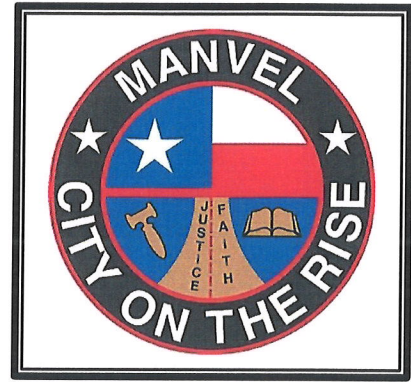


THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §



KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6

DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY



**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
April 21, 2025**

**NOTICE IS HEREBY GIVEN
5:00 P.M. WORKSHOP – 6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council will convene a regular meeting at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 x6 for further information.

CITY OF MANVEL MISSION STATEMENT

The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens.

Workshop Session

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: Consultation with Attorney, and Texas Government Code, Section 551.072: "Deliberation Regarding Real Property" to discuss the following:

Russell Street ROW Abandonment (Big Horn Cantina)

WORKSHOP SESSION CONTINUED

Update regarding future amendments to the Subdivision Ordinance and the Zoning Ordinance, including:

- Tree Preservation
- NAICS
- Conditions for Medical Uses and Personal Care Services
- Original Manvel Townsite (OMT)

Discussion on any topic as listed on the current agenda.

Regular Session

Call To Order

Invocation

Inspirational Reading - Councilmember Jerome Hudson

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Presentations

Proclamations

Motorcycle Safety Awareness Month – May 2025

Hurricane Preparedness Week - May 4-10, 2025

Municipal Clerks Week - May 4-10, 2025

Staff Presentation on Public Hearing Item(s)

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF CITY RIGHT-OF-WAY CONSISTING OF A 0.4073 ACRE TRACT OF LAND IN THE MARY V. O'DONNELL SURVEY, ABSTRACT NO. 470, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS, BEING THAT PORTION OF RUSSELL STREET LOCATED BETWEEN SH 6 AND LARGE AVENUE; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNERS; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

City Manager Update

Update on current events and city issues.

Consent Agenda

1. Approve the second and final reading of Ordinance 2025-O-12;
AN ORDINANCE AMENDING CHAPTER 17. "BUILDINGS AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE IX "IMPACT FEES," SECTION 17-412 TO ADD A NEW PROVISION REGARDING ADMINISTRATIVE ITEMS; PROVIDING AN INCENTIVE TO RESIDENTS AND BUSINESSES WHO ARE ON A PRIVATE WELL AND/OR SEPTIC SYSTEM TO CONNECT TO CITY SERVICES WHEN THEY BECOME AVAILABLE; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

2. Approve Resolution No. 2025-R-09;
A RESOLUTION DESIGNATING CITY OFFICIALS AS SIGNATORIES AT TEXPOOL FOR THE CITY'S TEXPOOL ACCOUNT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.
3. Consideration and possible action to approve the City Manager's designation of a 6-month rotational schedule designating an Acting City Manager to perform the duties in case of his absence or disability, as required by Section 5.02 (f) of the City Charter.
4. Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities, and Paving & Appurtenances to serve Valencia Section 16 for Brazoria County Municipal Utility District 83 and City of Manvel, Texas, to begin the Two-Year Maintenance Period.
5. Final acceptance of infrastructure improvements for "Pomona Parkway Pedestrian Crosswalks Phase 2 to serve Brazoria County MUD No. 39, Brazoria County, Texas" and release the associated maintenance bond.
6. Acceptance of infrastructure improvements for Avellino Detention Pond for Brazoria County Municipal Utility District No. 47, Brazoria County, Texas, to begin the Two-Year Maintenance Period.
7. Acceptance of the meeting minutes to date.

Items Removed from Consent Agenda

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-13;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF CITY RIGHT-OF-WAY CONSISTING OF A 0.4073 ACRE TRACT OF LAND IN THE MARY V. O'DONNELL SURVEY, ABSTRACT NO. 470, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS, BEING THAT PORTION OF RUSSELL STREET LOCATED BETWEEN SH 6 AND LARGE AVENUE; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNERS; RETAINING AN EASEMENT FOR CENTERPOINT FACILITIES CURRENTLY OCCUPYING SAID RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT. *(Forwarded with favorable recommendation by PD&Z on 4/14/2025)*
2. Consideration and possible action to approve the reappointment of Nicole Mitchell to Place 2 and Rosa Donaire to Place 4 on the South Manvel Development Authority for a term of two years to expire on April 30, 2027.

