

AGENDA – PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, APRIL 18, 2011, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

- I. CALL TO ORDER**
- II. PURPOSE OF HEARING – PROPOSED ANNEXATION OF APPROXIMATELY 589 ACRES (AREA 5.)**

589 ACRES OF LAND, MORE OR LESS, AREA GENERALLY LOCATED WEST OF SH 35, EAST OF THE RAILROAD, SOUTH OF HASTINGS FIELD ROAD AND NORTH OF HASTINGS CANNON ROAD. (AREA 5)
- III. STAFF REVIEW OF THE FEASIBILITY PLAN AND SERVICE PLAN**
- IV. CITIZEN COMMENTS**
- V. COUNCIL/STAFF DISCUSSION**
- VI. ADJOURNMENT**

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Public Hearing Agenda

589 ACRES OF LAND, MORE OR LESS, AREA GENERALLY LOCATED WEST OF SH 35, EAST OF THE RAILROAD, SOUTH OF HASTINGS FIELD ROAD AND NORTH OF HASTINGS CANNON ROAD. (AREA 5)

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

AGENDA OF: April 18, 2011

ITEM NO.: Public Hearing

DATE SUBMITTED: August 7, 2009

DEPT. OF ORIGIN: Planning

PREPARED BY: Evan DuVall

PRESENTOR: Lata Krishnarao

REVIEWED BY: Mike Hodge

REVIEW DATE: April 11, 2011

SUBJECT: The Possible Annexation of Area 5

EXHIBITS:

Attachments:

1. Vicinity Map
2. Feasibility Report
3. Service Plan
4. Roadway Composition
5. Annexation Frequently Asked Questions
6. Map Showing Locations of Oil Wells
7. Zoning Alternatives
8. Notification List
9. Open House Summary

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

This is the first of two public hearings for the possible Annexation of Area 5. This annexation area is located in Pearland Extraterritorial Jurisdiction (ETJ), generally located 600 feet west of Main Street (TX-35) between North Hastings Field Road and Hastings Cannon Field Road. Please see attachment 1.

This annexation area was previously discussed during the 08/02/2010 City Council Meeting. At that time the City Council directed staff to ensure that an improved communication plan was implemented with those affected by the proposed annexation. Since then staff has improved communication with those affected by the possible annexation of Area 5 as compared to the annexation process that occurred on 08/02/2010. This improved outreach included an open house meeting on December 9, 2010, One-on-One Meetings, a City Council Workshop on 01/24/2011, and individually addressed notification between the City of Pearland and the property owners within Area 5. All notifications were done as per the Plan presented on November 15, 2010, which has included personal letters, certified mail, notices in the area, web site updates, and door hangers. A summary of the open house is included with this package as attachment 9 and a copy of the frequently asked questions has been included as attachment 5.

Staff has discussed the benefits of annexation and recommends that the annexation be considered for the following reasons:

- Provide an opportunity to direct future growth and guide development.
- Prevent additional encroachment and creation of non-conformities.
- Provisions of services in the area will have minimal additional burden on the City. Some departments are providing services to the area already. Other departments have indicated that they will be able to service the area with current resources.
- City will be able to be proactive and regulate the Oil and Gas operations that may be beneficial to the surface rights users and adjacent property owners. The Fire Marshal's office would have more authority to address issues ahead of time. There may be protections that Fire Marshal's office can offer to regulate the Oil and Gas operations that may be beneficial to the surface rights users, including but not limited to ensuring safe operations, control on hazardous materials, annual inspections, etc.
- Provide an opportunity to zone the area. Appropriate zoning measures will allow surface uses to exist, expand and not be non-conforming. Additionally, zoning would allow regulation of oil fields, while allowing them to operate and expand.
- The abovementioned property is in the City's Extra-Territorial Jurisdiction and will eventually become a part of the City of Pearland. By annexing this property now, we are able to limit the amount of non-conforming issues that will occur if this property remains outside of the city limits.
- The residences will begin to receive city services from the time they are annexed and will not pay city taxes until October 2012. This will allow some time

to adjust to the future tax increment that current city residents are currently paying.

Since the area is in Pearland's ETJ and will eventually become part of the city, as is the plan for all ETJ land, annexing the area now, as opposed to annexing in the future, will ensure that future growth is guided by city's regulations and the conforms to the long range plans for the area. This would eventually result in a fewer number of nonconformities that would have to be addressed in the future. The city will be in a better position to provide safeguards against unplanned and unregulated growth for the current and future residents.

Service Plan: A Service Plan for Annexation Area 5 is attached to this report. As indicated by the Service Plan, the City will be able to service the possible annexation area with existing resources. The City is already providing fire fighting and EMS. However, Fire Marshal services would increase with annexation and Fire Inspection services will also be available in the area after annexation. The City would provide police services after annexation. Please see the Feasibility Report and Service Plan attached as 2 and 3 in this packet.

Zoning: Staff has prepared various zoning alternatives that are discussed in the attached 7, Possible Zoning Alternatives. If the area is annexed, the next step would be to start the zoning process, as indicated in the Annexation Plan. Regardless of the zoning alternative chosen, the service plan will not change. Please see attachment 7.

Roadway Composition: Within the proposed Annexation Area, there are several roads of differing materials and quality. These roadways are used by the residents, industrial business and mining operations in the area. Several portions of roadway are paved within this district; these include a portion of South Hastings Road, Wallace and North Hastings Road. The remaining compositions of roads are dirt, which have degraded in quality due to the recent mining activity of the Hastings Oil Field. These dirt roadways include portions of South Hastings Road, Wallace and various access roads throughout the district. One notable observation of South Hastings Road is that the most southerly portion displays a sign indicating that it is a private road. Staff is conducting additional research to determine whether these roads are dedicated rights-of-way and if the county is maintaining them. Please see attachment 4.

Oil and Gas Restriction: The oil and gas wells in the city are regulated by the city ordinance adopted in 1965 and amended in 1996. In addition to the city ordinance, the 2006 International Fire Code (IFC) and 2006 Life Safety Code restrictions also apply to properties inside the city limits. With annexation, the Fire Marshal's office will be able to enforce 2006 Life Safety Code, 2006 International Fire Code, conduct routine fire inspections, and investigate all fires, that would be beneficial to both the oil company and the surface rights owners. Brief summary of the current requirements in the city ordinance:

-Drilling of any kind requires a permit to be approved by the City Council.

-Pipeline for the transportation of oil or gas must be laid within ROW owned by the drill operators or upon designated drilling tracts.

-May not access any drilling site except from an existing street or highway. Otherwise it is deemed to be trespassing. Definition of street is unclear.

-The permittee may not enter or occupy any land owners property unless a written contract allows them to do so or through the guidelines of an oil and gas lease.

-Wells and all related equipment that were in place prior to January 1, 1996 are exempt from these requirements as long as the wells and related equipment continue to comply with this chapter as it existed on December 31, 1995.

-Easement is required in order to build a pipeline under or over a city street or right-of-way.

-No equipment shall be brought on site or removed except between the hours of 9am and 5pm.

-Any gas being released into the air must be flared and burned.

-All waste produced during the drilling process must be disposed of properly and safely off site.

-No waste material shall be permitted to escape onto neighboring properties.

-All well heads and any related equipment located within a densely populated area or that is within 500 feet of a public street must be screened and fenced. No specific guidelines are provided for screening and fencing. The distance requirement was increased from 200 feet to 500 feet in January 1996.

-Any well or related equipment may not be located within 500 feet of another use without the consent of the adjacent land owner.

Oil and gas wells that existed prior to January 2006, would be grandfathered under the following previous regulations:

- Any well or related equipment may not be located within **200** feet of another use without the consent of the adjacent land owner.

-All permanent oil tanks must be surrounded by a dike or ditch of at least the same capacity.

-All permittees' land shall be kept clear of high grass, weeds, and combustible

trash within a radius of fifty (50) feet around a tank or well.

-All waste, within a 100 foot radius of a well or tank, must be burned or disposed of so as to not create a fire hazard.

-All wells and tanks shall be adequately protected with (manproof) fencing. This does not apply to the following:

1) Well is located on acreage that has not been platted into one acre or smaller homesite tracts filed with Brazoria County, and has density surrounding the well of less than 100 dwellings per square mile.

2) Well is located in a platted subdivision but is greater than 500 feet from any existing dwelling or well is located outside a subdivision but closer than 500 feet.

The 2006 IFC also requires that wells be located at least 75 feet from a street or a railroad, and 100-300 feet from buildings depending on their occupancy type. Please attachment 6 Area 5 Oil Well locations.

Additional comments generated after the open house:

* County residents contribute to the city by spending their income in Pearland providing sales revenue and sales tax, kind of like a permanent tourist which require no marketing cost. Some also volunteer in the volunteer fire department and other city events.

* Some think increasing property value is not a good thing; it just means more taxes to someone planning to live, grow and nurture on the land rather than invest and develop for financial gain. Some residents plan to retire there.

* Managed growth for the benefit to all and safe and orderly growth begs several questions from the land owner's perspective. Who determines benefit? Who is included in all? What is safe? What is orderly?

* City managed means the land owner is no longer in control; they may have a voice in the crowd; they once had the only voice.

Summary One on One Meeting with residents: Staff met with four residents regarding the Annexation of Area 5. In these meetings, residents reiterated that they are against the Annexation of Area 5. In their opinions, the services offered by the Volunteer Fire Department and Brazoria County Sheriff are satisfactory. Some mentioned that their properties currently have water well and a septic system that is more than adequate for their needs. They also voiced several concerns regarding the past experience with the City of Pearland including the poor maintenance of the city portion of road leading to their properties, previous negative interaction with the City Staff including the Police Department and the hunting of birds and other animals occurring in the wooded areas of the city. A common comment during these meeting

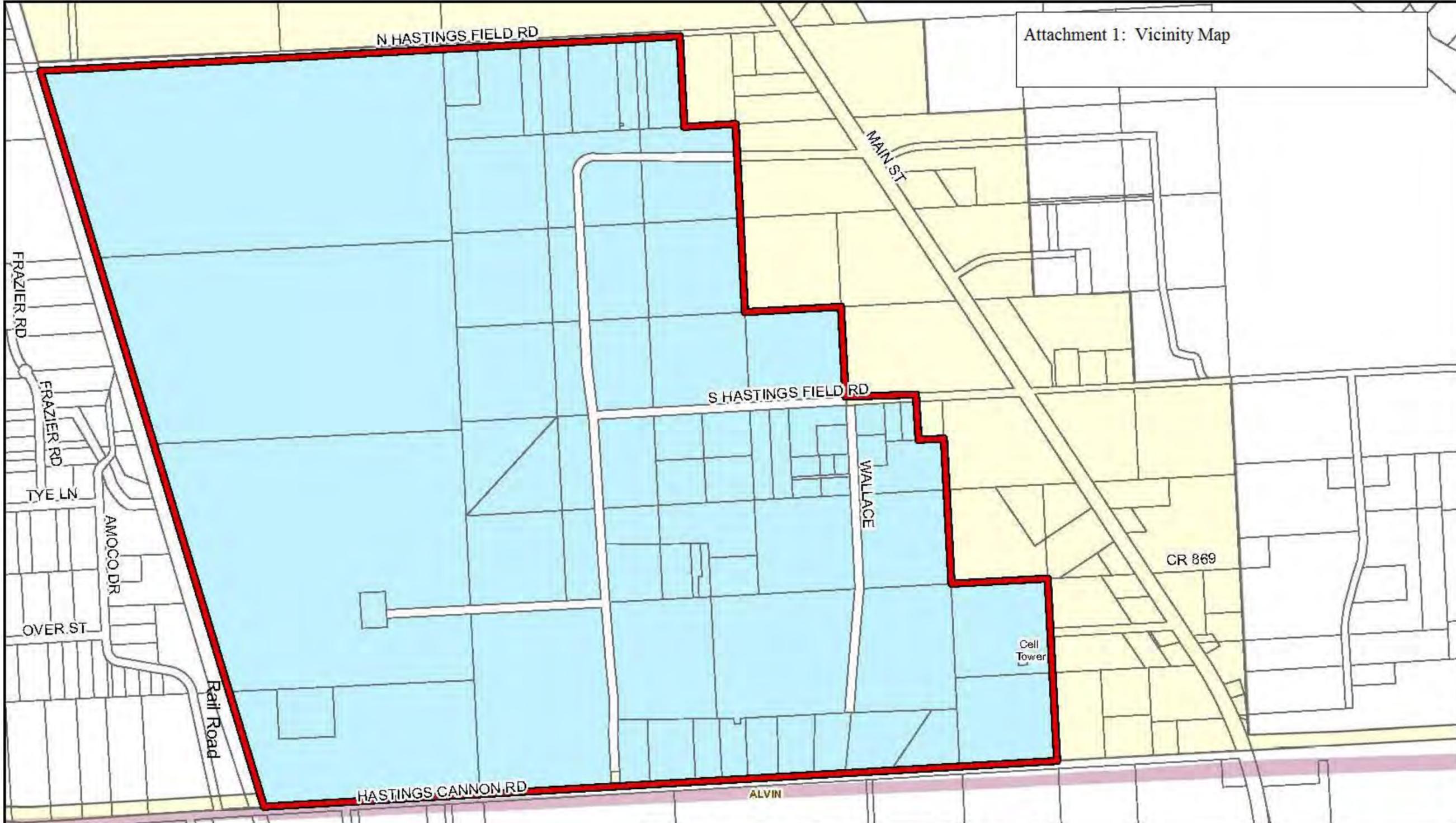
was the fact that they located in these areas specifically because they were in the County and do not want to become part of the City. Another comment heard during these meetings is the feeling that they are going to be taxed and get nothing in returned.

Staff Recommendation: Staff recommends approval of the Annexation of Area 5 for the following reasons;

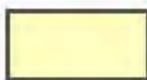
- 1) The abovementioned property is in the City's Extra-Territorial Jurisdiction and will eventually become a part of the City of Pearland. By annexing this property now, we are able to limit the amount of non-conforming issues that will occur if this property remains outside of the city limits.
- 2) The residences will begin to receive city services from the time they are annexed and will not pay City Taxes until October 2012. This will allow some time to adjust to the future tax increment that current city residents are currently paying.
- 3) The residents will be better protected from the industrial harvesting of oil that is currently occurring in Hastings Oil Field. The City's Oil and Gas Ordinance, Unified Development code and other applicable ordinances will be enforced by the city in order to protect the public from intense oil operations.
- 4) As mentioned previously, Area 5 is in Pearland's ETJ and will eventually become part of the city, as is the plan for all ETJ land, annexing the area now, as opposed to annexing in the future, will ensure that future growth is guided by city's regulations and the conforms to the long range plans for the area. The city will be in a better position to provide safeguards against unplanned and unregulated growth for the current and future residents.

