

**AGENDA - PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, SEPTEMBER 24, 2012, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

- I. CALL TO ORDER**
- II. PURPOSE OF HEARING - PUBLIC COMMENT AND TESTIMONY REGARDING THE ABANDONMENT OF CERTAIN UNUSED ROAD AND PUBLIC EASEMENTS ON PROPERTY GENERALLY LOCATED NEAR THE INTERSECTION OF W. BROADWAY STREET AND KIRBY DRIVE.**
- III. STAFF REVIEW OF THE ABANDONMENT OF CERTAIN UNUSED ROAD AND PUBLIC EASEMENTS ON PROPERTY GENERALLY LOCATED NEAR THE INTERSECTION OF W. BROADWAY STREET AND KIRBY DRIVE. *Mr. Darrin Coker, City Attorney.***
- IV. CITIZEN COMMENTS**
- V. COUNCIL/STAFF DISCUSSION**
- VI. ADJOURNMENT**

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

# Public Hearing Agenda

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

<b>AGENDA OF: 9-24-12</b>	<b>ITEM NO.:</b> Public Hearing
<b>DATE SUBMITTED: 9-10-12</b>	<b>DEPARTMENT OF ORIGIN:</b> Legal
<b>PREPARED BY:</b> Darrin Coker	<b>PRESENTOR:</b> Darrin Coker
<b>REVIEWED BY:</b> NA	<b>REVIEW DATE:</b> NA
<b>SUBJECT: Public Hearing- ROW Abandonment (Future AISD High School Site)</b>	
<b>EXHIBITS: Petition for Abandonment, Survey</b>	
<b>EXPENDITURE REQUIRED:</b>	<b>AMOUNT BUDGETED:</b>
<b>AMOUNT AVAILABLE:</b>	<b>PROJECT NO.:</b>
<b>ACCOUNT NO.:</b>	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	
<b>ACCOUNT NO.:</b>	
<b>PROJECT NO.:</b>	
<b>To be completed by Department:</b>	
<input type="checkbox"/> Finance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

AISD recently submitted a Petition requesting the abandonment of (2) 20 foot road easements and a 20 foot public easement ("ROW") for their property located at the intersection of West Broadway and Kirby. City staff has reviewed the Petition, and does not object to the request because no City facilities are currently located in the ROW. Furthermore, the City has no intention of placing future facilities in the ROW. The property was purchased by AISD from a builder, Ashton Woods, who owns the property to the south of the road easements. Included in your packet is a letter from Ashton Woods supporting the request for abandonment since they will maintain access to their property from Kirby Drive. If the Council desires to proceed with the abandonment, the first reading of an abandonment ordinance has been placed on the new business portion of the Council meeting for your consideration.

**R|M|G ATTORNEYS**  
**Rogers, Morris & Grover, L.L.P.**

5718 WESTHEIMER ROAD, SUITE 1200  
HOUSTON, TEXAS 77057  
PHONE: (713) 960-6000 • FAX: (713) 960-6025  
www.rmglp.com

**G. MATTHEW LUECKENHOFF**  
Direct Dial: (713) 960-6036  
mlueckenhoff@rmglp.com

August 9, 2012

**Via CM-RRR 7011 1570 0000 7930 2131**

Young Lorfing, City Secretary  
Pearland City Council  
City of Pearland, Texas  
3519 Liberty Drive  
Pearland, Texas 77581

Re: Petition for Abandonment of Public Right-of-Way by Alvin Independent School District (The "District" or "Petitioner"), in Accordance with City of Pearland Ordinance No. 788

Dear Mr. Lorfing and Council Members:

The District submits this Petition for the abandonment of three separate public road easements (the "Easements") encumbering a 72-acre tract of land owned by the District, which located within the City of Pearland's extraterritorial jurisdiction (the "Property"). The Property and easements are more particularly described on the plat attached hereto as Exhibit "A". The Easements were conveyed to the public by previous owners in anticipation of the Property's development. The Property remained undeveloped and the Easements were never used for their intended purpose. The District is now seeking the abandonment of the Easements in order to construct its newest high school on the Property.