3. Consideration and possible action to approve the reappointment of Seth Carrasco to Place 1, Nicole Mitchell to Place 2, and Rosa Donaire to Place 4 on the TIRZ 3 Board for a term of two years to expire on April 30, 2027.
4. Consideration and possible action to approve an Interlocal Agreement for the Allocation of Sales Tax Revenue with Brazoria County Emergency Services District #3, and authorizing the Mayor to execute the agreement.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

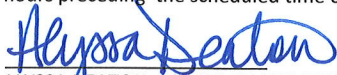
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

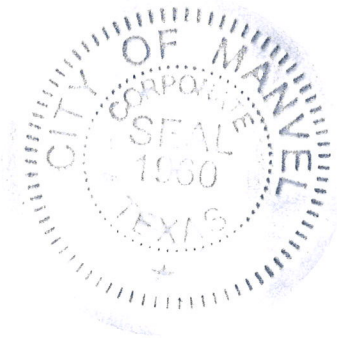
Adjourn

CERTIFICATION

I, Alyssa Deaton, Assistant City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on 04/17/2025 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



ALYSSA DEATON, ASSISTANT CITY SECRETARY
CITY OF MANVEL, TEXAS





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: April 21, 2025

TOPIC: Staff update (workshop) on future text amendment to the *Zoning Ordinance and Subdivision Ordinance*.

BACKGROUND: Staff is preparing to present amendments to several sections of the Zoning Ordinance and Subdivision Ordinance. A joint public hearing with Planning Development and Zoning Commission is scheduled for April 28, 2025 for the Zoning Ordinance. A public hearing related to the Subdivision Ordinance will be scheduled separately for PD&Z Commission (May 12th) and City Council (May 19th).

The following topics are being considered for the Zoning Ordinance amendment:

- **Landscaping and Tree Preservation:** Currently, the zoning ordinance does not include strong requirements for tree preservation. There is interest amongst citizens and Council members in considering adoption of standards and requirements pertaining to Tree Preservation. Staff is also suggesting some changes to the existing landscaping-related standards for new development. The draft is based on research by staff and input from City Council members. Staff also intends to seek input from the Parks Board prior to presenting it to the City Council. (A redline draft version of the suggested amendment is attached)
- **Conditions of SUP approval for medical and personal care service uses:** Currently, the conditions of SUP approval for medical uses and other personal care uses include limited hours of operation from 8 am to 10 pm, unless approved by an SUP. During consideration of an SUP application for a freestanding Emergency Room (ER), staff was made aware that State legislature requires ER to have 24-hour operation. City Attorney has recommended that the ordinance be amended to include provision for 24-hour operation based on State requirement. This recommendation is to allow conformance with Texas Occupations Code which requires that a political subdivision may not adopt certain regulations that is more restrictive for massage therapists than for other health care professionals.
- **North American Industry Classification system (NAICS):** Currently, the land use allowances of the zoning ordinance is based on 2007 version of the NAICS code. Staff is working on reviewing changes made on the most recent version of the code, so that the most recent version can be adopted and associated amendments to the Land use table can be made.
- **Rezoning:** The Zoning Ordinance does not include a section detailing the rezoning process. It would be beneficial to include this section to be in alignment with State requirements.
- **Typographic Errors and Clarifications:** Staff is also reviewing the ordinance to rectify any typographic errors in the ordinance or text editing needed to provide added clarity.

The following topics are being considered for the Subdivision Ordinance amendment:

- Original Manvel Townsite area: Currently, the Original Manvel Townsite (OMT) area is bounded by Cemetery Road on the east, Large Drive on the north, McCoy Road on the west, and the railroad tracks (sitting just north of Bissell Road), on the south. This area was established to allow the following regulations to be less restrictive than other areas:
 - (1) Streets: Subdivider/developer shall be permitted to construct any perimeter street in asphalt.
 - (2) Drainage: Subdivider/developer shall be permitted to construct drainage ditches on perimeter streets, in lieu of curb and gutter storm sewer.
 - (3) Water: Subdivider/developer may install a water well, instead of extending any city water line. Subdivider/developer must still comply with all laws and regulations concerning water wells, and nothing herein waives or affects any fire code requirement, including, but not limited to, sprinkler system requirements.
 - (4) Wastewater: Subdivider/developer may install an on-site sewage (septic), instead of extending the wastewater line. Subdivider/developer must still comply with all laws and regulations concerning septic systems.
 - (5) Detention/mitigation: In lieu of on-site detention/mitigation, offsite detention/mitigation shall be permitted if an engineered drainage plan shows the proper conveyance to an offsite detention facility, and where there is capacity in that offsite facility.

Please note that the OMT area allowances currently applies only to properties zoned Light Commercial (LC) or Planned Unit Development (PUD).

Staff is proposing to:

- a) Expand the north and south boundaries to Lewis Lane and Jordan Road respectively. This would include properties that are zoned LC for residential use as well.
 - b) Staff is also proposing to remove allowance related to water and wastewater.
 - c) Increase the size of applicable properties from five (5) acres to ten (10) acres.
- Other Possible amendments: Staff is also reviewing the ordinance to identify any provisions or requirements that may need to be revised to allow for an efficient development process and ensure clarity.