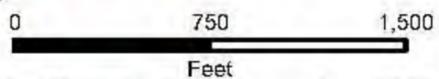
Recommended Action

Consider the annexation of Area 5.



City of Pearland

-  Proposed Annexation Area 5
-  Property within the City of Pearland



CITY INITIATED ANNEXATION – PROPERTY GENERALLY LOCATED WEST OF SH 35 AND EAST OF THE RAILROAD, SOUTH OF HASTINGS FIELD ROAD AND NORTH OF HASTINGS CANNON ROAD.

(AREA 5)

FEASIBILITY REPORT

LOCATION:

The subject land is generally located in the southeastern part of the City. The subject land is bounded by privately land on the north, SH 35 to the east and the railroad to the west. The southerly boundary is the city of Alvin. The subject land is in City of Pearland’s ETJ in Brazoria County.

Refer to Attachment 1 for property location and boundaries.

DEMOGRAPHICS:

The area under consideration has a combination of uses, including single-family residential homes, industrial uses and agricultural uses. A land use survey conducted by Staff on October 2010, which has indicated that there are 32 parcels being used for or associated with residential uses. In addition, there are three parcels with mobile home uses and a few parcels with agricultural animals on them. The subject area is part of the Hastings Oil Field and has a plethora of previously used oil heads. Currently, there is a substantial presence of oil operations within the area, as new technology has allowed for the future tapping of this oil field.

The subject land is part of census Tract 6609. Census data is not available for the specific area encompassed within the parcel. In general the 2000 Census data indicates that 5,780 persons reside in this area, within 1,978 households. Out of the 1,978 housing units, 1,822 are occupied and 156 are vacant.

See Attachment 2 for Census Map and Attachment 3 for Census Data.

CURRENT USE OF LAND:

The subject area has a combination of industrial, single-family, oil operation and a few agricultural uses.

The subject area has 73 parcels and the total acreage for this annexation is 589 acres. The total acreage of single family residential and associated parcels is approximately 57 acres. The total acreage of mobile homes is approximately 6 acres. The total acreage for industrial parcels, which include oil uses is approximately 497 acres.

Attachment 4 – Land Use Map

SURROUNDING LAND:

Surrounding land immediately to the north, south, east, and west is similar in character to the subject land and consists of predominantly industrial, single-family residential and undeveloped land.

To the east of the subject land, is SH 35/Main Street and to the west of the subject land is the railroad.

ACCESSIBILITY:

The subject land has access by the following roadways:

1. N Hastings Field Road is considered a local street.
2. Hastings Cannon Road is considered a local street.
3. SH 35/Main Street is a major thoroughfare.
4. S Hastings Field Road is a major collector to be widened.
5. Wallace Drive a local street

N. Hastings Road, Hasting Cannon Road, and Wallace drive are all narrow, open ditch roads and do not meet current city standards. SH 35/Main Street is a major thoroughfare. S. Hastings Field Road is designated as a major collector to be widened to 80 feet

Attachment 4: shows the roads that are accessible currently.

DEVELOPMENT STATUS (STATE LAND USE CODES):

According to the Brazoria County Appraisal District there is a mixture of uses within the Annexation Area. There are 22 listed parcels with single family uses, 15 parcels with no category assigned, 24 parcels with agricultural uses (whether unqualified or qualified), two parcels with mobile homes, eight properties are vacant and lastly 2 parcels improved Farms/Ranches (See Brazoria County Appraisal District: Annexation Area 5).

Brazoria County Appraisal District: Annexation Area 5			
State Land Use Codes	Definition	# in Area 5	Acreage
A1	Real, Residential Single Family	22	301.76
A2	Real, Residential Mobile Home	2	1.13
C3	Real, Vacant	8	37.05
D1	Real, Qualified Agricultural Land	14	82.29
D2	Real, Unqualified Agricultural Land	10	38.55
E1	Real, Farm & Ranch, Improved	2	14.19
Unassigned	Unknown	15	94.23
Total		73	474.97

Attachment 5: State Land Use Codes

VALUATION:

According to the 2011 Brazoria County Assessor records the subject land consists of 73 parcels. The total market value and appraised value of all the properties amounts to **\$6,507,410**. This figure does not incorporate any tax exemptions including agricultural exceptions.

Attachment 6: Land Use Calculations

AVAILABILITY OF AND IMPACT ON CITY SERVICES:

Roads:

The area would add 23,862 feet of two lane asphalt open ditch road to the City's maintenance requirements. N Hastings Field Road is considered a local street, Hastings Cannon Road is considered a local street, S Hastings Field Road is a major collector to be widened, and Wallace Drive a local street are in poor to fair condition and would add minimal road maintenance impacts. Right of way mowing would be placed on a four times per year cycle.

Police Protection:

Due to its current location and populated nature, the area may be conducive to certain types of crime that will require additional response.

Fire Protection:

PFD currently serves this area and there is a written mutual aid agreement in place. PFD has noted that there are eleven (11) businesses located in this area. It was difficult to determine whether these properties were strictly commercial uses. There are some narrow driveways that will hinder apparatus access in addition to local roads being narrow with regard to apparatus placement or staging. Water supply may be an issue in Area 5.

Annexation of the property would allow the City to implement land use controls and building code enforcement that would enhance fire safety standards for new developments and building expansions in the area.

Emergency Medical Service:

Pearland EMS already provides service to this area. The planned completion of Bailey Road will tremendously enhance emergency access to the area and will enhance response to this area as additional property is developed within the area.

Solid Waste Collection:

Under state law, existing service providers may continue to provide service for two years after the annexation. After that, service will be provided by the City's franchise waste hauler. Billing will be provided by the City, so there will be some effort required to contact customers, set up accounts, and coordinate with Waste Management.

Water and Wastewater Facilities

There are currently no public water or sewer systems within this area. A future water line and a sanitary sewer lateral and trunk lines are proposed along SH 35. The City's Waste Water Master Plan has identified this as a future project that would provide additional service as the area grows. This project is currently identified as long-term project and is not currently within the City's 5-Year Capital Improvement Program.

However, the City of Pearland will provide a level of service consistent with other areas of the City with similar topography, land use and population density.

Parks, Playgrounds and Swimming Pools:

There are no such public facilities in the area, so there would be no impact on City operations.

Any other Publicly Owned Facility, Building, or Service:

There are no other public facilities or services in the area, so there would be no impact on City operations

LOCATION WITHIN MUD:

The subject land is not located within any MUD.

COMPREHENSIVE PLAN RECOMMENADATIONS:

The 1999 Comprehensive Plan, updated in 2004 and 2010, designates Area 5 as Light Industrial. Lots of 40,000 square feet in size are considered appropriate in Light Industrial Areas.

THOROUGHFARE PLAN RECOMMENADATIONS:

The Thoroughfare Plan in the 1999 Comprehensive Plan designated SH 35/Main Street as a Major Thoroughfare to be developed with a 120 feet right of way. Existing N Hastings Field Road is considered a local street, Hastings Cannon Road is considered a local street, SH 35/Main Street is a major thoroughfare to be widened, S Hastings Field Road is a major collector to be widened, Wallace Drive is a local street, and they are not in conformance with the recommendations of the 1999, 2000, 2004, and 2010 comprehensive plan.

FLOOD CONTROL AND DRAINAGE:

Area 5 would require staff to be engaged in on a more frequent basis. This area currently has single family residences that could potentially experience localized drainage issues. Staff is not currently aware of any significant issues, however, City Staff, has not been the designated flood plain administrator for this area nor has City Staff had to provide development services to this area. Once Area 5 is annexed, it would be subject to the City of Pearland's Flood Damage Prevention Ordinance along with all other development ordinances which regulate development standards, flood plain management, and grading/fill permitting. In addition, the Master Plan has identified a future water line along SH 35 in Area 5. Currently the City has sufficient staff to satisfy the need for increased staff time resulting from the proposed annexation.

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

It is staff's opinion, that if the land is not annexed it will continue to grow in an unplanned manner. Currently, there are no safeguards to buffer incompatible uses. The potential situation of incompatible uses located in close proximity to each other will be exacerbated by unplanned growth. Development of appropriate infrastructure and services for expansion and growth of both residential and non-residential uses would be uncertain if the land is not annexed.

There is a sizable amount of housing within Annexation Area 5 which does not have legal access to their property and have been illegally subdivided. These properties if annexed would be allowed to remain, but further expansion would have to satisfy the requirements of the Unified Development Code. This would assure that development is conducted in a way that conforms in the goals of the city. If these properties are not annexed into the city, these properties can continue to develop without access or being legally subdivided.

The South Central District is the only one of the three districts to include heavier industrial uses. Heavy industrial uses should not be located across Main Street from the Senior High School. Most of the area south of Dixie Farm Road is part

of the Hastings Oil and Gas Field. The Hastings Oil and Gas Field is increasingly being harvested due to technology advancement. Increased residential growth could create a situation that is dangerous for the residences and creates a situation that diminishes the ability for this resource to be harvested.

There has been an increase in the development of the Hasting's Oil Field as they have expressed their intent to drill new CO₂ wells for the purpose of re-development and extraction of the remaining oil. The City of Pearland has a local ordinance regarding regulations of the Oil and Gas within the jurisdiction; this would provide added protection for residential uses within this area.

City's efforts at Planning for the area as discussed earlier as per the Comprehensive Plan and Thoroughfare Plan will be negatively affected as the existing land uses, streets and general development pattern in the subject land are not in conformance with the recommendations in the City's Comprehensive Plan and Unified Development Code and the Unified Development Code.

IMPACT OF ANNEXATION – LONG TERM AND SHORT TERM:

In the long term this annexation would allow for the Unified Development Code and other city policies to be implemented within Area 5. The city will add protection of the Oil and Gas Ordinance to assure that the development of the Hastings Oil Field is done in a way that benefits the current residents, the drilling operations and the city. The city will also incorporate this area into its long term infrastructure and maintenance plans.

In the short term there will be an increase in maintenance in the area, including such benefits as road maintenance, drainage and city street lighting. The current existing legal non-conforming uses, will be allowed to remain, but new work will have to conform to the Unified Development Code and other regulations.

If the land is not annexed the current style of development will continue allowing for piecemeal development which provide little protection for residential uses and oil operations within Area 5.

RECOMMENDATIONS:

Staff recommends approval of this annexation of Area 5 as it will allow for more protection of existing residential uses and facilitate the harvesting of the Hastings Oil Field in a manner that is in line with the goals of the City of Pearland.

EXHIBIT "A"

**City of Pearland
589 Acres
Proposed Annexation Area No. 5**

**H.T. & B.R.R. Co. Survey, A-292 &
George C. Smith Survey, A-552**

STATE OF TEXAS §

COUNTY OF BRAZORIA §

METES AND BOUNDS DESCRIPTION of 589 acres, more or less, to be annexed into the City of Pearland in the H.T. & B.R.R. Co. Survey, Section 29, Abstract No. 292 and the George C. Smith Survey, Abstract No. 552 in Brazoria County, Texas. Said 589 acre annexation tract is within a portion of the Allison-Richey Gulf Coast Home Company Suburban Gardens Subdivision of said Section 29 as recorded in Volume 2, Page 101 of the Brazoria County Deed Records and is more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the north right-of-way line of Hastings Field Road (County Road 413), with the east line of the Burlington Northern and Santa Fe Railroad Company right-of-way (based on a width of 100-feet), said point is the southwest corner of City of Pearland Ordinance Number 1038;

THENCE, Easterly, along the south line of said Ordinance Number 1038, same being the north line of said Hastings Field Road, for a distance of 4,372 feet, more or less, to a point in the westerly line of City of Pearland Ordinance Number 755;

THENCE, Southerly, crossing said Hastings Field Road and with the westerly line of said Ordinance Number 755, same being the projected east line of a 4.00 acre tract described in a deed recorded in Clerk's File No. 03 003407 in the Brazoria County Clerk's Office, for a distance of 710 feet, more or less, to a point in the common line between Lot 13 and Lot 14 of the aforementioned Section 29;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between said Lot 13 and Lot 14, for a distance of 352 feet, more or less, to the northeast corner of said Lot 14;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 14 and Lot 20 and the common line between Lot 15 and Lot 21 of said Section 29, for a distance of 1,320 feet, more or less, to the southwest corner of said Lot 21;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 21 and Lot 22 of said Section 29, for a distance of 660 feet, more or less, to the northeast corner of said Lot 22;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 22 and Lot 28 of said Section 29, for a distance of 660 feet, more or less, to southwest corner of said Lot 28, said point is in the centerline of South Hastings Field Road (County Road 414);

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 28 and Lot 29 of said Section 29, for a distance of 486 feet, more or less, to the northeast corner of a tract of land called 'Tract 2' in a deed recorded in Volume 1402, Page 838 in the Brazoria County Deed Records;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the east line of said 'Tract 2', for a distance of 269 feet, more or less, to the southeast corner of said 'Tract 2', same being the southwest corner of a tract of land described in a deed to Antonia Fonseca, et ux, as recorded in Clerk's File No. 2004069823 in the Brazoria County Clerk's Office;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the south line of said Fonseca Tract, for a distance of 174 feet, more or less, to a point in the common line between Lot 29 and Lot 34 of the aforementioned Section 29;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between said Lots 29 and 34 and the common line between Lot 30 and Lot 35 of said Section 29, for a distance of 1,051 feet, more or less, to the southeast corner of said Lot 30;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 35 and Lot 36 of said Section 29, for a distance of 660 feet, more or less, to the northeast corner of said Lot 36;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 36 and Lot 43 and between Lot 37 and Lot 44 of said Section 29, for distance of 1,197 feet, more or less, to the northerly line of City of Pearland Ordinance Number 31 (100-foot wide strip), said point is 100 feet north of the north right-of-way line of Hastings Cannon Road (County Road 128);

THENCE, Westerly, along the northerly line of said Ordinance Number 31, same being 100 feet north of and parallel to the north line of said County Road 128, for a distance of 5,517 feet, more or less, to the easterly line of the aforementioned Burlington Northern and Santa Fe Railroad Company right-of-way;

THENCE, Northwesterly, along the easterly line of said Burlington Northern and Santa Fe Railroad Company right-of-way for a distance of 5,313, feet more or less, to the POINT OF BEGINNING, containing a computed area of 589 acres of land more or less, SAVE AND

Attachment 2: Feasibility Report

EXCEPT a 42.581 acre Agricultural Exemption Tract evidenced in deeds recorded in Clerk's File No. 91920 763 in the Brazoria County Official Records and in Clerk's File No.s 2010010693, 20100010694 and 20100010695 in the Brazoria County Clerk's Office, yielding a computed Net Area of 546 acres.