In accordance with Ordinance No. 788, this Petition includes the following:

- a plat certified by a licensed surveyor showing the public right-of-way – Exhibit "A";
- a list of all owners and lessees of property abutting both the portion of the public right-of-way to be abandoned, along with the last known address of each owner and lessee – Exhibit "B";
- proof of the District's contact with owners abutting the right-of-way to be abandoned – Exhibit "C";
- legal opinion letter from District's attorney regarding ownership of the Property – Exhibit "D";

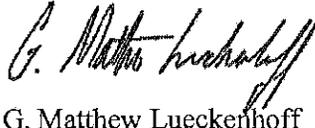
Mr. Lorfing, et al.  
August 9, 2012  
Page 2

- a title commitment duly issued by a title insurance company licensed in Brazoria County, Texas confirming the District's ownership of the Property – Exhibit "E";
- a check made payable to the City of Pearland in the amount of \$100.00.

The District respectfully requests that following receipt of executed releases from neighboring property owners, the City Secretary schedule a public hearing before the City Council to address the Petition.

Very truly yours,

ROGERS, MORRIS & GROVER, LLP



G. Matthew Lueckenhoff

ALV02001\RE-Construction\Correspondence\...1104

Enclosure: Title Report of the Property

c: Mr. Jeff Couvillion *Via email [jcouvillion@alvinisd.net](mailto:jcouvillion@alvinisd.net)*  
Mr. Darrin Coker *Via email [dcoker@ci.pearland.tx.us](mailto:dcoker@ci.pearland.tx.us)*

CL Ashton Woods, LP

September 4, 2012

Young Lorfing, City Secretary  
Pearland City Council  
City of Pearland, Texas  
3519 Liberty Drive  
Pearland, Texas 77581

**Re: Petition of Abandonment of Public Right of Way by Alvin Independent School District (Alvin ISD) in accordance with City of Pearland Ordinance No. 788**

Dear Mr. Lorfing, Mayor and Council Members:

CL Ashton Woods, LP supports the abandonment of the right of way referenced in the petition by Alvin ISD.

If you need any information from C L Ashton Woods, LP in order to abandon the right of way referenced in the petition by Alvin ISD, please contact Robert Moorman of Aurous Development Services, Ltd., at 281-362-1600.

