

**MINUTES OF A REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS HELD ON MONDAY, JUNE 19, 2000 AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

The meeting was called to order at 6:30 P.M. with the following present:

Chairperson	Mary Starr
Commissioner	Emil A. Beltz
Commissioner	Donald Glenn
Commissioner	Todd Iocco
Commissioner	Russ Selemon
Commissioner	Charles Viktorin
City Engineer	John Hargrove
Director of Planning & Community Services	Gene Tumlinson
P & Z Secretary	Jennifer Gonzales

**II. NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 921**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District (C) on the following described property, to wit:**

**1. Zoning Application No. 921**

**Legal Description: 5.00 acres being Tract 2, Section 17 of H. T. & B. R.R. Co. survey, A-242, Brazoria Co., TX (Manvel Road @ Fite Road)**

**Owner: Patrick William Gabriel  
1903 Place Rebecca Lane  
Houston, TX 77090**

**Agent: Lucy Marie Woods**

Director of Community Development & Services Gene Tumlinson explained the location and stated that the proposed use is a landscaping related business.

Commissioner Viktorin made a motion to forward Zoning Application No. 921 to City Council for approval, and Commissioner Selemon seconded the motion.

**Motion to approve passed 5 to 1.**

**B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 924**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB) on the following described property, to wit:**

**1. Zoning Application No. 924**

**Legal Description: 1.377 acres of land in Section 20, H. T. & B. R.R. Co. survey, A-506, Brazoria Co., TX (Broadway Street @ Cullen Boulevard)**

**Owner: William J. Wise, Trustee  
9000 Southwest Freeway, Ste 324  
Houston, TX 77074**

**Agent: Jamila Johnson of Brewer & Escalante Associates for ExxonMobil**

Commissioner Iocco made a motion to forward Zoning Application No. 924 to City Council for approval, and Commissioner Glenn seconded the motion.

**Motion to approve passed 6 to 0.**

**C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 925**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB) on the following described property, to wit:**

**1. Zoning Application No. 925**

**Legal Description: Being Tract 10, out of and part of the commercial reserve of Block 17, Section 3, West Lea Subdivision, as recorded in Vol. 12, pg 23, Brazoria Co. plat records, Brazoria Co., TX (4109 Manvel Road)**

**Owner: Houston Business Investment, Inc.  
23240 Highway 290 West  
Cypress, TX 77429**

Commissioner Viktorin made a motion to forward Zoning Application No. 925 to City Council for approval, and Commissioner Iocco seconded the motion.

**Motion to approve passed 6 to 0.**

**D. CONSIDERATION & POSSIBLE ACTION – SPECIFIC USE NO. 81**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Multi-Family Dwelling District (MF) to Multi-Family Dwelling District (MF-S) Specific Use on the following described property, to wit:**

**1. Specific Use Application No. 81**

**Legal Description: Lots 33-36, Block 35, Pearland Townsite, Brazoria Co., TX (2330 N. San Antonio)**

**Owner: Gail Windham & Tommy Luttrell  
2330 N. San Antonio  
Pearland, TX 77581**

Commissioner Iocco stated that he is very confused about this request.

Commissioner Beltz asked if there are any other areas similar to this, and Commissioner Iocco asked about following the Comprehensive Plan.

Director of Community Development & Services Gene Tumlinson stated that there are a lot of home business that are grand-fathered in and because of this they stay low key.

Commissioner Beltz made a motion to forward Specific Use Application No. 81 to City Council for approval, and Commissioner Glenn seconded the motion.

**Motion to approve passed 6 to 0.**

**E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 923**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Mobile Home District (MH) on the following described property, to wit:**

**1. Zoning Application No. 923**

**Legal Description: Lots 168F, 168F1, 168H, 169, 169P and 169P-1, H. T. & B. R.R. Co. survey, A-308, Brazoria Co., TX (3422 & 3502 Warren Rd & 4201, 4205, 4209, 4213, 4217, 4225 & 4229 Wells Dr)**

**Owner: Kenneth & Bonnie Kampf  
3502 Warren Road  
Pearland, TX 77584**

Commissioner Viktorin made a motion to forward Zoning Application No. 923 to City Council for approval, and Commissioner Beltz seconded the motion.

Commissioner Iocco asked if they are classifying this as MH because it is a Mobile Home Park owned by the same owner, and Director of Community Development & Services Gene Tumlinson stated that that is correct and he reminded the Commissioners that this has been applied for once before.

Chairperson Starr asked what the minimum size is for a mobile home park, and Mr. Tumlinson stated that three acres, and this request does meet the requirements.

**Motion to approve passed 6 to 0.**

**F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 908 & 909.**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Commercial District (C) & Heavy Industrial District (M-2) to Single Family Dwelling District (R-3) on the following described property, to wit:**

**1. Zoning Application No. 908**

**Legal Description: Being Lots No. 9A and 12A out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Veterans Drive between Magnolia & Bailey Road)**

**Owner: Randall L. Ferguson & Lloyd R. Ferguson  
P.O. Box 66  
Pearland, TX 77588**

**Agent: Mauris Hardcastle of Hardcastle Real Estate**

**2. Zoning Application No. 909**

**Legal Description: 79.94 acres of land, being the North ½ of the Southeast 1/4 of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Magnolia Rd @ Bailey Rd)**

**Owner: Mary F. Edwards  
7412 Kelving  
Houston, TX 77030**

**Agent: Mauris Hardcastle**

Commissioner Iocco made a motion to forward Zoning Application Nos. 908 and 909 to City Council for denial, and Commissioner Glenn seconded the motion.

Commissioner Viktorin stated that he is very much on the fence with these requests. He then stated that he drove out and looked at the site and he feels this is taking up Industrial land, but as a landowner he is for it.

Commissioner Iocco stated that if they make this all residential it will go right up to the tracks and there will be no buffer.

Commissioner Selemon stated that he too is confused, and he thinks until someone redoes the Land Use Ordinance they should use it as it is zoned.

Commissioner Viktorin argued that the Land Use Ordinance is a work in progress.

Commissioner Iocco stated that they can have instant development of property or sit around and hope that a business will come to Pearland and utilize the property.

Commissioner Viktorin stated that they went through this before when the Pearland Economic Development Corporation brought in "Volkon" for zoning in this area.

Commissioner Iocco stated that he would have been for that request if the presentation would have been presented better and if there would have been an agreement on a wider road.

Chairperson Starr agreed and called for a vote.

**Motion to deny passed 4 to 0 (2 abstentions).**

#### **G. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 907**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Single Family Dwelling District (R-3) on the following described property, to wit:**

##### **1. Zoning Application No. 907**

**Legal Description: 40 acres being Lots 15A & 15B out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Veterans Drive @ Bailey Road)**

**Owner: Read Partners L.P. & Kitty L. Read  
6135 Olympia  
Houston, TX 77057**

**Agent: Mauris Hardcastle of Hardcastle Real Estate**

Commissioner Iocco asked what is east of this property, and Director of Community Development & Services Gene Tumlinson replied that it is vacant.

Chairperson Starr questioned where the new school would go, and Mr. Tumlinson replied that it will be on McLean between Springfield and Bailey.

Commissioner Iocco made a motion to forward Zoning Application No. 907 to City Council for denial, and Commissioner Glenn seconded the motion.

Commissioner Iocco stated that they need to be concerned about the buffer situation.

Mr. Tumlinson stated that Bailey is scheduled to go through, so this property should be zoned "Commercial" or "Industrial". Commissioner Beltz asked when this will go through, and Mr. Tumlinson was not sure of the date.

Chairperson Starr stated that the school is planning to start in August.

Commissioner Viktorin stated that he thinks there is a shortage of R-3 zoning.