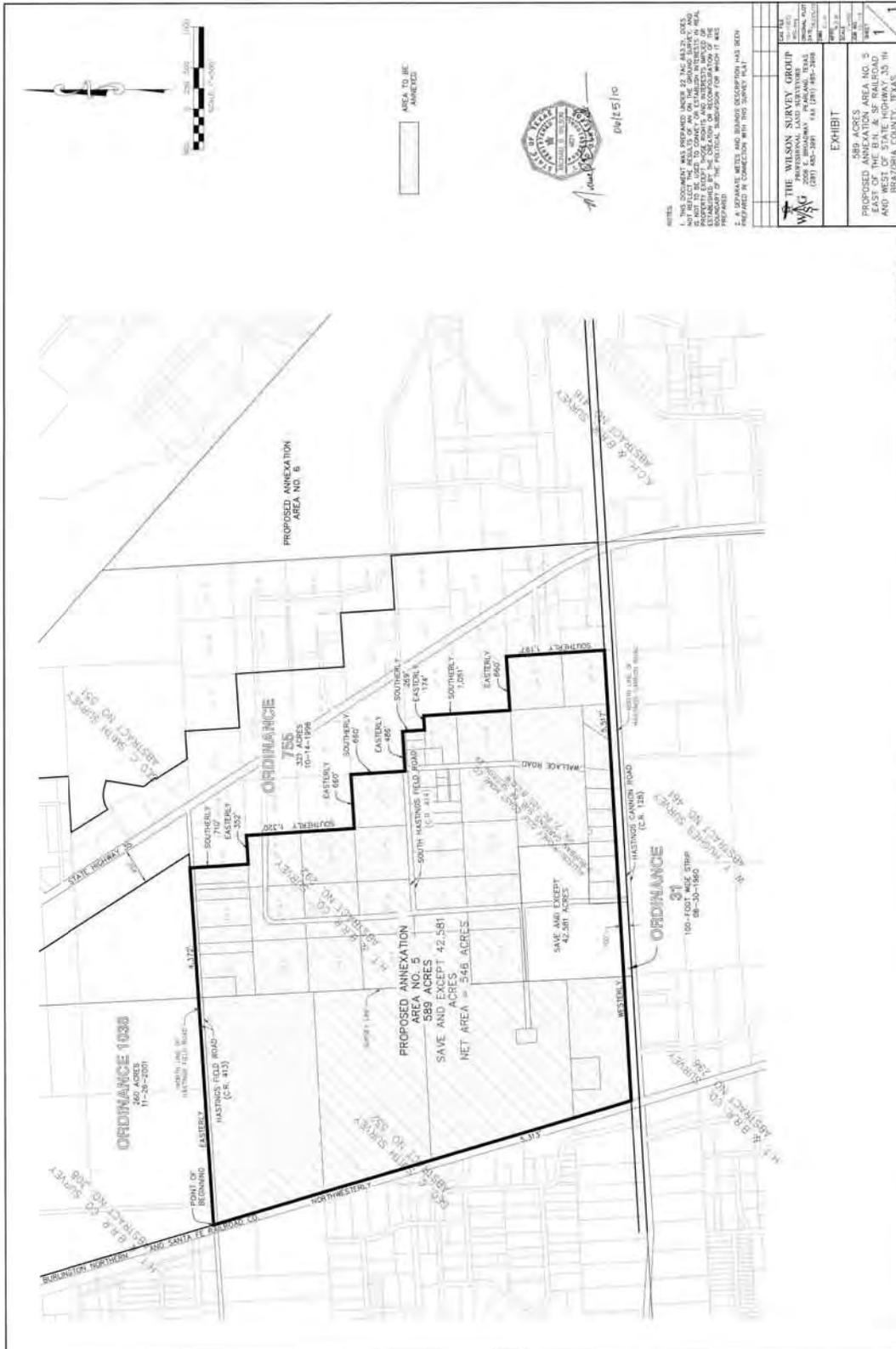
NOTES:

1. 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.
2. A separate survey plat has been prepared in connection with this metes and bounds description.

The Wilson Survey Group, Inc.
2006 East Broadway, Suite 105
Pearland, Texas 77581
(281) 485-3991
Job No. 10-119

Michael D. Wilson, R.P.L.S.
Registration No 4821

Attachment 2: Feasibility Report



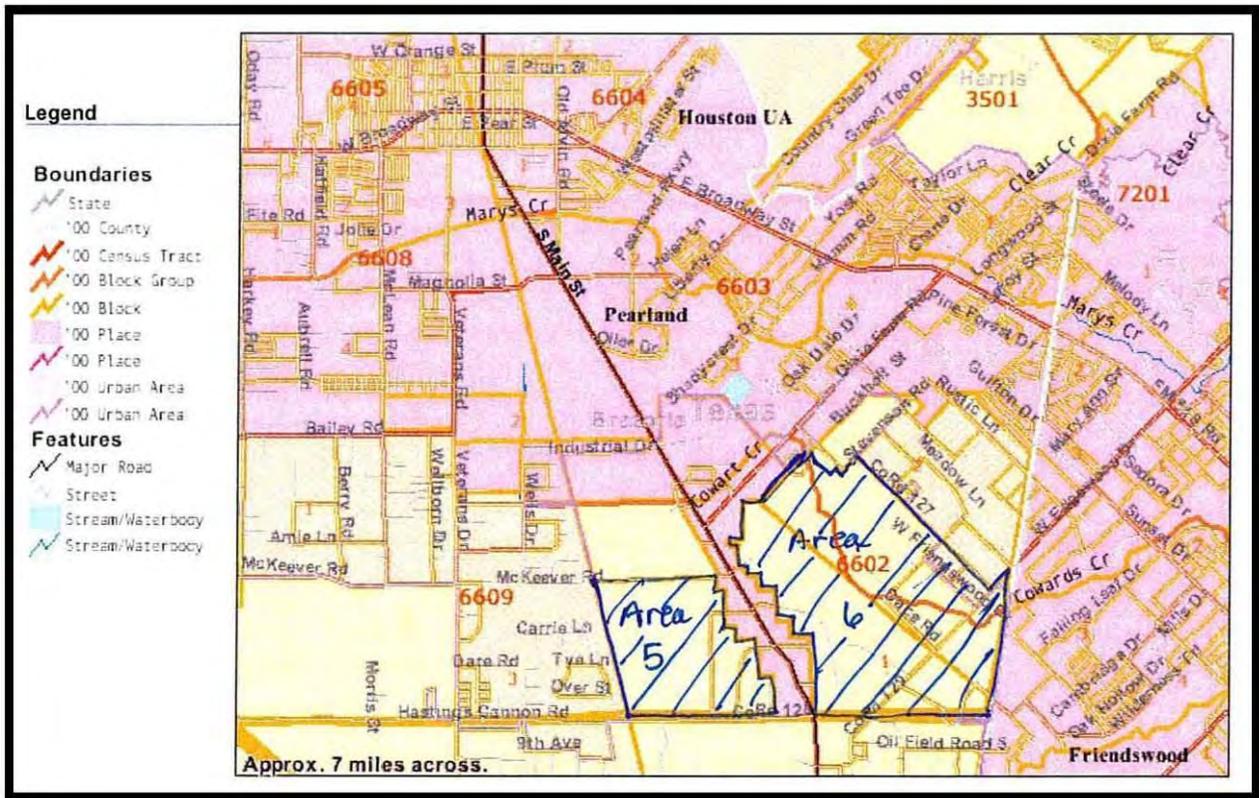
NOTES:
 1. THIS DOCUMENT WAS PREPARED UNDER THE BEST PROFESSIONAL PRACTICE AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL ESTATE UNLESS THE LOCATION OF RECORDATION OF THE INSTRUMENT PREPARED BY THE SURVEYOR FOR WHICH IT WAS PREPARED IS CORRECTED WITH THIS SURVEY PLAN.

THE WILSON SURVEY GROUP 2008 E. BRADWAY, FARGO, ND 58102 (701) 785-1981 FAX (701) 785-2468	DATE	09/12/10
	PROJECT	PROPOSED ANNEXATION AREA NO. 5 AND WEST OF STATE HIGHWAY 28 IN BRADLEY COUNTY, TEXAS
EXHIBIT		
589 ACRES PROPOSED ANNEXATION AREA NO. 5 EAST OF THE B.N. & SF RAILROAD AND WEST OF STATE HIGHWAY 28 IN BRADLEY COUNTY, TEXAS		

ATTACHMENT 2:

Census Map Area 5

CENSUS 2000 TRACT 6609



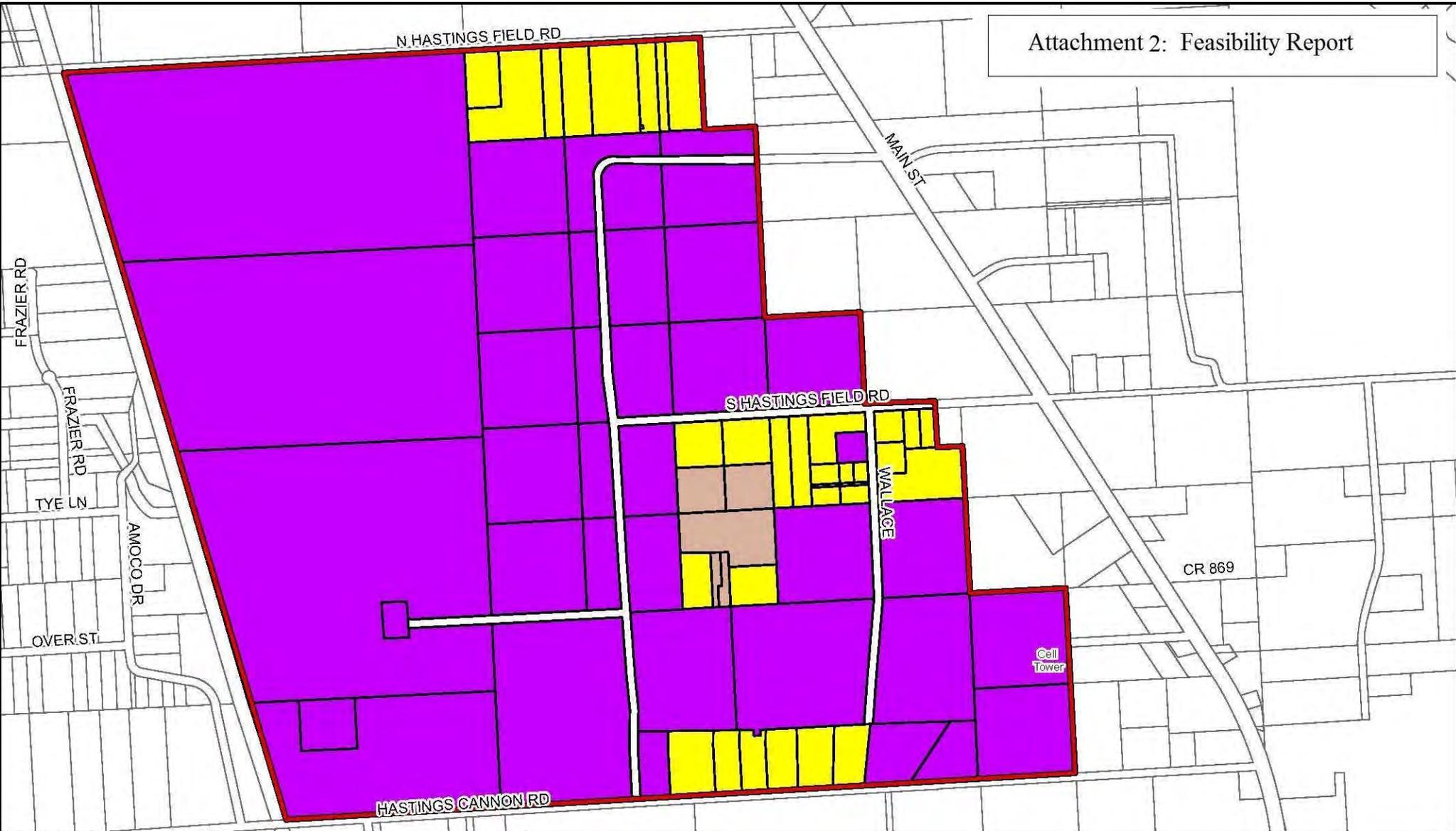
ATTACHMENT 3:

AREA 5

2000 CENSUS INFORMATION

Tract 6609

Population	= 5,780
Median Age	= 29.7
Households	= 1,978
Average Household size	= 3
Housing Units	= 1,978
Occupancy	= 1,822
Vacancy	= 156