Thank you for your help in this matter,

Very Truly Yours,



Justine Klinke



20' Public easement

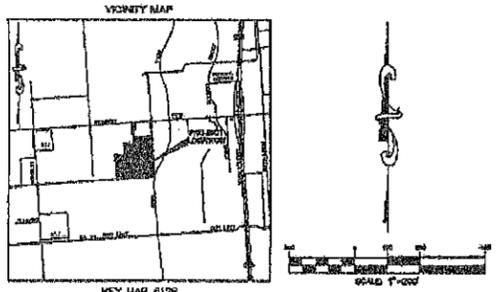


40' Road easement



tabbles  
EXHIBIT  
A

METES AND BOUNDS DESCRIPTION  
OF  
70.780 ACRES  
J.S. TALMAGE SURVEY  
ABSTRACT NO. 564  
BRAZORIA COUNTY, TEXAS



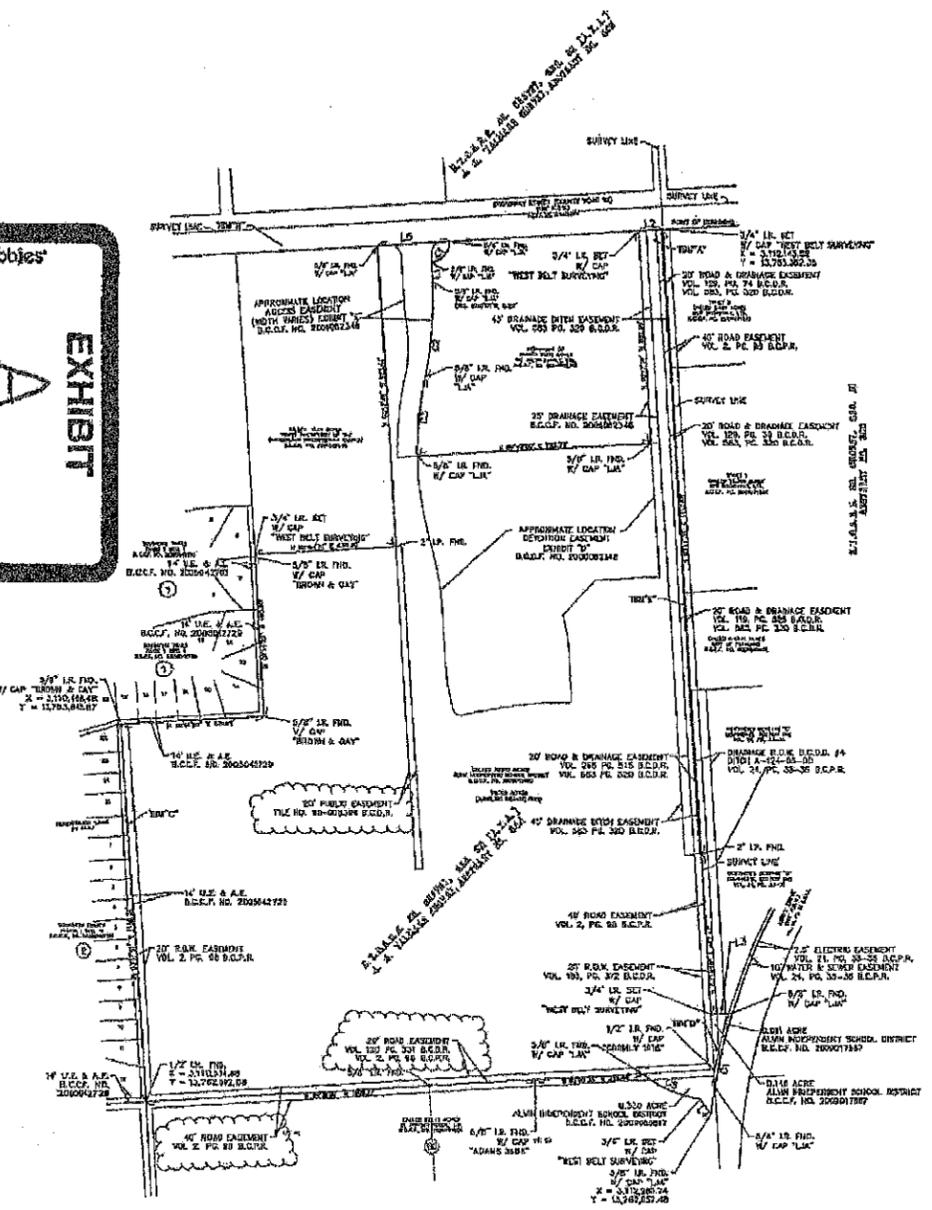
KEY MAP 612R  
SCALE 1" = 2000'

- REFERENCE BENCHMARK:  
9 GPS - CITY OF PEARLAND HORIZONTAL CONTROL MONUMENT "9 GPS" IS A BRASS CAP SET FLUSH IN CONCRETE, STAMPED "CITY OF PEARLAND 9 GPS MONUMENT 1995". THE MONUMENT IS LOCATED IN THE NORTHWEST CORNER OF THE INTERSECTION OF THE WEST ACCESS ROAD TO HIGHWAY 288 AND COUNTY ROAD 92 AND F.M. 516. THE MONUMENT IS APPROXIMATELY 800 FEET NORTH OF COUNTY ROAD 92 AND 32.5 FEET NORTHWEST OF THE SOUTHWEST CORNER OF A CONCRETE PAN FOR STORM DRAIN INLETS.  
ELEVATION = 66.00' (MVD 1929)
- TEMPORARY BENCHMARKS:  
TBM"A" - BOX CUT ON TOP CONCRETE HEADWALL, LOCATED AT THE NORTH END OF THE DRAINAGE DITCH ON THE EAST SIDE OF PROPERTY AND AT THE NORTHEAST CORNER OF THE SUBJECT TRACT.  
ELEVATION = 57.85'  
TBM"B" - BOX CUT ON TOP OF "C" INLET LOCATED ON THE SOUTH SIDE OF BROADWAY ROAD AND 250 FEET WEST OF THE NORTHWEST CORNER OF THE SUBJECT TRACT.  
ELEVATION = 50.10'  
TBM"C" - BOX CUT ON CENTERLINE OF DEAD END STREET (SUNSHINE LANE) LOCATED 484.4 FEET NORTH ALONG THE MOST WESTERLY BOUNDARY LINE FROM THE SOUTHWEST CORNER OF SUBJECT TRACT.  
ELEVATION = 62.09'  
TBM"D" - BOX CUT ON TOP OF CONCRETE PAD FOR STORM SEWER MANHOLE LOCATED ON THE MIDDLE MANHOLE AT THE SOUTHEAST CORNER OF THE SUBJECT TRACT.  
ELEVATION = 61.17'  
TBM"E" - BOX CUT ON TOP OF SOUTHWEST CORNER OF CONCRETE SHALE LOCATED 21.154 FEET SOUTH OF THE MOST NORTHEASTLY CORNER OF THE SUBJECT TRACT ALONG THE EAST BOUNDARY LINE.  
ELEVATION = 60.61'

