two proposed school sites (elementary and junior high)~~ is a new school adjacent to Southern Trails on the ~~east side of Kirby north side of Broadway~~. (See *Exhibit D Conceptual Development Plan*). ~~The developer has been in contact with representatives of Alvin ISD and is prepared to assist the school district should the need arise for an additional school site.~~

IV V. GOALS AND OBJECTIVES

The proposed Planned Unit Development will have its own guidelines and restrictions in addition to those imposed by the City of Pearland. The Southern Trails Planned Unit Development will establish a comprehensive land use plan and zoning regulations to guide future improvements, including signage, landscape architecture, and generous open space. The Planned Unit Development provisions will guarantee the long-term aesthetic quality and continuity of the development and preserve the character of the community over time.

Southern Trails residents will immediately know that they are within their community; however, the sense of place will not be conveyed by monumentation as much as the tone set by the design of the streetscape and orientation around pedestrian activity.

The recreational trails are designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

Main arterial roads (minor collectors) through the project will be enhanced with street trees and additional landscaping.

Detention facilities for Southern Trails will be consolidated and constructed in such a manner as to provide usable open space incorporating the trails, parks, and other recreational facilities.

Open spaces will be designed with the goal of encouraging social interaction among residents, thus adding to the safety of the community as a whole.

V VI. PLAN OF DEVELOPMENT

A. Project Description

The 522.63 Planned Unit Development is entirely single family residential development with the exception of a ~~9.5~~ 9.3 acre church parcel ~~and~~ a general business parcel totaling ~~2.7~~ 3.6 acres at the southwest corner of Kingsley Drive (C.R. 48) and Broadway. ~~and a 1.4 acre civic use site on Broadway, adjacent to the commercial site.~~

There will be approximately ~~80 acres~~ 110 acres of open space and park areas within Southern Trails. The trail system will link lakes, recreational facilities, and residential neighborhoods creating a pedestrian friendly community.

Southern Trails design offers accessible water features that can be enjoyed by the entire community; this is accomplished through the strategic location of lakes in park areas, thereby abandoning the conventional development practices of completely surrounding lakes with waterfront homes.

B. Current Land Use

Southern Trails is located west of SH 288 and south of Broadway in the western portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, Kingsley Drive (C.R. 48) to the west, C.R. 59 to the south and the future extension of Kirby to the east.

The property is a compilation of 17 tracts ranging in size from 1 acre to 120 acres, and is currently vacant and unimproved, consisting of flat coastal plain used farming row crops. The surrounding vicinity is characterized by vacant tracts of land, subdivision, and a scattered mix of rural residences and mobile homes.

The property lies within the city limits of Pearland. The current zoning designation of the surrounding properties are a mixture of medium and low density residential (R1, R2, R3) with scattered commercial uses. The subject property is currently zoned in mixed classifications of SD, RE, R1, and R2.

C. Proposed Land Use

The City of Pearland’s Comprehensive Plan indicates this portion of the planning area as medium and low density residential with appropriate commercial uses. The proposed Conceptual Development Plan presents a low density master planned community with a wide range of attractive housing in well defined neighborhoods.

The *Conceptual Development Plan* complies with the intent of the Comprehensive Plan with an overall density not to exceed 3.6 dwelling units per net acre based on a maximum of ~~1,506~~ 1390 homes on ~~418.4~~ 381.5 residential use acres. Gross calculations yield ~~2.88~~ 2.7 lots per acre based on 522.6~~3~~ acres as shown in the Land Use Plan.

TABLE 1: ACREAGE PER LAND USE SUMMARY

USE	ACRES	MIX
Single Family Residential (SFR)*	418.4 381.5	80.06% 73%
Multi Family Residential	0	0.00%
Light Industrial	0	0.00%
General Business	2.7 3.6	0.52% 1%
Civic/Church	10.9 9.3	2.08% 2%
Parks/Recreation/Open Spaces**	78.3 112.5	14.98% 22%
Major Thoroughfare Rights-of-Way	12.33 15.7	2.36% 3%
Total	522.63 522.6	100.00%

*Single family residential encompasses R-1 (~~158 acres~~ 180 acres); R-2 (~~158 acres~~ 145 acres); and R-3 (~~102.4 acres~~ 56.5 acres) single family dwelling districts as presented in Appendix "A" hereto.

Any district may, increase in acreage by up to 15%. The total increase in SFR is defined in the *Land Use Changes* section below.

**Parks, recreation and open space includes public and private parks, community recreation centers, linear parks and greenbelts, and open space, lakes, bayous and drainage ways.

D. Land Use Changes

Land use shall be regulated on a total acreage basis illustrated in Table 1 and by a finite cap on the number of dwelling units. Each land use category may be increased in acreage by up to 15% as long as the total number of dwelling units does not exceed ~~1,506~~ 1390. This flexibility is required to ensure the overall success of the development. If a proposed land use is requested to be an increase in an area by more than 15%, an amendment to this Planned Unit Development must be requested and approved by the City of Pearland. Land uses may be interchanged within the boundaries of the project provided they are in compliance with the acreage defined in Table 1, subject to the 15% allowable increase.

E. Parks and Recreation

The focal point of the Southern Trails Planned Unit Development is its proliferation of trails and lakes throughout the community. The comprehensive trail system is designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

The Exhibit E *Trail System* illustrates the location of the proposed amenities. Some of the features of the development plan are:

- A continuous and easily accessible trail system with natural open space;
- Fitness stations and water fountains on the trail network;
- Passive use recreation facilities such as picnic areas;
- Common areas strategically lighted for nighttime enjoyment;
- Vantage points that offer visitors and residents beautiful views;
- A minimum of 6.7 acres of pedestrian trail system. (9,800 ft x 30 ft)
- Two of the ~~three~~ four lakes totaling ~~6.3~~ 7.3 acres will serve primarily as amenities intentionally designed with limited detention capacity creating nearly constant water levels in a park like setting;
- The third and largest lake (approximately ~~11.8~~ 16.6 acres) is located in the center of the project and acts as a "hub" for the trail network;

- A fourth lake, located within one of the single family sections, serves to provide additional amenities to the larger lots.
- In order to increase accessibility and enjoyment of the principals lake for the entire community, there will be a ~~2.8~~ 3.0 acres lakeside recreational facility;
- An additional ~~±0.9~~ 1.0 acre neighborhood park;
- An additional ~~±0.5~~ 0.6 acre neighborhood park;
- Three additional “~~tot lot parks~~” parks being ±0.5 acre each.

At this time, ~~many~~ all of the above stated amenities are constructed. ~~However,~~ In addition to the parks, there is a trail system connecting the entire Southern Trails community. ~~the~~ Exhibit E Trail System has been updated to depict revisions to the underground pedestrian tunnels and sidewalks. The following revisions are shown on the revised Exhibit E Trail System and are listed below:

Southern Trails

- The proposed below grade pedestrian crossing located on Southern Trails Drive south of Broadway, will not be constructed. Instead, the existing six (6) foot sidewalks along each side of Southern Trail Drive coupled with the signal controlled intersection with two-way ramps and crosswalks located at Broadway eliminate the need for the proposed crossing.
- ~~Construct~~ A six (6) foot sidewalk ~~was constructed~~ along ~~the~~ east side of Kingsley Drive, extending from Southern Trails Drive north to the northern property edge of the Southern Trails development and to install handicap ramps at each intersection.

Southern Trails West

- Construct a six (6) foot sidewalk along the westside of Kingsley Drive from Southern Trails Drive north to the Commercial site (option for developer to construct or pay City of Pearland in lieu of construction).
- Install crosswalk at grade on Kingsley with appropriate signage and striping, in lieu of a below grade pedestrian crossing (under Kingsley Drive).
- Not to construct a trail along the drainage easement on the southern boundary between Kingsley Drive and Trail Hollow Drive. The sidewalk along Southern Valley Drive provides a pedestrian pathway parallel to the drainage easement.

Construction of sidewalks interior to the development adjacent to the lots will be completed in conjunction with the home construction. Also, the construction of the sidewalks in front of the model homes will occur at the time of conversion from a model home to home ownership. The construction of fencing internal to the project will be constructed at the time of home construction.

The Parks Department has agreed to accept a cash payment in lieu of acreage dedication; however, the Developer and the City are currently discussing alternatives

F. Street Circulation

The Southern Trails 90-foot boulevard entrances (see *Exhibit F Project Monumentation*) will merge into the main arteries which adhere to the City of Pearland Comprehensive Plan and shall be 60-foot rights-of-ways with two 10-foot utility easement as required by City ordinance. The street design of the community is such that no home shall front the minor collectors, eliminating the need for direct access (driveways) and on-street parking. These streets will have 28-foot paving sections (see *Exhibit G Typical Collector Street Cross Section*) and 6' sidewalks will be constructed on both sides of the right-of-way. Local streets serving development pods will be a minimum of 50-foot rights-of-way with 28-foot paving.

G. Utilities

Southern Trails shall have over 78 acres of drainage and detention facilities. The drainage facilities include a network of landscaped linear detention systems throughout the development. The drainage plan was prepared by Brown and Gay Engineers, Inc.

All drainage plans will comply with Brazoria County Drainage District #4 and the City of Pearland's requirements.

H. Project Phasing / Development Schedule

The first phase of the Southern Trails will contain \pm 20 acres at an expense of approximately \$12.9 million. Future sections are illustrated in the *Conceptual Development Plan*.

The completion of the proposed Southern Trails Planned Unit Development ~~is~~ **was originally** anticipated in 2012, projecting a 9 year build out, with an estimated total cost of approximately \$65 million. **However, the competition is now estimated to occur in 2018, resulting in a 15 year build out.**

I. Signage

The *Project Monumentation Exhibit* illustrates the proposed entry monument. Except as otherwise provided for in the Planned Unit Development, the signage is the Planned Unit Development will comply with the City of Pearland signage regulations.

~~V~~ VII. Exhibits

A – Area Map

B – Survey

C – Metes & bounds description

C.1- Metes & bounds description (Amendment) – New

D – Conceptual Plan Exhibit – **Revised**

E – Trail System Plan Exhibit - **Revised**

F – Project Monumentation Exhibit – **Revised**

G – Typical Collector Street Cross Section

APPENDIX “A”

R-1 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-1 Dwelling District provides for large lot, single family detached dwellings. The district is the most restrictive of all residential districts, requiring large lots, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

R-2 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-2 Dwelling District is intended to permit the low density residential development of detached, single family dwelling units, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-2 PUD district, and amendments thereto.

R-3 SINGLE FAMILY DWELLING DISTRICT

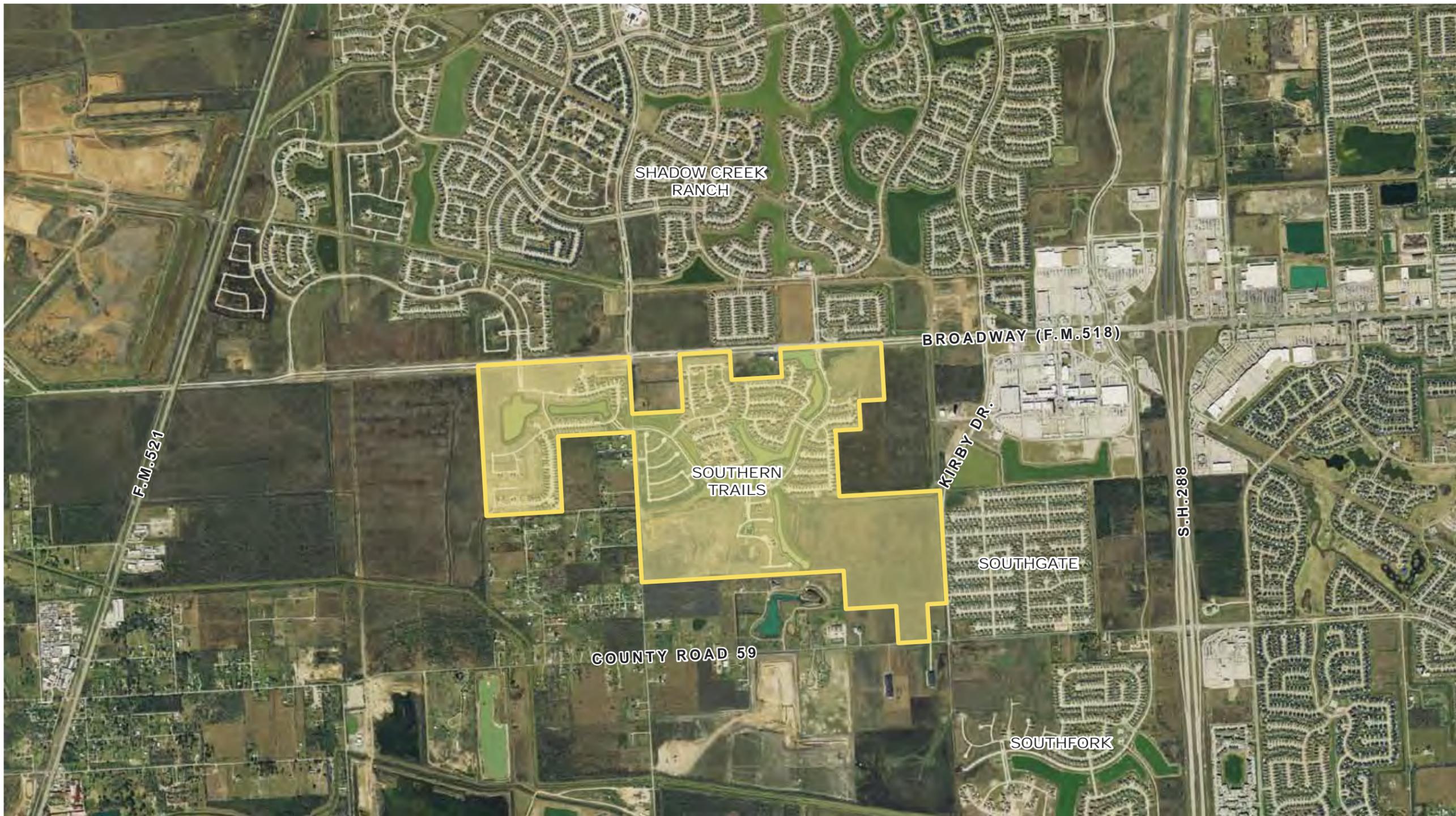
Purpose of District

The R-3 Dwelling District provides for medium density lot, single family detached dwelling units, an appropriate grouping of dwelling units to achieve larger open space areas and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

GB GENERAL BUSINESS DISTRICT

Purpose of District

The General Business district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. However, this district shall be restricted from sexually oriented businesses (i.e. modeling studios, bath houses, adult movie rentals, etc.). This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the GB PUD district, and amendments thereto.



**EXHIBIT
"A"**

an area map for

SOUTHERN TRAILS

± 522.63 ACRES OF LAND

prepared for

**C.L. ASHTON WOODS, L.P.
TAYLOR MORRISON OF TEXAS, INC.**

KERRY R. GILBERT & ASSOCIATES, INC.

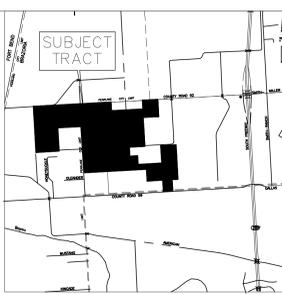
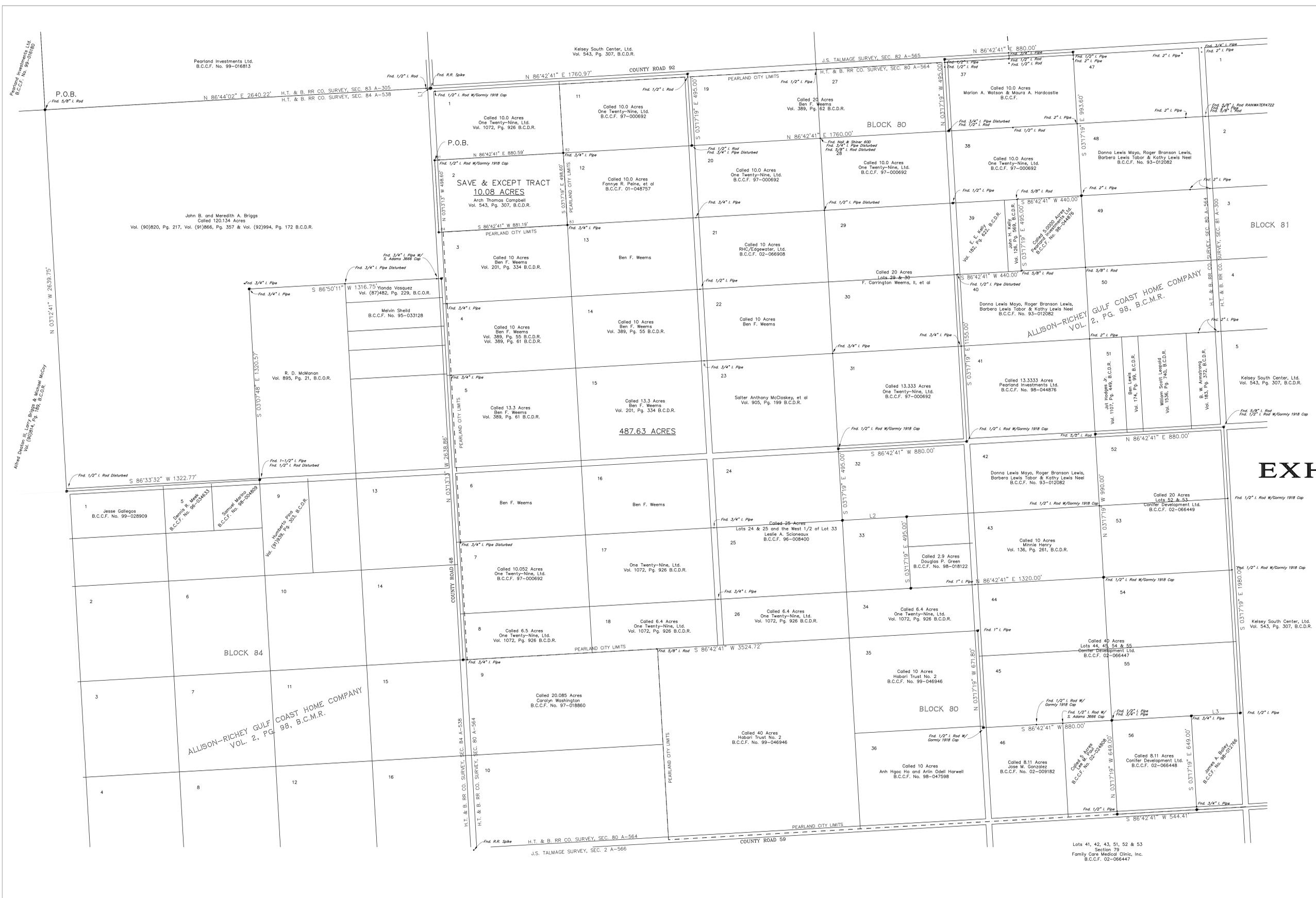
Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JANUARY 14, 2011
KGA #06101

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LEGEND

D.E.	Drainage Easement
Fnd.	Found
B.C.C.F.	Brazoria County Clerk's File
B.C.D.R.	Brazoria County Deed Records
B.C.M.R.	Brazoria County Map Records
I.	Iron
R.O.W.	Right-of-Way
U.E.	Utility Easement
W.L.E.	Water Line Easement

LINE DATA

NUMBER	BEARING	DISTANCE
L1	S 03°11'26" E	4.56'
L2	N 86°42'41" E	440.00'
L3	S 86°42'41" W	335.59'

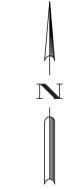


EXHIBIT "B"

497.71 ACRES
Less 10.08 ACRES
487.63 ACRES

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

Notes:
1. Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This map or plat was prepared under 22 Texas Annotated Code § 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe and draw the political boundary limits of the Harris County Municipal Utility District No. 157; and 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.

Surveyed this the 23rd day of May, 2003.

Revised: June 24, 2003
BROWN & GAY CIVIL ENGINEERS & SURVEYORS HOUSTON, TEXAS



Richard Fussell, RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

SOUTHERN PINES M.U.D. A 487.63 ACRE TRACT OF LAND SITUATED IN THE H.T. & B RR CO. SUR. SEC. 80, A-564 & H.T.&B RR CO. SUR., SEC 84, A-538 CITY OF PEARLAND BRAZORIA COUNTY, TEXAS

P.C.	B.G.	Date:	JUNE, 2003	Sheet	1
TECH:	S.T.	Scale:	1" = 250'		
R.P.L.S.:	R.F.	Job No.:	1504-ST		
Coordinate File:	\\PROJECTS\SERVER\PROJECTS\BASE.DWG				

522.62 ACRES

DECEMBER 1, 2003
JOB NO. TER04-5T

DESCRIPTION OF A 522.62 ACRE TRACT OF LAND
SITUATED IN THE
H.T. & B. RR COMPANY SURVEY, SECTION 80, ABSTRACT 564 AND
THE H.T. & B. RR COMPANY SURVEY, SECTION 84, ABSTRACT 538
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

BEING a 522.62 acre tract of land situated in the H.T. & B. RR Co. Survey, Section 80, Abstract 564 and the H.T. & B. RR Co. Survey, Section 80, Abstract 538, City of Pearland, Brazoria County, Texas; being all of a called 120.134 acre tract of land described in a deed recorded Volume (90) 820, Page 217, Volume (91) 866, Page 357 and Volume (92) 994, Page 172 all of the Brazoria County Deed Records, and Lots 3 through 8, 11 through 18, 20 through 26, 27 through 34, Lots 37 & 38 and the west 1/2 of Lot 39, all of Lots 42, 43, 44, 45, 52 through 55 and 8.11 acres of Lot 56 of the Allison-Richey Gulf Coast Home Company subdivision recorded in Volume 2, Page 98 of the Brazoria County Map Records; said 522.62 acre tract of land being more particularly described as follows:

BEGINNING at 5/8-inch iron rod found at the northwest corner of said called 120.134 acre tract being the common corner of a tract of land recorded in Volume (90) 814, Page 189 of the Brazoria County Deed Records, a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016180 and a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016813 for the northwest corner of the herein described tract;

THENCE N 86°44'02" E, a distance of 2640.22 feet to the intersection of County Roads 92 and 48 being the northeast corner of said called 120.134 acre tract for a corner of the herein described tract from which a found RR spike bears N 86°45'10" E, 7.70 feet and a found 1/2-inch iron rod bears S 86°31'02" W, 29.70 feet;

THENCE S 03°17'01" E, a distance of 4.56 feet with the centerline of said County Road 48 (based on original 40' width) to a point for corner from which a found 1/2-inch iron rod bears S 60°00'12" E, 35.94 feet;

THENCE N 86°42'41" E, a distance of 0.96 feet with the centerline of said County Road 92 (based on original 40' width) and the north line of said Section 80 to a point for corner;

THENCE S 03°13'13" E, a distance of 993.60 feet with the center line of said County Road 48 (original 40.00 foot width) and the west line of said Lots 2 and 1 to a point for corner;

THENCE N 86°42'41" E, a distance of 881.19 feet to a found 3/4-inch iron pipe for corner;

THENCE N 03°17'19" W, a distance of 993.60 feet to a point in the centerline of said County Road 92 (based on original 40' width) for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03°17'19" E, at a distance of 20.00 feet pass a 1/2-inch iron rod, in all a total distance of 495.00 feet to a 1/2-inch iron rod found for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet to a point for corner from which a found 60d nail with shiner;

THENCE N 03°17'19" W, at 475.00 feet pass a found 1/2-inch iron rod, in all a total distance of 495.00 feet to a point for corner;

THENCE N 86°42'41" E. a distance of 1760.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03° 17' 19" E, along the East line of said Lot 37 and 38, passing at 19.74 feet and East 1.41 foot a 1/2-inch iron pipe, at 48.09 feet pass a 2-inch iron pipe and East 1.22', a total distance of 993.60 feet to a found 2-inch iron pipe;

THENCE S 86°42'41" W, a distance of 440.00 feet to a point for corner from which a found 5/8-inch iron rod bears S 72°58" W, 0.6 feet;

THENCE S 03°17'19" E, a distance of 495.00 feet to a found 5/8-inch iron rod bears S 86°23'W, 0.5 feet for corner;

THENCE S 86°42'41"W, a distance of 440.00 feet to a point for corner from which a found 1/2-inch iron pipe bears S 67°22' W, 0.40 feet;

THENCE S 03°17'19" E, a distance of 1155.00 feet to a 1/2-inch iron rod with a cap stamped "Gormly 1918" found for corner;

THENCE N 86°42'41" E, a distance of 1760.00 feet to a point for corner from which a found a 1/2-inch iron rod with a cap stamped "Gormly 1918" bears N 13°12'20" W, 1.22 feet and a found 5/8-inch iron rod bears N 15°42'41" W, 1.34 feet;

THENCE S 03°17'19" E, a distance of 1980.00 feet to a point for corner from which a found 1/2-inch iron pipe bears N 02° 22'32" E, 1.82 feet;

THENCE S 86°42'41" W, a distance of 335.59 feet to a point for corner from which a found 3/4-inch iron pipe bears N 07°31'57" E, 1.79 feet;

THENCE S 03°17'19" E, a distance of 649.00 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 01° 45' 50" W, 21.56 feet;

THENCE S 86°42'41" W, a distance of 544.41 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 1/2-inch iron pipe bears N 02°04'04" W, 21.38 feet;

4
THENCE N 03°17'19" W, a distance of 649.00 feet to a point for corner from which a found 1/2-inch iron pipe and a 3/4-inch iron pipe bear N 07°04'14" E, 1.49 feet;

THENCE S 86°42'41" W, a distance of 880.00 feet to a point for corner from which a 1/2-inch iron

rod with a cap stamped "Gormly 1918" bears N 22°04'06" E, 0.99 feet;

THENCE N 03°17'19" W, a distance of 671.80 feet to a 1-inch iron pipe found for corner;

THENCE S 86°42'41" W, a distance of 3524.72 feet to a point in the centerline of said County Road 48 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 87°42'35" E, 28.47 feet;

THENCE N 03°13'13" W, a distance of 2638.86 feet with the centerline of said County Road 48 (based on original 40' width) to a point from which a found 3/4-inch iron pipe with cap stamped "S. Adams 3666" bears S 87°06'43" W, 31.63 feet;

THENCE S 86°50'11" W, a distance of 1316.75 feet to a point for corner from which a found 3/4-inch iron pipe bears S 12°34'15" E, 5.57 feet and a found 3/4-inch iron pipe bears N 40°37'46" W, 49.20 feet;

THENCE S 03°07'48" E, a distance of 1320.57 feet to a 1 1/2-inch iron pipe found for corner from which a found 1/2-inch iron rod bears S 18°37'20" W, 6.28 feet;

THENCE S 86°33'32" W, a distance of 1322.77 feet to a 1/2-inch iron rod found for corner;

THENCE N 03°12'41" W, a distance of 2639.75 feet to the **POINT OF BEGINNING** and containing 497.71 acres of land.

In conclusion, the herein described 522.621 acre tract comprises a **TOTAL ACREAGE** of **522.62 ACRES**.

Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This metes and bounds description was prepared under 22 Texas Annotated Code # 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe the political boundary limits of the Brazoria County MUD No. 34; and 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 is was prepared.




Richard Fussell RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer Road, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

Exhibit C-1

LEGEND		
	EXIST. GUY WIRE	EXIST.
	EXIST. CONC. AREA	SMH
	EXIST. BOUNDARY LINE	EXIST. SEWER MANHOLE
	CONC.	EXIST. SEWER MANHOLE
	WATER METER	EXIST. DRAIN MANHOLE
	GAS METER	EXIST. SIGN
	GAS VALVE	EXIST. POWER OR TELEPHONE POLE
	WATER VALVE	HOSE BIB
	DENOTES IRON ROD FOUND	EXIST. STREET LIGHT
	DENOTES 1/2" IRON ROD SET	EXIST. DITCH
	DENOTES CROSS CUT SET	EXIST. TRAFFIC LIGHT
	LINE NOT TO SCALE	EXIST. FIRE HYDRANT
	TITLE	EXIST. DROP INLET
		DENOTES CROSS CUT
		ACTUAL

PLAT NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, G.F. NO. 1017002997, EFFECTIVE DATE: MAY 31, 2013. ISSUE DATE: JUNE 5, 2013.
- ALL BEARING REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
- CITY OF PEARLAND GPS #9 WITH A PUBLISHED ELEVATION OF 59.03 1987 ADJUSTMENT.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 4803382020202B, WITH THE EFFECTIVE DATE OF JUNE 5, 1989, THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN.) ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
- ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.
- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA COUNTY DRAINAGE DISTRICT #4. LOT LINES SHALL BE THE CENTER OF A 6 FOOT WIDE DRAINAGE EASEMENT.
- THIS PROPERTY IS LOCATED WHOLLY WITHIN MUNICIPAL UTILITY DISTRICT NO. 34.
- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND ASHTON SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
- BUILDINGS NOT SHOWN FOR CLARITY.

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, ACTING BY AND THROUGH NEIL ELLIS, PRESIDENT, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORP., ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY NEIL ELLIS, PRESIDENT, THIS _____ DAY OF _____, 2014.

OWNER: FIRST HARTFORD REALTY CORPORATION A LIMITED PARTNERSHIP

BY: _____
NEIL ELLIS, PRESIDENT

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NEIL ELLIS, PRESIDENT OF FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, ACTING BY AND THROUGH _____ MANAGING MEMBER, OWNER OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORPORATION, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____ MANAGING MEMBER, THIS _____ DAY OF _____, 2014.

OWNER: CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP

BY: _____
MANAGING MEMBER

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ MANAGING MEMBER OF CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

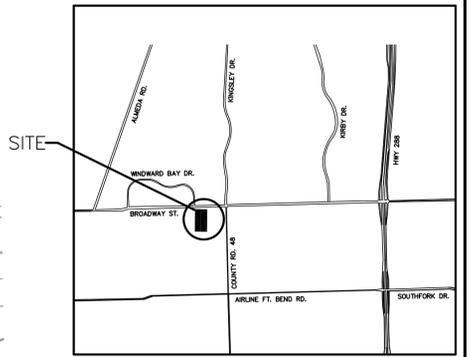
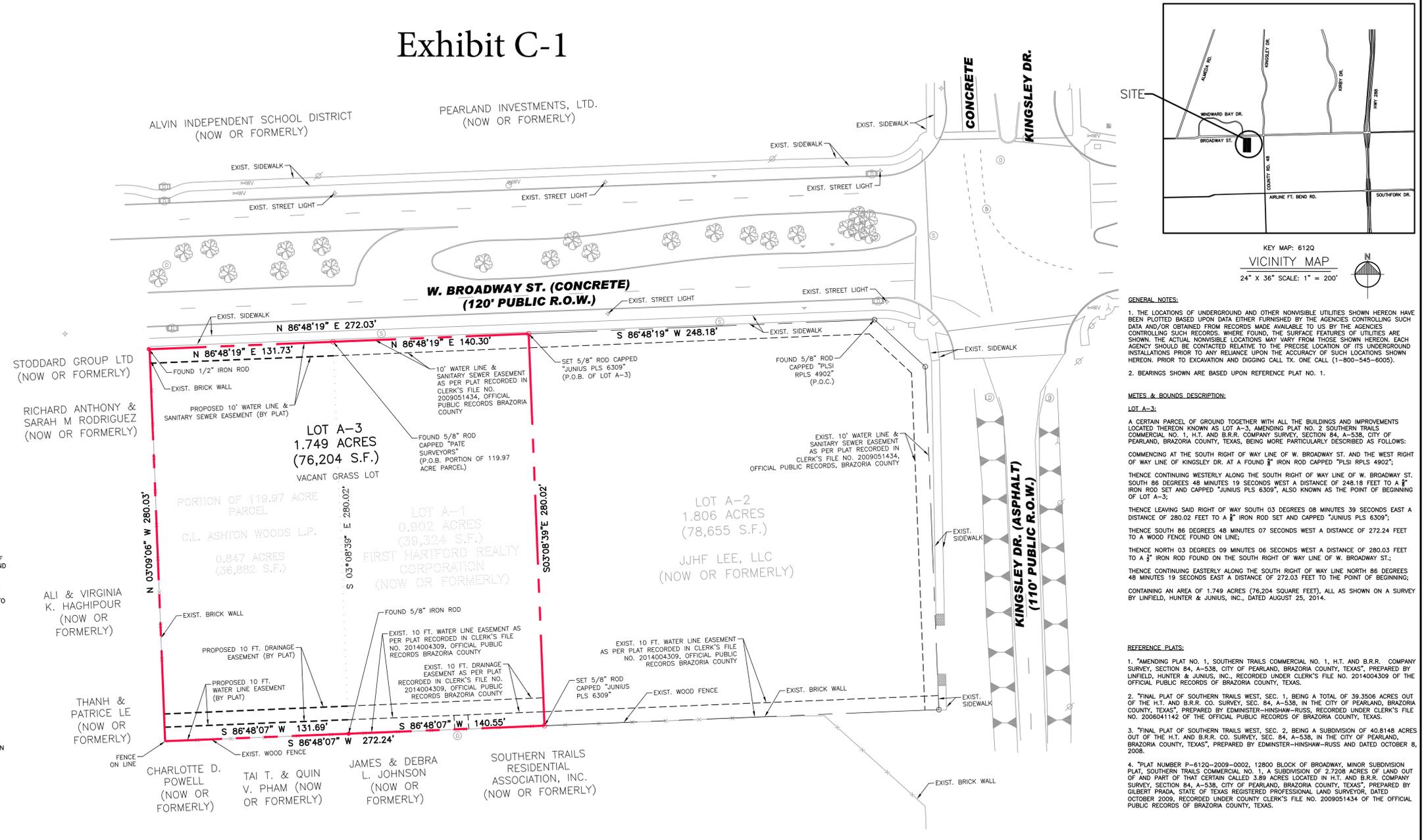
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

I, NATHAN J. JUNIUS, P.E., R.P.L.S., REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6309, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT.

NATHAN J. JUNIUS, P.E., R.P.L.S.
TEXAS REGISTRATION NO. 6309

DEPUTY _____ COUNTY CLERK OF BRAZORIA COUNTY, TEXAS



KEY MAP: 6120
VICINITY MAP
24" X 36" SCALE: 1" = 200'

GENERAL NOTES:

- THE LOCATIONS OF UNDERGROUND AND OTHER NONVISIBLE UTILITIES SHOWN HEREON HAVE BEEN PLOTTED BASED UPON DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR OBTAINED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FOUND, THE SURFACE FEATURES OF UTILITIES ARE SHOWN. THE ACTUAL NONVISIBLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY SHOULD BE CONTACTED RELATIVE TO THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATIONS PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON. PRIOR TO EXCAVATION AND DIGGING CALL TX. ONE CALL (1-800-545-6005).
- BEARINGS SHOWN ARE BASED UPON REFERENCE PLAT NO. 1.

METS & BOUNDS DESCRIPTION:

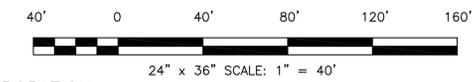
LOT A-3:
A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED THEREON KNOWN AS LOT A-3, AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 1/2" IRON ROD CAPPED "PLS RPLS 4902"; THENCE CONTINUING WESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. SOUTH 86 DEGREES 48 MINUTES 19 SECONDS WEST A DISTANCE OF 248.18 FEET TO A 1/2" IRON ROD SET AND CAPPED "JUNIUS PLS 6309", ALSO KNOWN AS THE POINT OF BEGINNING OF LOT A-3;
THENCE LEAVING SAID RIGHT OF WAY SOUTH 03 DEGREES 08 MINUTES 39 SECONDS EAST A DISTANCE OF 280.02 FEET TO A 1/2" IRON ROD SET AND CAPPED "JUNIUS PLS 6309"; THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 272.24 FEET TO A WOOD FENCE FOUND ON LINE;
THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 1/2" IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.; THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 272.03 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 1.749 ACRES (76,204 SQUARE FEET), ALL AS SHOWN ON A SURVEY BY LINFIELD, HUNTER & JUNIUS, INC., DATED AUGUST 25, 2014.

REFERENCE PLATS:

- "AMENDING PLAT NO. 1, SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY LINFIELD, HUNTER & JUNIUS, INC., RECORDED UNDER CLERK'S FILE NO. 2014004309 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
- "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 1, BEING A TOTAL OF 39.3506 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY EDWINSTER-HINSHAW-RUSS, RECORDED UNDER CLERK'S FILE NO. 2006041142 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
- "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 2, BEING A SUBDIVISION OF 40.8148 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY EDWINSTER-HINSHAW-RUSS AND DATED OCTOBER 8, 2008.
- "PLAT NUMBER P-6120-2009-0002, 12800 BLOCK OF BROADWAY, MINOR SUBDIVISION PLAT, SOUTHERN TRAILS COMMERCIAL NO. 1, A SUBDIVISION OF 2.7208 ACRES OF LAND OUT OF AND PART OF THAT CERTAIN CALLED 3.89 ACRES LOCATED IN H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY GILBERT PRADA, STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, DATED OCTOBER 2009, RECORDED UNDER COUNTY CLERK'S FILE NO. 2009051434 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1 H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538 CITY OF PEARLAND, BRAZORIA COUNTY TEXAS

ONE (1) LOT ONE (1) BLOCK
REASON FOR PLAT AMENDMENT: COMBINE TWO (2) EXISTING LOTS INTO 1 LOT OF RECORD



OWNER -- LOT A-1:
FIRST HARTFORD REALTY CORPORATION
149 COLONIAL RD.
MANCHESTER, CT 06042
(860) 646-6555

OWNER -- PORTION OF 119.97 ACRE PARCEL
CL ASHTON WOODS, L.P.
3355 W. ALABAMA, SUITE 1240
HOUSTON, TX 77098
PH: (713) 255-7401

LINFIELD, HUNTER & JUNIUS, INC.
PROFESSIONAL ENGINEERS, ARCHITECTS
AND SURVEYORS
3608 18th Street, Suite 200
Metairie, Louisiana 70002
T.X.L.S. FIRM NO. 10193767
T.B.P.E. FIRM NO. 11654
© 2011 by Linfield, Hunter & Junius, Inc.

DATE OF LAST FIELD WORK: JULY 25, 2014
DATE OF PLAT MAP: AUGUST 25, 2014
LH&J JOB NO. 14-90
PRELIMINARY

THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1 AND SUBDIVISION OF THE H.T. AND B.R.R. COMPANY SURVEY SECTION 84, A-538, AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

JOHNNA MATTHEWS
CITY PLANNER
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS _____ DAY OF _____, 2014.

DARRIN COCKER
CITY ATTORNEY

ANDREA BROUGHTON, P.E.
CITY ENGINEER

STATE OF TEXAS
COUNTY OF BRAZORIA:

I, _____ COUNTY CLERK, BRAZORIA COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS DULY RECORDED ON _____, 2014, AT _____ O'CLOCK, ____M. IN VOLUME _____, PAGE _____ OF THE BRAZORIA COUNTY PLAT RECORDS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BRAZORIA COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

DEPUTY _____ COUNTY CLERK OF BRAZORIA COUNTY, TEXAS

Exhibit C-1

METES & BOUNDS DESCRIPTION:

OVERALL PARCEL:

A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED BEING A PORTION OF NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 5/8 INCH IRON ROD CAPPED "PLSI RPLS 4902";

THENCE SOUTH 48 DEGREES 10 MINUTES 35 SECONDS EAST A DISTANCE OF 49.48 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309" ON THE WEST RIGHT OF WAY LINE OF KINGSLEY DR.;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 03 DEGREES 09 MINUTES 29 SECONDS EAST A DISTANCE OF 245.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE LEAVING SAID RIGHT OF WAY SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 283.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 140.55 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 131.69 FEET TO A WOOD FENCE FOUND ON LINE;

THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.;

THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 131.73 FEET TO A 5/8 INCH IRON ROD FOUND AND CAPPED "PATE SURVEYORS";

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 140.30 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 248.18 FEET TO
THE POINT OF BEGINNING;

CONTAINING AN AREA OF 3.555 ACRES (154,859 SQUARE FEET).



EXHIBIT "D"

SOUTHERN TRAILS WEST

SOUTHERN TRAILS

LEGEND

-  PROPOSED MODEL HOME
-  (TYP 50'X120')..... 137 LOTS
-  (TYP 56'X120')..... 128 LOTS
-  (TYP 60'X120')..... 235 LOTS
-  (TYP 61'X115')..... 233 LOTS
-  (TYP 70'X115'/120')... 445 LOTS
-  (TYP 80'X120')..... 47 LOTS
-  (TYP 85'X130')..... 120 LOTS

a master development plan for SOUTHERN TRAILS

+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd. Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
0 200 400 800

OCTOBER 01, 2014
KGA# 06101B

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



EXHIBIT "E"

LEGEND

-  Pedestrian Trail System
-  Pedestrian Underpass
-  Pedestrian at Grade Crossing
-  Recreation Park
-  Tot Lot / Park

SOUTHERN TRAILS

+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd. Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212



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EXHIBIT "F"

LEGEND

-  PRIMARY ENTRY MONUMENT
-  SECONDARY IDENTIFIER MONUMENT
-  SECONDARY IDENTIFIER MONUMENT FOR SOUTHERN TRAILS WEST

a master development plan for

SOUTHERN TRAILS

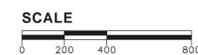
+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC.

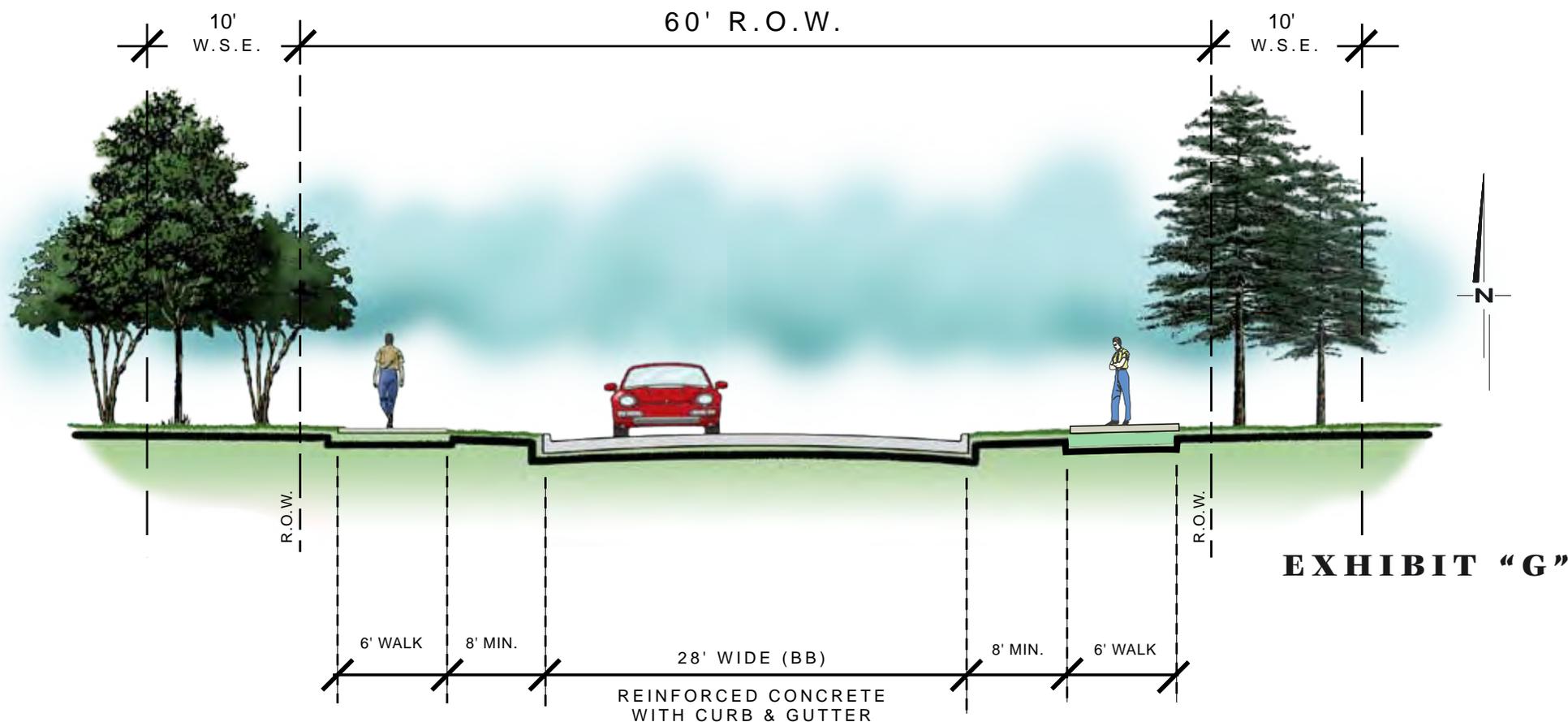
Land Planning Consultants

23501 Cinco Ranch Blvd.
 Suite A-250
 Katy, Texas 77494
 (281) 579-0340
 Fax (281) 579-8212



OCTOBER 01, 2014
 KGA# 06101B

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- * W.S.E. - WATER LINE/SANITARY SEWER EASEMENT
- * 6' SIDEWALK MEANDERS BETWEEN THE RIGHT-OF-WAY AND THE RESERVES.

an 28' cross section exhibit for

SOUTHERN TRAILS COLLECTOR STREETS

± 522.63 ACRES OF LAND

prepared for

C.L. ASHTON WOODS, L.P.
TAYLOR MORRISON OF TEXAS, INC.

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

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NOT TO SCALE

JANUARY 14, 2011
KGA #06101

Consent Agenda Item C

- C. Consideration and Possible Action – Resolution No. R2015-7 –**
A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$77,450.00, for the period of January 13, 2015 through January 12, 2016.

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

AGENDA OF:	January 12, 2015	ITEM NO.:	Resolution No. 2015-7
DATE SUBMITTED:	January 2, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	V.Riley/B.Pearce
REVIEWED BY:	Trent Epperson	REVIEW DATE:	January 6, 2015
SUBJECT: Resolution No. R2015-7 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$77,450.00 for the period of January 13, 2015 through January 12, 2016.			
EXHIBITS: Resolution #R2015-7 Bid Tabulation			
FUNDING:			
<input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Grant <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
EXPENDITURE REQUIRED: \$77, 450.00 (est.)		AMOUNT BUDGETED: \$77,450.00	
AMOUNT AVAILABLE: \$77,450.00		PROJECT NO.: N/A	
ACCOUNT NO.: 010-2320-542-04-00			
ADDITIONAL APPROPRIATION REQUIRED: N/A			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	X Legal	Ordinance	X Resolution

EXECUTIVE SUMMARY

BACKGROUND

In the past, the Fire Department has ordered replacement and new uniforms through an informal quote process. In fiscal year 2014, after the merger of EMS and Fire Department, it was determined that there would be an increased need for a supply contract for Fire uniforms, and bids were solicited via Bid No. 0814-56.

SCOPE OF CONTRACT

One (1) year agreement for the purchase of Fire Department uniforms as needed by the City of Pearland Fire Department.

BID AND AWARD

In October 2014, the City published a public notice in its newspaper of record and posted Bid No. 0814-56R on the City’s e-bid system with email notification to 72 vendors, in accordance with City Purchasing policy and state law.

The City received two (2) bids, with award recommended to the lowest bidder, Galls, LLC, with the agreement that they will provide weekly visits by a service technician to the Pearland Facilities for required measurements, etc.

The original bid specifications require fixed unit costs for a period of one (1) year, with two (2) additional one-year renewal options available upon the mutual agreement of both parties, and the approval of City Council. The specifications allow the contractor the opportunity to request a price increase percentage not to exceed the rate of increase in the “All Items” category of the Consumer Price Index (CPI), Houston-Galveston-Brazoria region, during the prior 12 month period.

SCHEDULE

Galls, LLC of Chicago, Illinois will provide uniforms and fittings for Fire Department for annual replacements on site and on an as-needed basis throughout the year.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these services will come from the General Fund.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016	2017
Est. Expenditure	\$77,450	\$80,083*	\$82,806*

*Based on 3.4% CPI

RECOMMENDED ACTION

City Council consideration and approval of City Council Resolution No. R2015-7 awarding a bid for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$77,450.00 for the period of January 13, 2015 through January 12, 2016.

RESOLUTION NO. R2015-7

A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of Fire Department Uniforms from Galls, LLC, in the estimated amount of \$77,450.00, for the period of January 13, 2015 through January 12, 2016.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That competitive bids for the purchase of Fire Department Uniforms have been reviewed and tabulated.

Section 2. That the City Council hereby awards the bid to Galls, LLC, in the estimated amount of \$77,450.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the purchase of Fire Department Uniforms.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Bid No. 0814-56R Addendum 1

Closed: October 28, 2014

				Galls, LLC		Cop Stop		Inline Graphix	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
Pkg 1 Men's Uniforms									
1.1	FLYING CROSS NOMEX IIIA MALE SHORT-SLEEVE by FECHHEIMER ITEM #9800	EA	255		\$74.00	\$18,870.00	\$95.00	\$24,225.00	No Bid
1.2	FLYING CROSS NOMEX IIIA MALE LONG-SLEEVE SHIRT by FECHHEIMER ITEM #9820	EA	1		\$85.00	\$85.00	\$112.00	\$112.00	No Bid
1.3	FLYING CROSS NOMEX IIIA MALE PANTS by FECHHEIMER ITEM #98200	EA	255		\$90.00	\$22,950.00	\$95.00	\$24,225.00	No Bid
Total						\$41,905.00		\$48,562.00	
Pkg 2 Women's Uniforms									
2.1	FLYING CROSS NOMEX IIIA FEMALE SHORT-SLEEVE by FECHHEIMER ITEM #9810	EA	30		\$72.00	\$2,160.00	\$95.00	\$2,850.00	No Bid
2.2	FLYING CROSS NOMEX IIIA FEMALE LONG-SLEEVE by FECHHEIMER ITEM #9830	EA	1		\$85.00	\$85.00	\$112.00	\$112.00	No Bid
2.3	FLYING CROSS NOMEX IIIA FEMALE PANTS by FECHHEIMER ITEM #98250	EA	30		\$90.00	\$2,700.00	\$95.00	\$2,850.00	No Bid
Total						\$4,945.00		\$5,812.00	
Pkg 3 Uniform Belts									
3.1	"DUTY MAN" FULL GRAIN LEATHER UNIFORM BELT - MODEL #1211, COLOR: BLACK	EA	255		\$15.00	\$3,825.00	\$17.69	\$4,510.95	No Bid
Total						\$3,825.00		\$4,510.95	

				Galls, LLC		Cop Stop		Inline Graphix	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
Pkg 4 Station Steel Toe Boots									
4.1	STATION STEEL TOE BOOTS - ATSM CERTIFIED #F2413-11 STYLE NUMBER 13002 FRONT ZIP	EA	255	\$105.00	\$26,775.00	\$119.00	\$30,345.00	No Bid	
		Total			\$26,775.00		\$30,345.00		
		Grand Total			\$77,450.00		\$89,229.95		\$0.00

Consent Agenda Item D

- D. Consideration and Possible Action – Resolution No. R2015-6 – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for the operation and management of the Independence Park Pool with Greater Houston Pool Management, Inc., in the estimated amount of \$62,108.00, for the period of May 25, 2015 through August 23, 2015.**

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

AGENDA OF:	January 12, 2015	ITEM NO.: Resolution No.	R2015-6
DATE SUBMITTED:	January 2, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	Michelle Smith
REVIEWED BY:	Trent Epperson	REVIEW DATE:	January 6, 2015
SUBJECT: Resolution No. R2015-6 A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for the operation and management of the Independence Park Pool with Greater Houston Pool Management Inc., in the estimated amount of \$62,108 for the period of May 25, 2015 through August 23, 2015.			
EXHIBITS: Resolution #R2015-6, Swimming Pool Management and Maintenance Proposal and Agreement, Exhibits A and B			
FUNDING:	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash
	<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold
			<input type="checkbox"/> L/P – To Be Sold
EXPENDITURE REQUIRED: \$62, 108 (est.)	AMOUNT BUDGETED: \$62,108		
AMOUNT AVAILABLE: \$62,108			
ACCOUNT NO.: 010-3397-555-11-00	PROJECT NO.: N/A		
ADDITIONAL APPROPRIATION REQUIRED: \$			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
Finance	X Legal	Ordinance	X Resolution

EXECUTIVE SUMMARY

BACKGROUND

The Independence Park Pool has been operated by the city of Pearland for over 30 years. During that time, the pool has been utilized for summer swim classes and public swim, and provided numerous training opportunities for local swim teams, Life Guard training, and scuba classes. It has also hosted events such as the YMCA Triathlon, Kids

Triathlon, birthday and graduation parties, and remains an affordable option for the public to enjoy an outdoor community pool.

A Request for Proposal (RFP) was issued in February 2014 to solicit third-party management of the Independence Park pool facility. As a result of that solicitation, a contract was awarded to Greater Houston Pool Management Inc., from Cypress, Texas, to provide staff and specialty chemicals to operate the facility. They are a local company and their services were satisfactory to the Parks Department during last summer's swim season.

SCOPE OF CONTRACT

One (1) year ("year" defined as May-September swim season) renewal for the operation of the Independence Park pool facility by Greater Houston Pool Management Inc. (GHPMI), with three (3) remaining one-year renewal options, upon mutual agreement of both parties and the subsequent approval of City Council. For this first renewal option, contractor has offered to renew at a slight decrease from the awarded contract price of \$62,997.

BID AND AWARD

The original bid specifications required fixed unit costs for a period of one (1) year, with four (4) additional one-year renewal options available upon the mutual agreement of both parties, and the approval of City Council. The specifications allow the contractor the opportunity to request a price increase percentage not to exceed the rate of increase in the "All Items" category of the Consumer Price Index (CPI), Houston-Galveston-Brazoria region, during the prior 12 month period. In this first renewal period contractor is not requesting a price increase to the total contract price.

SCHEDULE

Independence Park pool operations services to be performed throughout the swim season of 2015. It is anticipated that the Contractor will commence services Memorial Day weekend and conclude at the end of the summer season.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for the purchase of the services described herein will come from the Parks and Recreation departmental operating budget; future funding requirements subject to respective budget approval by city Council

O&M IMPACT INFORMATION

Fiscal Year	2015	2016	2017
Est. Expenditure	\$62,108	\$64,219*	\$66,403*

*Based on 3.4% CPI

RECOMMENDED ACTION

City Council consideration and approval of City Council Resolution No. R2015-6 renewing a bid for the operation and management of the Independence Park Pool with Greater Houston Pool Management Inc., in the estimated amount of \$62,108 for the period of May 25, 2015 through August 23, 2015.

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RESOLUTION NO. R2015-6

A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for the operation and management of the Independence Park Pool with Greater Houston Pool Management, Inc., in the estimated amount of \$62,108.00, for the period of May 25, 2015 through August 23, 2015.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the City previously awarded a bid for the operation and management of the Independence Park Pool.

Section 2. That the City Council hereby renews the bid with Greater Houston Pool Management, in the amount of \$62,108.00.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the operation and management of the Independence Park Pool.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

SWIMMING POOL MANAGEMENT AND MAINTENANCE PROPOSAL AND AGREEMENT

This Swimming Pool Management and Maintenance Proposal and Agreement (the "Agreement") is made and entered into on this ____ day of _____, 20__ (the Effective Date") by and between **GREATER HOUSTON POOL MANAGEMENT, INC.** ("GHPMI"), a Texas Corporation, and **CITY OF PEARLAND** ("Client").

PURPOSE OF AGREEMENT

GHPMI is in the business of managing, operating and servicing community swimming pools and pool areas.

Client is a community, neighborhood or homeowners association that owns and operates a community swimming pool and related fixtures, amenities and equipment (the "Pool") for its residents, homeowners and/or members and their guests (the "Members") and is seeking to retain GHPMI to provide pool management, maintenance, operation and related services on its behalf at the Pool.

The purpose of this Agreement is to state the terms and conditions under which GHPMI proposes to and will provide Client Pool management, maintenance, operation and other reasonably related services as defined within this Agreement (the "Services").

In consideration of the mutual covenants set forth below, the parties agree as follows:

1. PROPOSAL EXPIRATION OPTION

(a) This is a proposal by GHPMI to Client to provide management, maintenance, operation and related services at Client's Pool. The parties agree that, until executed by Client, this Agreement is only a proposal by GHPMI to provide Services to Client. This Agreement may be withdrawn at GHPMI's option if not executed by the Client and returned to GHPMI by the 31st day of April, 2014. By executing this Agreement prior to it being withdrawn by GHPMI, Client agrees that the terms and provisions of this Agreement will become binding upon it and this Agreement will be in full effect for the Term as stated in Section 3(a).

2. COMPENSATION; PAYMENT SCHEDULE AND FEES

(a) Client shall pay GHPMI a fee for the Services provided during the Term in an amount equal to **\$62,108.00 (excluding taxes on maintenance only)** and Client will pay this amount in accordance with the schedule set out in Exhibit "A."

(b) All GHPMI invoices shall be paid in full by Client within thirty (30) days from the invoice date. GHPMI shall invoice Client once per month in accordance with the schedule set out in Exhibit "A". Time is of the essence in paying all invoices submitted by GHPMI. If Client fails to pay in full any invoice within thirty (30) days from the invoice date an initial late charge of two percent (2%) of the invoice amount will be charged and any unpaid amounts will accrue interest at the annual percentage rate of ten percent (10%) until paid, or if any amounts remain unpaid after 30 days, GHPMI may cancel this contract and terminate all Services immediately and pursue collection of all unpaid amounts.

3. TERM OF AGREEMENT

(a) This Agreement shall commence on the 24 day of May, 2014 and terminate on the 1 day of September, 2014 (the "Term") unless extended upon the mutual agreement of both parties, with a maximum of four (4) additional term renewals available. This Agreement may be terminated by either party upon thirty (30) days advance written notice. GHPMI and Client may terminate this Agreement at any time by mutual written agreement upon such terms as shall be set forth in such termination.

4. SCOPE OF GHPMI SERVICES

(a) GHPMI shall provide Client management, maintenance, operation and related services as described in this section (the "Services"). Client acknowledges that GHPMI has expertise in providing such Services, and that it will receive good and valuable consideration from the receipt of the Services. The parties may mutually agree to amend or modify the Services during the Term or any Extended Period to include additional Services or exclude unnecessary Services by doing so in writing.

(b) Water Quality: Pool water will be maintained at the customary level of sanitation and chemistry by monitoring and maintaining the Pool's pH, alkalinity, calcium hardness and stabilizer. Pool water will be tested during all safety breaks, when the lifeguards are on duty, and the test results will be recorded in the Pool's daily log.

(c) PRE-SEASON SERVICES

GHPMI can be available for an additional fee to prepare restrooms and furniture prior to the swim season if requested at least two weeks in advance. An addendum can be written at the request of the client.

(d) SWIM-SEASON SERVICES

The Swim-Season will begin when the pool is open on the 24 day of May, 2014. During the Swim-Season, GHPMI will reasonably maintain and operate the Pool by completing the following Services as necessary: (a) maintain Water Quality of the Pool in accordance with all applicable governmental rules and regulations (b) skim water surface to remove floating matter and clean skimmer baskets as necessary, but at least once a day; (c) brush walls of swimming Pool daily; (d) clean tiles in the Pool; (e) vacuum entire Pool at least once weekly; (f) check pumps, strainers, and filters daily; (g) clean Pool, empty trash containers and place trash on curb or in dumpsters for pickup on days designated by Client; (h) clean and maintain restrooms daily; (i) clean and maintain guardroom, chemical room, and pump room daily; (j) maintain and store in their location all safety and maintenance equipment; (k) organize and keep Pool furniture clean and orderly; (l) enforce Pool rules and regulations; and (m) all completed Swim Season Duties will be recorded daily in the Pool's log.

5. CLIENT'S RESPONSIBILITIES AND OBLIGATIONS

(a) Cooperation: In order for GHPMI to provide the level and quality of Services under this Agreement as expected by Client, GHPMI will expect the unconditional and full cooperation of Client. Client therefore agrees to: 1) make available to GHPMI personnel access to the Client's Pool facilities as necessary to provide Services; 2) respond to all reasonable requests of GHPMI to facilitate performance of the Services; 3) provide good faith cooperation reasonably necessary for GHPMI to perform the Services; and 4) comply with all governmental rules and regulations applicable to the Pool.

(b) Client will comply with or provide and maintain the following as the case may be: 1) an approved chemical circulation system to maintain Pool chemistry and Water Quality; 2) a working telephone at the Pool; 3) post all Pool rules and regulations in a conspicuous place and manner; 4) support GHPMI in the enforcement of all Pool rules and regulations, which enforcement includes temporary or permanent expulsion from the Pool of any individual who fails to comply with a Pool rule or regulation; 5) deliver a copy of all Pool rules, regulations and guest policies to each Member; 6) all Pool enclosures, fences and gates adjacent to or comprising the Pool area pursuant to all applicable governmental rules and regulations; 7) three (3) sets of keys to all doors and gates; 8) foster a safe and cooperative working environment for GHPMI's employees during and after regular Pool hours of operation; and 9) at Client's expense, all utilities, telephone service, water, and trash collection.

(c) Non-Solicitation: GHPMI will invest substantial time and resources to train and convey operational techniques and management procedures to its employees for providing Services under this Agreement and Client acknowledges that such investment and information is a valuable asset of GHPMI. Client agrees not to hire, consult or otherwise employ any current or past employees of GHPMI during the term of this Agreement and for a period of one (1) year after the termination of this Agreement.

6. SCHEDULE AND STAFFING

(a) GHPMI will provide lifeguards and other personnel as reasonably required to operate the Pool in accordance with the Pool schedules, hours of operation, and staffing requirements as shown on Exhibit "B." Client agrees to not open the Pool outside of the time periods as stated in Exhibit "B" and agrees to indemnify and hold GHPMI harmless for any and all claims, whatsoever, that arise from the use of the Pool outside the hours of operation on Exhibit "B". Client further agrees to reimburse GHPMI for all additional expenses GHPMI incurs to operate or maintain the Pool due to or caused by Client allowing the use of the Pool outside the hours of operation as stated on Exhibit "B."

(b) Safety Break: Once every hour the Pool will be cleared for a period of ten (10) minutes for a safety break. During the safety break, lifeguards will not be on duty, the Pool will be closed, and the lifeguards and GHPMI shall not assume any responsibility or be responsible for the safety or welfare of individuals using the Pool during the safety break against the Pool's rules or regulations, or the lifeguards' warnings.

(c) Amendment or Modification: Pool schedules, hours of operation, or staffing requirements may be amended or modified upon the mutual agreement of the parties. Any amendment or modification will be in writing, signed by both parties and attached as an addendum to this Agreement and incorporated into this Agreement with full affect. The parties agree that any amendment or modification will be in accordance with the additional fees or itemized fees as shown on Exhibit “A”, if applicable, or at a mutually agreed to fee or charge taking into consideration GHPMI’s costs or expenses for implementing the amendments or modifications. Any additional fees or charges will be invoiced to Client as incurred on a monthly basis pursuant to Section 2 of this Agreement.

7. POOL CLOSING

(a) GHPMI may close the Pool in an emergency, because of the breakdown of Client’s Pool equipment or for other unforeseen causes outside GHPMI’s control. The date on which the Pool is closed for any reason under this section will be the Pool Closing Date. The Pool may be closed by GHPMI for the following:

(1) Emergency Closing: GHPMI reserves the right to close the Pool if, in GHPMI’s personnel’s reasonable belief, there is a threat to the safety or welfare of Members due to inclement weather, such as thunder, lighting, heavy rain or wind, or hazardous weather advisories, or fecal contamination. GHPMI personnel will reasonably attempt to contact Client’s Representative if it is necessary to close the Pool early.

(2) Breakdown and Repair of Client’s Pool: In GHPMI best judgment, GHPMI reserves the right to close the Pool due to a breakdown of the Client’s Pool including, without limitation, the Pool: 1) is inoperable for whatever reason; 2) requires repairs that must be performed during Pool hours of operation; 3) must be drained of water, or 4) requires Servicing after a Breakdown or Repair.

(b) In the event of a Pool Closing, the parties agree that there shall not be any cause for the amendment or modification of this Agreement and GHPMI will not refund any amounts of compensation paid by Client because of a Pool Closing, except as allowed in Section C below.

(c) Should a time lapse of more than then (10) days from the Pool Closing Date be necessary to perform repairs and/or restore the Pool to normal operations, beginning on the eleventh (11th) day, GHPMI shall refund to Client fifty percent (50%) of the daily operating cost on a pro-rata basis until the Pool is opened for operation. For the purposes of this section, the daily operating cost is one percent (1%) of the total Agreement compensation. If the Pool is not opened for normal operation within thirty (30) days after the Pool Closing Date the Client may cancel this Agreement by giving ten (10) days advance written notice to GHPMI after the thirtieth (30th) day.

8. GHPMI PERSONNEL

(a) All personnel who will work at the Pool under the terms of this Agreement shall be employees of the GHPMI, and not independent contractors. GHPMI will pay the following for GHPMI’s employees:

1. Wages
2. Income tax withholdings
3. Social security withholdings
4. State unemployment insurance
5. Federal unemployment insurance
6. Workmen's Compensation insurance

(b) Personnel Approval or Dismissal: All personnel will be trained by GHPMI in accordance with Client's requirements, and Client acknowledges that GHPMI personnel are hired, trained and placed at the Pool in accordance with Client's needs and standards. Client may, in good faith, request the dismissal of any personnel that provides Services at the Pool; however, Client's request of dismissal must be reasonable. If Client wishes to exercise its right to request the dismissal any of GHPMI's personnel, Client will give forty-eight (48) hours advance written notice to GHPMI of its request, and will allow GHPMI to independently determine the basis of Client's request.

(c) Certification: All lifeguards employed by GHPMI shall have current American Red Cross Lifeguarding, CPR for the Professional Rescuer, and First Aid Certificates, or equivalent Lifeguard Training Certificates as stated by the Texas Board of Health, such as Ellis and Associates, N.A.S.C.O., Star Guard or Boy Scouts of America.

(d) Identification: Lifeguards will wear identification at all times. Such identification shall be in the form of a swimsuit or t-shirt displaying GHPMI's name and/or logo.

(e) Authority: To create a safe and enjoyable swimming experience, Lifeguards shall have the authority to discipline all individuals, including expulsion, who use the Pool and will do so within the Lifeguards' best judgment and sole discretion and will be consistent with all published and posted rules of the Pool and minimum safety standards. Client agrees to support Lifeguards in enforcing the Pool rules and regulations to provide a safe swimming environment.

9. WADING POOL

(a) GHPMI will maintain the Wading Pool and its pump, filter, and chemical feeders to maintain Water Quality. Client acknowledges that the Wading Pool is not in the party's intended zone of safety for the Pool in which GHPMI's staff will provide life saving services and has been informed by GHPMI that, in order for GHPMI to provide life saving services for the Wading Pool, GHPMI would be required to provide additional lifeguards at Client's expense thereby increasing the compensation under this Agreement; therefore, Client agrees that GHPMI does not assume any responsibility and shall not be responsible for any injury or loss resulting from the use of the Wading Pool by its Members. Client agrees to indemnify and hold harmless GHPMI from any and all claims for damages or injuries, or both, resulting from the use of the Wading Pool.

10. REPAIRS AND EQUIPMENT

(a) GHPMI will supply all necessary personnel and chemicals to provide Services. Because equipment breakdowns cannot always be foreseen, Client agrees that any materials and repairs necessary for the proper operation of the Pool, which are outside the scope of GHPMI's Services, shall be charged to Client. GHPMI assumes no liability or responsibility for Water Quality or Pool maintenance due to inclement weather, breakdowns of Client's Pool, during periods of repair, or other unforeseen reasons causing damage to the Pool, and GHPMI shall not be responsible or liable to Client for a Pool Closing due to a Breakdown or Repair. GHPMI will maintain Water Quality by balancing all readings of chemicals to a proper and safe level for swimmers within a reasonable time once repairs have been completed. Should additional services or chemicals be needed to restore the Pool to pre-construction condition, the cost of these services and chemicals will be charged to the Client. GHPMI may close the Pool under this Section and Section 7 (Pool Closing) of this Agreement shall apply.