**Motion to deny passed 4 to 2.**

#### **H. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 926 & SPECIFIC USE APPLICATION NO. 82**

**Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Single Family Dwelling District (R1-S) Specific Use on the following described property, to wit:**

##### **1. Zoning Application No. 926 & Specific Use Application No. 82**

**Legal Description: A 5 acre tract being the East ½ of Lot 19, Allison Richey Gulf Coast Home Company's Suburban Gardens Subdivision of Section 80, H. T. & B. R.R. Co. survey, A-564, according to the map or plat recorded in Vol. 2, pg 98, plat records of Brazoria Co., TX (Broadway Street between Kirby Rd & CR 48)**

**Owner: Weems & Company, Inc. for F. Carrington Weems II, Alexandra L. Weems, F. Carrington Weems III & Milthilde S. Weems  
909 Fannin, Ste 3205  
Houston, TX 77010**

**Agent: Keith Anderson**

Chairperson Starr stated that this request is so that they can build a church.

Commissioner Iocco made a motion to forward Zoning Application No. 926 & Specific Use No. 82 to City Council for approval, and Commissioner Beltz seconded the motion.

Commissioner Glenn asked about the parking requirements, and Director of Community Development & Services Gene Tumlinson stated he believes it is 1 for every 5 seats.

**Motion to approve passed 6 to 0.**

- I. CONSIDERATION & POSSIBLE ACTION – Preliminary plat of The Lakes at Countryplace Section Seven, Brazoria County, Texas being 15.647 acres of land located in the F.B. Drake Survey, Abstract No. 510 (S. ½ Sec. 2), F. B. Drake Survey, Abstract No. 503 (N. ½ Sec. 2), and in the J. Crawley Survey, Abstract no. 174.**

**Variance Request:**

- 1. Use of a 20-foot front building line on front access garages.**
- 2. Use of a 15-foot front building line on houses with garages with garages that do not face the street right-of-way.**
- 3. Use of a 10-foot side setback between houses.**
- 4. Use of an extra long cul-de-sac (greater than 600’).**

City Engineer John Hargrove stated that staff recommends approval with three comments and listed them as:

1. The final plat will need to show all recording information on external easements.
2. The final plat will need to provide a temporary turn around at the north end of South Cedar Hollow Drive.
3. They need to change the name of “Shadow Lakes Dr” to “S. Cedar Hollow Dr”.

Chairperson Starr asked if all the variance requests fit, and have they ever done 15’ building lines before. Director of Community Development & Services Gene Tumlinson replied that they have done 15’ building lines before.

Commissioner Glenn made a motion to approve the Preliminary Plat of The Lakes at Countryplace Section 7 with the qualifications stated by the City Engineer, and Commissioner Beltz seconded the motion.

**Motion to approve passed 6 to 0.**

- J. CONSIDERATION & POSSIBLE ACTION – Preliminary plat of Magnolia Estates Section 2, 4.7702 acres out of lot 1 O.W. Willits Subdivision (Vol. 03, pg. 65 B.C.P.R.) W.D.C. Hall League, A-70 Pearland, Brazoria County, Texas.**

City Engineer John Hargrove stated that staff recommends approval as presented with one comment that on the final plat they need to show required detention amounts on each lot.

Commissioner Iocco asked if this is going to be Commercial.

City Engineer Hargrove stated that nobody knows at this point, but the current tract does split two different zonings.

Commissioner Viktorin made a motion to approve the Preliminary Plat of Magnolia Estates Section 2 with the one comment made by the City Engineer, and Commissioner Iocco seconded the motion.

**Motion to approve passed 6 to 0.**

**K. CONSIDERATION & POSSIBLE ACTION – Preliminary plat of Worden Estates, 23.752 acres out of H.T. & B. R.R. Company Survey No. 29, Abstract 292, Pearland, Texas.**

**Variance Request:**

- 1. Sidewalk Requirements.**
- 2. Street Light Requirement.**
- 3. Widening of CR 128 – Construction to be deferred.**

City Engineer John Hargrove stated that this an estate that is being subdivided for simple distribution and staff has no objections, however there are a number of points for the final, and listed them as:

1. They need to add note 10 stating that 6' sidewalks and street lights will be required on CR 128 of the developed lots.

Commissioner Viktorin asked if this is in reference to the variance requests, and Mr. Hargrove replied that he is only making a recommendation.

2. They need to add note 11 stating that the deposit for the share of the construction of CR 128 will be due upon development.
3. Building lines need to be removed.
4. The final plat needs to include a pipeline waiver statement.

He stated that right now most of the land is in the ETJ, and he stated that only a 100-foot strip is in the City so there is a split jurisdiction.

Commissioner Viktorin asked if he has any comments on the sidewalk variance, and he stated that he is recommending that the sidewalk be added, and with a note added to the final plat that a six-foot sidewalk and streetlights will be required when the lots are developed. He stated that he feels that this meets the intents of the Subdivision Ordinance.

Mr. Hargrove stated that before he recommends to have the note regarding the deposit requirement on the plat he will have to meet with the City Attorney and Alan Mueller.

Commissioner Iocco made a motion the Preliminary Plat of Worden Estates with staff's recommendations to deny all variances and corrections for the final plat, and Commissioner Selemo seconded the motion.

**Motion to approve passed 6 to 0.**

**L. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of Hoang Subdivision, 1 block, 2 lots, 1.683 acres.**

City Engineer Hargrove stated that staff recommends approval with a comment that note 8 be added stating that a detention commitment is required before any improvement will be permitted.

Commissioner Viktorin made a motion to approve the Preliminary Plat of Hoang Subdivision based on the City Engineer's requirement for detention requirements to be added, and Commissioner Iocco seconded the motion.

**Motion to approve passed 6 to 0.**

**M. CONSIDERATION & POSSIBLE ACTION – Preliminary Plat of River Mist Section Two, a subdivision of 29.1009 acres of land, A.C.H. & B Survey, A-507, City of Pearland, Brazoria County, Texas.**

City Engineer John Hargrove stated that staff recommends approval with the comment to erase Tommy Scott's name.

Commissioner Iocco made a motion to approve the Preliminary Plat of River Mist Section Two, and Commissioner Glenn seconded the motion.

**Motion to approve passed 6 to 0.**

**N. CONSIDERATION & POSSIBLE ACTION – Final Plat of Tranquility Lakes Section One, 12.8881 acres (561,406 s.f.) of land located in the H.T.&B. R.R. Company Survey, A-242, Brazoria County, Texas.**

**Variance Request:**

- 1. Use of an extra long cul-de-sac (greater than 600').**

City Engineer John Hargrove stated that staff recommends approval with several comments and listed them as:

1. They need to add Note 13 stating that sidewalks on Tranquility Lakes Blvd are required at the time of development.
2. All external easements need to have recording information.
3. An agreement needs to be arranged regarding the Parkland fees.

4. They need to add a note stating the drainage outfall is the existing sandpit. Discharge from the sandpit is by pumping into existing ditch to Broadway. There are no easements on north end of existing ditch.

Commissioner Iocco made a motion to approve the Final Plat of Tranquility Lakes Section One including the variance and with the list of staff's recommendations, and Commissioner Glenn seconded the motion.

**Motion to approve passed 6 to 0.**

- O. **CONSIDERATION & POSSIBLE ACTION – Replat of Houston Memorial Gardens Cemetary, the purpose of this re-plat is to consolidate prior sections & correct calls and distances. Resubdivision of tracts 41, 42, 55, 56, 57, & 58, Allison Richey Gulf Coast Home Co. Subdivision of section 20, H.T.&B. Survey Abstract no. 506, Brazoria County, Texas.**

City Engineer John Hargrove stated that staff recommends approval as presented with a note to remove Tommy Scott's name.

Commissioner Beltz made a motion to approve the Replat of Houston Memorial Gardens Cemetary, and Commissioner Selamon seconded the motion.

**Motion to approve passed 6 to 0.**

- P. **CONSIDERATION & POSSIBLE ACTION – Request a variance from the Subdivision Ordinance that requires you plat your property, by owner, Celestino Elizondo, 3057 Harkey, Pearland, Texas, 77584.**

City Engineer John Hargrove stated that his first initial thought was for them to do this under the "amending plat" procedure, but he had to erase that thought because there is not an existing plat. He then stated that for the 60' wide lots, that means it should be an R-3 zoning, and he feels before the owner goes to the expense of platting they should get the necessary zoning first.