City of Pearland Annexation Area 5

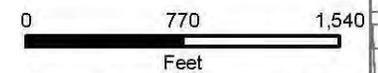
Attachment 4

 Annexation Area

Land Use

 Industrial  Single Family Residential w/ oil wells

 Mobile Home w/ oil wells



Property ID	Property Owner	Address	City	State	Zip Code	Square-Feet	Land Use	State Code
595942	ROMERO ARELI YANETH	8836 COUNTY ROAD 414	ALVIN	TX	77511	89,746	Single Family	D1
541229	BERGER WILLIAM J & KIMBERLY	9341 COUNTY ROAD 413	ALVIN	TX	77511	94,440	Single Family	D2
535770	WORDEN STEVEN L	9587 COUNTY ROAD 128	ALVIN	TX	77511	129,426	Industrial	D1
535769	WORDEN STEVEN L	9587 COUNTY ROAD 128	ALVIN	TX	77511	179,182	Industrial	E1
535768	WORDEN MICHAEL D & DEBORAH L	403 WHEELER DR	ALVIN	TX	77511	97,387	Single Family	A1
535767	WORDEN MICHAEL D	PO BOX 1311	FRIENDSWOOD	TX	77549	105,048	Single Family	
535766	WORDEN DENNIS & NANCY	403 WHEELER DR	ALVIN	TX	77511	89,915	Single Family	
535765	WORDEN DENNIS & NANCY	403 WHEELER DR	ALVIN	TX	77511	73,789	Single Family	D1
535764	WORDEN DENNIS L	403 WHEELER DR	ALVIN	TX	77511	78,713	Single Family	D2
535763	WORDEN MYRON D & ONA MAE	PO BOX 437	FRIENDSWOOD	TX	77549	138,455	Single Family	D2
535762	WORDEN MYRON D & ONA MAE	PO BOX 437	FRIENDSWOOD	TX	77549	94,043	Industrial	D1
525584	RUNYON HENRY	5913 WILDFIRE ST	LEAGUE CITY	TX	77573	206,792	Single Family /Mobile Home	D1
502389	MERINO AARON & MARIA AMAPOLA	18626 COUNTY ROAD 414A	ALVIN	TX	77511	25,315	Single Family	D2
178384	BP AMERICA PRODUCTION CO	PO BOX 3092	HOUSTON	TX	77253	134,436	Industrial	
178383	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	1,150,802	Industrial	
178244	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	3,028,774	Industrial	A1

178244	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	3,288,179	Industrial	A1
178242	MCFARLIN MARGARET EST	PO BOX 564	BERTRAM	TX	78605	3,473,255	Industrial	A1
167834	PINEDA NAHUM & GUADALUPE	18622 CR 413A	ALVIN	TX	77511	13,937	Single Family	A1
167834	PINEDA NAHUM & GUADALUPE	18622 CR 413A	ALVIN	TX	77511	13,644	Single Family	A1
167832	MERINO AARON & MARIA AMAPOLA	18626 COUNTY ROAD 414A	ALVIN	TX	77511	27,565	Single Family	A2
167820	FUSIG WILLIAM J JR & SARAH D	18613 COUNTY ROAD 414A	ALVIN	TX	77511	43,530	Single Family	A1
167819	SEGOVIA DOMINGO H & JUANA	8882 COUNTY ROAD 414	ALVIN	TX	77511	82,935	Single Family	A1
167801	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	435,470	Industrial	D2
167799	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	118,874	Industrial	D2
167799	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	202,286	Industrial	C3
167788	WILLIFORD J L	9180 COUNTY ROAD 414	ALVIN	TX	77511	30,100	Single Family	D1
167788	WILLIFORD J L	9180 COUNTY ROAD 414	ALVIN	TX	77511	30,133	Single Family	A1
167787	MCDERMOTT JODI P	9066 COUNTY ROAD 414	ALVIN	TX	77511	43,532	Single Family	A1
167786	STEPHENS PETER M	401 S FRIENDSWOOD DR	FRIENDSWOOD	TX	77546	207,066	Single Family /Mobile Home	A1
167785	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	417,075	Industrial	A1
167785	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	416,304	Industrial	A1
167784	MCBEE RUTH ANN	2024 E CHARLES ST	REPUBLIC	MO	65738	253,866	Industrial	A1

167784	MCBEE RUTH ANN	2024 E CHARLES ST	REPUBLIC	MO	65738	435,412	Industrial	D2
167784	MCBEE RUTH ANN	2024 E CHARLES ST	REPUBLIC	MO	65738	394,106	Industrial	D1
167783	LECOMPTE BENJAMIN	1404 N PINE ORCHARD DR	PEARLAND	TX	77581	82,880	Single Family	
167782	ELLIS BRADY & LARISSA	6315B FM 1488 RD #162	MAGNOLIA	TX	77354	240,580	Single Family	
167782	ELLIS BRADY & LARISSA	6315B FM 1488 RD #162	MAGNOLIA	TX	77354	125,897	Single Family	
167781	WILLHOITE JOHN THOMAS III & KIMBERLY M	9249 COUNTY ROAD 413	ALVIN	TX	77511	83,686	Single Family	
167781	WILLHOITE JOHN THOMAS III & KIMBERLY M	9249 COUNTY ROAD 413	ALVIN	TX	77511	209,010	Single Family	D1
167780	J SMITH INVESTMENTS LTD	PO BOX 262912	HOUSTON	TX	77207	181,962	Single Family	D2
167777	KYLE MELINDA S	411 PECAN ST	SULPHUR	LA	70663	435,217	Industrial	D1
167774	KEY ASSOCIATES LTD	3508 PATRIOT DR	FRISCO	TX	75034	271,455	Industrial	A1
167769	QUIROGA AARON	8830 COUNTY ROAD 414	ALVIN	TX	77511	219,433	Mobile Home	C3
167754	ROHAN DAVID J	15731 FATHOM LN	HOUSTON	TX	77062	434,889	Industrial	A1
167751	CONDON MAUDE L TESTAMENTARY TRUST	501 SHALLOW CREEK RD	TUSCALOOSA	AL	35406	435,289	Industrial	C3
167746	BP AMERICA PRODUCTION CO	PO BOX 3092	HOUSTON	TX	77253	43,258	Industrial	C3
167745	COLLINS LINDA LOUISE	8920 COUNTY ROAD 414	ALVIN	TX	77511	92,038	Single Family	A1
167743	MONTELONGO JOSE ANGEL & IMELDA	9155 COUNTY ROAD 413	ALVIN	TX	77511	153,474	Single Family	C3

167743	MONTELONGO JOSE ANGEL & IMELDA	9155 COUNTY ROAD 413	ALVIN	TX	77511	41,823	Single Family	C3
167743	MONTELONGO JOSE ANGEL & IMELDA	9155 COUNTY ROAD 413	ALVIN	TX	77511	83,294	Single Family	C3
167742	M & M LAND & CATTLE CO	2840 PIPER RD	PEARLAND	TX	77584	434,899	Industrial	C3
167740	DENBURY ONSHORE LLC	5100 TENNYSON PKWY STE 1200	PLANO	TX	75024	570,288	Industrial	
167739	BROWN FLOYD N	PO BOX 766	FRIENDSWOOD	TX	77549	572,708	Industrial	D1
167737	FLORA NADINE YOUNG	702 AVENUE M	SOUTH HOUSTO	TX	77587	414,735	Industrial	A1
167736	CONDON THELMA LYNNE	12463 PINEROCK LN	HOUSTON	TX	77024	144,241	Industrial	A1
167736	CONDON THELMA LYNNE	12463 PINEROCK LN	HOUSTON	TX	77024	243,966	Industrial	A1
167730	SMITH RONALD D & KIM CHASE	1945 AVITTS DR	ALVIN	TX	77511	438,849	Industrial	E1
0	Null	Null	Null	Null	Null	185,207	Industrial	D1
0	Null	Null	Null	Null	Null	275,193	Industrial	
0	Null	Null	Null	Null	Null	123,156	Industrial	D1
0	Null	Null	Null	Null	Null	125,988	Industrial	A1
0	Null	Null	Null	Null	Null	236,798	Industrial	D1
0	Null	Null	Null	Null	Null	7,873	Single Family	A1
0	Null	Null	Null	Null	Null	25,315	Single Family	D2
0	Null	Null	Null	Null	Null	145,181	Industrial	D2
0	Null	Null	Null	Null	Null	1,141,021	Industrial	
0	Null	Null	Null	Null	Null	410	Industrial	
0	Null	Null	Null	Null	Null	804,537	Industrial	D1
0	Null	Null	Null	Null	Null	21,721	Mobile Home	A2
0	Null	Null	Null	Null	Null	80,074	Single Family	
0	Null	Null	Null	Null	Null	24,426	Mobile Home	
0	Null	Null	Null	Null	Null	0	Industrial	

* The majority of Null parcels belong to Denbury Resources, INC

Total Industrial Land = 497 acres	Total Parcels Industrial = 38
Total Single Family = 57 acres	Total Parcels Single-Family = 32
Total Mobile Home = 6 acres	Total Parcels Mobile Homes = 3
Market Value = \$6,507,410	Total Parcels = 73
Appraised Value = 6,507,410	

State Land Use Codes	
A1	Real, Residential Single Family
A2	Real, Residential Mobile Home
C3	Real, Vacant
D1	Real, Qualified Agricultural Land
D2	Real, Unqualified Agricultural Land
E1	Real, Farm & Ranch, Improved

Source: Brazoria County Appraisal District, 2011

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535766	WORDEN DENNIS & NANCY	403 WHEELER DR	ALVIN	TX	77511	89,915	Single Family
535765	WORDEN DENNIS & NANCY	403 WHEELER DR	ALVIN	TX	77511	73,789	Single Family
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167736	CONDON THELMA LYNNE	12463 PINEROCK LN	HOUSTON	TX	77024	144,241	Industrial
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0	Null	Null	Null	Null	Null	275,193	Industrial
0	Null	Null	Null	Null	Null	123,156	Industrial
0	Null	Null	Null	Null	Null	125,988	Industrial
0	Null	Null	Null	Null	Null	236,798	Industrial
0	Null	Null	Null	Null	Null	7,873	Single Family
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0	Null	Null	Null	Null	Null	410	Industrial
0	Null	Null	Null	Null	Null	804,537	Industrial
0	Null	Null	Null	Null	Null	21,721	Mobile Home
0	Null	Null	Null	Null	Null	80,074	Single Family
0	Null	Null	Null	Null	Null	24,426	Mobile Home
0	Null	Null	Null	Null	Null	0	Industrial

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Total Mobile Home = 6 acres	Total Parcels Mobiles Homes = 3
Market Value = \$6,507,410	Total Parcels = 73
Appraised Value = 6,507,410	

Sources:

- Brazoria County Apprasial District, 2011
- City of Pearland Planning Department Land-Use Survey October 2010

CITY OF PEARLAND, TEXAS

SERVICE PLAN FOR AREA 5 - 589 acres (25,656,84080 square feet) of land generally located east of Burlington Northern Rail Road, west of SH 35, south of Hastings Field Road, and north of Hastings Cannon Road. The existing city limits encompassing the 589 acres are in Brazoria County, Texas.

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 owner, of land located adjacent to the city limits and encompassing approximately 589 acres in Brazoria County, Texas. The Tract is described by metes and bounds in "Exhibit A-1", and by map 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 Tract. 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 Tract) 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 Tract 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 in 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 continue to serve the area in cooperation with other fire departments in the area according to mutually agreed to procedures.
 - c. Emergency Medical Service: The Pearland Emergency Medical Service (EMS) will continue to provide emergency medical service to the Tract under a contract with the City.
 - 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: Existing public parks, playgrounds, and swimming pools, if any, will be operated and maintained by the City. Facilities owned and operated by homeowner's associations (HOAs) will continue to be owned and operated by the respective HOAs.
 - h. Operation and Maintenance of Any Other Publicly Owned Facility, Building or Service. Existing publicly owned or operated facilities, buildings, or services, if any, will be operated and maintained by the City or by private contractor under contract to the City.
2. Additional Services. Certain services, in addition to the statutory services, will be provided in accordance with Standard Policies and Procedures within the Tract 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 Tract. Residents of the Tract 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 and groceries and Animal Control.
 - 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. 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 Tract. 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 Tract 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 Tract 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 Tract 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 Tract. The Tract 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 tract. 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 also will 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 Tract.

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

The city will make potable water supply from existing or future sources built and operated by the City available to the Tract. 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 Tract 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 Tract. The Tract 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 Tract 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 Tract, and supersedes all other negotiations, representations, plans and agreements, whether written or oral.

EXHIBIT "A-1"

**City of Pearland
589 Acres
Proposed Annexation Area No. 5**

**H.T. & B.R.R. Co. Survey, A-292 &
George C. Smith Survey, A-552**

STATE OF TEXAS §

COUNTY OF BRAZORIA §

METES AND BOUNDS DESCRIPTION of 589 acres, more or less, to be annexed into the City of Pearland in the H.T. & B.R.R. Co. Survey, Section 29, Abstract No. 292 and the George C. Smith Survey, Abstract No. 552 in Brazoria County, Texas. Said 589 acre annexation tract is within a portion of the Allison-Richey Gulf Coast Home Company Suburban Gardens Subdivision of said Section 29 as recorded in Volume 2, Page 101 of the Brazoria County Deed Records and is more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the north right-of-way line of Hastings Field Road (County Road 413), with the east line of the Burlington Northern and Santa Fe Railroad Company right-of-way (based on a width of 100-feet), said point is the southwest corner of City of Pearland Ordinance Number 1038;

THENCE, Easterly, along the south line of said Ordinance Number 1038, same being the north line of said Hastings Field Road, for a distance of 4,372 feet, more or less, to a point in the westerly line of City of Pearland Ordinance Number 755;

THENCE, Southerly, crossing said Hastings Field Road and with the westerly line of said Ordinance Number 755, same being the projected east line of a 4.00 acre tract described in a deed recorded in Clerk's File No. 03 003407 in the Brazoria County Clerk's Office, for a distance of 710 feet, more or less, to a point in the common line between Lot 13 and Lot 14 of the aforementioned Section 29;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between said Lot 13 and Lot 14, for a distance of 352 feet, more or less, to the northeast corner of said Lot 14;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 14 and Lot 20 and the common line between Lot 15 and Lot 21 of said Section 29, for a distance of 1,320 feet, more or less, to the southwest corner of said Lot 21;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 21 and Lot 22 of said Section 29, for a distance of 660 feet, more or less, to the northeast corner of said Lot 22;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 22 and Lot 28 of said Section 29, for a distance of 660 feet, more or less, to southwest corner of said Lot 28, said point is in the centerline of South Hastings Field Road (County Road 414);

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 28 and Lot 29 of said Section 29, for a distance of 486 feet, more or less, to the northeast corner of a tract of land called 'Tract 2' in a deed recorded in Volume 1402, Page 838 in the Brazoria County Deed Records;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the east line of said 'Tract 2', for a distance of 269 feet, more or less, to the southeast corner of said 'Tract 2', same being the southwest corner of a tract of land described in a deed to Antonia Fonseca, et ux, as recorded in Clerk's File No. 2004069823 in the Brazoria County Clerk's Office;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the south line of said Fonseca Tract, for a distance of 174 feet, more or less, to a point in the common line between Lot 29 and Lot 34 of the aforementioned Section 29;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between said Lots 29 and 34 and the common line between Lot 30 and Lot 35 of said Section 29, for a distance of 1,051 feet, more or less, to the southeast corner of said Lot 30;