MINOR SUBDIVISION PLAT  
ALVIN INDEPENDENT  
SCHOOL DISTRICT  
HIGH SCHOOL #3

BEING A SUBDIVISION OF  
70.780 ACRES OUT OF THE  
H.T. & B. R.R. CO. SURVEY, SEC 80 (AKA)  
J.S. TALMAGE SURVEY, ABSTRACT NO. 564  
CITY OF PEARLAND  
BRAZORIA COUNTY, TEXAS  
1 BLOCK 1 RESERVE

JANUARY 2012  
WEST BELL  
SURVEYING, INC.  
2500 FLYING DUTCHMAN  
HOUSTON, TEXAS 77058  
PH: 281-491-2000  
FAX: 281-491-2000  
OWNER:  
ALVIN INDEPENDENT SCHOOL DISTRICT  
301 N. HOLMES STREET  
ALVIN, TEXAS 77411  
CIVIL ENGINEER:  
JERRY TAYLOR, P.E.  
12010 WOODSON  
HOUSTON, TEXAS 77055  
JERRY TAYLOR, P.E.  
12010 WOODSON  
HOUSTON, TEXAS 77055



FIELD NOTE DESCRIPTION of a 70.780 acre (3,082,323 square feet) tract of land located in the J.S. Talmage Survey, Abstract Number 564, City of Pearland, Brazoria County, Texas and said 70.780 acre tract of land being all of the said 70.780 acre tract described in the deed to Alvin Independent School District, recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 200901455, the said 0.330 acre tract described in the deed to Alvin Independent School District, recorded under B.C.C.F. No. 200905897, the said 0.148 acre tract described in the deed to Alvin Independent School District, recorded under B.C.C.F. No. 200901787 and the said 0.011 acre tract described in the deed to Alvin Independent School District, recorded under B.C.C.F. No. 200901787, said 70.780 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are obtained to the Texas Coordinate System, South Central Zone, NAD 1983.)

BEHIND of a 3/4-inch iron rod with orange plastic cap stamped "West Bell Surveying Inc." in the south right-of-way (R.O.W.) line of Broadway Street, aka, County Road 92, (based on a width of 120 feet), recorded under B.C.C.F. No. 200303577 marking the northeast corner of the said 0.491 acre tract described in the deed to New Broadway, L.L.C., recorded under B.C.C.F. No. 200807133, the northeast corner of said 70.280 acre tract and the herein described tract;

THENCE, South 03 degrees 17 minutes 38 seconds East, departing the south R.O.W. line of said Broadway Street and along the east line of said 70.280 acre tract, a distance of 1,012.65 feet, to a 2-inch iron pipe found marking an angle point in the east line of the Orange R.O.W. in Brazoria County Platings District #4, recorded under Volume (Vol.) 24, Page (Pg.) 33-26, Brazoria County Plat Records (B.C.P.R.), the east line of said 70.280 acre tract and the herein described tract;

THENCE, South 03 degrees 16 minutes 19 seconds East, continuing along the east line of said 70.280 acre tract, a distance of 457.47 feet, to a 3/4-inch iron rod with orange plastic cap stamped "West Bell Surveying Inc." in the east line of said 70.280 acre tract marking the southeast corner of said Orange R.O.W. the northwest corner of alternate 0.148 acre tract and an interior corner of the herein described tract;

THENCE, North 81 degrees 39 minutes 20 seconds East, departing the east line of said 70.280 acre tract and along the north line of said 0.148 acre tract and alternate 0.011 acre tract, a distance of 66.97 feet, to a 3/8-inch iron rod with orange plastic cap stamped "L.A." found in the westerly R.O.W. line of Kirby Drive (based on a width of 100 feet) recorded under Vol. 24, Pg. 23, B.C.P.R., marking the beginning of a non-tangent curve to the left, the southwest corner of Restricted Access "D", Sautogala, Sweden Line, a subdivision recorded under Vol. 24, Pg. 33-26, B.C.P.R., the northwest corner of said 0.011 acre tract and an interior corner of the herein described tract;