(b) GHPMI shall have authority to replace, repair or obtain the services of third parties to replace or repair Pool equipment for all repairs that are equal to or less than \$200.00 without the prior approval of Client. Such items will be billed separately to Client. Client must provide written approval for any repair expected to cost more than \$200.00, except when repairs are immediately required to prevent further damage to the Pool or when GHPMI reasonably believes there is an immediate need or emergency situation, or GHPMI is unable to reasonably contact Client's Representative.

(c) Any repairs required as the result of GHPMI's negligence shall be done at GHPMI's expense and GHPMI shall reimburse Client for water lost as a result of negligence.

11. SIGNAGE AND POSTING OF RULES

GHPMI shall be permitted to display a sign at the Pool in a conspicuous place and the sign will state GHPMI's name, address and phone number and will designate GHPMI personnel as being responsible for the safety and welfare of users, the quality of the Pool and performance of GHPMI personnel.

12. DAMAGES DUE TO VANDALISM, WEATHER, AND ACTS OF GOD

(a) GHPMI shall not be responsible for any vandalism or mischief, inclement weather or Acts of God which cause damage to the Pool or related facilities, and GHPMI shall not be responsible for any additional expenses to restore Pool to working order. GHPMI shall report any incidents of vandalism or mischief, or damages caused by inclement weather or Acts of God to Client's Representative prior to undertaking any repairs.

(b) In the event of vandalism or mischief, inclement weather, or Acts of God, GHPMI personnel will take steps reasonably necessary to prevent damage to the Pool, but assumes no duty or responsibility for any failure to prevent damage and shall not be held responsible for any damages.

13. CHEMICAL AND MAINTENANCE SUPPLIES

(a) GHPMI will provide Pool chemicals including **chlorine tablets, liquid chlorine, muratic acid, stabilizers, calcium chloride, soda ash, soda bicarbonate**, and other chemicals needed for normal Pool operation and to maintain Water Quality in a safe and sanitary manner.

(b) GHPMI will provide miscellaneous cleaning and operating supplies including **pool test equipment and reagents, restroom cleaning materials, toilet paper, paper towels, low wattage incandescent light bulbs (under 100 watts), trash bags, pool tile cleaner, hand soap, and sponges.**

14. CLIENT SAFETY AND MAINTENANCE EQUIPMENT

Client shall provide, prior to Pre-Season or in a timely manner if requested by GHPMI, at no cost to GHPMI, the following equipment:

(a) Safety Equipment

Rescue tube (one per lifeguard)
Backboard with appropriate securing material (3 straps/head immobilizer)
Lifeguard Stand
Umbrella for Lifeguard Stand (one per stand)
USCGA Ring Buoy and Line
USCGA Shepherds Crook
Fiberglass Reach Pole
First aid kit (meeting OSHA standards)
Blood-borne pathogens kit
Goggles
Rubber gloves
Fire extinguisher

(b) Maintenance Equipment and Supplies

12' – 24' extension pole
Commercial vacuum head
Leaf eater with fine mesh bag
50' commercial 1-1/2" vacuum hose
12" or longer nylon brush
12" or longer stainless steel bristle brush
clock
commercial skimmer net
mops, brooms, and dust pan
garden hose
deck squeegee
trash receptacles
algaecides
fire ant bait
wasp/hornet spray, etc.

15. SWIMMING LESSONS AND PARTIES

GHPMI shall be permitted to provide swimming lessons and parties, such as birthday parties, socials or other events, at the Pool. GHPMI may charge fees for swim lessons and parties as shown on Exhibit "C" attached hereto. Client must be given advance notice of any lessons or parties to be held at the Pool and reserves the right to reasonably deny the use of the Pool for parties that are not primarily for the benefit of Members. Each swim lesson student or party host will pay the cost of lessons or party directly to GHPMI and GHPMI shall retain all revenues from the lessons or party. Client will receive the agreed amount for swim lessons and pool parties per the contract. Swimming lessons and parties will not interfere with the Services GHPMI has agreed to provide under this Agreement.

16. INSURANCE

(a) Client and GHPMI shall maintain applicable insurance coverage through the Term of this Agreement and during all Extended Periods, and shall promptly provide upon the execution of this Agreement, evidence that any and all such coverage is in full force and effect, and acknowledgement by such insurance carriers that thirty (30) days advance written notice shall be given if any policy or coverage is to be changed or cancelled prior to its expiration date.

(b) GHPMI shall provide the following:

- 1) Worker's compensation insurance covering all personnel GHPMI employs to provide Services under the Agreement;
- 2) General Liability Insurance in the amount of \$5,000,000.

(c) The Client shall maintain the following:

- 1) Premises liability insurance; and
- 2) Comprehensive general liability insurance in the amount of \$1,000,000 each accident and \$1,000,000 each person.

17. INDEMNIFICATION

(a) The GHPMI shall indemnify, defend and hold harmless the Client and its officers, directors, members, employees and agents from any and all claims, suits, actions, demands, judgments, court costs, attorney fees, and expenses for damages or injuries to person (including loss of life) and property occurring on or about the Pool or the Pool area and arising through or on account of any act of negligence or intentional act or omission by GHPMI or its agents or employees.

(b) To the extent allowed by law, the Client shall indemnify, defend and hold harmless the GHPMI and its officers, directors, members, employees and agents from any and all claims, suits, actions, demands, judgments, court costs, attorney fees and expenses for damages or injuries to person (including loss of life) and property occurring on or about the Pool or the Pool area and arising through or on account of any act of negligence or intentional act or omission by the Client or its agents or employees.

18. NOTICES

All notices required or permitted under this Agreement shall be deemed given if delivered personally or if mailed by certified mail, return receipt requested, to the address set forth below. Delivery shall be deemed if such notice is actually received by mail or private courier at such address. If a party changes such address, such party shall notify the other party of it by the notice procedures of this paragraph.

**GHPMI: GREATER HOUSTON POOL MANAGEMENT, INC.
12227 Old Huffmeister Road
Cypress, TX 77429
(713) 771-7665**

**Client: NAME: _____
ADDRESS: _____
TELEPHONE NO.: _____**

Each party's designated representative for day-to-day operations and in case of emergencies shall be:

GHPMI's Representatives:

Name: Sean Hare

Address: 12227 Old Huffmeister Road, Cypress, TX 77429

Phone No.: 713-771-7665

Client's Representative:

Name: _____

Address: _____

Phone No.: _____

19. ENTIRE AGREEMENT, MODIFICATION AND EFFECT

This agreement constitutes the entire agreement of the parties and supersedes all prior agreements, relationships or negotiations, written or oral. This Agreement may not be modified or amended unless the parties give mutual written consent. This Agreement shall be binding upon and inure to the benefit of GHPMI and Client and to their respective successor and assigns.

20. GOVERNING LAW

This Agreement shall be construed and enforced in accordance with the laws of the State of Texas and is wholly performable in Brazoria County, Texas. Except as provided by law, Client waives any right which it may have to claim or recover in any litigation any special, exemplary, or punitive damages in addition to actual damages.

21. SERVERABILITY

If a Court of competent jurisdiction invalidates or finds any one or more of the provisions of this Agreement is unenforceable it shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

22. CAPTIONS/ HEADINGS

The captions or headings of this Agreement are for convenience of reference only, and in no way define, describe, extend or limit the scope or intent of this Agreement or the meaning or intent of any provision hereof.

23. WAIVER

The failure of either party to enforce or require performance of any provision in the Agreement shall not operate as a waiver or affect the right of the party to enforce any provision at a later date. Any delay or accommodation of GHPMI in the collection of any amounts due under this Agreement, or any amendments or modifications, shall not be a waiver of GHPMI's rights to demand payment of any amounts owed by Client under this Agreement.

24. ATTORNEY'S FEES AND COLLECTION COSTS

Should either party employ an attorney or third party or be required to institute legal action against the other party to enforce the terms of this Agreement or to collect fees owing pursuant hereto, said party shall be entitled, in addition to all other amounts, to recover its cost of collections, reasonable attorney's fee, expenses and all costs of court.

EXHIBITS

Exhibit "A" – Fee Schedule - Pool Schedule, Hours of Operation, and Staffing

Exhibit "B" – Swim Lessons and Party Fees

Executed this _____ day of _____, 20__.

CLIENT

**GREATER HOUSTON POOL
MANAGEMENT, INC.**

By:

By:

Title:_____

Title:_____

EXHIBIT "A"

City of Pearland

**May 23, 2015
through
August 23, 2015**

Month	Management	Monthly Total
May	\$ 12,421.60	\$ 12,421.60
June	\$ 18,632.40	\$ 18,632.40
July	\$ 18,632.40	\$ 18,632.40
August	\$ 9,316.20	\$ 9,316.20
September	\$ 3,105.40	\$ 3,105.40
TOTAL	\$ 62,108.00	\$ 62,108.00

2015 Pool Schedule, Hours of Operation, and Staffing

May 23rd through June 5th

Mondays through Fridays	Closed	
Saturdays	12:00 PM – 7:00 PM	6 guards
Sundays	12:00 PM – 7:00 PM	6 guards

Exceptions:

Monday, May 25 th (Memorial Day)	12:00 PM – 7:00 PM	6 guards
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June 6th through August 23rd

Mondays	Closed	
Tuesdays through Sundays	12:00 PM – 7:00 PM	6 guards

EXHIBIT “B”

Swim Lessons and Parties Fees

Swim Lesson Fee Schedule/Structure

Group lessons will be available on the basis of eight (8) classes of thirty (30) minutes each (a “Session”). No more than six (6) students may be enrolled in each class. A minimum of four (4) students shall be enrolled in a class prior to its start date. The cost is \$80.00-\$85.00 per session.

Private lessons will be available for \$22.50-\$25.00 per 30 minute lesson.

Semi-private lessons (two (2) students per lesson) will be available for \$30.00-\$32.00 per thirty (30) minute lesson (\$15.00-\$16.00 each student).

Pool Party Fee Schedule/Structure

Pool parties will be provided by GHPMI’s lifeguards for Members only and GHPMI shall have the exclusive right to host and provide Pool parties at the Pool during the Term of this Agreement. All GHPMI insurance shall apply to Pool parties.

The current rate for Pool parties is \$22.50 per hour per lifeguard. GHPMI requires a minimum of two lifeguards for all parties. Please note, extra lifeguards may be required due to the number of people, size and/or configuration of the swimming facility. There is a two (2) hours minimum for all parties. There is a \$30.00 non-refundable pool party administration fee. All parties must be scheduled two weeks prior to party date.

Consent Agenda Item E

- E. Consideration and Possible Action – Resolution No. R2015-5 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of firearm ammunition for the Police Department, with Bailey’s House of Guns in the estimated amount of \$62,255.20, for the period of January 14, 2015 through January 13, 2016.**

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

AGENDA OF:	January 12, 2014	ITEM NO.: Resolution No. R2015-5
DATE SUBMITTED:	January 2, 2014	DEPT. OF ORIGIN: Finance
PREPARED BY:	Bob Pearce	PRESENTOR: J.Spires/B.Pearce
REVIEWED BY:	Trent Epperson	REVIEW DATE: January 6, 2015
SUBJECT: Resolution No. R2015-5 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of firearm ammunition for the Police Department with Bailey’s House of Guns in the estimated amount of \$62,255.20 for the period of January 14, 2015 through January 13, 2016.		
EXHIBITS: Resolution 2015-5 Bid Tab		
FUNDING:		
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold		
EXPENDITURE REQUIRED: \$62,255.20 (est.)		
AMOUNT BUDGETED: \$74,025.00		
AMOUNT AVAILABLE: \$74,025		
PROJECT NO.:		
ACCOUNT NO.: 010-2222-542-19-00		
ADDITIONAL APPROPRIATION REQUIRED:		
ACCOUNT NO.:		
PROJECT NO.:		
To be completed by Department:		
Finance	X Legal	Ordinance
		X Resolution

EXECUTIVE SUMMARY

BACKGROUND

In December of 2013, City staff issued a solicitation #1114-05 for the purchase of ammunition for the Police Department. Invitations were sent to eight (8) vendors, published in the newspaper of record and on the City’s website. One (1) bidder responded to the solicitation, Bailey’s House of Guns, Inc. Bailey’s has provided ammunition to the City for several years, with the Police Department expressing a high degree of satisfaction with the products supplied.

SCOPE OF CONTRACT

Police Department staff will purchase ammunition as needed throughout the first one-year renewal of this agreement.

BID AND AWARD

The bid specifications requested unit prices for ammunition most commonly used by the Department, which are reflected in the attached bid tabulation. The items included on the bid include both duty and training munitions. .

The term of this contract will be for a period of one (1) year, with two (2) one-year renewal options available upon the mutual agreement of both parties, and the approval of City Council. Bid specifications allow the contractor the opportunity to request a price increase at the time of any renewal in an amount not to exceed the percentage increase in the "All-Items" category of the Consumer Price Index for the Houston-Galveston-Brazoria region during the previous 12 month period.

SCHEDULE

Supply of ammunition will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

Purchase of these items is needed in order to provide ammunition for on-duty and training purposes for the Police Department, all contributing to the overall City objective for public safety.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these items come from the General Fund for Police Training. There is \$70,025.00 budgeted in FY2015 for the purchase of ammunition. The renewal is on a unit price basis, with purchases made as needed.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016
Est. expenditure	\$62,255.20	\$64,372*

*Based on CPI increase of 3.4%

RECOMMENDED ACTION

City Council consideration and approval of City Council Resolution No. R2015-5 of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of firearm ammunition for the Police Department with Bailey's House of Guns in the estimated amount of \$62,255.20 for the period of January 14, 2015 through January 13, 2016.

RESOLUTION NO. R2015-5

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for the purchase of firearm ammunition for the Police Department, with Bailey's House of Guns in the estimated amount of \$62,255.20, for the period of January 14, 2015 through January 13, 2016.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the City previously opened unit supply bids for the supply of ammunition, and such bids were reviewed and tabulated.

Section 2. That the City Council hereby renews a bid with Baileys House of Guns, in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a unit supply contract for ammunition.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

BID TABULATION: POLICE DEPARTMENT AMMUNITION

BID OPENING DATE: TUESDAY, DECEMBER 10, 2013

BID NUMBER: 1114-05

Bailey's House of Guns	Current Contract Price	FY 2015 Contract Price
Remington Golden Sabre Bonded, 9MM, Duty, 125	\$196.80	\$196.80
Quantity	15 CS	15 CS
Total:	\$2,952.00	\$2,952.00
Remington UMC, 9MM, Practice	\$115.63	\$115.63
Quantity	50 CS	50 CS
Total:	\$5,781.50	\$5,781.50
Remington Golden Sabre Bonded, .380, Duty, 90	\$155.63	\$155.63
Quantity	10 CS	10 CS
Total:	\$1,556.30	\$1,556.30
Remington UMC, .380, Practice	\$137.50	\$137.50
Quantity	10 CS	10 CS
Total:	\$1,375.00	\$1,375.00
Remington Golden Sabre Bonded, .40, Duty, 165 GR	\$208.12	\$208.12
Quantity	22 CS	22 CS
Total:	\$4,578.64	\$4,578.64
Remington UMC, .40, Practice	\$147.50	\$147.50
Quantity	150 CS	150 CS
Total:	\$22,125.00	\$22,125.00
Remington Golden Sabre Bonded, .45, Duty, 185 GR	\$242.50	\$242.50
Quantity	5 CS	5 CS
Total:	\$1,212.50	\$1,212.50
Remington UMC, .45, Practice	\$161.25	\$161.25
Quantity	40 CS	40 CS
Total:	\$6,450.00	\$6,450.00
Remington, 12 GA, Birdshot - Light 1 oz.	\$76.87	\$76.87
Quantity	20 CS	20 CS
Total:	\$1,537.40	\$1,537.40

Bailey's House of Guns	Current Contract Price	FY 2015 Contract Price
Remington, 12 GA, Buckshot - Reduced Recoil	\$144.37	\$144.37
Quantity	2 CS	2 CS
Total:	\$288.74	\$288.74
Remington, 12 GA, Slug - Reduced Recoil	\$126.56	\$126.56
Quantity	2 CS	2 CS
Total:	\$253.12	\$253.12
Remington, .223, 55 PSP	\$83.75	\$83.75
Quantity	60 CS	60 CS
Total:	\$5,025.00	\$5,025.00
Remington UMC, .223, Practice	\$76.00	\$76.00
Quantity	120 CS	120 CS
Total:	\$9,120.00	\$9,120.00
Bid Total:	\$62,255.20	\$62,255.20

No price increase requested.

New Business Item No. 1

1. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2014-09** – An ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a Nursing/Convalescent Home, for certain property, being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C, with ownership being conveyed to new owners, now being Global XYZ Development, **(located on the west side of Business Center Drive, north of County Road 59; and west of State Highway 288)**, Conditional Use Permit Application No 2014-09, within the BP 288 zoning district; at the request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of George Fishman, owner; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

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

AGENDA OF: January 12, 2015	ITEM NO.: Ordinance No. CUP 2014-09
DATE SUBMITTED: December 23, 2014	DEPT. OF ORIGIN: Planning
PREPARED BY: Johnna Matthews	PRESENTOR: Lata Krishnarao
REVIEWED BY: Lata Krishnarao	REVIEW DATE: January 6, 2015

SUBJECT: Ordinance No. CUP 2014-09 - An ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a Nursing/Convalescent Home, for certain property, being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; with ownership being conveyed to new owners now being Global XYZ Development, (located on the west side of Business Center Drive, north of County Road 59; and west of State Highway 288), Conditional Use Permit Application No 2014-09, within the BP 288 zoning district; at the request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of George Fishman, owner; containing a savings clause, a severability clause and an effective date and other provisions related to the subject. First Reading

ATTACHMENTS: Ordinance No. CUP 2014-09 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Site Plan)
Joint Public Hearing Packet (10.20.14)
Planning and Zoning Commission Packet (12.15.14)

EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A	PROJECT NO.: N/A
ACCOUNT 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

The parent tract includes a total of 9.4 acres of land, of which the applicant is proposing to construct a Nursing/Convalescent Home on approximately 4.3 acres. The facility; the Medical Resort will include 54,000 square feet and a host of amenities for patients, including restaurant services, private and dual rooms, a gym and an outdoor therapy area.

The Joint Public Hearing was conducted on October 20, 2014.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant, the property owner, as well as property owners within 200 feet of the subject property under consideration for the Conditional Use Permit. At the time of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on October 20, 2014, Commissioner Derrick Reed made a motion to postpone the item until January 30, 2015. The motion was seconded by Commissioner Elizabeth McLane seconded. The motion passed 4/0, with Commissioner Mary Starr recusing herself and Commissioner Linda Cowles absent.

The Commission had the following concerns, and how the concerns were addressed by the applicant is included below in red, italicized font:

1. The Planning and Zoning Commission (The Commission) recommended a wet detention pond with amenities. The Commission advised that the detention pond does not have to mirror the detention proposed to the south for Costco. The Commission also requested a better understanding of the reason that the detention had to be dedicated to Brazoria County District No. 4.

The original site plan illustrated an 8-foot masonry screening wall along the eastern boundary of the detention area and a 30-foot wide landscape buffer between the detention area and the first row of parking spaces along the western most boundary of the site. The 30-foot landscape buffer included ground cover only.

The revised site plan depicts a 30-foot buffer which includes 56 evergreen shrubs and 12 ornamental shade trees along the east side of the proposed masonry screening wall, for a continuous row of shrubs/trees to add to the proposed

landscape screening buffer for the amenitized detention area. Also included within the 30-foot landscape buffer are 3 benches and a 4-foot concrete sidewalk, with enhanced landscaping including ornamental shade trees, which are in addition to previously mentioned shrubs/trees along the eastern boundary of the detention area.

The applicant provided a letter from Costello Engineering and Surveying regarding the deviation from a wet detention pond (See Attachment included in the 12.15.14 PZ Packet).

2. The Commission recommended sidewalks and street trees along both sides of the pole (access easement) of the proposed flag lot, in keeping with the “Complete Streets” concept.

The applicant has incorporated 4-foot sidewalks along the north and south sides of the pole portion (access easement) of the flag lot. Sidewalks along the perimeter of buildings have been increased to 5 feet. The site plan depicts pedestrian connectivity throughout the entire site. Sidewalks currently exist along Business Center Drive.

The number of trees along the pole portion of the proposed flag lot has increased substantially from the original site plan, from 6 ornamental trees along the northern boundary of the pole and 5 shade trees along the southern boundary of the pole; to 11 ornamental trees and 8 shade trees, along the northern boundary of the pole; and 5 ornamental trees and 5 shade trees, along the southern boundary of the pole portion of the proposed flag lot.

The applicant has also incorporated stamped concrete decorative paving along the access easement in 2 areas and throughout the site.

3. Discussion ensued regarding screening and connectivity to the south (Costco). The site plan originally submitted did not show screening and how the site relates to the property to the south regarding connectivity and screening. The Commission asked for additional landscaping along the southern boundary of the site.

In addition to a 6-foot landscape buffer along the southern boundary of the site, which includes enhanced landscaping with 25 evergreen shrubs, 8 ornamental trees, and 4 shade trees; the site plan depicts 3 benches and 4-foot concrete sidewalks for pedestrian connectivity along the southern boundary of the site.

4. The Commission requested renderings/elevations of the building on all sides. The Commission also requested a “better” site plan, as the site plan submitted was fuzzy and did not give a “feel for the development.”

The applicant has submitted an updated site plan, which depicts enhanced landscaping, including evergreen and deciduous shrubs, groundcover, perennials, and seasonal color; and various amenities including pedestrian

connectivity throughout the site; benches with wheelchair spaces; a water fountain; and stamped concrete decorative paving throughout the site.

Building elevations have been provided depicting all sides of the building. Renderings of similar projects that were constructed with similar materials and styles were also submitted. The elevations and renderings give a better understanding of the nature and aesthetic quality of the proposed development.

5. The Commission recommended that the applicant address all staff concerns and incorporate them into the development. Staff recommended conditions follow:

a) In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.

The above condition has been met. See Commission recommended condition # 2 above.

b) The applicant is seeking approval of a flag lot from the Planning and Zoning Commission. Staff recommended the following conditions for the proposed flag lot:

i. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.

A total of 20 caliper inches are proposed and shown on the site plan along both sides of the access easement within the pole portion of the proposed flag lot.

ii. Sidewalks shall be required along both sides of the access easement located within the pole portion of the proposed flag lot and shall connect to both Business Center Drive, and to planned walkways within the development.

Four foot sidewalks are provided along the majority of both sides of the pole portion/access easement of the proposed flag lot.

At the regular meeting of the Planning and Zoning Commission on December 15, 2014, Commissioner Daniel Tunstall made a motion to approve CUP 2014-09 with no conditions, to allow a Nursing/Convalescent Home on the subject property. The motion was seconded by Commissioner Elizabeth McLane. The motion passed 5/0, with Commissioner Mary Starr recusing herself and all other Commissioners in favor of the request.

STAFF RECOMMENDATION: Staff recommends approval of CUP 2014-09, to allow for a Nursing/Convalescent Home on approximately 4.3 acres of a total 9.4 acre site for following reasons:

1. With approval of the CUP, the proposed use will be in conformance with the Comprehensive Plan, and meets the intent of the *Business Park* Future Land Use designation. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are developed or planned for within the area.
2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total separation of approximately 236-feet. The proposed separation from the single family subdivision will provide a sufficient buffer between uses.
3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer separating the proposed use from the existing single family subdivision.

The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the required amenitized detention facility located along the western-most boundary. However, along the east side of the detention area, the applicant proposes a 30-foot wide buffer which includes a masonry wall and enhanced landscaping, including 56 evergreen shrubs and 12 ornamental shade trees, for a continuous row of shrubs/trees. Also included within the 30-foot landscape buffer are 3 benches and a 4-foot concrete sidewalk, with enhanced landscaping including ornamental shade trees, which are in addition to previously mentioned shrubs/trees along the eastern boundary of the detention area.

4. Previous concerns made by the Planning and Zoning Commission were addressed, and the Planning and Zoning Commission recommends approval.

Ordinance No. CUP 2014-09

An ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit (CUP) to allow a Nursing/Convalescent Home, for certain property, being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C, with ownership being conveyed to new owners, now being Global XYZ Development, (located on the west side of Business Center Drive, north of County Road 59; and west of State Highway 288), Conditional Use Permit Application No 2014-09, within the BP 288 zoning district; at the request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of George Fishman, owner; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

WHEREAS, BGE Kerry R. Gilbert and Associates, applicant; on behalf of George Fishman, owner, with ownership being conveyed to new owners, now Global XYZ Development; is requesting approval of a Conditional Use Permit on approximately 4.3 out of a called 9.4 acres of land to allow for a Nursing/Convalescent Home; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "A," and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B"; and

WHEREAS, on the 20th day of October 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 15th day of December, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit to allow a Nursing/Convalescent Home on approximately 4.3 acres of a total 9.4 acre tract, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 12th day of January 2015 and the 26th day of January 2015; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of BGE Kerry R. Gilbert and Associates, applicant; on behalf of George Fishman, owner; said property now being conveyed to Global XYZ Development; for approval of a Conditional Use Permit on approximately 9.4 acres of land to allow for a Nursing/Convalescent Home; presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently being located within the Business Park 288 (BP-288) zoning district, is hereby granted a Conditional Use Permit to allow a Nursing/Convalescent Home, subject to all requirements of the BP-288 zoning district and the site plan attached hereto and made a part hereof for all purposes as Exhibit "E", in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C; now being conveyed to new owners, Global XYZ Development.

GENERAL LOCATION: West side of Business Center Drive, north of County Road 59; and west of State Highway 288

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 12th day of January, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 26th day of January, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C, Pearland, Texas

Exhibit B
Vicinity Map



**Exhibit C
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING OF
THE CITY COUNCIL**

AND

**THE PLANNING AND ZONING COMMISSION
OF THE CITY OF PEARLAND, TEXAS**

**CONDITIONAL USE PERMIT (CUP) APPLICATION NO.
CUP 2014-09**

Notice is hereby given that on October 20, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, on the request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on property located west of Business Center Drive, south of Pearland Town Center, more specifically described as:

Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West of Business Center Drive, south of Pearland Town Center, Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Ian Clowes
Senior Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

December 16, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Conditional Use Permit Application No. CUP 2014-09

Honorable Mayor and City Council Members:

At their meeting on October 20, 2014, the Planning and Zoning Commission considered the following:

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of George Fishman, owner; with ownership being conveyed to Global XYZ Development; for approval of a Conditional Use Permit (CUP) within the Business Park 288 (BP-288), to allow a Nursing/Convalescent Home on approximately 4.3 acres of a total 9.4 acres, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C, Pearland, Texas

General Location: West side of Business Center Drive, north of County Road 59, and west of State Highway 288, Pearland, TX

Commissioner Derrick Reed made a motion to postpone the item until January 30, 2015. The motion was seconded by Commissioner Elizabeth McLane seconded. The motion passed 4/0, with Commissioner Mary Starr recusing herself and Commissioner Linda Cowles absent.

The Commission had the following concerns, and how the concerns were addressed by the applicant is included below in red, italicized font:

1. The Planning and Zoning Commission (The Commission) recommended a wet detention pond with amenities. The Commission advised that the detention pond does not have to mirror the detention proposed to the south for Costco. The Commission also requested a better understanding of the reason that the detention had to be dedicated to Brazoria County District No. 4.

The original site plan illustrated an 8-foot masonry screening wall along the eastern boundary of the detention area and a 30-foot wide landscape buffer between the detention area and the first row of parking spaces along the western most boundary of the site. The 30-foot landscape buffer included ground cover only.

The revised site plan depicts a 30-foot buffer which includes 56 evergreen shrubs and 12 ornamental shade trees along the east side of the proposed masonry screening wall, for a continuous row of shrubs/trees to add to the proposed landscape screening buffer for the amenitized detention area. Also included within the 30-foot landscape buffer are 3 benches and a 4-foot concrete sidewalk, with enhanced landscaping including ornamental shade trees, which are in addition to previously mentioned shrubs/trees along the eastern boundary of the detention area.

The applicant provided a letter from Costello Engineering and Surveying regarding the deviation from a wet detention pond (See Attachment included in the 12.15.14 PZ Packet).

2. The Commission recommended sidewalks and street trees along both sides of the pole (access easement) of the proposed flag lot, in keeping with the "Complete Streets" concept.

The applicant has incorporated 4-foot sidewalks along the north and south sides of the pole portion (access easement) of the flag lot. Sidewalks along the perimeter of buildings have been increased to 5 feet. The site plan depicts pedestrian connectivity throughout the entire site. Sidewalks currently exist along Business Center Drive.

The number of trees along the pole portion of the proposed flag lot has increased substantially from the original site plan, from 6 ornamental trees along the northern boundary of the pole and 5 shade trees along the southern boundary of the pole; to 11 ornamental trees and 8 shade trees, along the northern boundary

of the pole; and 5 shade ornamental trees and 5 shade trees along the southern boundary of the proposed flag lot.

The applicant has also incorporated stamped concrete decorative paving along the access easement in 2 areas and throughout the site.

3. Discussion ensued regarding screening and connectivity to the south (Costco). The site plan originally submitted did not show screening and how the site relates to the property to the south regarding connectivity and screening. The Commission asked for additional landscaping along the southern boundary of the site.

In addition to a 6-foot landscape buffer along the southern boundary of the site, which includes enhanced landscaping with 25 evergreen shrubs, 8 ornamental trees, and 4 shade trees; the site plan depicts 3 benches and 4-foot concrete sidewalks for pedestrian connectivity along the southern boundary of the site.

4. The Commission requested renderings/elevations of the building on all sides. The Commission also requested a “better” site plan, as the site plan submitted was fuzzy and did not give a “feel for the development.”

The applicant has submitted an updated site plan, which depicts enhanced landscaping, including evergreen and deciduous shrubs, groundcover, perennials, and seasonal color; and various amenities including pedestrian connectivity throughout the site; benches with wheelchair spaces; a water fountain; and stamped concrete decorative paving throughout the site.

Building elevations have been provided depicting all sides of the building. Renderings of similar projects that were constructed with similar materials and styles were also submitted. The elevations and renderings give a better understanding of the nature and aesthetic quality of the proposed development.

5. The Commission recommended that the applicant address all staff concerns and incorporate them into the development. Staff recommended conditions follow:

- a) In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.

The above condition has been met. See Commission recommended condition # 2 above.

- b) The applicant is seeking approval of a flag lot from the Planning and Zoning Commission. Staff recommended the following conditions for the proposed flag lot:

- i. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
A total of 20 caliper inches are proposed and shown on the site plan along both sides of the access easement within the pole portion of the proposed flag lot.

- ii. Sidewalks shall be required along both sides of the access easement located within the pole portion of the proposed flag lot, and shall connect to both Business Center Drive, and to planned walkways within the development.
Four foot sidewalks are provided along the majority of both sides of the pole portion/access easement of the proposed flag lot.

At the regular meeting of the Planning and Zoning Commission on December 15, 2014, Commissioner Daniel Tunstall made a motion to approve CUP 2014-09, to allow a Nursing/Convalescent Home on the subject property. The motion was seconded by Commissioner Elizabeth McLane. The motion passed 5/0, with Commissioner Mary Starr recusing herself and all other Commissioners in favor of the request.

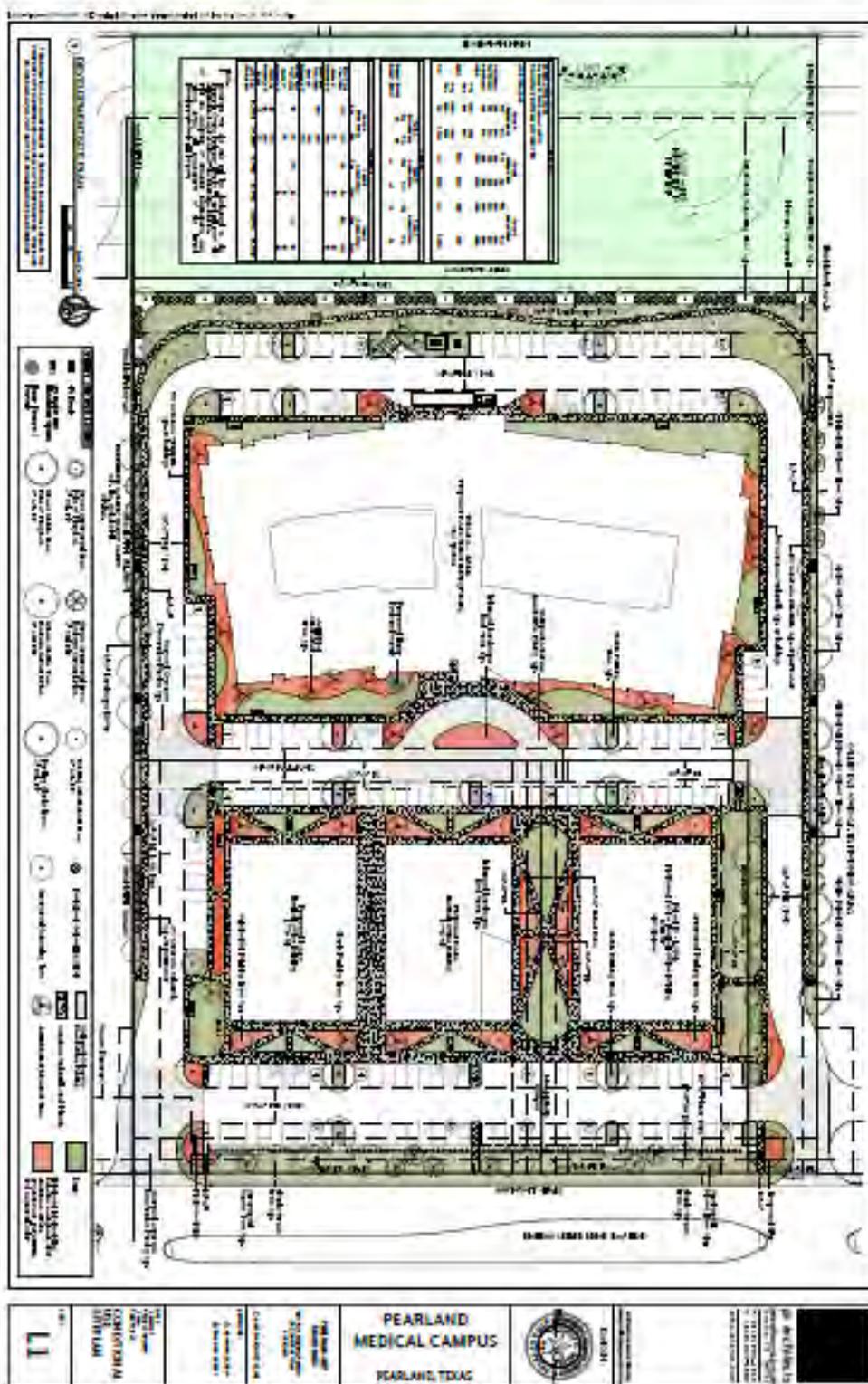
Sincerely,

Johnna Matthews



City Planner
On behalf of the Planning and Zoning Commission

Exhibit E Site Plan





JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit (CUP) Application No. CUP 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, Pearland, TX

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/PLANNING COMMISSION/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.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 20, 2014

Re: Conditional Use Permit Application Number 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land located on West side of Business Center Drive, and south of Pearland Town Center.,

Proposal

The parent tract includes a total of 9.4 acres of land, of which the applicant is proposing to construct a Nursing/Convalescent Home on approximately 4.3 acres. The facility; the Medical Resort will include 54,000 square feet and a host of amenities for patients, including restaurant services, private and dual rooms, a gym and an outdoor therapy area.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property and to property owners within 200 feet of the site. Additionally, a legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential

uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.

2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.
3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet



Exhibit 1 Staff Report

Summary of Request

The parent tract includes approximately 9.4 acres, of which the applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Nursing/Convalescent Home on approximately 4.3 acres. According to the applicant's letter of intent, the facility; The Medical Resort, will include approximately 54,000 square feet, which will incorporate a Colonial Spanish design with tile rooftops and exterior stucco. The Medical Resort will provide personalized care to meet individual needs of patients in a hotel environment, with restaurant services in addition to medical and therapy services. A patient's stay at the facility will range from 21 to 30 days depending upon individual needs. The facility will include a total of 101 rooms, of which 73 will be private and 28 dual rooms; with private bathrooms, medical equipment, and a 2,000 square foot gym with an outdoor therapy area. The applicant also proposes 3 sites for future development of separate, non-residential uses.

Site History

The subject property is currently undeveloped. The property was annexed into the City of Pearland in 1996. Prior to the adoption of the Unified Development Code in 2006, the property was dually zoned Suburban Development Residential District (SD) and Low Density Single Family (R-1). In 2006 the Business Park-288 zoning district was created and applied to the subject property.

With the exception of the single family subdivision to the west; Southgate Estates, the site is surrounded by undeveloped properties located within non-residential zoning districts and/or non-residential/ mixed use Planned Developments (PDs). Directly north of the site is an undeveloped tract located within the Business Park 288 (BP-288) zoning district. Further north is the Pearland Town Center PD; a mixed use PD. The property to the south is located within the Business Center Drive PD; a non-residential

PD. The property on the east side of Business Center Drive is undeveloped and zoned BP-288.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Business Park 288 (BP-288)	Undeveloped Commercial
South	Business Center Planned Development	Undeveloped Commercial
East	Business Park 288 (BP-288)	Undeveloped Commercial
West	Single Family Residential-2 (R-2)	Southgate Estates

Conformance with the Unified Development Code

The property is located within the Business Park-288 (BP-288) zoning district, which is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access. The BP-288 zoning district also permits uses (such as the proposed Nursing/Convalescent Home) with approval of a CUP, which may be suitable in certain locations and/or with certain conditions. A plat including 4 lots and approximately 2 acres for detention is proposed. The applicant is seeking a variance to reduce the lot width of the proposed Lot 4. The Nursing/Convalescent Home will be located on a 4.3 acre lot, identified as Lot 1, and will meet the requirements of the BP-288 zoning district as it relates to the area regulations. The lot area regulations are listed below. It is important to note that the plat nor the variance have been approved.

	BP-288 Requirement	Subject Property
Minimum Lot Size	43,560 sf (1 acre)	4.3338 Acres
Minimum Lot Width	150 ft.	445.48 ft.
Minimum Lot Depth	200 ft.	351.03 ft.

The applicant proposes 2.20023 acres for detention located on the western boundary of the site, which will be approximately 176 feet deep and nearly 500 feet wide. The BP-288 zoning district requires detention facilities to be incorporated as an amenity, such as a lake or pond. Other amenities for detention facilities include aesthetic or other characteristics that increase its visual desirability, including recreational facilities, landscaping or large trees.

The detention facility will be an expansion of the existing Channel A-124-05-00, and will be dedicated to Brazoria County Drainage District Number 4. Brazoria County Drainage District prohibits wet and amenitized detention facilities. Although the proposed detention will not be incorporated into the development as a lake or pond, the applicant proposes a screening wall which will meet the requirements of the UDC. Staff also recommends an opaque tree line along the proposed screening wall for visual appeal.

Conformance with the Comprehensive Plan

The subject property is located within the Business Park Future Land Use designation. According to the Comprehensive Plan, the area is generally encompassing of the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan indicates a mixed use area developed in coordinated, master-planned campus-like settings with interdependent and complimentary uses. Preferred uses include office buildings of various heights, regional shopping centers and malls, research and development facilities and light manufacturing. The proposed development will be in compliance with, and meets the intent of the Business Park Future Land Use designation; and will continue to provide for a mix of uses that are planned or developed for the area. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Business Center Drive; a secondary thoroughfare of sufficient width, which requires 100 feet of right-of-way.

Platting Status

A plat is currently under review for the subject 9.4 acre site. Four (4) lots and an approximately 2 acre site located along the western property line, adjacent to the existing single family subdivision, will be used for detention. Three (3) of the proposed lots; Lots 2-4 will have frontage on Business Center Drive. The applicant has requested a variance from the Planning and Zoning Commission to reduce the lot width of the proposed Lot 4 from 150 feet, as required within the BP-288 zoning district, to 145.42 feet. The proposed Nursing/Convalescent Home will be constructed on 4.3 acres, identified as Lot 1; a flag lot.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 12 inch water line along the west side of Business Center Drive. Additionally, there is an existing 10 inch sewer line along the west side of Business Center Drive. The developer will be responsible to extend services to the site.

Impact on Existing and Future Development

The subject property is surrounded by commercial uses and/or zoning districts on three sides, most of which has yet to be developed; however, some developments are planned within the area, including various non-residential uses located within the Business Park PD, just south of the subject property. There is a single family subdivision just west of the site, which will be separated from the subject property via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision. Therefore, there should be no adverse impacts.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the CUP. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed CUP to allow a Nursing/Convalescent Home.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.
2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.

3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the westernmost boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.



AERIAL MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

SITE

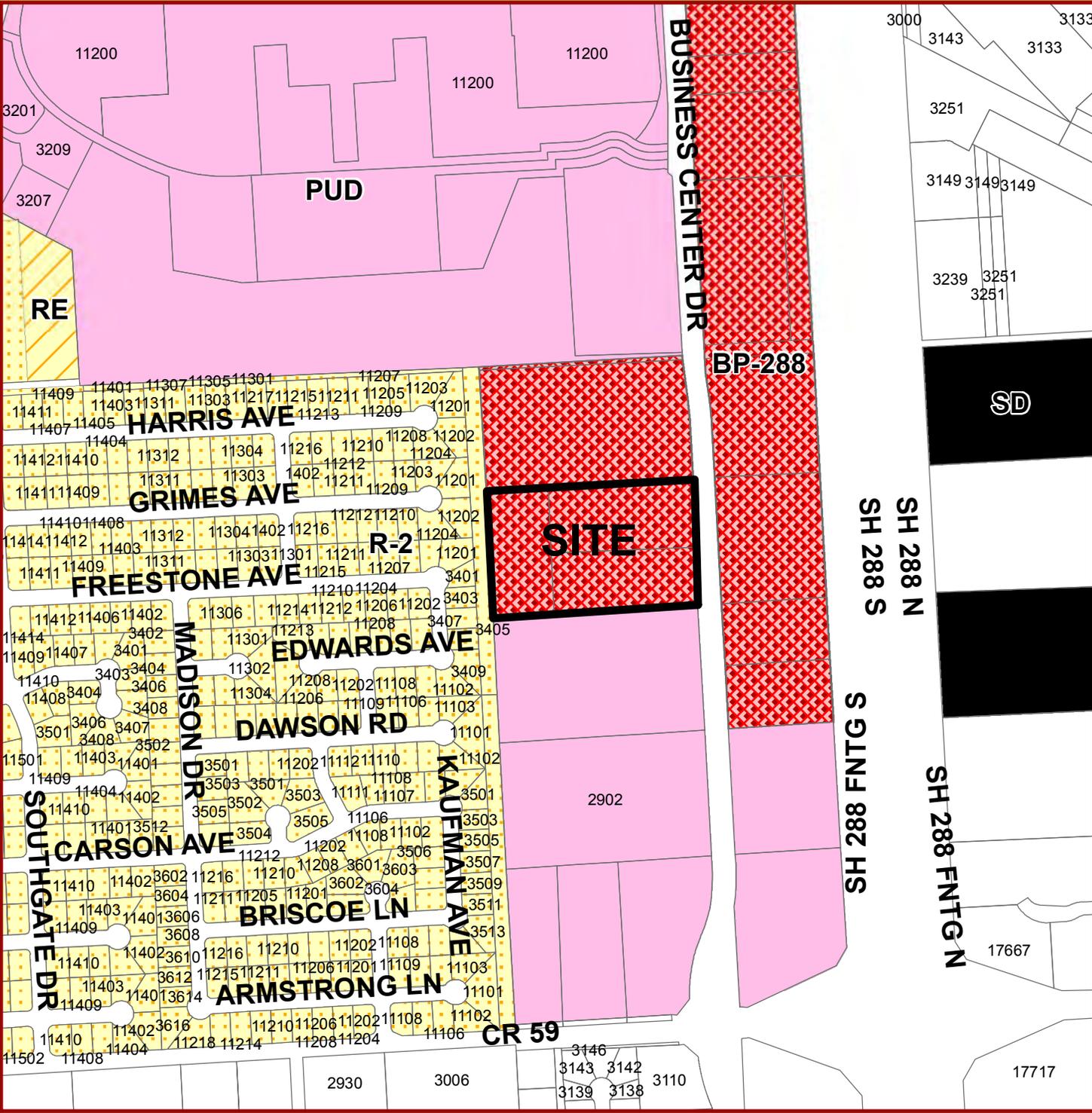


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





ZONING MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

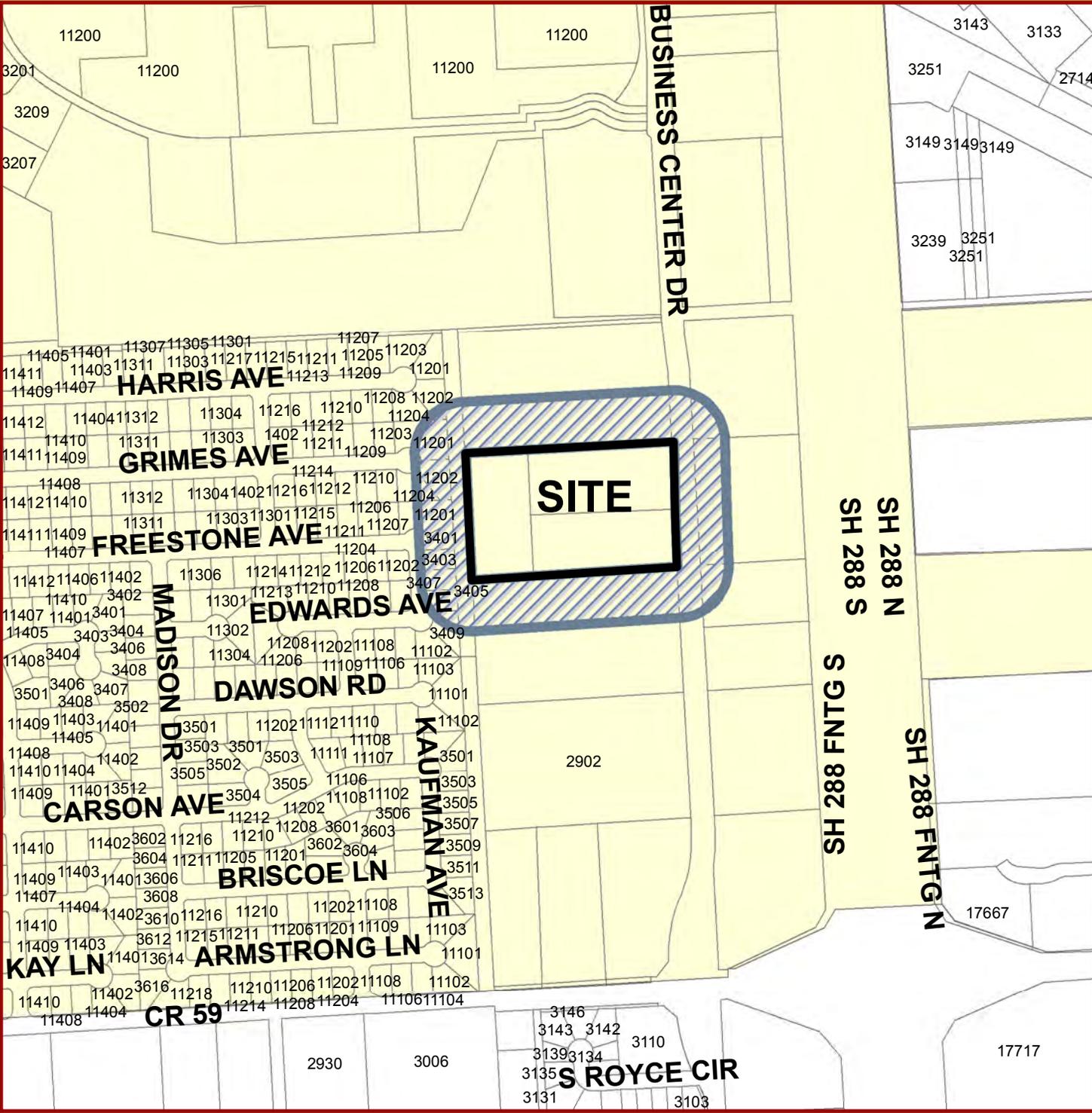


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1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





NOTIFICATION MAP
CUP 2014-09
WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER



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1 inch = 562 feet
 22 MAY 2014
 PLANNING DEPARTMENT



PROPERTY OWNER	ADDRESS	SUITE	CITY
FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY	STE 200	DALLAS
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST		PEARLAND
GRIMM BILL & TIFFANY	11201 FREESTONE AVE		PEARLAND
HARVISON MELINDA	3407 KERR LN		PEARLAND
JONES LEWIS & LEWIS-JONES SHANTEL	11201 GRIMES AVE		PEARLAND
LINDQUIST PAMELA M	11204 HARRIS AVE		PEARLAND
LOTT REUBEN D & MERCHANT ERMA	11204 GRIMES AVE		PEARLAND
PARKSIDE 59/288 LTD	3003 W ALABAMA ST		HOUSTON
PLANT DALE W & JAN W	11202 HARRIS AVE		PEARLAND
RIDDLE SIMONE	3401 KERR LN		PEARLAND
SOMERVILLE ERNEST	3405 KERR LN		PEARLAND
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217		PEARLAND
STRIPAY MARK	3409 KERR LN		PEARLAND
SUFFEL DAVID & TERESA MOREY	11203 FREESTONE AVE		PEARLAND
TRAN DANNY T & CELINE P	3403 KERR LN		PEARLAND
VIRANI AHMADALI	2814 ACORN WOOD WAY		HOUSTON
WEEMS F CARRINGTON	1603 W CLAY ST		HOUSTON
WILLIAMS HEZRON V & BERNADETTE	11203 GRIMES AVE		PEARLAND
YLT 288 PARTNERS	5855 SOVEREIGN DR	STE B	HOUSTON
BGE KERRY R. GILBERT & ASSOCIATES	23501 CINCO RANCH BLVD.	STE A-250	KATY

STATE ZIP

TX	75254
TX	77581
TX	77584
TX	77098
TX	77584
TX	77584
TX	77584
TX	77588
TX	77584
TX	77584
TX	77584
TX	77059
TX	77019
TX	77584
TX	77036
TX	77494



pi architects

3500 Jefferson St, Suite 303
Austin, TX 78731

P: (512) 231-1910
F: (512) 231-1950

www.piarch.com

architecture + master planning
interiors + landscape architecture

09/19/2014



PEARLAND MEDICAL CAMPUS

PEARLAND, TEXAS

PRELIMINARY DRAWINGS

NOT FOR BIDDING, PERMIT, OR CONSTRUCTION PURPOSES

© 2014 PI ARCHITECTS, INC.

REVISIONS:

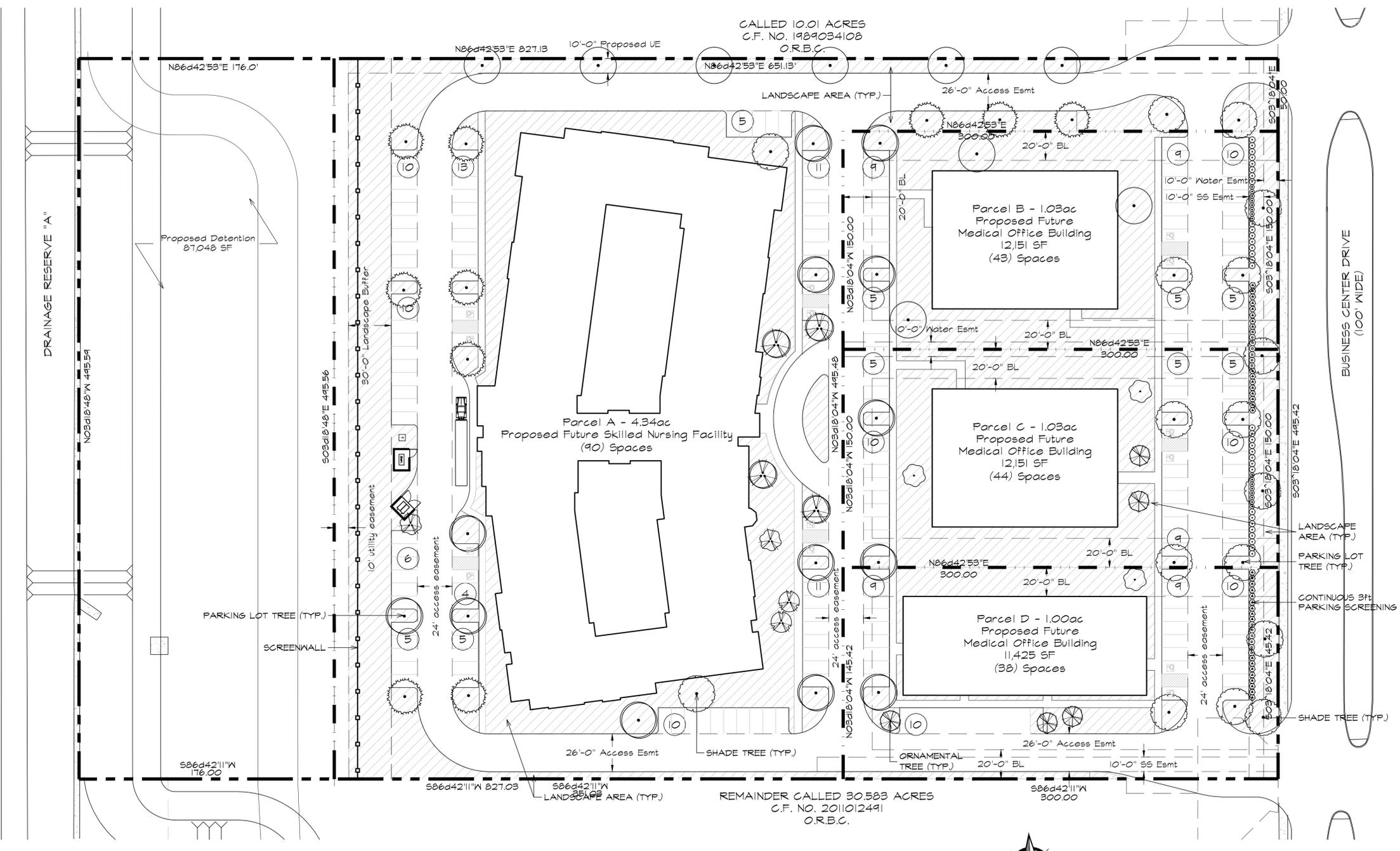
DATE: 10/02/14
PROJECT NUMBER: 14010
SHEET TITLE:

CONDITIONAL USE SITEPLAN

SHEET:

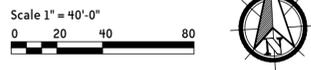
L1

OF: 1



CALLED 10.01 ACRES
C.F. NO. 1989034108
O.R.B.C.

REMAINDER CALLED 30.583 ACRES
C.F. NO. 2011012491
O.R.B.C.



1 DEVELOPMENT SITE PLAN

- Notes:
- 1) Detention for the site will be dedicated to the Brazoria County Drainage District #4 and will meet all applicable requirements of the Drainage District.
 - 2) With the exception of detention requirements (see above note), all requirements of the Unified Development Code will be met.

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements				
Zoning BP 288 + Business Center PD				
	Parcel A - (495)lf	Parcel B - (150)lf	Parcel C - (150)lf	Parcel D (146)lf
Street Trees	Req Prov 1" per (15)lf (17) 2" (17) 2"	Req Prov (5) 2" (5) 2"	Req Prov (5) 2" (5) 2"	Req Prov (5) 2" (5) 2"
Parking Lot Trees	Parcel A - (90)sp Req Prov (9) 2" (9) 2"	Parcel B - (43)sp Req Prov (5) 2" (5) 2"	Parcel C - (44)sp Req Prov (5) 2" (5) 2"	Parcel D - (38)sp Req Prov (4) 2" (4) 2"
Landscape Area	Parcel A - (276,178)sf Req Prov (41,426)sf (54,509)sf	Parcel B Req Prov (6,750)sf (17,810)sf	Parcel C Req Prov (6,750)sf (12,495)sf	Parcel D Req Prov (6,547)sf (10,756)sf

Site Data					
Zoning BP 288 + Business Center PD					
Proposed Use	Parcel A	Parcel B	Parcel C	Parcel D	
Skilled Nursing		Medical Office	Medical Office	Medical Office	
Min Lot Dimensions	Req Prov	Req Prov	Req Prov	Req Prov	
Front Setback	25ft 38ft	25ft 25ft	25ft 25ft	25ft 25ft	
Rear Setback	20ft 99ft	20ft 20ft	20ft 20ft	20ft 20ft	
Side Setback	20ft 47ft	20ft 20ft	20ft 20ft	20ft 20ft	
Width	150ft 495ft	150ft 150ft	150ft 150ft	150ft 145.42ft	
Flag Pole	50ft 50ft				
Depth	200ft 351ft	200ft 300ft	200ft 300ft	200ft 300ft	
Flag Pole	200ft 300ft				
Area	1ac 4.34ac	1ac 1.03ac	1ac 1.03ac	1ac 1.00ac	
Parking	Parcel A Req Prov 52 90	Parcel B Req Prov 41 43	Parcel C Req Prov 41 44	Parcel D Req Prov 38 38	
(1) space per (2) beds					
(1) space per (300)sf					

I:\00-Projects\2014\14010 SCE Pearland\00 Project Drawings\L1 Conditional Use.dwg Thu, Oct 02, 2014, 10:56am



CUP APPLICATION Page 1 of 6 (Updated June 2010)
 City of Pearland
 Community Development
 3523 Liberty Drive
 (Community Center)
 Pearland, Texas 77581
 281-652-1768
 281-652-1702 fax
 www.cityofpearland.com

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Nursing/Convalescent Home
 (list proposed use from the Table of Uses of the UDC)

Current Zoning District: BP-288

Property Information:

Address or General Location of Property: West of Business Center Drive, just south of Pearland
Town Center

Tax Account No. 0300-0011-000, 0300-0011-100, 0300-0025-000

Subdivision: A0300 HT&BRR, Tract 37, 37A and 37B Lot: _____ Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME George Fishman
 ADDRESS 3406 Hampshire St
 CITY Pearland STATE TX ZIP 77581
 PHONE(832) 577-1158
 FAX(713) 606-3108
 E-MAIL ADDRESS George.Fishman.77581@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME BGE| Kerry R. Gilbert & Assocaites
 ADDRESS 23501 Cinco Ranch Blvd. Suite A-250
 CITY Katy STATE TX ZIP 77494
 PHONE(281) 579-0340
 FAX(281) 579-8212
 E-MAIL ADDRESS kedwards@krga.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 9/11/14

Agent's/
 Applicant's Signature: Kathryn Edwards Date: 9/11/14

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>9-11-14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>349110</u>
--------------------------	---------------------------	---------------------------------	-------------------------------

Application No. CUP 2014-09

APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

**PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768**

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Kathryn Edwards

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

September 1, 2014

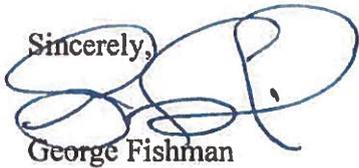
Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Conditional Use Permit-Owner Authroization

Dear Lata,

I, George Fishman, am the owner of the \pm 9.4 acres of property, located west of Business Center Drive, just south of Pearland Town Center. I authorize Global XYZ Development LLC and BGE| Kerry R. Gilbert & Associates to be the applicant and agent for the requested Conditional Use Permit for a Nursing/Convalescent Home for the subject tract.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Fishman', written over the word 'Sincerely,'.

George Fishman

BGE | KERRY R. GILBERT & ASSOCIATES



September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: ± 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. Enclosed you will find:

- City of Pearland CUP Application
- Owner Authorization letter
- Metes and Bounds Description
- City of Pearland Zoning Map with Property Boundary
- Letter of Intent
- Application Fee (Check #1088)
- One (1) copy of site plan
- Acknowledgement of Sign to be posted 10 day prior to Public Hearing
- Tax Certificate
- One (1) CD with PDF site plan and application documents

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Edwards". The signature is written in a cursive, flowing style.

Kathryn Edwards

BGE | KERRY R. GILBERT & ASSOCIATES

September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Nursing/Convalescent Home CUP-Business Center Drive

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. The intent of the Conditional Use Permit is to allow development of a Skilled Nursing Facility that will offer personalized medical and therapy services to patients.

The facility will be developed and managed by Senior Care Excellence, a company with 15 years of experience in construction and development of Skilled Nursing Facilities. The proposed facility, The Medical Resort at Pearland, will offer a unique environment that is personalized for individual needs to ensure a high level of care for all patients. The medical resort concept offers a hotel quality environment and restaurant services in addition to the superior medical and therapy services. On average, a patient's stay at the facility ranges from 21 to 30 days depending on their rehabilitation needs.

The 54,000 square foot facility incorporates a Colonial Spanish design with tile rooftops and exterior stucco. The facility will include a total of 101 rooms (73 private rooms, 28 dual occupancy rooms) all with private baths and the necessary medical equipment. A 2000 square foot therapy gym with an outdoor therapy area offers state of the art equipment for orthopedic, cardiac and neurological related therapies.

The development will be located at the rear of a 9.4 acre site on the western side of Business Center Drive. Along the rear of the property is a \pm 2 acre dry detention facility that will provide the necessary detention for the site. In front of the skilled nursing the facility are three sites for future development of separate uses. In addition to the elements listed above, the site will provide landscaping and parking that meet the City of Pearland regulations.

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,


Kathryn Edwards

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

\$250.⁰⁰ (circle one)
BA or **PF** or **FE**

Description: Input who the check is from
BROWN & GAY ENGINEERS, Inc.

COMMENTS/DESCRIPTION (F10):

Location or Address Business Center Dr.

Applicant Kerry Gilbert & Assoc.

Owner George Fishman

BROWN & GAY ENGINEERS, INC.

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
091114 - KGA0507-00	9/11/2014	000000079727	\$250.00			\$250.00
CITY OF PEARLAND			\$250.00			\$250.00
Operating Account	1	CITY21				
TOTAL						

Check Date: 9/11/2014

60233

CITY OF PEARLAND
 R E P R I N T
 *** CUSTOMER RECEIPT ***
 Oper: BDERDSA Type: OC Drawer: 1
 Date: 9/12/14 01 Receipt no: 349110

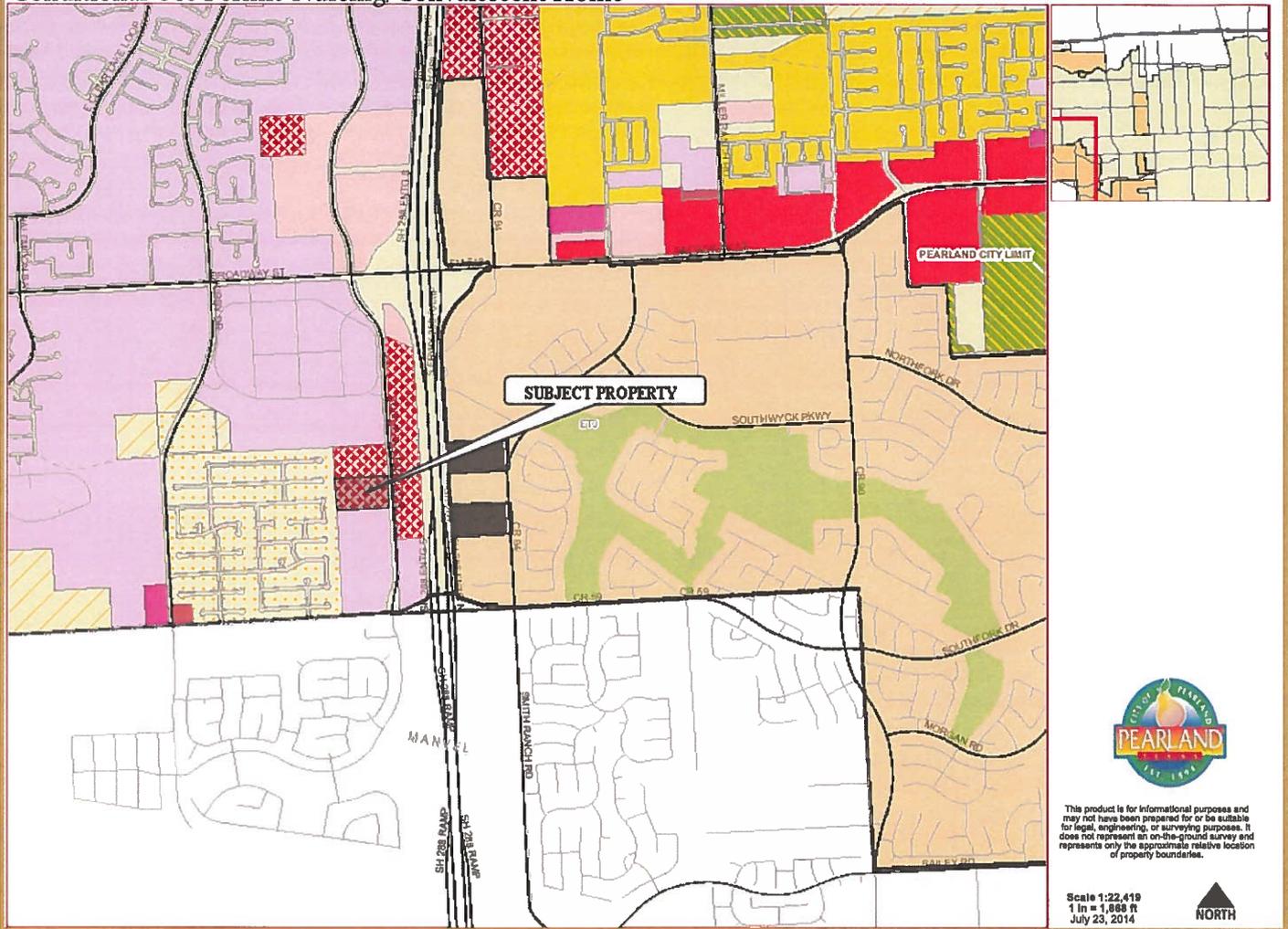
Description	Quantity	Amount
PF	1.00	\$250.00
Trans number:		4591000

BUSINESS CENTER DR

Tender detail		
CK CHECK	60233	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 9/11/14 Time: 16:49:39

Conditional Use Permit-Nursing/Convalescent Home



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 1:22,419
1 in = 1,868 ft
July 23, 2014



TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37A, ACRES
3.330

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.3299

>--
Account Number: 0300-0025-000
Certificate No: 221145494
Certificate Fee: \$10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Table with 2 columns: Description and Amount. Rows include 2013 Value (58,270), 2013 Levy (\$1,737.60), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:

BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:

A0300 H T & B R R, TRACT 37, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

>--

Account Number: 0300-0011-000

Print Date: 07/28/2014

Certificate No: 221148231

Paid Date: 07/28/2014

Certificate Fee: \$10.00

Issue Date: 07/28/2014

Operator ID: AMBER

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TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEMEM
96 CITY OF PEARLAND

Table with 2 columns: Description and Amount. Rows include 2013 Value, 2013 Levy, 2013 Levy Balance, Prior Year Levy Balance, Total Levy Due, P&I + Attorney Fee, and Total Amount Due.

Reference (GF) No: NA

Issued By: RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Handwritten signature of Amber Cook

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37B, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

> - -
Account Number: 0300-0011-100
Certificate No: 221150875
Certificate Fee: \$10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

< - -

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Table with 2 columns: Description, Amount. Rows include 2013 Value (\$3,100), 2013 Levy (\$1,583.43), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), Total Amount Due (\$0.00).