Commissioner Glenn made a motion to deny the variance request from the Subdivision Ordinance that requires you to plat your property, and Commissioner Iocco seconded the motion.

**Motion to deny passed 6 to 0.**

- Q. **DISCUSSION ITEM – Tree Ordinance.**

Greg Reynolds, from the Parks and Recreation Department, introduced himself and stated that he would try to answer any questions regarding the Tree Ordinance, and he reminded the Commissioners that he is still learning the ordinance himself.

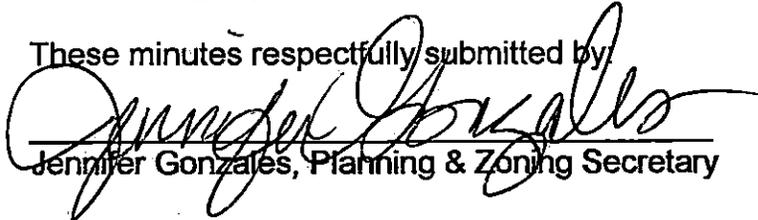
Discussion ensued among the planning and zoning commission and staff regarding the tree ordinance and how it concords with the platting process. They agreed that they would like to discuss in more detail the ordinance and possibly work with City Council to revise the ordinance.

**IV. NEXT MEETING DATE: June 26, 2000 (Joint Public Hearing)**

**V. ADJOURNMENT**

The meeting adjourned at 8:40 P.M.

These minutes respectfully submitted by

  
Jennifer Gonzales, Planning & Zoning Secretary

Minutes approved as submitted and/or corrected on this 7 day of Aug, 2000.

  
Mary Starr, Planning & Zoning Chairperson

**AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND TO BE HELD ON MONDAY, JUNE 19, 2000 AT 6:30 P.M. IN THE SECOND FLOOR CONFERENCE ROOM OF THE CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. NEW BUSINESS**

**A. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 921**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Commercial District (C) on the following described property, to wit:

1. Zoning Application No. 921

Legal Description: 5.00 acres being Tract 2, Section 17 of H. T. & B. R.R. Co. survey, A-242, Brazoria Co., TX (Manvel Road @ Fite Road)

Owner: Patrick William Gabriel  
1903 Place Rebecca Lane  
Houston, TX 77090

Agent: Lucy Marie Woods

**B. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 924**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB) on the following described property, to wit:

1. Zoning Application No. 924

Legal Description: 1.377 acres of land in Section 20, H. T. & B. R.R. Co. survey, A-506, Brazoria Co., TX (Broadway Street @ Cullen Boulevard)

Owner: William J. Wise, Trustee  
9000 Southwest Freeway, Ste 324  
Houston, TX 77074

Agent: Jamila Johnson of Brewer & Escalante Associates for ExxonMobil

**C. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 925**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to General Business District (GB) on the following described property, to wit:

1. Zoning Application No. 925

Legal Description: Being Tract 10, out of and part of the commercial reserve of Block 17, Section 3, West Lea Subdivision, as recorded in Vol. 12, pg 23, Brazoria Co. plat records, Brazoria Co., TX (4109 Manvel Road)

Owner: Houston Business Investment, Inc.  
23240 Highway 290 West  
Cypress, TX 77429

**D. CONSIDERATION & POSSIBLE ACTION – SPECIFIC USE NO. 81**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Multi-Family Dwelling District (MF) to Multi-Family Dwelling District (MF-S) Specific Use on the following described property, to wit:

1. Specific Use Application No. 81

Legal Description: Lots 33-36, Block 35, Pearland Townsite, Brazoria Co., TX (2330 N. San Antonio)

Owner: Gail Windham & Tommy Luttrell  
2330 N. San Antonio  
Pearland, TX 77581

**E. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 923**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Mobile Home District (MH) on the following described property, to wit:

1. Zoning Application No. 923

Legal Description: Lots 168F, 168F1, 168H, 169, 169P and 169P-1, H. T. & B. R.R. Co. survey, A-308, Brazoria Co., TX (3422 & 3502 Warren Rd & 4201, 4205, 4209, 4213, 4217, 4225 & 4229 Wells Dr)

Owner: Kenneth & Bonnie Kampf  
3502 Warren Road  
Pearland, TX 77584

**F. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 908 & 909.**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Commercial District (C) & Heavy Industrial District (M-2) to Single Family Dwelling District (R-3) on the following described property, to wit:

1. Zoning Application No. 908

Legal Description: Being Lots No. 9A and 12A out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Veterans Drive between Magnolia & Bailey Road)

Owner: Randall L. Ferguson & Lloyd R. Ferguson  
P.O. Box 66  
Pearland, TX 77588

Agent: Mauris Hardcastle of Hardcastle Real Estate

2. Zoning Application No. 909

Legal Description: 79.94 acres of land, being the North ½ of the Southeast 1/4 of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Magnolia Rd @ Bailey Rd)

Owner: Mary F. Edwards  
7412 Kelving  
Houston, TX 77030

Agent: Mauris Hardcastle

**G. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 907**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Single Family Dwelling District (R-3) on the following described property, to wit:

1. Zoning Application No. 907

Legal Description: 40 acres being Lots 15A & 15B out of Section 12, H. T. & B. R.R. Co. survey, A-508, Brazoria Co., TX (Veterans Drive @ Bailey Road)

Owner: Read Partners L.P. & Kitty L. Read  
6135 Olympia  
Houston, TX 77057

Agent: Mauris Hardcastle of Hardcastle Real Estate

**H. CONSIDERATION & POSSIBLE ACTION – ZONING APPLICATION NO. 926 & SPECIFIC USE APPLICATION NO. 82**

Request of owners for an amendment to the Land Use and Urban Development Ordinance of said City from classification Suburban Development District (SD) to Single Family Dwelling District (R1-S) Specific Use on the following described property, to wit:

1. Zoning Application No. 926 & Specific Use Application No. 82

Legal Description: A 5 acre tract being the East ½ of Lot 19, Allison Richey Gulf Coast Home Company's Suburban Gardens Subdivision of Section 80, H. T. & B. R.R. Co. survey, A-564, according to the map or plat recorded in Vol. 2, pg 98, plat records of Brazoria Co., TX (Broadway Street between Kirby Rd & CR 48)

Owner: Weems & Company, Inc. for F. Carrington Weems II, Alexandra L. Weems, F. Carrington Weems III & Milthilde S. Weems  
909 Fannin, Ste 3205  
Houston, TX 77010

Agent: Keith Anderson

**I. CONSIDERATION & POSSIBLE ACTION** – Preliminary plat of The Lakes at Countryplace Section Seven, Brazoria County, Texas being 15.647 acres of land located in the F.B. Drake Survey, Abstract No. 510 (S. ½ Sec. 2), F. B. Drake Survey, Abstract No. 503 (N. ½ Sec. 2), and in the J. Crawley Survey, Abstract no. 174.

**Variance Request:**

1. Use of a 20-foot front building line on front access garages.
2. Use of a 15-foot front building line on houses with garages with garages that do not face the street right-of-way.
3. Use of a 10-foot side setback between houses.
4. Use of an extra long cul-de-sac (greater than 600').

**J. CONSIDERATION & POSSIBLE ACTION** – Preliminary plat of Magnolia Estates Section 2, 4.7702 acres out of lot 1 O.W. Willits Subdivision (Vol. 03, pg. 65 B.C.P.R.) W.D.C. Hall League, A-70 Pearland, Brazoria County, Texas.

**K. CONSIDERATION & POSSIBLE ACTION** – Preliminary plat of Worden Estates, 23.752 acres out of H.T. & B. R.R. Company Survey No. 29, Abstract 292, Pearland, Texas.