THENCE, Easterly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 35 and Lot 36 of said Section 29, for a distance of 660 feet, more or less, to the northeast corner of said Lot 36;

THENCE, Southerly, continuing along the westerly line of said Ordinance Number 755, same being the common line between Lot 36 and Lot 43 and between Lot 37 and Lot 44 of said Section 29, for distance of 1,197 feet, more or less, to the northerly line of City of Pearland Ordinance Number 31 (100-foot wide strip), said point is 100 feet north of the north right-of-way line of Hastings Cannon Road (County Road 128);

THENCE, Westerly, along the northerly line of said Ordinance Number 31, same being 100 feet north of and parallel to the north line of said County Road 128, for a distance of 5,517 feet, more or less, to the easterly line of the aforementioned Burlington Northern and Santa Fe Railroad Company right-of-way;

THENCE, Northwesterly, along the easterly line of said Burlington Northern and Santa Fe Railroad Company right-of-way for a distance of 5,313, feet more or less, to the POINT OF BEGINNING, containing a computed area of 589 acres of land more or less, SAVE AND

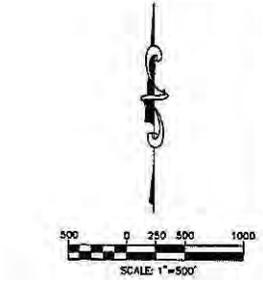
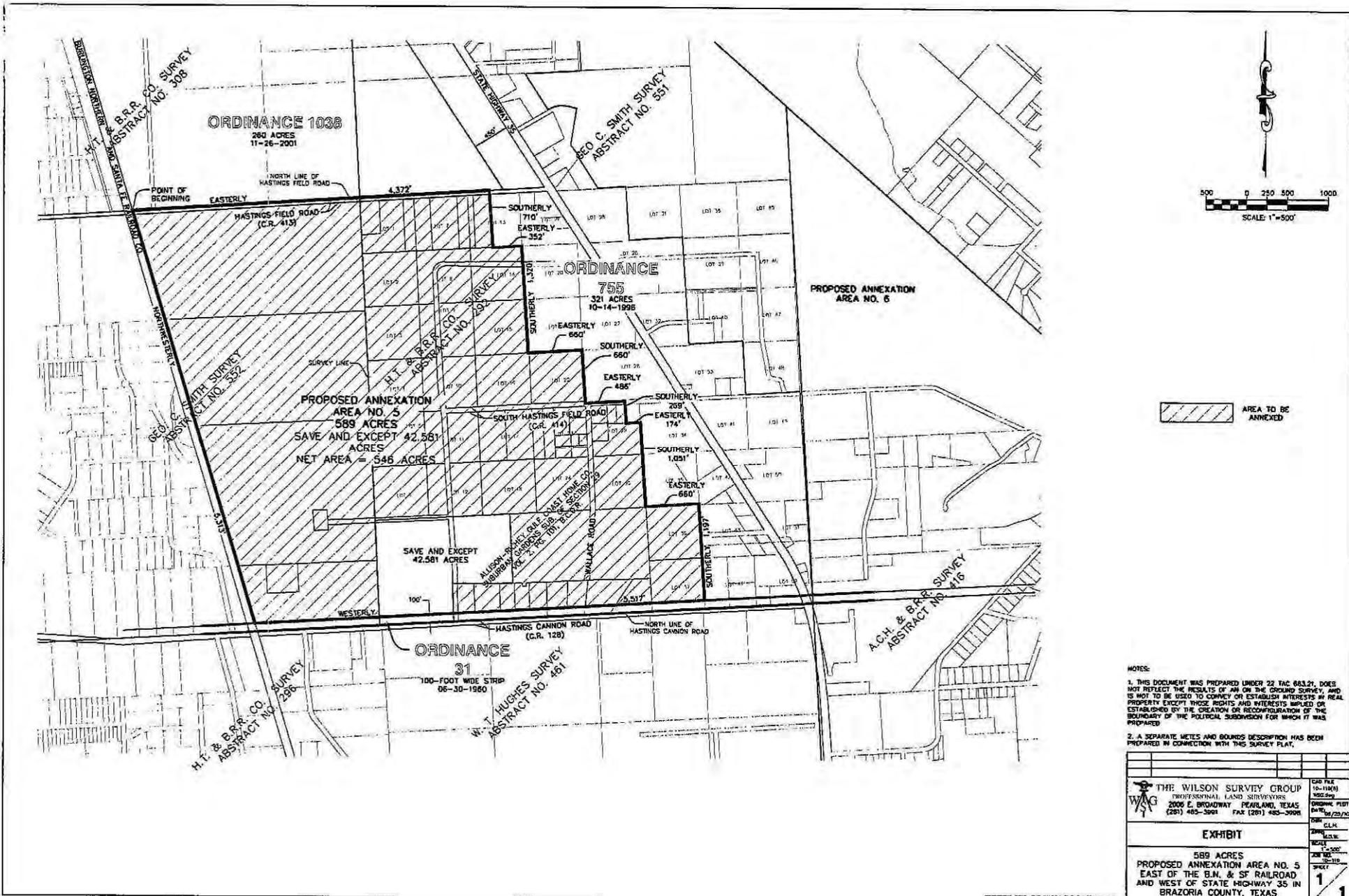
EXCEPT a 42.581 acre Agricultural Exemption Tract evidenced in deeds recorded in Clerk's File No. 91920 763 in the Brazoria County Official Records and in Clerk's File No.s 2010010693, 20100010694 and 20100010695 in the Brazoria County Clerk's Office, yielding a computed Net Area of 546 acres.

NOTES:

1. 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.
2. A separate survey plat has been prepared in connection with this metes and bounds description.

The Wilson Survey Group, Inc.
2006 East Broadway, Suite 105
Pearland, Texas 77581
(281) 485-3991
Job No. 10-119

Michael D. Wilson, R.P.L.S.
Registration No 4821

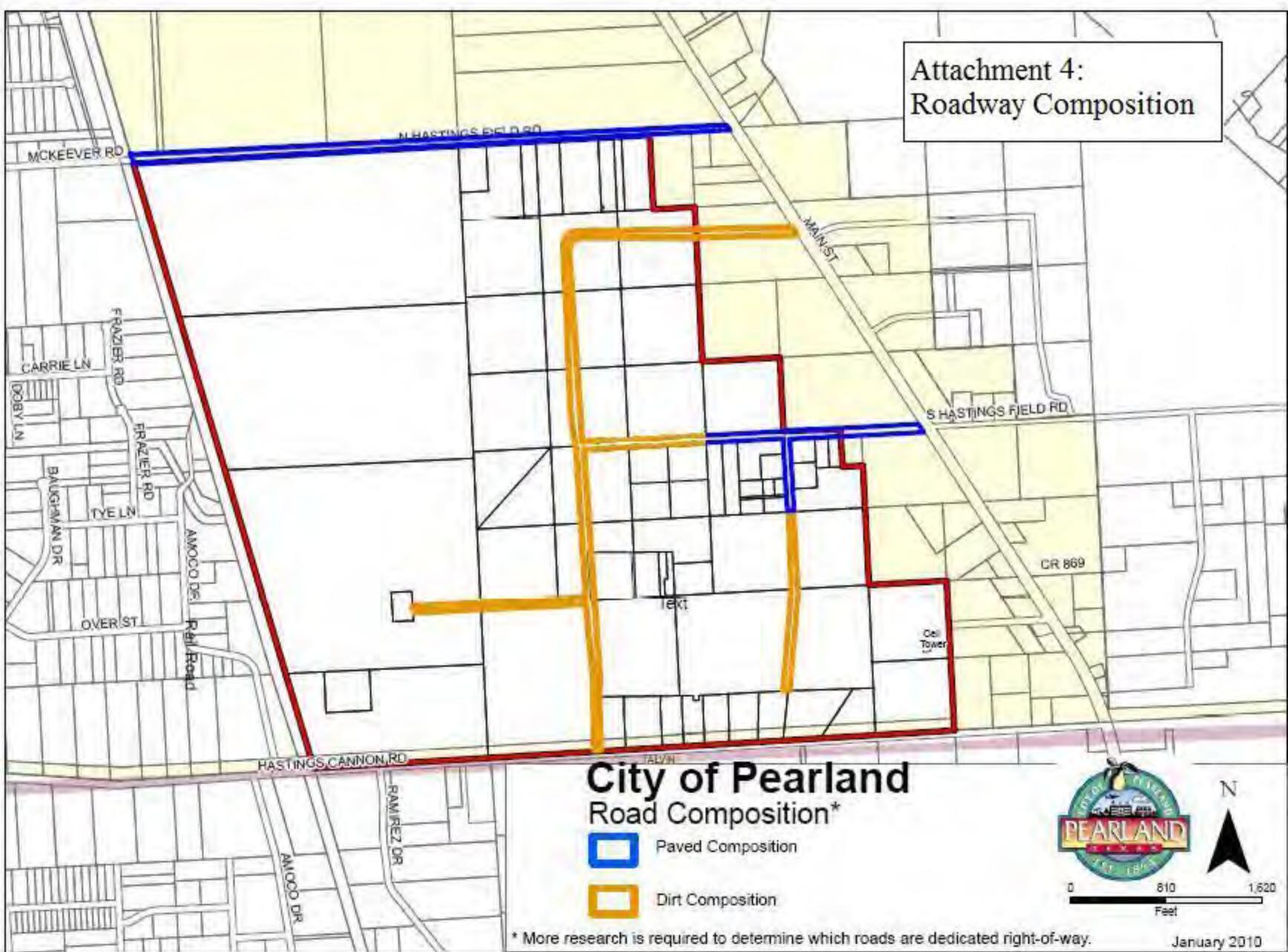


 AREA TO BE ANNEXED

- NOTES:
1. THIS DOCUMENT WAS PREPARED UNDER 22 TAC 683.02, 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.
 2. A SEPARATE METES AND BOUNDS DESCRIPTION HAS BEEN PREPARED IN CONNECTION WITH THIS SURVEY PLAN.

 THE WILSON SURVEY GROUP PROFESSIONAL LAND SURVEYORS 2006 E. BROADWAY BEAULAND, TEXAS (281) 465-3000 FAX (281) 465-3008		CAD FILE 16-114(3) 10/22/2016 DRAWING PLOT DATE: 10/23/16
EXHIBIT		
589 ACRES PROPOSED ANNEXATION AREA NO. 5 EAST OF THE B.N. & SF RAILROAD AND WEST OF STATE HIGHWAY 35 IN BRAZORIA COUNTY, TEXAS		
		CLK LSK RSK TSK 1 1

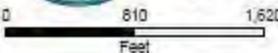
Attachment 4:
Roadway Composition



City of Pearland
Road Composition*

-  Paved Composition
-  Dirt Composition

* More research is required to determine which roads are dedicated right-of-way.



Possible Annexation 2010 Frequently Asked Questions

1. Why is the City considering annexing my property?

The City's primary goal of annexation is to manage the growth that is anticipated in the area. We want to ensure that future development is done in a manner that is beneficial to all and in accordance with city and state codes. Annexation of the area by the City will also ensure that development happens in a safe and orderly manner.

2. How will annexation affect my property values? Will my property value go down?

Property values, for tax purposes, are determined by the Brazoria County Appraisal District (BCAD). BCAD indicated to staff that annexation does not typically have a negative impact on property values. If the city were to make infrastructure improvements in the future, those improvements may increase property values. It has been staffs' experience that annexation and subsequent zoning helps to stabilize and enhance property values. Staff has not observed any trends that show property values declining after annexation, all other factors being the same.

Please call the Brazoria County Appraisal District at (281) 756-1388 with additional questions regarding to the valuation of your property.

3. What would be the benefits to being annexed?

Benefits to the residents:

The benefits of being annexed include services such as police protection; solid waste collection; operation and maintenance of drainage facilities; operation and maintenance of streets (including lighting); operation and maintenance of parks, playgrounds, and swimming pools; health services; animal control and code enforcement services. Certain facilities and programs have a lesser fee for residents as compared to non-residents. For example, family membership to the newly constructed Recreation/Natatorium facility is \$400.00 for residents and \$600.00 for non-residents.

Zoning of properties, subsequent to annexation, has several advantages such as orderly growth, and adjacency predictability. Zoning regulations address a number of issues that safeguard the quality of life for residents. For example, one of the issues addressed is buffer requirements between commercial and residential uses that assist in mitigating the undesirable impacts of adjacent non-compatible uses. Zoning also helps in maximizing development potential in a manner that is beneficial to all.

Being annexed in the city will provide you with a say in how things are done, by voting in city elections and serving on city boards and commissions.

Benefits to existing tax payers:

Annexation will benefit current residents by helping to keep the cost of services provided low, due to the additional tax revenues generated. Further, the current Pearland residents will no longer be subsidizing services in this area, as the new residents will be paying their share for services and amenities (such as Fire and Emergency Medical Services) that are already available to them by interlocal agreements or otherwise.

Benefits to the City:

The City's primary goal of annexation is to manage the growth that is taking place and ensure that future development is done in a manner that is beneficial to all involved parties. Future development in accordance with state and city codes will ensure that development happens in a safe and orderly manner. Some examples of regulations that will be possible due to annexation and beneficial to residents include restriction on curb cuts, zoning requirements, traffic regulations, signals at critical intersections, animal control, and code enforcement.

4. If annexed, how much tax will I have to pay? How is the tax calculated?

You will need to contact the Brazoria County Appraisal District (281) 756-1388 in order to determine the rate and exemptions for your specific property. The city tax rate (currently 66.51 cents per \$100 valuation) will be applied to that value. The City of Pearland has a variety of exemptions including Homestead, Over 65 Homestead, Disabled Persons and Disabled Veterans. In addition, persons with Over 65 Homestead exemption or Disabled Persons have the city taxes frozen at the amount of their first year's obligation. Typically properties annexed in to the city would need to pay city taxes in addition to other taxes. However, the property values will be assessed in January 2012, and you will not receive a tax bill from the city until **October, 2012**. The following chart shows some of the exemptions available.