Reference (GF) No: N/A

Issued By: RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

County: Brazoria
Project: Medical Resort at Pearland
C.I. No.: 1402-14
Job Number: 2014-231-001

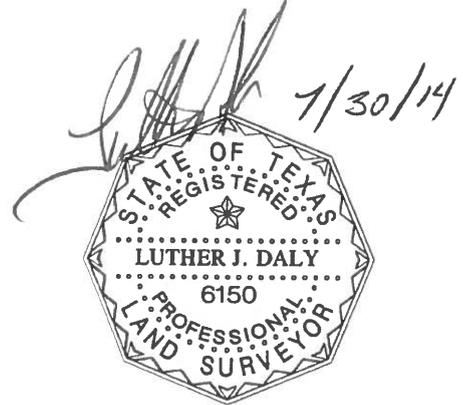
**METES AND BOUNDS DESCRIPTION FOR
9.4083 ACRES**

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.

1. Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;
2. Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in all a total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 20120070402 of the O.R.B.C., same being the west right-of-way (R.O.W.) line of Business Center Drive (100-feet wide);
3. Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 20120087390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;

4. Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the **Point of Beginning** and containing 9.4083 acres of land.





October 2, 2014

Ms. Johnna Matthews
City Planner
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Application for Conditional Use Permit for
+/- 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP Goodwill Store
CI Job No. 2014-231-008

Dear Ms. Matthews:

Please kindly be advised that Costello, Inc. is the design engineer for drainage, utilities, & paving improvements for the proposed site located in the H.T. & B.R.R. Company Section 81, A-300, in City of Pearland, Brazoria County, Texas 77581.

As you are aware, Ms. Kathryn Edwards of BGE | Kerry Gilbert and Associates, Inc. is currently working on obtaining a Conditional Use Permit for the referenced project and we have been informed that before the application is approved for review at the October 20, 2014 Joint Public Hearing, a note indicating that; all requirements of the Unified Development Code will be met needs to be included on the Site Plan. However, the question was how this would relate to the detention pond.

As we also discussed during the pre-development meeting on August 13, 2014, we are informed that all detention facilities within the City of Pearland must be amenitized. However, our proposed detention facility is an expansion to the existing Channel A-124-05-00, which belongs to Brazoria Drainage District No. 4 (BDD #4). Our proposed detention facility and its' property will be dedicated to BDD #4 and based on Part A.5 of Section 11 in BDD #4's Rules, Regulations & Guidelines, dated May 2013, the detention facility shall be dry and may not be amenitized. *Attached please find a copy for your reference.*

Attached please also find a copy of our email correspondence with BDD #4's engineer, indicating their no-objection to our detention concept. We are currently at final stages and should have their final no-objection letter within the next couple of weeks.

Therefore, as this also came up during the pre-development meeting and since the facility can't be amenitized, we will include screen walls in our construction plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex", written over a blue circular stamp.

A. "Alex" Khoshakhlagh, P.E.
Project Manager

W:\2014\2014231\Detention Pond Letter regarding Conditional Use Permit.docx

Alex Khoshakhlagh

From: J. Stephen Wilcox, P.E., CFM
Sent: Thursday, October 02, 2014 10:51 AM
To: Kathryn Edwards; Alex Khoshakhlagh
Subject: FW: DD4 A-124 Channel Expansion

Kathryn,

Below is the email for the District Engineer stating that the pond expansion will need to be dedicated to DD4. Will this work to answer that question.

Respectfully,

Stephen

From: Jarrod Aden [<mailto:jarrod@lentzengineering.net>]
Sent: Thursday, August 21, 2014 7:46 AM
To: Stephen Wilcox
Cc: Mike Yost (my.bdd4@swbell.net); John Genaro
Subject: RE: DD4 A-124 Channel Expansion

Stephen – I have discussed your proposal with the District.

We have no objection to your detention concept subject to the following:

- 1) Property (for pond, channel, and maintenance berm) must be dedicated in fee to the District.
- 2) Owner must pay the required detention maintenance fee.
- 3) After the construction is complete, the District staff and Engineer must verify District standards have been met (construction final inspection).
- 4) The Board must accept the detention pond for maintenance at their regularly scheduled meeting after all other items have been completed.

Ultimately, it is the Board's decision as to whether or not the pond will be accepted for maintenance.

Feel free to call me with any questions.

Jarrold D. Aden, P.E., C.F.M.
President
Lentz Engineering, LLC
5909 West Loop South, Suite 200
Bellaire, Texas 77401
Office – 713-839-8900
Direct phone – 713-255-6160
Fax - 713-839-9020
Cell – 832-715-8424
jarrod@lentzengineering.net
www.lentzengineering.net



From: Stephen Wilcox [<mailto:swilcox@coseng.com>]

Sent: Tuesday, August 19, 2014 11:36 AM

To: Jarrod Aden

Subject: DD4 A-124 Channel Expansion

Jarrold,

Here is an aerial showing the site boundaries and location that we talked about on the phone. The aerial does not show the recent channel expansion done on the Moody Tract. Feel free to call me with any questions.

Respectfully,

J. Stephen Wilcox, P.E., CFM

Project Engineer

Hydrology & Hydraulics Department

[Costello, Inc](#) | Office: (713) 783-7788 | Mobile: (832) 443-9977

SECTION 11

MAINTENANCE OF DETENTION FACILITIES

All detention facilities constructed by a property owner or developer shall be maintained by the property owner or developer, their legal heir(s), grantee(s), successor(s) or assignee(s). The DISTRICT shall not be responsible for any such facility maintenance. Ownership of detention facilities constructed adjacent to a DISTRICT drainage facility may be transferred to the DISTRICT with the DISTRICT'S approval. Maintenance of these facilities and other facilities owned by the DISTRICT shall be by the DISTRICT.

A. NEWLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance all newly constructed detention facilities provided:

1. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT. This conveyance shall include a minimum 20-foot wide unobstructed access way to the nearest public street.
2. The detention facility is constructed in accordance with Final Drainage Plans approved by the DISTRICT.
3. The DISTRICT is furnished a set of "As-Built" drawings, sealed by a surveyor registered in the State of Texas.
4. The detention facility has a concrete pilot channel.
5. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.
6. The developer/owner has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.
7. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction and operation, and, 3) an Indemnification and Hold Harmless

Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.

8. The pond shall have been constructed with adequate backslope drains and swales that were constructed to DISTRICT standards.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or right-of-ways.

B. PREVIOUSLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance previously constructed detention facilities provided that:

1. The facilities are returned to the standards of the DISTRICT that were in force at the time the DISTRICT approved the final drainage plan.
2. The DISTRICT is provided access to inspect the facility and provide the developer/owner/homeowners association with a list of items that must be corrected. The DISTRICT is allowed to inspect the facility after corrective measures are completed to ensure compliance.
3. A concrete pilot channel is constructed.
4. A minimum twenty (20) foot wide unobstructed access way to the nearest public street is provided.
5. Upon request, the DISTRICT will provide the developer/owner/homeowners association an estimated cost to correct the deficiencies and add the concrete pilot channel. Upon agreement by the parties, the DISTRICT will provide the necessary construction in exchange for a fee based upon the estimated cost of repairs or upgrades as determined by the DISTRICT.
6. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT.
7. The developer has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.

8. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction, and operation, and, 3) an Indemnification and Hold Harmless Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or rights-of-way.
10. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.

For newly constructed and previously constructed detention ponds, the following additional restrictions apply:

1. No detention pond under two (2) acres will be accepted.
2. Detention facilities must be located adjacent to an existing DISTRICT facility.
3. Side slopes must be greater than 3:1 or greater.
4. A note in the acceptance agreement will state that mowing will be only performed on the normal DISTRICT mowing schedule.
5. Hand maintenance must be minimal, and the extent should be identified in the agreement.
6. The acceptance fee may be waived only if accepting the maintenance responsibilities is of substantial benefit to the DISTRICT.
7. Any variance granted to the facility must be considered as part of the acceptance criteria.
8. The DISTRICT will not accept pumped detention systems.



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Kerry R. Gilbert & Associates
DATE: 12/15/2014
AGENDA ITEM SUBJECT: Conditional Use Permit Application Number CUP 2014-09

Old Business **New Business** **Discussion Item** **Workshop**

Summary: A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land; Pearland, Texas.

The item was originally postponed from the October 20, 2014 regular meeting of the Planning and Zoning Commission. The Commission had the following concerns. The applicant's response/how the Commission's concerns were addressed follows in red, italicized font:

1. The Planning and Zoning Commission (The Commission) recommended a wet detention pond with amenities. The Commission advised that the detention pond does not have to mirror the detention proposed to the south for Costco. The Commission also requested a better understanding of the reason that the detention had to be dedicated to Brazoria County District No. 4.

The original site plan illustrated an 8-foot masonry screening wall along the eastern boundary of the detention area and a 30-foot wide landscape buffer between the detention area and the first row of parking spaces along the western most boundary of the site. The 30-foot landscape buffer included ground cover only.

The revised site plan depicts a 30-foot buffer which includes 56 evergreen shrubs and 12 ornamental shade trees along the east side of the proposed masonry screening wall,

for a continuous row of shrubs/trees to add to the proposed landscape screening buffer for the amenitized detention area. Also included within the 30-foot landscape buffer are 3 benches and a 4-foot concrete sidewalk, with enhanced landscaping including ornamental shade trees, which are in addition to previously mentioned shrubs/trees along the eastern boundary of the detention area.

The applicant provided a letter from Costello Engineering and Surveying regarding the deviation from a wet detention pond (See Attachment).

2. The Commission recommended sidewalks and street trees along both sides of the pole (access easement) of the proposed flag lot, in keeping with the “Complete Streets” concept.

The applicant has incorporated 4- foot sidewalks along the north and south sides of the pole portion (access easement) of the flag lot. Sidewalks along the perimeter of buildings have been increased to 5 feet. The site plan depicts pedestrian connectivity throughout the entire site. Sidewalks currently exist along Business Center Drive.

The number of trees along the pole portion of the proposed flag lot has increased substantially from the original site plan, from 6 ornamental trees along the northern boundary of the pole and 5 shade trees along the southern boundary of the pole; to 11 ornamental trees and 8 shade trees, along the northern boundary of the pole; and 5 ornamental trees and 5 shade trees along the southern boundary of the pole.

The applicant has also incorporated stamped concrete decorative paving along the access easement in 2 areas and throughout the site.

3. Discussion ensued regarding screening and connectivity to the south (Costco). The site plan originally submitted did not show screening and how the site relates to the property to the south regarding connectivity and screening. The Commission asked for additional landscaping along the southern boundary of the site.

In addition to a 6-foot landscape buffer along the southern boundary of the site, which includes enhanced landscaping with 25 evergreen shrubs, 8 ornamental trees, and 4 shade trees; the site plan depicts 3 benches and 4-foot concrete sidewalks for pedestrian connectivity along the southern boundary of the site.

4. The Commission requested renderings/elevations of the building on all sides. The Commission also requested a “better” site plan, as the site plan submitted was fuzzy and did not give a “feel for the development.”

The applicant has submitted an updated site plan, which depicts enhanced landscaping, including evergreen and deciduous shrubs, groundcover, perennials, and seasonal color; and various amenities including pedestrian connectivity throughout the site; benches with wheelchair spaces; a water fountain; and stamped concrete decorative paving throughout the site.

Building elevations have been provided depicted all sides of the building. Renderings of similar projects that were constructed with similar materials and styles were submitted also. The elevations and renderings give a better understanding of the nature and aesthetic quality of the proposed development.

5. The Commission recommended that the address all staff concerns and incorporate them into the development. Staff recommended conditions follow:

- a) In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.

The above condition has been met. See Planning and Zoning Commission recommended conditions above (#2).

- b) The applicant is seeking approval of a flag lot from the Planning and Zoning Commission. Staff's recommended conditions for the proposed flag lot include the following:

- i. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.

A total of 20 caliper inches are provided in total along both sides of the access easement within the pole portion of the proposed flag lot.

- ii. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

Four foot sidewalks are provided along the majority of both sides of the access easement.

Supporting Documents:

- Letter from Costello Engineering & Surveying Regarding Deviation from Wet Detention
- Revised Site Plan
- Building Elevations and Renderings, Including Courtyard Area
- Amenity Examples
- 10.20.14 JPH Packet

October 31, 2014



Ms. Lata Krishnarao
Community Development Department
City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

**Re: Detention Pond Design Response for CUP submittal
For Nursing Home on Business Center Drive**
CI Job No. 2014213-01

Dear Ms. Krishnarao:

This letter is in response to the Planning & Zoning Boards (P&Z) question concerning the deviation from a wet detention pond design for the 9.408 acre Nursing Home on Business Center Drive development. The current plan proposes to expand an existing Brazoria County Drainage District No. 4 (DD4) channel to accommodate the required detention volume to allow full development of the 9.408 acre site. The existing channel was expanded by the City of Pearland in 2009 to provide detention for the roadway improvements to Business Center Drive, as described in the report entitled "*Business Center Drive Extension, Hydrologic and Hydraulic Study*," dated February 2009, prepared by Freese and Nichols, Inc.. That project redirected the drainage for the areas west of Business Center Drive, which includes this development, to the channel and planned for future development to discharge into the channel with mitigating detention volume.

As part of the DD4 review process a Preliminary Drainage Plan for the development was prepared and submitted to the district engineer. Subsequently, DD4 has provided comments which are attached along with Costello Inc.'s (CI) response letters. The final comments are being addressed and it is anticipated that the plan will be approved at the next district board meeting.

In preliminary discussion with DD4 to determine the development requirements, it was decided that the most reasonable means of providing detention would be as an expansion of the existing channel to mimic the recently completed channel expansion south of the tract directly south of the development. A 60-foot drainage easement owned by DD4 currently exist on the eastern edge of the development. To receive DD4 approval to expand the channel, it is required that the detention facility be dedicated in fee as stated in the August 21, 2014 email from the district engineer Mr. Jarrod Aden. The current DD4 district policy is that they will not own or maintain detention facilities that include an amenity portion as stated in Appendix A , Section 3.4.1.2 of the criteria manual.

A preliminary design of a separate wet bottom pond indicates that an additional 1 acre of land will be required to achieve the required detention volume. This will cause a loss of not only 1 acre of land from the developer, but also be a loss of 1 acre of taxable commercial property. The wet pond would only provide 0.8 acres of surface area that is approximately 7.5-feet below the finished natural ground. This will greatly limit the ability to view the wet area minimizing any amenity value of the pond. The pond location will not be viewable by any residential properties due to the buffer of the existing channel, and the location of the pond on the tract limits its amenity value for any of the on-site users.

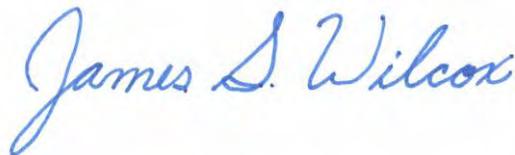
In order to maintain a wet pond, a source of “make-up” water will need to be provided to keep the pond at its designed water level. This would either have to be a groundwater well or connection to the City of Pearland municipal water system. During dry years, the use of municipal water supplies to keep amenity ponds full have been met with great opposition from citizens otherwise required to limit such irrigation uses. If the pond is not kept full, it can become difficult to maintain and operate.

If a separate wet pond is chosen, either a property owners association or some other agreement will have to be developed to provide private maintenance of the pond. Generally, it has been experienced that small ponds of this type will have lapses in maintenance once the original developers have sold all of the property and are no longer involved. Having the pond dedicated to DD4 would give the city increased assurance that the pond will receive continuing long-term maintenance.

In general, development practices desire to regionalize detention facilities in lieu of multiple on-site detention ponds. This allows a more efficient use of the available land and a more predicable control of flood discharges. Regionalized detention places the constructed detention facilities under the jurisdiction of a regulatory agency (i.e. DD4) that will ensure proper maintenance and operation of the facilities. The expansion of the DD4 channel will allow this particular watershed to continue to develop with a regionalized detention system under the jurisdiction of DD4.

We appreciate your time in considering this matter. If you should have any further questions or comments, feel free to contact me at 713-783-7788 or by email at swilcox@costelloinc.com.

Sincerely,
Costello, Inc.



J. Stephen Wilcox, P.E., CFM
Project Engineer – Hydrology & Hydraulics

Attachments:
Preliminary Drainage Plan and DD4 Review Letters

J. Stephen Wilcox, P.E., CFM

From: Jarrod Aden <jarrod@lentzengineering.net>
Sent: Thursday, August 21, 2014 7:46 AM
To: Stephen Wilcox
Cc: Mike Yost (my.bdd4@swbell.net); John Genaro
Subject: RE: DD4 A-124 Channel Expansion

Stephen – I have discussed your proposal with the District.

We have no objection to your detention concept subject to the following:

- 1) Property (for pond, channel, and maintenance berm) must be dedicated in fee to the District.
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- 4) The Board must accept the detention pond for maintenance at their regularly scheduled meeting after all other items have been completed.

Ultimately, it is the Board's decision as to whether or not the pond will be accepted for maintenance.

Feel free to call me with any questions.

Jarrold D. Aden, P.E., C.F.M.
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Sent: Tuesday, August 19, 2014 11:36 AM

To: Jarrod Aden

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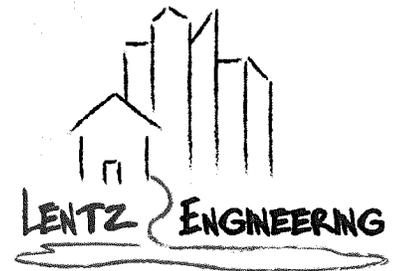
Respectfully,

J. Stephen Wilcox, P.E., CFM

Project Engineer

Hydrology & Hydraulics Department

[Costello, Inc](#) | Office: (713) 783-7788 | Mobile: (832) 443-9977



September 11, 2014

Mr. J. Stephen Wilcox, P.E., C.F.M.
Costello Engineering & Surveying
9990 Richmond Avenue, Suite 450, North Building
Houston, Texas 77042
cc: swilcox@costelloinc.com

RE: Pearland Medical Resort
Preliminary Drainage Plan
BDD 4 Ref ID: 140123
LE-14004

Dear Mr. Wilcox:

On behalf of Brazoria Drainage District No. 4, we have reviewed the Preliminary Drainage Plan as submitted for the above-mentioned project and offer the following comments. Brackets contain references to the Rules, Regulations, and Guidelines of Brazoria Drainage District # 4:

1. The required sheet size for the plans is 22" x 34". [Section 4.A, Page 12]
2. Please include the Owner name, contact name, address, and phone number on the plans. [Section 4, A.2, Page 12]
3. Provide a location or vicinity map **drawn to scale**. [Section 4, A.5, Page 12]
4. Provide permission in writing from the adjacent property owner to connect to the adjacent detention pond. [Section 4, A.8, Page 12]
5. Provide drainage area divides for the project area, including off-site areas, with peak runoff rates for each inlet, structure, or drainage area. The drainage areas should be overlaid on the plan view of the site and not as a separate exhibit. Use City of Pearland / BDD # 4 storm sewer calculations. [Section 4, A.12, Page 13]
6. Locate and dimension all existing and proposed drainage easements and fee strips. [Section 4, A.13, Page 13]
7. Label the District channel as BDD # 4 Unit # A124-05-00.
8. Your plans require a proposed drainage fee strip dedication to Brazoria Drainage District No. 4. Please be advised that you will need to furnish the District with an executed copy of the dedication agreement prior to receiving final drainage plan approval. Submit a signed and sealed metes and bounds description to this office so that the District Attorney can begin preparing the necessary documents. [Section 4, A.13, Page 13]
9. The "c" value for undeveloped property is 0.2. [Section 4, A.15, Page 13]
10. Provide detailed calculations for the detention provided. [Section 4, A.15, Page 13]
11. Show the limits of the floodway and the 100-year floodplain scaled from the current FIRM. Alternatively, provide a flood statement, which indicates that the tract lies entirely outside of the 100-year floodplain. [Section 4, A. 17, Page 13]

12. Please be advised that you will be required to demonstrate that sheet flow from adjacent property is not affected by your proposed improvements. [Section 5, A.20, Page 20]
13. Sheet flow into a detention facility must be done across a concrete lined section. [Section 6, Page 82]
14. Extreme event overflow swales must have 6:1 side slopes and a minimum 6' bottom width and be lined with reinforced concrete as per the District details.
15. Provide backslope swales and interceptors as per District requirements.
16. Provide and dimension maintenance berms for the detention pond. [Section 3.4.1, Page 60]

Please return three (3) complete sets of plans to this office approval.

If you have any questions or require any further information, please do not hesitate to call.

Sincerely,
Lentz Engineering, LLC



Jarrod D. Aden, P.E., C.F.M.
President

cc: Mr. Mike Yost
Ms. Kim Woodall
Mr. John Genaro
Mr. Richard Mancilla, P.E., C.F.M.
Mr. Alfred E. Lentz, P.E., R.P.L.S.
Mr. Michael Shannon, P.E.



October 15, 2014

Mr. Jarrod Aden, P.E., C.F.M.
Lentz Engineering, L.C.
c/o Brazoria County Drainage District No. 4
5909 West Loop South, Suite 200
Bellaire, Texas 77401

RE: Medical Resort of Pearland – Preliminary Drainage Plan, Response to Comments
Brazoria County Drainage District No. 4 & City of Pearland
CI Job Number: 2014231 Task 006

Dear Mr. Aden,

We are providing you this letter in response to comments received on September 11, 2014 for the preliminary drainage plan for the 9.41 acre Medical Resort of Pearland development within Brazoria County Drainage District No. 4 (DD4). The responses below address the comments provided in that letter.

Comment 1:

The required sheet size for the plans is 22" x 34". [Section 4.A, Page 12]

The proposed drainage plan has been provided on a 22" x 34" sheet.

Comment 2:

Please include the Owner name, contact name, address, and phone number on the plans. [Section 4, A.2, Page 12]

The owner name and contact information have been included on the drainage plan, and are as follows:

Global XYZ Development, LLC
Mr. John Griffin
721 S. Highway 78
Wylie, TX 75098
(972) 303-8100

Comment 3:

*Provide a location or vicinity map **drawn to scale**. [Section 4, A.5, Page 12]*

A vicinity map, including the site boundary, has been drawn to a scale of 1":1200' and is included on the proposed drainage plan.

Comment 4:

Provide permission in writing from the adjacent property owner to connect to the adjacent detention pond. [Section 4, A.8, Page 12]

A letter dated September 29, 2014 received from LJA engineering on behalf of Brazoria County MUD 34 which states no objection to the proposed drainage plan and detention pond expansion has been received and is included with this submittal.

Comment 5:

Provide drainage area divides for the project area, including off-site areas, with peak runoff rates for each inlet, structure, or drainage area. The drainage areas should be overlaid on the plan view of the site and not as a separate exhibit. Use City of Pearland / BDD # 4 storm sewer calculations. [Section 4, A.12, Page 13]

Drainage areas have been included as shown on the proposed drainage plan. Peak flow rates for internal development drainage areas have been included on the drainage plan.

Comment 6:

Locate and dimension all existing and proposed drainage easements and fee strips. [Section 4, A.13, Page 13]

All existing and proposed drainage easements have been notated and dimensioned on the proposed drainage plan sheet.

Comment 7:

Label the District channel as BDD # 4 Unit # A124-05-00.

The district channel has been labeled on the drainage plan as BDD#4 Unit # A124-05-00.

Comment 8:

Your plans require a proposed drainage fee strip dedication to Brazoria Drainage District No. 4. Please be advised that you will need to furnish the District with an executed copy of the dedication agreement prior to receiving final drainage plan approval. Submit a signed and sealed metes and bounds description to this office so that the District Attorney can begin preparing the necessary documents. [Section 4, A.13, Page 13]

The portion of the tract to be dedicated to the detention pond will be subdivided during the re-platting process. The detention pond parcel will then be transferred in fee to Brazoria County DD4 upon acceptance by the District.

Comment 9:

The "c" value for undeveloped property is 0.2. [Section 4, A.15, Page 13]

The "c" value for the undeveloped existing condition has been changed to 0.2 and updated in the detailed detention calculations included on the proposed drainage plan.

Comment 10:

Provide detailed calculations for the detention provided. [Section 4, A.15, Page 13]

Detailed calculations, including the proposed condition composite "c" value, time of concentration, rational peak flows, small watershed hydrographs, required detention volumes, and stage-area curves are included in tables on the proposed drainage plan.

Comment 11:

Show the limits of the floodway and the 100-year floodplain scaled from the current FIRM. Alternatively, provide a flood statement, which indicates that the tract lies entirely outside of the 100-year floodplain. [Section 4, A. 17, Page 13]

The site is located in an Unshaded Zone X, based on FEMA FRIM panel 48039C0020H, dated June, 5, 1989. No portion of the site falls within the Special Flood Hazard Area, as stated on the proposed plan sheet, under General Notes, Item 2.

Comment 12:

Please be advised that you will be required to demonstrate that sheet flow from adjacent property is not affected by your proposed improvements. [Section 5, A.20, Page 20]

Sheet flow from property located to the north currently drains to away from the site as illustrated by the existing contours shown in the proposed drainage plan. In addition, Areas located to the have been designed to drain to the existing detention pond as shown in the IDS plans.

Comment 13:

Sheet flow into a detention facility must be done across a concrete lined section. [Section 6, Page 82]

Sheet flows will be collected in the western parking area and routed through storm inlets and pipes which will be sized for the 100-year event. As such, the proposed overflow swale included in the drainage plan will remain as a grass lined section.

Comment 14:

Extreme event overflow swales must have 6:1 side slopes and a minimum 6' bottom width and be lined with reinforced concrete as per the District details.

An extreme event overflow swale is included on the proposed drainage plan sheet. This swale is 1 foot deep, with 6:1 side slopes, and a 6 foot bottom width. As discussed in comment 13 above, pipes sized for the 100 year event will carry sheets flows.

Comment 15:

Provide back slope swales and interceptors as per District requirements.

A proposed back slope swale and interceptor structure conforming to BCDD4 requirements has been included as shown on the proposed drainage plan sheet.

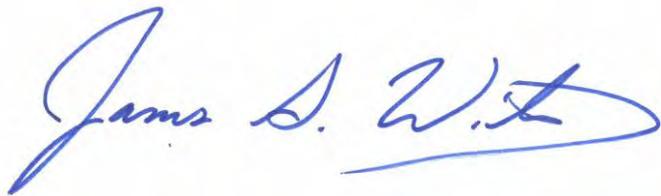
Comment 16:

Provide and dimension maintenance berms for the detention pond. [Section 3.4.1, Page 60]

The proposed pond layout includes a 25 foot maintenance berm as shown in cross section A-A on the proposed drainage plan.

If you have any questions or require any additional information, please feel free to contact me at 713-783-7788 or by email at swilcox@coseng.com.

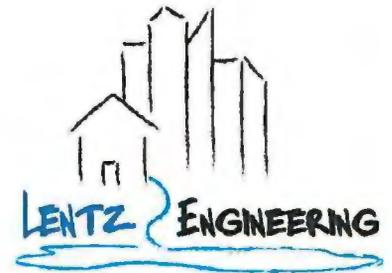
Sincerely,
Costello, Inc.



J. Stephen Wilcox, P.E., CFM
Project Engineer – Hydrology & Hydraulics

cc: Mr. John Griffin, Senior Care Excellence

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Engineering Your Satisfaction

October 21, 2014

Mr. J. Stephen Wilcox, P.E., C.F.M.
Costello Engineering & Surveying
9990 Richmond Avenue, Suite 450, North Building
Houston, Texas 77042
cc: swilcox@costelloinc.com

RE: Pearland Medical Resort
Preliminary Drainage Plan
BDD 4 Ref ID: 140123
LE-14004

Dear Mr. Wilcox:

On behalf of Brazoria Drainage District No. 4, we have reviewed the resubmittal of the Preliminary Drainage Plan as submitted for the above-mentioned project and offer the following comments. Brackets contain references to the Rules, Regulations, and Guidelines of Brazoria Drainage District # 4:

1. The required sheet size for the plans is 22" x 34". [Section 4.A, Page 12] Size your border and trim the sheet to this size.
2. Your plans require a proposed drainage fee strip dedication to Brazoria Drainage District No. 4. Please be advised that you will need to furnish the District with an executed copy of the dedication agreement prior to receiving final drainage plan approval. Submit a signed and sealed metes and bounds description to this office so that the District Attorney can begin preparing the necessary documents. [Section 4, A.13, Page 13] Please call this office to discuss your proposed approach. Your Final Drainage Plan cannot be approved until this fee strip has been given to the District.
3. Please be advised that you will be required to demonstrate that sheet flow from adjacent property is not affected by your proposed improvements. [Section 5, A.20, Page 20] Your contours along the south side contradict the statement in your letter. A cross section showing the existing and proposed grades might clarify your intent.
4. Sheet flow into a detention facility must be done across a concrete lined section. [Section 6, Page 82] You cannot deviate from this requirement without an approved variance. Submit a request for variance in writing to the District. Contact our office with any questions.
5. Extreme event overflow swales must have 6:1 side slopes and a minimum 6' bottom width and be lined with reinforced concrete as per the District details. You cannot deviate from this requirement without an approved variance. Submit a request for variance in writing to the District. Contact our office with any questions.

Please return three (3) complete sets of plans to this office approval.

If you have any questions or require any further information, please do not hesitate to call.

Sincerely,
Lentz Engineering, LLC



Jarrold D. Aden, P.E., C.F.M.
President

- cc: Mr. Mike Yost
Ms. Kim Woodall
Mr. John Genaro
Mr. Richard Mancilla, P.E., C.F.M.
Mr. Alfred E. Lentz, P.E., R.P.L.S.
Mr. Michael Shannon, P.E.



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Austin, TX 78731

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12/01/2014



PEARLAND MEDICAL CAMPUS

PEARLAND, TEXAS

PRELIMINARY DRAWINGS

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REVISIONS:

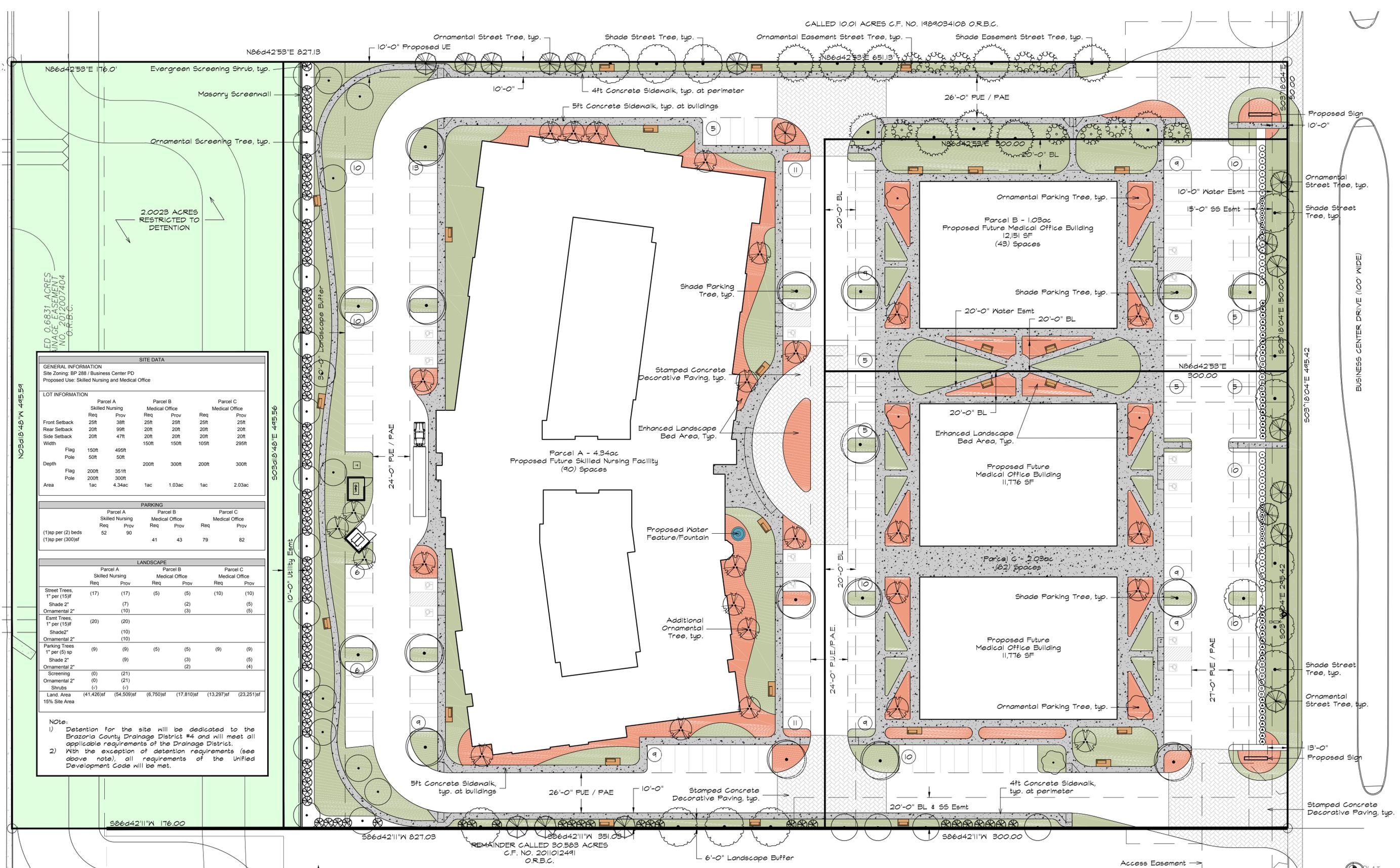
- November 12, 2014
- December 01, 2014

DATE: 10/31/14
PROJECT NUMBER: 14010
SHEET TITLE:

CONDITIONAL USE SITEPLAN

SHEET:

L1



SITE DATA

GENERAL INFORMATION
Site Zoning: BP 288 / Business Center PD
Proposed Use: Skilled Nursing and Medical Office

ED 0.6831 ACRES
IMAGE EASEMENT
NO. 2012007404
O.R.B.C.

2.0023 ACRES RESTRICTED TO DETENTION

LOT INFORMATION		Parcel A	Parcel B	Parcel C
		Skilled Nursing	Medical Office	Medical Office
Front Setback	Req	25ft	38ft	25ft
Rear Setback	Req	20ft	20ft	20ft
Side Setback	Req	20ft	47ft	20ft
Width	Req	150ft	150ft	105ft
Depth	Req	200ft	300ft	300ft
Area	Req	1ac	1.03ac	2.03ac

PARKING		Parcel A	Parcel B	Parcel C
		Skilled Nursing	Medical Office	Medical Office
(1)sp per (2) beds	Req	52	41	79
(1)sp per (300)sf	Prov	90	43	82

LANDSCAPE		Parcel A	Parcel B	Parcel C
		Skilled Nursing	Medical Office	Medical Office
Street Trees, 1" per (15)lf	Req	(17)	(5)	(10)
Shade 2"	Req	(7)	(2)	(5)
Ornamental 2"	Req	(10)	(3)	(5)
Easmt Trees, 1" per (15)lf	Req	(20)	(20)	(20)
Shade 2"	Req	(10)	(10)	(10)
Ornamental 2"	Req	(10)	(10)	(10)
Parking Trees, 1" per (5) sp	Req	(9)	(5)	(9)
Shade 2"	Req	(9)	(3)	(5)
Ornamental 2"	Req	(9)	(2)	(4)
Screening	Req	(0)	(21)	(21)
Ornamental 2"	Req	(0)	(21)	(21)
Shrubs	Req	(v)	(v)	(v)
Land Area	Req	(41,426)sf	(54,509)sf	(6,750)sf
15% Site Area	Req	(17,810)sf	(13,297)sf	(23,251)sf

Note:
1) Detention for the site will be dedicated to the Brazoria County Drainage District #4 and will meet all applicable requirements of the Drainage District.
2) With the exception of detention requirements (see above note), all requirements of the Unified Development Code will be met.

1 DEVELOPMENT SITE PLAN

Scale 1" = 30'-0"

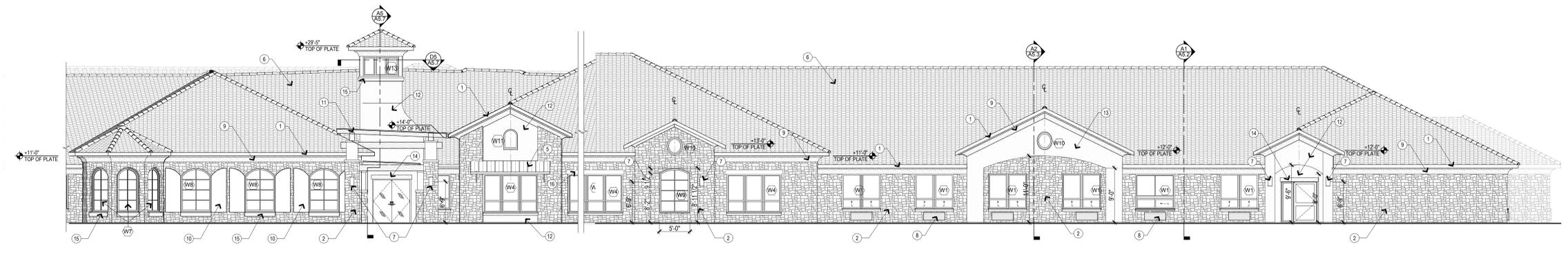
0 15 30 60

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AMENITY AND TREE LEGEND

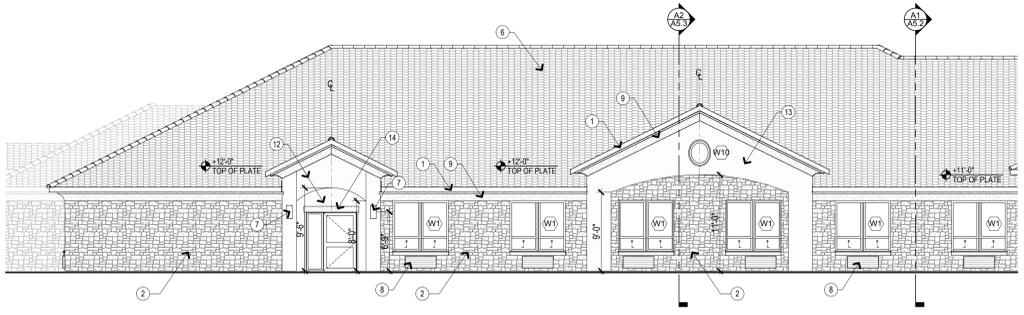
	4ft Bench		Street Ornamental Tree, Pole of Flag Lot, 2" cal. min		Street Ornamental Tree, Business Center Drive, 2" cal. min		Parking Ornamental Tree, 2" cal. min		Evergreen Screening Shrub		Stamped Concrete Decorative Paving		Lawn
	4ft Bench with Wheelchair Space		Street Shade Tree, Pole of Flag Lot, 2" cal. min		Street Shade Tree, Business Center Drive, 2" cal. min		Parking Shade Tree, 2" cal. min		Ornamental Screening Tree		Concrete Sidewalk and Plazas		Enhanced landscaping, includes evergreen and deciduous shrubs, groundcover, perennials, and seasonal color
	Water Feature / Fountain		Additional Ornamental Tree, typ.		Access Easement		Additional Ornamental Tree		Additional Ornamental Tree		Additional Ornamental Tree		Additional Ornamental Tree

I:\00-Projects\2014\14010 SCE Pearland\00 Project Drawings\Pearland CUP.dwg Mon, Dec 01, 2014, 4:30pm

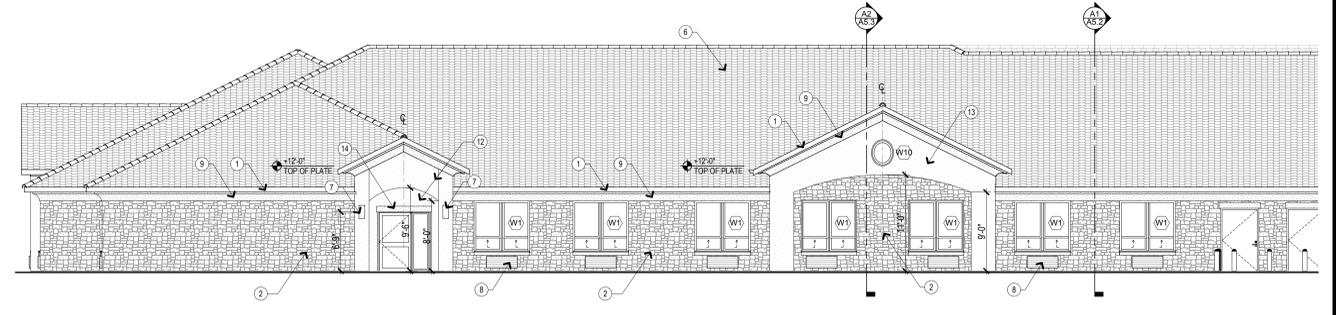


E1 WEST ELEVATION 1 OF 3
SCALE: 1/8" = 1'-0"

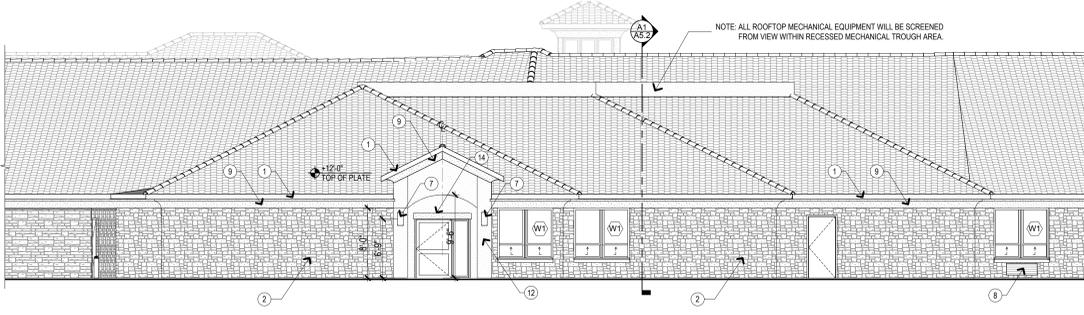
E3 WEST ELEVATION 2 OF 3
SCALE: 1/8" = 1'-0"



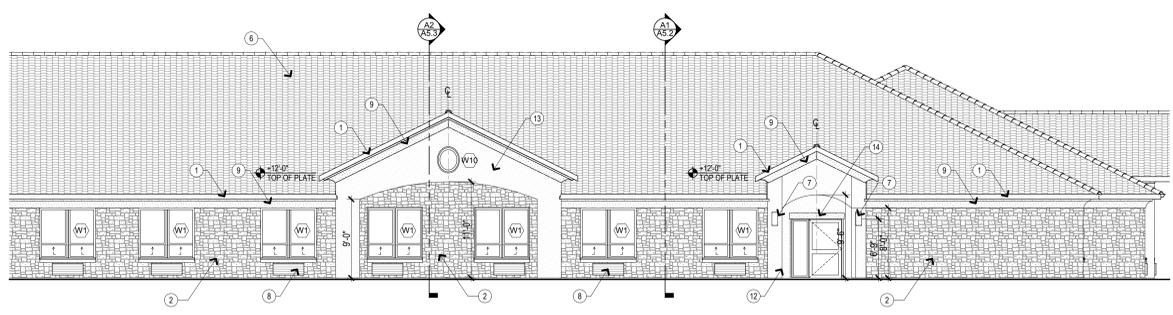
D1 WEST ELEVATION 3 OF 3
SCALE: 1/8" = 1'-0"



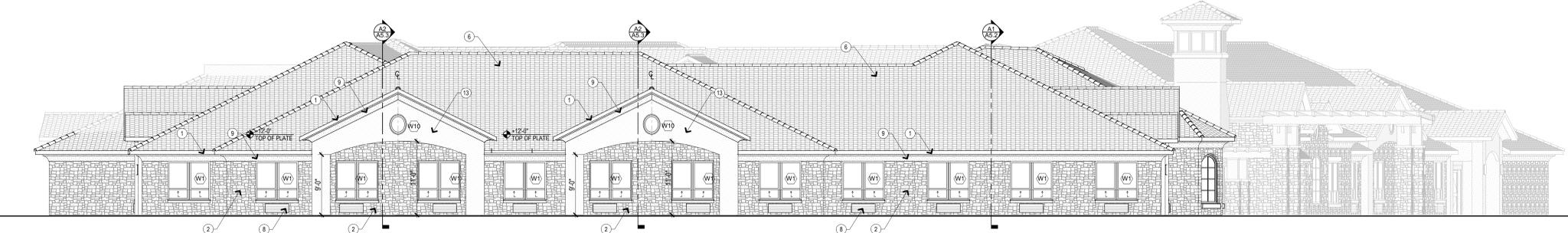
D3 EAST ELEVATION 1 OF 3
SCALE: 1/8" = 1'-0"



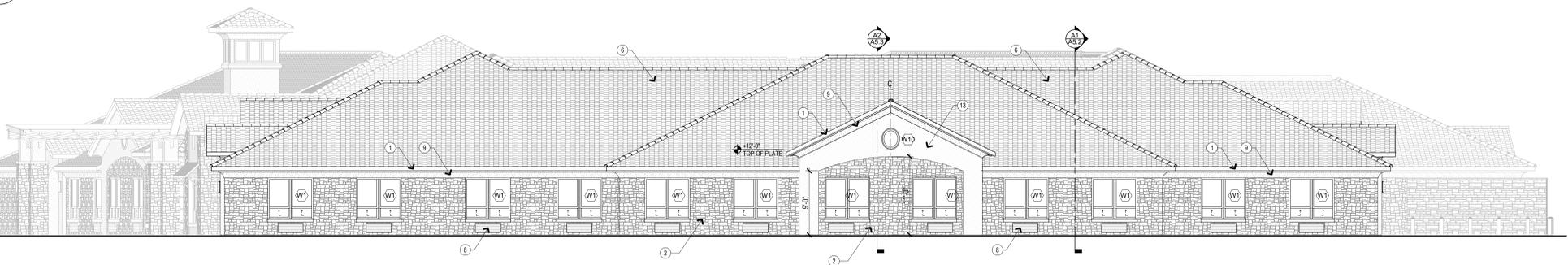
C1 EAST ELEVATION 2 OF 3
SCALE: 1/8" = 1'-0"



C3 EAST ELEVATION 3 OF 3
SCALE: 1/8" = 1'-0"



B1 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



A1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

KEYED NOTES

- 1 HARDIE FASCIA BOARD, TYP.
- 2 NATURAL CUT STONE VENEER
- 3 NATURAL CUT STONE WANSLOT
- 4 CAST STONE WATER TABLE, SLOPED, TYP.
- 5 AWNING, TYP.
- 6 CONCRETE ROOF TILES
- 7 WALL SCONCE, REF. ELECT.
- 8 PTAC, TYP. FACTORY FINISH TO MATCH STONE
- 9 PREMANUFACTURED PROFILE, TYP. REF. SHEET AS.2
- 10 WINDOW SHUTTERS, TYP. PAINTED
- 11 PORTE COCHERE, REF. AS.6
- 12 STUCCO FINISH, TYP.
- 13 STUCCO FINISH OVER 2X FURRING
- 14 STUCCO HEADER, TYP.
- 15 MASONRY SILL, TYP.

GENERAL NOTES

1. TOP PLATE 9'-0" UNO.
2. RETURN MASONRY AT ALL WINDOWS AND DOORS WHERE MASONRY IS PRESENT



THE MEDICAL RESORT AT PEARLAND



pi architects



Courtyard Area



Front Facade



Front Elevation



BENCHES



FOUNTAIN/ WATER FEATURE



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, OCTOBER 20, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit (CUP) Application No. CUP 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land, to wit:

Legal Description: Being a 9.4083 tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.

General Location: West side of Business Center Drive, south of Pearland Town Center, Pearland, TX

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/PLANNING COMMISSION/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.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: October 20, 2014

Re: Conditional Use Permit Application Number 2014-09

A request of BGE Kerry R. Gilbert & Associates, applicant; on behalf of George Fishman, owner; for approval of a Conditional Use Permit to allow for a Nursing/Convalescent Home within the Business Park – 288 (BP-288) zoning district, on approximately 9.4 acres of land located on West side of Business Center Drive, and south of Pearland Town Center.,

Proposal

The parent tract includes a total of 9.4 acres of land, of which the applicant is proposing to construct a Nursing/Convalescent Home on approximately 4.3 acres. The facility; the Medical Resort will include 54,000 square feet and a host of amenities for patients, including restaurant services, private and dual rooms, a gym and an outdoor therapy area.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property and to property owners within 200 feet of the site. Additionally, a legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential

uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.

2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.
3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet



Exhibit 1 Staff Report

Summary of Request

The parent tract includes approximately 9.4 acres, of which the applicant is requesting approval of a Conditional Use Permit (CUP) to allow for a Nursing/Convalescent Home on approximately 4.3 acres. According to the applicant's letter of intent, the facility; The Medical Resort, will include approximately 54,000 square feet, which will incorporate a Colonial Spanish design with tile rooftops and exterior stucco. The Medical Resort will provide personalized care to meet individual needs of patients in a hotel environment, with restaurant services in addition to medical and therapy services. A patient's stay at the facility will range from 21 to 30 days depending upon individual needs. The facility will include a total of 101 rooms, of which 73 will be private and 28 dual rooms; with private bathrooms, medical equipment, and a 2,000 square foot gym with an outdoor therapy area. The applicant also proposes 3 sites for future development of separate, non-residential uses.

Site History

The subject property is currently undeveloped. The property was annexed into the City of Pearland in 1996. Prior to the adoption of the Unified Development Code in 2006, the property was dually zoned Suburban Development Residential District (SD) and Low Density Single Family (R-1). In 2006 the Business Park-288 zoning district was created and applied to the subject property.

With the exception of the single family subdivision to the west; Southgate Estates, the site is surrounded by undeveloped properties located within non-residential zoning districts and/or non-residential/ mixed use Planned Developments (PDs). Directly north of the site is an undeveloped tract located within the Business Park 288 (BP-288) zoning district. Further north is the Pearland Town Center PD; a mixed use PD. The property to the south is located within the Business Center Drive PD; a non-residential

PD. The property on the east side of Business Center Drive is undeveloped and zoned BP-288.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Business Park 288 (BP-288)	Undeveloped Commercial
South	Business Center Planned Development	Undeveloped Commercial
East	Business Park 288 (BP-288)	Undeveloped Commercial
West	Single Family Residential-2 (R-2)	Southgate Estates

Conformance with the Unified Development Code

The property is located within the Business Park-288 (BP-288) zoning district, which is intended to permit large office complexes/campuses and retail development in locations with good visibility and roadway access. The BP-288 zoning district also permits uses (such as the proposed Nursing/Convalescent Home) with approval of a CUP, which may be suitable in certain locations and/or with certain conditions. A plat including 4 lots and approximately 2 acres for detention is proposed. The applicant is seeking a variance to reduce the lot width of the proposed Lot 4. The Nursing/Convalescent Home will be located on a 4.3 acre lot, identified as Lot 1, and will meet the requirements of the BP-288 zoning district as it relates to the area regulations. The lot area regulations are listed below. It is important to note that the plat nor the variance have been approved.

	BP-288 Requirement	Subject Property
Minimum Lot Size	43,560 sf (1 acre)	4.3338 Acres
Minimum Lot Width	150 ft.	445.48 ft.
Minimum Lot Depth	200 ft.	351.03 ft.

The applicant proposes 2.20023 acres for detention located on the western boundary of the site, which will be approximately 176 feet deep and nearly 500 feet wide. The BP-288 zoning district requires detention facilities to be incorporated as an amenity, such as a lake or pond. Other amenities for detention facilities include aesthetic or other characteristics that increase its visual desirability, including recreational facilities, landscaping or large trees.

The detention facility will be an expansion of the existing Channel A-124-05-00, and will be dedicated to Brazoria County Drainage District Number 4. Brazoria County Drainage District prohibits wet and amenitized detention facilities. Although the proposed detention will not be incorporated into the development as a lake or pond, the applicant proposes a screening wall which will meet the requirements of the UDC. Staff also recommends an opaque tree line along the proposed screening wall for visual appeal.

Conformance with the Comprehensive Plan

The subject property is located within the Business Park Future Land Use designation. According to the Comprehensive Plan, the area is generally encompassing of the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan indicates a mixed use area developed in coordinated, master-planned campus-like settings with interdependent and complimentary uses. Preferred uses include office buildings of various heights, regional shopping centers and malls, research and development facilities and light manufacturing. The proposed development will be in compliance with, and meets the intent of the Business Park Future Land Use designation; and will continue to provide for a mix of uses that are planned or developed for the area. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

Conformance with the Thoroughfare Plan

The property has frontage on Business Center Drive; a secondary thoroughfare of sufficient width, which requires 100 feet of right-of-way.

Platting Status

A plat is currently under review for the subject 9.4 acre site. Four (4) lots and an approximately 2 acre site located along the western property line, adjacent to the existing single family subdivision, will be used for detention. Three (3) of the proposed lots; Lots 2-4 will have frontage on Business Center Drive. The applicant has requested a variance from the Planning and Zoning Commission to reduce the lot width of the proposed Lot 4 from 150 feet, as required within the BP-288 zoning district, to 145.42 feet. The proposed Nursing/Convalescent Home will be constructed on 4.3 acres, identified as Lot 1; a flag lot.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 12 inch water line along the west side of Business Center Drive. Additionally, there is an existing 10 inch sewer line along the west side of Business Center Drive. The developer will be responsible to extend services to the site.

Impact on Existing and Future Development

The subject property is surrounded by commercial uses and/or zoning districts on three sides, most of which has yet to be developed; however, some developments are planned within the area, including various non-residential uses located within the Business Park PD, just south of the subject property. There is a single family subdivision just west of the site, which will be separated from the subject property via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision. Therefore, there should be no adverse impacts.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the CUP. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed CUP to allow a Nursing/Convalescent Home.

Recommendation

Staff recommends approval of the CUP 2014-09 to allow for a Nursing/Convalescent Home on the approximately 4.3 acre site, following reasons:

1. The proposed use will be in conformance with the Comprehensive Plan, with approval of the CUP, and meets the intent of the Business Park Future Land Use designation. The location of the property lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan, and will continue to provide for a mix of uses that are planned or developed for the area.
2. There should be no major impacts to the single family residential subdivision to the west, as it will be separated from the proposed development via a 176-foot wide detention pond and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential use and the existing single family subdivision.

3. Approval of the CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision to the west, with an over 200 foot buffer.
4. The undeveloped site will conform to all requirements and policies of the UDC, with the exception of the amenitized detention facility located along the western-most boundary. However, a screening wall is proposed and staff recommends a tree-line with shrubs along the screening wall. All other requirements of the UDC will ensure an aesthetically appealing development, including compliance with screening/fencing, lighting, height, buffering, landscaping and parking requirements.

Conditions of Approval

1. In addition to the proposed screening wall, staff recommends a vegetative screen, on the east side of the proposed screening wall (within the proposed 30-foot buffer) to provide a visual screen from the proposed wall. The vegetative screen shall incorporate plantings and shrubs. Shrubs shall be placed a minimum of 3 feet on center.
2. The applicant has also applied for a variance to create a flag lot. All conditions approved with the variance must also be adhered to. Staff's recommended conditions for the reference include the following:
 - a. The access easement located within the pole portion of the subject parcel shall be treated as City Street, requiring 1 caliper inch of tree for every 15 feet of frontage on either side of the easement, with each tree having a minimum of 2 caliper inches.
 - b. Sidewalks shall be required along both sides of the access easement located within the pole portion of the subject parcel and connect to both Business Center Drive, and to planned walkways within the development.



AERIAL MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

SITE

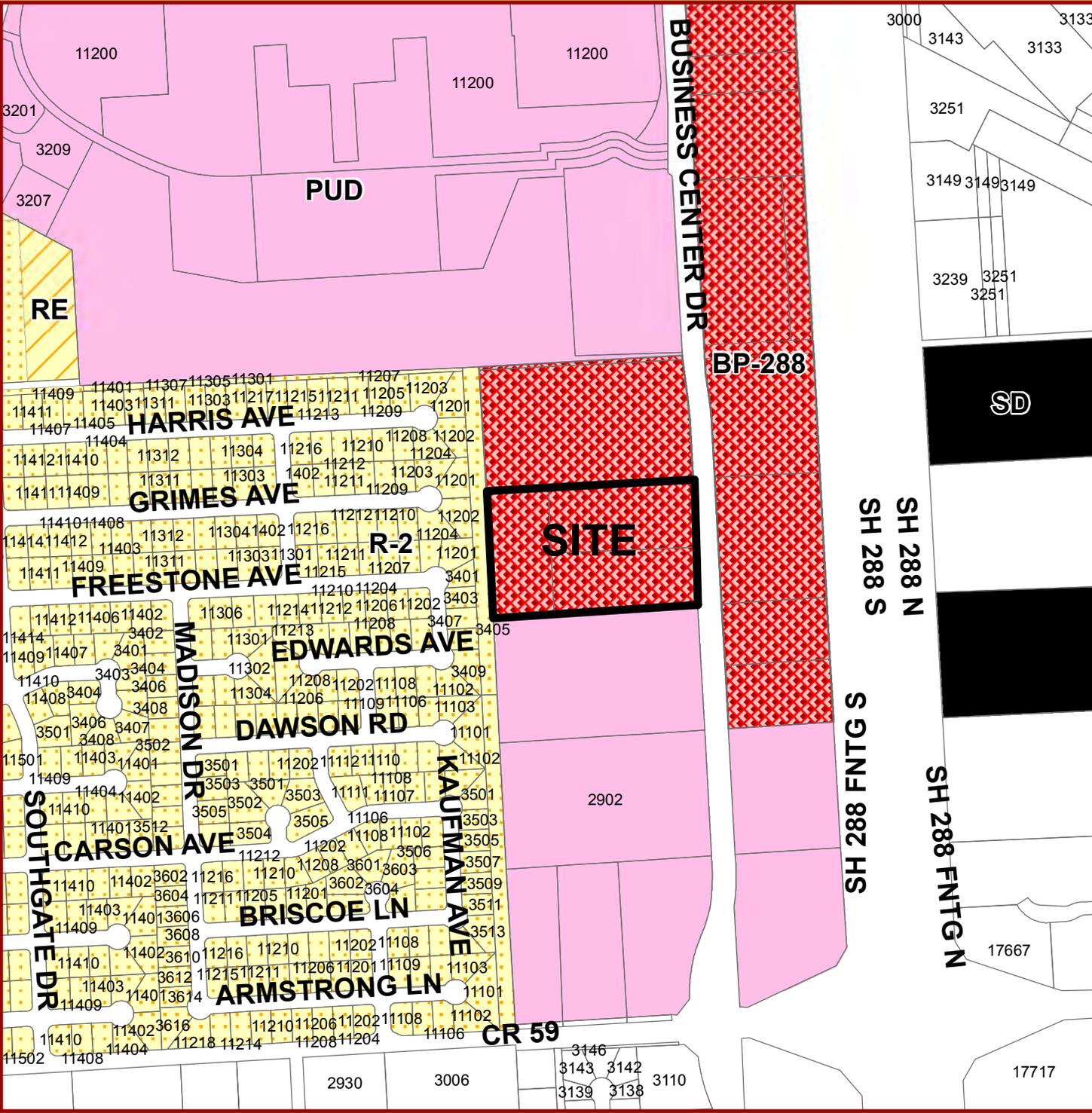


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1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





ZONING MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

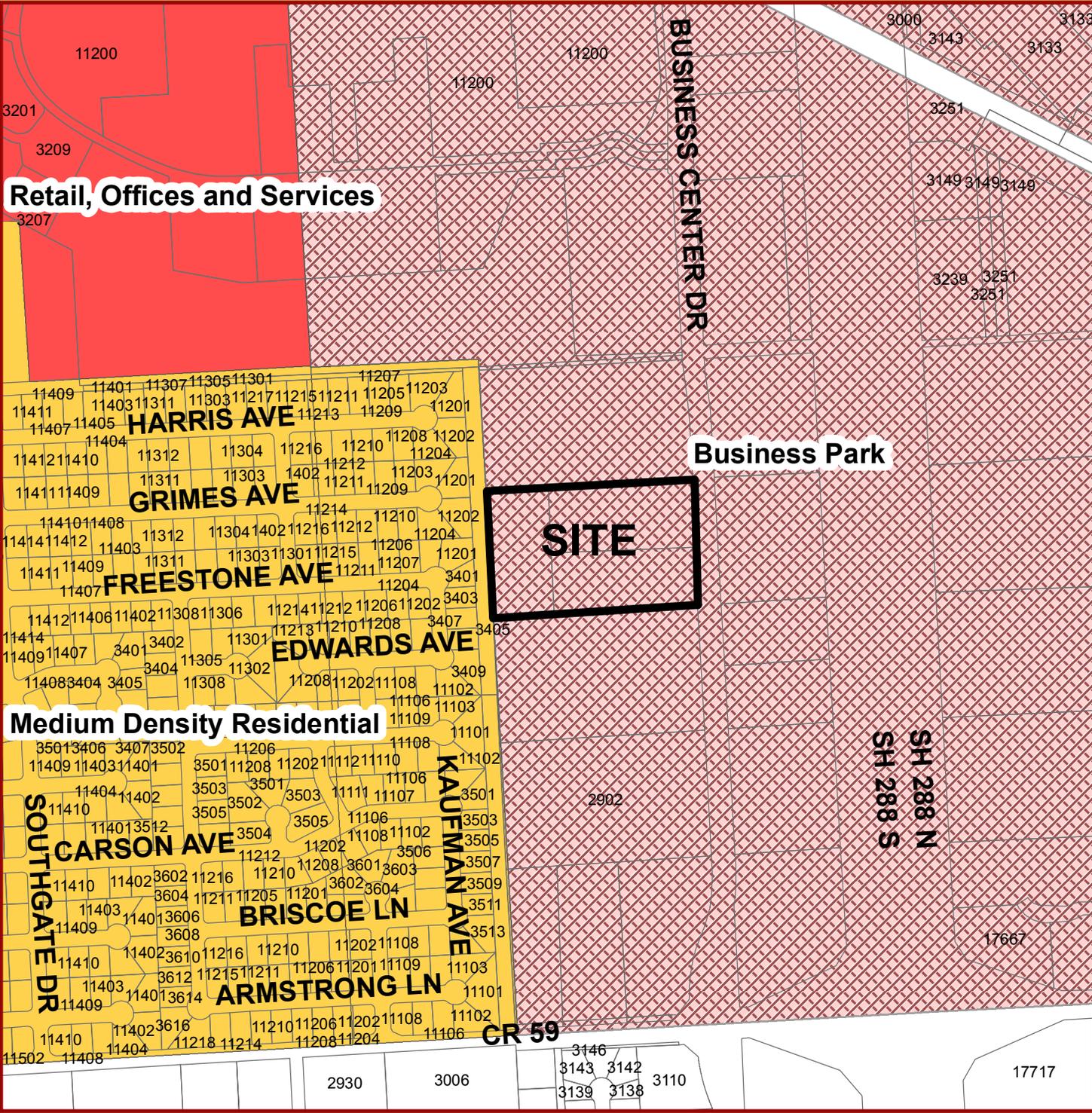


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1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





FLUP MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER

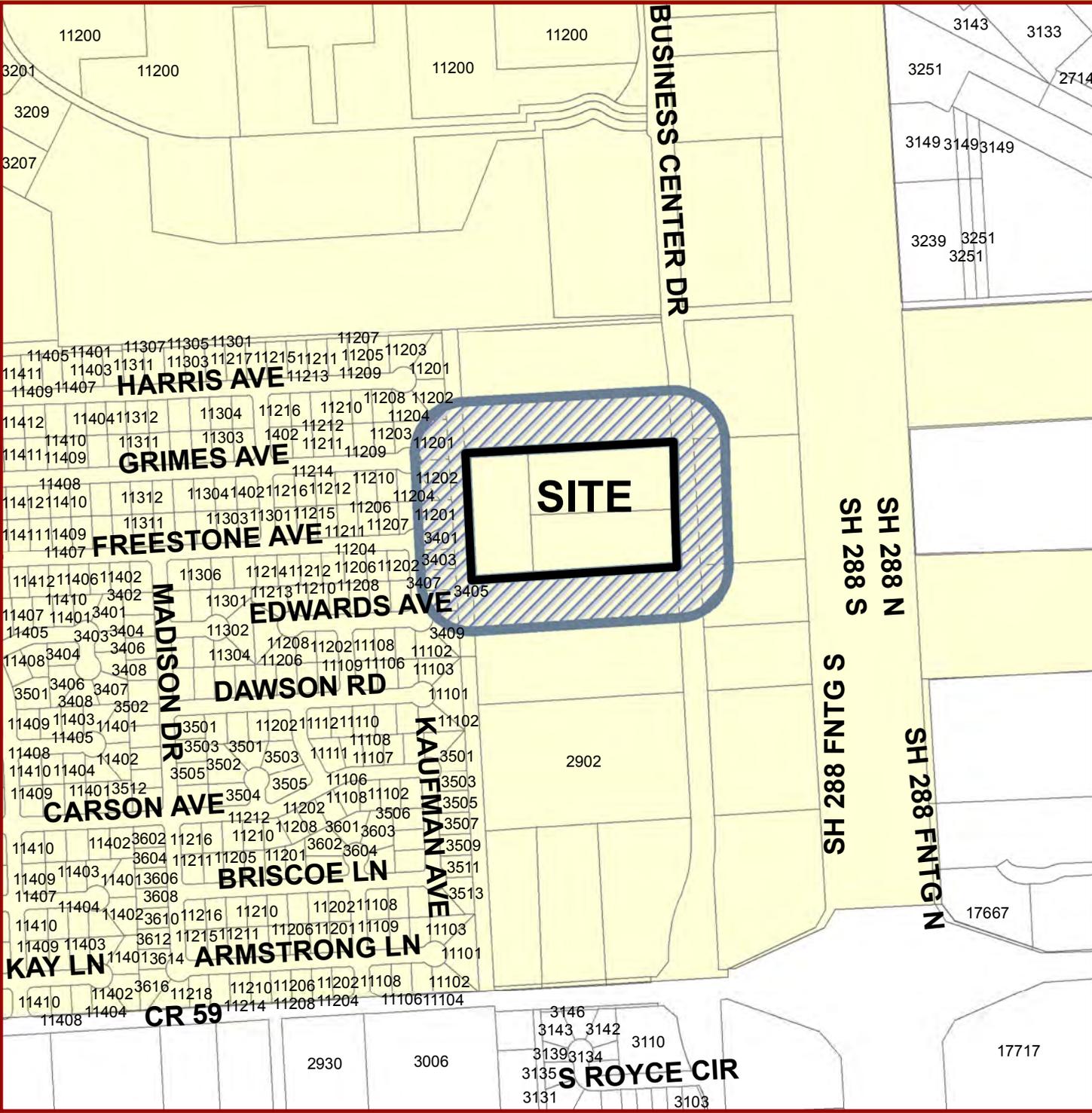


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1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT





NOTIFICATION MAP

CUP 2014-09

WEST OF BUSINESS CENTER DR, NORTH OF CR 59, & SOUTH OF PEARLAND TOWN CENTER



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1 inch = 562 feet

22 MAY 2014
PLANNING DEPARTMENT



PROPERTY OWNER	ADDRESS	SUITE	CITY
FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY	STE 200	DALLAS
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST		PEARLAND
GRIMM BILL & TIFFANY	11201 FREESTONE AVE		PEARLAND
HARVISON MELINDA	3407 KERR LN		PEARLAND
JONES LEWIS & LEWIS-JONES SHANTEL	11201 GRIMES AVE		PEARLAND
LINDQUIST PAMELA M	11204 HARRIS AVE		PEARLAND
LOTT REUBEN D & MERCHANT ERMA	11204 GRIMES AVE		PEARLAND
PARKSIDE 59/288 LTD	3003 W ALABAMA ST		HOUSTON
PLANT DALE W & JAN W	11202 HARRIS AVE		PEARLAND
RIDDLE SIMONE	3401 KERR LN		PEARLAND
SOMERVILLE ERNEST	3405 KERR LN		PEARLAND
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217		PEARLAND
STRIPAY MARK	3409 KERR LN		PEARLAND
SUFFEL DAVID & TERESA MOREY	11203 FREESTONE AVE		PEARLAND
TRAN DANNY T & CELINE P	3403 KERR LN		PEARLAND
VIRANI AHMADALI	2814 ACORN WOOD WAY		HOUSTON
WEEMS F CARRINGTON	1603 W CLAY ST		HOUSTON
WILLIAMS HEZRON V & BERNADETTE	11203 GRIMES AVE		PEARLAND
YLT 288 PARTNERS	5855 SOVEREIGN DR	STE B	HOUSTON
BGE KERRY R. GILBERT & ASSOCIATES	23501 CINCO RANCH BLVD.	STE A-250	KATY

STATE ZIP

TX	75254
TX	77581
TX	77584
TX	77098
TX	77584
TX	77584
TX	77584
TX	77588
TX	77584
TX	77584
TX	77584
TX	77059
TX	77019
TX	77584
TX	77036
TX	77494



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09/19/2014



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PURPOSES

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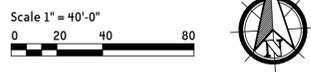
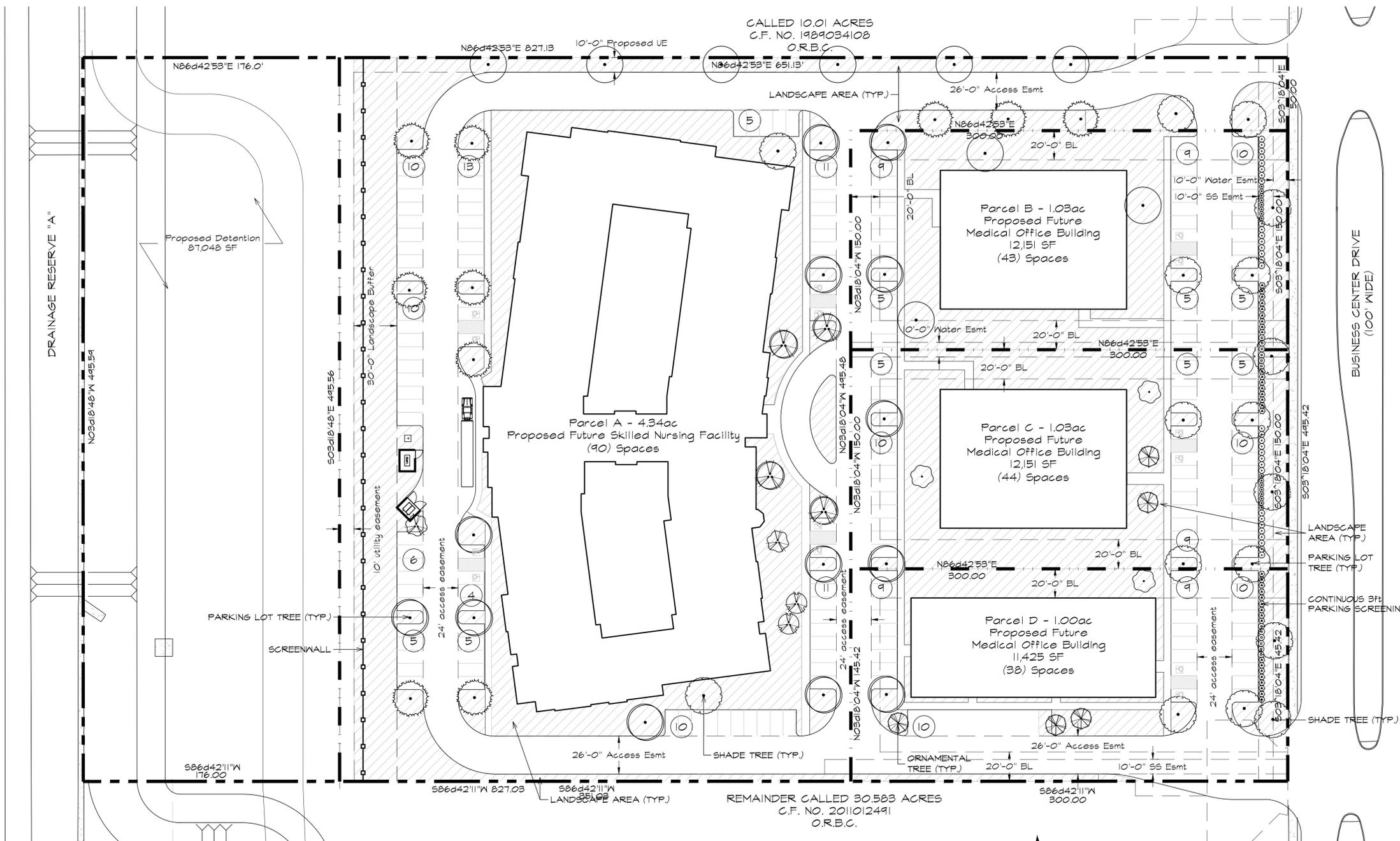
DATE:
10/02/14
PROJECT NUMBER:
14010
SHEET TITLE:

CONDITIONAL USE SITEPLAN

SHEET:

L1

OF: 1



1 DEVELOPMENT SITE PLAN

Notes:

- 1) Detention for the site will be dedicated to the Brazoria County Drainage District #4 and will meet all applicable requirements of the Drainage District.
- 2) With the exception of detention requirements (see above note), all requirements of the Unified Development Code will be met.