**Variance Request:**

1. Sidewalk Requirements.
2. Street Light Requirement.
3. Widening of CR 128 – Construction to be deferred.

**L. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of Hoang Subdivision, 1 block, 2 lots, 1.683 acres.

**M. CONSIDERATION & POSSIBLE ACTION** – Preliminary Plat of River Mist Section Two, a subdivision of 29.1009 acres of land, A.C.H. & B Survey, A-507, City of Pearland, Brazoria County, Texas.

**N. CONSIDERATION & POSSIBLE ACTION** – Final Plat of Tranquility Lakes Section One, 12.8881 acres (561,406 s.f.) of land located in the H.T.&B. R.R. Company Survey, a-242, Brazoria County, Texas.

**Variance Request:**

1. Use of an extra long cul-de-sac (greater than 600').

**O. CONSIDERATION & POSSIBLE ACTION** – Replat of Houston Memorial Gardens Cemetary, the purpose of this re-plat is to consolidate prior sections & correct calls and distances. Resubdivision of tracts 41, 42, 55, 56, 57, & 58, Allison Richey Gulf Coast Home Co. Subdivision of section 20, H.T.&B. Survey Abstract no. 506, Brazoria County, Texas.

**P. CONSIDERATION & POSSIBLE ACTION** – Request a variance from the Subdivision Ordinance that requires you plat your property, by owner, Celestino Elizondo, 3057 Harkey, Pearland, Texas, 77584.

**Q. DISCUSSION ITEM** – Tree Ordinance.

**III. NEXT MEETING DATE: June 26, 2000 (Joint Public Hearing)**

**IV. ADJOURNMENT**

# Comments Regarding Review of Tree Ordinance

**Executive summary:** The tree ordinance is extremely restrictive and has rarely been enforced since its passing. Revenue from the ordinance (passed in 1997) does not appear in the city budget and is not in the current year forecast. Furthermore it is harmful to people owning undeveloped land as it discourages development by imposing expensive, strict, bureaucratic guidelines to anyone wishing to purchase land for business development.

**Recommendations:** 1. P&Z approve all exceptions to and suspend the requirement of a tree disposition plan until an extensive review of the ordinance is completed. 2. P&Z recommend to Council that a less restrictive ordinance be adopted.

## General Overview

1. Established “to balance the benefits with the interests of individuals owning real property within the City who desire to exercise control over their real property.”
2. In its current restrictive form it is harmful to business development and existing property owners as it makes development of property cost prohibitive.
3. Meeting the guidelines require as much effort as meeting the US Tax Code, GAP, ASPE or Bar association guidelines.

## Immediate Questions

1. Who is Pearland’s Urban Forrester? (Is this person familiar with the 1. American Standard of Nursery Stock guidelines 2. American Association Of Nurserymen guidelines?)
2. Where does the tree trust fund appear in the budget?
3. Who is stewarding the tree trust? What was its budget?
4. What controls are in place to ensure that the money is not spent on other items?

**CITY OF PEARLAND  
FY 1999-2000 BUDGET**

COUNT NO.	DESCRIPTION	ACTUAL 1997-1998	BUDGET 1998-1999	ESTIMATE 1998-1999	BUDGET 1999-2000	% CHANGE
<b>GENERAL FUND RESOURCES</b>						
1-0000-300.06-00	CURRENT TAXES	4,404,102	5,150,000	5,150,000	5,764,278	11.93%
1-0000-300.08-00	DELINQUENT TAXES	74,969	70,000	71,000	70,000	-1.41%
1-0000-300.10-00	PENALTY & INTEREST	54,887	50,000	60,000	50,000	-16.67%
1-0000-300.11-00	AUTO INVENTORY & EXCESS	846	1,000	2,500	3,000	20.00%
1-0000-300.12-00	TAX ATTORNEY FEE	20,945	17,000	15,000	20,000	33.33%
	<b>TAXES</b>	<b>4,555,749</b>	<b>5,288,000</b>	<b>5,298,500</b>	<b>5,907,278</b>	<b>11.49%</b>
1-0000-303.16-00	SALES TAX	2,962,481	3,080,000	3,500,000	3,850,000	10.00%
1-0000-303.20-00	SALES TAX DISCOUNT	705	600	600	1,000	66.67%
1-0000-303.67-00	MIX DRINK TAX	9,872	9,500	9,500	12,000	26.32%
	<b>OTHER TAXES</b>	<b>2,973,058</b>	<b>3,090,100</b>	<b>3,510,100</b>	<b>3,863,000</b>	<b>10.05%</b>
1-0000-305.21-00	GAS COMPANY	88,105	100,000	78,512	85,000	8.26%
1-0000-305.22-00	ELECTRIC COMPANY	968,142	943,400	1,140,000	1,175,000	3.07%
1-0000-305.23-00	TELEPHONE COMPANY	169,593	230,000	260,000	300,000	15.38%
1-0000-305.24-00	CABLE TELEVISION	162,036	120,000	122,500	125,000	2.04%
1-0000-305.26-00	SANITATION	315,839	318,000	345,000	365,000	5.80%
	<b>FRANCHISE FEES</b>	<b>1,703,715</b>	<b>1,711,400</b>	<b>1,946,012</b>	<b>2,050,000</b>	<b>5.34%</b>
1-0000-310.31-00	BUILDING PERMITS	342,976	325,000	375,000	525,000	40.00%
1-0000-310.32-00	ELECTRICAL PERMITS	41,582	50,000	60,000	60,000	0.00%
1-0000-310.33-00	PLUMBING & GAS PERMITS	65,695	62,000	62,000	65,000	4.84%
1-0000-310.34-00	PLATTING FEES	44,357	40,000	50,000	45,000	-10.00%
1-0000-310.35-00	MECHANICAL PERMITS	42,843	50,000	50,000	50,000	0.00%
1-0000-310.36-00	BEER PERMITS	3,175	3,000	3,500	3,000	-14.29%
1-0000-310.37-00	MOVING PERMITS	9,285	8,500	10,000	10,000	0.00%
1-0000-310.38-00	GARAGE SALE PERMITS	3,390	2,500	12,500	20,000	60.00%
1-0000-310.39-00	ELECTRICAL LICENSES	12,980	13,000	20,000	20,000	0.00%
1-0000-310.40-00	ANIMAL LICENSES	4,297	4,000	5,000	6,000	20.00%
1-0000-310.41-00	PEDDLERS & SOLICITORS	475	500	500	500	0.00%
1-0000-310.43-00	WRECKER PERMITS	3,300	3,500	4,500	5,000	11.11%
1-0000-310.44-00	CULVERT PERMITS	2,276	3,000	3,000	3,000	0.00%
1-0000-310.46-00	BUILDING PLAN CHECK FEE	0	0	15,000	15,000	0.00%
1-0000-310.47-00	OCCUPANCY PERMITS	1,493	2,000	3,000	2,500	-16.67%
1-0000-310.48-00	PLAN & ZONE BOARD OF ADJ.	6,725	7,500	7,500	62,500	733.33%
1-0000-310.49-00	DEMOLITION PERMITS	200	300	200	200	0.00%
1-0000-310.50-00	KENNEL LICENSES	0	0	100	0	-100.00%
1-0000-310.52-00	ALARM PERMITS	2,525	2,500	2,500	2,500	0.00%
1-0000-310.53-00	REINSPEC. FEE/INSPECTION	3,350	4,500	4,500	4,500	0.00%
1-0000-310.81-00	SIGN PERMITS	3,204	3,000	3,500	4,000	14.29%
1-0000-310.82-00	HEALTH - MOBILE UNIT	2,175	2,000	3,500	5,000	42.86%
1-0000-310.83-00	HEALTH - ADD. MOBILE UNIT	50	0	100	0	-100.00%
1-0000-310.84-00	HEALTH - SCHOOL, DAY CARE	563	0	1,000	0	-100.00%
1-0000-310.85-00	HEALTH - TEMPORARY	53	0	150	0	-100.00%
1-0000-310.86-00	HEALTH - PRODUCE VENDOR	788	0	1,000	0	-100.00%