Mean Appraised Value of \$130,019

	City Tax (Yearly)
Mean Home Value	\$864.76
<i>With Homestead</i>	\$831.50
<i>With Over 65</i>	\$598.72
<i>With Disabled Person</i>	\$598.72
<i>With Disabled Veteran (Min)</i>	\$831.50
<i>With Disabled Veteran (Max)</i>	\$784.94

* Brazoria County Appraisal District, within 3 standard deviations

City of Pearland's Exemptions

Exemption	Exemption Amount
Homestead	2.5% of Appraised Valued (min \$5,000)
Over 65 Homestead*	\$40,000
Disabled Persons*	\$40,000
Disabled Veteran	\$5,000 to \$12,000

*Persons may not receive both a Disability and Over 65 exemption

* Persons can receive both a Homestead and an Over 65 or Disabled exemption.

Sources: Brazoria County Tax Appraisal District, City of Pearland Tax Overview.

5. How are the City of Pearland tax dollars be utilized?

Of the 66.51 cents for each \$100 valuation of the property, 45 cents is utilized to pay our debt service for capital improvements such as streets, drainage, public facilities, and parks. The other 21.51 cents is utilized for recurring costs to make available public safety services, community services (code enforcement, animal control, etc.), and to provide operation and maintenance of streets, drainage, and parks.

Debt Service Tax Rate for Mean Appraised Value of \$130,019

Infrastructure, Streets & Drainage	\$499.01
Facilities & Parks	\$86.20
Total	\$585.09

Operation & Maintenance Tax Rate for Mean Appraised Value \$130.019

General Government	\$45.90
Public Safety	\$132.36
Community Services	\$21.06
Public Works & Engineering	\$44.21
Parks & Recreation	\$36.02
Total	\$279.67

Note: These numbers may not add up due to rounding.

6. If annexed, will my address change?

No. The annexation process will not change any addresses at this time.

7. If my property is annexed, when is the annexation effective?

If the City Council proceeds with the current schedule and ultimately approves the annexation, this annexation would be effective 10 days following the signing of the ordinance on June 6th, 2011. Prior to that, there will be two public hearings on April 11th, 2011 and April 25, 2011.

8. If annexed, can I continue to have my home or business?

Yes. You can continue to have your home or business after annexation.

If the use is in conformance with the zoning applied to the property, you may continue the current use of the property, and expand in the future.

If the single family residential use or structure and/or commercial use or structure does not conform to the zoning requirements, then the use may be continued in its current state, as a non-conforming use, unless abandoned for more than six months, or if the structure is destroyed by fire or storm.

Approval of a Conditional Use Permit (CUP) or a Special Exception (SE) will permit expansion of a non conforming use, resumption of a use that is discontinued for more than 6 months, or rebuilding of a structure that is destroyed to an extent of more than 50% of its value.

Similar processes are in place to address non-conformities related to the building code through the Building Official.

9. I bought this property with the intention of building a commercial use or house; will I still be able to do that if annexed?

You may be able to proceed with your plans under one of the following circumstances:

- a. If the building or use is in conformance with the zoning applied to the property after annexation, then you may be able to build with a valid building permit.
- b. If the use or building is not in conformance with zoning, then you may be able to use the property as intended by you, provided that an appropriate permit for the intended use has been obtained prior to annexation and is valid at the time of construction.
- c. If a permit has not been issued, and the property is not in conformance with zoning, approval of Conditional Use Permit (CUP), zone change, or a Special Exception (SE) may permit the use of the property as intended.

10. I bought this property and got a building permit from the county. Can I still move forward with my project if annexed?

Yes. If you have obtained a building permit from the county and you start construction prior to the expiration of the permit, you may proceed with your project, assuming the permit is still valid.

11. If annexed, will all existing commercial and industrial businesses be asked to stop operating or to be torn down?

No. The uses will be able to continue to exist as they are, upon annexation into the City of Pearland.

There may be the following possibilities:

- a. If the uses are permitted by the zoning applied to the property, the uses can expand and grow.
- b. If the uses are not in conformance with zoning, and are current and operating at the time of annexation, the uses can continue in their current state, unless discontinued for six months, or the building in which they operate is destroyed by fire or storm.
- c. Approval of a Conditional Use Permit (CUP) or a Special Exception (SE) will permit expansion of a non conforming use, resumption of a use that is discontinued for more than 6 months, and rebuilding of a structure that is destroyed to an extent of more than 50% of its value.

Similar processes are in place to address non-conformities related to the building code through the Building Official.

12. If annexed, can I expand my industrial activity?

You may be able to expand your industrial activity, if it meets the requirements of the zoning category which is assigned to the property.

If the existing activity is not in conformance, then a Conditional Use Permit (CUP) or a Special Exception (SE) may be requested, which will allow you to expand the activity in the future.

13. What will my property be zoned if annexed?

Zoning and annexation are two separate processes. The City of Pearland will meet with the property owners, and get input from the Council and Planning and Zoning Commission to determine the best way to zone the subject properties during the annexation process. However, the zoning process will not commence until after the annexation is completed.

According to the Future Land Use Plan, the area is designated as Light Industrial. However, the city will attempt to create a zoning scheme that will allow existing uses to continue (if desired by the residents), minimize non-conformities, but will allow the area to ultimately transition to Light Industrial.

If you have any zoning questions, please contact the Planning Department at 281-652-1768.

14. When will I get City water and sewer?

This will be according to the current Capital Improvement Project (CIP) Schedule for each individual area. The current 5-year CIP plan does not include any improvements in the immediate vicinity of the annexation area. However, if future development creates a need, then the services may be extended at that time. Please view the most current schedule on the CIP web-page. For further information please call Public Works Director, Danny Cameron, at 281-652-1900.

The City water and sewer are fee based services provided to the users of the water/sewer system. The Water and sewer system is **not** funded through property taxes.

15. Will I have to pay water and sewer impact fees if annexed?

Impact fees are due only when the property is connected to the city's water and sewer systems. Any new users need to pay these impact fees.

16. Will I have to abandon my water well and septic system upon annexation?

No. As long as you continue to use your current septic system and well, with no changes, you do not need to abandon these. If the system fails or if you plan an expansion that the current system cannot handle, then you may be required to connect to the city's system, if available.

17. I already have EMS, and Fire services. How will annexation enhance these services?

The services provided by EMS and Fire departments will continue. Additionally, the Fire Marshal's office will provide the following services after annexation:

- Enforcement of city ordinance as applied to fire code, enforcement of 2006 Life Safety Code and 2006 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 all 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.

18. Will annexation enhance the services provided by the Police Department to this area?

Yes. The response times to calls for police service should generally improve, especially in the highest priority calls where a life is in danger. The Pearland Police Department assigns its officers in small geographical districts where there are normally two or three officers assigned to each of these areas at any given time. The response time for an emergency call where life is in danger is well below the national average.

Annexation will also improve the safety of your neighborhood. Officers assigned to districts take responsibility for their areas and perform preventative patrols within their neighborhoods during their discretionary time. The Pearland Police Department also has a traffic unit that provides routine neighborhood traffic enforcement and responds to specific reported problems in the neighborhoods as well.

Having a dedicated community services division of the police department will help you make your home more secure. Officers from the community services division are trained to conduct home security surveys. These surveys, done at the request of the residents, identify security issues in and around the home and offer homeowner's tips to make their homes less vulnerable to crime. Homeowners that successfully pass these surveys are eligible to receive a discount from participating insurance providers. This service is available at no cost to homeowners.

After your home is secure, Community Services Division can help to make your neighborhood safer. Officers from the Community Services Division can help communities set up Neighborhood Watches. Through citizen involvement communities can successfully deter criminals from targeting their areas. The only expense related to starting a Neighborhood Watch is the cost of graffiti-resistant signs.

19. What other services are provided by Pearland Police Department's Criminal Investigations Division?

The Crime Victim's Services Unit also assists in coordinating services and benefits through the State Attorney General's Office. In addition Victim Services provides resources for victims of Sexual Assault and other offenses. Such benefits include Court Advocacy Services.

The Pearland Police Department's Criminal Investigations Division also coordinates the registration of Sex Offenders within the City. The services include quarterly audits of every sex offender within the city to insure compliance with the registration requirement. CID also determines whether or not an offender is compliant with the City Ordinance restricting the locations where an offender may reside

20. If my property is annexed, how will it affect my garbage collection?

For the first two years after annexation, you will be able to use a private trash collection service. During this time, the city may not prohibit collection by a private trash collection company and cannot impose any fee for solid waste management services if there is a private trash collection contract. You can sign up for city's garbage collection service if there is no private contract for trash pickup.

Garbage Service is contracted by the City to Waste Management. To obtain garbage services, an application for garbage service only can be filled out on line or in person at City offices located in City Hall 3519 Liberty Drive or the Public Safety Building at 2555 Cullen Boulevard. Garbage is picked up twice a week, and recycling, green waste and heavy pickup once a week. Once residents have signed up for garbage service, the City will deliver a recycling bin free of charge if you wish to participate.

The account requires a \$50 deposit and a \$30 new account fee. The monthly cost at this time is \$16.04.

21. I have animals on my property. How will annexation affect the keeping of animals?

The city ordinance allows you to have up to three dogs and/or cats. If you register all of your pets with the city prior to the effective annexation date, you are allowed to keep those animals, even if you have more than three dogs and/or cats. As the pet lives out its normal life span they cannot be replaced, if you have more than three at the time of annexation. If your pets are not registered by the effective annexation date, the city ordinance would still allow three pets.

Similarly, you can keep the livestock that you have until it passes. If you have more livestock than that permitted by the city, and the additional livestock is removed for more than 30 days, then only the number of animals permitted by the ordinance would be allowed. The City ordinance allows for one horse per half acre and cattle is limited to one per one acre of land. Goats require a permit. Poultry would be permitted with certain restrictions. Guineas, peafowl, and swine are not permitted within the city limits.

You would have to provide information on all animals on the property and maintain them according to city's ordinances and state law.

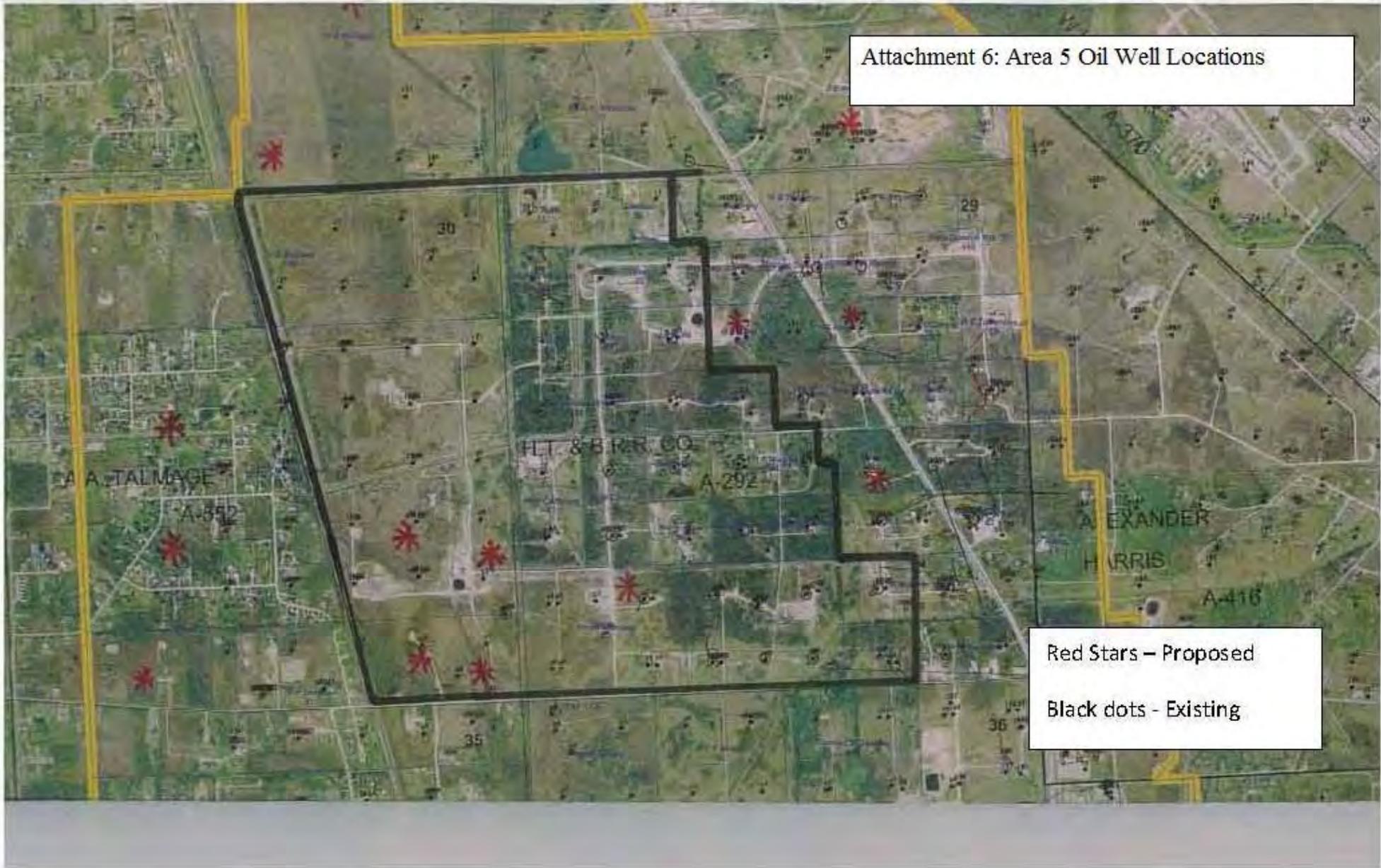
The city will also enforce our leash law on all animals, similar to the county ordinance. Typically the city will work with you and give newly annexed areas a minimum of thirty days to come in compliance, or longer if needed, if your animals are registered. Similar to county and state requirements, city will require that animals are vaccinated for rabies.

22. If I choose to repair/replace mechanical, electrical or plumbing systems or remodel/add to my existing buildings, will building permits be required if annexed by the City?

Yes. To ensure the health and safety of the City of Pearland's building occupants, the City Council has adopted the 2006 International Building Code family of codes to regulate repair/replacement, remodeling and new construction activity within the city's corporate limits. This is done through the use of building permits.

Please discuss your specific interest with an Inspection Services Department representative for detailed information.