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF PI ARCHITECTS AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF PI ARCHITECTS

NOTE: BEWARE: UNDERGROUND UTILITIES IN PLACE, INCLUDING ELECTRICAL, GAS, WATER, SEWER, TELEPHONE, AND OTHERS. CONSULT PROJECT ENGINEER PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE FLAGGED AND IDENTIFIED. LANDSCAPE CONTRACTOR RESPONSIBILITY.

Landscape Requirements				
Zoning BP 288 + Business Center PD				
Street Trees	Parcel A - (495)lf	Parcel B - (150)lf	Parcel C - (150)lf	Parcel D (146)lf
Req	Prov	Req	Prov	Req
1" per (15)lf	(17) 2" (17) 2"	(5) 2" (5) 2"	(5) 2" (5) 2"	(5) 2" (5) 2"
Parking Lot Trees	Parcel A - (90)sp	Parcel B - (43)sp	Parcel C - (44)sp	Parcel D - (38)sp
Req	Prov	Req	Prov	Req
1" per (5)spaces	(9) 2" (9) 2"	(5) 2" (5) 2"	(5) 2" (5) 2"	(4) 2" (4) 2"
Landscape Area	Parcel A - (276,178)sf	Parcel B	Parcel C	Parcel D
Req	Prov	Req	Prov	Req
15% of site area	(41,426)sf (54,509)sf	(6,750)sf (17,810)sf	(6,750)sf (12,495)sf	(6,547)sf (10,756)sf

Site Data								
Zoning BP 288 + Business Center PD								
Proposed Use	Parcel A		Parcel B		Parcel C		Parcel D	
Skilled Nursing	Req		Prov		Req		Prov	
Medical Office	Req		Prov		Req		Prov	
Min Lot Dimensions	Parcel A		Parcel B		Parcel C		Parcel D	
Front Setback	Req	Prov	Req	Prov	Req	Prov	Req	Prov
Rear Setback	25ft	38ft	25ft	25ft	25ft	25ft	25ft	25ft
Side Setback	20ft	99ft	20ft	20ft	20ft	20ft	20ft	20ft
Width	20ft	47ft	150ft	150ft	150ft	150ft	150ft	145.42ft
Flag Pole	150ft	495ft	50ft	50ft	200ft	300ft	200ft	300ft
Depth	200ft	351ft	200ft	300ft	200ft	300ft	200ft	300ft
Area	1ac	4.34ac	1ac	1.03ac	1ac	1.03ac	1ac	1.00ac
Parking	Parcel A		Parcel B		Parcel C		Parcel D	
(1) space per (2) beds	Req	Prov	Req	Prov	Req	Prov	Req	Prov
(1) space per (300)sf	52	90	41	43	41	44	38	38



CUP APPLICATION Page 1 of 6 (Updated June 2010)
 City of Pearland
 Community Development
 3523 Liberty Drive
 (Community Center)
 Pearland, Texas 77581
 281-652-1768
 281-652-1702 fax
 www.cityofpearland.com

APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Nursing/Convalescent Home
 (list proposed use from the Table of Uses of the UDC)

Current Zoning District: BP-288

Property Information:

Address or General Location of Property: West of Business Center Drive, just south of Pearland
Town Center

Tax Account No. 0300-0011-000, 0300-0011-100, 0300-0025-000

Subdivision: A0300 HT&BRR, Tract 37, 37A and 37B Lot: _____ Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME George Fishman
 ADDRESS 3406 Hampshire St
 CITY Pearland STATE TX ZIP 77581
 PHONE(832) 577-1158
 FAX(713) 606-3108
 E-MAIL ADDRESS George.Fishman77581@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME BGE| Kerry R. Gilbert & Associates
 ADDRESS 23501 Cinco Ranch Blvd. Suite A-250
 CITY Katy STATE TX ZIP 77494
 PHONE(281) 579-0340
 FAX(281) 579-8212
 E-MAIL ADDRESS kedwards@krga.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 9/11/14

Agent's/
 Applicant's Signature: Kathryn Edwards Date: 9/11/14

OFFICE USE ONLY:

FEES PAID: <u>250.00</u>	DATE PAID: <u>9-11-14</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>349110</u>
--------------------------	---------------------------	---------------------------------	-------------------------------

Application No. CUP 2014-09

APPLICATION CHECKLIST FOR THE FOLLOWING Conditional Use Permits (CUP)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

**PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768**

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Kathryn Edwards

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

September 1, 2014

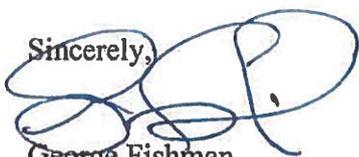
Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Conditional Use Permit-Owner Authroization

Dear Lata,

I, George Fishman, am the owner of the \pm 9.4 acres of property, located west of Business Center Drive, just south of Pearland Town Center. I authorize Global XYZ Development LLC and BGE| Kerry R. Gilbert & Associates to be the applicant and agent for the requested Conditional Use Permit for a Nursing/Convalescent Home for the subject tract.

Sincerely,



George Fishman

BGE | KERRY R. GILBERT & ASSOCIATES



September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: \pm 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. Enclosed you will find:

- City of Pearland CUP Application
- Owner Authorization letter
- Metes and Bounds Description
- City of Pearland Zoning Map with Property Boundary
- Letter of Intent
- Application Fee (Check #1088)
- One (1) copy of site plan
- Acknowledgement of Sign to be posted 10 day prior to Public Hearing
- Tax Certificate
- One (1) CD with PDF site plan and application documents

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,

A handwritten signature in black ink that reads "Kathryn Edwards". The signature is written in a cursive, flowing style.

Kathryn Edwards

BGE | KERRY R. GILBERT & ASSOCIATES

September 11, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Nursing/Convalescent Home CUP-Business Center Drive

Dear Lata,

On behalf of our client Global XYZ Development LLC, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Conditional Use Permit for the above referenced property located on Business Center Drive. The intent of the Conditional Use Permit is to allow development of a Skilled Nursing Facility that will offer personalized medical and therapy services to patients.

The facility will be developed and managed by Senior Care Excellence, a company with 15 years of experience in construction and development of Skilled Nursing Facilities. The proposed facility, The Medical Resort at Pearland, will offer a unique environment that is personalized for individual needs to ensure a high level of care for all patients. The medical resort concept offers a hotel quality environment and restaurant services in addition to the superior medical and therapy services. On average, a patient's stay at the facility ranges from 21 to 30 days depending on their rehabilitation needs.

The 54,000 square foot facility incorporates a Colonial Spanish design with tile rooftops and exterior stucco. The facility will include a total of 101 rooms (73 private rooms, 28 dual occupancy rooms) all with private baths and the necessary medical equipment. A 2000 square foot therapy gym with an outdoor therapy area offers state of the art equipment for orthopedic, cardiac and neurological related therapies.

The development will be located at the rear of a 9.4 acre site on the western side of Business Center Drive. Along the rear of the property is a \pm 2 acre dry detention facility that will provide the necessary detention for the site. In front of the skilled nursing the facility are three sites for future development of separate uses. In addition to the elements listed above, the site will provide landscaping and parking that meet the City of Pearland regulations.

We are requesting this application to be reviewed at the October 20, 2014 Joint Public Hearing. Please contact me if any further information is necessary.

Sincerely,


Kathryn Edwards

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

\$250.⁰⁰ (circle one)
BA or **PF** or **FE**

Description: Input who the check is from
BROWN & GAY ENGINEERS, Inc.

COMMENTS/DESCRIPTION (F10):

Location or Address Business Center Dr.

Applicant Kerry Gilbert & Assoc.

Owner George Fishman

BROWN & GAY ENGINEERS, INC.

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
091114 - KGA0507-00	9/11/2014	000000079727	\$250.00			\$250.00
CITY OF PEARLAND			\$250.00			\$250.00
Operating Account	1	CITY21				
TOTAL						

Check Date: 9/11/2014

60233

CITY OF PEARLAND
 R E P R I N T
 *** CUSTOMER RECEIPT ***
 Oper: BDERDSA Type: OC Drawer: 1
 Date: 9/12/14 01 Receipt no: 349110

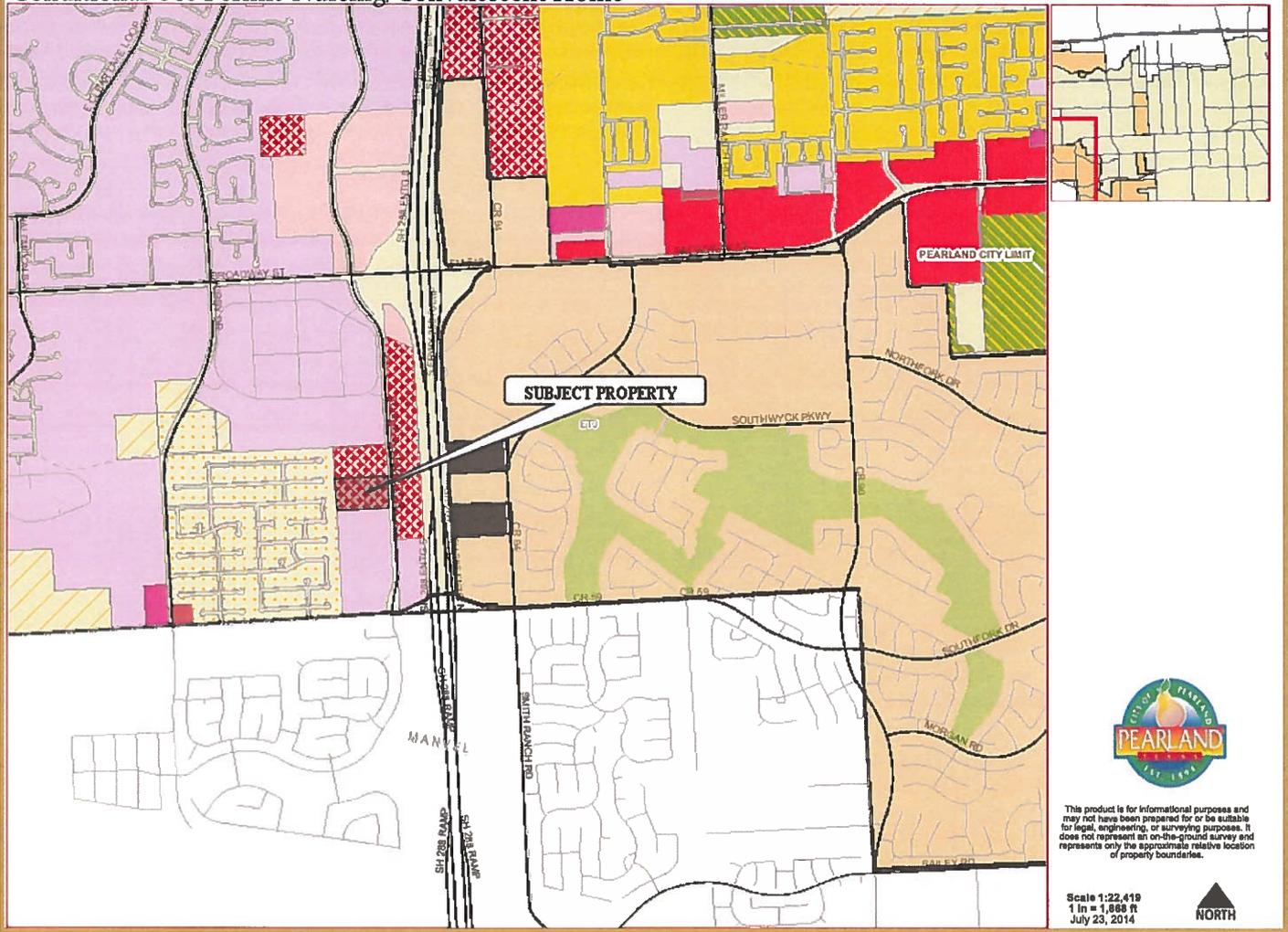
Description	Quantity	Amount
PF	1.00	\$250.00
Trans number:		4591000

BUSINESS CENTER DR

Tender detail		
CK CHECK	60233	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 9/11/14 Time: 16:49:39

Conditional Use Permit-Nursing/Convalescent Home



TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37A, ACRES
3.330

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.3299

>--
Account Number: 0300-0025-000
Certificate No: 221145494
Certificate Fee: \$10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Table with 2 columns: Description and Amount. Rows include 2013 Value (58,270), 2013 Levy (\$1,737.60), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:

BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:

A0300 H T & B R R, TRACT 37, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

>--

Account Number: 0300-0011-000

Print Date: 07/28/2014

Certificate No: 221148231

Paid Date: 07/28/2014

Certificate Fee: \$10.00

Issue Date: 07/28/2014

Operator ID: AMBER

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TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND, TX 77581-4829

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEMEME
96 CITY OF PEARLAND

Table with 2 columns: Description and Amount. Rows include 2013 Value (\$53,100), 2013 Levy (\$1,583.43), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Reference (GF) No: NA

Issued By: RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Handwritten signature: Amber Cook

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON, TX 77042

Legal Description:
A0300 H T & B R R, TRACT 37B, ACRES
3.0474

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR

Legal Acres: 3.0474

> - -
Account Number: 0300-0011-100
Certificate No: 221150875
Certificate Fee: \$10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

< - -

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

FISHMAN GEORGE & MARY
3406 HAMPSHIRE ST
PEARLAND , TX 77581-4829

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Table with 2 columns: Description and Amount. Rows include 2013 Value (\$3,100), 2013 Levy (\$1,583.43), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Reference (GF) No: N/A

Issued By: RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

County: Brazoria
Project: Medical Resort at Pearland
C.I. No.: 1402-14
Job Number: 2014-231-001

**METES AND BOUNDS DESCRIPTION FOR
9.4083 ACRES**

Being a 9.4083 acre tract of land located in the H.T. & B.R.R. Company Survey, Abstract 300, Brazoria County, Texas; said 9.4083 acre tract being all of a called 3.39 acre tract of land recorded in the name of George D. and Mary Fishman in Clerk's File Number 2005061002 of the Official Records of Brazoria County (O.R.B.C.) Texas, the remainder of a called 3.3 acre tract of land (North 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-015077 of the O.R.B.C. and the remainder of a called 3.3 acre tract of land (South 3.3 acres) recorded in the name of George D. and Mary Fishman in Clerk's File Number 97-010496 of the O.R.B.C.; said 9.4083 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone):

Beginning at an "X" scribed in concrete found for the northwest corner of a called 30.583 acre tract of land recorded in Clerk's File Number 2011012491 of the O.R.B.C. and the southwest corner of said called 3.39 acre tract, same being on the east line of Southgate Section Two, a subdivision recorded in Volume 24, Page 278-279 of the Brazoria County Plat Records, said "X" also being the northwest corner of a called 6.326 acre tract of land recorded in Clerk's File Number 2014026462 of the O.R.B.C.

1. Thence, with the west line of said called 3.39 acre tract and the east line of said Southgate Section Two, North 03 degrees 18 minutes 48 seconds West, a distance of 495.59 feet to an "X" scribed in concrete set for the northwest corner of said called 3.39 acre tract and the southwest corner of a called 10.01 acre tract of land recorded in Clerk's File Number 1989034108 of the O.R.B.C.;
2. Thence, with the north line of said called 3.39 acre tract, the north line of aforesaid North 3.3 acre tract and the south line of said 10.01 acre tract, North 86 degrees 42 minutes 53 seconds East, at 296.85 feet pass a to a 5/8-inch iron rod found, continuing in all a total distance of 827.13 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set on the northwest corner of a called 0.5652 recorded in Clerk's File Number 20120070402 of the O.R.B.C., same being the west right-of-way (R.O.W.) line of Business Center Drive (100-feet wide);
3. Thence, with the west line of said called 0.5652 acre tract, same being the west R.O.W. line of said Business center Drive, South 03 degrees 18 minutes 04 seconds East, a distance of 495.42 feet to a 5/8-inch iron rod with cap stamped "IDS" found for the southwest corner of said called 0.5652 acre tract and the northwest corner of a called 0.8328 acre tract of land recorded in Clerk's File Number 20120087390 of the O.R.B.C., same being on the north line of aforesaid called 30.583 acre tract and the south line of aforesaid South 3.3 acre tract;

4. Thence, with the south line of said South 3.33 acre tract, the south line of aforesaid called 3.39 acre tract and the north line of said called 30.583 acre tract, South 86 degrees 42 minutes 11 seconds West, a distance of 827.03 feet to the **Point of Beginning** and containing 9.4083 acres of land.





October 2, 2014

Ms. Johnna Matthews
City Planner
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Application for Conditional Use Permit for
+/- 9.4 Acre Fishman Tract-Nursing/Convalescent Home CUP Goodwill Store
CI Job No. 2014-231-008

Dear Ms. Matthews:

Please kindly be advised that Costello, Inc. is the design engineer for drainage, utilities, & paving improvements for the proposed site located in the H.T. & B.R.R. Company Section 81, A-300, in City of Pearland, Brazoria County, Texas 77581.

As you are aware, Ms. Kathryn Edwards of BGE | Kerry Gilbert and Associates, Inc. is currently working on obtaining a Conditional Use Permit for the referenced project and we have been informed that before the application is approved for review at the October 20, 2014 Joint Public Hearing, a note indicating that; all requirements of the Unified Development Code will be met needs to be included on the Site Plan. However, the question was how this would relate to the detention pond.

As we also discussed during the pre-development meeting on August 13, 2014, we are informed that all detention facilities within the City of Pearland must be amenitized. However, our proposed detention facility is an expansion to the existing Channel A-124-05-00, which belongs to Brazoria Drainage District No. 4 (BDD #4). Our proposed detention facility and its' property will be dedicated to BDD #4 and based on Part A.5 of Section 11 in BDD #4's Rules, Regulations & Guidelines, dated May 2013, the detention facility shall be dry and may not be amenitized. *Attached please find a copy for your reference.*

Attached please also find a copy of our email correspondence with BDD #4's engineer, indicating their no-objection to our detention concept. We are currently at final stages and should have their final no-objection letter within the next couple of weeks.

Therefore, as this also came up during the pre-development meeting and since the facility can't be amenitized, we will include screen walls in our construction plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex", written over a blue circular stamp.

A. "Alex" Khoshakhlagh, P.E.
Project Manager

W:\2014\2014231\Detention Pond Letter regarding Conditional Use Permit.docx

Alex Khoshakhlagh

From: J. Stephen Wilcox, P.E., CFM
Sent: Thursday, October 02, 2014 10:51 AM
To: Kathryn Edwards; Alex Khoshakhlagh
Subject: FW: DD4 A-124 Channel Expansion

Kathryn,

Below is the email for the District Engineer stating that the pond expansion will need to be dedicated to DD4. Will this work to answer that question.

Respectfully,

Stephen

From: Jarrod Aden [<mailto:jarrod@lentzengineering.net>]
Sent: Thursday, August 21, 2014 7:46 AM
To: Stephen Wilcox
Cc: Mike Yost (my.bdd4@swbell.net); John Genaro
Subject: RE: DD4 A-124 Channel Expansion

Stephen – I have discussed your proposal with the District.

We have no objection to your detention concept subject to the following:

- 1) Property (for pond, channel, and maintenance berm) must be dedicated in fee to the District.
- 2) Owner must pay the required detention maintenance fee.
- 3) After the construction is complete, the District staff and Engineer must verify District standards have been met (construction final inspection).
- 4) The Board must accept the detention pond for maintenance at their regularly scheduled meeting after all other items have been completed.

Ultimately, it is the Board's decision as to whether or not the pond will be accepted for maintenance.

Feel free to call me with any questions.

Jarrold D. Aden, P.E., C.F.M.
President
Lentz Engineering, LLC
5909 West Loop South, Suite 200
Bellaire, Texas 77401
Office – 713-839-8900
Direct phone – 713-255-6160
Fax - 713-839-9020
Cell – 832-715-8424
jarrod@lentzengineering.net
www.lentzengineering.net



From: Stephen Wilcox [<mailto:swilcox@coseng.com>]

Sent: Tuesday, August 19, 2014 11:36 AM

To: Jarrod Aden

Subject: DD4 A-124 Channel Expansion

Jarrold,

Here is an aerial showing the site boundaries and location that we talked about on the phone. The aerial does not show the recent channel expansion done on the Moody Tract. Feel free to call me with any questions.

Respectfully,

J. Stephen Wilcox, P.E., CFM

Project Engineer

Hydrology & Hydraulics Department

[Costello, Inc](#) | Office: (713) 783-7788 | Mobile: (832) 443-9977

SECTION 11

MAINTENANCE OF DETENTION FACILITIES

All detention facilities constructed by a property owner or developer shall be maintained by the property owner or developer, their legal heir(s), grantee(s), successor(s) or assignee(s). The DISTRICT shall not be responsible for any such facility maintenance. Ownership of detention facilities constructed adjacent to a DISTRICT drainage facility may be transferred to the DISTRICT with the DISTRICT'S approval. Maintenance of these facilities and other facilities owned by the DISTRICT shall be by the DISTRICT.

A. NEWLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance all newly constructed detention facilities provided:

1. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT. This conveyance shall include a minimum 20-foot wide unobstructed access way to the nearest public street.
2. The detention facility is constructed in accordance with Final Drainage Plans approved by the DISTRICT.
3. The DISTRICT is furnished a set of "As-Built" drawings, sealed by a surveyor registered in the State of Texas.
4. The detention facility has a concrete pilot channel.
5. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.
6. The developer/owner has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.
7. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction and operation, and, 3) an Indemnification and Hold Harmless

Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.

8. The pond shall have been constructed with adequate backslope drains and swales that were constructed to DISTRICT standards.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or right-of-ways.

B. PREVIOUSLY CONSTRUCTED DETENTION FACILITIES

The DISTRICT, at its option, may accept for maintenance previously constructed detention facilities provided that:

1. The facilities are returned to the standards of the DISTRICT that were in force at the time the DISTRICT approved the final drainage plan.
2. The DISTRICT is provided access to inspect the facility and provide the developer/owner/homeowners association with a list of items that must be corrected. The DISTRICT is allowed to inspect the facility after corrective measures are completed to ensure compliance.
3. A concrete pilot channel is constructed.
4. A minimum twenty (20) foot wide unobstructed access way to the nearest public street is provided.
5. Upon request, the DISTRICT will provide the developer/owner/homeowners association an estimated cost to correct the deficiencies and add the concrete pilot channel. Upon agreement by the parties, the DISTRICT will provide the necessary construction in exchange for a fee based upon the estimated cost of repairs or upgrades as determined by the DISTRICT.
6. The developer/owner conveys the land area of the detention facility to the DISTRICT by General Warranty Deed, in a format acceptable to the DISTRICT.
7. The developer has paid to the DISTRICT the appropriate maintenance fee as reflected in the DISTRICT'S Fee Schedule.

8. The developer/owner provides to the DISTRICT 1) an owners title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search, 2) a Warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction, and operation, and, 3) an Indemnification and Hold Harmless Agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance. Each of these documents must be acceptable to the DISTRICT in form and content.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements or rights-of-way.
10. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners/Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.

For newly constructed and previously constructed detention ponds, the following additional restrictions apply:

1. No detention pond under two (2) acres will be accepted.
2. Detention facilities must be located adjacent to an existing DISTRICT facility.
3. Side slopes must be greater than 3:1 or greater.
4. A note in the acceptance agreement will state that mowing will be only performed on the normal DISTRICT mowing schedule.
5. Hand maintenance must be minimal, and the extent should be identified in the agreement.
6. The acceptance fee may be waived only if accepting the maintenance responsibilities is of substantial benefit to the DISTRICT.
7. Any variance granted to the facility must be considered as part of the acceptance criteria.
8. The DISTRICT will not accept pumped detention systems.

New Business Item No. 2

2. **Consideration and Possible Action – First Reading of Ordinance No. 1509** – An Ordinance of the City Council of the City of Pearland, Texas, extending the city limits of the City of Pearland, Texas, to include all land area within certain limits and boundaries and annexing to the City of Pearland all of the area within such limits and boundaries (**generally located on the west side of CR48, west of the Southern Trails Subdivision and south of Broadway Street**); approving a service plan for all of the area within such limits and boundaries; containing other provisions related to the subject; and providing a savings and severability clause.

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

AGENDA OF: January 12, 2015	ITEM NO.: Ordinance No. 1509
DATE SUBMITTED: December 23, 2014	DEPT. OF ORIGIN: Planning
PREPARED BY: Johnna Matthews	PRESENTOR: Lata Krishnarao
REVIEWED BY: Lata Krishnarao	REVIEW DATE: January 6, 2015
SUBJECT: Ordinance No. 1509 - An ordinance of the City Council of the City of Pearland, Texas, to include all land and area within certain limits and boundaries and annexing to the City of Pearland all of the area within such limits and boundaries (area generally located on the west side of County Road 48, west of Southern Trails Subdivision and approximately 2,000 feet south of Broadway Street); approving a Service Plan for all of the area within such limits and boundaries; containing other provisions related to the subject; and providing a savings and severability clause. First Reading	
ATTACHMENTS: Ordinance No. 1506 and Exhibits (Exhibit A – Legal Description; Exhibit B – Service Plan) 12.15.14 City Council (2 nd) Public Hearing Packet	
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.

In accordance with Chapter 43 of the Texas Local Government Code, the following statutory requirements are mandated for annexation, and have been or will be met.

- 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 were held on November 17, 2014 and December 15, 2014 at which persons interested in the annexation were given the opportunity to be heard. There was no discussion regarding the proposed annexation at either of the public hearings.
- Two Readings of the Annexation Ordinance to be held on January 12, 2015 and January 26, 2015;
- Pre-Clearance (Justice Department Notification)

This is the first of the two required readings.

The applicant also submitted applications for approval of a zone change (2014-21Z) and a Cluster Development Plan. The zone change and Cluster Development Plan includes approximately 32.3 acres, inclusive of the 11.448 acres proposed for annexation. The zone change application (2014-21Z) will be going before the City Council on January 12, 2015 and the Cluster Development Plan was contingently approved upon approval of the annexation.

STAFF RECOMMENDATION: 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.
- The applicant will be seeking annexation into MUD 34 and water and sewer services will be provided by the MUD.
- The property will be zoned. Appropriate 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-4 Cluster Development Plan, with

common open space and a density comparable to the future land use designation.

ORDINANCE NO. 1509

An Ordinance of the City Council of the City of Pearland, Texas, extending the city limits of the City of Pearland, Texas, to include all land area within certain limits and boundaries and annexing to the City of Pearland all of the area within such limits and boundaries (**generally located on the west side of CR48, west of the Southern Trails Subdivision and south of Broadway Street**); approving a service plan for all of the area within such limits and boundaries; containing other provisions related to the subject; and providing a savings and severability clause.

WHEREAS, the City Council of the City of Pearland, Texas, has, following due notice and publication in accordance with the requirements of §43.052, Tex. Local Govt. Code, conducted two (2) public hearings regarding the City's intended annexation of certain territory located contiguous to the City and within the City's extraterritorial jurisdiction; and

WHEREAS, public hearings were conducted before the City Council on November 17, 2014 and on December 15, 2014, at the Pearland City Hall, 3519 Liberty Drive, Pearland, Texas; and

WHEREAS, the City of Pearland has, in accordance with §43.051 et seq., Tex. Local Govt. Code, complied with all procedural requirements regarding the annexation of territory, including the preparation of a plan for extension of municipal services into the area annexed to the City; and

WHEREAS, the City intends to fulfill those obligations imposed upon it by state law regarding newly annexed areas, including timely provision of municipal services as required by law; and

ORDINANCE NO. 1509

WHEREAS, the City Council finds and determines that the annexation intended by this Ordinance is in the best interests of the City of Pearland and benefits the health, safety, and welfare of the citizens of said City; now, therefore, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the boundaries and limits of the City of Pearland, Texas, are hereby extended to embrace and include all of the territory described in Exhibit "A" attached hereto and made a part hereof, and such territory is hereby annexed to and made a part of the City.

Section 2. The plan for extension of municipal services into the territory annexed to the City of Pearland by the provisions of this Ordinance is set forth in the City of Pearland, Texas, Service Plan for approximately 11.448 acres, more or less, to be annexed into the City of Pearland, Brazoria County, Texas attached hereto as Exhibit "B" and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 3. The City Council officially finds, determines, recites and declares that sufficient written notices of the date, hour, place and subject matter of the meetings of the City Council at which this Ordinance was considered were posted at a place convenient to the public at the City Hall of the City of Pearland for the time required by law preceding said meetings, as required by law; and that said meetings have been open to the public, as required by law, at all times during which this Ordinance and the subject matter thereof has been discussed,

ORDINANCE NO. 1509

considered and formally acted upon. The City Council further ratifies, approves and confirms such written notices and the contents and posting thereof.

Section 4. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 5. Severability. If any section or part of this Ordinance be held unconstitutional, illegal or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair or invalidate the remaining portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Pearland, such ineffectiveness of this Ordinance as to any such part or parts of any such areas shall not affect the effectiveness of the Ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City of Pearland every part of the area described in Exhibit "A", attached hereto, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Exhibit "A", attached hereto, any land or area which is already a part of and included within the general limits of the City of Pearland, or which is presently part of and included in the limits of any other city, town or village, or which is not within the City of Pearland's jurisdiction to annex, the same is hereby excluded and excepted from

ORDINANCE NO. 1509

the territory to be annexed as fully as if such excluded and excepted area was specifically described herein.

PASSED and APPROVED on First Reading this the 12th day of January, A. D., 2015.

**TOM REID
MAYOR**

ATTEST:

**YOUNG LORFING, TRMC
CITY SECRETARY**

PASSED and APPROVED on Second and Final Reading this the 26th day of January, A. D., 2015.

**TOM REID
MAYOR**

ATTEST:

**YOUNG LORFING, TRMC
CITY SECRETARY**

ORDINANCE NO. 1509

APPROVED AS TO FORM:

**DARRIN M. COKER
CITY ATTORNEY**

**Exhibit A
Legal Description**

ORDINANCE NO. 1509

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.;

ORDINANCE NO. 1509

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. 4B;

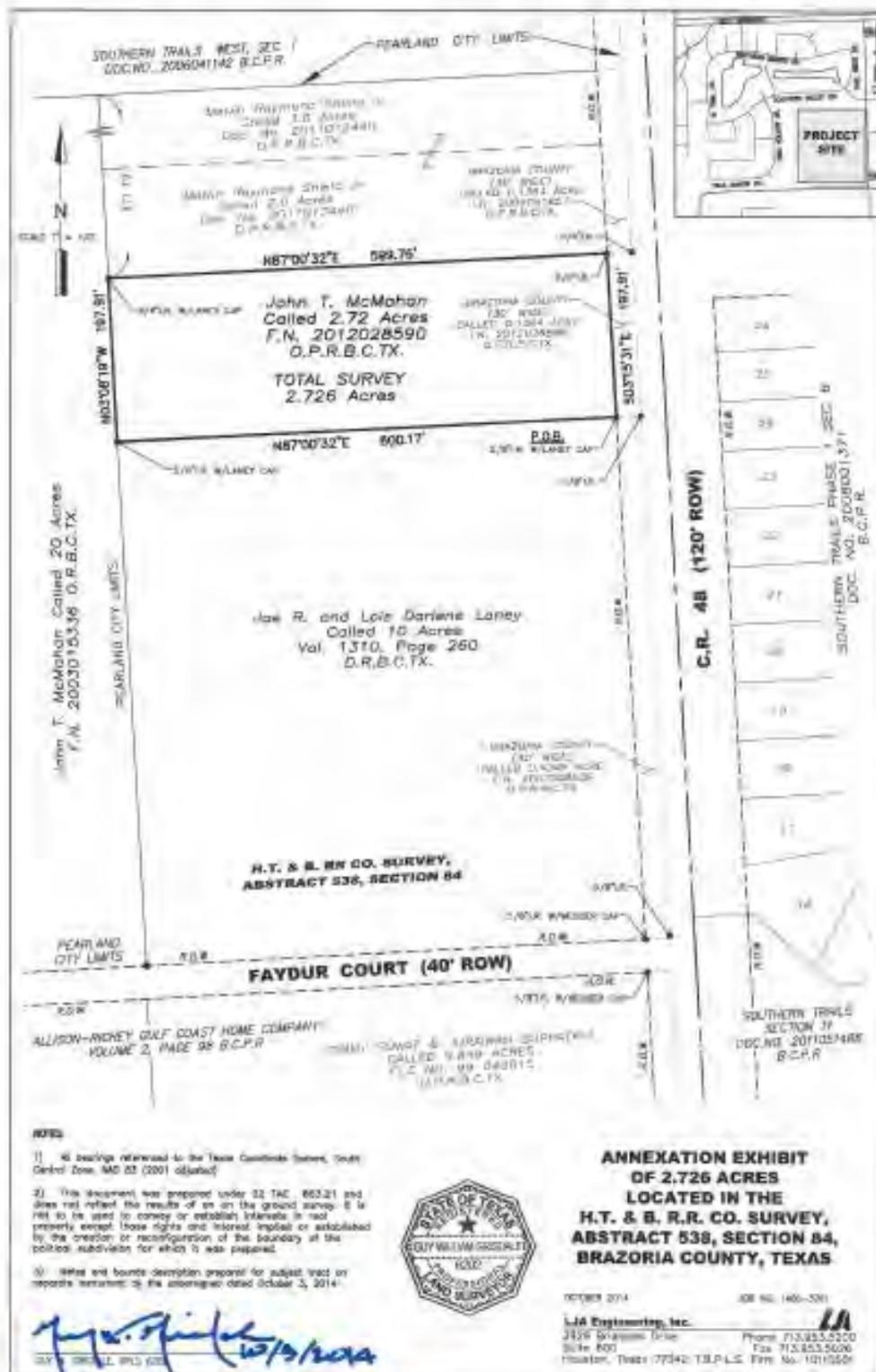
Thence, South 03° 15' 31" East, along said right of way line and the common line of said 2.72 acre tract and said 0.1364 acre tract, 197.91 feet to the POINT OF BEGINNING and containing 2.726 acres of land.

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.



ORDINANCE NO. 1509



ORDINANCE NO. 1509

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.);

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8.722 Acres

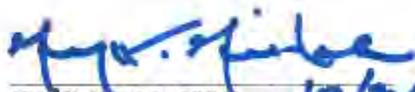
October 3, 2014
Job No. 1406-3701

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;

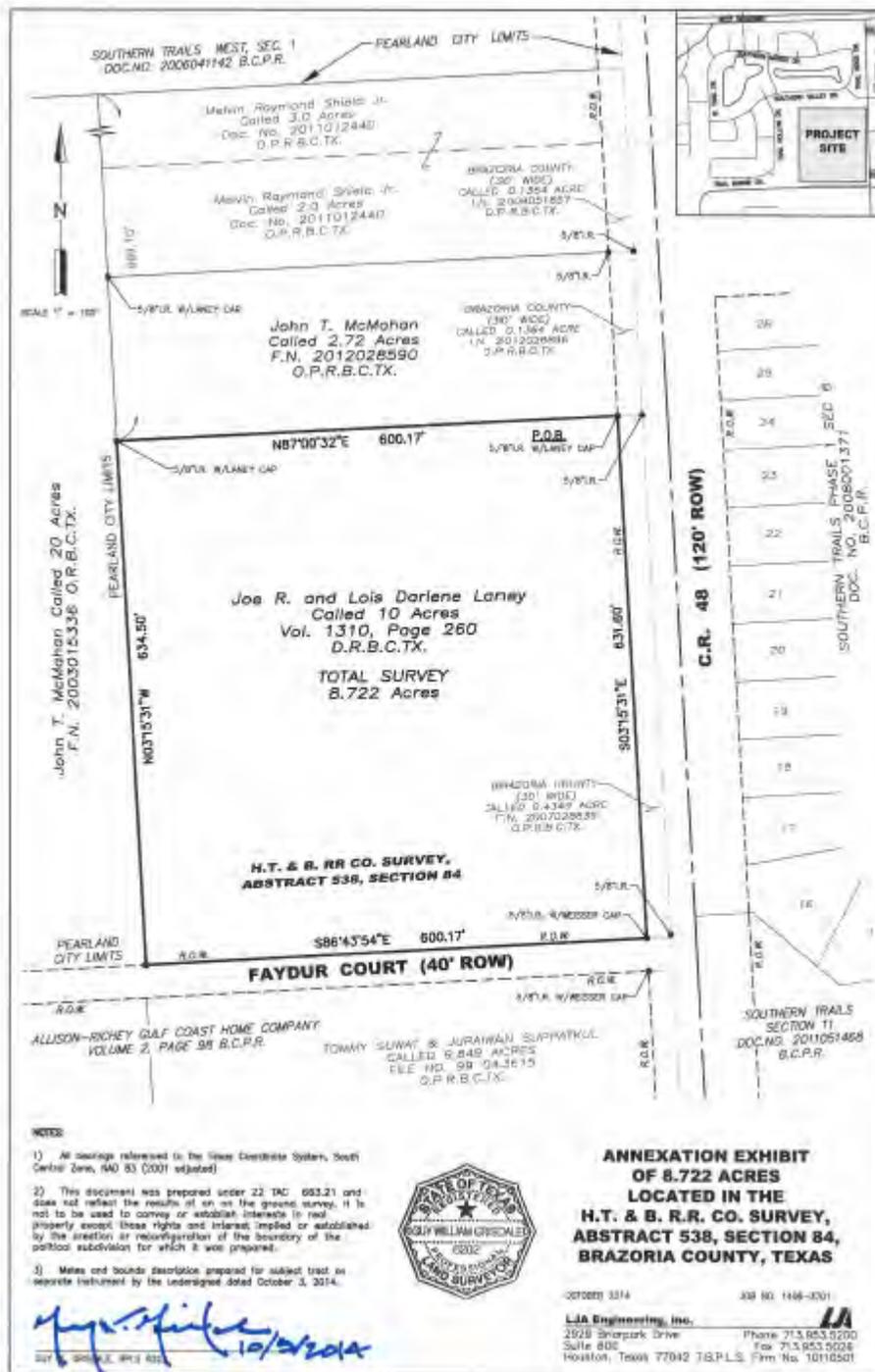
Thence, North 87° 00' 32" East, along the common line of said 10 acre tract and said 2.72 acre tract, 600.17 feet to the POINT OF BEGINNING and containing 8.722 acres of land.

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, HPLS
Registered Professional Land Surveyor
Texas Registration No. 6202
LJA Engineering, Inc.
10/3/2014



ORDINANCE NO. 1509



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**Exhibit B
Service Plan**

**SERVICE PLAN
CITY OF PEARLAND, TX**

I. 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.

II.

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

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(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.

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- 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.

III.

- 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.

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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

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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.

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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.

ORDINANCE NO. 1509

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.;

ORDINANCE NO. 1509

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, 599.78 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;

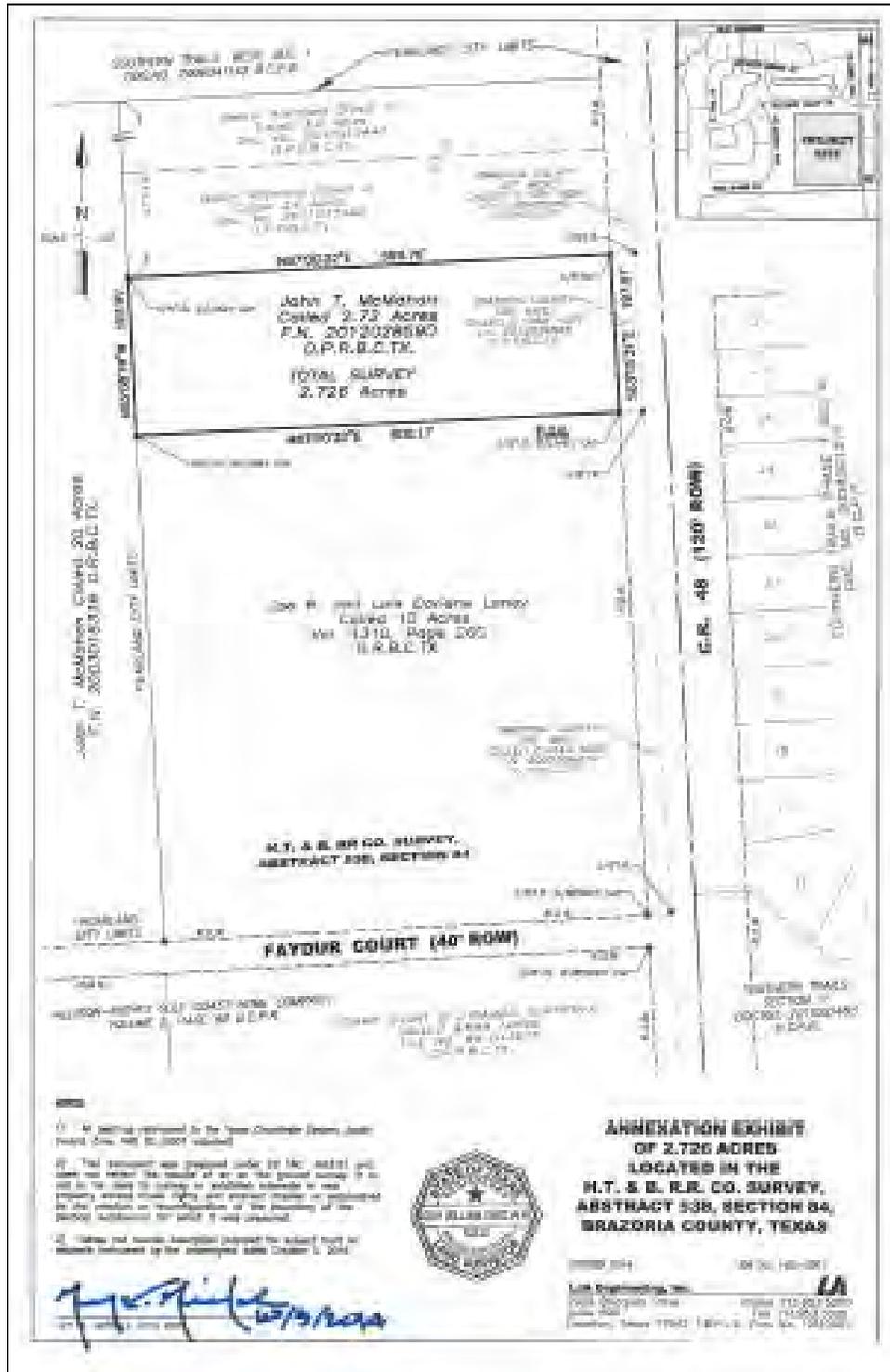
Thence, South 03° 15' 31" East, along said right of way line and the common line of said 2.72 acre tract and said 0.1364 acre tract, 197.91 feet to the POINT OF BEGINNING and containing 2.726 acres of land.

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.



ORDINANCE NO. 1509



ORDINANCE NO. 1509

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.);

ORDINANCE NO. 1509

8.722 Acres

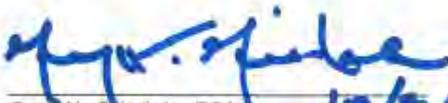
October 3, 2014
Job No. 1406-3701

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;

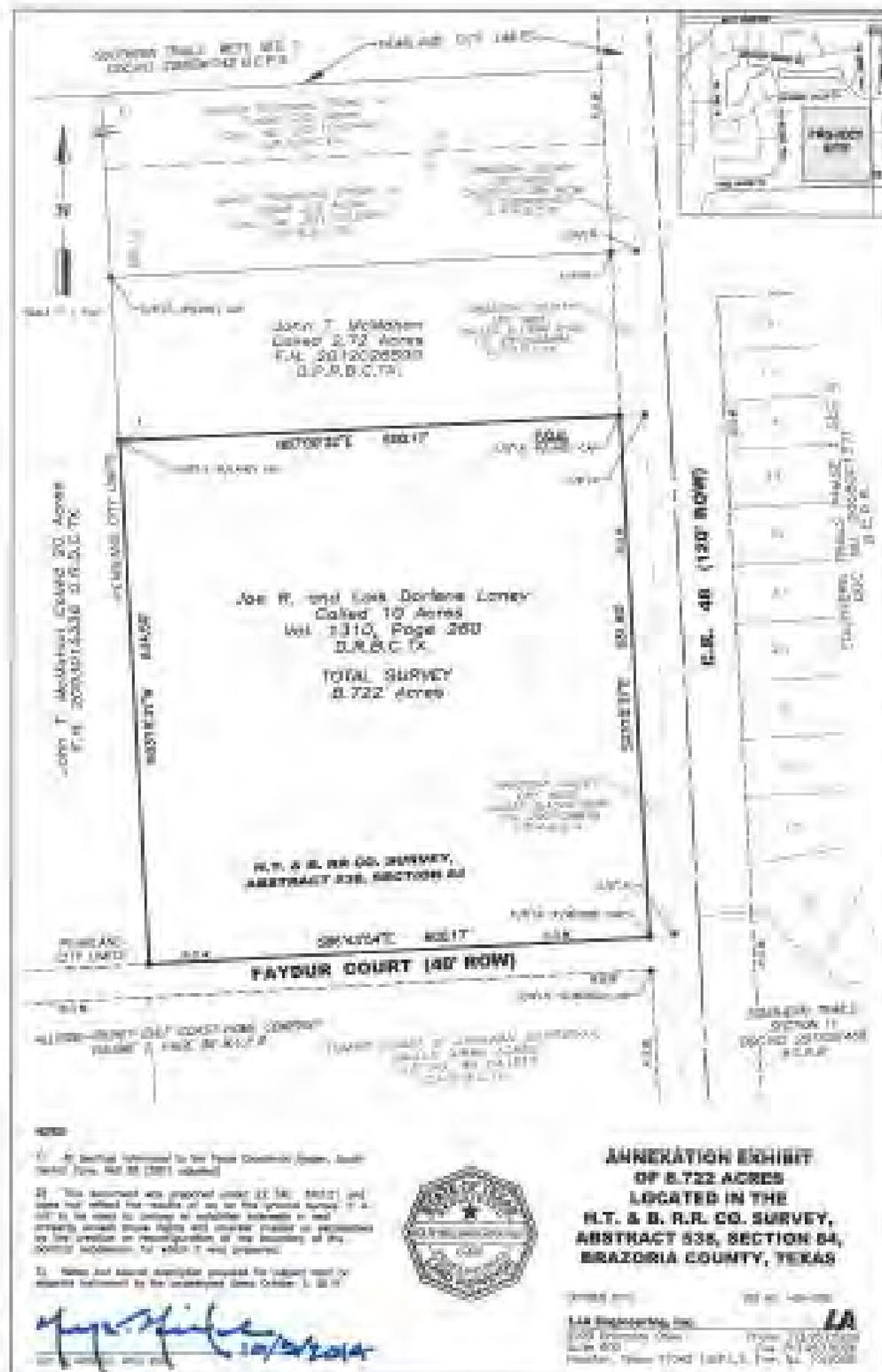
Thence, North 87° 00' 32" East, along the common line of said 10 acre tract and said 2.72 acre tract, 600.17 feet to the POINT OF BEGINNING and containing 8.722 acres of land.

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



ORDINANCE NO. 1509





PUBLIC HEARING
THE CITY COUNCIL CITY OF THE CITY OF PEARLAND, TEXAS,
MONDAY, DECEMBER 15, 2014, AT 5:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

The second 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.

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

AGENDA OF: December 15, 2014	ITEM NO.:
DATE SUBMITTED: December 8, 2014	DEPT. OF ORIGIN: Planning
PREPARED BY: Johnna Matthews	PRESENTOR: Johnna Matthews
REVIEWED BY: Lata Krishnarao	REVIEW DATE: December 3, 2014
SUBJECT: The second 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.



**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

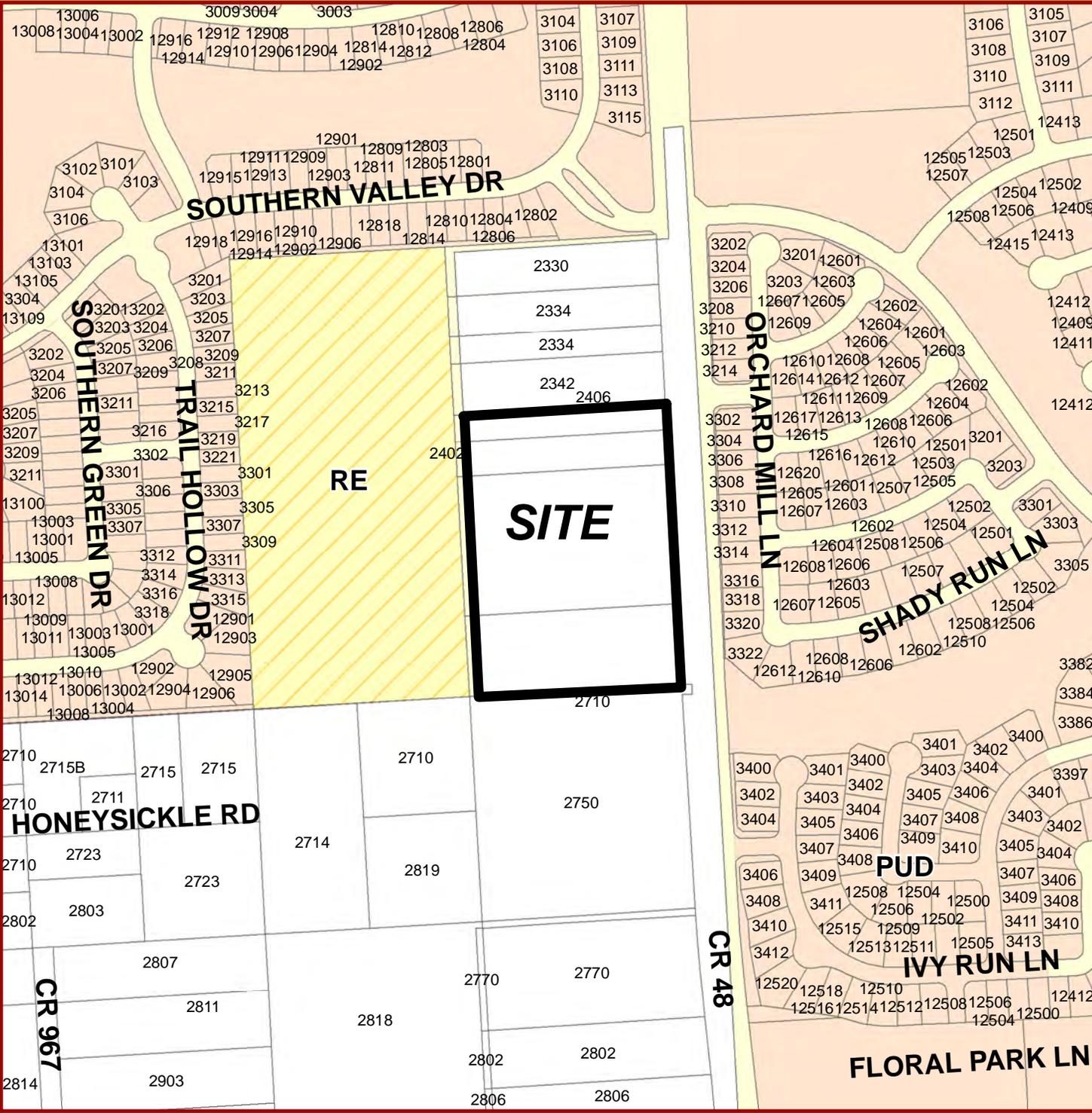
22 MAY 2014
PLANNING DEPARTMENT



Attachment 2

ZONING MAP

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

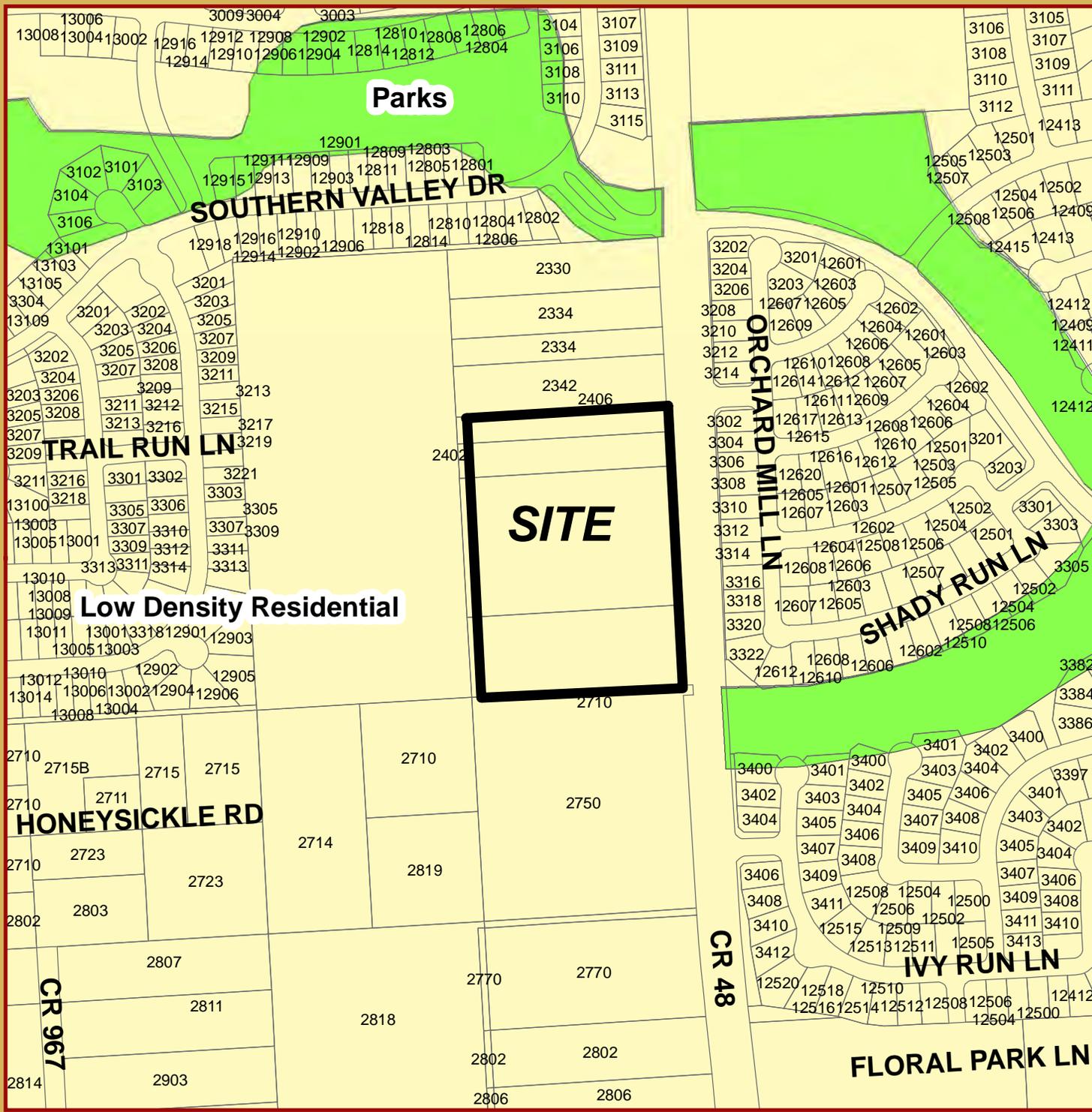


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1 inch = 422 feet

22 MAY 2014
PLANNING DEPARTMENT





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

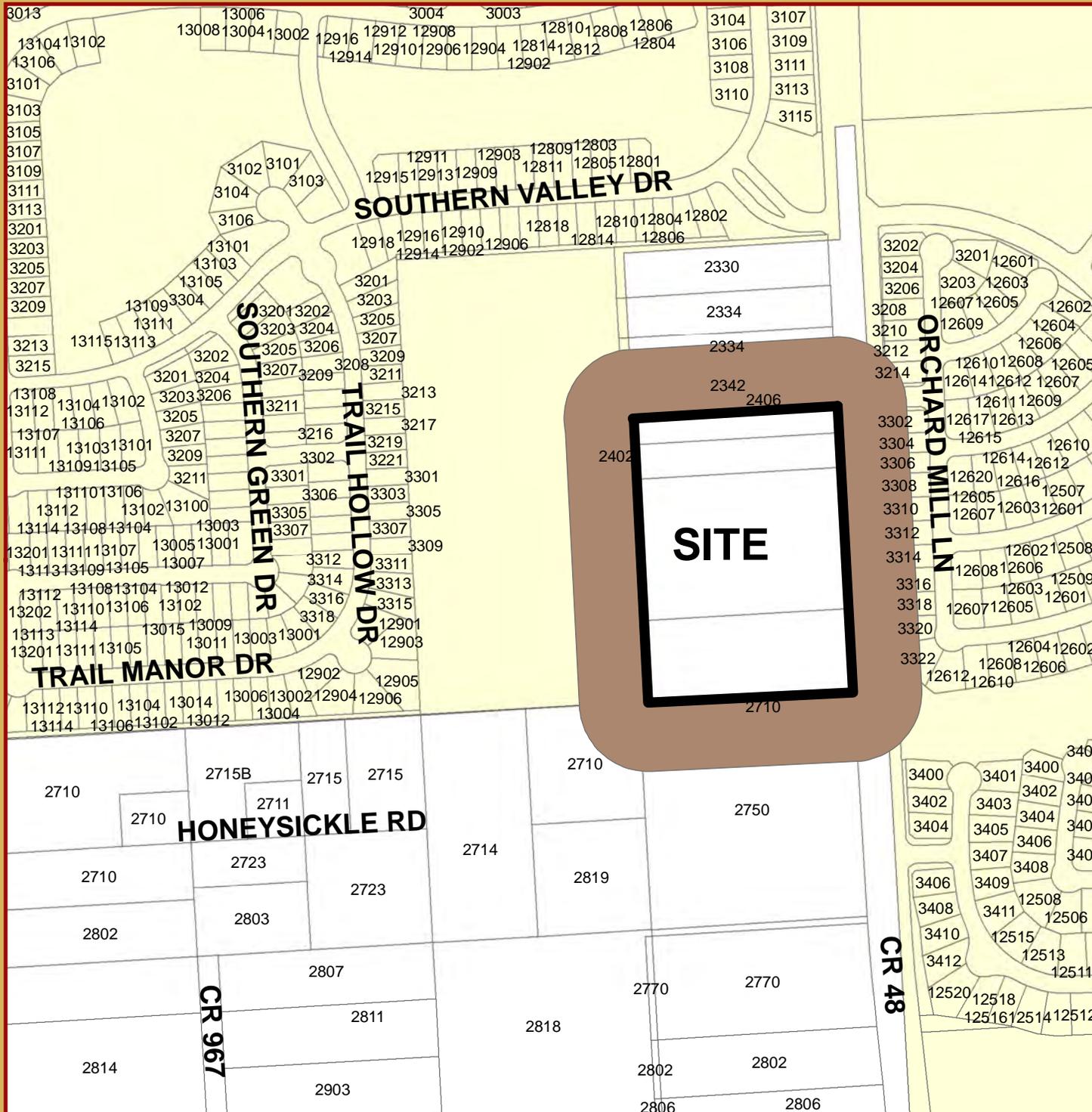


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1 inch = 422 feet

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

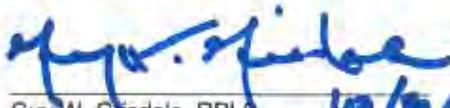
October 3, 2014
Job No. 1406-3701

Thence, South 86° 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.;

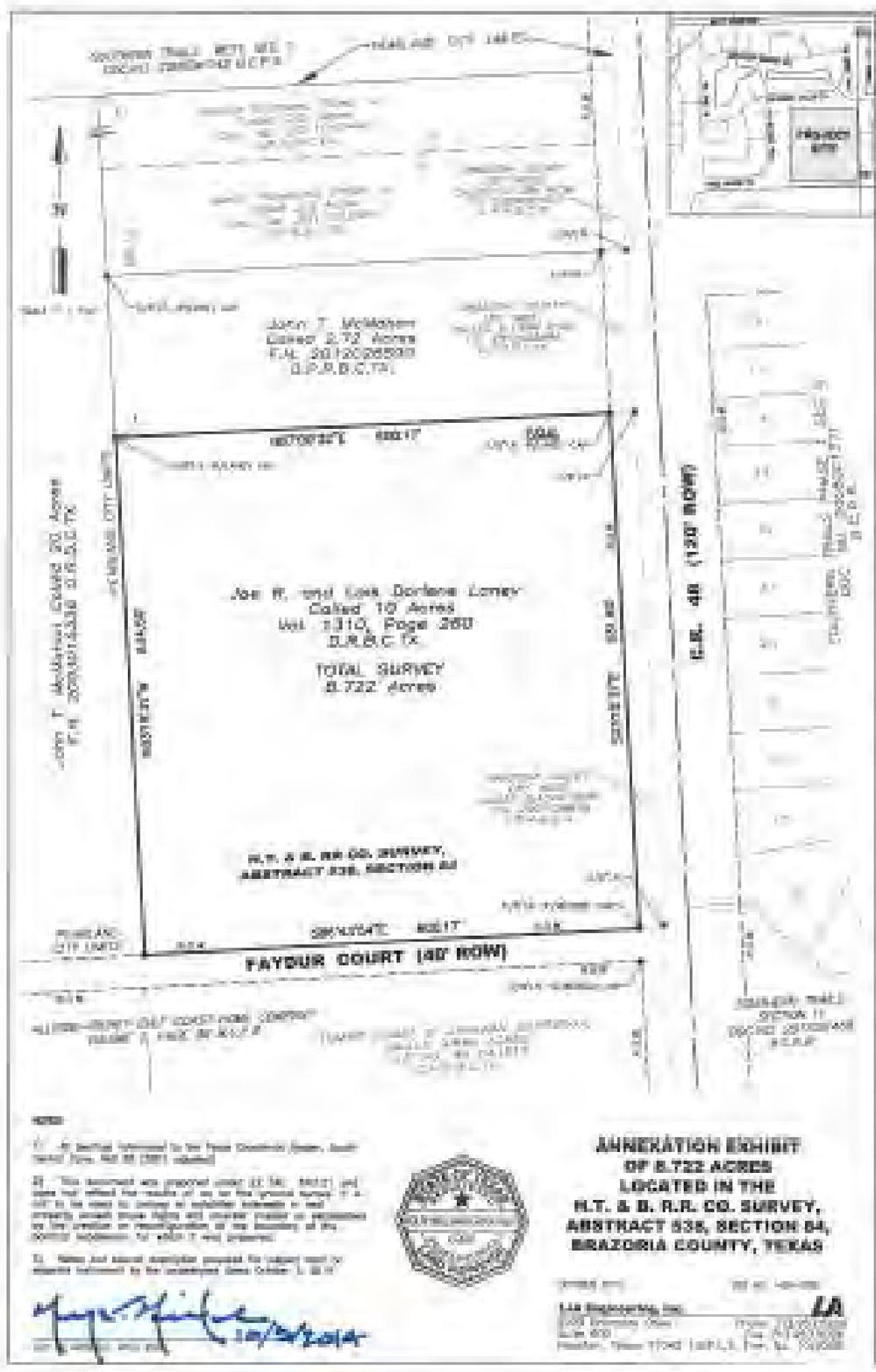
Thence, North 03° 15' 31" West, along the common line of said 20 acre tract and said 10 acre tract, 634.50 feet to a 5/8-inch iron rod with cap stamped "Laney" found marking the common west corner of said 10 acre tract and said 2.72 acre tract;

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





- 1. A plat is hereby approved to the final plat of record, and the same shall be recorded in the public records of the county of Brazoria, Texas.
- 2. The plat is hereby approved to the final plat of record, and the same shall be recorded in the public records of the county of Brazoria, Texas.
- 3. The plat is hereby approved to the final plat of record, and the same shall be recorded in the public records of the county of Brazoria, Texas.