RECOMMENDATION: This is not an action item.

ATTACHMENTS: Redline version of draft Landscaping and Tree Preservation Section, Boundary Map Exhibit, and Redline version of Original Manvel Townsite related amendment.

FUNDING ISSUES

- ☒ **Not applicable**
☐ **Not budgeted**
☐ **Full amount already budgeted**
☐ **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER Jose Abraham Director of Development Services	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
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Sec. 77-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" shall include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot"; and the term "used for" shall include the meaning of the terms "designed for" or "intended for."

Accessory use means a use of a building or land which serves an incidental function to the principal use of a building, structure, or land.

Administratively complete application means any application containing all the required documents listed on any application in the appropriate format, the correct number of copies, paid fees, and any required signatures when submitted to the city, in a final form to be deemed complete for processing.

Adult day care means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Adult entertainment business shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code § 243.001 et seq., and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this article. The determination of what constitutes an adult entertainment business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

Alley means minor ways that are used primarily for vehicle service access to the back or the side of properties otherwise abutting a street.

Americans with Disabilities Act means a law enacted in 1990, which is intended to make American society more accessible to persons with disabilities.

Apartments means a structure containing three or more dwelling units with common walls, including units that are located one over the other.

Applicant means any developer that submits an administratively complete application.

Automobile/vehicle sales and rentals means a business which provides for the sale or rental of new or used automobiles and other vehicles, including automobiles, trailers, recreational vehicles, travel trailers, water craft and other similar land or water-form vehicles, but shall not include auto or motor vehicle repair work, except minor reconditioning of automobiles or motor vehicles to be displayed, sold or rented on the premises; provided, however, such term shall not include the sale or rental of salvaged parts, nor shall it include the storage of either new or used automobiles or motor vehicles that are not on display or for sale or rent.

Bar/lounge means a place of business whose revenues from mixed drink liquor service are more than 20 percent and whose revenues from food service are less than 80 percent of the total gross revenues of the establishment.

Building, accessory or structure means a structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use.

City means the City of Manvel, Texas.

Community fence means a fence located at the perimeter of a residential neighborhood, visible to the public and maintained by a home owners association or municipal utility district. Residential fences owned and maintained by an individual are not considered community fence.

Council means the city council of the city.

Corner lot side yard setback means the open space extending from the front yard to the rear yard and lying between the side lot line adjacent to the public right of way or easement and the closest point of the building or structure on a lot at the junction of and abutting two or more intersecting streets.

Critical Root Zone means the area around a tree's trunk where the most vital roots are located, generally measured five feet beyond the outer base of the branching system, requiring protection from disturbance during construction or development.

Developer means any person or entity that develops land within the city. This term shall be synonymous with the term "subdivider" in cases where the subdivision of land is involved.

Development plat means a plan for a development project that is not part of and does not require the subdivision of property.

Diameter at Breast Height (DBH) means the diameter of the tree trunk at 4.5 feet above ground.

Family means two or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit with a single kitchen facility. The term "single kitchen facility" shall not exclude one outdoor kitchen facility per single housekeeping unit with one kitchen.

Fence means a constructed vertical structure, barrier or partition of any material or combination of materials erected to enclose, screen, or separate outdoor areas, and which has no roof or overhead covering. A masonry wall with a foundation serving the purpose of enclosing, screening, or separating outdoor areas is considered a fence.

Front of building means the part of side which contains the principal entrance of the side adjacent to a public roadway.

Game-room means a business or commercial establishment or building or location wherein machines or apparatus may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

Garage means an accessory building or a part of a main building comprised of a minimum of 200 square feet, enclosed on all sides, with an overhead door, and capable of enclosing one or more vehicles.

Garage sales, also referred to by such names as "back yard sale," "yard sale," or "porch sale," shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes (see section 77-33(c)).

Gross square feet means the entire floor area of a building, including uninhabitable space such as bathrooms, closets, halls, and similar areas.

Guest quarters means an attached or detached building or secondary living area of residential use that provides living quarters for guest of the occupants of the principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

Home business means a business operation that takes place in a home.

HUD-Code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Legal nonconforming land use means a land use that lawfully existed immediately prior to the effective date of these regulations and not listed as a permitted use in the zoning district in which it is located.

Legal nonconforming structure means a structure that was lawfully existing prior to the effective date of these regulations, but as of the effective date of these regulations, the site of the use, the structure in which the use is situated, does not comply with these regulations.

Lot means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement, and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

Lot, tract, or parcel means a designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed, or built upon.

Lot line means the boundary of a lot separating it from an abutting lot.