**CITY OF PEARLAND  
FY 1999-2000 BUDGET**

ACCOUNT NO.	DESCRIPTION	ACTUAL 1997-1998	BUDGET 1998-1999	ESTIMATE 1998-1999	BUDGET 1999-2000	% CHANGE
<b>GENERAL FUND RESOURCES</b>						
010-0000-310.87-00	HEALTH - CLUB/TAVERN	188	0	200	0	-100.00%
010-0000-310.91-00	HEALTH - EMPLOYEES 1 - 5	4,650	15,000	9,000	20,000	122.22%
010-0000-310.92-00	HEALTH - EMPLOYEES 6- 10	2,450	0	2,500	0	-100.00%
010-0000-310.93-00	HEALTH - EMPLOYEES 11-15	813	0	1,500	0	-100.00%
010-0000-310.94-00	HEALTH - EMPLOYEES 16-20	1,050	0	2,000	0	-100.00%
010-0000-310.95-00	HEALTH-EMPLOYE 21 OR MORE	5,025	0	6,000	0	-100.00%
010-0000-310.96-00	HEALTH-REGISTRATION 1 YR.	1,420	0	1,000	0	-100.00%
010-0000-310.97-00	HEALTH-REGISTRATION 2 YR.	2,455	3,000	5,000	6,000	20.00%
<b>* LICENSES &amp; PERMITS</b>		<b>615,808</b>	<b>604,800</b>	<b>725,250</b>	<b>934,700</b>	<b>28.88%</b>
010-0000-320.20-00	CHILD SAFETY	120	0	0	0	0.00%
010-0000-320.22-00	CHILD SAFETY-HARRIS CO.	1,736	1,800	1,500	1,500	0.00%
010-0000-320.30-00	MUN. COURT BLDG. SECURITY	12,109	15,000	15,000	15,000	0.00%
010-0000-320.51-00	FINES	562,887	625,000	650,000	700,000	7.69%
<b>* FINES &amp; FORFEITURES</b>		<b>576,852</b>	<b>641,800</b>	<b>666,500</b>	<b>716,500</b>	<b>7.50%</b>
010-0000-325.18-00	FALSE ALARM FEE	0	800	800	1,000	25.00%
010-0000-325.40-00	CLEAN PEARLAND BLDG. RENT	2,400	2,400	2,400	2,400	0.00%
010-0000-325.45-00	LAND RENTAL	2,000	0	3,500	0	-100.00%
010-0000-325.50-00	FLEET REPAIRS	5,490	0	0	0	0.00%
010-0000-325.51-00	FUEL SERVICE CENTER	790	0	0	0	0.00%
010-0000-325.55-00	BASKETBALL PROGRAMS	6,971	11,000	7,500	8,000	6.67%
010-0000-325.56-00	TRASH REVENUE	1,800,682	2,109,000	2,152,462	2,300,000	6.85%
010-0000-325.57-00	SANITATION BILLING FEE	113,446	125,000	125,000	135,000	8.00%
010-0000-325.58-00	MUD/EMS/FIRE COLLECTIONS	17,088	54,000	50,000	55,000	10.00%
010-0000-325.62-00	ANIMAL SHELTER FEE	14,431	15,000	15,000	18,000	20.00%
010-0000-325.64-00	DISPOSAL OF ANIMALS	3,125	3,500	2,000	2,000	0.00%
010-0000-325.68-00	POLICE PROGRAMS	64	0	300	0	-100.00%
010-0000-325.69-00	FINGERPRINT FEES	679	1,000	750	750	0.00%
010-0000-325.71-00	TENNIS PROGRAMS	4,380	1,200	2,100	2,000	-4.76%
010-0000-325.72-00	RECREATION PROGRAMS	81,229	66,000	75,000	80,000	6.67%
010-0000-325.73-00	LEARN TO SWIM PROGRAMS	28,603	25,000	25,000	27,500	10.00%
010-0000-325.74-00	COMMUNITY BUILDING RENTAL	42,140	32,500	35,200	37,500	6.53%
010-0000-325.75-00	SENIOR CITIZENS PROGRAMS	2,879	2,500	2,500	3,000	20.00%
010-0000-325.76-00	SWIMMING POOL FEES	14,137	22,000	22,000	25,000	13.64%
010-0000-325.78-00	POOL RENTAL	6,139	3,200	3,200	3,500	9.38%
010-0000-325.79-00	PAVILION RENTAL	3,300	5,000	3,500	3,500	0.00%
010-0000-325.80-00	AMBULANCE SERVICE FEE	260,577	350,000	350,000	375,000	7.14%
010-0000-325.82-00	RENTAL GAZABO & PAVILON	5,978	1,500	5,500	5,000	-9.09%
010-0000-325.85-00	SOCCER PROGRAM	30,993	25,000	30,000	27,500	-8.33%
010-0000-325.90-00	SOFTBALL PROGRAM	53,625	45,000	55,000	50,000	-9.09%
010-0000-325.92-00	SUMMER CAMP	3,140	0	0	0	0.00%
010-0000-325.94-00	BARBECUE SHELTER RENTAL	3,801	2,800	3,000	3,000	0.00%
<b>* CHARGES FOR SERVICES</b>		<b>2,508,087</b>	<b>2,903,400</b>	<b>2,971,712</b>	<b>3,164,650</b>	<b>6.49%</b>

**CITY OF PEARLAND  
FY 1999-2000 BUDGET**

ACCOUNT NO.	DESCRIPTION	ACTUAL 1997-1998	BUDGET 1998-1999	ESTIMATE 1998-1999	BUDGET 1999-2000	% CHANGE
<b>GENERAL FUND RESOURCES</b>						
010-0000-345.27-00	GRANT - FORESTRY PROGRAM	0	0	7,000	0	-100.00%
010-0000-345.30-00	EMERGENCY MGMT ASST GRANT	1,130	25,000	5,000	15,700	214.00%
010-0000-345.31-00	GRANT - PARK	0	0	26,000	0	-100.00%
010-0000-345.33-00	GRANT - E.M.S.	23,342	0	18,000	0	-100.00%
010-0000-345.35-00	FEDERAL E.M.A. GRANT	9,374	0	0	0	0.00%
010-0000-345.39-00	SOLID WASTE ENFORCER	0	0	21,500	0	-100.00%
010-0000-345.40-00	TRANS. FROM WATER & SEWER	881,000	878,650	878,650	781,000	-11.11%
010-0000-345.43-00	TRANS. FROM ECO. DEVELOP.	70,000	110,000	110,000	110,000	0.00%
010-0000-345.44-00	TRANSFER FROM 97A CO's	0	75,000	75,000	0	-100.00%
010-0000-345.55-00	GRANT - CLOVERFIELD	4,479	0	0	0	0.00%
010-0000-415.74-00	SURPLUS AT BEGIN OF YEAR	0	314,538	0	0	0.00%
<b>* INTER/INTRA GOVERNMENTAL</b>		<b>1,296,674</b>	<b>1,746,583</b>	<b>1,462,555</b>	<b>1,250,200</b>	<b>-14.52%</b>
<b>**** TOTAL GENERAL FUND</b>		<b>14,844,959</b>	<b>16,438,783</b>	<b>17,143,669</b>	<b>18,439,328</b>	<b>7.56%</b>