**ANNEXATION EXHIBIT
OF 8.722 ACRES
LOCATED IN THE
R.T. & B. R.R. CO. SURVEY,
ABSTRACT 535, SECTION 84,
BRAZORIA COUNTY, TEXAS**

[Handwritten signature]
Surveyor

L&B Engineering, Inc.
2000 Broadway Street
Suite 400
Houston, Texas 77002 (817) 551-1111

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.

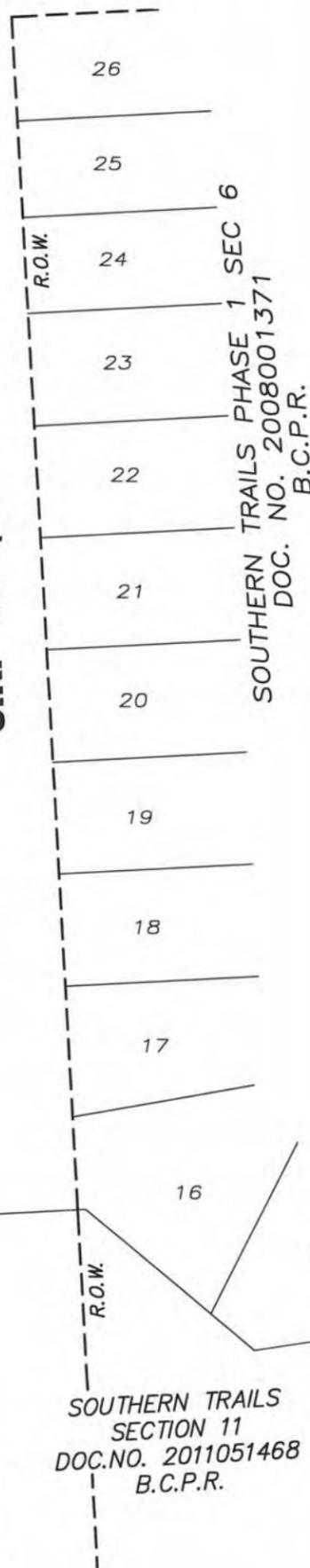
H.T. & B. RR CO. SURVEY,
ABSTRACT 538, SECTION 84

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

N03°08'19"W 197.91'

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. W/LANEY CAP

5/8" I.R.

R.O.W.

5/8" I.R.

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

R.O.W.

R.O.W.

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

R.O.W.

PEARLAND CITY LIMITS

R.O.W.

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
[Signature] 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;

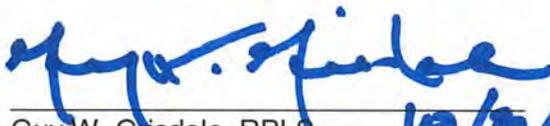
Thence, South 03° 15' 31" East, along said right of way line and the west line of the aforementioned 0.4349 acre tract, 631.60 feet to a 5/8-inch iron rod with cap stamped "Weisser" found marking the southwest corner of said 0.4349 acre tract, being in the south line of said 10 acre tract and the north 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
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BRAZORIA COUNTY
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CALLED 0.1364 ACRE
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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

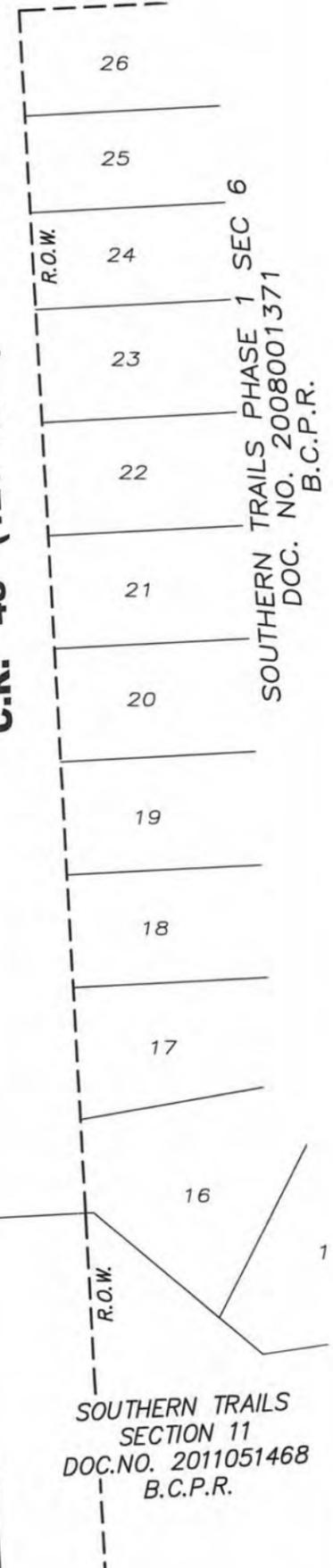
BRAZORIA COUNTY
(30' WIDE)
CALLED 0.4349 ACRE
F.N. 2007028839
O.P.R.B.C.TX.

S86°43'54"E 600.17'

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.



C.R. 48 (120' ROW)

SOUTHERN TRAILS PHASE 1 SEC 6
DOC. NO. 2008001371
B.C.P.R.

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 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
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

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:

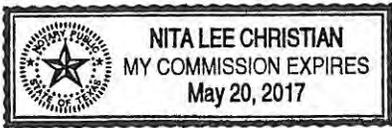
As owner of the referenced property, I hereby request annexation of the property into the corporate limits of the city of Pearland. Please contact me if you have any questions.

Sincerely,

Joe R. Laney

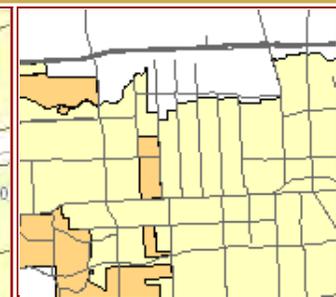
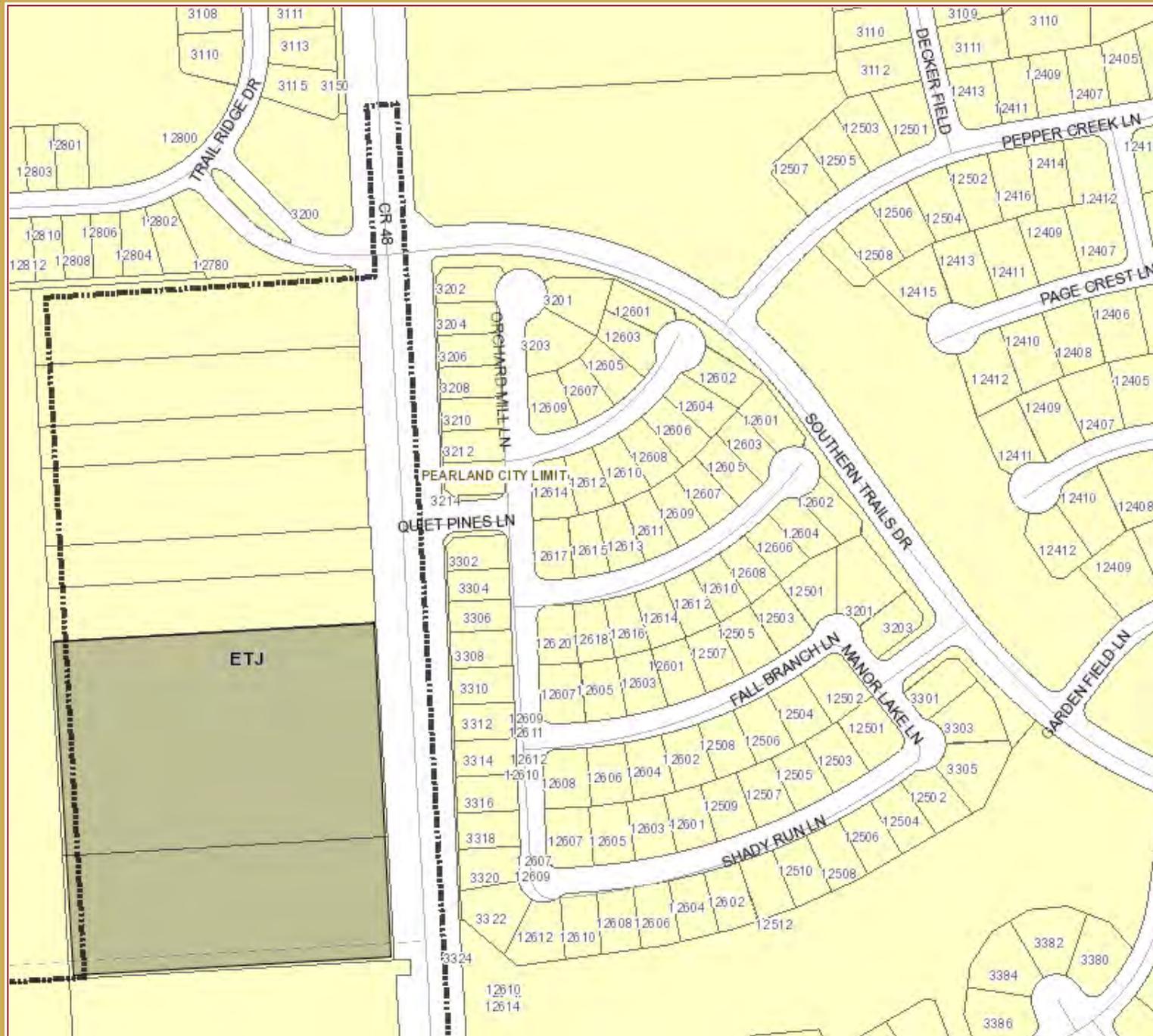
Joe R. Laney
2018 Mustang Lane
Rosharon, TX 77583
832-643-3251

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 :



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



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

July 31, 2014

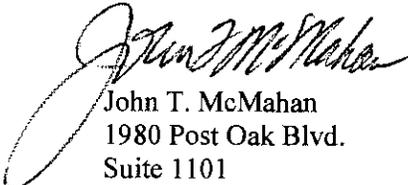
Attn: Darin Coker
City Attorney
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

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,

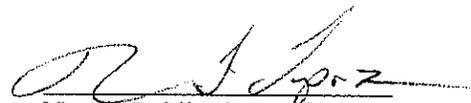

John T. McMahan
1980 Post Oak Blvd.
Suite 1101
Houston, TX 77056
(713) 552-1101

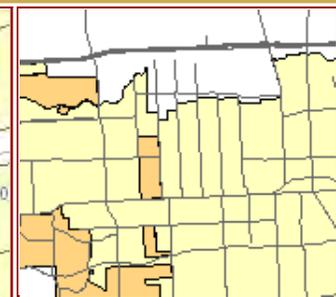
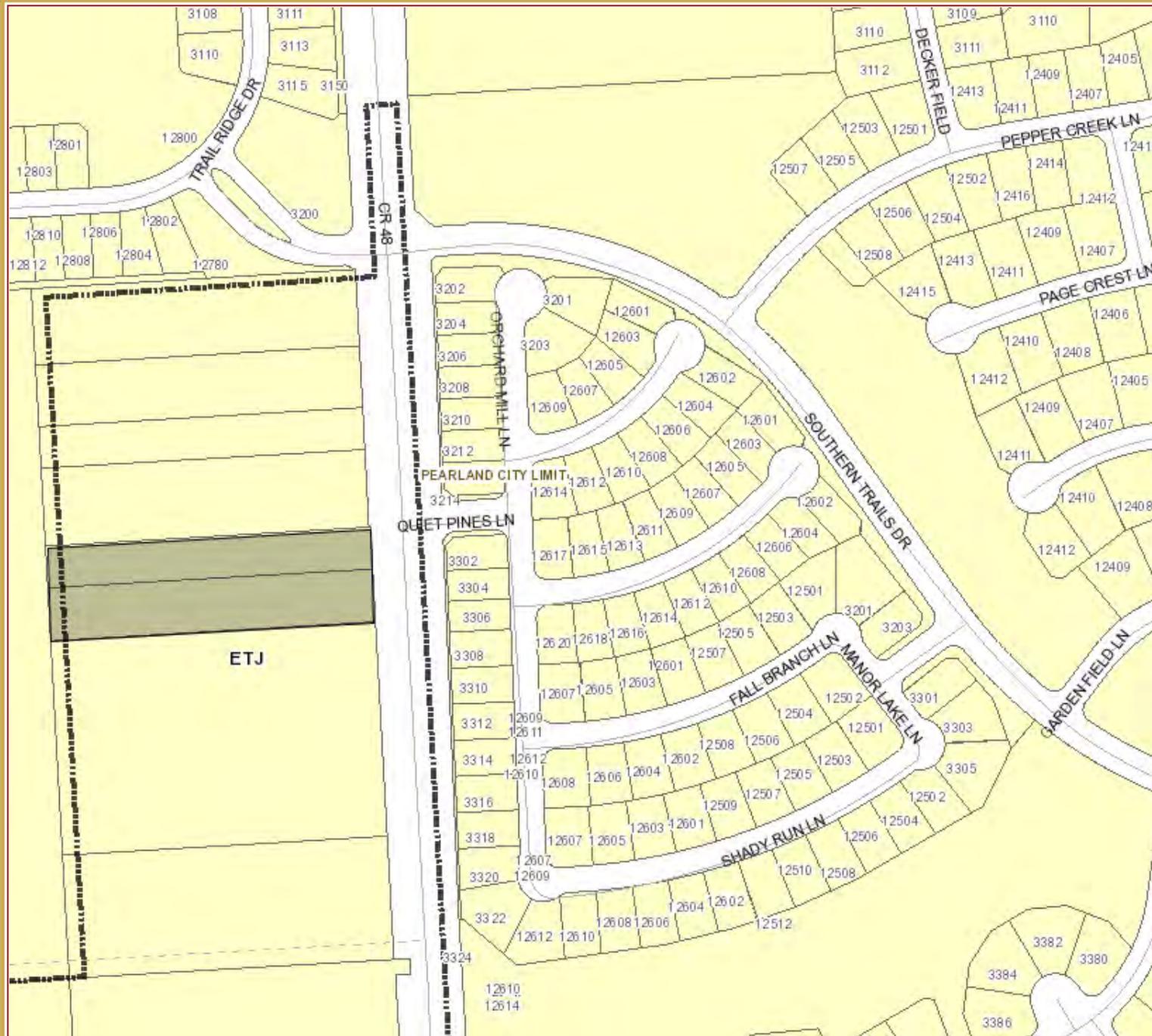
THE STATE OF TEXAS

COUNTY OF HARRIS

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



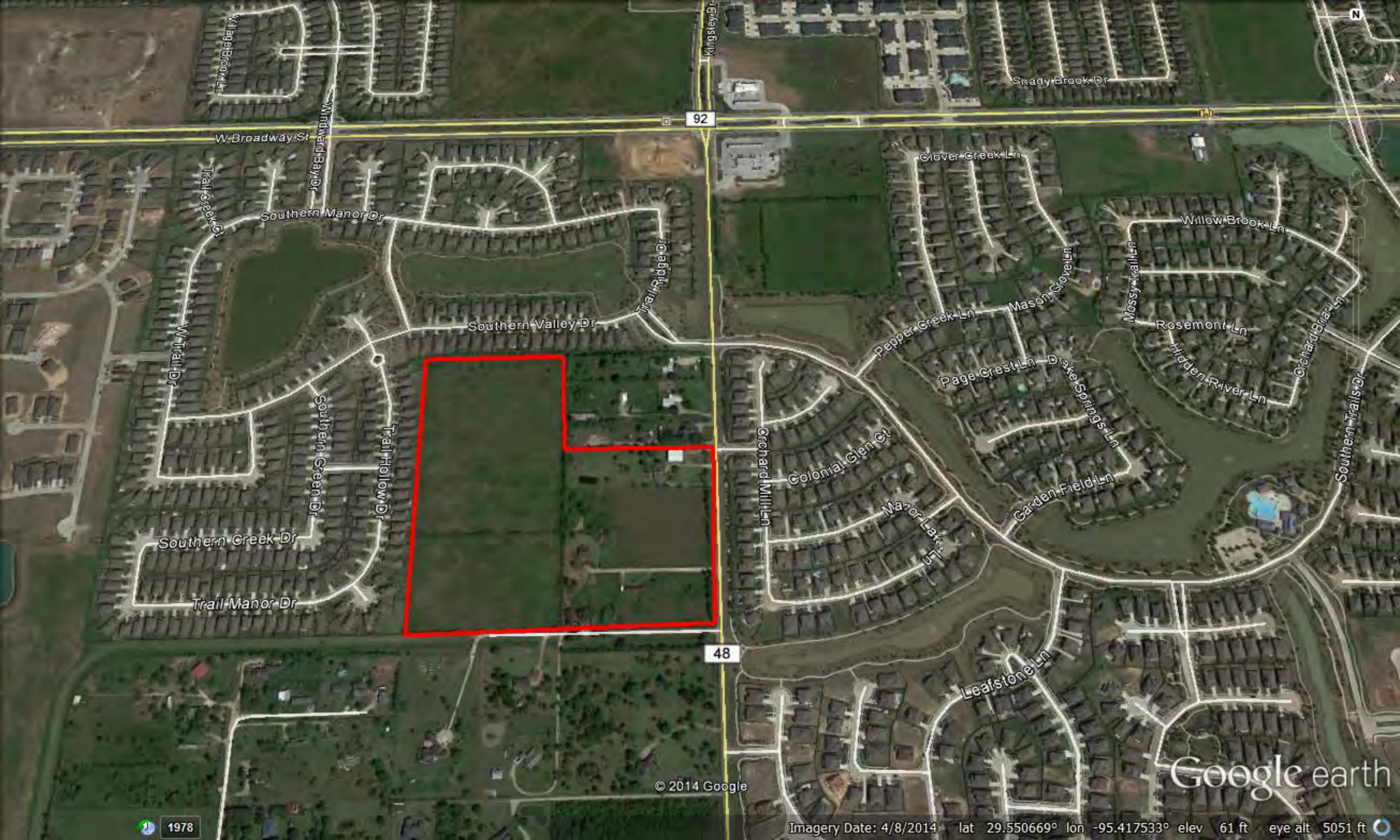

Notary Public, State of Texas



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





Willage Brook Ln

Snady Brook Dr

92

W Broadway St

Trail Creek Ct

Southern Manor Dr

W Trail Dr

Southern Valley Dr

Trail Ridge Dr

Clover Creek Ln

Willow Brook Ln

Mason Grove Ln

Mossy Trail Ln

Rosemont Ln

Pepper Creek Ln

Page Crest Ln

Drake Springs Ln

Hidden River Ln

Crehard Blvd Ln

Crehard Mill Ln

Colonial Glen Ct

Manor Lakes Ln

Garden Field Ln

Southern Trails Dr

Southern Creek Dr

Southern Green Dr

Trail Hollow Dr

Trail Manor Dr

48

Leafstone Ln

© 2014 Google

Google earth

1978

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

New Business Item No. 3

- 3. Consideration and Possible Action – First Reading of Ordinance No. 2000M-129** – An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 32.3 acres of land out of called 14.0513 acres of land, said 14.135 being The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and; The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and; A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas, **located West of County Road 48 and 2000 feet south of Broadway Street, Zone Change 2014-21Z**, a request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family Residential - 1 (R-1) on approximately 32.3 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

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

AGENDA OF: January 12, 2014

ITEM NO.: Ordinance No. 2000M-129

DATE SUBMITTED: December 18, 2014

DEPT. OF ORIGIN: Planning

PREPARED BY: Ian Clowes

PRESENTOR: Lata Krishnarao

REVIEWED BY: Lata Krishnarao

REVIEW DATE: January 5, 2015

SUBJECT: Ordinance No. 2000M-129 - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 32.3 acres of land out of called 14.0513 acres of land, said 14.135 being The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and; The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and; A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas, located West of County Road 48 and 2000 feet south of Broadway Street, Zone Change 2014-21Z, a request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan,, owner; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

ATTACHMENTS:	Ordinance No. 2000M-129 and Exhibits (Exhibit A – Legal Description; Exhibit B – Vicinity Map Description; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter) 12.15.14 Joint Public Hearing Packet		
To be completed by Department:			
Finance	Legal	Ordinance	Resolution

EXECUTIVE SUMMARY

The subject property includes approximately 32.3 acres of land; of which approximately 20 acres is currently zoned Residential Estate (RE) with the remaining 12 acres currently being within the City of Pearland’s Extra Territorial Jurisdiction (ETJ) and is in the process of annexation. The applicant is requesting that the entire 32.3 acre parcel be zoned Single Family Residential – 1 (R-1). According to the applicant’s letter of intent, the purpose of the requested change is to allow for a single family residential subdivision. The Cluster Development Plan approval would allow for the developer to decrease the lot width from the required 80 feet down to a proposed mix of 60 and 55 foot wide lots.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the zone change. Staff received two (2) returned comment sheets both in opposition to the proposed zone change.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on December 15, 2014, Commissioner Elizabeth McLane made a motion to approve the zone change request located West of County Road 48 and 2000 feet south of Broadway Street. The motion was seconded by Commissioner Mary Starr. The motion passed 7-0.

STAFF RECOMMENDATION TO COUNCIL: Consider the change in zoning to amend the zoning of approximately 32.3 acres located West of County Road 48 and 2000 feet south of Broadway Street.

Ordinance No. 2000M-129

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 32.3 acres of land out of called 14.0513 acres of land, said 14.135 being The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and; The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and; A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas, located **West of County Road 48 and 2000 feet south of Broadway Street**, Zone Change 2014-21Z, a request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family Residential - 1 (R-1) on approximately 32.3 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; is requesting approval of a zoning designation of Single Family Residential - 1 (R-1) on approximately 32.3 acres of land; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "A," and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B," and

WHEREAS, on the 15th day of December, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 15th day of December, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family Residential - 1 (R-1) on approximately 32.3 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 12th day of January 2015 and the 26th day of January 2015; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family Residential- 1 (R-1) on approximately 32.3 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Residential Estate (RE) is hereby granted a change in zoning to Single Family Residential - 1 (R-1), in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and;

A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas

GENERAL LOCATION: West of County Road 48 and 2000 feet south of Broadway St., Pearland, TX

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been

made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property

Section VII. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 12th day of January, 2015

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 26th
day of January, 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

The West one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, called Tract No. 8, Brazoria County, Texas according to the recorded map or plat thereof appearing of record in the office of the County Clerk of Galveston County, Texas and being the same land described from J.T. McMahan to R. D. McMahan, dated October 27, 1964, recorded in Volume 895, Page 22, Deed Records of Brazoria County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and;

A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas

**Exhibit B
Vicinity Map**



Exhibit 2

AERIAL MAP

Zone Change 2014-21Z

West of CR 48



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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



**Exhibit C
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING OF
THE CITY COUNCIL**

AND

**THE PLANNING AND ZONING COMMISSION
OF THE CITY OF PEARLAND, TEXAS**

ZONE CHANGE APPLICATION NUMBER: 2014-21Z

Notice is hereby given that on December 15, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; to approve an initial zoning designation of Single Family - 1 (R-1); on approximately 32.3 acres of land, to wit:

The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

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A 2.72 acre tract, being the remainder of two (2) 1.5 acre tracts, recorded in Volume (87) 403, Page 70 [Tract 1] and Volume (87) 403, Page 73 [Tract 2], of the Official Records of Brazoria County, Texas, out of the North ½ of the East ½ of the Southeast ¼ of the Northeast ¼ of section 84, of the H.T.& B. Railroad Company Survey, Abstract 538, Brazoria County, Texas.

General Location: West of County Road 48 and 2000 feet south of Broadway St., Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Ian Clowes
Senior Plann

Exhibit D
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

Recommendation Letter

December 16, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-21Z

Honorable Mayor and City Council Members:

At their regular meeting on December 15, 2014, the Planning and Zoning Commission considered the following:

A request Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owners; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land, on the following described property:

LEGAL DESCRIPTION: The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

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County, Texas and being that same 20 acres more or less, conveyed to John T. McMahan by R.D. McMahan and wife, Eunice McMahan, by Deed dated December 29, 1994, Filed of Record March 13, 2003, recorded under Brazoria County Clerks File No. 03 015336, and;

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GENERAL LOCATION: West of County Road 48 and 2000 feet south of Broadway St., Pearland, TX

P&Z Commissioner Elizabeth McLane made a motion to recommend approval of the Zone Change request. The motion was seconded by P&Z Commissioner Mary Starr. The vote was 7-0 and the motion was approved. Commissioners Reed, Starr, McLane, McFadden, Fuertes, Tunstall, and Duncan all voted in favor of the requested zone change.

Sincerely,



Ian Clowes
Senior Planner
On behalf of the Planning and Zoning Commission



JOINT PUBLIC HEARING

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, DECEMBER 15, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

- I. **CALL TO ORDER**
- II. **PURPOSE OF HEARING**

Zone Change Application No. 2014-21Z

A request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owner; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land, more specifically described as:

Legal Description: The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T.& B.R.R. Survey, Abstract No. 538, Brazoria County, Texas and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, Recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas and;

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General Location: West of County Road 48 and 2000 feet south of Broadway St., Pearland, TX

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/PLANNING COMMISSION/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.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: December 15, 2014

Re: Zone Change Application Number 2014-21Z

A request of Alan Mueller, applicant; on behalf of Joe and Darlene Laney and John McMahan, owner; for approval of a zoning designation of Single Family - 1 (R-1) on approximately 32.3 acres of land, located West of County Road 48 and 2000 feet south of Broadway St., Pearland, TX

Proposal

The subject property includes approximately 32.3 acres of land; of which approximately 20 acres is currently zoned Residential Estate (RE) with the remaining 12 acres currently being within the City of Pearland's Extra Territorial Jurisdiction (ETJ) and is in the process of annexation. The applicant is requesting that the entire 32.3 acre parcel be zoned Single Family Residential – 1 (R-1). According to the applicant's letter of intent, the purpose of the requested change is to allow for a single family residential subdivision. The applicant is also seeking approval from the Planning and Zoning Commission of a Cluster Development Plan for this property. The Cluster Development Plan approval would allow for the developer to decrease the lot width from the required 80 feet down to a proposed mix of 60 and 55 foot wide lots.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property, and to property owners within 200 feet of the site. Additionally, a legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff recommends approval of the request for a zoning designation of R-1 for the approximately 32.3 acre site for the following reasons:

1. The change in zoning is in conformance with the Comprehensive Plan, as the requested zoning of R-1 complies with the Low Density Residential Land Use.
2. The subject parcel is adjacent to a single family subdivision on three sides which is of similar design and scope to the proposed development.
3. The proposed zone change should not have any negative impacts on the surrounding properties.
4. All requirements of the UDC will be met upon development of the site.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet



Exhibit 1 Staff Report

Summary of Request

The subject property includes approximately 32.3 acres of land, of which approximately 20 acres is currently zoned Residential Estate (RE) with the remaining 12 acres currently being within the City of Pearland's Extra Territorial Jurisdiction (ETJ) and is in the process of annexation. The applicant is requesting that the entire 32.3 acre parcel be zoned Single Family Residential – 1 (R-1). According to the applicant's letter of intent, the purpose of the requested change is to allow for a single family residential subdivision. The applicant is also seeking approval from the Planning and Zoning Commission of a Cluster Development Plan for this property. The Cluster Development Plan approval would allow for the developer to decrease the lot width from the required 80 feet down to a proposed mix of 60 and 55 foot wide lots.

Site History

The subject property includes a total of 32.3 acres of mostly undeveloped land. Approximately 20 acres of land is currently within the city limits and zoned RE. The remainder (along County Road 48) is in the process of annexation.

The site is surrounded by residential zoning (PD – R2) to the north, east, and west. The property to the south is currently outside of the city limits. The majority of this property appears to be used for large lot residential purposes.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision
South	Extra Territorial Jurisdiction (ETJ)	Large Lot Residential
East	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision
West	Planned Development – Residential (Southern Trails)	Single Family Residential Subdivision

Conformance with the Unified Development Code

The property is currently partially developed with a few single family structures located in the portion outside of the city limits along CR 48. The applicant will be seeking approval from the Planning and Zoning Commission of a Cluster Development Plan that will allow them to reduce the required lots width of each individual lot to a mix of 60 and 55 foot wide lots from the required 80 foot width. All other requirements of the UDC will need to be met upon development of the site.

Conformance with the Comprehensive Plan

The proposed zoning R-1 on the subject property is in conformance with the future land use designation of the Comprehensive Plan which is “Low Density Residential.”

Conformance with the Thoroughfare Plan

The property has frontage on County Road 48 (Kingsley Drive); a major thoroughfare of with a required width of 120 feet of right-of-way. Additional right-of-way may need to be acquired during the platting process. Internal local roads, constructed to city standards, will be built by the developer in order to access the residential subdivision. The proposed roads will require a minimum right-of-way of 50 feet.

Platting Status

The property has not been platted. A Preliminary and Final plat will be required prior to the issuance of any building permits for the site.

Availability of Utilities

The subject property does not currently have access to public infrastructure. Water and sewer lines will need to be extended by the developer in order to serve the subject property.

Impact on Existing and Future Development

The R-1 zone would be considered appropriate for this section of CR 48 (Kingsley) due to the existing surrounding uses and based on the future land use plan. The subject property is in conformance with the existing Southern Trails Planned Development that is adjacent to it on the north, east and west. During the platting process, a Traffic Impact Analysis may be required. This would determine if any improvements will be required to be constructed by the developer to CR 48. Overall, the proposed plan is in conformance with the surrounding land uses and is not anticipated to have a negative impact on the general area.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff recommends approval of the request for a zoning designation of R-1 for the approximately 32.3 acre site for the following reasons:

1. The change in zoning is in conformance with the Comprehensive Plan, as the requested zoning of R-1 complies with the Low Density Residential Land Use.
2. The subject parcel is adjacent to a single family subdivision on three sides which is of similar design and scope to the proposed development.
3. The proposed zone change should not have any negative impacts on the surrounding properties.
4. All requirements of the UDC will be met upon development of the site.



Exhibit 2

AERIAL MAP

Zone Change 2014-21Z

West of CR 48



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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



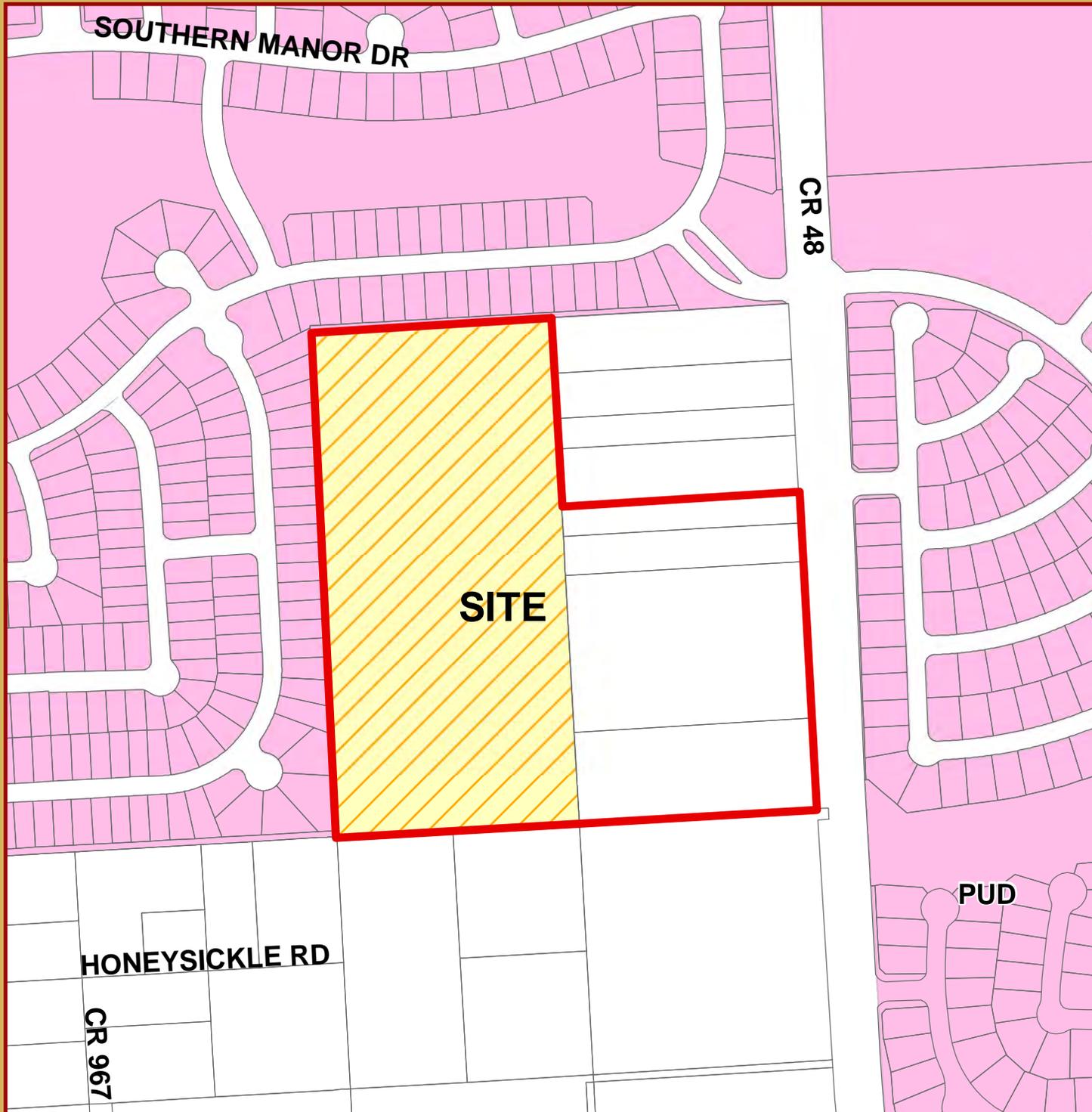


Exhibit 3

ZONING MAP

Zone Change 2014-21Z

West of CR 48



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT





Exhibit 4

FLUP MAP

Zone Change 2014-21Z

West of CR 48



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 = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



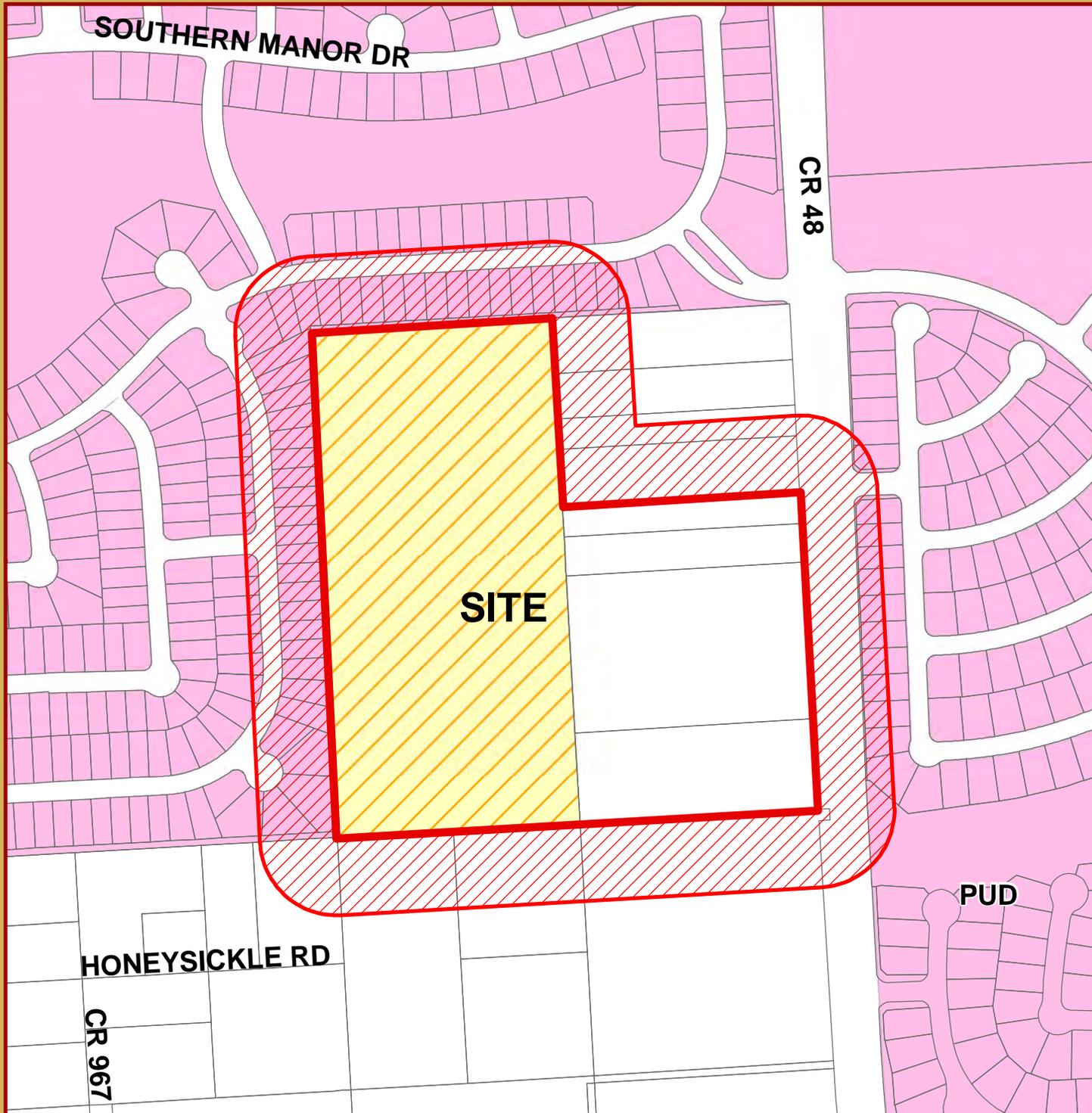


Exhibit 5

NOTIFICATION MAP

Zone Change 2014-21Z

West of CR 48



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1 inch = 377 feet

OCTOBER 2014
PLANNING DEPARTMENT



Owner	Address	City	State
SPEZIALE MICHAEL	12804 SOUTHERN VALLEY DR	PEARLAND	TX
TULLIS STEPHANIE D	12913 SOUTHERN VALLEY DR	PEARLAND	TX
WASHINGTON TIFFANY R	3302 ORCHARD MILL LN	PEARLAND	TX
DOWSON THOMAS E	3214 ORCHARD MILL LN	PEARLAND	TX
BURKS JOHN & MARY	3219 TRAIL HOLLOW DR	PEARLAND	TX
SNOOK MELANIE A	3512 DESERT MESA RD	ROANOKE	TX
STODDARD GROUP LTD	14040 WELCH RD	DALLAS	TX
SUELLO SHEILA B	12912 SOUTHERN VALLEY DR	PEARLAND	TX
HUCKABY FRANCINE	12910 SOUTHERN VALLEY DR	PEARLAND	TX
WANG JOANNA HOPE	12902 SOUTHERN VALLEY DR	PEARLAND	TX
AUGUST ERIN	12906 SOUTHERN VALLEY DR	PEARLAND	TX
PALMER DEBRA	12904 SOUTHERN VALLEY DR	PEARLAND	TX
WANG JOANNA HOPE	12902 SOUTHERN VALLEY DR	PEARLAND	TX
ATCHISON MARTIN V III	12818 SOUTHERN VALLEY DR	PEARLAND	TX
JESSIE ADRIANNE J	12816 SOUTHERN VALLEY DR	PEARLAND	TX
LANDRUM STEPHEN	3215 TRAIL HOLLOW DR	PEARLAND	TX
VU NGUYEN T & LUU T BUI	12814 SOUTHERN VALLEY DR	PEARLAND	TX
VARNER KELLI	12812 SOUTHERN VALLEY DR	PEARLAND	TX
BONNEY DIANNE	30329 VALLEY CENTER RD	VALLEY CENTER	CA
VUONG DANNY D	12808 SOUTHERN VALLEY DR	PEARLAND	TX
TURNER NATASHA	12911 SOUTHERN VALLEY DR	PEARLAND	TX
AKANU STANLEY O	12909 SOUTHERN VALLEY DR	PEARLAND	TX
GARRIS PAUL & JEANA	12907 SOUTHERN VALLEY DR	PEARLAND	TX
DAVI ANTHONY J	12905 SOUTHERN VALLEY DR	PEARLAND	TX
RUBERG KEITH P	12903 SOUTHERN VALLEY DR	PEARLAND	TX
GILLESPIE JOSEPH JR	12901 SOUTHERN VALLEY DR	PEARLAND	TX
NUANJING CHATUPORN	12811 SOUTHERN VALLEY DR	PEARLAND	TX
SCHMIDL WILLIAM & XIA LAI	3408 CROSSBRANCH CT	PEARLAND	TX
HOANG HOAN & LOAN KIEU	12805 SOUTHERN VALLEY DR	PEARLAND	TX
MARTIN COURTNEY LYNN	12803 SOUTHERN VALLEY DR	PEARLAND	TX
ZAPATA MARIA	2714 COUNTY ROAD 48	ROSHARON	TX
VASQUEZ JOHN G & YOLANDA	2330 COUNTY ROAD 48	ROSHARON	TX
MHI PARTNERSHIP LTD	7676 WOODWAY DR	HOUSTON	TX
MARTINEZ MARLA BEATRIZ	3310 ORCHARD MILL LN	PEARLAND	TX
ASHIT MOHANLAL	3306 ORCHARD MILL LN	PEARLAND	TX
PORRAS MARICOR TEOLOGO	3304 ORCHARD MILL LN	PEARLAND	TX
SNEARL ALICIA WILLIAMS	3308 ORCHARD MILL LN	PEARLAND	TX
KOLAY SUBRATA & SHARMISTHA	12904 TRAIL HOLLOW CT	PEARLAND	TX
WOODARD YALE	12905 TRAIL HOLLOW CT	PEARLAND	TX
MONTALVO LORINDA	3315 TRAIL HOLLOW DR	PEARLAND	TX
BROWN FRANKLIN E	3316 TRAIL HOLLOW DR	PEARLAND	TX
ROSS SUSAN	3313 TRAIL HOLLOW DR	PEARLAND	TX
NIETO ROMAN SR & HORTENCIA	3311 TRAIL HOLLOW DR	PEARLAND	TX

SCHIELD MELVIN R	2342 COUNTY ROAD 48	ROSHARON	TX
MCPMAHAN JOHN T	6 HUNTERS RIDGE CT	HOUSTON	TX
TRAN BANG VAN	10015 GIL JR LN	HOUSTON	TX
PENNING DUANE E	3309 TRAIL HOLLOW DR	PEARLAND	TX
WATERS LACY ANN	3307 TRAIL HOLLOW DR	PEARLAND	TX
SMITH DUSTIN D & LAUREN E	3305 TRAIL HOLLOW DR	PEARLAND	TX
LAVALLAIS KIMBERLEY M	3303 TRAIL HOLLOW DR	PEARLAND	TX
BATISTE ERICA	3301 TRAIL HOLLOW DR	PEARLAND	TX
PETTWAY CIARA	3221 TRAIL HOLLOW DR	PEARLAND	TX
MCPMAHAN JOHN T	6 HUNTERS RIDGE CT	HOUSTON	TX
FEARNO CHARLOTTE	3217 TRAIL HOLLOW DR	PEARLAND	TX
PILLAI SIVADASAN	3208 TRAIL HOLLOW DR	PEARLAND	TX
POOLE RANDE & ELIZABETH	3209 TRAIL HOLLOW DR	PEARLAND	TX
STEPHENS SAMUEL R	3207 TRAIL HOLLOW DR	PEARLAND	TX
PANJWANI ABDUL G	3205 TRAIL HOLLOW DR	PEARLAND	TX
SHEN MINAN & SHAOBO WANG	1676 COOPER RD	SCOTCH PLAINS	NJ
SITLAULA SANTOSH	3203 TRAIL HOLLOW DR	PEARLAND	TX
NGUYEN ALICE	3201 TRAIL HOLLOW DR	PEARLAND	TX
TANOUS DAVID K & TIFFANY M	12918 SOUTHERN VALLEY DR	PEARLAND	TX
WALKER QUINTIN	12916 SOUTHERN VALLEY DR	PEARLAND	TX
HORAK STEVEN G	2515 COUNTY ROAD 5	WEST COLUMBIA	TX
DELEON ARTHUR & ALICIA B	12806 SOUTHERN VALLEY DR	PEARLAND	TX
FRASER AMY S	3320 ORCHARD MILL LN	PEARLAND	TX
YARBROUGH SEAN P	3322 ORCHARD MILL LN	PEARLAND	TX
SCHIELD MELVIN R & DIANNA L	2342 COUNTY ROAD 48	ROSHARON	TX
ARCHER CONNIE	3314 TRAIL HOLLOW DR	PEARLAND	TX
RICHARDSON TIFFANY	3312 TRAIL HOLLOW DR	PEARLAND	TX
WERTZ SCOTT G & LAURA M	3310 TRAIL HOLLOW DR	PEARLAND	TX
SMITH ROY ALLEN & JANICE	3308 TRAIL HOLLOW DR	PEARLAND	TX
TAYLOR CHRISTOPHER EUGENE	3306 TRAIL HOLLOW DR	PEARLAND	TX
JOHNSON CHAD P & LIESL P	3304 TRAIL HOLLOW DR	PEARLAND	TX
ALLUMS KIMBERLY K	3216 TRAIL HOLLOW DR	PEARLAND	TX
VALDEZ SANDRA	3214 TRAIL HOLLOW DR	PEARLAND	TX
HASTINGS DAVID & BILLISHA	3206 TRAIL HOLLOW DR	PEARLAND	TX
PALACIOS JOSE & ELVIA	3204 TRAIL HOLLOW DR	PEARLAND	TX
BROOKS RICKIE	3302 TRAIL HOLLOW DR	PEARLAND	TX
BRAZORIA COUNTY MUD #34	3200 SOUTHWEST FWY	HOUSTON	TX



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1762 fax
www.cityofpearland.com



Current Zoning District: NA-ETJ Annexation in Progress

Proposed Zoning District: R-1

Property Information:

Address or General Location of Property: 9.5651 Acres - West of CR. 48

Approximately 2000' South of Broadway

Tax Account No. 0538-0012-000 & 0538-0012-120

Subdivision: HTBRR Abstract 538 Lot: Tracts 9 & 9A Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Joe R. Laney & Darlene Laney
ADDRESS 208 Mustang Lane
CITY Rosharon STATE TX ZIP 77503
PHONE (832) 643-3251
FAX (713) 970-1018
E-MAIL ADDRESS jessica.palmer4@gmail.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@gromaxtexas.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: Joe R. Laney Darlene Laney Date: 10-24-14

Agent's/Applicant's Signature: Alan Mueller Date: 10/6/14

OFFICE USE ONLY:

FEES PAID: <u>\$25.00</u>	DATE PAID: <u>11.14.14</u>	RECEIVED BY: <u>JM</u>	RECEIPT NUMBER: <u>44540</u>
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Application No. 2014-217



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: RE

Proposed Zoning District: R1

Property Information:

Address or General Location of Property: 20 Acres - West of C. R. 48
Approximately 2,000' south of Broadway

Tax Account No. 0538-0006-000

Subdivision: HTBRR Abstract 538 Lot: Tract 8 Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME John T. McMahan
ADDRESS 1980 PostOak Blvd Suite 1101
CITY Houston STATE TX ZIP 77056
PHONE (713) 552-1101
FAX (713) 970-1018
E-MAIL ADDRESS srobinson@ardentrealtygroup.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@gromaxtexas.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 11/12/2014

Agent's/Applicant's Signature: [Signature] Date: 10/6/14

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
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Application No. _____



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: NA-ETJ Annexation in Progress

Proposed Zoning District: R1

Property Information:

Address or General Location of Property: 2.72 Acres - West of C.R. 48

Approximately 2000' south of Broadway

Tax Account No. 0538-0012-150 and 0538-0012-160

Subdivision: H1BRK Abstract 538 Lot: Tracts 902 & 902A Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME John T. McMahan
ADDRESS 1980 Pastoak Blvd, Suite 101
CITY Houston STATE TX ZIP 77056
PHONE (713) 552-1101
FAX (713) 970-1018
E-MAIL ADDRESS Srobinson@ardentrealtygroup.com

APPLICANT/AGENT INFORMATION:

NAME Alan Mueller
ADDRESS 4201 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE (281) 412-9210
FAX (281) 412-9060
E-MAIL ADDRESS alan@gremaxtexas.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Date: 11/12/2014

Agent's/Applicant's Signature: [Signature] Date: 10/6/14

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
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Application No. _____

Date 10/24/14

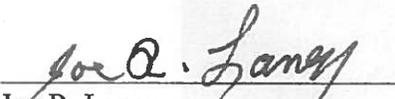
City of Pearland
3519 Liberty Dr.
Pearland TX 77581

RE: Zoning Representation

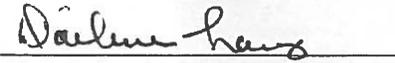
To Whom It May Concern:

The undersigned affirms that we are the owners of a 9.5651-acre tract of land (Tax ID 0538-0012-000 and 0538-0012-120) on the west side of County Road 48 approximately 2,000 feet south of Broadway. We hereby authorize Gromax Development, principally represented by Alan Mueller, to act on our behalf in the rezoning and cluster plan applications on said tracts. This representation may be withdrawn at any point prior to final approval of the rezoning by the city of Pearland.

Sincerely,



Joe R. Laney
2018 Mustang Lane
Rosharon TX 77583



Darlene Laney
2018 Mustang Lane
Rosharon TX 77583

10-24-14

EXHIBIT "A"

Laney

Being the South one half (1/2) of the following described tract:

The East one half (1/2) of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 84, H.T. & B.R.R. Survey, Abstract No. 538, Brazoria County, Texas, and being the same land conveyed to B. Frank Wood by Jay C. Tulk by Deed dated April 11, 1955, recorded in Volume 627, Page 278, Deed Records, Brazoria County, Texas.

Save and Except: Being a 0.4349 acre parcel of land, out of the H.T. & B.R.R. Survey, Abstract No. 538, Brazoria County, Texas, being described in deed recorded in County Clerk's File No. 2007028839, Official Public Records, Brazoria County, Texas.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

ZONE CHANGE/ VARIANCE/ PLAT RECORDATION

\$825.00 (Circle one) BA or PF or FE

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address CR48 Zone Change

Applicant _____

Owner Alan muellar

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: AGONZALES Type: OC Drawer: 1
Date: 11/17/14 01 Receipt no: 44540

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$825.00
Trans number:		4657216

ZONE CHANGE
CR 48
ALAN MUELLAR

Tender detail	
BR CREDIT CARD	\$825.00
Total tendered	\$825.00
Total payment	\$825.00

Trans date: 11/14/14 Time: 16:28:03

EXHIBIT "A"

McMahan

TRACT 1:

→ THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 84, H.T. & B. SURVEY, ABSTRACT NO. 538, CALLED TRACT NO. 8, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE RECORDED MAP OR PLAT THEREOF APPEARING OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS, AND BEING THE SAME LAND DESCRIBED FROM J. T. MCMAHAN TO R.D. MCMAHAN, DATED OCTOBER 27, 1964, RECORDED IN VOLUME 895, PAGE 22, DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING THAT SAME 20 ACRES, MORE OR LESS, CONVEYED TO JOHN T. MCMAHAN BY R.D. MCMAHAN AND WIFE, EUNCIE MCMAHAN, BY DEED DATED DECEMBER 29, 1994, FILED OF RECORD MARCH 13, 2003, RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO. 03 015336 (BR 2003015336).

→ TRACT 2:

A 2.72 ACRE TRACT, BEING THE REMAINDER OF TWO (2) 1 .50 ACRE TRACTS, RECORDED IN VOLUME (87) 403, PAGE 70 [TRACT 1] AND VOLUME (87) 403, PAGE 73 [TRACT 2], OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, OUT OF THE NORTH 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 84, OF THE H. T. & B. RAILROAD COMPANY SURVEY, ABSTRACT 538, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 5/8" IRON ROD FOUND IN THE EAST LINE OF THE JOHN T. MCMAHAN TRACT, RECORDED IN B.C.C.F. NO. 03-015336, MARKING THE SOUTHWEST CORNER OF HEREIN DESCRIBED TRACT AND THE NORTHWEST CORNER OF THE JOE R. LANEY, ET UX TRACT, RECORDED IN VOLUME 1310, PAGE 260, OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS.

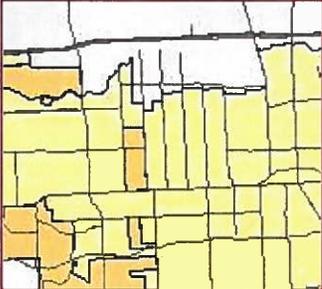
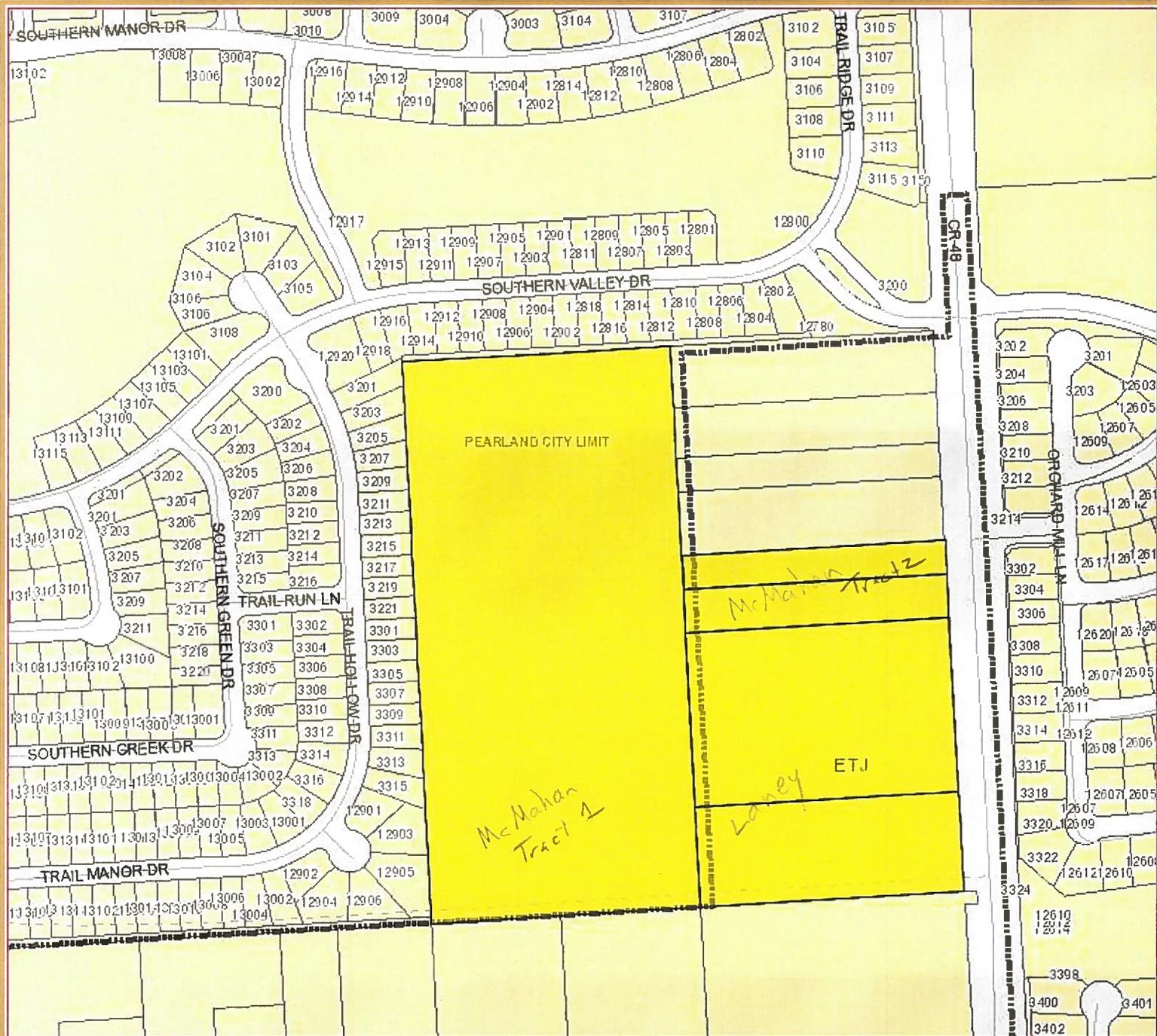
THENCE N. 01° 19' 04" W., WITH THE COMMON LINE OF HEREIN DESCRIBED TRACT AND SAID MCMAHAN TRACT, A DISTANCE OF 198.00' TO A 5/8" IRON ROD W/ "RPLS 1718" CAP SET, MARKING THE NORTHWEST CORNER OF HEREIN DESCRIBED TRACT AND THE SOUTHWEST CORNER OF THE MELVIN R. SCHIELD, ET UX TRACT, RECORDED IN VOLUME (86) 364, PAGE 974, OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS.

THENCE N. 88° 48' 47" E., WITH THE COMMON LINE OF HEREIN DESCRIBED TRACT AND SAID SCHIELD TRACT, A DISTANCE OF 600.00' TO A 5/8" IRON ROD W/ "RPLS 1718" CAP SET IN THE WEST R.O.W. LINE OF 120' COUNTY RD. 48, MARKING THE NORTHEAST CORNER OF HEREIN DESCRIBED TRACT, THE NORTHWEST CORNER OF A 30' R.O.W. GRANTED TO BRAZORIA COUNTY, RECORDED IN B.C.C.F. NO. 12-026896 AND THE SOUTHEAST CORNER OF SAID SCHIELD TRACT.

THENCE S. 01° 19' 04" E., ALONG THE WEST R.O.W. LINE OF SAID COUNTY RD. 48, A DISTANCE OF 198.00' TO A 5/8" IRON ROD W/ "RLPS 1718" CAP SET, MARKING THE SOUTHEAST CORNER OF HEREIN DESCRIBED TRACT, THE SOUTHWEST CORNER OF SAID 30' R.O.W. AND THE NORTHEAST CORNER OF SAID LANEY TRACT.

THENCE S. 88° 48' 47" W., WITH THE COMMON LINE OF HEREIN DESCRIBED TRACT AND SAID LANEY TRACT, A DISTANCE OF 600.00' TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT, CONTAINING 2.72 ACRES OF LAND.

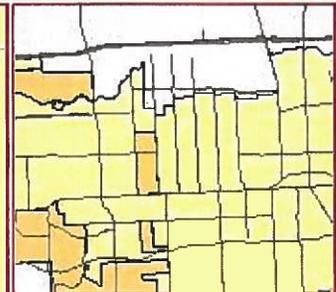
Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.



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 1:3,802
1 in = 317 ft
October 05, 2014





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 1:5,070
1 in = 423 ft
October 03, 2014



Zoning Letter of Intent

West side of County Road 48 – Approximately 2,000 feet south of Broadway

Intent:

The owners of the property desire to sell the property to a homebuilder for construction of a residential subdivision. The proposed zoning is R-1. The property consists of three parcels of 20 acres, 9.651 acres, and 2.72 acres, totaling 32.3 acres per tax records; however, due to recent right of way purchases by Brazoria County, the current survey indicates a total of 31.127 acres.

A portion of the property is currently within the city limits and the balance is currently undergoing an annexation process. Concurrent with this rezoning request, the applicants are submitting a cluster plan application covering the entire 31.1-acre parcel. The cluster plan reflects a mix of 55' x 125' and 60' x 125' lots with a central amenitized detention pond lake, fountain, trails, a park, a playground, and other features.

Justification/Support:

The portion of the property currently within the city limits is zoned RE. The future land use plan depicts this area of the city as low density residential. R-1 is consistent with the goals of the low density residential category and should, therefore, be approved.

Further, the proposed development will be consistent with the quality and scale of the adjacent Southern Trails community. The existing Southern Trails lots to the north and west of the tract are 50' and 55' in width; the lots to the east of County Road 48 are 60' in width. As a condition of annexation into the Southern Trails MUD, the builder has agreed to meet or exceed the Southern Trails single family deed restrictions and design guidelines.

Summary/Conclusion:

The proposed development supported by this zone change meets a critical housing need and is consistent with the comprehensive plan. The proposed cluster plan will ensure a level of quality and amenities consistent with or exceeding adjacent communities and will meet the City's goals for high quality residential development.

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description
A0538 H T & B R R TRACT 9 ACRES 5.9166

Fiduciary Number: 1474828

Parcel Address: COUNTY ROAD 48
Legal Acres: 5.9166

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Account Number: 0538-0012-000
Certificate No: 223440533
Certificate Fee: \$10.00

Print Date: 10/06/2014
Paid Date: 10/06/2014
Issue Date: 10/06/2014
Operator ID: STAC

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:
LANEY JOE R
2018 MUSTANG LN
ROSHARON, TX 77583-2326

Table with 2 columns: Description and Amount. Rows include 2013 Value (137,640), 2013 Levy (\$2,996.24), 2013 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:

GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description

A0538 H T & B R R TRACT 9A ACRES 3.6485

Fiduciary Number: 1474828

Parcel Address: 2710 COUNTY ROAD 48

Legal Acres: 3.6485

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Account Number: 0538-0012-120

Print Date: 10/06/2014

Certificate No: 223440534

Paid Date: 10/06/2014

Certificate Fee: \$10.00

Issue Date: 10/06/2014

Operator ID: STAC

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:

LANEY JOE R
2018 MUSTANG LN
ROSHARON, TX 77583-2326

2013 Value: 73,510
2013 Levy: \$1,600.23
2013 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4

Reference (CF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description
A0538 H T & B R R, TRACT 8, ACRES 20.000

Fiduciary Number: 1474828

Parcel Address: COUNTY ROAD 48 OFF
Legal Acres: 20.0000

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Account Number: 0538-0006-000
Certificate No: 223440529
Certificate Fee: \$10.00

Print Date: 10/06/2014
Paid Date: 10/06/2014
Issue Date: 10/06/2014
Operator ID: STAC

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:
OPEN SPACE 1-D-1

Certified Owner:
MCPAHAN JOHN T
6 HUNTERS RIDGE CT
HOUSTON, TX 77024-7634

2013 Value: 187,500
2013 Levy: \$63.39
2013 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:

GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description

A0538 H T & B R R, TRACT 9C2, ACRES
1.360

Fiduciary Number: 1474828

Parcel Address: 2406 COUNTY ROAD 48

Legal Acres: 1.3600

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Account Number: 0538-0012-150

Print Date: 10/06/2014

Certificate No: 223440530

Paid Date: 10/06/2014

Certificate Fee: \$10.00

Issue Date: 10/06/2014

Operator ID: STAC

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:

MCPAHAN JOHN T
6 HUNTERS RIDGE CT
HOUSTON, TX 77024-7634

2013 Value: 114,150
2013 Levy: \$2,484.90
2013 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4

Reference (CF) No: N/A

Issued By: [Signature]
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE



RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:

GROMAX DEVELOPMENT
4201 W. BROADWAY
PEARLAND, TX 77581

Legal Description

A0538 H T & B R R, TRACT 9C2A, ACRES
1.360

Fiduciary Number: 1474828

Parcel Address: 2402 COUNTY ROAD 48
Legal Acres: 1.3600

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Account Number: 0538-0012-160

Print Date: 10/06/2014
Paid Date: 10/06/2014
Issue Date: 10/06/2014
Operator ID: STAC

Certificate No: 223440532

Certificate Fee: \$10.00

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. TAXES THRU 2013 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2014.

Exemptions:

Certified Owner:

MCPAHAN JOHN T
6 HUNTERS RIDGE CT
HOUSTON, TX 77024-7634

2013 Value: 143,590
2013 Levy: \$3,125.77
2013 Levy Balance: \$0.00
Prior Year Levy Balance: \$0.00
Total Levy Due: \$0.00
P&I + Attorney Fee: \$0.00
Total Amount Due: \$0.00

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4

Reference (GF) No: N/A

Issued By: *Staci Wade*
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

New Business Item No. 4

- 4. Consideration and Possible Action – Resolution No. R2015-15 – A** Resolution of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located in the vicinity of Hughes Road at Clear Creek and Manvel Road west of the West Lea Subdivision, into Harris County Municipal Utility District No. 509.

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

AGENDA OF: 1-12-15	ITEM NO.: Resolution No. 2015-15
DATE SUBMITTED: 1-5-15	DEPARTMENT OF ORIGIN: Planning
PREPARED BY: Darrin Coker	PRESENTOR: Darrin Coker
REVIEWED BY: NA	REVIEW DATE: NA
<p>SUBJECT: A Resolution of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located in the vicinity of Hughes Road at Clear Creek and Manvel Road east of the West Lea Subdivision, into Harris County Municipal Utility District No. 509.</p>	
EXHIBITS: R2015-15	
EXPENDITURE REQUIRED:	AMOUNT BUDGETED:
AMOUNT AVAILABLE:	PROJECT NO.:
ACCOUNT NO.:	
ADDITIONAL APPROPRIATION REQUIRED:	
ACCOUNT NO.:	
PROJECT NO.:	
To be completed by Department:	
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

EXECUTIVE SUMMARY

MUD 509 (the "Mud") recently submitted an application for the City's consent to the annexation of an additional 59 acres into the boundaries of the Mud which currently consists 443 acres. Although Council recently discussed a potential change in policy for future in-city MUDS, previous City commitments to the Mud contemplate the addition of up to 230 acres into the Mud. Below is supplemental information previously provided to Council regarding the history of the Mud.

In 2006 the City entered into an agreement with SHS Partners for the development of approximately 660 acres surrounded by Pearland Parkway and what is today the Hughes Road extension. A focal point of the agreement was the shared responsibility for the construction of the Hughes Road extension. At that time, the developer owned approximately 387 acres of the planned 660 acre development. The Development Agreement contemplated annexing the

property into Mud 28 or creating a new Mud. In 2007, the City consented to the creation of Mud 509 which included the 387 acres owned by the developer. The Utility Agreement with the Mud specifically provides for, and contemplates the City's consent to the annexation of the remaining 230 acres to finish out the planned 660 acre development.

Last year, SHS Partners sold the property to Meritage Homes who, by assignment, stepped into the shoes of SHS Partners and is proceeding with development of the property. The City does not dispute the fact that the Development Agreement, the City's consent to creation of Mud 509, and the Utility Agreement with the Mud obligate the City to consent to the annexation. Simply stated, the City has prior obligations with the Mud that would partially exempt the Mud (as it applies to the 660 acres) from any future policy change.

It should be noted that 40 acres of the 59 acres to be annexed into the Mud is located on FM 1128 across from West Lea and was not included in the original 660 acres planned for the Mud. This property was purchased, platted and zoned for development by the same developer prior to Council discussions regarding a MUD policy shift. In addition, the Council previously approved an annexation ordinance for the portion of the 40 acres not located in the City with the understanding it would be included in the Mud.

RESOLUTION NO. R2015-15

A Resolution of the City Council of the City of Pearland, Texas, consenting to the annexation of property, generally located in the vicinity of Hughes Road at Clear Creek and Manvel Road east of the West Lea Subdivision, into Harris County Municipal Utility District No. 509.

WHEREAS, Harris County Municipal Utility District No. 509 was created by House Bill No. 4080, 80th Legislature, Regular Session, of the State of Texas (the "Legislation") and is located wholly in the City's corporate boundaries; and

WHEREAS, Section 54.016 of the Texas Water Code provides that land within a city's corporate boundaries may not be included within a district without the city's written consent; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the City Council of the City of Pearland, Texas, gives its written consent to the annexation of 59.597 acres, as more accurately described in Exhibit "A" attached hereto, into the boundaries of Harris County Municipal Utility District No. 509, subject to the conditions attached hereto as Exhibit "B"

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2015.