Attachment 6: Area 5 Oil Well Locations



Red Stars - Proposed

Black dots - Existing

MAP SHOWING LOCATIONS OF OIL HEADS

Annexation Area 5

Alternative 1:

This proposal, presented in August 2010, was to zone the entire area as Heavy Industrial (M-2). Existing provisions in the Unified Development Code (UDC) would allow single family residential uses and mobile home parks to remain and expand, through Special Exceptions approved by the Zoning Board of Adjustment (ZBA). Special Exceptions would also permit resumption of a use that lost its non conforming status due to discontinuance for more than 6 months. Existing buffer requirements in the UDC and city code would be applicable. This proposal required amendment to the zoning map only and no text amendments were contemplated.



Since then, staff examined other alternatives. Input from residents was incorporated into the drafting of these alternatives. Concerns such as co-existence of existing residential and non-residential uses; allowing all uses to exist and expand in the future without additional permits or zone changes; and providing adequate buffers between incompatible uses to safeguard the quality of life, were considered. It is staff's opinion that of the four alternatives (all explained below), Alternative 2 would best address the land use concerns. In addition to the UDC, the city codes would regulate the oil extraction operations.

The proposed zoning alternatives are based on the following considerations:

1. Examination of existing land uses – primarily industrial (oil fields), single family residential, and mobile homes.
2. Allowing existing residential uses to exist and expand, while encouraging them to ultimately transform to industrial, if desired by the owners.
3. Future Land Use Plan recommendation of industrial for this area.

Alternative 2:

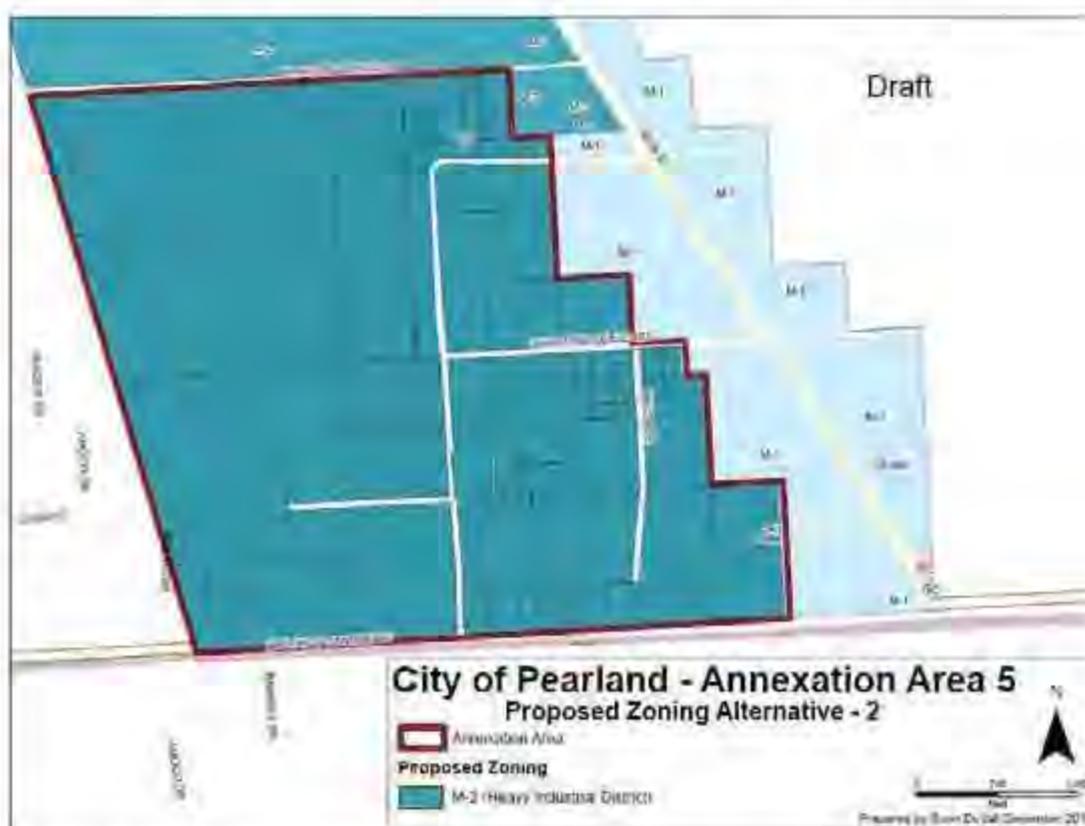
Entire area zoned Heavy Industrial (M-2) with Conditional Use Permits (CUP) for oil wells and existing single family. The CUPs would be granted at the same time the zoning is approved, with no additional action required to be taken by the property owner. Existing oil wells and single family residential can remain and expand (without approval from ZBA). Eventually, when desired by the property owners, these uses could transition to industrial uses permitted by M-2 zone. The existing mobile homes would be permitted if each mobile home is located on a single lot and is affixed permanently to the ground. Multiple mobile homes on a single lot (mobile home parks) would become non-conforming, and permitted to remain as non-conforming uses.

This alternative would need a map amendment as well as a text amendment. The text amendment would modify the current M-2 zone to clarify the applicable requirements and allow single family uses in an M-2 zone with a CUP, in this specific area. A similar amendment was made to the Garden Oday Mixed Use district that conferred the status of permitted uses to existing non conforming manufacturing uses with a CUP. The residential properties would be able to add or change to any non residential uses permitted in the M-2 zone. Existing buffer requirements in the UDC and city code would be applicable, or can be modified if deemed insufficient.

Action required: Map and text amendment.

Text amendment: This proposed text, to be reviewed and finalized by legal if approved, would be added to the M-2 section of the UDC.

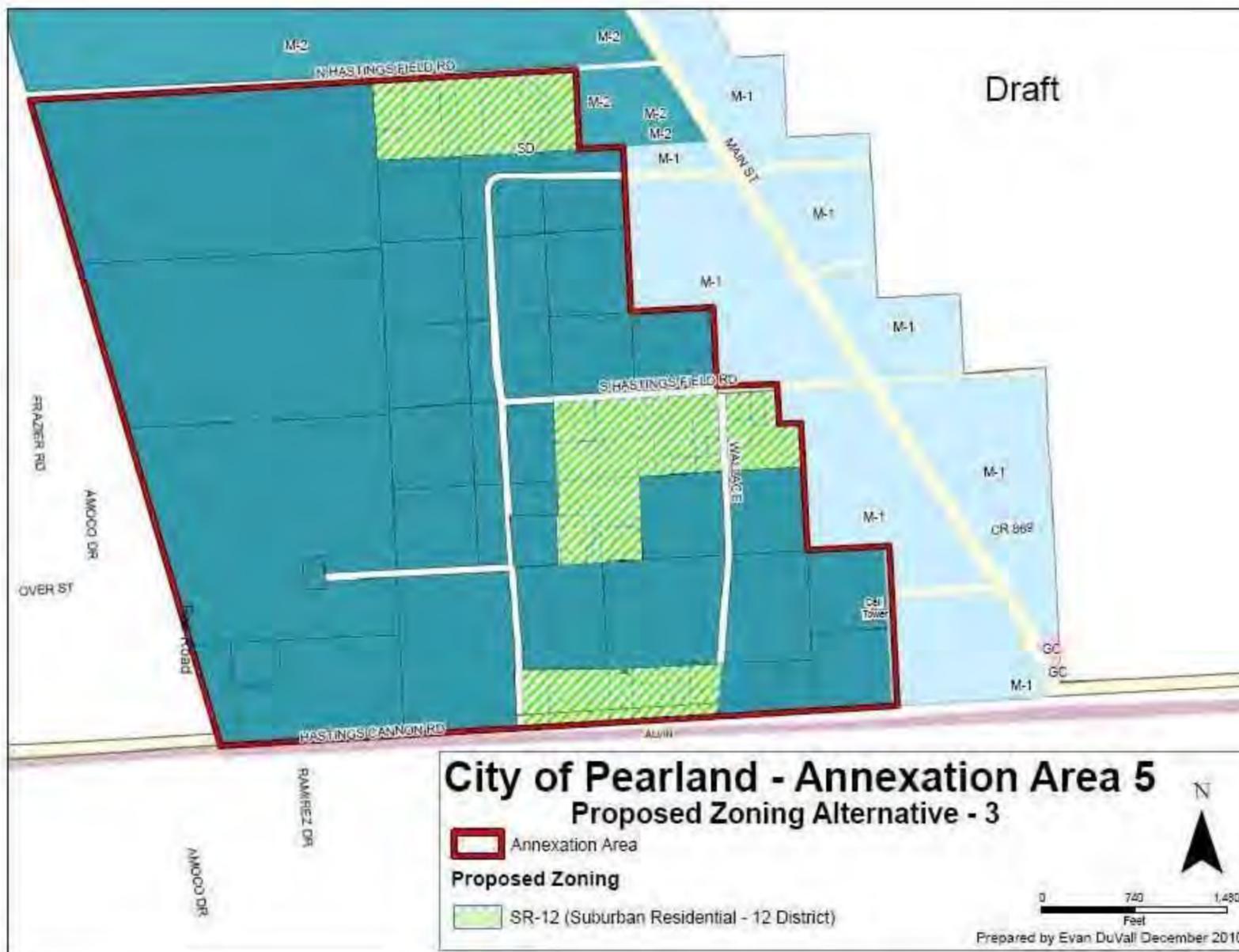
Suburban Residential 12 District (SR-12) would be permitted by a CUP for properties that were used for single family residential uses prior to the effective date of the annexation add date here and located in the Hastings Oil Field Area (see map below), as defined by area bounded by North Hastings Field Road on the north, railroad tracks on the west, Hastings Cannon Road on the south, and 2011 annexation boundary to the east.



Alternative 3:

The parcels in the area would be zoned Suburban Residential 12 District (SR-12) that matches the existing residential lot areas, and industrial (M-2 with CUP). This would be based on the current land uses. Existing uses of single family residential and industrial, including oil fields would be permitted in their current locations. The existing mobile homes would be permitted if each mobile home is located on a single lot and is affixed permanently to the ground. Multiple mobile homes on a single lot (mobile home parks) would become non-conforming, and permitted to remain as non-conforming uses. Existing buffer requirements in the UDC and city code would be applicable. Existing wells in SR-12 parcels and residential in M-2 parcels would continue as non-conforming uses. SR-12 zoned parcels would not permit other non-residential uses.

Action required: Map amendment only.



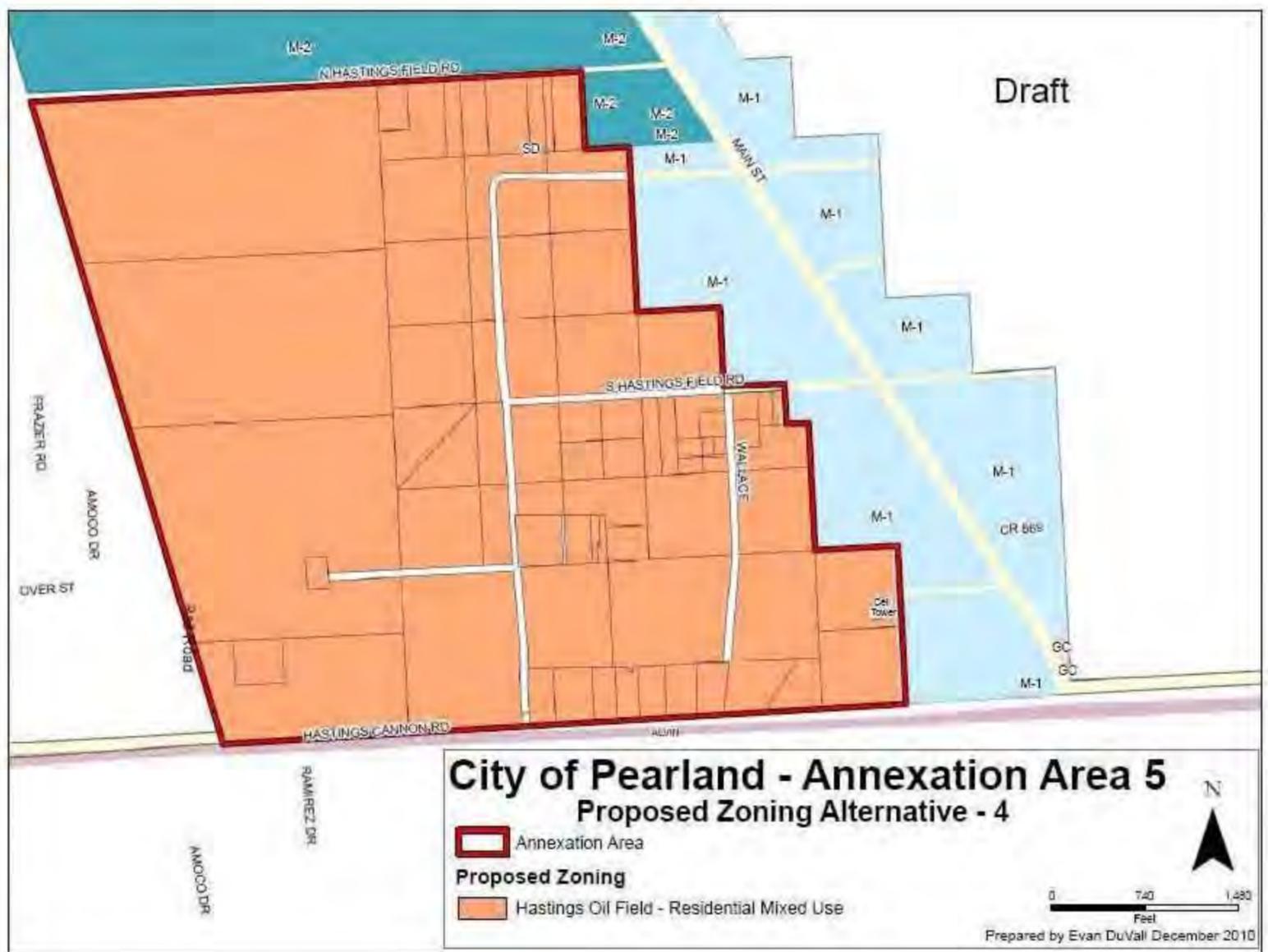
Alternative 4:

Create a new mixed use district – Hastings Oil Field Residential Mixed Use District. This district would include all current uses as permitted uses, and allow them to expand. The buffering requirements would be examined and modified if required, to ensure that single family residential uses co-exist with industrial uses and oil fields.

Previously, the council had indicated that working with existing districts, and not creating a new district, was preferable.

Action required: Map and text amendment.