**EXPENDITURES BY DEPARTMENTS  
GENERAL FUND**

DEPT NOS.	DEPT TITLES	AMENDED			BUDGET 1999-2000
		ACTUAL 1997-1998	BUDGET 1998-1999	ESTIMATED 1998-1999	
<b>GENERAL GOVERNMENT</b>					
1010	CITY COUNCIL	62,800	72,623	72,748	72,623
1020	CITY MANAGER	329,395	410,294	372,674	508,388
1030	PUBLIC WORKS	124,978	130,395	125,771	132,182
1040	HUMAN RESOURCES	296,988	335,311	333,785	339,370
1050	CITY SECRETARY	109,497	126,858	127,310	131,028
1060	FINANCE	381,290	469,226	447,433	480,930
1070	TAX	107,458	107,000	122,843	135,000
1080	LEGAL	290,737	291,722	252,955	249,136
1090	MUNICIPAL COURT	165,068	191,984	182,985	231,697
1110	CUSTODIAL	137,409	149,650	146,145	176,411
1120	ENGINEERING	433,080	474,259	462,450	836,170
1130	PUBLIC AFFAIRS/ GRANTS	240,184	368,234	355,543	306,453
Sub-Total		2,678,884	3,127,556	3,002,642	3,599,388
<b>PUBLIC SAFETY</b>					
2210	POLICE DEPARTMENT	3,912,591	4,917,892	4,955,806	4,956,048
2220	FIRE DEPARTMENT	140,838	160,715	156,964	171,272
2230	ANIMAL SHELTER	182,856	212,679	216,447	181,836
2240	FIRE MARSHAL	80,306	152,000	145,205	154,418
2260	E.M.S.	699,011	785,119	716,889	751,177
2290	SERVICE CENTER	96,759	110,267	125,372	120,390
Sub-Total		5,112,361	6,338,672	6,316,683	6,335,141
<b>MISCELLANEOUS</b>					
3310	CODE ENFORCEMENT	412,521	457,047	465,485	407,838
3320	COMMUNITY SERVICES	10,075	10,000	10,000	10,000
3330	FLEET MAINTENANCE	188,219	210,988	214,884	224,980
3340	CITY HALL	235,622	289,402	294,684	355,194
3350	SANITATION	1,929,872	2,175,180	2,189,566	2,366,076
3360	OTHER REQUIREMENTS	600,340	1,394,500	1,244,085	1,598,142
3370	STREET & DRAINAGE	1,730,184	1,422,075	1,341,438	1,752,296
3380	LIBRARY	20,890	23,000	22,650	46,200
3390	PARKS AND RECREATION - ADMINISTRATION & MAINTENANCE	869,330	894,446	880,714	960,291
3391	PARKS AND RECREATION - RECREATION DIVISION	340,468	455,924	449,907	459,173
3392	PARKS AND RECREATION - ATHLETICS & AQUATICS	312,750	356,049	361,605	324,609
Sub-Total		6,650,271	7,688,611	7,475,018	8,504,799
<b>TOTAL GENERAL FUND EXPENDITURES</b>		<b>14,441,516</b>	<b>17,154,839</b>	<b>16,794,343</b>	<b>18,439,328</b>

# 1,744,073

City Planning & Zoning Commission  
3519 Liberty Drive  
Pearland, Texas 77581

June 2, 2000

Gentlemen:

RE: Variance Request

This letter is being submitted to your office as a request for a "variance" from the subdivision ordinance requiring a property plat.

I have recently read the "Land Use & Urban Development Ordinance" booklet (revised 11/28/94), especially section 7, dealing with the R-3 Single Family Dwelling and the area requirements of not less than 6,000 square feet.

I presently reside at 3057 Harkey, Pearland, Texas on approximately 0.696 acre tract of land out of Lot 62 of Figland Orchard Subdivision. With this letter, I am seeking approval to divide my property in two sections in order to build my son an R-3 dwelling on a lot size of 60 feet frontage by approximately 107 feet deep. I am enclosing Exhibit "A" of a plat reflecting a survey of the total 0.696 acre tract of land involved. The yellow portion of the map represents the requested variance. I will gladly employ the services of a registered surveyor to provide a detail legal description of metes and bounds in reference to this property division, if I am permitted to build. This particular area was annexed by the City of Pearland last year and is not presently zoned.

An important matter worth mentioning, is that West Oaks Subdivision is located in the same immediate vicinity to the property in question, and all the dwellings in that Subdivision were approved and built as (R-3) Single Family Dwellings, according to application Number 53 filed by Jason Metoyer, Rekha Engineering, Inc., agent for Renee West (West Development) on January 19, 1995. This particular residential subdivision is specifically described as a 40.9697 acre tract of land of a 67.88 acre tract of land in the H.T. & M.R.R. Survey, A-241, Volume 1223, page 730 Brazoria County Deed Records (See: Exhibit "B").

Furthermore, I am also enclosing exhibit "C" and "D" as additional information pertaining to my property of Lot 62 (0.696 acre). Exhibit "C" pertains to a legal description of a recent right-of-way taking by the City of Pearland (Fite-Harkey Sewer Project), and exhibit "D" is a copy of the plat map.

I am also enclosing a rough sketch of the proposed dwelling that is under consideration for this project. We do have a complete set of "prints" for the house and are also working with a general contractor for the construction aspect. Exhibit "E" reflects a total square footage of 1858 square feet with a foundation width of 38 feet and a length of approximately 30 feet.

With this in mind, I am requesting some consideration by the Planning and Zoning Commission in permitting me to build an R-3 dwelling on my property. I would certainly appreciate any assistance you can provide that will allow me to comply with your requirements in reference to the procedures and fees involved.

Do not hesitate to contact me if additional information is needed.

Sincerely,



Celestino Elizondo  
3057 Harkey  
Pearland, Texas 77584

cc: file

Ph. 281-997-1039  
Fax 281-412-9603

**WALKER L. TREESH**  
Registered Public Surveyor

P.O. Box 1297  
Pearland, Texas 77581  
713-485-5191

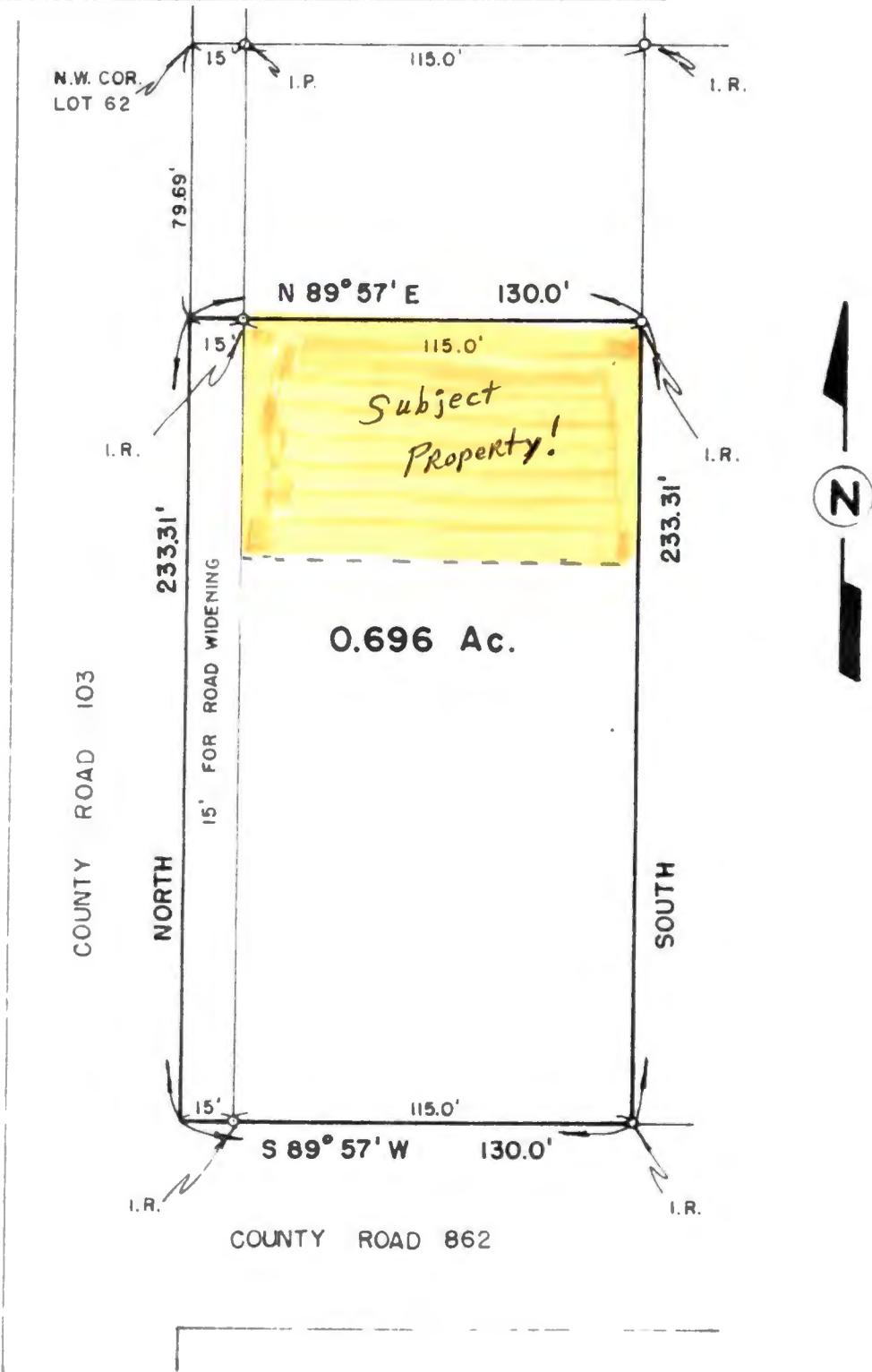
Scale: 1"=50'