TOM REID
MAYOR

RESOLUTION NO. R2015-15

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

EXHIBIT A

October 21, 2014
Job Number 1326-0002

DESCRIPTION OF
4.903 ACRES
SECOND ANNEXATION TRACT 1

All of that certain tract or parcel containing 4.903 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being all of Lot 63 of Section "G" of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), more particularly being all of that certain tract called Lot 63 conveyed to Meritage Homes of Texas, LLC by an instrument of record under File Number 20140226430, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 4.903 acre tract being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common corner of Lots 48, 49, 63 and 64 of said Section "G", said Lots 48 and 64 being a portion of that certain called 346.718 acre tract conveyed to Meritage Homes of Texas, LLC by an instrument of record under File Number 20130470069, H.C.O.P.R.R.P. and said Lot 49 conveyed to Joseph E. Bloodworth by an instrument of record under File Number J641062, H.C.O.P.R.R.P.;

Thence, North $42^{\circ} 07' 46''$ East, along the common line of Lots 48 and 63 of said Section "G", 330.02 feet to a point for the common corner of Lots 47, 48, 62 and 63 of said Section "G", said Lots 47 and 62 being a portion of said 346.718 acre tract;

Thence, South $48^{\circ} 21' 33''$ East, along the common line of Lots 62 and 63 of said Section "G", 647.01 feet to a point for the common east corner of Lots 62 and 63 of said Section "G", same being on the westerly line of Tract One as shown on Green Tee Terrace Section Seven, a subdivision of record on Film Code Number 352061, H.C.M.R., said Tract One being a portion of said 346.718 acre tract;

4.903 Acres

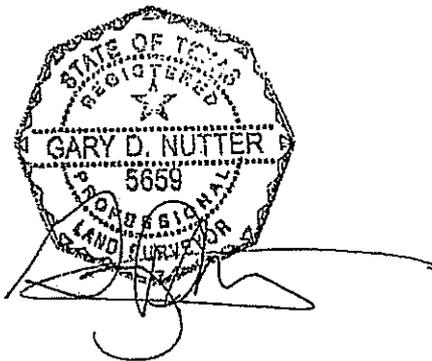
October 21, 2014
Job No. 1326-0002

Thence, South 42° 07' 56" West, along the common line of Lot 63 of said Section "G" and the northwesterly line of said Tract One, 329.95 feet to a point for the common south corner of Lots 63 and 64 of said Section "G";

Thence, North 48° 21' 56" West, along the common line of Lots 63 and 64 of said Section "G", 647.00 feet to the POINT OF BEGINNING and containing 4.903 acres of land.

"This document, 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."

LJA Engineering, Inc.



October 21, 2014
Job Number 1326-0002

DESCRIPTION OF
14.409 ACRES
SECOND ANNEXATION TRACT 2

All of that certain tract or parcel containing 14.409 acres of land located in the T.J. Green Survey, Abstract 290, Harris County, Texas, being all of Lots 36 and 37 of Section "G" of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 4, Page 48, of the Map Records of said Harris County (H.C.M.R.), more particularly being all of that certain tract called Lot 36 and 37 conveyed to Meritage Homes by an instrument of record under File Number 20140455007, Official Public Records of Real Property of said Harris County, Texas (H.C.O.P.R.R.P.), said 14.409 acre tract being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at the common west corner of Lots 35 and 36 of said Section "G", said Lot 35 being a portion of that certain called 346.718 acre tract conveyed to Meritage Homes of Texas, LLC by an instrument of record under File Number 20130470069, H.C.O.P.R.R.P., said point also being on a southeasterly line of Enclave at Highland Glen Section 3, a subdivision of record under Film Code 668002, H.C.M.R.

Thence, South 48° 23' 12" East, along the common line of said Lots 35 and 36 of said Section "G", 332.12 feet to a angle point on the common line of said Lots 35 and 36;

Thence, South 48° 21' 56" East, continuing along the common line of said Lots 35 and 36 of said Section "G", 332.37 feet to a point for the common corner of Lots 35, 36, 48 and 49 of said Section "G", said Lot 49 conveyed to Joseph E. Bloodworth by an instrument of record under File Number J641062, H.C.O.P.R.R.P. and said Lot 48 being a portion of said 346.718 acre tract;

Thence, South 42° 10' 43" West, along the common line of said Lots 36 and 49 of said Section "G", 329.23 feet to a point for the common corner of Lots 36, 37, 49 and 50 of said Section "G", said Lot 50 being a portion of said 346.718 acre tract;

14.409 Acres

October 21, 2014
Job No. 1326-0002

Thence, South 42° 27' 56" West, along the common line of said Lots 37 and 50 of said Section "G", 330.00 feet to a point for the common north corner of Lots 50 and 51 of said Section "G", said point being on the southeasterly line of said Lot 37, said Lot 51 being a portion of that certain tract conveyed to The Villas Master Association by an instrument of record under File Number Y176043, H.C.O.P.R.R.P.;

Thence, South 42° 03' 40" West, along the common line of said Lots 37 and 51 of said Section "G", 332.07 feet to a point for the common corner of Lots 37, 38, 51 and 52 of said Section "G", said Lot 38 being a portion of said 346.718 acre tract and said Lot 52 being a portion of that certain tract conveyed to The Villas Master Association by an instrument of record under File Number Y176043, H.C.O.P.R.R.P.;

Thence, North 48° 28' 31" West, along the common line of said Lots 37 and 38 of said Section "G", 680.90 feet to a point for the common north corner of Lots 37 and 38 of said Section "G", said point also being on the southeasterly line of the residue of that certain called 74.286 acre tract conveyed to Beazer Homes Texas, L.P. by an instrument of record under File Number 20130236030, H.C.O.P.R.R.P.;

Thence, along the southeasterly line of said 74.286 acre tract the following three (3) courses:

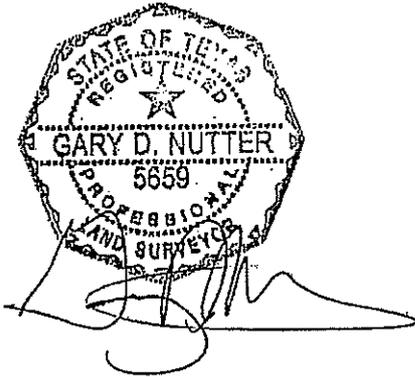
1. North 75° 42' 30" East, along a northerly line of Lot 37 of said Section "G", 348.68 feet to a point for an interior corner of said Lot 37;
2. North 13° 31' 58" West, 224.60 feet to a point for the common west corner of Lots 25 and 37 of said Section "G";
3. North 43° 00' 58" East, along the common line of said Lots 25, 36 and 37 of said Section "G", 575.51 feet to the POINT OF BEGINNING and containing 14.409 acres of land.

14.409 Acres

October 21, 2014
Job No. 1326-0002

"This document, 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."

LJA Engineering, Inc.



October 21, 2014
Job Number 1326-0002

DESCRIPTION OF
40.285 ACRES
SECOND ANNEXATION TRACT 3

All of that certain tract or parcel containing 40.285 acres of land located in the G.C. Smith Survey, Abstract 547, Brazoria County, Texas, being all of Lots 1 and 2, Section 18, Kanawha-Texas Company Subdivision of parts of Sections 18 and 22, H.T. & B. RR. Co., a subdivision of record in Volume 02, Page 51, Brazoria County Plat Records, (B.C.P.R.), said Lots 1 and 2 conveyed to Meritage Homes of Texas, LLC by an instrument of record under File Number 2014029728, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 40.285 acre tract being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone (NAD 83);

BEGINNING at a point marking the southeast corner of said Lot 2, Section 18, from which the northeast corner of Lot 1, Block 1, Final Plat of Massey Ranch Elementary, a subdivision of record in Volume 24, Page 353, B.C.P.R., bears South 87° 19' 40" West, 38.04 feet;

Thence, South 87° 19' 40" West, 1,319.22 feet (plat 1,320 feet) with the north line of said Final Plat of Massey Ranch Elementary, to a point for corner;

Thence, South 87° 23' 11" West, with the north line of Lot 4 of said Section 18, passing at 660.97 feet a point marking the northwest corner of that certain tract conveyed to Terry G. Woods, et ux by an instrument of record dated February 16, 2001 of record under File Number 01-007792, B.C.O.R. and marking the northeast corner of that certain tract conveyed to Victor Regalado, et ux by an instrument of record dated August 28, 1997 of record under File Number 97-035062, B.C.O.R., continuing in all a total distance of 1,338.44 feet (plat 1,320 feet) (called 1,338.00 feet per above referenced deeds) to a point for corner;

Thence, North 02° 41' 03" West, with the west line of said Lot 1, Section 18, 660.00 feet to a point for corner;

40.285 Acres

October 21, 2014
Job No. 1326-0002

Thence, North 87° 21' 45" East, with the north line of said Lot 1, Section 18, a distance of 1,338.20 feet (plat 1,320 feet) to a point for the northeast corner of said Lot 1, Section 18 and the northwest corner of said Lot 2, Section 18;

Thence, North 87° 21' 45" East, with the north line of said Lot 2, Section 18, a distance of 1,320.00 feet to a point for corner;

Thence, South 02° 38' 15" East, with the east line of said Lot 2, Section 18, a distance of 659.77 feet (plat 660.00 feet), to the POINT OF BEGINNING and containing 40.285 acres of land.

"This document, 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."

LJA Engineering, Inc.

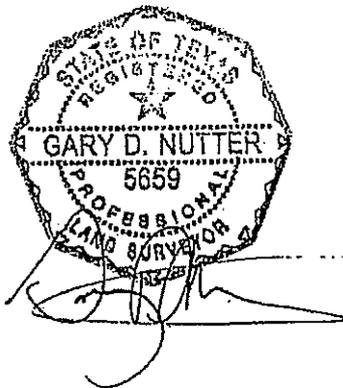


EXHIBIT B

(a) The City of Pearland, Texas (the "City"), by execution of its City Manager, and the developer on behalf of the District have entered into and executed a utility agreement that specifies the terms and conditions for providing water and sewage treatment services to the District (the "Utility Agreement"). The District shall assume all the rights, obligations, and interests of the developers under the Utility Agreement, as set forth therein.

(b) The District may issue bonds, including refunding bonds, for any purposes authorized by law, including but not limited to, purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, and drainage facilities, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the fifteenth (15th) anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date of the sale of such bonds. The resolution authorizing the issuance of the District's bonds will contain a provision that the pledge of any revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City annexes the District, takes over the assets of the District, and assumes all of the obligations of the District.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer and drainage facilities to serve the District and obtain the approval of such plans and specifications therefrom. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. Prior to the construction of such facilities within or by the District, the District or its engineer will give written notice by registered or certified mail to the City, stating the date that

such construction will be commenced. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections.

(d) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning and Zoning Commission of the City of a plat which will be duly recorded in the Official Records of Brazoria County or Harris County, Texas, as appropriate, and otherwise comply with the rules and regulations of the Engineering Department and the Department of Public Works of the City of Pearland.

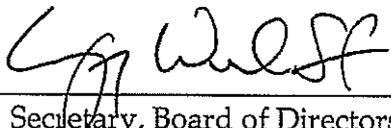
CERTIFICATE

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned Secretary of the Board of Directors of Harris County Municipal Utility District No. 509, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Consent To Annex Land Into Harris County Municipal Utility District No. 509 that was filed with the Board of Directors of the District on this 20 day of November, 2014.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on this 20 day of November, 2014.

HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 509

By: 
Secretary, Board of Directors

(SEAL)



**City of Pearland
In-City MUD Data Form
MUD # Harris County 509
November 20, 2014**

General Information		Existing MUD	Proposed Tract(s)
1	Proposed Zoning Classification (also show on map)	R-1 Cluster	R1
2	Projected Date of Completion of All Homes/Businesses	2017	2017

Area	Existing MUD	Proposed Tract(s)	Total	
3	Total Acreage	443.181	59.597	502.778
4	Currently Platted Residential Acreage (including road rights of way)	70.831	0.000	70.831
5	Currently Platted Commercial Acreage (including road rights of way)	0.000	0.000	0.000
6	Currently Undeveloped Acreage	372.350	59.597	431.947
7	Projected Undeveloped Acreage to be Platted Residential	372.350	59.597	431.947
8	Projected Undeveloped Acreage to be Platted Commercial	0.000	0.000	0.000
9	Current and Projected Detention & Transmission Utility Easements (acres)	0.000	0.000	0.000
10	All Other Acreage (Landscaping Reserves, Parks, etc)	0.000	0.000	0.000

Note: Lines 7 and 8 should total to Line 6.
Lines 4, 5, 6, 9, and 10 should total to Line 3. Line 3 should equal the total acreage in the MUD or the Proposed Tracts.

Residential Lots	Existing MUD	Proposed Tract(s)	Total	
11	Total Existing and Planned Residential Lots	1078	150	1228
12	Number of Currently Completed/Occupied Homes	0	0	0
13	Number of Currently Completed Lots	159	0	159
14	Number of Lots Under Construction	55	0	55
15	Number of Future Lots	864	150	1014

Note: Lines 12, 13, 14, and 15 should total to Line 11

Property Values	Existing MUD	Proposed Tract(s)	Total	
16	Most Recent HCAD/BCAD Valuation (Estimated Date: January 1, 2014)	\$ 3,188,398.00	\$ 303,954.00	\$3,492,352.00
17	Projected Total Valuation at Build Out Date	\$ 216,000,000.00	\$ 37,500,000.00	\$253,500,000.00
18	Projected Residential Valuation at Build Out	\$ 216,000,000.00	\$ 37,500,000.00	\$253,500,000.00
19	Projected Commercial Valuation at Build Out	\$ -	\$ -	\$ -
20	Estimated Average Home Value (Date: January 1, 2013)	\$ -	\$ -	\$ -
21	Estimated Average Home Value - at Build Out	\$ 250,000.00	\$ 250,000.00	\$250,000.00

Note: Lines 18 and 19 should total to Line 17

Property Tax Revenues	Existing MUD	Proposed Tract(s)	Total	
22	Pre-Development General Fund Taxes @\$./\$686/100 (1-1-03 ex. 1-1-07 pr.)	\$ 22,481.39	\$ -	\$22,481.39
23	Most Recent Year City Property Taxes @ \$.7051/\$100	\$ 22,481.39	\$ 2,082.39	\$24,563.78
24	Projected City Property Taxes @ \$.7051/\$100 at Build Out	\$ 1,523,016.00	\$ 256,912.50	\$1,779,928.50
25	Most Recent Year MUD Rebate Amount	\$ 4,782.60	\$ 455.93	\$5,238.53
26	Projected MUD Rebate Amount at Build Out	\$ 324,000.00	\$ 56,250.00	\$380,250.00

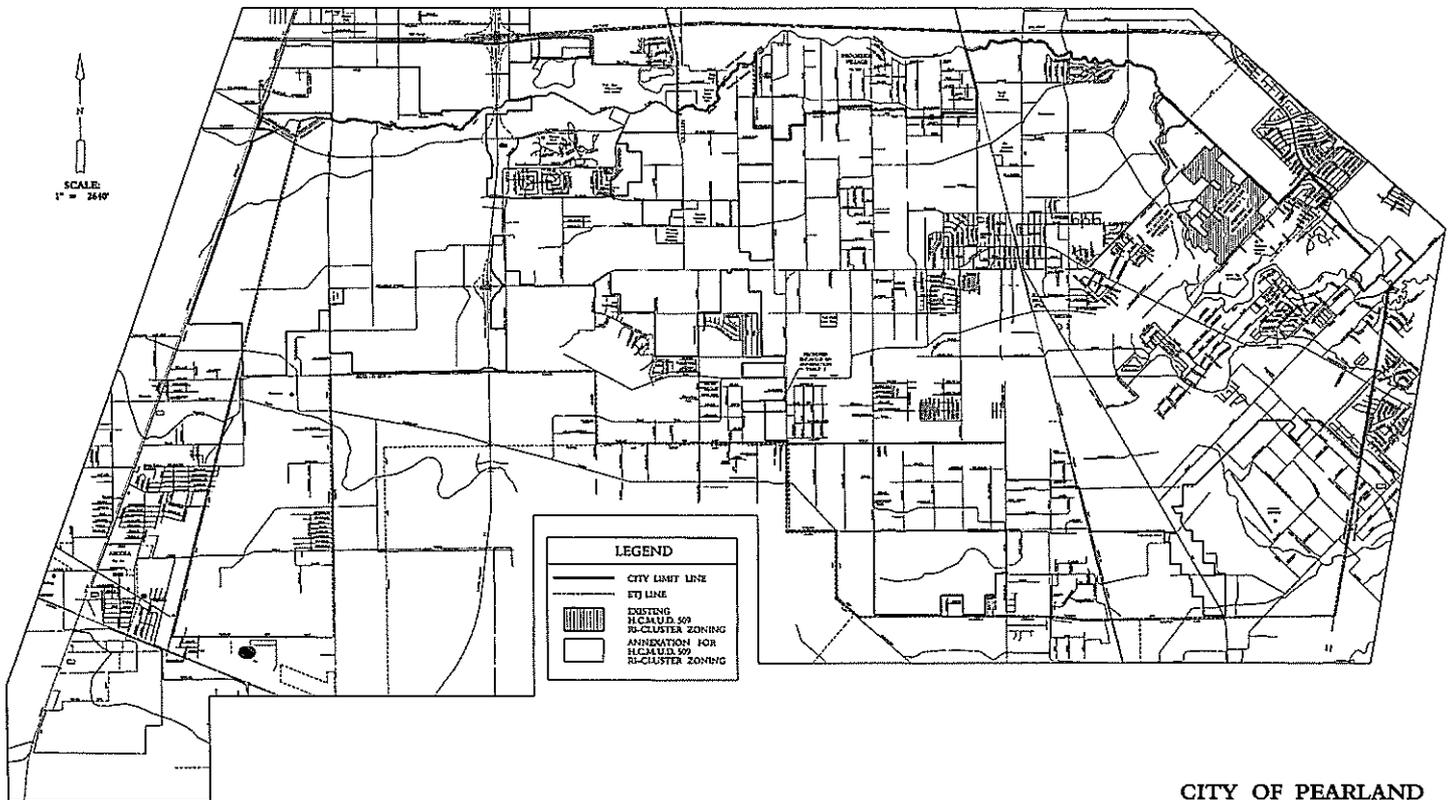
Calculations	Existing MUD	Proposed Tract(s)	Total	
27	Approx. Net Density at Build Out- Homes/Acre (Line 11/(3-9))	2.43	2.52	2.44
28	Net Annual Revenue to City - Current Estimate (Line 23-25-22)	\$ (4,782.60)	\$ 1,626.46	\$ (3,156.14)
29	Net Annual Revenue to City - Build Out Estimate (Line 24-26-22)	\$ 1,176,534.61	\$ 200,662.50	\$ 1,377,197.11

City of Pearland
In-City MUD Data Form
MUD # Harris County 509
November 20, 2014

Proposed Non-Residential Businesses Within Annexation Request

Business Name	Type of Business
None	

SCALE:
1" = 300'



LEGEND

- CITY LIMIT LINE
- - - FTJ LINE
- [Hatched Box] EXISTING H.C.M.U.D. 509 20-CLUSTER ZONING
- [White Box] ANNOTATION FOR H.C.M.U.D. 509 20-CLUSTER ZONING

**CITY OF PEARLAND
VICINITY MAP
HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 509**

OCTOBER 2014 1326-0002-202

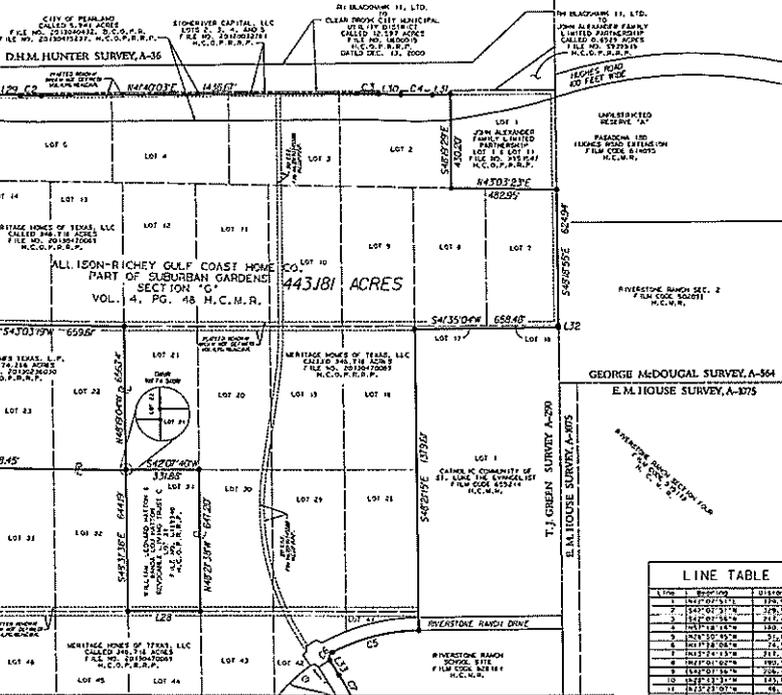
LJA Engineering, Inc.

2929 Briarpark Drive Phone 713.953.5200
Suite 600 Fax 713.953.5028
Houston, Texas 77042 T.B.P.L.S. Firm No. 10110501

Contact: Gary D. Huffer, RPLS. gwhuffer@ljoengineering.com

REVISED: January 5, 2015

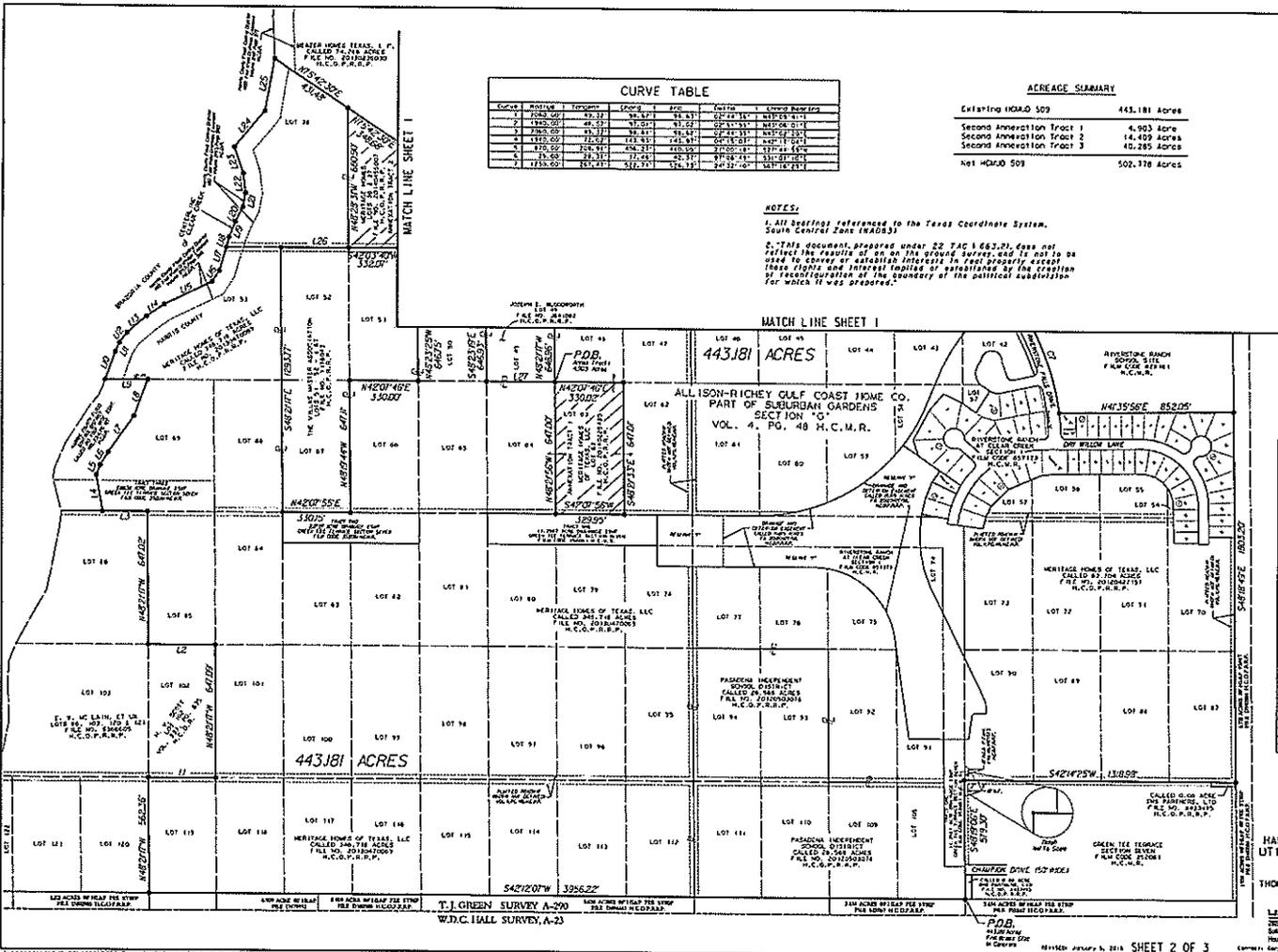
Curve	Stationing	Length	Chord	Area	Offset	Chord Bearing
1	2500.00	48.37	48.37	0.00	0.00	0.00
2	2548.37	48.37	96.74	0.00	0.00	0.00
3	2596.74	48.37	145.11	0.00	0.00	0.00
4	2645.11	48.37	193.48	0.00	0.00	0.00
5	2693.48	48.37	241.85	0.00	0.00	0.00
6	2741.85	48.37	290.22	0.00	0.00	0.00
7	2790.22	48.37	338.59	0.00	0.00	0.00
8	2838.59	48.37	386.96	0.00	0.00	0.00
9	2886.96	48.37	435.33	0.00	0.00	0.00
10	2935.33	48.37	483.70	0.00	0.00	0.00
11	2983.70	48.37	532.07	0.00	0.00	0.00
12	3032.07	48.37	580.44	0.00	0.00	0.00
13	3080.44	48.37	628.81	0.00	0.00	0.00
14	3128.81	48.37	677.18	0.00	0.00	0.00
15	3177.18	48.37	725.55	0.00	0.00	0.00
16	3225.55	48.37	773.92	0.00	0.00	0.00
17	3273.92	48.37	822.29	0.00	0.00	0.00
18	3322.29	48.37	870.66	0.00	0.00	0.00
19	3370.66	48.37	919.03	0.00	0.00	0.00
20	3419.03	48.37	967.40	0.00	0.00	0.00
21	3467.40	48.37	1015.77	0.00	0.00	0.00
22	3515.77	48.37	1064.14	0.00	0.00	0.00
23	3564.14	48.37	1112.51	0.00	0.00	0.00
24	3612.51	48.37	1160.88	0.00	0.00	0.00
25	3660.88	48.37	1209.25	0.00	0.00	0.00
26	3709.25	48.37	1257.62	0.00	0.00	0.00
27	3757.62	48.37	1305.99	0.00	0.00	0.00
28	3805.99	48.37	1354.36	0.00	0.00	0.00
29	3854.36	48.37	1402.73	0.00	0.00	0.00
30	3902.73	48.37	1451.10	0.00	0.00	0.00
31	3951.10	48.37	1499.47	0.00	0.00	0.00
32	3999.47	48.37	1547.84	0.00	0.00	0.00
33	4047.84	48.37	1596.21	0.00	0.00	0.00
34	4096.21	48.37	1644.58	0.00	0.00	0.00
35	4144.58	48.37	1692.95	0.00	0.00	0.00
36	4192.95	48.37	1741.32	0.00	0.00	0.00
37	4241.32	48.37	1789.69	0.00	0.00	0.00
38	4289.69	48.37	1838.06	0.00	0.00	0.00
39	4338.06	48.37	1886.43	0.00	0.00	0.00
40	4386.43	48.37	1934.80	0.00	0.00	0.00
41	4434.80	48.37	1983.17	0.00	0.00	0.00
42	4483.17	48.37	2031.54	0.00	0.00	0.00
43	4531.54	48.37	2079.91	0.00	0.00	0.00
44	4579.91	48.37	2128.28	0.00	0.00	0.00
45	4628.28	48.37	2176.65	0.00	0.00	0.00
46	4676.65	48.37	2225.02	0.00	0.00	0.00
47	4725.02	48.37	2273.39	0.00	0.00	0.00
48	4773.39	48.37	2321.76	0.00	0.00	0.00
49	4821.76	48.37	2370.13	0.00	0.00	0.00
50	4870.13	48.37	2418.50	0.00	0.00	0.00
51	4918.50	48.37	2466.87	0.00	0.00	0.00
52	4966.87	48.37	2515.24	0.00	0.00	0.00
53	5015.24	48.37	2563.61	0.00	0.00	0.00
54	5063.61	48.37	2611.98	0.00	0.00	0.00
55	5111.98	48.37	2660.35	0.00	0.00	0.00
56	5160.35	48.37	2708.72	0.00	0.00	0.00
57	5208.72	48.37	2757.09	0.00	0.00	0.00
58	5257.09	48.37	2805.46	0.00	0.00	0.00
59	5305.46	48.37	2853.83	0.00	0.00	0.00
60	5353.83	48.37	2902.20	0.00	0.00	0.00
61	5402.20	48.37	2950.57	0.00	0.00	0.00
62	5450.57	48.37	2998.94	0.00	0.00	0.00
63	5498.94	48.37	3047.31	0.00	0.00	0.00
64	5547.31	48.37	3095.68	0.00	0.00	0.00
65	5595.68	48.37	3144.05	0.00	0.00	0.00
66	5644.05	48.37	3192.42	0.00	0.00	0.00
67	5692.42	48.37	3240.79	0.00	0.00	0.00
68	5740.79	48.37	3289.16	0.00	0.00	0.00
69	5789.16	48.37	3337.53	0.00	0.00	0.00
70	5837.53	48.37	3385.90	0.00	0.00	0.00
71	5885.90	48.37	3434.27	0.00	0.00	0.00
72	5934.27	48.37	3482.64	0.00	0.00	0.00
73	5982.64	48.37	3531.01	0.00	0.00	0.00
74	6030.97	48.37	3579.38	0.00	0.00	0.00
75	6079.38	48.37	3627.75	0.00	0.00	0.00
76	6127.75	48.37	3676.12	0.00	0.00	0.00
77	6176.12	48.37	3724.49	0.00	0.00	0.00
78	6224.49	48.37	3772.86	0.00	0.00	0.00
79	6272.86	48.37	3821.23	0.00	0.00	0.00
80	6321.23	48.37	3869.60	0.00	0.00	0.00
81	6369.60	48.37	3917.97	0.00	0.00	0.00
82	6417.97	48.37	3966.34	0.00	0.00	0.00
83	6466.34	48.37	4014.71	0.00	0.00	0.00
84	6514.71	48.37	4063.08	0.00	0.00	0.00
85	6563.08	48.37	4111.45	0.00	0.00	0.00
86	6611.45	48.37	4159.82	0.00	0.00	0.00
87	6659.82	48.37	4208.19	0.00	0.00	0.00
88	6708.19	48.37	4256.56	0.00	0.00	0.00
89	6756.56	48.37	4304.93	0.00	0.00	0.00
90	6804.93	48.37	4353.30	0.00	0.00	0.00
91	6853.30	48.37	4401.67	0.00	0.00	0.00
92	6901.67	48.37	4450.04	0.00	0.00	0.00
93	6950.04	48.37	4498.41	0.00	0.00	0.00
94	6998.41	48.37	4546.78	0.00	0.00	0.00
95	7046.78	48.37	4595.15	0.00	0.00	0.00
96	7095.15	48.37	4643.52	0.00	0.00	0.00
97	7143.52	48.37	4691.89	0.00	0.00	0.00
98	7191.89	48.37	4740.26	0.00	0.00	0.00
99	7240.26	48.37	4788.63	0.00	0.00	0.00
100	7288.63	48.37	4837.00	0.00	0.00	0.00



Existing HOWD 509	443.81 Acres
Second Annexation Tract 1	4.903 Acres
Second Annexation Tract 2	14.409 Acres
Second Annexation Tract 3	45.265 Acres
Net HOWD 509	502.778 Acres

NOTES:
 1. All bearings referenced to the Texas Coordinate System, South Central Zone (480283).
 2. This document, 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.

LINE	BEARING	DISTANCE
1	S47°00'00"W	125.00
2	S47°00'00"W	125.00
3	S47°00'00"W	125.00
4	S47°00'00"W	125.00
5	S47°00'00"W	125.00
6	S47°00'00"W	125.00
7	S47°00'00"W	125.00
8	S47°00'00"W	125.00
9	S47°00'00"W	125.00
10	S47°00'00"W	125.00
11	S47°00'00"W	125.00
12	S47°00'00"W	125.00
13	S47°00'00"W	125.00
14	S47°00'00"W	125.00
15	S47°00'00"W	125.00
16	S47°00'00"W	125.00
17	S47°00'00"W	125.00
18	S47°00'00"W	125.00
19	S47°00'00"W	125.00
20	S47°00'00"W	125.00
21	S47°00'00"W	125.00
22	S47°00'00"W	125.00
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56	S47°00'00"W	125.00
57	S47°00'00"W	125.00
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73	S47°00'00"W	125.00
74	S47°00'00"W	125.00
75	S47°00'00"W	125.00
76	S47°00'00"W	125.00
77	S47°00'00"W	125.00
78	S47°00'00"W	125.00
79	S47°00'00"W	125.00
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88	S47°00'00"W	125.00
89	S47°00'00"W	125.00
90	S47°00'00"W	125.00
91	S47°00'00"W	125.00
92	S47°00'00"W	125.00
93	S47°00'00"W	125.00
94	S47°0	



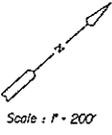
CURVE TABLE

Curve #	Stationing	Length	Chord	Area	Offset	Chord Bearing
1	100+00.00	48.37	48.37	0.00	0.00	N100°00'00" E
2	100+00.00	48.37	48.37	0.00	0.00	N100°00'00" E
3	100+00.00	48.37	48.37	0.00	0.00	N100°00'00" E
4	100+00.00	48.37	48.37	0.00	0.00	N100°00'00" E
5	100+00.00	48.37	48.37	0.00	0.00	N100°00'00" E
6	100+00.00	48.37	48.37	0.00	0.00	N100°00'00" E
7	100+00.00	48.37	48.37	0.00	0.00	N100°00'00" E

ACREAGE SUMMARY

Existing (ROAD 509)	443.181 Acres
Second Annexation Tract 1	4.903 Acres
Second Annexation Tract 2	14.409 Acres
Second Annexation Tract 3	40.285 Acres
Net (ROAD 509)	502.778 Acres

NOTES:
 1. All bearings referenced to the Texas Coordinate System, South Central Zone (NAD83).
 2. This document, prepared under 22 TAC 1.663.01, 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 interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



LINE TABLE

Line #	Stationing	Distance
1	100+00.00	48.37
2	100+00.00	48.37
3	100+00.00	48.37
4	100+00.00	48.37
5	100+00.00	48.37
6	100+00.00	48.37
7	100+00.00	48.37
8	100+00.00	48.37
9	100+00.00	48.37
10	100+00.00	48.37
11	100+00.00	48.37
12	100+00.00	48.37
13	100+00.00	48.37
14	100+00.00	48.37
15	100+00.00	48.37
16	100+00.00	48.37
17	100+00.00	48.37
18	100+00.00	48.37
19	100+00.00	48.37
20	100+00.00	48.37
21	100+00.00	48.37
22	100+00.00	48.37
23	100+00.00	48.37
24	100+00.00	48.37
25	100+00.00	48.37
26	100+00.00	48.37
27	100+00.00	48.37
28	100+00.00	48.37
29	100+00.00	48.37
30	100+00.00	48.37
31	100+00.00	48.37
32	100+00.00	48.37
33	100+00.00	48.37
34	100+00.00	48.37

ANNEXATION MAP FOR HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 509 502.778 ACRES
 T.J. GREEN SURVEY, A-290
 THOMAS J. GREEN SURVEY, A-290
 HARRIS COUNTY, TEXAS
 LJA Engineering, Inc.
 2600 Spring Drive
 Houston, Texas 77057
 Phone 713.862.0000
 Fax 713.862.0000
 T.J.G. 1/18/2014

New Business Item No. 5

5. **Consideration and Possible Action – Resolution No. 2015-4 –** A Resolution of the City Council of the City of Pearland, Texas, Declaring Intention to Reimburse Project Expenditures from Proceeds of Future Tax-Exempt Permanent Improvement Bonds, Certificates of Obligation, and Water/Sewer Revenue Bonds.

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

AGENDA OF:	January 12, 2015	ITEM NO.:	Resolution No. R2015-4
DATE SUBMITTED:	January 2, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Claire Bogard	PRESENTOR:	Claire Bogard
REVIEWED BY:	Trent Epperson	REVIEW DATE:	January 6, 2015
SUBJECT: Resolution 2015-4, A Resolution of the City Council of the City of Pearland, Texas, Declaring Intention to Reimburse Project Expenditures from Proceeds of Future Tax-Exempt Permanent Improvement Bonds, Certificates of Obligation, and Water/Sewer Revenue Bonds			
EXHIBITS: Resolution 2015-4, Exhibits A - C Attachments A – C Pages on Each Project out of Capital Improvement Program			
FUNDING:			
	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash
<input checked="" type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold
EXPENDITURE REQUIRED: \$-0-		AMOUNT BUDGETED: \$0-	
AMOUNT AVAILABLE: \$-0-		PROJECT NO.:	
ACCOUNT NOS.:			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

EXECUTIVE SUMMARY

BACKGROUND

The fiscal year 2015 adopted budget includes funding appropriation for capital projects to be financed or partially financed through the issuance of debt. The fiscal year 2015 budget includes General Obligation Bonds to be sold in the amount of \$16,888,546 million and \$2,631,050 in fiscal year 2016 to fund 2015 appropriations. Certificates of Obligation to be sold total \$11,067,201 and Water/Sewer Revenues Bonds total \$2,143,400. The bond sale is tentatively slated for summer 2015. Some of the projects funded with these bonds have already begun or will begin prior to the actual sale of the bonds. That timing allows for the work to proceed and the bond sale to closely match actual project costs, minimizing differences in financing and actual costs. In order to be reimbursed from future bond proceeds, the City Council must adopt a resolution declaring the City's intention to be reimbursed from future bond proceeds.

SCOPE OF SERVICE

Projects Department reviewed the projects anticipated to be funded with bonds and estimated interim cash outlay on each project through the August 2015 timeframe, which is when the bonds are anticipated to be sold. This estimated cash outlay is what is identified for the intent to reimburse on the attached list of projects in the resolution.

Even though these dollars are based on annual appropriations and anticipated scheduling and estimate of costs, capital projects are budgeted for the entire project length. As such, projects such as Independence Park, Delores Fenwick Nature Center, Bailey Road, Kirby Drive, and Smith Ranch Road will carryover into future fiscal years with additional bonds to be sold.

SCHEDULE

After approval of the Intent to Reimburse, it is anticipated that the bonds will be sold August, 2015. Some of these projects also have bonds that will be sold in future fiscal years in order to complete the entire project, as indicated below. The City's sells bonds estimated on annual cash outlay.

Even though City Council will approve the Intent to Reimburse on these budgeted projects, the actual amount of the bonds sold will be based on updated project schedules and scopes and actual bids. City Council will still need to approve the actual bond sale for the projects and dollar amounts. In addition, the final scope and cost of the City Hall Complex renovation will be determined based on the options that will be presented to the Council prior to proceeding with final design and construction.

POLICY/GOAL CONSIDERATION

This item addresses two Council goals. In Transportation: Continue to efficiently execute the plan which is in place. In Finance: Take strategic approach to issuance of debt.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Debt to be issued to complete projects in progress or to begin in fiscal year 2015 is as follows:

<u>General Obligation</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018+</u>
Cowart Creek Diversion	1,524,159			
Cullen/FM518 Detention	3,708,000			
Old Town Site Drainage	2,312,200	826,800		
Independence Park	179,810	1,906,803	1,183,387	
Delores Fenwick Nature Center	39,150	486,523	1,757,980	
Centennial Park	1,504,936			
Shadow Creek Ranch Park	2,116,834			
Tom Reid Library	882,600	2,512,400		
Bailey Road – Veterans to FM1128	1,067,480	3,648,869		
Fite Road – McLean to Veterans	679,810			
Max Road – FM518 to Hughes Ranch	849,685			
McHard Rd. – Cullen to Mykawa	771,094		4,364,047	2,909,364
Kirby Dr. – Broadway to CR59	738,545			
Hughes Ranch Rd – CR94 to Cullen	200,000	3,970,710		
Regency Park Paving	2,766,600			
Industrial Drive Realignment	1,190,000			
Smith Ranch Rd – FM518 to Hughes Ranch	65,643	183,361	16,433	731,372
Total	16,888,546	17,243,466	7,321,847	3,640,736
<u>Certificates of Obligation</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018+</u>
Independence Park			339,073	
Centennial Park	223,064			
Shadow Creek Ranch Trail	23,147	324,951		
Green Tee Trail	21,037	726,562		
Old Town Area Sidewalks	200,000			
Tom Reid Library	412,300			

Fire Station #2	3,669,954			
City Hall Complex Renovation	4,397,699			
Orange Street Service Center	2,120,000			
Total CO's	11,067,201	1,051,513	339,073	
Water/Sewer Revenue Bonds	2015	2016	2017	2018+
Regency Park Waterline	579,230			
FM521 Waterline		1,232,010		
Reflection Bay WWTP		19,014,000	10,500,000	
McHard Rd Trunk Sewer			4,616,440	
Roy Max Sewage System		2,321,800		
Barry Rose WWTP		500,000	12,816,650	
Green Tee Diversion	324,170			
SWEC Filter Bar & Screen	1,240,000			
Total W/S Revenue Bonds	2,143,400	23,067,818	27,933,090	

Estimated Annual Debt Service

	2015	2016	2017	2018	2019
General Obligation	-0-	1,810,970	3,538,773	4,082,213	4,302,220
Certificates of Obligation	-0-	1,188,124	1,180,570	1,177,893	1,138,960
W/S Revenue Bonds	-0-	143,605	1,689,150	3,560,665	3,560,665

This does not include all of the projects in the 5-Year Capital Improvement Program funded with bonds, only those projects in progress or starting in 2015. These projects and resulting bond sales have been incorporated into the City's 5-Year Forecast that was presented to Council during the budget process.

O&M IMPACT INFORMATION

Upon completion of the above projects, operating impacts are as follows. These costs were also built into the City 5-Year Forecast.

By Fund	Upon Completion of Above Projects
General Fund	\$1,808,313
Water/Sewer Fund	\$392,185

RECOMMENDED ACTION

Consideration and approval of a Resolution declaring intention to reimburse project expenditures from proceeds of future tax-exempt Permanent Improvement Bonds, Certificates of Obligation, and Water/Sewer Revenue Bonds.

RESOLUTION NO. R2015-4

A Resolution of the City Council of the City of Pearland, Texas, declaring intention to reimburse project expenditures from proceeds of future tax-exempt permanent improvement bonds, certificates of obligation, and water/sewer revenue bonds.

WHEREAS, the City plans to make certain capital expenditures described on Exhibit A (herein, the "PIB Project"), the maximum aggregate cost of which is expected to be approximately \$19,600,000.00;

WHEREAS, the City anticipates providing funds to permanently finance these capital costs of the PIB Project by issuing after the date hereof certain Permanent Improvement Bonds, expected to be issued by the City in fiscal year 2015 and currently expected to have a maximum aggregate principal amount of \$20,200,000.00 (herein, the "PIBs"), the proceeds of which are expected to be used to pay costs of the PIB Project and costs of issuance of the PIBs;

WHEREAS, the City plans to make the capital expenditures described on Exhibit B (herein, the "CO Project"), the maximum aggregate cost of which is expected to be approximately \$11,100,000.00;

WHEREAS, the City anticipates providing funds to permanently finance these capital costs of the CO Project by issuing after the date hereof certain Certificates of Obligation, expected to be issued by the City in fiscal year 2015 and currently expected to have a maximum aggregate principal amount of \$11,400,000.00 (herein, the "Obligations"), all of which is expected to be used to pay costs of the CO Project and costs of issuance of the Obligations;

RESOLUTION NO. R2015-4

WHEREAS, the City plans to make certain capital expenditures for its water and sewer system described on Exhibit C (herein, the "W/S Project"), the maximum aggregate cost of which is expected to be approximately \$2,200,000.00;

WHEREAS, the City anticipates providing funds to permanently finance the capital costs of the W/S Project by issuing after the date hereof certain water and sewer revenue bonds (the "W/S Bonds"), expected to be issued by the City in fiscal year 2015 and currently expected to have a maximum aggregate principal amount of \$2,500,000.00, the proceeds of which are expected to be used to pay costs of the W/S Project and costs of issuance of the W/S Bonds

WHEREAS, no funds of the City are, or are reasonably expected to be, allocated, reserved, or otherwise set aside in the City's budget on a long-term basis to pay the costs of the PIB Project, the CO Project or the W/S Project;

WHEREAS, the PIBs and the Obligations will be payable from certain revenues and ad valorem taxes levied, assessed and collected by the City to pay debt service on the PIBs and the Obligations;

WHEREAS, the W/S Bonds will be payable from revenues of the City's water and sewer system;

WHEREAS, the City anticipates that no more than 60 days prior to the date hereof and prior to the issuance of the PIBs, Obligations and W/S Bonds it will be obligated to pay certain costs constituting expenditures properly chargeable to a capital account (under general federal income tax principles) in connection with the PIB Project, the CO Project or the W/S Project (the "Expenditures");

RESOLUTION NO. R2015-4

WHEREAS, the money to be used to pay the Expenditures described in Exhibits A and B of this Resolution for the PIB and CO Projects is in the City's General Fund, the general purpose and function of which is to pay general operating and maintenance expenditures of the City and such money is not appropriated for any other purpose; and in the City's Capital Project Funds;

WHEREAS, the City reasonably expects that the City will reimburse the General Fund and the City's Capital Project Funds; for the Expenditures with proceeds of the PIB and the Obligations, respectively; and

WHEREAS, the money to be used to pay the Expenditures described in Exhibit C of this Resolution for the W/S Projects is in the City's Water and Sewer Revenue Fund and City's Water and Sewer Capital Project Funds;

WHEREAS, the City reasonably expects that the City will reimburse the Water and Sewer Revenue Fund and Water and Sewer Capital Project Funds with proceeds of the W/S Bonds; and

WHEREAS, after the issuance of the PIBs, Obligations and W/S Bonds the City will: (1) evidence each allocation of proceeds of the PIBs, Obligations and W/S Bonds to the reimbursement of the respective Expenditures with separate entries in its books and records maintained with respect to the PIBs, Obligations and W/S Bonds and (2) identify in each such entry the actual prior Expenditures being reimbursed or the fund from which the Expenditures were made; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. The City Council hereby adopts the findings set out in the preamble hereof and declares its intent within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended (the "Code"), to

RESOLUTION NO. R2015-4

issue approximately \$20,200,000.00 principal amount of PIBs, all of which will be used to pay the costs of the PIB Project or to reimburse the City for the Expenditures paid in connection with the PIB Project prior to the issuance of the Bonds and to pay costs of issuance of the PIBs.

Section 2. The City Council hereby adopts the findings set out in the preamble hereof and declares its intent within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Code, to issue approximately \$11,400,000.00 principal amount of Obligations, all of which will be used to pay the costs of the CO Project or to reimburse the City for the Expenditures paid in connection with the CO Project prior to the issuance of the Obligations and to pay costs of issuance of the Obligations.

Section 3. The City Council hereby adopts the findings set out in the preamble hereof and declares its intent within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Code, to issue approximately \$2,500,000.00 principal amount of W/S Bonds, all of which will be used to pay the costs of the W/S Project or to reimburse the City for the Expenditures paid in connection with the W/S Project prior to the issuance of the W/S Bonds and to pay costs of issuance of the W/S Bonds.

Section 4. The City will maintain this Resolution at the office of the City at 3519 Liberty Drive, Pearland, Texas 77581 and make it continuously available for inspection by the general public during normal business hours on business days beginning within 30 days after the date of this Resolution.

RESOLUTION NO. R2015-4

PASSED, APPROVED and ADOPTED this the ____ day of _____,
A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A

Description of Expenditures to be Reimbursed

<u>PROJECT</u>	<u>BUDGET BONDS</u>	<u>EXPECT TO REIMBURSE</u>
PIB		
Drainage		
Cowart Creek Diversion	1,524,159	-
OTS Drainage	2,312,200	1,083,000
Total Drainage	3,836,359	1,083,000
Park Improvements		
Shadow Creek Ranch Park	2,116,834	2,116,834
Centennial Park	1,504,936	1,504,936
Independence Park	179,810	179,810
Delores Fenwick NC	158,000	158,000
Total Parks	3,959,580	3,959,580
Facilities		
Tom Reid Library	3,395,000	1,592,025
Total Facilities	3,395,000	1,592,025
Street Improvements		
Max Road	849,685	849,685
Fite Road	679,810	679,810
McHard Rd Extension	771,094	771,094
Kirby Dr. Expansion	738,545	738,545
Hughes Ranch Rd	200,000	200,000
Regency Park Paving	2,766,600	1,152,750
Bailey Road	1,067,480	1,067,480
Smith Ranch Road	65,643	65,643
Industrial Drive Realignment	1,190,000	670,000
Total Streets	8,328,857	6,195,007
Total PIBs	19,519,796	12,829,612

RESOLUTION NO. R2015-4

Exhibit B

Description of Expenditures to be Reimbursed

<u>PROJECT</u>	<u>BUDGET BONDS</u>	<u>EXPECT TO REIMBURSE</u>
CO's		
Centennial Park	223,064	223,064
SCR Trail	23,147	23,147
Green Tee Trail	21,037	21,037
Fire Station #2	3,669,954	3,669,954
CH Complex	4,397,699	400,000
Orange St. Service Center	2,120,000	233,200
Tom Reid Library	412,300	82,460
OTS Sidewalks	200,000	200,000
Total CO's	11,067,201	4,852,862

RESOLUTION NO. R2015-4

Exhibit C

Description of Expenditures to e Reimbursed

<u>PROJECT</u>	<u>BUDGET BONDS</u>	<u>EXPECT TO REIMBURSE</u>
W/S Bonds		
Regency Park Water Line	579,230	579,230
Green Tee to Riverstone Diversion	324,170	32,417
SWEC Filter and Bar Screen	1,240,000	-
Total W/S Revenue Bonds	2,143,400	611,647

PROJECT NAME					PROJECT #		PREFERENCE ORDER				
Cowart Creek Diversion					DR0602		1				
PROJECT DESCRIPTION					PROJECT IMAGE						
Cowart Creek Diversion and Regional Detention for the Bailey Road corridor between FM 1128 and Wells Road Phase II of this project scheduled for 2015 consists of regrading the north-south ditches along all of the roads between Harkey and Veterans from CR101 to CR100. The ditch maintenance and improvement project entails re-grading the drainage ditches along Holland, Harkey, Wayne, Berry, McLean and Wellborn roads between CR 101 (Bailey Rd) and CR 100 as part of the cooperative drainage improvements for Bailey Road and the Cowart Creek Diversion. Driveway culverts will also be replaced/reset at the proper elevation as necessary based on the hydraulic evaluation.											
PROJECT JUSTIFICATION											
The basis of this diversion and detention project is to separate the drainage corridor out of the Bailey Road (FM1128 to Veterans) transportation corridor, thereby allowing for the development of both the ultimate transportation and drainage facilities in adequately sized, separate corridors.											
INCREMENTAL OPERATING AND MAINTENANCE COSTS											
Impact on operating budget					<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)						
Fiscal Year	2015	2016	2017	2018	2019						
Total Revenue											
Personnel Services											
Operation & Maintenance	\$8,200	\$8,200	\$8,200	\$8,200	\$8,200						
Capital Outlay											
Total Expense	\$8,200	\$8,200	\$8,200	\$8,200	\$8,200						
FTE Staff Total											
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION											
PROJECT COSTS ALLOCATION		TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report											\$0
Land/Right of Way		\$4,650,000	\$600,000	\$500,000	\$600,000						\$600,000
Design/Surveying		\$1,400,000	\$1,646,894	\$1,646,894	\$1,646,894						\$1,646,894
Construction		\$15,021,276	\$11,854,556	\$10,254,556	\$10,254,556	\$1,600,000					\$11,854,556
Equipment and Furniture											\$0
Contingency		\$955,174	\$615,000	\$615,000	\$615,000						\$615,000
TOTAL COSTS		\$22,026,450	\$14,716,450	\$13,016,450	\$13,116,450	\$1,600,000	\$0	\$0	\$0	\$0	\$14,716,450
FUNDING SOURCES		TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash		\$15,000	\$15,000	\$15,000	\$15,000						\$15,000
Certificates of Obligation											\$0
General Obligation Bonds		\$8,726,159	\$8,726,159	\$7,102,000	\$7,202,000	\$1,524,159					\$8,726,159
PEDC											\$0
W/S Revenue Bonds											\$0
System Revenue - Cash											\$0
Impact Fees - Cash											\$0
Impact Fees - Debt											\$0
Unfunded											\$0
Other Funding Sources ¹ -		\$13,285,291	\$5,975,291	\$5,899,450	\$5,899,450	\$75,841					\$5,975,291
TOTAL SOURCES		\$22,026,450	\$14,716,450	\$13,016,450	\$13,116,450	\$1,600,000	\$0	\$0	\$0	\$0	\$14,716,450
¹ Explain & Identify Type of Other Sources: BCDD#4 in-kind services total \$7.6 million: \$1,950,000 from T70061 in 2007; \$1,249,450 from T70061 in 2008. Reallocation from Town Ditch Bonds in 2010. Reallocation from East Mary's in 2013. Additional \$100,000 in 2014 reallocated from Piper Drainage, which is no longer needed. Reallocation from Cowart Creek - Fund 70 in 2015.							Project Manager: Cara Davis				
							Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER				
Old Townsite Drainage					DR1302		4				
PROJECT DESCRIPTION					PROJECT IMAGE						
<p>The City's Sub-Regional Detention Master Plan identified an area located within the City's Old Townsite as a potential location for a sub-regional detention pond. The 41-acre service area is located at the southwest corner of Walnut and Galveston and extends to SH35 and FM518, which is within the southeast quadrant of the Old Townsite. The scope of the project will be to develop a drainage and detention plan for serving the area with a sub-regional detention pond and will include the development of a PER that determines pond location, pond size, and conveyance to the sub-regional facility.</p>											
PROJECT JUSTIFICATION											
<p>The need for sub-regional detention has been a priority set by Council which led to the development of the Sub-Regional Detention Pond Master Plan. One of the short-term priority projects was a pond located within the southeast quadrant of the Old Townsite. Phase one focuses on the area located between Walnut St. and FM518. Re-development of this portion of the Old Townsite has been difficult primarily because of the inability to construct on-site detention. Implementation of this project will help alleviate that issue allowing for approximately 15 acres to develop and will also provide regional detention for the re-development or expansion of approximately 20 acres. In addition to this, the detention pond will also serve and mitigate the impacts of the expansion of the roadway network within this portion of the Old Townsite.</p>											
INCREMENTAL OPERATING AND MAINTENANCE COSTS											
Impact on operating budget					<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (See Below)						
Fiscal Year	2015	2016	2017	2018	2019						
Total Revenue											
Personnel Services											
Operation & Maintenance											
Capital Outlay											
Total Expense											
FTE Staff Total											
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION											
PROJECT COSTS ALLOCATION		TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report		\$100,000	\$100,000	\$100,000	\$100,000						\$100,000
Land/Right of Way		\$176,000	\$176,000	\$176,000	\$176,000						\$176,000
Design/Surveying		\$383,000	\$383,000	\$383,000		\$383,000					\$383,000
Construction		\$2,756,000	\$2,756,000			\$1,929,200	\$826,800				\$2,756,000
Equipment and Furniture											\$0
Contingency											\$0
TOTAL COSTS		\$3,415,000	\$3,415,000	\$659,000	\$276,000	\$2,312,200	\$826,800	\$0	\$0	\$0	\$3,415,000
FUNDING SOURCES		TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash											\$0
Certificates of Obligation											\$0
General Obligation Bonds		\$3,239,000	\$3,239,000	\$483,000	\$100,000	\$2,312,200	\$826,800				\$3,239,000
PEDC											\$0
W/S Revenue Bonds											\$0
System Revenue - Cash											\$0
Impact Fees - Cash											\$0
Impact Fees - Debt											\$0
Unfunded											\$0
Other Funding Sources ¹ -		\$176,000	\$176,000	\$176,000	\$176,000						\$176,000
TOTAL SOURCES		\$3,415,000	\$3,415,000	\$659,000	\$276,000	\$2,312,200	\$826,800	\$0	\$0	\$0	\$3,415,000
¹ Explain & Identify Type of Other Sources: Reallocation of Town Ditch & Veterans/Walnut							Project Manager: Andrea Brinkley Project's Approval Date: 3/26/2014				

CITY OF PEARLAND, TEXAS

2014 - 2018 CAPITAL IMPROVEMENT PROGRAM

PROJECT NAME Shadow Creek Ranch Park Ph I		PROJECT # P20002		PREFERENCE ORDER 2					
PROJECT DESCRIPTION Project elements include eight lighted softball/baseball fields, one soccer field, six volleyball courts, parking, a hike and bike trail around the fields and a lawn amphitheater for special events.		PROJECT IMAGE							
PROJECT JUSTIFICATION The Parks and Recreation Master Plan calls for a multipurpose sports complex in this area of the community to serve the growth of the area.									
INCREMENTAL OPERATING AND MAINTENANCE COSTS									
Impact on operating budget <input type="checkbox"/> No <input type="checkbox"/> Yes (See Below)									
Fiscal Year	2014					2015	2016	2017	2018
Total Revenue						\$42,000	\$42,000	\$42,000	\$42,000
Personnel Services		\$349,354	\$360,801	\$372,621	\$383,800				
Operation & Maintenance		\$151,193	\$163,815	\$168,038	\$168,038				
Capital Outlay		\$70,965							
Total Expense		\$571,512	\$524,616	\$540,659	\$551,838				
FTE Staff Total		7							
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION									

PROJECT COSTS ALLOCATION	FY PROJECTED APPROPRIATIONS									
	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2013	2014	2015	2016	2017	2018	PROJECT TOTAL
Preliminary Engineering Report	\$37,051	\$37,051	\$37,051	\$37,051						\$37,051
Design/Surveying	\$610,400	\$610,400	\$610,400	\$610,400						\$610,400
Construction	\$7,003,900	\$7,003,900	\$1,500,000	\$1,500,000	\$5,503,900					\$7,003,900
Contingency	\$763,700	\$763,700	\$200,000	\$200,000	\$563,700					\$763,700
TOTAL COSTS	\$8,415,051	\$8,415,051	\$2,347,451	\$2,347,451	\$6,067,600	\$0	\$0	\$0	\$0	\$8,415,051

FUNDING SOURCES	FY PROJECTED APPROPRIATIONS									
	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2013	2014	2015	2016	2017	2018	PROJECT TOTAL
Certificates of Obligation	\$37,051	\$37,051	\$37,051	\$37,051						\$37,051
Future GO Bonds	\$8,360,000	\$8,360,000	\$2,292,400	\$2,292,400	\$3,950,766	\$2,116,834				\$8,360,000
Other Funding Sources ¹ -	\$18,000	\$18,000	\$18,000	\$18,000						\$18,000
TOTAL SOURCES	\$8,415,051	\$8,415,051	\$2,347,451	\$2,347,451	\$3,950,766	\$2,116,834	\$0	\$0	\$0	\$8,415,051

¹ Explain & Identify Type of Other Sources:
Park Zone 1

Project Manager: Cara Davis

Project's Approval Date: 3/14/2013

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Centennial Park Ph II					P50071		1			
PROJECT DESCRIPTION					PROJECT IMAGE					
Phase II of Centennial Park includes the demolition of the existing soccer fields, the construction of two new lighted softball fields, the installation of a new picnic pavilion and additional parking for the complex.										
PROJECT JUSTIFICATION										
Once the Max Road Sports Complex is completed, youth and adult soccer will move from Centennial Park to Max Road where the program can be expanded. The existing soccer fields will be demolished and converted to lighted softball fields. Additional softball fields will allow for the expansion of the girls softball program. Adult softball will ultimately move to the Shadow Creek Ranch Complex once completed to make room for girls softball.										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)										
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000					
Personnel Services										
Operation & Maintenance	\$56,966	\$76,045	\$76,118	\$76,118	\$76,118					
Capital Outlay										
Total Expense	\$56,966	\$76,045	\$76,118	\$76,118	\$76,118					
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$207,000	\$207,000	\$207,000	\$207,000						\$207,000
Land/Right of Way	\$495	\$495	\$495	\$495						\$495
Design/Surveying	\$147,000	\$147,000	\$147,000	\$147,000						\$147,000
Construction	\$1,828,000	\$1,828,000	\$1,189,858		\$1,828,000					\$1,828,000
Equipment and Furniture										\$0
Contingency	\$183,800	\$183,800	\$183,800	\$183,800						\$183,800
TOTAL COSTS	\$2,366,295	\$2,366,295	\$1,728,153	\$538,295	\$1,828,000	\$0	\$0	\$0	\$0	\$2,366,295
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash	\$495	\$495	\$495	\$495						\$495
Certificates of Obligation	\$223,064	\$223,064			\$223,064					\$223,064
General Obligation Bonds	\$2,042,736	\$2,042,736	\$1,727,658	\$537,800	\$1,504,936					\$2,042,736
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$100,000	\$100,000			\$100,000					\$100,000
TOTAL SOURCES	\$2,366,295	\$2,366,295	\$1,728,153	\$538,295	\$1,828,000	\$0	\$0	\$0	\$0	\$2,366,295
Explain & Identify Type of Other Sources: Park Zone 7.						Project Manager: Cara Davis				
						Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Independence Park Ph I					P20001		2			
PROJECT DESCRIPTION					PROJECT IMAGE					
Phase I Improvements include a reorientation of the entry into the park, relocation and upgrade of the existing playground, improvements to the existing pavilion, the construction of additional parking, an amphitheater for special events and landscaping. Construction will be coordinated with the Trail Phase III project.										
PROJECT JUSTIFICATION										
Independence Park is one of the oldest and most recognized parks that the City owns. According to the park utilization survey conducted with the master plan, this park had the second highest utilization of all City parks. Most of the current amenities at the park are outdated or in bad condition and are in need of replacement. This project was approved by voters in the 2007 Bond Program. The Master Plan lists improvements to this park as a high priority.										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)										
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services			\$25,400	\$52,323	\$53,893					
Operation & Maintenance			\$764	\$6,152	\$6,152					
Capital Outlay										
Total Expense			\$26,163	\$58,475	\$60,045					
FTE Staff Total			1.0							
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$29,437	\$29,437	\$29,437	\$29,437						\$29,437
Land/Right of Way										\$0
Design/Surveying	\$240,000	\$240,000			\$179,810	\$60,190				\$240,000
Construction	\$3,069,073	\$3,069,073				\$1,816,613	\$1,252,460			\$3,069,073
Equipment and Furniture										\$0
Contingency	\$300,000	\$300,000				\$30,000	\$270,000			\$300,000
TOTAL COSTS	\$3,638,510	\$3,638,510	\$29,437	\$29,437	\$179,810	\$1,906,803	\$1,522,460	\$0	\$0	\$3,638,510
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation	\$368,510	\$368,510	\$29,437	\$29,437			\$339,073			\$368,510
General Obligation Bonds	\$3,270,000	\$3,270,000			\$179,810	\$1,906,803	\$1,183,387			\$3,270,000
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -										\$0
TOTAL SOURCES	\$3,638,510	\$3,638,510	\$29,437	\$29,437	\$179,810	\$1,906,803	\$1,522,460	\$0	\$0	\$3,638,510
¹ Explain & Identify Type of Other Sources:						Project Manager: Andrea Brinkley				
						Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER	
Delores Fenwick Nature Center					P20004		5	
PROJECT DESCRIPTION					PROJECT IMAGE			
The project will include a 7,000 sq ft building with an open air pavilion at one end that would include: environmental educational displays, demonstration gardens, interpretive exhibits, 6 or 7 offices, restrooms, outdoor spray station and hose bibs, a classroom with a 50 seat capacity, 400 sq ft of storage and grass crete parking.								
PROJECT JUSTIFICATION								
There is a great need in the community to educate the public on the benefit of recycling, green space and trees. This project would give Pearland a unique opportunity to showcase JHEC as a learning opportunity for the entire community. Children/adults would be able to come and take classes and learn about the environment in a hands-on setting. This would be the office for the KPB staff and provide an opportunity to showcase the entire concept of utilizing one site as multi purposing for parks, recreation, detention, education, recycling, and environmental park.								
INCREMENTAL OPERATING AND MAINTENANCE COSTS								
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)								
Fiscal Year	2015	2016	2017	2018	2019			
Total Revenue								
Personnel Services				\$84,104	\$173,255			
Operation & Maintenance				\$48,125	\$87,875			
Capital Outlay				\$40,140				
Total Expense				\$172,369	\$261,130			
FTE Staff Total				3.0				
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION								

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$25,000	\$25,000	\$25,000	\$25,000						\$25,000
Land/Right of Way										\$0
Design/Surveying	\$158,000	\$158,000			\$158,000					\$158,000
Construction	\$1,928,153	\$1,928,153				\$736,026	\$1,192,127			\$1,928,153
Equipment and Furniture										\$0
Contingency	\$197,500	\$197,500					\$197,500			\$197,500
TOTAL COSTS	\$2,308,653	\$2,308,653	\$25,000	\$25,000	\$158,000	\$736,026	\$1,389,627	\$0	\$0	\$2,308,653

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation	\$25,000	\$25,000	\$25,000	\$25,000						\$25,000
General Obligation Bonds	\$2,283,653	\$2,283,653			\$39,150	\$486,523	\$1,757,980			\$2,283,653
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -										\$0
TOTAL SOURCES	\$2,308,653	\$2,308,653	\$25,000	\$25,000	\$39,150	\$486,523	\$1,757,980	\$0	\$0	\$2,308,653

¹Explain & Identify Type of Other Sources: Possible grant funding in the amount of \$500,000 from HGAC.