THENCE, in a southeasterly direction, along said curve to the left being the westerly R.O.W. line of said Kirby Drive, having a radius of 1,850.00 feet, a central angle of 09 degrees 55 minutes 14 seconds (chord bears, South 12 degrees 09 minutes 06 seconds West, 319.92 feet) and on arc distance of 322.32 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found in the westerly R.O.W. line of said Kirby Drive marking the point of non-tangency, the most westerly northeast corner of the said 0.330 acre tract described in the deed to CL Ashton Woods, L.P., recorded under B.C.C.F. No. 200901024, the southwest corner of alternate 0.330 acre tract and the herein described tract;

THENCE, North 35 degrees 27 minutes 18 seconds West, departing the westerly R.O.W. line of said Kirby Drive and along the common line of said 0.330 acre tract and said 0.330 acre tract, a distance of 38.78 feet, to a 3/4-inch iron rod with orange plastic cap stamped "West Bell Surveying Inc." marking the beginning of a non-tangent curve to the right in said common line and the southeasterly line of the herein described tract;

THENCE, in a northeasterly direction, along said curve to the right continuing along said common line, having a radius of 370.00 feet, a central angle of 30 degrees 18 minutes 45 seconds (chord bears, North 88 degrees 05 minutes 08 seconds West, 183.77 feet) and on arc distance of 195.55 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found in the south line of alternate 0.330 acre tract marking an angle in the north line of said 0.330 acre tract, the northwest corner of said 0.330 acre tract and the herein described tract;

THENCE, South 85 degrees 40 minutes 30 seconds West, along the common line of said 0.330 acre tract and said 0.330 acre tract, a distance of 329.44 feet, to a 3/8-inch iron rod with plastic cap stamped "L.A." found marking an angle point in said common line and the north line of the herein described tract;

THENCE, South 85 degrees 38 minutes 07 seconds West, continuing along said common line, a distance of 1,209.77 feet, to a 1/2-inch iron rod found in the north line of said 0.330 acre tract marking the southeast corner of Southern Tract, Phase 1, Section 4, a subdivision recorded under B.C.C.F. No. 200904272, the southwest corner of said 0.330 acre tract and the herein described tract;

THENCE, North 03 degrees 17 minutes 41 seconds West, along the common line of said Southern Tract, Phase 1, Section 4 and said 0.330 acre tract, a distance of 1,155.34 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found marking an interior corner of said Southern Tract, Phase 1, Section 4, an exterior corner of said 0.330 acre tract and the herein described tract;

THENCE, North 05 degrees 44 minutes 50 seconds East, continuing along said common line, a distance of 433.99 feet, to a 3/8-inch iron rod with plastic cap stamped "Brown & Guy" found marking an exterior corner of said Southern Tract, Phase 1, Section 4, an interior corner of said 0.330 acre tract and the herein described tract;

THENCE, North 03 degrees 16 minutes 25 seconds West, continuing along said common line, a distance of 495.50 feet, to a 3/4-inch iron rod with orange plastic cap stamped "West Bell Surveying Inc." in the east line of Southern Tract, Phase 1, Section 1, recorded under B.C.C.F. No. 200901024, marking the southwest corner of the said 0.330 acre tract described in the deed to Trinity Presbytery of the Cumberland Presbyterian Church, recorded under B.C.C.F. No. 200402568, an exterior corner of said 0.330 acre tract and the herein described tract;

THENCE, North 05 degrees 44 minutes 55 seconds East, departing the east line of said Southern Tract, Phase 1, Section 1 and along the common line of said 0.330 acre tract and said 0.330 acre tract, a distance of 438.50 feet, to a 2-inch iron pipe found marking the southeast corner of said 0.330 acre tract, an interior corner of said 0.330 acre tract and the herein described tract;

THENCE, North 03 degrees 17 minutes 42 seconds West, continuing along the common line of said 0.330 acre tract and said 0.330 acre tract, a distance of 323.44 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found in the south R.O.W. line of alternate Broadway Street marking the northeast corner of said 0.330 acre tract, the northwest corner of said 0.330 acre tract and the herein described tract;