DATE: July 16, 1980

Job No. 80-581

OWNER: Celestino Elizondo III, and wife Rita Elizondo

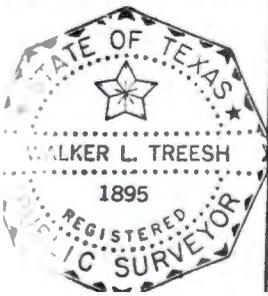
PROPERTY ADDRESS: \_\_\_\_\_



PLAT SHOWING A SURVEY OF A 0.696 ACRE TRACT OF LAND OUT OF LOT 62 OF FIGLAND ORCHARD SUBDIVISION, A SUBDIVISION OUT OF THE H.T.&B.R.R. CO. SURVEY, SECTION 13, ABSTRACT 240, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 3, PAGE 77, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

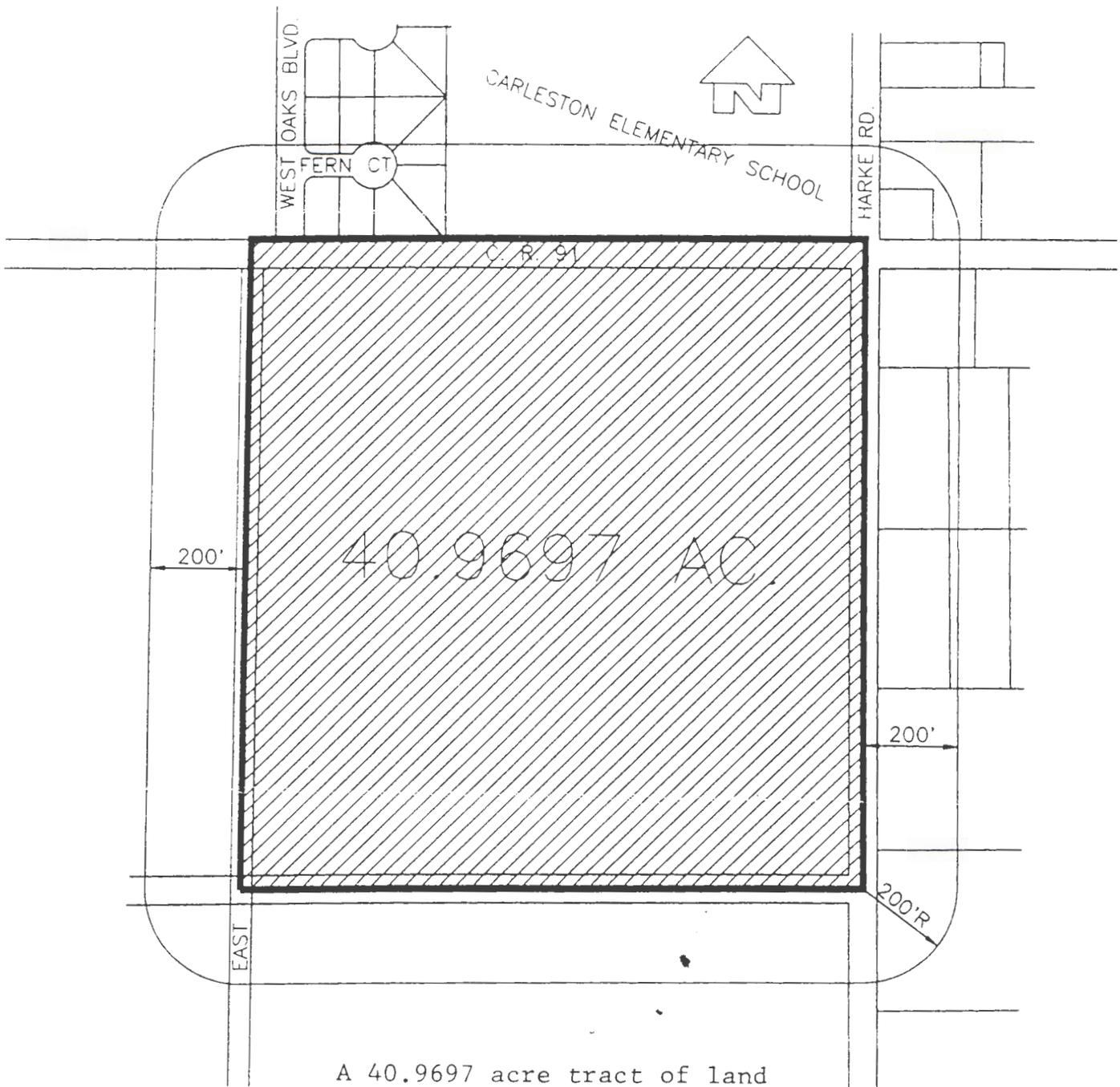
WALKER L. TREESH, REGISTERED PUBLIC SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON ACCURATELY REPRESENTS THE PROPERTY AS DETERMINED BY ME ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION ON 7-17-80, THE SIZE, LOCATION, AND TYPE OF BUILDINGS AND IMPROVEMENTS THEREAS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, SET BACK FROM PROPERTY LINES THE DISTANCE INDICATED AND THAT THE DISTANCE FROM THE NEAREST INTERSECTING STREET OR ROAD IS SHOWN ON SAID PLAT. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS APPARENT ON THE PLAT, EXCEPT AS SHOWN. THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN CF # 16,962 OF \_\_\_\_\_ TITLE Co.

NO PART OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS RESULTING THEREFROM. (UNIFORM CERTIFICATION ADOPTED BY THE TEXAS SURVEYOR ASSOCIATION.)



**(Exhibit "A")**

*Walker L. Treesh*  
WALKER L. TREESH  
REGISTERED PUBLIC SURVEYOR No. 1895



A 40.9697 acre tract of land  
 out of a 67.88 acre tract of  
 land in the H.T. & B.R.R.  
 Survey, A-241, Volume 1223,  
 Page 730, Brazoria County Deed  
 Records, Brazoria County, Texas.