Project Manager: Jennifer Lee

Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Tom Reid Library Expansion					F20002		4			
PROJECT DESCRIPTION					PROJECT IMAGE					
The library expansion will increase the now 20,584 sf building by 11,542 sf for an overall floor plan area of 32,126 sf. This expansion will create new areas in the library such as a bookstore, children's story time room, teen zone, computer labs and additional office/storage space. Renovations and enlargements of existing areas such as the circulation desk and book stacks are also included.										
PROJECT JUSTIFICATION										
The significant growth of Pearland has created a need for a larger children's area and adult meeting room to conduct activities, more stack area for books, and improved computer access.										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)										
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance		\$90,382	\$90,382	\$90,382	\$90,382					
Capital Outlay										
Total Expense		\$90,382	\$90,382	\$90,382	\$90,382					
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$35,260	\$35,260	\$35,260	\$35,260						\$35,260
Land/Right of Way										\$0
Design/Surveying	\$230,400	\$230,400		\$15,000	\$215,400					\$230,400
Construction	\$3,303,900	\$3,303,900			\$3,303,900					\$3,303,900
Equipment and Furniture										\$0
Contingency	\$288,000	\$288,000			\$288,000					\$288,000
TOTAL COSTS	\$3,857,560	\$3,857,560	\$35,260	\$50,260	\$3,807,300	\$0	\$0	\$0	\$0	\$3,857,560
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation	\$447,560	\$447,560	\$35,260	\$35,260	\$412,300					\$447,560
General Obligation Bonds	\$3,395,000	\$3,395,000			\$882,600	\$2,512,400				\$3,395,000
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$15,000	\$15,000		\$15,000						\$15,000
TOTAL SOURCES	\$3,857,560	\$3,857,560	\$35,260	\$50,260	\$1,294,900	\$2,512,400	\$0	\$0	\$0	\$3,857,560
¹ Explain & Identify Type of Other Sources: From Fund 50						Project Manager: Cara Davis				
						Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER		
Max Road					TR1205		1		
PROJECT DESCRIPTION					PROJECT IMAGE				
Widen Max Road from the future Hughes Ranch alignment and connecting with Reid Boulevard, just west of the Food Town shopping center. The roadway will be four lanes, divided, with concrete curb and gutter, including storm sewers, outfalls and detention. A traffic signal will be installed at the intersection of Hughes Ranch Road and Max Road, and a new bridge will be constructed over Hickory Slough. A 10-ft multi-use path will be incorporated on the west side of the roadway from Hughes Ranch to Broadway per the Trail Master Plan.									
PROJECT JUSTIFICATION									
New residential development in the area, as well as the development of the City's Sports Complex adjacent to the proposed project, increase the demand for reliable access to the area. Improvements to this roadway will reduce maintenance, improve mobility, and increase public safety.									
INCREMENTAL OPERATING AND MAINTENANCE COSTS									
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)									
Fiscal Year	2015	2016	2017	2018	2019				
Total Revenue									
Personnel Services									
Operation & Maintenance	\$8,193	\$26,886	\$26,886	\$26,886	\$26,886				
Capital Outlay									
Total Expense	\$8,193	\$26,886	\$26,886	\$26,886	\$26,886				
FTE Staff Total									
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION									

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$200,000	\$200,000	\$200,000	\$200,000						\$200,000
Land/Right of Way	\$406,000	\$406,000	\$406,000	\$406,000						\$406,000
Design/Surveying	\$654,000	\$654,000	\$654,000	\$654,000						\$654,000
Construction	\$4,543,773	\$4,543,773	\$295,345	\$295,345	\$4,248,428					\$4,543,773
Equipment and Furniture										\$0
Contingency	\$658,844	\$658,844	\$658,844	\$658,844						\$658,844
TOTAL COSTS	\$6,462,617	\$6,462,617	\$2,214,189	\$2,214,189	\$4,248,428	\$0	\$0	\$0	\$0	\$6,462,617

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds	\$1,302,123	\$1,302,123	\$452,438	\$452,438	\$849,685					\$1,302,123
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$5,160,494	\$5,160,494	\$1,761,751	\$1,761,751	\$3,398,743					\$5,160,494
TOTAL SOURCES	\$6,462,617	\$6,462,617	\$2,214,189	\$2,214,189	\$4,248,428	\$0	\$0	\$0	\$0	\$6,462,617

¹Explain & Identify Type of Other Sources: HGAC TIP Funds in the amount of \$5,160,494. 20% City match required

Project Manager: Andrea Brinkley

Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER				
Fite Road					TR1202		2				
PROJECT DESCRIPTION					PROJECT IMAGE						
An extension of Fite Road approximately 2,500 feet east of McLean, running adjacent to Centennial Park, tying into Veterans Drive. The project includes four lanes, undivided, of concrete curb and gutter including storm sewers, outfalls and detention, a traffic signal at McLean Road and other related improvements.											
PROJECT JUSTIFICATION											
This extension will reduce the large amount of traffic that is currently diverted to Walnut Street, which is primarily residential. The completion of this segment will allow traffic to continue on Fite beyond its current termination point, which will improve transportation efficiency and safety. The roadway is heavily used as an alternative route to FM 518 and serves residential, commercial, and school traffic.											
INCREMENTAL OPERATING AND MAINTENANCE COSTS											
Impact on operating budget											
					<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)						
Fiscal Year	2015	2016	2017	2018	2019						
Total Revenue											
Personnel Services											
Operation & Maintenance	\$3,662	\$13,286	\$13,286	\$13,286	\$13,286						
Capital Outlay											
Total Expense	\$3,662	\$13,286	\$13,286	\$13,286	\$13,286						
FTE Staff Total											
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION											
PROJECT COSTS ALLOCATION		TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report											\$0
Land/Right of Way											\$0
Design/Surveying		\$733,284	\$733,284	\$733,284	\$733,284						\$733,284
Construction		\$3,566,196	\$3,566,196	\$233,565	\$233,565	\$3,332,631					\$3,566,196
Equipment and Furniture											\$0
Contingency		\$134,000	\$134,000	\$134,000	\$134,000						\$134,000
TOTAL COSTS		\$4,433,480	\$4,433,480	\$1,100,849	\$1,100,849	\$3,332,631	\$0	\$0	\$0	\$0	\$4,433,480
FUNDING SOURCES		TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash											\$0
Certificates of Obligation											\$0
General Obligation Bonds		\$872,221	\$872,221	\$192,411	\$192,411	\$679,810					\$872,221
PEDC											\$0
W/S Revenue Bonds											\$0
System Revenue - Cash											\$0
Impact Fees - Cash											\$0
Impact Fees - Debt											\$0
Unfunded											\$0
Other Funding Sources ¹ -		\$3,561,259	\$3,561,259	\$908,438	\$908,438	\$2,652,821					\$3,561,259
TOTAL SOURCES		\$4,433,480	\$4,433,480	\$1,100,849	\$1,100,849	\$3,332,631	\$0	\$0	\$0	\$0	\$4,433,480
Explain & Identify Type of Other Sources: HGAC TIP Funds in the amount of \$3,536,157. 20% City match required. Includes \$25,102 from the Traffic Fund in 2013.							Project Manager: Cuong Le				
							Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER		
McHard Road Extension (Mykawa Road to Cullen Parkway)					TR1405		3		
PROJECT DESCRIPTION					PROJECT IMAGE				
A new extension of approximately 3.5 miles of McHard Road, from Cullen Parkway to Mykawa Road, constructing a 4-lane, concrete, curb and gutter, divided roadway with raised medians. Includes storm sewers, outfalls and detention, traffic signals, sidewalks and related items. This project will be coordinated with the McHard Road Trunk Sewer extension and McHard Road Water Line Extension.									
PROJECT JUSTIFICATION									
This project is in accordance with the City's Thoroughfare Plan to alleviate traffic on FM518 by providing an alternate east/west route between SH288 and SH35.									
INCREMENTAL OPERATING AND MAINTENANCE COSTS									
Impact on operating budget					<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)				
Fiscal Year	2015	2016	2017	2018	2019				
Total Revenue									
Personnel Services									
Operation & Maintenance				\$47,650	\$103,533				
Capital Outlay									
Total Expense				\$47,650	\$103,533				
FTE Staff Total									
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION									

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$300,000	\$300,000	\$300,000	\$300,000						\$300,000
Land/Right of Way	\$3,855,469	\$3,855,469			\$3,855,469					\$3,855,469
Design/Surveying	\$2,350,195	\$2,350,195	\$2,350,195	\$2,350,195						\$2,350,195
Construction	\$34,563,411	\$34,563,411					\$20,738,047	\$13,825,364		\$34,563,411
Equipment and Furniture										\$0
Contingency	\$86,000	\$86,000					\$86,000			\$86,000
TOTAL COSTS	\$41,155,075	\$41,155,075	\$2,650,195	\$2,650,195	\$3,855,469	\$0	\$20,824,047	\$13,825,364	\$0	\$41,155,075

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds	\$8,574,544	\$8,574,544	\$530,039	\$530,039	\$771,094		\$4,364,047	\$2,909,364		\$8,574,544
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$32,580,531	\$32,580,531	\$2,120,156	\$2,120,156	\$3,084,375		\$16,425,600	\$10,950,400		\$32,580,531
TOTAL SOURCES	\$41,155,075	\$41,155,075	\$2,650,195	\$2,650,195	\$3,855,469	\$0	\$20,789,647	\$13,859,764	\$0	\$41,155,075

¹Explain & Identify Type of Other Sources: HGAC TIP Funds in the amount of \$32,580,531. 20% City match required.

Project Manager: Jennifer Lee

Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER				
Kirby Drive Expansion					TR1404		5				
PROJECT DESCRIPTION					PROJECT IMAGE						
Four lanes of Kirby Drive exist from Broadway to the Pearland Town Center north entrance. Two lanes continue south to CR 59. The limits of this project include extending the remaining two lanes from the Pearland Town Center entrance to CR 59. The proposed cross section is concrete curb and gutter with sidewalks. The Kirby Drive Water Line project will occur in coordination with this project.											
PROJECT JUSTIFICATION											
Expansion of Alvin ISD with two schools in the area will require improved and greater access for traffic circulation. This project fills a gap between Broadway and CR 59.											
INCREMENTAL OPERATING AND MAINTENANCE COSTS											
Impact on operating budget											
					<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)						
Fiscal Year	2015	2016	2017	2018	2019						
Total Revenue											
Personnel Services											
Operation & Maintenance		\$8,613	\$17,226	\$17,226	\$17,226						
Capital Outlay											
Total Expense		\$8,613	\$17,226	\$17,226	\$17,226						
FTE Staff Total											
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION											
PROJECT COSTS ALLOCATION		TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report											\$0
Land/Right of Way											\$0
Design/Surveying		\$269,000	\$269,000	\$235,000	\$269,000						\$269,000
Construction		\$1,710,545	\$1,710,545	\$1,000,000	\$1,000,000	\$710,545					\$1,710,545
Equipment and Furniture											\$0
Contingency		\$278,000	\$278,000			\$278,000					\$278,000
TOTAL COSTS		\$2,257,545	\$2,257,545	\$1,235,000	\$1,269,000	\$988,545	\$0	\$0	\$0	\$0	\$2,257,545
FUNDING SOURCES		TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash											\$0
Certificates of Obligation											\$0
General Obligation Bonds		\$1,998,545	\$1,998,545	\$1,226,000	\$1,260,000	\$738,545					\$1,998,545
PEDC											\$0
W/S Revenue Bonds											\$0
System Revenue - Cash											\$0
Impact Fees - Cash											\$0
Impact Fees - Debt											\$0
Unfunded											\$0
Other Funding Sources ¹ -		\$259,000	\$259,000	\$9,000	\$9,000	\$250,000					\$259,000
TOTAL SOURCES		\$2,257,545	\$2,257,545	\$1,235,000	\$1,269,000	\$988,545	\$0	\$0	\$0	\$0	\$2,257,545
¹ Explain & Identify Type of Other Sources: Other includes \$9,000 from Traffic Fund and Alvin ISD for traffic signal.							Project Manager: Jennifer Lee				
							Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER		
Hughes Ranch Road (CR 403)					TR1201		7		
PROJECT DESCRIPTION					PROJECT IMAGE				
Reconstruction of CR403 from Cullen to Smith Ranch Road from a two lane asphalt open ditch roadway to a four lane concrete curb and gutter boulevard for a distance of 2 miles. Brazoria County will be completing the design, environmental clearance, and relocating the utilities. The project includes approximately 13,000 LF of Noise Barrier. Installation of additional water line infrastructure will be constructed in coordination with this project to fill in the gaps of the current system.									
PROJECT JUSTIFICATION									
The roadway will provide enhanced safety and access to Dawson High School located on Cullen Blvd. and enhance access to SH 288 and the SH288 Tollway, in conformance with the City Thoroughfare Plan.									
INCREMENTAL OPERATING AND MAINTENANCE COSTS									
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)									
Fiscal Year	2015	2016	2017	2018	2019				
Total Revenue									
Personnel Services									
Operation & Maintenance			\$10,697	\$47,786	\$47,786				
Capital Outlay									
Total Expense			\$10,697	\$47,786	\$47,786				
FTE Staff Total									
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION									

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way	\$1,065,000	\$1,065,000	\$1,065,000	\$1,065,000						\$1,065,000
Design/Surveying	\$216,000	\$216,000	\$16,000	\$16,000	\$200,000					\$216,000
Construction	\$20,805,000	\$20,805,000	\$342,000	\$342,000		\$3,772,600	\$16,690,400			\$20,805,000
Equipment and Furniture										\$0
Contingency	\$235,000	\$235,000	\$35,000	\$35,000		\$200,000				\$235,000
TOTAL COSTS	\$22,321,000	\$22,321,000	\$1,458,000	\$1,458,000	\$200,000	\$3,972,600	\$16,690,400	\$0	\$0	\$22,321,000

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds	\$5,538,163	\$5,538,163	\$1,367,453	\$1,367,453	\$200,000	\$3,970,710				\$5,538,163
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded	\$16,690,400	\$16,690,400				\$16,690,400				\$16,690,400
Other Funding Sources ¹ -	\$92,437	\$92,437	\$90,547	\$90,547		\$1,890				\$92,437
TOTAL SOURCES	\$22,321,000	\$22,321,000	\$1,458,000	\$1,458,000	\$200,000	\$3,972,600	\$16,690,400	\$0	\$0	\$22,321,000

¹Explain & Identify Type of Other Sources: City or County future bond referendum. Other includes \$90,547 from Traffic Fund in 2013. To be submitted to HGAC for 2015 TIP Funds. \$1,890 from Sidewalk Fund in 2016.

Project Manager: Andrea Brinkley
 Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER				
Regency Park Subdivision Paving					TR1402		8				
PROJECT DESCRIPTION					PROJECT IMAGE						
<p>Replace all concrete paving within Regency Park Subdivision. Project will include an evaluation of the existing drainage system within the subdivision, and recommendations to improve drainage. Replacement of existing water line infrastructure throughout the neighborhood will be done in coordination with this project.</p>											
PROJECT JUSTIFICATION											
<p>Regency Park is the oldest concrete-paved subdivision in the City. Currently, the pavement condition throughout the subdivision has become increasingly unacceptable. Because of the nature of the failures, it is not fiscally efficient to replace individual concrete slabs.</p>											
INCREMENTAL OPERATING AND MAINTENANCE COSTS											
Impact on operating budget					<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (See Below)						
Fiscal Year	2015	2016	2017	2018	2019						
Total Revenue											
Personnel Services											
Operation & Maintenance											
Capital Outlay											
Total Expense											
FTE Staff Total											
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION											
PROJECT COSTS ALLOCATION		TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report											\$0
Land/Right of Way											\$0
Design/Surveying	\$245,161	\$245,161	\$245,161	\$245,161							\$245,161
Construction	\$2,305,500	\$2,305,500			\$2,305,500						\$2,305,500
Equipment and Furniture											\$0
Contingency	\$461,100	\$461,100			\$461,100						\$461,100
TOTAL COSTS	\$3,011,761	\$3,011,761	\$245,161	\$245,161	\$2,766,600	\$0	\$0	\$0	\$0	\$0	\$3,011,761
FUNDING SOURCES		TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash											\$0
Certificates of Obligation											\$0
General Obligation Bonds	\$3,011,761	\$3,011,761	\$245,161	\$245,161	\$2,766,600						\$3,011,761
PEDC											\$0
W/S Revenue Bonds											\$0
System Revenue - Cash											\$0
Impact Fees - Cash											\$0
Impact Fees - Debt											\$0
Unfunded											\$0
Other Funding Sources ¹ -											\$0
TOTAL SOURCES	\$3,011,761	\$3,011,761	\$245,161	\$245,161	\$2,766,600	\$0	\$0	\$0	\$0	\$0	\$3,011,761
¹Explain & Identify Type of Other Sources:							Project Manager: Jennifer Lee				
							Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER		
Bailey Road - Veterans to FM 1128					T08002		4		
PROJECT DESCRIPTION					PROJECT IMAGE				
Bailey Road will be improved to a four-lane concrete curb and gutter boulevard from approximately 1,000 feet west of FM 1128 to Veterans Drive, a distance of 2.76 miles. The project includes the full build out of the Bailey Intersections.									
PROJECT JUSTIFICATION									
Four lane boulevard segment will provide traffic an additional east/west connector to major highways, accommodate increasing school traffic, and complete drainage improvements along this area of the Cowart Creek corridor. This project is included in the City's Thoroughfare Plan and was approved by voters in the 2007 Bond election.									
INCREMENTAL OPERATING AND MAINTENANCE COSTS									
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)									
Fiscal Year	2015	2016	2017	2018	2019				
Total Revenue									
Personnel Services									
Operation & Maintenance			\$25,886	\$76,773	\$76,773				
Capital Outlay									
Total Expense			\$25,886	\$76,773	\$76,773				
FTE Staff Total									
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION									

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								PROJECT TOTAL
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	
Prelim. Engineering Report										\$0
Land/Right of Way	\$2,528,005	\$2,528,005	\$2,528,005	\$2,528,005						\$2,528,005
Design/Surveying	\$2,334,725	\$2,334,725	\$2,334,725	\$2,334,725						\$2,334,725
Construction	\$28,309,003	\$28,309,003	\$1,064,658	\$1,064,658	\$9,000,000	\$18,244,345				\$28,309,003
Equipment and Furniture										\$0
Contingency	\$140,000	\$140,000			\$140,000					\$140,000
TOTAL COSTS	\$33,311,733	\$33,311,733	\$5,927,388	\$5,927,388	\$9,140,000	\$18,244,345	\$0	\$0	\$0	\$33,311,733

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								PROJECT TOTAL
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds	\$9,606,376	\$9,606,376	\$4,890,027	\$4,890,027	\$1,067,480	\$3,648,869				\$9,606,376
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$23,705,357	\$23,705,357	\$1,037,361	\$1,037,361	\$8,072,520	\$14,595,476				\$23,705,357
TOTAL SOURCES	\$33,311,733	\$33,311,733	\$5,927,388	\$5,927,388	\$9,140,000	\$18,244,345	\$0	\$0	\$0	\$33,311,733

Explain & Identify Type of Other Sources: \$1.4M of GO Drainage bonds from the Cowart Creek Diversion project will be used to upsize the box culvert in this project. This will result in decreasing the cost of the Cowart Creek Project by approximately \$2.6M. HGAC TIP Funds in the amount of \$21,795,476 for construction. 20% City match required. Other Funding Sources includes bonds already sold - Fund 202 thru \$1,037,361 2014 and \$805,296 in 2015. \$67,224 from Sidewalk Fund in 2015.

Project Manager: Cara Davis
 Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER	
Smith Ranch Road Extension (CR 94)					TR1501		6	
PROJECT DESCRIPTION					PROJECT IMAGE			
Expansion of Smith Ranch Road from 2-lanes of asphalt into 4-lanes, divided, with raised medians, concrete curb and gutter, landscaping, and storm sewer. Limits are from Hughes Ranch Road to 2,040 ft north of Broadway.								
PROJECT JUSTIFICATION								
Continued increase in new development will increase traffic on this roadway. A strong demand for better access to this area calls for the expansion of this roadway.								
INCREMENTAL OPERATING AND MAINTENANCE COSTS								
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)								
Fiscal Year	2015	2016	2017	2018	2019			
Total Revenue								
Personnel Services								
Operation & Maintenance		\$5,593	\$21,186	\$21,186	\$21,186			
Capital Outlay								
Total Expense		\$5,593	\$21,186	\$21,186	\$21,186			
FTE Staff Total								
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION								

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way	\$816,803	\$816,803				\$816,803				\$816,803
Design/Surveying	\$328,668	\$328,668			\$328,668					\$328,668
Construction	\$3,291,238	\$3,291,238						\$3,291,238		\$3,291,238
Equipment and Furniture										\$0
Contingency	\$547,781	\$547,781				\$100,000	\$82,167	\$365,614		\$547,781
TOTAL COSTS	\$4,984,490	\$4,984,490	\$0	\$0	\$328,668	\$916,803	\$82,167	\$3,656,852	\$0	\$4,984,490

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds	\$996,809	\$996,809			\$65,643	\$183,361	\$16,433	\$731,372		\$996,809
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$3,987,681	\$3,987,681			\$263,025	\$733,442	\$65,734	\$2,925,480		\$3,987,681
TOTAL SOURCES	\$4,984,490	\$4,984,490	\$0	\$0	\$328,668	\$916,803	\$82,167	\$3,656,852	\$0	\$4,984,490

¹Explain & Identify Type of Other Sources: Includes HGAC TIP funds in the amount of \$3,987,590. 20% City match required. Funding from the Traffic Improvement Funds totals \$91 in 2015.

Project Manager: Cuong Le

Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Industrial Drive Realignment					TR1502		10			
PROJECT DESCRIPTION					PROJECT IMAGE					
Reconstruct Industrial Drive approximately 950 feet to align directly opposite each side of SH 35. Each side will include tapers to create dedicated left turn lanes and right through option lanes. Pavement will be three lanes wide tapering to the existing two lane roadway. Realignment will require drainage adjustments to both sides of SH35 including culverts and safety end treatments as well as modifications to drainage ditches in the area. Pipeline relocation/ mitigation will be required.										
PROJECT JUSTIFICATION										
TxDOT has secured safety funding to add a turn lane on SH 35 at this intersection. They will also conduct a traffic signal warrant study to determine if a signal is necessary. In order for TxDOT to move forward with these improvements East and West Industrial Drive must realign to eliminate the existing off-set. The completed project will provide a safer intersection.										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget					<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (See Below)					
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance		\$1,563	\$3,126	\$3,126	\$3,126					
Capital Outlay										
Total Expense		\$1,563	\$3,126	\$3,126	\$3,126					
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$28,000	\$28,000			\$28,000					\$28,000
Land/Right of Way										\$0
Design/Surveying	\$124,000	\$124,000			\$124,000					\$124,000
Construction	\$890,000	\$890,000			\$890,000					\$890,000
Equipment and Furniture										\$0
Contingency	\$148,000	\$148,000			\$148,000					\$148,000
TOTAL COSTS	\$1,190,000	\$1,190,000	\$0	\$0	\$1,190,000	\$0	\$0	\$0	\$0	\$1,190,000
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds	\$1,190,000	\$1,190,000			\$1,190,000					\$1,190,000
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -										\$0
TOTAL SOURCES	\$1,190,000	\$1,190,000	\$0	\$0	\$1,190,000	\$0	\$0	\$0	\$0	\$1,190,000
Explain & Identify Type of Other Sources:						Project Manager: Skipper Jones				
						Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Shadow Creek Ranch Trail					PK1401		3			
PROJECT DESCRIPTION					PROJECT IMAGE					
Extension of a 10-foot hike and bike trail from the future Shadow Creek Ranch Park site along Clear Creek to the existing trail approximately 1,300 feet east of Kirby Drive. Project will include benches, bike racks, trail signage, trash receptacles, water fountains, and shade structures.										
PROJECT JUSTIFICATION										
The Parks and Recreation Plan that was adopted by Council in December of 2005 lists the hike and bike trails as the number one priority for acquisition and development. This project is included in the 2013-2014 TIP and will be 80% federally funded.										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)										
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance			\$4,170	\$5,560	\$5,560					
Capital Outlay										
Total Expense			\$4,170	\$5,560	\$5,560					
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way	\$115,733	\$115,733			\$115,733					\$115,733
Design/Surveying	\$194,970	\$194,970	\$194,970	\$194,970						\$194,970
Construction	\$1,624,755	\$1,624,755				\$1,624,755				\$1,624,755
Equipment and Furniture										\$0
Contingency										\$0
TOTAL COSTS	\$1,935,458	\$1,935,458	\$194,970	\$194,970	\$115,733	\$1,624,755	\$0	\$0	\$0	\$1,935,458
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash	\$38,994	\$38,994	\$38,994	\$38,994						\$38,994
Certificates of Obligation	\$348,098	\$348,098			\$23,147	\$324,951				\$348,098
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$1,548,366	\$1,548,366	\$155,976	\$155,976	\$92,586	\$1,299,804				\$1,548,366
TOTAL SOURCES	\$1,935,458	\$1,935,458	\$194,970	\$194,970	\$115,733	\$1,624,755	\$0	\$0	\$0	\$1,935,458
Explain & Identify Type of Other Sources: Transportation Improvement Program funds in the amount of \$1,548,366; City must provide 20% matching funds.							Project Manager: Cara Davis			
							Project's Approval Date: 3/26/2014			

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Green Tee Terrace Trail					PK1402		4			
PROJECT DESCRIPTION					PROJECT IMAGE					
Extension of a 10-foot hike and bike trail from the Pearland Library/City Hall to Barry Rose Road along the Clear Creek Corridor. Project includes benches, bike racks, trail signage, trash receptacles, water fountains, shade structures, and a pedestrian bridge over Clear Creek.										
PROJECT JUSTIFICATION										
The Parks and Recreation Plan that was adopted by Council in December 2005, lists the hike and bike trails as the number one priority for acquisition and development. This project is included in the 2013-2014 TIP and will be 80% federally funded.										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)										
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance			\$2,930	\$5,860	\$5,860					
Capital Outlay										
Total Expense			\$2,930	\$5,860	\$5,860					
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way	\$105,183	\$105,183			\$105,183					\$105,183
Design/Surveying	\$435,937	\$435,937	\$435,937	\$435,937						\$435,937
Construction	\$3,632,816	\$3,632,816				\$3,632,816				\$3,632,816
Equipment and Furniture										\$0
Contingency										\$0
TOTAL COSTS	\$4,173,936	\$4,173,936	\$435,937	\$435,937	\$105,183	\$3,632,816	\$0	\$0	\$0	\$4,173,936
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash	\$20,487	\$20,487	\$20,487	\$20,487						\$20,487
Certificates of Obligation	\$747,599	\$747,599			\$21,037	\$726,562				\$747,599
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$3,405,850	\$3,405,850	\$415,450	\$415,450	\$84,146	\$2,906,254				\$3,405,850
TOTAL SOURCES	\$4,173,936	\$4,173,936	\$435,937	\$435,937	\$105,183	\$3,632,816	\$0	\$0	\$0	\$4,173,936
¹ Explain & Identify Type of Other Sources: Transportation Improvement Program funds in the amount of \$3,339,150; City must provide 20% matching funds. Zone 11 \$9,000 and Zone 10 \$57,500							Project Manager: Cuong Le Project's Approval Date: 3/26/2014			

PROJECT NAME	PROJECT #	PREFERENCE ORDER			
Fire Station #2	FA1401	1			
PROJECT DESCRIPTION	PROJECT IMAGE				
Construction of a 10,726 square foot station to house one 4-person Engine Crew, one 4-person Ladder Crew and one 2-person Ambulance Crew. Station 2 will include 10 dorm rooms, three restrooms with showers, a kitchen dining area, a Captain's and a Lieutenant's office, and an exercise room. The equipment area will include 3-80 feet deep drive-thru apparatus bays, a bunker gear storage area, medical supply storage, and EMS decontamination area. Land has been acquired at the northeast corner of Fite and Harkey.					
PROJECT JUSTIFICATION					
Rebuild/Relocate Fire Station 2 to accommodate a 24-hour operation and include EMS housing. This existing fire station is almost 40 years old. The location of the facility will help maintain response time and distances. There is no space for crews to stand-by for short-term when other stations are responding to calls or for an extended period during a storm.					
INCREMENTAL OPERATING AND MAINTENANCE COSTS					
Impact on operating budget	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)				
Fiscal Year	2015	2016	2017	2018	2019
Total Revenue					
Personnel Services		\$829,503	\$854,388	\$880,020	\$906,421
Operation & Maintenance		\$84,796	\$84,796	\$84,796	\$84,796
Capital Outlay					
Total Expense		\$914,299	\$939,184	\$964,816	\$991,216
FTE Staff Total		10.0			
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION					

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way	\$145,660	\$145,660	\$145,660	\$145,660						\$145,660
Design/Surveying	\$321,000	\$321,000	\$321,000	\$321,000						\$321,000
Construction	\$3,175,444	\$3,175,444			\$3,175,444					\$3,175,444
Equipment and Furniture	\$100,000	\$100,000			\$100,000					\$100,000
Contingency	\$494,510	\$494,510			\$494,510					\$494,510
TOTAL COSTS	\$4,236,614	\$4,236,614	\$466,660	\$466,660	\$3,769,954	\$0	\$0	\$0	\$0	\$4,236,614

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash	\$100,000	\$100,000			\$100,000					\$100,000
Certificates of Obligation	\$4,136,614	\$4,136,614	\$466,660	\$466,660	\$3,669,954					\$4,136,614
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -										\$0
TOTAL SOURCES	\$4,236,614	\$4,236,614	\$466,660	\$466,660	\$3,769,954	\$0	\$0	\$0	\$0	\$4,236,614

¹Explain & Identify Type of Other Sources:

Project Manager: Cuong Le

Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
City Hall Complex Renovations					FA0904		2			
PROJECT DESCRIPTION					PROJECT IMAGE					
<p>The existing Community Center was constructed in 1983 and City Hall in 1986. Departmental Space Programming beginning in 2007, was completed in 2014. This program incorporates the remodel of approximately 23,110 square feet of the former Community Center for Community Development and Finance & UB departments, renovations to the HVAC, Electrical and Plumbing systems and the installation of a sprinkler system for that building. It includes the remodel of 27,800 square feet in City Hall, the replacement of HVAC systems, including modifications to the Council Chambers, Administration, City Secretary, Legal, HR and Receptionist spaces and will include security and safety (exterior lighting) improvements for both buildings.</p>										
PROJECT JUSTIFICATION										
<p>Increased demands for secure public contact a more effective and efficient use of existing space for Community Development. Finance Department growth and specifically related activities require consolidation of the personnel and those activities in a single building. Greater public access is provided by moving the Administration and City Secretary to the first floor of City Hall and efficiencies are created by moving Legal and Communications into proximity with Admin. Current HVAC equipment is long past the useful life expectancy and requires replacement. Remodeling the existing facilities will provide space for staff growth through build-out and can be performed at less than one third the cost of building a new facility.</p>										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget					<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (See Below)					
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance										
Capital Outlay										
Total Expense										
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report	\$40,945	\$40,945	\$40,945	\$40,945						\$40,945
Land/Right of Way										\$0
Design/Surveying	\$400,000	\$400,000	\$232,007	\$400,000						\$400,000
Construction	\$4,065,938	\$4,065,938	\$135,352	\$55,938	\$4,010,000					\$4,065,938
Equipment and Furniture	\$75,000				\$75,000					\$75,000
Contingency	\$360,900	\$360,900			\$360,900					\$360,900
TOTAL COSTS	\$4,942,783	\$4,942,783	\$408,304	\$496,883	\$4,445,900	\$0	\$0	\$0	\$0	\$4,942,783
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation	\$4,859,230	\$4,859,230	\$372,952	\$461,531	\$4,397,699					\$4,859,230
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$83,553	\$83,553	\$35,352	\$35,352	\$48,201					\$83,553
TOTAL SOURCES	\$4,942,783	\$4,942,783	\$408,304	\$496,883	\$4,445,900	\$0	\$0	\$0	\$0	\$4,942,783
¹ Explain & Identify Type of Other Sources: Remaining Fund balance, Funds 50 and 201.						Project Manager: Jennifer Lee Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Orange Street Service Center					FA1404		6			
PROJECT DESCRIPTION					PROJECT IMAGE					
Public Works facilities on East Orange and Old Alvin requires updating in order to meet the demands on this facility. Fleet Maintenance facility requires the addition of fluids storage and handling equipment, the remodel of office and parts storage and the addition of a bulk fluids storage area. The storage yard requires completion of the paving to provide all weather access and clean safe operations, addition of covered pipe and bulk material storage areas and covered equipment storage. Remodel Public Works Admin building and adjacent offices and remodel old EMS and Fire Marshal buildings for division staff offices.										
PROJECT JUSTIFICATION										
The Orange Street facility has not been updated in over ten years. Yard facilities lack covered storage areas to protect stored materials and the hydraulic systems of heavy equipment. Departmental administrative staff levels have changed and grown over this period and staff are being officed out of poorly constructed facilities in the attached areas of the Admin building or in makeshift offices throughout the yard area. Remodel of office facilities will allow consolidation of division superintendents and support staff at this facility.										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget										
					<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (See Below)					
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance										
Capital Outlay										
Total Expense										
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way										\$0
Design/Surveying	\$240,000	\$240,000		\$240,000						\$240,000
Construction	\$1,820,000	\$1,820,000			\$1,820,000					\$1,820,000
Equipment and Furniture	\$150,000	\$150,000			\$150,000					\$150,000
Contingency	\$200,000	\$200,000		\$50,000	\$150,000					\$200,000
TOTAL COSTS	\$2,410,000	\$2,410,000	\$0	\$290,000	\$2,120,000	\$0	\$0	\$0	\$0	\$2,410,000
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation	\$2,410,000	\$2,410,000		\$290,000	\$2,120,000					\$2,410,000
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -										\$0
TOTAL SOURCES	\$2,410,000	\$2,410,000	\$0	\$290,000	\$2,120,000	\$0	\$0	\$0	\$0	\$2,410,000
Explain & Identify Type of Other Sources:						Project Manager: Andrea Brinkley				
						Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER		
Old Town Area Sidewalks					TR0803		17		
PROJECT DESCRIPTION					PROJECT IMAGE				
Enclose ditches and install sidewalks in the Old Town area between Houston St. and Grand Ave., from FM 518 to Orange St. N. Houston and E. Orange will be completed in 2015.									
PROJECT JUSTIFICATION									
Sidewalks are part of and constructed in coordination with the Old Townsite Master Plan. In order to install sidewalks without acquiring additional right of way, the roadside ditches must be enclosed. There are currently no sidewalks in the Old Town area; the work described here includes work we expect to complete within the next five years. The Old Town Drainage Project in the northeast quadrant is complete.									
INCREMENTAL OPERATING AND MAINTENANCE COSTS									
Impact on operating budget					<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (See Below)				
Fiscal Year	2015	2016	2017	2018	2019				
Total Revenue									
Personnel Services									
Operation & Maintenance									
Capital Outlay									
Total Expense									
FTE Staff Total									
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION									

PROJECT COSTS ALLOCATION	TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way										\$0
Design/Surveying	\$100,000	\$100,000			\$100,000					\$100,000
Construction	\$900,000	\$900,000	\$500,000	\$500,000	\$100,000	\$200,000	\$100,000			\$900,000
Equipment and Furniture										\$0
Contingency										\$0
TOTAL COSTS	\$1,000,000	\$1,000,000	\$500,000	\$500,000	\$200,000	\$200,000	\$100,000	\$0	\$0	\$1,000,000

FUNDING SOURCES	TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
		CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash	\$500,000	\$500,000	\$200,000	\$200,000		\$200,000	\$100,000			\$500,000
Certificates of Obligation	\$200,000	\$200,000			\$200,000					\$200,000
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds										\$0
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -	\$300,000	\$300,000	\$300,000	\$300,000						\$300,000
TOTAL SOURCES	\$1,000,000	\$1,000,000	\$500,000	\$500,000	\$200,000	\$200,000	\$100,000	\$0	\$0	\$1,000,000

¹Explain & Identify Type of Other Sources:

Project Manager: Public Works
Project's Approval Date: 3/26/2014

PROJECT NAME					PROJECT #		PREFERENCE ORDER				
Regency Park Subdivision 8" Water Line					WA1503		5				
PROJECT DESCRIPTION					PROJECT IMAGE						
Installation of 8" water line throughout the Regency Park Subdivision. Existing lines in the neighborhood are Ac Pipe and are deteriorating. They will be left in place to avoid the added cost of containment, removal and proper disposal. This project will be done in coordination with the Regency Park Subdivision Paving & Drainage Project.											
PROJECT JUSTIFICATION											
Existing lines in this subdivision are AC Pipe, deteriorating and are placed along the back of the properties, making it difficult for maintenance.											
INCREMENTAL OPERATING AND MAINTENANCE COSTS											
Impact on operating budget					<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (See Below)						
Fiscal Year	2015	2016	2017	2018	2019						
Total Revenue											
Personnel Services											
Operation & Maintenance											
Capital Outlay											
Total Expense											
FTE Staff Total											
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION											
PROJECT COSTS ALLOCATION		TOTAL BUDGET	FY PROJECTED ALLOCATIONS								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report											\$0
Land/Right of Way											\$0
Design/Surveying		\$47,015	\$47,015			\$47,015					\$47,015
Construction		\$484,230	\$484,230			\$484,230					\$484,230
Equipment and Furniture											\$0
Contingency		\$95,000	\$95,000			\$95,000					\$95,000
TOTAL COSTS		\$626,245	\$626,245	\$0	\$0	\$626,245	\$0	\$0	\$0	\$0	\$626,245
FUNDING SOURCES		TOTAL BUDGET	FY PROJECTED FUNDING SOURCES								
			CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash											\$0
Certificates of Obligation											\$0
General Obligation Bonds											\$0
PEDC											\$0
W/S Revenue Bonds		\$579,230	\$579,230			\$579,230					\$579,230
System Revenue - Cash		\$47,015	\$47,015			\$47,015					\$47,015
Impact Fees - Cash											\$0
Impact Fees - Debt											\$0
Unfunded											\$0
Other Funding Sources ¹ -											\$0
TOTAL SOURCES		\$626,245	\$626,245	\$0	\$0	\$626,245	\$0	\$0	\$0	\$0	\$626,245
*Explain & Identify Type of Other Sources:							Project Manager: Jennifer Lee				
							Project's Approval Date: 3/26/2014				

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
Green Tee 1 to Riverstone Wastewater Diversion (Longwood Service Area Phase 1)					WW1503		7			
PROJECT DESCRIPTION					PROJECT IMAGE					
Decommission lift station pump at corner of Country Club Dr. and Golfcrest, convert to manhole and install approximately 2200 feet of 8 to 10 inch gravity line to receiving manhole in first phase of Riverstone Ranch oversized. This includes approximately 80 feet of bored installation, 3 manholes to 12 feet deep coring manholes, sand bedding backfill grade and hydro-mulch.										
PROJECT JUSTIFICATION										
This is the first of three projects within Green Tee designed to remove wastewater flows from the Longwood Wastewater Treatment Plant through diversion to the Riverstone Ranch Oversized system. (Longwood Phase 2 was scheduled out of sequence for 2014) When completed this and two additional diversion projects within the subdivision will remove 870 equivalent sewer connections from Longwood Plant reducing inflow there by 8.9%										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget <input type="checkbox"/> No <input type="checkbox"/> Yes (See Below)										
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance										
Capital Outlay										
Total Expense										
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way										\$0
Design/Surveying	\$64,200	\$64,200			\$64,200					\$64,200
Construction	\$230,500	\$230,500			\$230,500					\$230,500
Equipment and Furniture										\$0
Contingency	\$29,470	\$29,470			\$29,470					\$29,470
TOTAL COSTS	\$324,170	\$324,170	\$0	\$0	\$324,170	\$0	\$0	\$0	\$0	\$324,170
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds	\$324,170	\$324,170			\$324,170					\$324,170
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -										\$0
TOTAL SOURCES	\$324,170	\$324,170	\$0	\$0	\$324,170	\$0	\$0	\$0	\$0	\$324,170
Explain & Identify Type of Other Sources:							Project Manager: Jameson Appel			
							Project's Approval Date: 3/26/2014			

PROJECT NAME					PROJECT #		PREFERENCE ORDER			
(JHEC) SWEC Filter and Bar Screen Improvements					WW1504		8			
PROJECT DESCRIPTION					PROJECT IMAGE					
<p>This project will provide for another filtration mechanism at the John Hargrove Environmental Center JHEC / SWEC waste water treatment plant. Presently the plant use three filters to manage its daily loading. The additional filter system will enable the operators to take a portion of the plant off line when needed to perform maintenance as needed. The current configuration of three filters does not accommodate for this and therefore prohibits frequent and needed maintenance of the system. The project will also address deficiencies with the bar screen mechanism which is not and has not been operating properly. It is in need of replacement. A new compactor / washer will also be included in this project.</p>										
JUSTIFICATION										
<p>As currently configured, the JHEC / SWEC waste water treatment plant is not flexible enough to accommodate frequent and needed maintenance. This project will allow for that and enable the operators to maintain the plant in a more effective manner. The new bar screen will enable the plan to remove more solids at the head works and therefore provide better effluent.</p>										
INCREMENTAL OPERATING AND MAINTENANCE COSTS										
Impact on operating budget					<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (See Below)					
Fiscal Year	2015	2016	2017	2018	2019					
Total Revenue										
Personnel Services										
Operation & Maintenance										
Capital Outlay										
Total Expense										
FTE Staff Total										
COST AVOIDANCE/PAYBACK PERIOD EXPLANATION										
FY PROJECTED ALLOCATIONS										
PROJECT COSTS ALLOCATION	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
Prelim. Engineering Report										\$0
Land/Right of Way										\$0
Design/Surveying	\$40,000	\$40,000			\$40,000					\$40,000
Construction	\$1,200,000	\$1,200,000			\$1,200,000					\$1,200,000
Equipment and Furniture										\$0
Contingency										\$0
TOTAL COSTS	\$1,240,000	\$1,240,000	\$0	\$0	\$1,240,000	\$0	\$0	\$0	\$0	\$1,240,000
FY PROJECTED FUNDING SOURCES										
FUNDING SOURCES	TOTAL BUDGET	CITY APPROP.	FUNDED BUDGET	ESTIMATED THRU 2014	2015	2016	2017	2018	2019	PROJECT TOTAL
General Revenue - Cash										\$0
Certificates of Obligation										\$0
General Obligation Bonds										\$0
PEDC										\$0
W/S Revenue Bonds	\$1,240,000	\$1,240,000			\$1,240,000					\$1,240,000
System Revenue - Cash										\$0
Impact Fees - Cash										\$0
Impact Fees - Debt										\$0
Unfunded										\$0
Other Funding Sources ¹ -										\$0
TOTAL SOURCES	\$1,240,000	\$1,240,000	\$0	\$0	\$1,240,000	\$0	\$0	\$0	\$0	\$1,240,000
Explain & Identify Type of Other Sources:						Project Manager: Public Works				
						Project's Approval Date: 3/26/2014				

New Business Item No. 6

- 6. Consideration and Possible Action – Resolution No. R2015-3 –**
A Resolution of the City Council of the City of Pearland, Texas, declaring intention to reimburse project expenditures from future capital lease proceeds or from other financing sources.

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

AGENDA OF:	January 12, 2015	ITEM NO.:	Resolution No. R2015-3
DATE SUBMITTED:	January 2, 2015	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Claire Bogard	PRESENTOR:	Claire Bogard
REVIEWED BY:	Trent Epperson	REVIEW DATE:	January 6, 2015
SUBJECT: Resolution No. R2015-3- A Resolution of the City Council of the City of Pearland, Texas Declaring Intention to Reimburse Project Expenditures from Future Capital Lease Proceeds or From Other Financing Sources			
EXHIBITS: Resolution #R2015-3			
FUNDING:			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input checked="" type="checkbox"/> L/P – To Be Sold			
EXPENDITURE REQUIRED: NA		AMOUNT BUDGETED: NA	
AMOUNT AVAILABLE:		PROJECT NO.:	
ACCOUNT NO.:			
ADDITIONAL APPROPRIATION REQUIRED:			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
X Finance		X Legal	
Ordinance		X Resolution	

EXECUTIVE SUMMARY

BACKGROUND

The fiscal year 2015 operating budget includes the purchase of certain equipment anticipated to be financed through capital lease proceeds. Equipment anticipated to be funded via capital lease proceeds is as follows:

General Fund

Enterprise Resource Management System (New Financial/Community Development Software/Hardware)	\$1,187,000
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Water/Sewer Fund

Sewer Vacuum Truck	\$ 458,000
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Departments are implementing their 2015 operating budgets and planning for their purchases. As the purchases will most likely occur before the financing is in place, in order to be reimbursed from future proceeds for expenditures that occur prior to the financing, the City must approve a notice of intent for reimbursement from future proceeds. The notice of intent is not-to-exceed \$1,675,000 for fiscal year 2015.

Please note that the total cost of the Enterprise Resource Management System is estimated at \$3,172,000 over a 24-month implementation timeline, partly funded with cash and partly with capital lease proceeds.

BID AND AWARD

Typically, the City has waited to proceed with the lease-purchase financing until all purchases have taken place, in order to finance only the amount that is required. The City will solicit competitive bids for the lease purchase financing at that time. The financing will be structured in such a way, so that the first lease payment will not be due until fiscal year 2016, as configured in the City's current multi-year forecast.

The actual amount of the fiscal year 2015 lease-purchase will be based upon actual costs, timing of milestone payments on the Enterprise Resource Management System based upon actual negotiated contract, and analysis of cash-on-hand during the fiscal year 2016 budget process. The City will only issue lease-purchase proceeds in the actual amount needed. The intent to reimburse does not commit the City to issuing this amount, but rather setting the maximum that would be issued.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The equipment is anticipated to be purchased through a seven-year lease purchase with the first payment to begin in fiscal year 2016 of approximately \$284,350 based on 3% interest built into the City's multi-year forecast. For comparison, the City currently received bids for its fiscal year 2014 financing on a fire-truck with seven-year financing at 2.02%.

O&M IMPACT INFORMATION

Minimal operating & maintenance impact for new equipment.

RECOMMENDED ACTION

City Council consideration and approval of a Resolution Declaring Intention to Reimburse Project Expenditures from Future Capital Lease Proceeds or From Other Financing Sources.

RESOLUTION NO. R2015-3

A Resolution of the City Council of the City of Pearland, Texas, declaring intention to reimburse project expenditures from future capital lease proceeds or from other financing sources.

WHEREAS, the City is proceeding with its capital equipment acquisition program, the general purpose and function of which is for the acquisition of certain municipal equipment to be owned and used by the City (herein, the "Project"), the maximum aggregate cost of which is expected to be approximately \$3,630,000.00;

WHEREAS, the City anticipates providing funds to permanently finance a portion of the capital costs of the Project by issuing after the date hereof, certain lease-purchase obligations or other financing sources, expected to be entered into by the City in fiscal year 2015 and in fiscal year 2016 and are currently expected to have a maximum aggregate principal amount of \$1,675,000.00 in 2015 and \$1,000,000 in 2016 (herein, the "Obligations"), all of which is expected to be used to pay costs of the Project and costs of issuance of the Obligations;

WHEREAS, no funds of the City are, or are reasonably expected to be, allocated, reserved, or otherwise set aside in the City's budget on a long-term basis to pay the costs of the Project;

WHEREAS, the Obligations will be payable from general fund revenues or debt service taxes levied, assessed and collected by the City for the Obligations; and water-sewer revenues billed and collected by the City for the Obligations;

WHEREAS, the City anticipates that no more than 60 days prior to the date hereof and prior to the issuance of the Obligations, it will be obligated to pay certain costs constituting expenditures properly chargeable to a capital account (under general federal

RESOLUTION NO. R2015-3

income tax principles) in connection with the Project, including expenditures for the equipment listed on Exhibit A hereto as “General Expenditures”;

WHEREAS, the money to be used to pay the General Expenditures described in this Resolution is in the City’s General Fund, the general purpose and function of which is to pay general operating and maintenance expenditures of the City and such money is not appropriated for any other purpose;

WHEREAS, the City anticipates that no more than 60 days prior to the date hereof and prior to the issuance of the Obligations, it will be obligated to pay certain costs constituting expenditures properly chargeable to a capital account (under general federal income tax principles) in connection with the Project, including expenditures for the equipment listed on Exhibit A hereto as “Water/Sewer Expenditures”;

WHEREAS, the money to be used to pay the Water/Sewer Expenditures described in this Resolution is in the City’s Water/Sewer Fund, the general purpose and function of which is to pay general operating and maintenance expenditures of the City’s water and sewer system and such money is not appropriated for any other purpose;

WHEREAS, the City reasonably expects that the City will be reimbursed for the Expenditures with proceeds of the Obligations; and

WHEREAS, after the issuance of the Obligations, the City will: (1) evidence each allocation of proceeds of the Obligations to the reimbursement of the Expenditures with separate entries in its books and records maintained with respect to the Obligations, and (2) identify in each such entry the actual prior Expenditures being reimbursed or the fund from which the Expenditures were made; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

RESOLUTION NO. R2015-3

Section 1. The City Council hereby adopts the findings set out in the preamble hereof and declares its intent within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended, to issue approximately \$950,000.00 principal amount of Obligations, all of which will be used to pay the costs of the Project or to reimburse the City for the Expenditures paid in connection with the Project prior to the issuance of the Obligations and to pay costs of issuance of the Obligations.

Section 2. The City will maintain this Resolution at the office of the City at 3519 Liberty Drive, Pearland, Texas 77581 and make it continuously available for inspection by the general public during normal business hours on business days beginning within 30 days after the date of this Resolution.

PASSED, APPROVED and ADOPTED this the ____ day of _____, A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A

Description of Expenditures To Be Reimbursed

General Expenditures

Enterprise Resource Management System (Financial/Community Development Software and Hardware)

Water-Sewer Expenditures

Sewer Vacuum Truck

New Business Item No. 7

7. **Consideration and Possible Action – Resolution No. R2015-9 – A** Resolution of the City Council of the City of Pearland, Texas, authorizing an Advanced Funding Agreement with the State of Texas for the Smith Ranch Road Project.

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

AGENDA OF: January 12, 2015	ITEM NO.: Resolution No. R2015-9
DATE SUBMITTED: Dec. 23, 2014	DEPT. OF ORIGIN: Projects
PREPARED BY: S Jones	PRESENTOR: S Jones
REVIEWED BY: Trent Epperson	REVIEW DATE: January 5, 2015
SUBJECT: Resolution No. R2015-9 - A Resolution of the City Council of the City of Pearland, Texas, authorizing an Advanced Funding Agreement with the State of Texas for the Smith Ranch Road Project from north of FM518 to Hughes Ranch Road.	
EXHIBITS: R-2015-9, A – Advanced Funding Agreement for Smith Ranch Road	
FUNDING: <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold	
EXPENDITURE REQUIRED: \$12,000 AMOUNT AVAILABLE: \$328,668 ACCOUNT NO.: 203-0000-565-01-00 ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	AMOUNT BUDGETED: \$328,668 PROJECT NO.: TR1501
To be completed by Department: <input checked="" type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

RECOMMENDED ACTION

Consideration and approval of a resolution approving the Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for the Design, Right-of-Way Acquisition, and Construction of the Smith Ranch Road Project and authorizing the City Manager to execute the agreement on behalf of the City.

EXECUTIVE SUMMARY

BACKGROUND

In July, 2013, the City was informed by H-GAC that Smith Ranch Road from north of FM518 to Hughes Ranch Road had been selected to receive 80% matching funds from Federal and State transportation funds through the Transportation Improvement Program (TIP). The

federal funding is from the Surface Transportation Program – Metro Mobility (STP-MM) program and the state funds are from the Texas Mobility Fund (TMF).

After being selected the City included funding for the project in the 2015-2018 CIP Budget.

SCOPE OF CONTRACT/AGREEMENT

The Advanced Funding Agreement establishes the responsibilities of TxDOT and the City for the delivery of the project and covers the design engineering, right of way, environmental services, construction and construction management costs associated with the project.

The cost sharing included in the agreement is 80% Federal/State and 20% City. The AFA requires the City to follow the State's Local Government Project Procedures (LGPP), which includes a Disadvantaged Business Enterprise (DBE) goal, Davis-Bacon Wage Rates, Buy America, and the associated administrative paperwork.

Under the terms of the agreement, TxDOT reimburses the City 80% of the costs related to the design engineering, right of way, environmental clearances and construction costs, on a monthly basis after the City has made payment. In keeping with recent AFAs with TxDOT, the agreement allows the City to 'locally-let' and manage the construction project.

If the costs for the design, land acquisition, and construction exceed the maximum obligated Federal/State amount, as listed in Attachment C of the AFA the City will be responsible for the remaining costs at 100%. The Advanced Funding Agreement (AFA) is based on the original cost estimate included in the TIP submittal. With rising costs in roadway construction there is a concern that the original estimates may not be adequate. If construction cost estimates are significantly higher once the design is completed, staff will request a TIP Amendment for the shortfall from H-GAC.

Attached is the AFA between the City and TxDOT for this work, in the total amount of \$5,173,341 with the Federal share of \$3,071,215, the State share of \$1,105,227 and the City share of \$996,899. The AFA estimates construction costs at \$3,777,019 with engineering at \$286,668 and Right of Way at \$810,803 for a total of \$4,874,490 plus State direct cost of \$110,000 and State indirect costs of \$188,851, for a Total Estimated project cost of \$5,173,341. The City's 20% matching funds were programmed into the 2016, 2017 and 2018 schedules of the CIP Budget.

Other projects such as Max, Fite McHard and portions of Bailey have been funded by this type of agreement and cost sharing.

BID AND AWARD

Not applicable

SCHEDULE

The letting of the project is scheduled for no later than August 2017. Therefore, the design phase is estimated to start by the second quarter of 2015 with Environmental Approval and Right of Way acquisition to follow. Construction is estimated to begin in the 4th quarter of 2017 and require approximately 9 to 12 months to complete.

POLICY/GOAL CONSIDERATION

Consistent with Council goals, staff has pursued and received state and federal funding for multiple transportation improvement projects including Smith Ranch Road, Max Road, Fite Road, McHard Road and Bailey Road.

In accordance with the City's Thoroughfare Plan, the project improves north/ south access outside of the 288 Corridor and will form an integral component for access to the future 288 Toll lanes via the T-Ramp intersection at Smith Ranch Road and Hughes Ranch Road as well as access to the proposed Park and Ride and the McHard Road corridor.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The anticipated funding and schedule below shows the City's 20% share of the project.

Year	To Date	2016	2017	2018	2019	Total
Budget	\$ 65,643	\$ 183,361	\$ 16,433	\$ 731,462		\$ 996,899
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Current Request						
Construction	12,000					12,000
Future Expenditures						
PER						-
Land/ROW		163,361				163,361
Design/Survey	53,643	9,691				63,334
Construction		10,309	16,433	731,462		758,204
FF&E						-
Total Expenditures	\$ 65,643	\$ 183,361	\$ 16,433	\$ 731,462	\$ -	\$ 996,899
Remaining Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Debt Sold						
Debt to Be Sold	65,643	183,361	16,433	731,462		
Annual Debt Service		7,023	25,987	25,714	102,270	

O&M IMPACT INFORMATION

Year	2015	2016	2017	2018	2019
Operation and Maintenance Costs		\$ 5,593	\$ 21,186	\$ 21,186	\$ 21,186

RESOLUTION NO. R2015-9

A Resolution of the City Council of the City of Pearland, Texas, authorizing an Advanced Funding Agreement with the State of Texas for the Smith Ranch Road Project from north of FM518 to Hughes Ranch Road.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That certain Advance Funding Agreement by and between the City of Pearland and the State of Texas, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an Advance Funding Agreement with the State of Texas, for the Smith Ranch Road Project.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
For A Texas Mobility Fund &
A Surface Transportation Program – Metropolitan Mobility
Off System Project**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the “State”, and the City of Pearland, acting by and through its duly authorized officials, called the “Local Government.”

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, the Texas Transportation Code, Sections 201.103 and 222.052 establish that the State shall design, construct and operate a system of highways in cooperation with local governments; and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, the Texas Transportation Commission passed Minute Order Number 114027, authorizing the State to undertake and complete a highway improvement generally described as the widening of Smith Ranch Road from Hughes Ranch Road to north of Broadway/FM 518 called the “Project”; and,

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment “A” for the improvement covered by this agreement. A map showing the Project location appears in Attachment “B,” which is attached to and made a part of this agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this agreement, it is agreed as follows:

AGREEMENT

1. Period of the Agreement

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the Project is completed or unless terminated as provided below.

2. Scope of Work

Widen Smith Ranch Road to a four-lane divided section from Hughes Ranch Road to north of Broadway/FM 518 as shown on Attachment "B".

3. Local Project Sources and Uses of Funds

- A. The total estimated cost of the Project is shown in the Project Budget – Attachment "C", which is attached to and made a part of this agreement. The expected cash contributions from the Federal or State government, the Local Government, or other parties are shown in Attachment "C". The State will pay for only those project costs that have been approved by the Texas Transportation Commission. The State and the Federal Government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- B. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C. The Project cost estimate shows how necessary resources for completing the Project will be provided by major cost categories. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the Federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-state participation costs associated with the Project, otherwise provided for in this agreement or approved

otherwise in an amendment to this agreement. Where a Special Approval has been signed by the State, the Local Government shall only in that instance be responsible for overruns in excess of the fixed amount to be paid by the Local Government.

- F.** Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- G.** Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to the State Project.
- H.** Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due by the Local Government, the State, or the Federal government will be promptly paid by the owing party. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- I.** The State will not pay interest on any funds provided by the Local Government.
- J.** If a waiver has been granted, the State will not charge the Local Government for the indirect costs the State incurs on the local Project, unless this agreement is terminated at the request of the Local Government prior to completion of the Project.
- K.** If the Project has been approved for a specified percentage or a "periodic payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the specified percentage or the periodic payment schedule.
- L.** If the Local government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.
- M.** When a Special Approval has been signed by the State so that the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of those amounts.
- N.** The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- O.** Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.

- P. The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly, and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- Q. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this agreement.

4. Termination of this Agreement

This agreement shall remain in effect until the project is completed and accepted by all parties, unless:

- A. The agreement is terminated in writing with the mutual consent of the parties;
- B. The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this agreement.

5. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

6. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

7. Utilities

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or state funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is completed.

8. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A.** The Local Government is responsible for the identification and assessment of any environmental problems associated with the development of a local project governed by this agreement.
- B.** The Local Government is responsible for the cost of any environmental problem's mitigation and remediation.
- C.** The Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment. Public hearings will not be held prior to the approval of project schematic.
- D.** The Local Government is responsible for the preparation of the NEPA documents required for the environmental clearance of this Project.
- E.** Before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

9. Compliance with Texas Accessibility Standards and ADA

All parties to this agreement shall ensure that the plans for and the construction of all projects subject to this agreement are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

10. Architectural and Engineering Services

The Local Government has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable *State's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. In procuring professional services, the parties to this agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters.

11. Construction Responsibilities

- A.** The Local Government shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements,

amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.

- B. The Local Government will use its approved contract letting and award procedures to let and award the construction contract.
- C. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- D. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

12. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads after completion of the work and the State shall be responsible for maintenance of state highway system after completion of the work if the work was on the state highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

13. Right of Way and Real Property

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding

fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this agreement and the obligation of federal spending authority.

- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.
- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

14. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

CSJ # 0912-31-293
District # 12 - Houston
Code Chart 64 # 32150
Project: Smith Ranch Road Widening
Federal Highway Administration
CFDA # 20.205
Not Research and Development

Local Government:	State:
City Manager City of Pearland 3519 Liberty Drive Pearland, Texas 77581	Director of Contract Services Office Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

15. Legal Construction

If one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

16. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

17. Ownership of Documents

Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

18. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

19. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

20. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

21. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

22. Inspection of Books and Records

The parties to this agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the Federal Highway Administration (FHWA), and the U.S. Office of the Inspector General, or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

23. Civil Rights Compliance

The Local Government shall comply with the regulations of the United States Department of Transportation as they relate to non-discrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

24. Disadvantaged Business Enterprise (DBE) Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.

- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

25. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

26. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

27. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

28. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
 - 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 - 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows Federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
 - 3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

29. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B. If threshold expenditures are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://www.txdot.gov/inside-txdot/office/audit/contact.html>. The expenditure threshold for fiscal years beginning prior to December 31, 2014 is \$500,000; the expenditure threshold for fiscal years beginning on or after December 31, 2014 is \$750,000.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

30. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ # 0912-31-293
District # 12 - Houston
Code Chart 64 # 32150
Project: Smith Ranch Road Widening
Federal Highway Administration
CFDA # 20.205
Not Research and Development

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

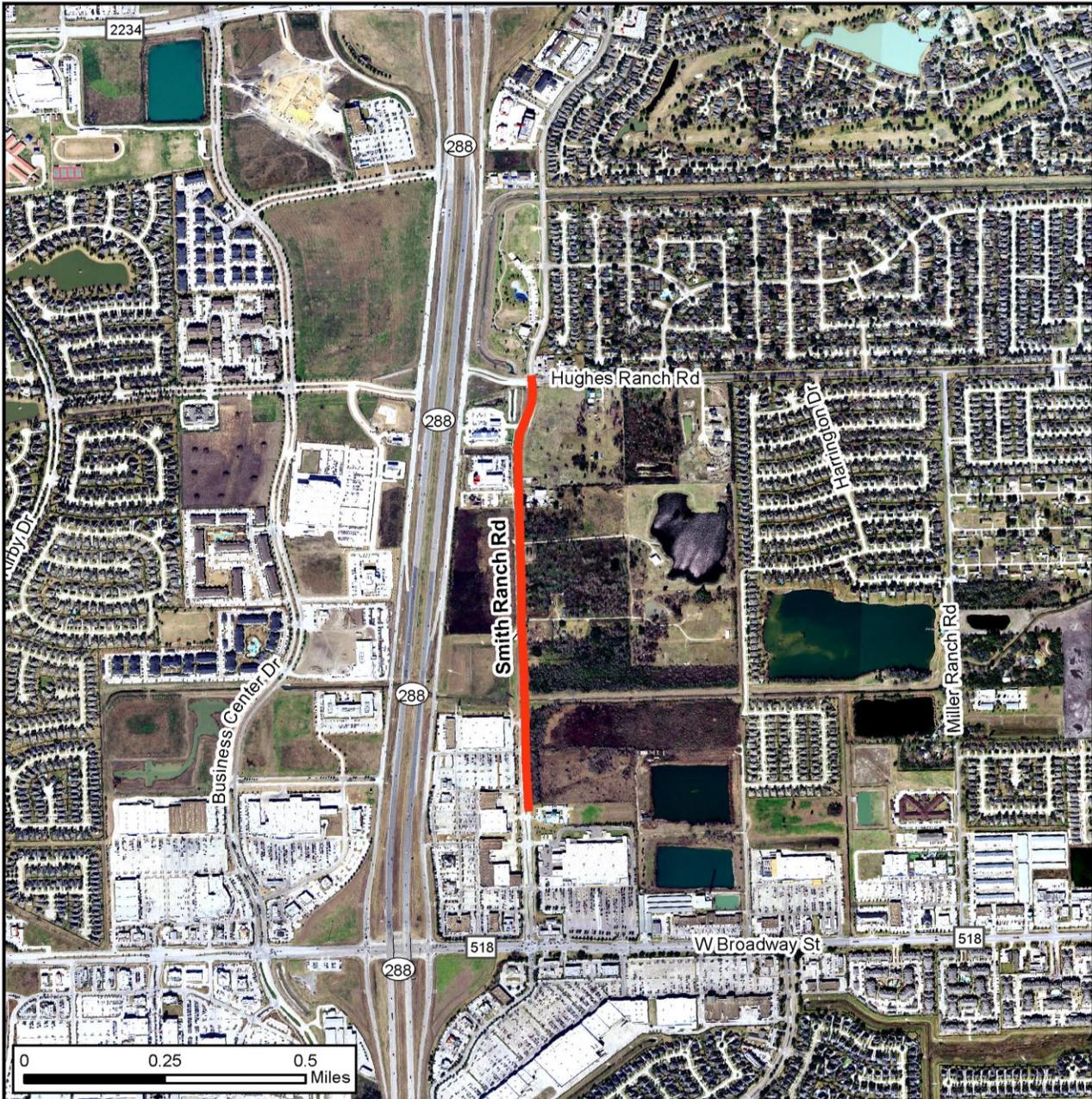
Date

CSJ # 0912-31-293
District # 12 - Houston
Code Chart 64 # 32150
Project: Smith Ranch Road Widening
Federal Highway Administration
CFDA # 20.205
Not Research and Development

ATTACHMENT A
RESOLUTION OR ORDINANCE

CSJ # 0912-31-293
District # 12 - Houston
Code Chart 64 # 32150
Project: Smith Ranch Road Widening
Federal Highway Administration
CFDA # 20.205
Not Research and Development

ATTACHMENT B LOCATION MAP SHOWING PROJECT



Attachment B

CSJ: 0912-31-293

Smith Ranch Rd, from Hughes Ranch Rd

to north of Broadway/FM 518

Description of Work:

Widen to 4 lanes



**ATTACHMENT C
 PROJECT BUDGET**

Costs will be allocated for STP-MM funding based on 80% Federal funding and 20% Local Government funding until the federal funding reaches the maximum obligated amount. Costs will be allocated for TMF funding based on 80% State funding and 20% Local Government Funding until the state funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Fund Type	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
			%	Cost	%	Cost	%	Cost
Engineering (by Local Government)	TMF	\$286,668	0%	\$0	80%	\$229,334	20%	\$57,334
Right of Way (by Local Government)	TMF	\$810,803	0%	\$0	80%	\$648,642	20%	\$162,161
Construction (by Local Government)	STP-MM	\$3,777,019	80%	\$3,021,615	0%	\$0	20%	\$755,404
Subtotal		\$4,874,490		\$3,021,615		\$877,976	0%	\$974,899
Environmental Direct State Costs	STP-MM	\$6,000	80%	\$4,800	0%	\$0	20%	\$1,200
Right of Way Direct State Costs	TMF	\$6,000	0%	\$0	80%	\$4,800	20%	\$1,200
Engineering Direct State Costs	TMF	\$42,000	0%	\$0	80%	\$33,600	20%	\$8,400
Utility Direct State Costs	STP-MM	\$6,000	80%	\$4,800	0%	\$0	20%	\$1,200
Construction Direct State Costs	STP-MM	\$50,000	80%	\$40,000	0%	\$0	20%	\$10,000
Indirect State Costs		\$188,851	0%	\$0	100%	\$188,851	0%	\$0
TOTAL		\$5,173,341		\$3,071,215		\$1,105,227		\$996,899

Total STP-MM Funding: \$3,839,019 (Federal=\$3,071,215 Local=\$767,804)

Total TMF Funding: \$1,145,471 (State=\$916,376 Local=\$229,095)

Initial payment by the Local Government to the State: \$12,000

Payment by the Local Government to the State before construction: \$10,000

Estimated total payment by the Local Government to the State \$22,000

This is an estimate. The final amount of Local Government participation will be based on actual costs.

New Business Item No. 8

- 8. Consideration and Possible Action – Resolution No. R2015-8** – A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract amendment for engineering services, in the amount of \$234,000.00, with CDM Smith, Inc. for design services associated with the Reflection Bay Water Reclamation Facility Expansion Project.

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

AGENDA OF: January 12, 2015	ITEM NO.: Resolution No. R2015-8
DATE SUBMITTED: December 31, 2014	DEPT. OF ORIGIN: Eng. & Capital Projects
PREPARED BY: A. Brinkley	PRESENTOR: S Jones
REVIEWED BY: Trent Epperson	REVIEW DATE: January 6, 2015
SUBJECT: Resolution No. R2015-8 - A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract amendment for engineering services, in the amount of \$234,000.00, with CDM Smith, Inc. for design services associated with the Reflection Bay Water Reclamation Facility Expansion Project.	
EXHIBITS: R-2015-8, Exhibit A – Engineering Services Contract Amendment for Reflection Bay Water Reclamation Facility (Far Northwest Wastewater Treatment Plant) Design, B- Site Location Map	
FUNDING:	
<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Grant <input type="checkbox"/> Bonds- Sold
<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash <input type="checkbox"/> L/P – Sold
<input type="checkbox"/> L/P – To Be Sold	
EXPENDITURE REQUIRED: \$234,000	AMOUNT BUDGETED: \$4,900,000
AMOUNT AVAILABLE: \$321,950	PROJECT NO.: WW1405
ACCOUNT NO.: 042-0000-565-01-01	
ADDITIONAL APPROPRIATION REQUIRED:	
ACCOUNT NO.:	
PROJECT NO.:	
To be completed by Department:	
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

RECOMMENDED ACTION

Staff recommends that Council approve Contract Amendment No. 1 to the Engineering Services contract with CDM Smith, Inc. for the Reflection Bay Water Reclamation Facility (formerly Far Northwest Wastewater Treatment Plant) Expansion project in the amount of \$234,000.00 and authorize the City Manager to execute the Contract Amendment.

EXECUTIVE SUMMARY

BACKGROUND

The City's Reflection Bay Water Reclamation Facility (formerly Far Northwest Wastewater Treatment Plant) was the City's second Sequential Batch Reactor (SBR) plant, built in 2003 with a 2 million gallon a day (MGD) capacity. The project was budgeted in the FY 2014-2018 CIP as a Plant Expansion to a total capacity of four million gallons per day (4 MGD), a 2 MGD expansion. The Plant serves an area west of SH 288 that has experienced continued rapid development over the last ten years with high density growth expected over the next ten years.

Starting in November 2013, a Preliminary Engineering Report (PER) was conducted that, through analysis of future growth and shifting the Southdown Plant flows to the Reflection Bay plant, recommended a larger 4 MGD expansion.