THENCE, North 88 degrees 43 minutes 52 seconds East, departing said common line and along the south R.O.W. line of said Broadway Street, a distance of 224.85 feet, to a 3/8-inch iron rod with plastic cap stamped "L.A." found in the south R.O.W. line of said Broadway Street marking the beginning of a non-tangent curve to the right, the most northerly northeast corner of a remainder of a 0.100 acre tract described in the deed to W.G. Walsh Family, L.L.C., recorded under B.C.C.F. No. 2009042345, an exterior corner of said 0.330 acre tract and the herein described tract;

THENCE, in a southeasterly direction, along said curve to the right departing the south R.O.W. line of said Broadway Street, having a radius of 60.00 feet, a central angle of 09 degrees 45 minutes 28 seconds (chord bears, South 41 degrees 48 minutes 20 seconds West, 64.87 feet) and on arc distance of 93.03 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found marking the point of non-tangency, the most westerly northeast corner of said remainder of a 0.100 acre tract, an interior corner of said 0.330 acre tract and the herein described tract;

THENCE, South 03 degrees 17 minutes 05 seconds East, along the common line of said 0.330 acre tract and said 0.100 acre tract, a distance of 54.98 feet, to the beginning of a tangent curve to the right in said common line and the herein described tract, from which a 5/8-inch iron rod with plastic cap stamped "L.A." found bears, South 05 degrees 05 minutes 06 seconds, 0.24 feet;

THENCE, in a southeasterly direction, along said curve to the right continuing along said common line, having a radius of 1,094.00 feet, a central angle of 16 degrees 33 minutes 17 seconds (chord bears, South 04 degrees 55 minutes 44 seconds West, 302.33 feet) and on arc distance of 243.25 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found marking the southeast corner of alternate 0.100 acre tract, an interior corner of alternate 0.100 acre tract and the herein described tract;

THENCE, in a southeasterly direction, along said curve to the left continuing along said common line, having a radius of 870.00 feet, a central angle of 14 degrees 22 minutes 07 seconds (chord bears, South 05 degrees 04 minutes 18 seconds West, 242.62 feet) and on arc distance of 243.25 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found marking the southeast corner of alternate 0.100 acre tract, an interior corner of alternate 0.100 acre tract and the herein described tract;

THENCE, North 85 degrees 43 minutes 06 seconds East, continuing along said common line, a distance of 722.79 feet, to a 5/8-inch iron rod with plastic cap stamped "L.A." found marking the southeast corner of said remainder of a 0.100 acre tract, an interior corner of said 0.330 acre tract and the herein described tract;

THENCE, North 05 degrees 17 minutes 35 seconds West, continuing along said common line, a distance of 652.19 feet, to a 3/4-inch iron rod with orange plastic cap stamped "West Bell Surveying Inc." found in the south R.O.W. line of alternate Broadway Street marking the northeast corner of said remainder of a 0.100 acre tract, an exterior corner of said 0.330 acre tract and the herein described tract;

THENCE, North 85 degrees 43 minutes 52 seconds East, along the south R.O.W. line of said Broadway Street, a distance of 75.00 feet, to the FRONT OF BEHINDING and continuing a completed area of 70.780 acres (3,082,323 square feet) of land.

CURVE TABLE

CURVE	CHORD	ARC	DELTA	LENGTH	CHORD BEARS	CHORD BEARING
01	81.97	81.97	92° 29' 24"	81.97	N14° 07' 24" E	81.97
02	242.58	108.00	122° 17' 12"	108.00	N82° 07' 12" E	242.58
03	242.58	108.00	122° 17' 12"	108.00	S82° 07' 12" W	242.58
04	390.32	194.00	132° 14' 18"	194.00	N132° 14' 18" E	390.32
05	105.53	116.00	107° 02' 00"	116.00	N107° 02' 00" E	105.53

ABBREVIATIONS  
 AC - ACRES  
 ALN - ALVIN INDEPENDENT SCHOOL DISTRICT  
 B.C.C.F. - BRAZORIA COUNTY CLERK'S FILE  
 B.C.P.R. - BRAZORIA COUNTY PLAT RECORDS  
 B.C.R. - BRAZORIA COUNTY DEED RECORDS  
 B.C.S. - BRAZORIA COUNTY PLAT RECORDS  
 B.C.T. - BRAZORIA COUNTY PLAT RECORDS  
 B.C.U. - BRAZORIA COUNTY PLAT RECORDS  
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