*(Exhibit "B")*

~~CONFIDENTIAL~~

PARCEL NUMBER 17  
DESCRIPTION OF A  
RIGHT-OF-WAY TAKING  
FITE-HARKEY SEWER PROJECT  
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

Being a survey of 0.1243 acres (5,413 square feet) of land out of Lot 62 in the Figland Orchard Subdivision of Section 13, H.T. & B. R.R. Survey Abstract 240, Brazoria County, Texas, being a portion of the land as described in a deed from Dennis Reyna and wife, Lori G. Reyna to Celestino Elizondo III and wife, Rita Elizondo, recorded July 18, 1980 in Volume 1522, Page 576 of the Deed Records of Brazoria County Texas;

COMMENCING at a 5/8" iron rod with cap set in the north line, as monumented, of a tract of land of Guadalupe Flores Jr. as described in a deed recorded in Brazoria County Deed Records Volume 1082, Page 703, said rod being located South 87 degrees 42 minutes 17 seconds West a distance of 18.78 feet from a 3/4" found iron pipe for the northwest corner of said Flores Jr. tract;

THENCE, South 02 degrees 38 minutes 05 seconds East, with the proposed east 100.00 foot right-of-way line of Harkey Road a distance of 264.37 feet to 5/8" iron rod with cap set in the north line of Celestino Elizondo, and wife Rita Elizondo, as recorded in Volume 1522, Page 576, of the deed records of Brazoria County Texas and to the POINT OF BEGINNING;

THENCE, continue South 02 degrees 38 minutes 05 seconds East, with said proposed east right-of-way line a distance of 232.52 feet to a 5/8" iron rod with cap set in the south line of said Elizondo tract;

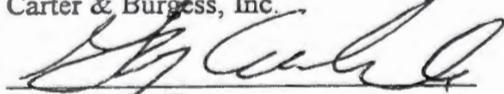
THENCE, South 87 degrees 27 minutes 43 seconds West, with said south line, a distance of 22.69 feet to the existing west line of said Harkey Road;

THENCE, North 02 degrees 55 minutes 24 seconds West, with said west line a distance of 232.52 feet;

THENCE, North 87 degrees 26 minutes 28 seconds East, a distance of 23.87 feet to the POINT OF BEGINNING containing 0.1243 acres (5,413 square feet, of which 3,488 square feet being the 15 foot widening easement recorded under Volume 1223, Page 621 of the Deed Records of Fort Bend County) of land.

Note: The bearings are based on the City of Pearland monumentation NAD 83. A plat accompanies this legal description.

Carter & Burgess, Inc.



Gary W. Carlile

Registered Professional Land Surveyor No. 4917

March 6, 2000

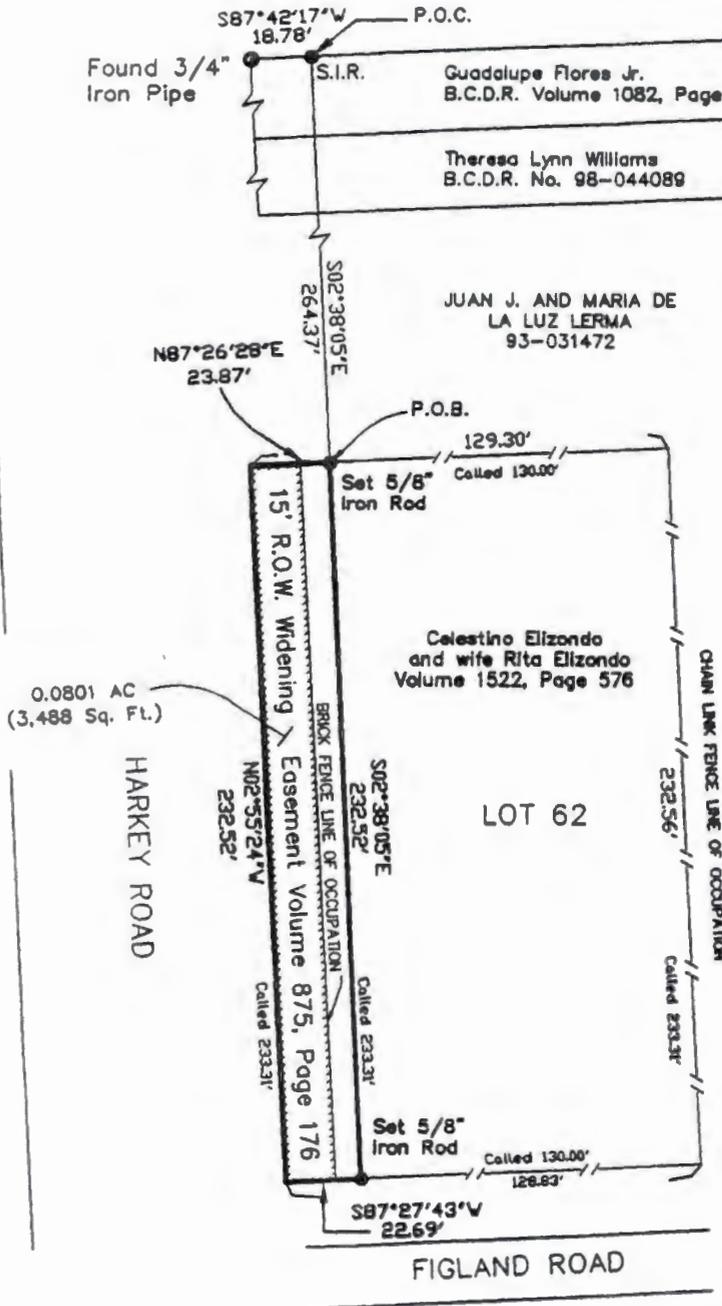


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~~CONFIDENTIAL~~

(Exhibit "C")

# CITY OF PEARLAND SEWER PROJECT FITE-HARKEY ROAD

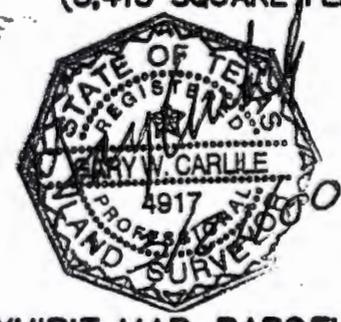


SCALE: 1" = 60'

FIGLAND ORCHARD  
SUBDIVISION

H.T.B. & R.R. CO.  
SURVEY A-240

0.1243 ACRES  
(5,413 SQUARE FEET)



**EXHIBIT MAP PARCEL 17**  
 A PORTION OF LOT 62  
 FIGLAND ORCHARD SUBDIVISION  
 SECTION 13, H.T. & B. R.R. SURVEY A-240  
 BRAZORIA COUNTY, TEXAS

**NOTES:**

1. BEARINGS ARE BASED ON THE CITY OF PEARLAND MONUMENTATION NAD 83.
2. A LEGAL DESCRIPTION ACCOMPANIES THIS PLAT.
3. THIS MAP IS NOT A BOUNDARY SURVEY AS DEFINED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PREPARED FOR EXHIBIT PURPOSES ONLY.

**Carter Burgess**

Consultants in Planning, Engineering, Architecture,  
 Construction Management and Related Services  
**CARTER & BURGESS, INC.**  
 55 Waugh Drive  
 Houston, Texas 77007  
 (713) 868-7900

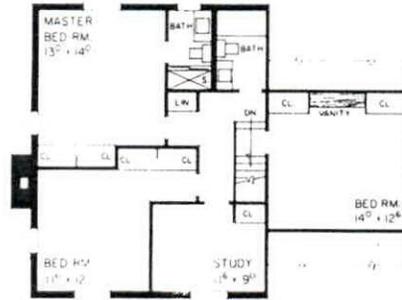
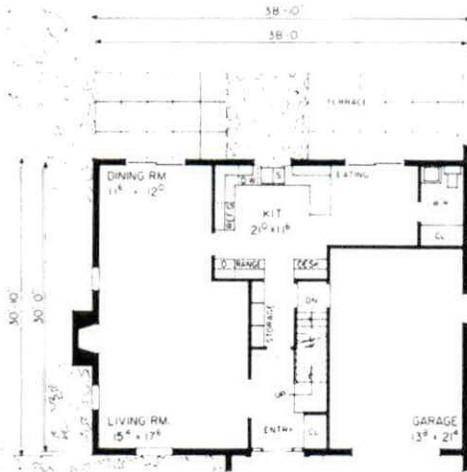
REVISED DATE: 03/06/00

(Exhibit "D")

## Design V21723

First Floor: 888 square feet  
Second Floor: 970 square feet  
Total: 1,858 square feet

- You'll not need a large parcel of property to accommodate this home. Neither will you need too large a building budget. Note fourth bedroom.



{ 38' - wide  
30' - Long

(Exhibit "E")