In August 2014, an Engineering Design Services Contract with CDM Smith, Inc. was approved by Council and design work has proceeded on schedule. With continued development in the service area the plant is now at capacity and is experiencing odor issues associated with the high flows. Operations Staff has responded with temporary odor control measures but, as flows continue to increase these will become less effective. The original design contract did not include permanent odor control for the plant. Due to the continued development around the plant and the associated increase in influent flows, it is recommended at this time to add permanent odor control to the design to ensure that the issue does not continue when the plant is expanded.

SCOPE OF CONTRACT/AGREEMENT

This Contract Amendment encompasses testing, analysis and recommendations for continued temporary Odor Control Assessment and adds Odor Control processes to the Final Design for the Expansion project.

The scope of work for Odor Control Assessment includes the specialized sampling of plant off-gases and the chemical analysis of those gases to identify the chemical composition, quantify the issue, odor source identification, provide dispersion modeling, evaluation of odor control technology and produce a report with recommended odor control methods. The costs for this assessment including sampling and testing of the plant environment is \$64,500.

Once these determinations have been made, the designer will incorporate the design of an odor control system into the Influent Lift Station, Headworks, and Dewatering Building final designs. The cost of this additional design effort is \$170,000.

At this time, the impact to construction costs is unknown since the extent of the problem is unquantified and no recommendations can be made without completion of the assessment. The total cost of the Odor Control assessment and additional design effort is \$234,000.00.

BID AND AWARD

N/A

SCHEDULE

There is no impact to the design schedule which is estimated to be completed in the third quarter of 2015. The construction is estimated to begin in the fourth quarter of

2015 and is anticipated to be 24 months in duration, completing in the fourth quarter of 2017.

POLICY/GOAL CONSIDERATION

This project has been funded as part of the 5 Year Capital Improvement Program for 2014 – 2018 and continued in the 2015-2019 5 Year Program. The current work effort will allow the Reflection Bay Water Reclamation Facility to meet existing and future flows, and meet TCEQ permit requirements and expectations from nearby businesses and residents.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2016	2017	2018	2019	Total
Budget	\$ 4,900,000	\$ 19,014,000	\$ 10,500,000			\$ 34,414,000
Prior Expenditures						
PER	416,050					416,050
Land/ROW						-
Design/Survey	4,162,000					4,162,000
Construction						-
FF&E						-
Current Request	234,000					
						-
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Total Expenditures	\$ 4,812,050	\$ -	\$ -	\$ -	\$ -	\$ 4,578,050
Remaining Balance	\$ 87,950	\$ 19,101,950	\$ 29,601,950	\$ 29,601,950	\$ 29,601,950	\$ 29,835,950

Debt Sold						
Debt to Be Sold						
Annual Debt Service						

O&M IMPACT INFORMATION

The additional O&M impact for Odor Control is not known at this time, but the impact would be minimal, as the overall O&M impact shown is related to the Plant Expansion.

Year	2015	2016	2017	2018	2019
Operation and Maintenance Costs			\$ 300,430	\$ 300,430	\$ 300,430

RESOLUTION NO. R2015-8

A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract amendment for engineering services, in the amount of \$234,000.00, with CDM Smith, Inc. for design services associated with the Reflection Bay Water Reclamation Facility Expansion Project.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That certain amended contract for engineering services associated with the Reflection Bay Water Reclamation Expansion Project, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an amended contract for engineering services associated with the Reflection Bay Water Reclamation Expansion Project.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2015.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY



Professional Services Contract Amendment

For Far Northwest Wastewater Treatment Plant
(Reflection Bay Water Reclamation Facility) Expansion

Date of Issuance: January 12, 2015
Consultant: CDM Smith Inc.

Amendment No: 1
CoP Project No: WW1405
PO#: 142418

Explanation:

In August 2014, an Engineering Design Services Contract with CDM Smith, Inc. was approved by Council and design work has proceeded on schedule. With continued development in the service area the plant is now at capacity and is experiencing odor issues associated with the high flows. Operations Staff has responded with temporary odor control measures but, as flows continue to increase these will become less effective. The original design contract did not include permanent odor control for the plant. Due to the continued development around the plant and the associated increase in influent flows, it is recommended at this time to add permanent odor control to the design to ensure that the issue does not continue when the plant is expanded.

This Amendment encompasses the following additional scope of work:

The scope of work for Odor Control will provide the design and construction of an odor mitigation system for odors associated with the plant which have been a concern and complaint from nearby businesses. An assessment study will be undertaken, which will include temporary odor control evaluation and recommendations, odor source identification and quantification, dispersion modeling, evaluation of odor control technology and a Project Report with recommended odor control methods. Also, Odor Control systems will be designed for the Influent Lift Station, Headworks, and Dewatering Building.

Description of Work

<u>Description of Work</u>	<u>Cost</u>	<u>Time</u>
1. Odor Control Assessment and Project Report (HNTE)	\$ <u>64,500</u>	<u>0</u> Days
2. Odor Control Final Design (Lump Sum)	\$ <u>170,000</u>	<u>0</u> Days
Subtotal	\$ <u>234,500</u>	<u>0</u> Days

Please attach back-up documentation:

Please see the CDM Smith Inc. Revised Scope of Services Proposal Letter dated December 31, 2014, including Scope of Services with Revisions for Contract Amendment No. 1.

Cost & Time Change Summary:

	<u>Cost</u>	<u>Time</u>
Original Contract:	\$ <u>4,162,000</u>	<u>39</u> Months
Previous Amendment(s):	\$ <u>0</u>	<u>0</u> Days
Contract prior to this Amendment:	\$ <u>4,162,000</u>	<u>39</u> Months
Net increase (decrease) from this Amendment:	\$ <u>234,500</u>	<u>0</u> Days
Revised Contract:	\$ <u>4,396,500</u>	<u>39</u> Months

Finance Approval: _____ Date: _____
Finance Director

ACCEPTED*:  By: _____ Date: 12/31/14
Consultant

APPROVED: By: _____ Date: _____
Owner

*Consultant agrees to perform change(s) included in this Contract Amendment for the price and time indicated. The prices for changes included all costs associated with this Contract Amendment.

No work is to be done until this Amendment is executed. No payment to the Consultant shall be made for work included in the Amendment until this Amendment is executed.

Upon execution by all parties, the following changes identified for the Contract Value and/or Contract Time shown, are made part of the Contract.



3050 Post Oak Blvd., Ste. 300
Houston, Texas 77056
Texas Firm No. F-3043
tel: 713 423-7300

December 31, 2014

Mrs. Andrea Brinkley
City of Pearland
Engineering & Capital Projects
3519 Liberty Drive
Pearland, Texas 77581

Subject: Far Northwest Wastewater Treatment Plant (Reflection Bay Water Reclamation Facility) Expansion Project – Contract Amendment #1

Dear Mrs. Brinkley:

Enclosed is Contract Amendment #1 for the above referenced project for additional scope and fee related to the inclusion of odor control design at the facility. The following outlines the details related to Amendment #1.

- Odor Control Assessment Study - The odor control assessment study additional services includes specific tasks to identify and quantify odor sources at the Reflection Bay Water Reclamation Facility, the extent of offsite odor impacts, and to identify approaches to reduce odors identified. The study includes field testing efforts and emission estimates to support the development of a dispersion model. The model will provide a conservative analysis of the relative offsite impacts of various odor sources which will be used to assess the relative merits of controlling various sources and help determine which sources should be controlled to meet odor reduction objectives. The model is a tool that will be used to ensure that both (1) proposed odor treatments meet offsite odor reduction goals and (2) capital expenditures for odor control are most effectively deployed. Additionally the study includes temporary odor control recommendations that can be implemented during the design and construction phase of the expansion project until the permanent odor control equipment is operational.
- Odor Control Final Design – The addition of odor control as part of the project final design services includes design of odor control systems as recommended by the Odor Control Assessment Study described above for the influent lift station, headworks, and dewatering building process areas.

The total additional compensation for the services described above is \$234,500. The following outlines the cost breakdown for the additional scope items.

- Odor Control Assessment Study - \$64,500.00
- Odor Control Final Design - \$170,000.00





A. Brinkley
December 31, 2014
Page 2

Please call me if you have questions or need additional information concerning this amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey S. Peters".

Jeffrey S. Peters, P.E., BCEE
Principal Engineer
CDM Smith Inc.
TBPE Firm Registration No. F-3043

Attachment



EXHIBIT A



SCOPE OF SERVICES

FOR

FAR NORTHWEST WASTEWATER TREATMENT PLANT EXPANSION
(Reflection Bay Water Reclamation Facility)

The Engineer will perform necessary tasks to complete final design services, bid phase services, and design services during construction, including additional services for the expansion to the Far Northwest Wastewater Treatment Plant (FNW WWTP) for the City of Pearland as defined in this scope. The work associated with these engineering services is separated into the following tasks:

- I. Preliminary Engineering Services – Completed Under Separate Contract
- II. Final Design Services
- III. Bid Phase Services
- IV. Design Services During Construction
- V. Additional Services

I. PRELIMINARY ENGINEERING SERVICES

Completed Under Separate Contract

II. FINAL DESIGN SERVICES

A. General

1. Final design services will be only for expansion and improvements identified for design and construction as indicated in the Final Preliminary Engineering Report (PER). The project will include provisions for expansion of the average daily flow (ADF) treatment capacity of FNW WWTP from 2 MGD to 6 MGD, with some provisions to account for a future ultimate ADF of 7 MGD documented below in each process area detailed description. Anticipated construction costs to expand the ADF treatment capacity to 6 MGD are expected to be approximately \$29.6 million.
2. Engineer will conduct monthly progress meetings during the design phase with City staff to review work completed to date, project schedule, and other issues. These meetings will be approximately 2-hours in duration.
3. Engineer will perform project management duties through the design phase, including tracking budget and schedule and meeting with City staff as required.
4. Engineer will perform quality assurance/quality control procedures during the design phase. Those procedures will include a technical review of the 30 percent, 60 percent, and 90 percent review documents. Table of contents for specifications will be submitted at 30%. Full technical specifications for review will be submitted at 60%. Bid form and completed "front end documents" will be included at 90%.
5. Engineer will coordinate client reviews in accordance with City procedures. Reviews are anticipated at 30 percent, 60 percent, and 90 percent completion of design. Engineer will review, consolidate and prepare written response to City's review committee.
6. Engineer will coordinate with external regulatory and permitting agencies, including but not limited to TCEQ, Brazoria Drainage District #4, and Harris County Flood Control District (HCFCD).

B. Plans and Specifications

1. The Engineer will prepare complete contract documents (plans and specifications) for use in bidding and constructing the work associated with the expansion project. Plans and specifications will be prepared for a single construction contract for the wastewater treatment plant expansion, as identified in the Final PER. Anticipated components may include, but may not be exclusive or limited to the following:
 - a. Lift station expansion
 - (1) Three (3) new pumps for 6 MGD (24 MGD Peak) expanded ADF capacity.

- (2) Pre-rotation pumping system for floating debris removal
 - (3) New VFDs for all pumps, housed in a new electrical building.
- b. A single new headworks structure consisting of two (2) mechanical bar screens one grit removal train, and integral splitter box to convey flow to the SBR trains (6 + 1 future) will be designed as described below. To account for unforeseen growth and/or more stringent permit discharge limits requiring additional SBR trains and/or another grit removal train, space will be planned and provided for a future structure consisting of a second grit removal train and/or flow splitter structure.
- (1) Two (2) fully redundant 28-MGD (minimum) capacity step-style mechanical bar screens with dedicated screenings washing compactors
 - (2) Scope does not include bypass channel or manually raked bar screen
 - (3) Single (1) stacked-tray grit capture basin with two (2) grit pumps and single (1) train of grit handling equipment.
 - (4) Integral flow splitter structure to 7 separate SBR trains (6 proposed and 1 future).
 - (5) Piping and/or gates and/or valves(s) to connect to a possible future grit removal train and/or flow splitter box.
- c. New SBR trains to handle increased flow and improvements to existing SBR trains, including blowers
- (1) Modification of existing SBR basins to convert from four (4) true batch SBR tanks to two (2) continuous flow SBR tanks, including internal equipment, diffusers, waste sludge pumping equipment, and necessary piping modifications
 - (2) Four (4) new SBR basins including internal equipment, diffusers, waste sludge pumping equipment, and necessary piping
 - (3) Blowers for all SBR basins, housed in new blower/electrical building with accommodations for a future blower and piping to serve an additional 1 MGD ADF SBR Basin.
- d. New tertiary filtration and demolition of existing filter structure
- (1) Demolition of existing filter structure
 - (2) Two (2) new cloth-disk filter basins (concrete) with associated back-washing pumps and piping with accommodations for a future third cloth-disk filter basin (concrete).
 - (3) Scope does not include multiple designs to accommodate differing filter equipment. Design shall be based upon system recommended in Final PER.
- e. Expansion of UV disinfection system capacity, utilizing existing structure.
- (1) Three (3) new UV modules installed in existing channels and powered from existing switchgear or complete replacement in kind of existing UV Modules of another compatible manufacturer/model that will treat the entire expanded plant capacity and the existing UV structure will accommodate with minimal modifications.
 - (2) Scope does not include additional modules and switchgear for reuse quality disinfection or in-channel redundancy

- (3) New UV channel effluent weirs for expanded flow
 - (4) Piping accommodations to allow for tie-in to new future UV disinfection structure to accommodate future expanded flows.
- f. Expansion of sludge holding tank and new dewatering feed pumps
- (1) Two (2) additional common-wall aerated sludge holding tanks with associated aeration equipment
 - (2) New blowers to supply air to new and existing aerated sludge holding tanks
 - (3) Accommodations to allow a future additional common-wall aerated sludge holding tank with associated aeration equipment.
 - (4) Three (3) new double-disk or progressing cavity feed pumps to supply new belt presses
- g. New belt presses equipment to be installed in existing building
- (1) Two (2) 2.0 meter 3-belt, belt filter presses.
 - (2) Two (2) inclined screw conveyors with a single collection hopper and single discharge.
 - (3) Two (2) horizontal screw conveyors with two collection hoppers and three discharge chutes, two of which equipped with motorized slide gates to allow discharge in multiple locations within a single dumpster.
 - (4) Two (2) packaged polymer feed systems and associated piping
 - (5) Associated switchgear to be housed in existing dewatering building electrical room
- h. Modifications to existing dewatering building to provide adequate ventilation and accommodate installation of new equipment and piping.
- i. New non-potable water (NPW) system.
- (1) NPW transfer pumps to on-site storage.
 - (2) Ground storage tank to accommodate the peak NPW demand between SBR decant cycles.
 - (3) NPW booster pumps from the storage tanks to plant distribution.
- j. Non-potable water disinfection system generally consisting of the following:
- (1) 150 lb cylinder dual feed chlorine system (1 standby, 1 spare).
 - (2) Automatic vacuum regulator.
 - (3) Appropriate emergency and safety devices including chlorine gas detectors and notification systems, ventilation, emergency shut off valves, and standard industry personal protection equipment (PPE). (A chlorine gas scrubber is not included in the design).
 - (4) Scales and other appurtenances.
- k. Chemical feed building consisting of chlorine feed room, chlorine cylinder room, and separate electrical room to locate the NPW electrical and equipment
- l. New generator to accommodate equipment at 7 MGD ADF (28 MGD Peak) expanded capacity

- m. SCADA improvements to provide monitoring and control of all process areas in a single location within the existing administration building
- n. Miscellaneous other improvements, including yard piping (to accommodate 28 MGD ultimate peak capacity where appropriate), paving and drainage improvements, and site lighting.
- o. Odor control systems for the following proposed process structures as described below:
 - (1) Influent Lift Station: The odorous exhaust from the lift station will be treated with a vapor phase odor control treatment unit, which will be either a biological or physical system.
 - (2) Headworks: The odorous exhaust from the headworks will be contained by installing a check plate cover system over the open channels as well as by enclosing the bar screens. A vapor phase odor control treatment unit will be installed to treat the odorous exhaust from this location. The treatment unit will be either a biological or physical system.
 - (3) Dewatering Building: The odorous exhaust from the belt filter presses will be contained in the Dewatering Building. The ventilation system will be improved to increase the ventilation rate in this building and to vent the odorous exhaust to the odor control system. For this location, the odorous exhaust will either be treated by a physical vapor phase odor control treatment unit or be diluted and dispersed by an enhanced dispersion system.If the odor control assessment study identifies other potential significant odor sources, these systems are not included in the final design fee as part of this contract.

- 2. Engineer will meet all requirements for notification and submission to the TCEQ for review/approval of documents and design.
- 3. Engineer will submit plans for City Engineer's signature.
- 4. Engineer will provide electronic versions of plans and specifications to the City for bidding.

C. Cost Estimate

Engineer will prepare opinions of probable cost for the construction of the expansion at the 30, 60, and 90 percent design completion stages and when final contract documents are completed.

D. Deliverable

Engineer will provide City staff five (5) sets of half-size review documents at the 30 percent, 60 percent, and 90 percent design completion, five (5) sets of half-size bid

documents and five (5) sets of half-size conformed documents after bid award. Electronic PDF versions on CD will be provided with each copy.

III. BIDDING SERVICES

Bidding services will be performed as described below:

- A. Engineer will provide Notice to Bidders (NTB) and list of bid items to the Project Manager in an electronic form appropriate for the e-bid system format. City is responsible for advertising.
- B. Engineer will provide electronic copy of bid-ready plans to the Project Manager for the e-bid system.
- C. Engineer will chair the pre-bid conference and attend bid opening.
- D. Engineer will respond in writing to questions from bidders and prepare addenda, coordinate with Project Manager as necessary.
- E. Engineer will prepare Engineer's Recommendation of Award Letter that includes the following required content:
 - 1. Check for math errors and reconciliation of any mathematical discrepancies
 - 2. Review for unbalance bid items
 - 3. Certified Bid Tabulation including Engineer's Opinion of Probable Construction Costs (EOPCC)
 - 4. Review of contractor's financial standing and references provided
 - 5. Explanation of discrepancies between the EOPCC and bids
 - 6. Recommendation to award
- F. Engineer will attend City Council meeting and recommendation for award of Contract for Construction.
- G. Engineer will produce and transmit to selected contractor electronic format copies of conformed plans and specifications and one electronic format copy to Project Manager, ready for execution with City's Notice of Intent to Award (NOI).

IV. ENGINEERING SERVICES DURING CONSTRUCTION

A. General

- 1. Engineer will attend pre-construction meeting to provide information & answer questions.

2. Engineer will attend monthly construction progress meetings with Construction Manager, Contractor, and City of Pearland. Up to 24 total meetings will be attended.
3. Engineer shall make visits to the site at intervals appropriate to the various stages of construction as Engineer deems necessary in order to observe as an experienced and qualified design professional the progress and quality of the various aspects of Contractor's work. Such visits and observations by Engineer are to include spot checking, selective review and similar methods of general observation of the work based on Engineer's exercise of professional judgment. Based on information obtained during such visits and such observations, Engineer shall endeavor to determine in general if such work is proceeding in accordance with the Contract Documents and Engineer shall keep City informed of the progress of the work. Site visit reports will be provided documenting the details of each site visit.
4. Engineer will perform project management duties similar to those in the previous phases, throughout construction.
5. Engineer will review and approve monthly pay applications using the City of Pearland's Pro Trak system after the CM has completed their review and approval. Engineer's approval of pay applications is approval of work progress and not an acceptance of the work. Engineer shall not be responsible for the acts or omissions of any Contractor, or of any subcontractor, any supplier, or of any other person or organization performing or furnishing any of the work. Engineer shall not be responsible for Contractor's failure to perform or furnish the work in accordance with the Contract Documents.
6. Engineer will coordinate with CM to review progress of work for Substantial Completion (in the form of a Substantial Completion walkthrough inspection); with production of punch list; substantiation that items are completed; and issue both Certificate of Substantial Completion & Final Acceptance executed with concurrence of the City's CM.
7. Engineer will issue letter to City recommending acceptance & release of final payment after CM review and concurrence.

B. Submittal Review

1. Engineer will review and comment on Contractor's submittals, RFIs, RCOs including coordination with Construction Manager on Change Directives and Change Orders using the City of Pearland's Pro Trak system
2. Engineer will provide interpretive guidance for Contractor and Construction Manager in resolution of problems
3. Engineer will attend witness factory tests for equipment and factory acceptance tests (FATs) for control systems as required by the design documents.

C. Deliverable

Engineer will utilize City's Pro Trak system for all construction documentation, in lieu of hard copy deliverables.

V. ADDITIONAL SERVICES

Additional services will be provided on an as-needed basis as described below.

A. Programming of Plant Process Control System (Human-Machine Interface (HMI) and Program Logic Controllers (PLCs)) – The plant expansion will include a significant amount of automated processes, some of which are manufacturer provided and some of which are customized for this particular facility. In order to join these multiple systems into a single consolidated graphically based user system, the expertise of instrumentation and automation engineers is necessary. This task involves providing the labor and expertise necessary to perform programming and automating plant operations throughout all process units based on specific design criteria established with the City and through the required operational parameters defined as part of the final plant design process. Having the programming process performed by the design engineer ensures that the plant operates as designed and allows maximum input from City operations staff to ensure that the plant is more easily operated and maintained.

1. Kick-off Meeting

The purpose of the kick-off meeting will be to:

- a. Establish and document project goals, parameters, and project protocols
- b. Introduction of all project stakeholders
- c. Review the anticipated construction dates of the various contracts
- d. Determine preliminary schedule of activities with regard to previously developed programming standards
- e. Team brainstorming session regarding goals and overall measurements for success of the project

Subsequent to the kickoff meeting, Engineer will begin the effort of programming the Human Machine Interface (HMI) and Programmable Logic Controller (PLC) components associated with this project.

2. Supervisory Control and Data Acquisition (SCADA) System Project Management, Clerical and Accounting

The objective of the SCADA Project Management, Clerical and Accounting task is to ensure the project is delivered to achieve high quality standards and to meet the City

of Pearland's overall expectations. The subtasks identified to accomplish this objective are listed herein:

a. Budget Monitoring and Control

The Project Management task includes administrative, clerical and general management to maintain scope, schedule, budget, and overall quality assurance / quality control (QA/QC) throughout the duration of the project. A primary component that will aid in ensuring a successful project will be for Engineer's project manager to proactively coordinate and openly communicate issues with, not only with the City of Pearland' personnel, but also the General Contractor's personnel. Engineer's project management team will accomplish this by maintaining constant verbal and written communication with all parties.

Additionally, Engineer's project management team will continually monitor project costs to ensure compliance with the established budgets. Engineer's internal reporting system requires that estimates to complete on all projects be provided monthly. The tools we have in place allow our project managers to effectively monitor conformance to project budgets and schedules. Although we do not anticipate any budgeting issues or concerns for this project, should they arise, Engineer will immediately apprise the City of Pearland management team to aid in determining the appropriate action that should be taken.

b. Monthly Progress Reports and Invoicing

Engineer's project manager will submit monthly progress reports to ensure all project stakeholders are continually apprised of Engineer's efforts associated with this project.

The general topics of the progress report will include the following:

- (1) Overall project status
- (2) Work completed since the last report
- (3) Anticipated work to be completed during the next reporting period
- (4) Updated programming progress schedule
- (5) List of outstanding issues that require resolution by others

The report will be included as support documentation to Engineer's monthly invoices throughout the duration of the project.

Deliverables: Monthly Progress Report

c. Meeting Attendance

Upon receipt of notice to proceed, Engineer will immediately schedule an internal project kickoff meeting. The primary objective of this internal kickoff meeting will be to identify key points of contact and to establish and document overall project goals, parameters and protocols.

Further Engineer recognizes that at times, issues may arise that require City of Pearland project stakeholders to immediately discuss particular issues. Often times, these discussions are more efficient and effective if all parties are meeting together. Therefore, Engineer will perform and attend up to five one-day meetings as directed by the City of Pearland staff.

Deliverables: Meeting minutes detailing the discussion and decisions made during all meetings conducted by Engineer.

3. Submittals

Each submittal defined below will be submitted first as a draft for review and comment. Engineer will update the draft submittal incorporating comments and submit a final submittal that will serve as the basis for all programming.

a. Project Plan Submittal

This subtask includes the preparation of a single project plan. The purpose of this submittal is to detail the approach Engineer will take towards executing the work associated with this proposal. The submittal will provide the City of Pearland with reassurance that Engineer has defined milestones and project goals based on our understanding of the design requirements and of the future design requirements that are to be undertaken. This submittal will include the approach to work, the proposed work schedule indicating milestones and potential meetings, project organization, overview of system programming, details of factory testing and field testing, details of training programs, and deliverables. The schedule will be coordinated and updated to ensure it accurately depicts the major project milestones. Typical of the milestones anticipated are the following:

- (1) Submittals
- (2) Coordination meetings and Workshops
- (3) HMI database design
- (4) HMI display design
- (5) Control strategy (PLC) design
- (6) System Integration Test
- (7) Witnessed Factory Test
- (8) Shipment of the Development System Operator Work Station (OWS), PLC, cables, etc) provided by the Process Control System Supplier (PCSS).
- (9) Field startup (installation of displays and PLC programs, Operational Readiness Test, and Field Demonstration Test)
- (10) Training
- (11) 30-day test
- (12) Final System documentation

Deliverables: 2 copies of the draft Project Plan Submittal 2 copies of the final Project Plan Submittal

b. Control Loop Narratives Submittal

Engineer will use the control loop narratives developed and published in the design specification as the basis for the control loop narrative submittal. At this point in time the Engineer Programming team will make a thorough check to insure that any new developments added in the course of the project are incorporated into the narratives. This document will be submitted for review by City of Pearland staff. Furthermore, the Control Loop Narrative Submittal will provide details required from a programming perspective such as software permissives, failure scenarios, etc. Upon receipt of approval of the submitted narratives, Engineer will use these documents, along with the programming standards previously developed as the basis for PLC programming and HMI graphic display development.

Deliverables: 2 copies of draft Control Loop Narratives Submittal 2 copies of final Control Loop Narratives Submittal

c. Process Graphic Displays and Input/Output (I/O) Submittal

This subtask includes development of process graphic displays and trends. The graphic displays will be developed in accordance with the approved HMI system standards and conventions. Graphic displays will include process overview displays, unit process displays, system diagnostic displays, tabular displays, equipment control pop-up displays, strategy set up displays, and alarm set point displays. The process graphics will be submitted for the City of Pearland to review and comment, prior to final implementation.

Deliverables: 2 copies of draft Process Graphic and I/O Submittal 2 copies of final Process Graphic and I/O Submittal

d. Testing Plan Submittal

This submittal will detail Engineer's approach for testing of the various components of the system to ensure the HMI/PLC programming accurately depicts the requirements set forth within the design documents. In addition to defining the overall tests anticipated for the various construction projects, sample test forms and procedures will be included to allow the City of Pearland the opportunity to comment on format and content prior to developing the formal test procedures. Additional components of this submittal will include test approval and punch list procedures.

Deliverables: 2 copies of the draft Testing Plan Submittal 2 copies of the final Testing Plan Submittal

e. Training Plan Submittal

This submittal will include an overview of the training plan that is anticipated for the construction project. The training plan will include courses for operations, maintenance, and management staff. The training will be coordinated with the

City of Pearland staff so that the schedule and content meets their needs. The training plan will be submitted for the City of Pearland review and comment.

Deliverables: 2 copies of the draft Training Submittal 2 copies of the final Training Submittal

f. Reports Submittal

Engineer will conduct a one-day Reports workshop with the City of Pearland staff to discuss requirements and determine all report definitions and formats. At the conclusion of this meeting, Engineer will provide detailed meeting minutes and request that the City of Pearland confirm our understanding of the discussions. Next, Engineer will provide to the City of Pearland, a Report submittal that will detail the approach we anticipate taking for the Reports development. Upon acceptance by the City of Pearland of the Reports submittal, Engineer will commence with the Reports development effort.

Deliverables: 2 copies of draft Report Submittal 2 copies of final Report Submittal

4. Programming, Configuration and Startup Services

a. HMI Database and Configuration

This subtask includes the development of the HMI database and the configuration of the City of Pearland Operator Workstations (OWS). The HMI database defines all I/O interface points between the PLC and HMI nodes. It contains both field I/O points and pseudo points. The field I/O points are analog inputs (AI), analog outputs (AO), digital inputs (DI), and digital outputs (DO) that provide the interface between the field equipment and the Programmable Logic Controllers (PLC). Pseudo points are start/stop control points, auto/manual control points, process set points, flow totals, equipment runtimes and any other calculated points in the PLC that are transmitted to the Operator Workstations (OWS) for monitoring, recording and reporting. Each database point includes various parameters that include items such as tag name, description, engineering range, alarm limits, etc. For this construction project, the HMI database will be developed based on the City of Pearland naming conventions previously developed within the programming standards document.

Engineer estimates that the HMI system configuration will consist of developing up to 50 process displays with all associated pop-ups to reflect the equipment and I/O provided under the construction project. Additionally, a trending scheme will be provided that allows the users to configure and save user-defined trends.

b. Control Logic Programming

PLC programming will provide monitoring and control of the processes at the City of Pearland Far Northwest Wastewater Treatment Plant. Engineer will

develop a field I/O list and PLC database list for coordination with other Contractors. The Field I/O list will include tag name, description, rack, slot, and point for each PLC. The PLC database list will include tag name, description, point type (AI, DI, etc.), data type (Real, Integer, Boolean, etc.), and the register address to be used for data transfer by other systems.

Engineer will use the PLC programming standards and conventions as the basis for logic development and organization on this project. This will ensure a consistent applications software product. Hardware and software will be provided to Engineer for its use in development, testing and commissioning of the PLC logic. During construction, an Early Development System (EDS), as defined in the contract documents, will be shipped to Engineer's office by the Process Control System Supplier (PCSS) for use by Engineer throughout the programming phase. The EDS shall include all software and tools required for development. The specifications will be written such that the PCSS will be responsible for retrieval from Engineer's office prior to factory testing. Engineer's scope does not include any costs for shipment of equipment; however, Engineer anticipates including provisions in the design documents to require the PCSS to cover these costs as part of the construction contract.

c. Historical Database/Reports

This subtask includes the programming and configuration of the historical data management system. Historical data will be available for trending and report generation. Engineer has budgeted to provide up to 10 single page operational reports for this construction project. An operational report is defined as a single 8 ½ X 11 inch page. The reports development will commence based on the approved final reports submittal.

d. Coordination Meetings and Workshops

Engineer will attend the three mandatory Contractor construction coordination meetings and will conduct two workshops as follows:

Workshop 1 – Project Plan Review

Purpose – To review the project plan document and ensure that all parties are in agreement on how the project will be executed and who the contacts are along with the communication protocol.

Workshop 2 – Graphics Submittal Review / Report Development

Purpose – To review the comments from the graphics submittal and to define the required reports and their format.

These two workshops will be conducted as a single session immediately following the first contractor construction coordination meeting.

e. Testing and Startup System Support

(1) Pre-Factory Configuration Development and Testing

The Pre-Factory Configuration Development and Testing will be an un-witnessed test conducted at Engineer's staging facility. By utilizing the Early Development System (EDS) provided by the PCSS, Engineer will perform equipment configuration, develop, install and test the HMI and PLC application software programs required for the control system. This test will verify the functionality, performance, and stability of the HMI and PLC programming software. The objective of this test is to confirm the development of HMI and PLC software programs prior to shipping the EDS back to the PCSS' facility. Engineer's scope assumes that Engineer will be able to retain the EDS system for the specified time duration. Upon completion of the development and testing period, the PCSS will ship the EDS back to their staging facility to prepare for the System Integration Test.

(2) System Integration Test

This test will be an un-witnessed test conducted at the PCSS' staging facility. Engineer will install the application software onto the control system. The purpose of this test will be to verify the functionality, performance, and stability of the control system hardware and software as a complete integrated system. The objective of this test is to confirm the control system is ready for demonstration to the City of Pearland. This test will include a complete point-by-point test. Engineer's scope assumes that the PCSS will assist in the test and will correct any deficiencies with the equipment and control panels in a timely manner.

(3) Witnessed Factory Test

This test will be conducted at the PCSS system staging facility. Engineer will demonstrate to the City of Pearland representative that the control system operates as designed. The test will demonstrate the system I/O functionality, process graphic displays, PLC control logic, historical data collection, storage, retrieval, and reports. Engineer's scope assumes that the PCSS will assist in the test and will correct any deficiencies with the equipment and control panels in a timely manner.

(4) Plant Startup and Demonstration Testing

Engineer will provide field startup services, including confirmation of field I/O, graphics, trends, alarms, reports, and process control strategy startup. Engineer's scope assumes that the PCSS will assist in the field testing and startup and will correct any deficiencies in the installation and equipment operation in a timely manner. Once the plant is operational, Engineer will demonstrate to the City of Pearland representative that the control system application software performs as designed. The system application engineering services shall be considered substantially complete for this construction project when the system has met the design intent and any minor problems or issues have been noted on the project punch list.

A final punch list of outstanding items shall be prepared. Engineer will clear all final punch list items, with the exception of items beyond Engineer's control, within an agreed upon time. Examples of items considered beyond Engineer's control include items dependent on process equipment or repairs, hardware or software bugs inherent to vendor supplied equipment (i.e., defects that require manufacturer revisions to correct), etc.

5. Training

a. System Training

Training will be coordinated with City of Pearland staff to provide optimized training for operations and maintenance staff. Engineer will provide the training as defined below.

(1) Operations Training

Training will be provided for operations staff in the operation of the control system as it relates to monitoring and controlling process operation for this project. Engineer will provide two identical sessions (8 hours each session) on two consecutive days. Engineer will coordinate scheduling to meet the needs of the City of Pearland.

(2) Management Training

Training will be provided for management staff. Management will be given an overview of the control system configuration and operation. Engineer will provide one session lasting 2 hours. Engineer will coordinate scheduling to meet the needs of the City of Pearland.

(3) System Administrator Training

Training will be provided for System Administrator staff in the operation of the control system as it relates to monitoring and controlling process operation for this project. Engineer will provide one, two-day session (8 hours) on two consecutive days. The primary purpose of this training will be to review the specific programming developed by Engineer. Engineer will coordinate scheduling to meet the needs of the City of Pearland.

Deliverables: 6 copies of Operations Training Manual 2 copies of Management Training Manual 2 copies of System Administrator Training Manual

6. Documentation

a. System Documentation

Engineer will assemble final documentation generated from the previously defined activities for this project. The final documentation will consist of the final control loop narratives (Hard and soft copy), the final Process Graphic Displays (Hard and soft copy), the PLC control logic programs (Soft copy only), and the HMI programming applications (Soft copy only). The soft copies of the

documents generated will be provided in the Adobe PDF format and in the native programming language, where appropriate.

Deliverables: Two hard copies

Deliverables: One soft copy (CD)

B. SCADA Standards Development/Training

Engineer will conduct a single day workshop to define the new HMI standards and conventions. These standards and conventions will be used as the basis for all future development that will take place on this project. At the conclusion of the workshop, Engineer will provide detailed meeting minutes and request that Pearland personnel confirm our understanding of the discussions. Upon receipt of confirmation of these meeting minutes from Pearland, Engineer will formulate the minutes and all decisions made in the workshop into a detailed HMI development standards document. This document will be submitted to Pearland for review and acceptance and will provide the basis for all future development efforts. Upon acceptance by Pearland of the HMI programming standards submittal, Engineer will commence with the HMI development effort. This will also provide Pearland with a document that can be used during future projects to ensure that any work that is undertaken is consistent with the screens developed under this project. These standards shall include, but not be limited to:

1. Naming Conventions
2. Operator interface, set point entry, equipment control, display navigation, etc.
3. Graphic standards, including display types, display format, colors, equipment and icon symbols, etc.
4. System security and access levels
5. Alarming

C. Chapter 210 Reuse Authorization

Engineer will prepare and submit on behalf of the City notification for reuse authorization in accordance with Texas Administrative Code 210 for the treated effluent from the improved facility.

D. Texas Water Development Board (TWDB) Funding Assistance

Engineer will prepare an application for funding assistance from the Texas Water Development Board (TWDB). This scope item will only be utilized if specifically authorized by the City of Pearland should they decide to apply for TWDB funding. Otherwise, this scope item will not be utilized and no work or subsequent invoices will be accrued towards this task item. Specific scope items include the following:

1. Attendance at TWDB Pre-Application Meeting
2. Preparation of Financial Assistance Application
3. Assistance with preparation of Closing Documents (if applicable)
4. Incorporation of Davis-Bacon Act wage rates into the Contract Documents (SRF loans)
5. Incorporation of EPA's Disadvantaged Business Enterprise documents into the Contract Documents (SRF loans)
6. Clarifications/Limitations and Assumptions
 - a. City's Financial Advisor and Legal will provide all financial and legal related data necessary for the application
 - b. Assumes City already has an approved Water Conservation and Drought Contingency Plan required by TWDB

E. TWDB Funding NEPA Compliance

1. Should the City elect to apply for Federal SRF, NEPA compliance will be required. This scope item will only be utilized if specifically authorized by the City of Pearland should this task be required by the terms and conditions of the TWDB funding. Otherwise, this scope item will not be utilized and no work or subsequent invoices will be accrued towards this task item. Because the history and extent of the current site conditions are not completely known, Engineer proposes to provide the following services, as authorized by the City of Pearland, up to the allowance amount specified in Table A-1. Specific scope items may include the following:
 - a. Documentation necessary for Categorical Exclusion (CE); and/or
 - b. Performance and submittal of an Environmental Assessment (EA); and/or
 - c. Preparation of an Environmental Impact Statement (EIS)
2. If the above services are authorized, a full budget estimate for each task will be prepared, submitted an authorized prior to commencement of work. Should the proposed budget exceed the remaining allowance, Engineer will perform work (if authorized) up to the maximum allowance and pause work until additional funding is authorized to complete the task.

F. Spill Prevention Control and Countermeasures (SPCC) Plan

Engineer will complete a spill prevention control and countermeasures (SPCC) plan as needed for proposed expansion.

G. Storm Water Pollution Prevention Plan (SWPPP)

Engineer will provide storm water pollution prevention plan (SWPPP) requirements as needed for proposed expansion.

H. Electronic Operations and Maintenance (O&M) Manuals

1. Engineer will develop and implement an information system to document plant operation and maintenance activities. Reliable access to facility operation information such as equipment manuals, drawings, standard operating procedures, design documents etc. is a concern for most organizations. A computer-based information system has replaced paper libraries as the method of safeguarding essential documents and foundational operation knowledge of assets. The proposed electronic operation information system (EOMIS) will be implemented with a Web-based system that will reside on the City's Intranet. The core foundation of the EOMIS will be the facility O&M manual and related information assets. The EOMIS will provide an organized structure aligned to the facility with easy to navigate controls that give access to essential operation information for knowledge transfer, training and troubleshooting process operation. The EOMIS is a living, revisable operation and maintenance documentation solution and this proposal includes tools and training to allow City staff to maintain content thus keeping the EOMIS current at all times. The following outlines task details and deliverables for developing an Electronic Operation and Maintenance manual.

Engineer will perform the following tasks and subtasks as part of the scope of work.

2. Project Management, Quality Meetings and Design Workshop

a. Meeting and Workshop

Engineer will coordinate and facilitate a one-day workshop to present and discuss details of the EOMIS. The workshop will be conducted in two sessions (1) project kick-off and (2) design.

The project kick-off session will facilitate presentation and discussion of the following elements that will be used to successfully complete the project on-time and within budget.

- (1) Team roles with contacts and communication protocol;
- (2) Project Work-Plan with goals and milestones for key deliverables and decision points;

The design session of the workshop will be focused on stakeholder preferences gained from review of a variety of example EOMIS of similar treatment systems. A draft O&M manual TOC list will be reviewed to establish the framework of the O&M information content. A sample O&M manual section will be selected to develop draft documents.

Assumption: The workshop will have in attendance representation from all City stakeholder departments

Deliverables: Workshop agenda and handouts of the presentation

b. Technical Memorandum

Engineer will prepare a technical memorandum (TM) based on discussions and comments from the workshop sessions. The TM will provide additional clarification to the scope of services and set criteria for deliverables. The approved TM will also establish the basis for overall reviews of quality and conformance of the work product. Engineer will transmit the TM to the City within ten working days following the workshop.

Deliverables: Technical Memorandum and Revised TOC listing

c. Project Management

Engineer will establish roles, responsibilities and communication protocols for project staff. Engineer will establish project objectives, identify critical success factors and the actions needed to achieve them. Engineer will manage the tasks to meet the proposed deliverable schedule and provide monthly invoices in a format agreed upon with the City.

d. Project Meetings

Engineer will engage in meetings and workshops with the City, including a kickoff meeting and up to five additional site visits for workshops/meetings, interviews and data collection with City staff to discuss various aspects of the project, as needed. Engineer will plan, prepare and facilitate the kickoff meeting.

Based on planned workshops and possible additional meetings, it is anticipated that Engineer will meet with the City as needed, but approximately on a monthly basis.

3. Develop EOMIS

Engineer will develop the EOMIS following the final TOC listing, and format approved by the City. Efficient development of the EOMIS requires early approval of the content format and overall structure. The purpose of the Draft Pilot EOMIS (See H.3.a) is to establish the baseline for the balance of the EOMIS content. The Draft EOMIS will be provided to the City for review and hands-on demonstration. Upon approval, Engineer will complete development of the EOMIS content through field verification (See H.3.b) including photographs, figures (See H.3.c&d) and as-built drawings and vendor supplied equipment manuals (See H.4&5). The field verified EOMIS will be provided to the City for review over a 30 day period as a fully functional Web-based information system. City review comments will be addressed to finalize the EOMIS (See H.3.f) prior to installation and training (See H.6).

Draft documents will be delivered to the city as electronic MS Word format with track changes enabled for communicating review comments and printing purposes. Color photos will be included in the final O&M documents.

The following subtasks outline Engineer's activities and deliverables for this task of the project.

a. Draft O&M Section

Based on City comments and selected section, Engineer will develop a draft section (e.g. Tertiary Filtration) for the City to review.

Engineer will prepare a draft "pilot" EOMIS that will include a working graphic user interface (GUI) – see below for description of the GUI, with the sample subsection approved by the City. The draft GUI will focus on establishing the content layout and demonstrate functionality of the EOMIS. Functionality of the EOMIS system will include interactive links throughout the Operation information, and lists to other categorized information such as drawings and equipment O&M manuals, and a complete text based search feature.

The EOMIS user interface will be a Web-based Internet browser window. The graphical user interface (GUI) will divide the browser window into three areas:

- (1) Dashboard Banner: A fixed dashboard banner area that spans the width of the window at the top edge and will display text and graphics to identify the Far Northwest WWTP; and include buttons to navigate to the home page, search page, drawings and vendor O&M manuals.
- (2) Navigation Tree: A fixed area on left margin of the window will display a hierarchal table of contents tree and provide the primary navigation that will allow quick access to process and support system topics.
- (3) Main Content Area: The balance of the window will display the body of the EOMIS content as the narrative Operation information in the form of text, lists and tables with integrated photos and links to relative support information.

The pilot EOMs will be submitted to the City in a fully functioning electronic format for a period of fifteen (15) work days to review and provide comments. The draft pilot EOMIS will facilitate a thorough review of the layout and functionality to complete the EOM.

Deliverables: Draft EOMIS Pilot as a fully functional system for review and hands-on demonstration. Engineer will schedule a presentation to demonstrate the Draft EOMIS at a workshop meeting with the City.

The Draft EOMIS will be delivered on DVD discs.

b. Complete and Field Verify Draft O&M Information

Based on review comments of the draft EOMIS (See H.3.a), Engineer will complete the draft EOMIS through field verification. Since the O&M information document structure and format will be established and approved per other subtasks, Engineer will develop and field verify the remaining documents prior to further city review.

During field verification, Engineer will be on site at the WWTP and other City facilities as needed to clarify and verify O&M information to complete the draft.

Upon completion of field verification, the draft documents will be submitted in electronic format for the City for a period of thirty (30) work days to review and provide comments. This will facilitate a final City review of the EOMIS.

Deliverables: Field Verified EOMIS in Web-based format. Engineer will provide a Field Verified EOMIS on electronic media (USB drive) of a size that can hold the full EOMIS file structure. Engineer will schedule a presentation to demonstrate the Field Verified EOMIS at a workshop meeting with the City.

c. Photographs

Engineer will capture and process photographs for inclusion in the manual. Photographs of select processes and process equipment will be annotated to identify important features and integrated into relative locations of the documents.

Assumption: For budgeting purposes, up to 100 photographs are assumed

d. Operational Figures

Engineer will develop graphic figures processes for reference in the EOMIS. Graphic figures will developed from design drawings, photographs, diagrams and other information. An image of the figure will be integrated into the process narratives and also linked as a scalable PDF document for printing at any size.

Deliverables: For budgeting purposes, the following three figures will be developed

- (1) Process Flow Diagram
- (2) Hydraulic Profile
- (3) Overall Plan View

e. Final EOMIS

Engineer will incorporate City comments from the draft EOMIS and field verified O&M information along with photographs and support components into the final EOMIS. The final EOMs will be delivered to the City on back-up on electronic media. Subtask 5 below details installation of the EOMs.

Deliverables: Final EOMs

f. Drawings

Engineer will include final as-built record drawings in a tabular listing as Adobe PDF files. The drawing list will be programmed to link to each drawing by drawing title.

Deliverables: Final as-built facility drawings as PDF files incorporated into the EOMIS.

4. Equipment O&M Manuals

Vendor supplied equipment O&M manuals are a key source of information for operation, SOPs and general process maintenance. This task provides for listing and linking O&M manuals for electronic storage and reference in operation narratives.

- a. Engineer will review equipment O&M manuals for function of search ability and bookmarking requirements per project specifications as needed to include in the EOM search index.
- b. The EOMIS will have a dashboard button to display a full list of the equipment O&M manuals where each listing will be linked to a specific submittal stored in the EOMIS.
- c. The equipment O&M manuals will be incorporated into the EOMIS search index to allow their content to be listed in search results
- d. Assumption: The EOMIS server will store all vendor O&M manuals, and the final listing of vendor O&M manuals will be provided by the project contractor.

Deliverables: Electronic PDF files of equipment O&M manuals incorporated into the EOMIS

5. EOMIS Implementation

Implementation of the EOMIS will include software and procedures for version control and publish content via User Role accounts.

Engineer will coordinate with the City to establish an installation schedule for implementing the EOMIS onto a computer provided by the City.

a. User Account Configurations

Implementation of User Roles-based access provides multi-level control to view and modify content via the EOMIS. The implementation will manage organization of EOMIS user information for User Role account configurations. User Role accounts consist the following roles:

- (1) End-user access to the operation information a Web browser;

- (2) Publishing roles with access to view edit and update content to the EOMIS.
This role can also serve as approver for publishing content; and
- (3) Administrator roles for account configuration and table of content updates.

Deliverables: Assistance to City for account configuration. Engineer will coordinate with the City's IT for scheduling system configuration.

b. EOMIS Server Configuration

Engineer will coordinate with the City to specify a computer to be the server for the EOMIS.

The EOMIS server will be specified and implemented to provide adequate storage and processing capacity for the EOMIS. Network connectivity will be coordinated with the City's IT and policies.

Assumption: The WWTP will have required power, location and network infrastructure to support the EOMIS server.

c. EOM System Software Configuration

Engineer will provide the following the EOMIS software and noted license quantities.

Web Server Software – The Web server is assumed to be Microsoft Internet Information Server (IIS) 7 running on a computer system with Microsoft Windows 2008 Server operating system. The services included with Web server will be used to administer end-user access to the facility Web sites of the EOMIS along with file storage/backup services.

Engineer will provide the Web server license with the server computer.

EOMIS Content Revision Software – Engineer will provide software applications to manage all aspects of the operation content, navigation revisions, revision permissions, search indexing, versioning and revision logs.

The EOMIS will consist of the following software applications and licenses:

- (1) 5-licenses of Adobe® Contribute®
- (2) 1-license of Wrensoft Zoom Search Enterprise edition
- (3) 1-license of Cool Tree js and Cool Builder
- (4) 1-license of Adobe Acrobat Professional

d. End User Familiarization Training

The user familiarization training will be presented in a classroom setting using a Power Point presentation followed by a hands-on session that includes the use of navigation and information organization.

e. EOMIS Authoring and Reviewer Training

The EOMIS training will be presented in a classroom setting using a Power Point presentation followed by a hands-on session that includes content revision tools and the use of review procedures & tools.

f. EOMIS Administrator Training

Administrator training will include lecture and hands-on training. Written procedures for specific tasks associated with maintaining EOM System user accounts and the table of contents will be provided.

I. Supplement to Geotechnical Investigation

1. Engineer will prepare a supplementary geotechnical investigation to include borings that will provide adequate subsurface information for the balance of the expansion not covered in Geotechnical Report delivered with the Preliminary Engineering scope. The Preliminary Engineering scope did not consider borings for a new headworks structure, a new NPW system (including storage tank and chemical feed building), and SBR basins to expand to 6 MGD. The geotechnical investigation scope to be completed in Preliminary Engineering phase covers some of these structures, but postpones the deepest borings to have a chance to analyze the first set of borings and economize additional borings that will be required to complete the analysis for the entire expansion.
2. Engineer will prepare a Supplement to the Geotechnical Report including complete design recommendation for the project, citing boring locations and depths, tailoring field investigation & laboratory activities to specific requirements of the project, customary and in keeping with best practices for the project type and requirements.

J. Resident Engineering Services

1. Engineer shall furnish a Resident Project Representative (RPR), assistants and other field staff to assist Engineer in observing progress and quality of the work of Contractor.
2. Through more extensive on-site observations of the work in progress and field checks of materials and equipment by the RPR and assistants, Engineer shall endeavor to provide further protection for City against defects and deficiencies in the work of Contractor. However, Engineer shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences or procedures selected by Contractor, for safety precautions and programs incident to the work of Contractor, for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor's performing and furnishing the work, or responsibility of construction for Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.

3. The duties and responsibilities of the RPR are limited to those of Engineer in Engineer's agreement with the City and in the construction Contract Documents, and are further limited and described as follows:

4. General

RPR is Engineer's agent at the site, will act as directed by and under the supervision of Engineer, and will confer with Engineer regarding RPR's actions. RPR's dealings in matters pertaining to the on-site work shall in general be with Engineer and Contractor, keeping City advised as necessary. RPR's dealings with subcontractors shall only be through or with the full knowledge and approval of Contractor. RPR shall generally communicate with City with the knowledge of and under the direction of Engineer.

5. Duties and Responsibilities of RPR

- a. *Schedules*: Review the progress schedule, schedule of Shop Drawing submittals and schedule of values prepared by Contractor and consult with Engineer concerning acceptability.
- b. *Conferences and Meetings*: Attend meetings with Contractor, such as pre-construction conferences, progress meetings, job conferences and other project-related meetings, and prepare and circulate copies of minutes thereof.
- c. *Liaison*:
 - (1) Serve as Engineer's liaison with Contractor, working principally through Contractor's superintendent and assist in understanding the intent of Contract Documents; and assist Engineer in serving as City's liaison with Contractor when Contractor's operations affect City's onsite operations.
 - (2) Assist in obtaining from City additional details or information, when required for proper execution of the Work.
- d. *Shop Drawings and Samples*:
 - (1) RPR shall maintain a tracking log of Submittals, Shop Drawings and Samples.
 - (2) Receive Samples which are furnished at the site by Contractor, and notify Engineer of availability of Samples for examination.
 - (3) Advise Engineer and Contractor of the commencement of any Work requiring a Shop Drawing or Sample if the submittal has not been approved by Engineer.
- e. *Review of Work, Rejection of Defective Work, Inspections and Tests*:
 - (1) Conduct on-site observations of the Work in progress to assist Engineer in determining if the Work is in general proceeding in accordance with the Contract Documents.
 - (2) Report to Engineer whenever RPR believes that any Work will not produce a completed Project that conforms generally to the Contract Documents or will prejudice the integrity of the design concept of the completed Project as a

- functioning whole as indicated in the Contract Documents, or has been damaged, or does not meet the requirements of any inspection, test or approval required to be made; and advise Engineer of Work that RPR believes should be corrected or rejected or should be uncovered for observation, or requires special testing, inspection or approval.
- (3) Verify that tests, equipment and systems start-up and operating and maintenance training are conducted in accordance with the Contract Documents in the presence of appropriate personnel, and that Contractor maintains adequate records thereof; and observe, record and report to Engineer appropriate details relative to the test procedures and start-ups.
 - (4) Accompany visiting inspectors representing public or other agencies having jurisdiction over the Project, record the results of these inspections and report to Engineer.
- f. *Interpretation of Contract Documents:* Report to Engineer when clarifications and interpretations of the Contract Documents are needed and transmit to Contractor clarifications and interpretations as issued by Engineer.
- g. *Modifications:* Consider and evaluate Contractor's suggestions for modifications in Drawings or Specifications and report with RPR's recommendations to Engineer. Transmit to Contractor in writing decisions as issued by Engineer.
- h. *Records:*
- (1) Maintain at the job site orderly files (using City file codes) for correspondence, reports of job conferences, Shop Drawings and Samples, reproductions of original Contract Documents including all Addenda, Change Orders, RFIs, additional Drawings issued subsequent to the execution of the Contract, Engineer's clarifications and interpretations of the Contract Documents, progress reports, Shop Drawing submittals received from and delivered to Contractor and other Project related documents.
 - (2) Prepare a daily report and keep a diary or log book, recording Contractor's hours on the job site, weather conditions, data relative to questions of Work Change Directives, Change Orders or changed conditions, list of job site visitors, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to Engineer.
 - (3) Record names, addresses and telephone numbers of all Contractors, subcontractors and major suppliers of materials and equipment, provide the information to the City and provide updates if such information changes.
- i. *Reports:*
- (1) Furnish to Engineer monthly reports as required of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
 - (2) Consult with Engineer and City in advance of scheduled major tests, inspections or start of important phases of the Work.

- (3) Draft proposed Change Orders and Work Change Directives, obtaining backup material from Contractor and recommend to Engineer Change Orders, Work Change Directives, and RFIs.
 - (4) Report immediately to Engineer and City the occurrence of any accident.
- j. *Payment Requests:* Review Applications for Payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to Engineer, noting particularly the relationship of the payment requested to the schedule of values, Work completed and materials and equipment delivered at the site but not incorporated in the Work.
- k. *Certificates, Maintenance and Operation Manuals:* During the course of the Work, verify that certificates, maintenance and operation manuals and other data required to be assembled and furnished by Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have this material delivered to Engineer for review and forwarding to City as required in the Contract Documents.
- l. *Completion:*
- (1) Before Engineer issues a Certificate of Substantial Completion, coordinate with the Contractor to prepare a list of observed items requiring completion or correction.
 - (2) Observe whether Contractor has had performed inspections required by laws, rules, regulations, ordinances, codes, or orders applicable to the work, including but not limited to those to be performed by public agencies having jurisdiction over the work.
 - (3) Conduct a final inspection in the company of Engineer, City and Contractor and prepare a final list of items to be completed or corrected.
 - (4) Observe whether all items on final list have been completed or corrected and make recommendations to Engineer concerning acceptance and issuance of the Final Completion Certificate.

6. Limitations of Authority by RPR

- a. Shall not authorize any deviation from the Contract Documents or substitution of materials or equipment (including "or-equal" items), unless authorized by Engineer and City.
- b. Shall not exceed limitations of Engineer's authority as set forth in the Agreement or the Contract Documents.
- c. Shall not undertake any of the responsibilities of Contractor, Subcontractors, Suppliers, or Contractor's superintendent.
- d. Shall not advise on, issue directions relative to or assume control over any aspect of the means, methods, techniques, sequences or procedures of construction unless such advice or directions are specifically required by the Contract Documents.

- e. Shall not advise on, issue directions regarding or assume control over safety precautions and programs in connection with the Work.
 - f. Shall not accept Shop Drawing or Sample submittals from anyone other than Contractor.
 - g. Shall not authorize City to occupy the Project in whole or in part.
 - h. Shall not participate in specialized field or laboratory tests or inspections conducted by others except as specifically authorized by Engineer.
7. The RPR services are based on twenty three (24) months of full time inspection. Inspection shall be conducted upon commencement of construction activity.

K. Record Drawings

- 1. Engineer will coordinate with general contractor and sub-contractors as necessary to obtain complete record of As-Built “redlines”.
- 2. Engineer will provide Record Drawings from Contractor’s As-Built “redlines” in electronic format (CD) & hard copy format
- 3. Definitions:
 - a. As-Built “redlines”: Contractor’s record of field changes to the work in line, grade & elevation
 - b. Record Drawings: Engineer’s incorporation of Contractor’s As-Built

L. 12-Month Warranty and Support Services

Engineer will consult with City’s plant and engineering staff on a monthly basis, for a period not to exceed 12 months, to review outstanding issues, problems with plant and related matters, and advise on possible solutions and actions to be undertaken by the City.

M. Odor Control Assessment Study

The following scope of services sets forth specific tasks to identify and quantify odor sources at the Far Northwest WWTP, the extent of offsite odor impacts, and to identify approaches to reduce odors identified.

The study is founded on field testing efforts and emission estimates to support the development of a dispersion model. The model will provide a conservative analysis of the relative offsite impacts of various odor sources. This can be used to assess the relative merits of controlling various sources and help determine which sources should be controlled to meet odor reduction objectives. Essentially, the model is a tool to ensure

that both (1) proposed odor treatments meet offsite odor reduction goals and (2) capital expenditures for odor control are most effectively deployed.

Tasks proposed for this study are listed below.

1. Temporary Odor Control Evaluation and Recommendation

- a. The Engineer will complete initial temporary wastewater sulfide sampling at the influent lift station and headworks facility to determine sulfide ranges.
- b. The Engineer will provide a technical memorandum that provides temporary odor control recommendations based on sulfide ranges at the influent lift station and headworks facility.

2. Project Kick-off and Data Collection

- a. A project kickoff meeting will be held to layout the project workplan, identify coordination needs, and identify any drawings, reports, or other information that may be useful for this project. The Engineer will also tour the plant to gather additional data for proposed sampling programs and to briefly assess existing odor control systems (if applicable).

3. Odor Source Identification and Quantification

Specific subtasks proposed for this task include:

- a. Vapor and Liquid Phase Quantification - The Engineer will conduct a one-day survey of odor sources to assess odor levels and emission rates from plant processes.

For vapor phase characterizations, the Engineer will measure hydrogen sulfide (H₂S) concentrations using Odalog data loggers, an Interscan Hydrogen Sulfide Analyzer and a Jerome Gold Film Analyzer (the latter instruments will be used to measure H₂S at locations not included in the Odalog sampling).

An Odalog will be installed at each of the following locations (for various durations) over a seven day period: influent lift station, headworks, aerated sludge holding tank(s), and temporary belt filter press. Four Odalogs will be required to monitor these locations. The Engineer will perform initial installations at three locations, but several Odalogs will need to be moved by plant staff as specified by the Engineer. To assist with this effort, the Engineer will provide Odalog installation and data download instructions and software to plant staff.

Additionally, up to up to eight Tedlar bag samples will be analyzed for odor (reported as dilutions-to-threshold, D/T) and Draeger tubes will be used to measure mercaptans at solids processes. The odor tests will provide the basis for dispersion modeling. For each sample collected, measurements will be taken to allow the calculation of an emission rate from the sampled source.

For liquid phase assessments, the Engineer will use a LaMotte kit to measure dissolved sulfide (dS) in wastewater streams at the plant.

- b. Odor Quantification Memorandum. The Engineer will provide five copies of a draft technical memorandum summarizing findings of the odor characterization effort for City review and comment. The memorandum will include a prioritization of odor sources based upon estimated emission rates. Upon the receipt of written comments from the City, the Engineer will revise the draft document and issue five copies of the final technical memorandum.

4. Dispersion Modeling

Specific subtasks proposed for this task include:

- a. Modeling. For this study, the Engineer will use the AERMOD model. This model uses a set of default meteorological data representing worst-case conditions, in which the odorous air does not mix effectively with the upper atmosphere and travels long distances at ground level. As such, it conservatively estimates offsite impacts.

The facility will first be modeled as it exists today (using emission rates calculated from data collected under Task 2.4). Various controls will then be applied at target odor sources to assess the effectiveness of improved controls on offsite impacts and to determine if the specified controls will meet odor control objectives.

Isopleth maps displaying the areal extent and magnitude of odor impacts will be generated using model output, illustrating potential impacts on receptors around the plant.

- b. Dispersion Model Technical Memorandum. The Engineer will provide five copies of a draft technical memorandum summarizing findings of the odor modeling effort for City review and comment. The memorandum will describe the modeling approach and results, recommend sources to be controlled and the level of control required, and include isopleths maps displaying model findings. Upon the receipt of written comments from the City, the Engineer will revise the draft document and issue five copies of the final technical memorandum as part of the project report.

5. Odor Control Technology Evaluation

- a. Technology Evaluation. For priority odor sources, the Engineer will develop and evaluate alternative odor control treatment strategies. A maximum of two odor control treatment alternatives will be evaluated per source. The Engineer will estimate capital, operating and lifecycle costs. For vapor phase treatment, technology selection will be primarily based upon the cost analysis (as it is likely that performance capabilities of the technologies and their relative maintenance requirements will be similar).

If appropriate, the Engineer will also investigate liquid treatment options. Any chemical addition costs developed for the study must be confirmed with pilot or full-scale testing, as liquid treatment costs are site-specific.

- b. Odor Control Memorandum The Engineer will provide five copies of a draft technical memorandum summarizing findings of the odor control evaluation effort for City review and comment. The technical memorandum will include recommendations for odor control improvements based upon study efforts. Upon the receipt written comments from the City, the Engineer will revise the draft document and issue five copies of the final technical memorandum.

6. Project Report

The Engineer will compile City-reviewed project technical memoranda into a draft project report. The report contents will incorporate comments and requested revisions to individual draft technical memoranda. The report will include a section summarizing recommended actions to minimize the plant odor profile. A total of five copies of the draft report will be issued for review and comment. The Engineer will revise the draft upon the receipt of written comments and issue five hardcopies of the final report. Additionally, the Engineer will provide an electronic copy of the final report for the City's use.

VI. SCHEDULE

- A. The Engineer shall initiate each phase of work described herein immediately upon the execution of the Agreement and upon issuance by City of Notice to Proceed.
- B. The supplement to the Geotechnical Report delivered during Preliminary Engineering phase will be delivered within 60 calendar days of Notice to Proceed.
- C. Engineer shall deliver 30% review documents within 90 calendar days of delivery of Notice to Proceed.
- D. Engineer shall deliver 60% review documents within 90 calendar days of receipt of City's comments on the 30% review documents.
- E. Engineer shall deliver 90% review documents within 90 calendar days of receipt of City's comments on the 60% review documents.
- F. Engineer shall deliver Final Contract documents within 45 calendar days of receipt of City's comments on the 90% review documents.

VII. COST

A summary of proposed fees is shown in Table A-1 and the fee schedule and breakdown is included as Exhibit B.

VIII. PAYMENT SCHEDULE

- A. Engineer shall invoice lump sum portions monthly for basic services, based on the percentage of the task that has been completed.
- B. Payment for additional services shall be for reimbursable costs accrued at the time of each invoice, in accordance with the billing rates shown in Table A-2.
- C. Engineer shall only commence work for each Phase as authorized by the City in writing or email.

IX. CLARIFICATIONS AND EXCLUSIONS

- A. It is assumed that expansion will be confined within the existing property and no work will be done outside of the plant fence, including modification of the outfall or discharge piping.
- B. Engineer assumes that storm water detention requirement shall be met off-site and no design of detention structures shall be required. Also, Engineer assumes no separate report shall be required for documentation of storm water management plan. Engineer will provide storm water and cut and fill calculations as part of the final design package for City documentation.
- C. Engineer shall provide the number of hard copies of each deliverable as shown in the deliverable task above for each phase. Engineer assumes no costs for reproduction of bid documents for distribution to bidders. Any additional copies as required in writing from the City of Pearland via letter, email, or fax will be invoiced "at cost" to Engineer plus 5%.
- D. In reference to Section I, paragraphs D and E of the Contract For Professional Services, City and Consultant (Engineer) agree that only deliverables as defined in Sections I through IV, and items included as Additional Services in Section IV of this Exhibit shall be provided as final construction documents, support documents, and work products referenced. These documents will be provided in PDF format, with the exception of modified City specifications and Record Drawings. Modified City specifications will be provided in Microsoft Word format. Record Drawings will be provided in both PDF format and AutoCAD compatible single-layer format, with the exception of standard details, which will be provided in PDF format only.

TABLE A-1

TO AGREEMENT BETWEEN ENGINEER AND OWNER FOR PROFESSIONAL SERVICES
FOR
CITY OF PEARLAND
FAR NORTHWEST WASTEWATER TREATMENT PLANT EXPANSION

BASIC AND ADDITIONAL SERVICES FEES

TASK NO.	TASK DESCRIPTION	AMOUNT
	<u>Basic Services</u>	
I.	Final Design (Lump Sum)	\$2,302,000
A.	30% Percent Design Submittal	\$669,000
B.	60% Percent Design Submittal	\$669,000
C.	90% Percent Design Submittal	\$669,000
D.	Final Plans and Specifications	\$262,000
E.	Coordination with Regulatory Agencies	\$33,000
II.	Bidding Services (Hourly Not to Exceed)	\$99,000
A.	Attend Pre-Bid Meeting	\$8,000
B.	Prepare Addenda	\$62,000
C.	Conformed Drawings and Specifications	\$23,000
D.	Bid Opening/Award	\$6,000
III.	Engineering Services During Construction (Hourly Not to Exceed)	\$405,000
A.	Pre-Construction Meeting	\$5,000
B.	Monthly Meetings	\$58,000
C.	Review Submittals	\$183,000
D.	Evaluate RFIs/CORs	\$112,000
E.	Special Inspections/Witness Testing	\$47,000
	Subtotal Basic Services	\$2,806,000

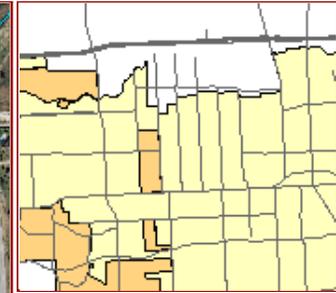
IV.	Additional Services (Hourly Not to Exceed)	
A.	Programming of Process Control System	\$306,000
B.	SCADA Standards Development/Training	\$46,500
C.	210 Reuse Authorization	\$8,500
D.	TWDB Funding Assistance	\$20,000
E.	TWDB Funding NEPA Compliance	\$50,000
F.	SPCC Plan	\$15,000
G.	SWPPP	\$12,000
H.	Electronic O&M Manuals	\$250,000
I.	Supplement to Geotech Report	\$28,000
J.	Field Project Representative	\$634,000
K.	Record Drawings	\$110,000
L.	12-Month Warrantee Service and Support	\$46,000
M.	Odor Control Assessment	\$64,500
	Subtotal Additional Services	\$1,590,500
	Total Contract Value	\$4,396,500

TABLE A-2
TO AGREEMENT BETWEEN ENGINEER AND OWNER
FOR
PROFESSIONAL SERVICES
FOR
CITY OF PEARLAND
FAR NORTHWEST WASTEWATER TREATMENT PLANT EXPANSION

HOURLY LABOR RATES

LABOR CATEGORY	Hourly Rate
Principal/Project Director	\$225.00
Sr. Tech Specialist (QA/QC)	\$225.00
Sr. Project Manager	\$200.00
Discipline Manager	\$175.00
Engineer 7	\$185.00
Engineer 5/6	\$175.00
Engineer 3/4	\$150.00
Engineer 1/2	\$135.00
Cost Estimator	\$125.00
Senior Designer/Drafter	\$135.00
Designer/Drafter	\$110.00
Sr. GIS Technician	\$135.00
GIS Technician	\$100.00
Senior Administrative Personnel	\$110.00
Administrative Accounting	\$90.00
Administrative Assistant	\$75.00

Reflection Bay Water Reclamation Facility Location Map



**Contract Amendment:
Sub Consultant and
Add Odor Control**



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 1:10,593
1 in = 883 ft
July 28, 2014