Text Amendment: Formulate a new zoning district.



City Council Notification for 04/18/2011 Meeting & 05/02/2011

Certified Mailing

Property ID	Property Owner	Address	City	State	Zip Code	Certified Signed	Date
541229	BERGER WILLIAM J & KIMBERLY	9341 COUNTY ROAD 413	ALVIN	TX	77511	Yes	4/1/2011
178384, 167746	BP AMERICA PRODUCTION CO	PO BOX 3092	HOUSTON	TX	77253	Yes	3/14/2011
167739	BROWN FLOYD N	PO BOX 766	FRIENDSWOOD	TX	77549	Yes	3/23/2011
167745	COLLINS LINDA LOUISE	8920 COUNTY ROAD 414	ALVIN	TX	77511	Yes	3/11/2011
167751	CONDON MAUDE L TESTAMENTARY TRUST	501 SHALLOW CREEK RD	TUSCALOOSA	AL	35406	Yes	Not dated
167736	CONDON THELMA LYNNE	12463 PINEROCK LN	HOUSTON	TX	77024	Yes	3/11/2011
178383, 178382, 178244, 167801, 167799, 167785, 167740	DENBURY ONSHORE LLC	5100 TENNYSON PARKWAY STE 1200	PLANO	TX	75024	Yes	Not dated
167782	ELLIS BRADY & LARISSA	6315B FM 1488 RD #162	MAGNOLIA	TX	77355	Yes	3/11/2011
167737	FLORA NADINE YOUNG	702 AVENUE M	SOUTH HOUSTON	TX	77587	Unknown	Unknown
167820	FUSIG WILLIAM J JR & SARAH D	18613 COUNTY ROAD 414A	ALVIN	TX	77511	Yes	3/23/2011
167780	J SMITH INVESTMENTS LTD	PO BOX 262912	HOUSTON	TX	77207	No	Returned
167774	KEY ASSOCIATES LTD	3508 PATRIOT DR	FRISCO	TX	75034	Yes	Not dated
167777	KYLE MELINDA S	411 PECAN ST	SULPHUR	LA	70663	Unknown	Unknown
167783	LECOMPTE BENJAMIN	1404 N PINE ORCHARD DR	PEARLAND	TX	77581	Yes	3/23/2011
167742	M & M LAND & CATTLE CO	2840 PIPER RD	PEARLAND	TX	77584	Yes	3/17/2011
167784	MCBEE RUTH ANN	2024 E CHARLES	REPUBLIC	MO	65738	Yes	3/15/2011
167787	MCDERMOTT JODI P	9066 COUNTY ROAD 414	ALVIN	TX	77511	Unknown	Unknown
178242	MCFARLIN MARGARET EST	PO BOX 564	BERTRAM	TX	78605	Yes	3/17/2011
502389, 167832	MERINO AARON & MARIA AMAPOLA	18626 COUNTY ROAD 414A	ALVIN	TX	77511	Unknown	Unknown
167743	MONTELONGO JOSE ANGEL & IMELDA	9155 CR 413	ALVIN	TX	77511	Yes	3/15/2011
167834	PINEDA NAHUM & GUADALUPE	18622 CR 413A	ALVIN	TX	77511	Yes	3/11/2011
167769	QUIROGA AARON	8830 COUNTY ROAD 414	ALVIN	TX	77511	Unknown	Unknown
167754	ROHAN DAVID J	15731 FATHOM LN	HOUSTON	TX	77062	Unknown	Unknown
595942	ROMERO ARELI YANETH	8836 CR 414	ALVIN	TX	77511	Unknown	Unknown
525584	RUNYON HENRY	5913 WILDFIRE ST	LEAGUE CITY	TX	77573	Unknown	Unknown
167819	SEGOVIA DOMINGO H & JUANA	8882 COUNTY ROAD 414	ALVIN	TX	77511	Yes	3/11/2011

Property ID	Property Owner	Address	City	State	Zip Code	Certified Signed	Date
167730	SMITH RONALD D & KIM CHASE	1945 AVITTS DR	ALVIN	TX	77511	Unknown	Unknown
167786	STEPHENS PETER M	401 S FRIENDSWOOD DR	FRIENDSWOOD	TX	77546	Yes	3/11/2011
167781	WILLHOITE JOHN THOMAS III & KIMBERLY M	9249 COUNTY ROAD 413	ALVIN	TX	77511	Yes	3/11/2011
167788	WILLIFORD J L	9180 COUNTY ROAD 414	ALVIN	TX	77511	Yes	3/11/2011
535766, 535765	WORDEN DENNIS & NANCY	403 WHEELER DR	ALVIN	TX	77511	Yes	3/11/2011
535764	WORDEN DENNIS L	403 WHEELER DR	ALVIN	TX	77511	Yes	3/11/2011
535767	WORDEN MICHAEL D	PO BOX 1311	FRIENDSWOOD	TX	77549	Yes	3/11/2011
535768	WORDEN MICHAEL D & DEBORAH L	403 WHEELER DR	ALVIN	TX	77511	Yes	3/11/2011
535763, 535762	WORDEN MYRON D & ONA MAE	PO BOX 437	FRIENDSWOOD	TX	77549	Yes	3/11/2011
535770, 535769	WORDEN STEVEN L	9587 COUNTY ROAD 128	ALVIN	TX	77511	Yes	3/14/2011

ANNEXATION OPEN HOUSE (AREA 5)**December 9, 2010****5:30 p.m. to 7:30 p.m.****Pearland Recreation and Natatorium****Summary****Departments in Attendance:**

Administration	Mike Hodge
Planning	Lata Krishnarao, Harold Ellis, Evan DuVall, Ian Clowes, Judy Krajca
Finance	Claire Bogard
Utility Billing	Cyndi Martinez, Becky Law
Projects	Trent Epperson
Engineering	Narciso Lira, Trent Perez
Public Works	Danny Cameron
Police	Chief Chris Doyle, Captain Moncrief, Lieutenant Lopez
Fire	Glenn Turner, Roland Garcia
Animal Control	Shari Coleman
Parks	Michelle Smith
Building Services	David Whittaker, Kevin Taylor
Code Enforcement	Leticia Garcia, Marisa Vasquez

Public in attendance:

23 people in attendance. (22 signed in/ 1 did not)

Meeting Format:

- 5:00 – 5:30 p.m. Booths setup by departments to display information, handouts, FAQs etc.
- 5:30 – 6:00 p.m. Open forum for attendees to view displays and talk to staff. Staff available to answer questions.
- 6:00 p.m. – 6:30 p.m. Staff Presentation
1. Introduction – Mike Hodge
 2. Staff Presentation – Lata Krishnarao
 - a. Boundaries and acreage
 - b. Number of parcels and land use
 - c. Services provided – Introduce staff present – Fire, Police, Animal Control, Utility Billing, Building Inspections, Code Enforcement, Engineering, Planning, Parks, Public Works, Projects
 - d. Tax information
 - e. Proposed annexation processes and future meetings

3. Q/A – All staff
4. Adjournment

6:30 – 7:30 p.m. – Display and staff available to answer questions. Spanish translators present.

Light refreshments provided.

Comment cards and sign-up sheet for future one-on-one meetings provided. No one signed up for one-on-one meetings.

FAQs and a copy of the power point presentation handed out to the attendees.

Comment Cards – Summary:

Received 7 Comment Cards

4 – Opposing annexation.

“No to Annex!”

“You cannot fix what’s not broken! Please leave us alone. It doesn’t make sense to annex our property!”

“No Annexation”

“Annexation is definitely not everything we need. Will not help us.”

1 – Thanking staff for keeping them informed and communicating well with them. Also stated that staff was very nice.

1 – Asking if annexed, would like a turn lane at Hwy 35 & Hastings Rd., as there have been a number of fatal accidents due to the amount of traffic at high speed.

1 – From James Fields of Denbury Resource stating they would be open to answering questions regarding Denbury Resources oil operations in this area.

Issues discussed at the meeting:

1. If all the discontinued wells are resumed by Denbury in the oil fields, will there be any land left for future industrial development as envisioned by the Future Land Use Plan? It appears that the distance between some wells is only 300 feet. Staff will review the oil and gas ordinance and ascertain development potential.
2. Deterioration of streets in the area that is already annexed by the city. Have not seen any repairs to the sections of streets taken over by the city. Public Works director discussed this with the residents and indicated that portions of these streets within the city limits have been placed on a maintenance schedule. Repairs would be completed within the next few months (by February, 2011).
3. Zoning – Would like to see residential uses zoned as residential. This has been noted by planning. Staff will work on preliminary zoning scenarios and discuss it with the residents at one-on-one meetings.

4. What would be the taxes levied on properties that have a Brazoria County Appraisal District tax rate of 0 currently? Staff researched this and a sample of the taxes assessed is attached below. Since Brazoria County Appraisal District does not levy any taxes, that amount is indicated as zero. That does not mean that the total tax on the property is zero, as the resident stated. Other taxes, as shown below, are levied on a property in the ETJ. Another table has been created for another property, showing what the city taxes would be.

Total Value:		\$65,000			
Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0	\$65,000	\$65,000	\$0.00
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.156	\$65,000	\$65,000	\$101.40
GBC	BRAZORIA COUNTY	0.403101	\$65,000	\$65,000	\$262.01
JAL	ALVIN COMMUNITY COLLEGE	0.19983	\$65,000	\$65,000	\$129.89
RDB	ROAD & BRIDGE FUND	0.06	\$65,000	\$65,000	\$39.00
SAL	ALVIN INDEPENDENT SCHOOL DISTRICT	1.3041	\$65,000	\$65,000	\$847.67
Total Tax Rate:		2.123031			
				Taxes w/Current Exemptions:	\$1,379.97
				Taxes w/o Exemptions:	\$1,379.97

* Taxation information obtained through the Brazoria County Appraisal District at <http://www.brazoriacad.org/>

Total Value:		\$30,000			
Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0	\$30,000	\$30,000	\$0.00
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.156	\$30,000	\$30,000	\$46.80
GBC	BRAZORIA COUNTY	0.403101	\$30,000	\$30,000	\$120.93
JAL	ALVIN COMMUNITY COLLEGE	0.19983	\$30,000	\$30,000	\$59.95
RDB	ROAD & BRIDGE FUND	0.06	\$30,000	\$30,000	\$18.00
SAL	ALVIN INDEPENDENT SCHOOL DISTRICT	1.3041	\$30,000	\$30,000	\$391.23
CPL	CITY OF PEARLAND	0.6651	\$30,000	\$30,000	\$199.53
Taxes w/Current Exemptions and without City Tax		\$636.91		Taxes w/Current Exemptions:	\$836.44
Taxes w/o Exemptions and without City Tax		\$636.91		Taxes w/o Exemptions:	\$836.44

5. Did not perceive any additional benefits of being annexed.

Other Questions:

- Will we be required to start garbage service if annexed?
Staff response - yes, two years after annexation. This was also discussed in the FAQ.
- Since there are services (police, fire, Emergency Management Services -EMS) in the area, would we be paying for services they already have?

Staff response - The city is already providing fire fighting and EMS. However, Fire Marshal services would increase with annexation and Fire Inspection services will also be available in the area after annexation. The city would provide police services after annexation.

There were some comments from residents as to boundaries for fire protection and prevention related to illegal burning. It seems some of the residents believe County Road 143 Fire Department is the primary responding agency for their residence. Another resident mentioned he does not want to be annexed because he lives in an area that is allowed open burning. Staff tried to explain to them if they are located in Pearland ETJ the Pearland Fire Department is the primary responding agency, and open burning is not allowed in any of Pearland ETJ. Staff gave them copies of the ordinance. It seemed that they did not understand the boundaries.

3. If annexed, would we to pay for the water and sanitary sewer services to be constructed to serve our area? If the water and sanitary sewer services were installed in front of our property, would we be required to connect to those services immediately? If we chose to connect to one utility service would we be required to connect to the other, as a package deal?

Staff response - These services are typically proposed as development demands and are usually at the expense of the developer. If they have water well and septic system that are in working condition, connection to the city utility services would be their choice and that the city could not legally require them to connect. Also, service connection for a property with a working well and septic system is totally elective and if they decided to connect to the sanitary sewer system but keep their water well they would be permitted to do that.

4. Can the city do anything to stop drilling activities?

Staff response - If the city were to annex them, there would be some land use controls that would be applicable. In case of drilling sites, state and federal laws may also be applicable, some of which may supersede city's regulations.

5. What would the taxes be?

Staff response – Explained the chart. This information was included in the presentation and hand outs.

6. Would we stay in the same school district and Alvin Community College District (in district tuition vs. out of district) and still get a tax bill from them. Would we still get a Brazoria County tax bill?

Staff response – Districts would not change with annexation. They would still get a tax bill from Brazoria County.





Annexation Open House (Area 5)
Sign-in Sheet

Name	Address	Owner	Tenant	Email
MARK MILLER	PO BOX 52925 HOUSTON TX			mkm7200@aol.com
Demeris ABALDO	5100 TENNYSON PKWY PEARLAND TX Denbury Resources			Demeris.abaldo@denbury.com
Floyd Brown	PO Box 53, Frisco, TX			brownf@h2l-pc.org
JAMES FIELDS	5100 TENNYSON PKWY PEARLAND TX	✓		JAMES.FIELDS@Denbury.com
John Key	Humble, TX	✓		JdKey10@CenturyLink.net
Ken ROGERS	Denbury Resources			
Jim Willford	9180 C.R. 414	✓		
Joan Miller	6004 CR 414	✓		
Henry Ruyff	8606 CR 414	✓		
J Miller	8664 "	✓		
Rajeev Sreenivas	8211-554-5747		✓	- SCR resident
Maria Merino	18626 CR 414A	✓		
Laura Merino	18626 CR 414A	✓		
Juanita Pineda	18622 Co Rd. 414A	✓		juanita-3292@aol.com
YANUM PINEDA	18622 Co. Rd. 414A	✓		
Guadalupe Pineda	18622 Co. Rd. 414A	-		
Jodi McDermott	9006 CRAIA	✓		jmcdermott@gbizers.com
One Way Worden	Box 439 Jourdawn 77549	✓		
Mike Worden	9387 CR 128	✓		
Steve WORDEN	9387 CR 128	✓		s/wmt@aol.com
Cherris Worden	9383 CR 128	✓		
Sarah Frutig	18613 CR 414A Atwin, TX 77511	✓		bsaz@live.com