Mobile home or manufactured home means a structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Non-Protected Tree means any tree that is not established as a protected tree or is exempt from the provisions of Section 77-44 (B) of the city of Manvel Zoning Ordinance.

Off-street parking means a concrete parking surface other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

Open-planned unit development plan means a development plan for a project located within the open-planned unit development district.

Parking aisle means the area of a parking lot or off-street parking area which provides vehicular access to parking spaces (stalls). The term "parking aisle" does not include the words "driveway" or "access point".

Parking space means an area designated for the parking of motor vehicles, and connected to an approved driveway approach, street, parking aisle, access easement, or other accessway.

Patio home/zero lot line home means a single-family home built on a separate lot with building setbacks on the front, rear and one side.

Planned unit development plan means a development plan for a project located within the planned unit development district.

Planning commission means a commission appointed by the council that is responsible for certain planning and zoning items, as provided in the zoning ordinance and applicable state law.

Plat means an instrument prepared by a registered professional land surveyor in conformity with the provisions of chapter 62, Subdivisions, used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with V.T.C.A., Local Government Code § 212.023, and recorded in the Brazoria County Property Records.

Protected Tree means any tree that is established as a protected tree within Section 77-44 of the City of Manvel Zoning Ordinance.

Principal building or use means the primary use and chief purpose of a premises or building.

Restaurant means a place of business whose revenues from food sales are 80 percent or more and whose revenues for mixed drink liquor service are 20 percent or less.

Rot board means a horizontal board installed along the bottom of the fence panel which runs along the base of the entire fence panel for a finished look and added protection. Rot boards are also commonly known as base-boards and kick-boards.

Setback means a minimum distance that is required from a lot line to a building or structure.

Single-family residence means a residence that is to be occupied by only one family.

Sight distance triangle means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

State means the State of Texas.

Structure means anything constructed or erected with a fixed location upon, under, or above the ground or attached to something having a fixed location on the ground.

Tavern means a place of business, which includes the sale of beer and wine beverages, but does not provide mixed drink liquor sales.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

Top cap is a horizontal element of a wood fence included to cover the top end of pickets and posts. A privacy fence with a top cap is commonly referred to as a cap and trim fence.

Tower or tower structure means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are by way of example but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae sports, water towers, and other similar self-supporting, trussed, or open framed structures.

Tree means any woody perineal plant with a single stem or trunk, typically supporting branches and leaves.

Tree Survey means an on-the-ground survey drawing containing the location of the trees, their circumference, type (species) and protected root zone limits.

Tree Preservation Plan means a plan that identifies trees being preserved on a site proposed for development and shows details of tree protection and preservation measures being taken during construction activity.

Zoning board of adjustment means a board appointed by the council that is responsible for certain zoning items, as provided in the zoning regulations and applicable state law.

Zoning official means the person appointed by council to administer and enforce the zoning regulations of the city.

(Ord. No. 2020-O-15, § 2, 10-19-2020; Ord. No. 2023-O-40, § 2, 12-4-2023)

Sec. 77-44. Trees **Preservation, landscaping, fencing and screening.**

(A) *Intent and Purpose:* Certain species of mature trees greatly contribute to the image, aesthetics, and identity of the City of Manvel. Development will invariably result in the removal of trees, however, uncontrolled and indiscriminate destruction of trees would detrimentally impact the aesthetic value and enjoyment of the natural environment. Protection and preservation of mature trees along with planting requirements for new development will benefit citizens by maintaining a positive image of the city as a place to live and locate a business. These standards and regulations are intended to:

1. Prohibit the indiscriminate clearing of property and promoting responsible design decisions that will preserve as many protected trees as possible;
2. Protect the natural ecological environmental and aesthetic qualities of the city;
3. Establish permitting process and standards required to preserve protected trees during construction; and
4. Establish planting, screening, and buffering requirements for new development.

(B) *Tree Preservation:* Any tree that qualifies as a protected tree as identified by this ordinance shall be preserved unless the removal is unavoidable based on the Tree removal criteria in Section 77-44 (B) 6.

1. *Applicability:* Tree preservation requirements only apply to City of Manvel city limits.
2. *Exemptions:* The following are exempt from tree preservation requirements:
 - a. Individual lots and lots of record that are less than twenty (20) acres in lot size that are existing as single-family detached or attached dwellings;
 - b. Non-protected trees;
 - c. Any tree damaged by natural disasters or by disease/ rot and deemed to be a hazard by the Zoning Official;
 - d. Any tree that requires removal by Public works, Fire, Police, or other emergency services personnel actively engaged in fighting a fire or other emergency services response;
 - e. Any tree planted, grown and/or held for sale as part of a licensed nursery / greenhouse, retail or wholesale business;
 - f. Properties for which construction plans or Final plats have been approved prior to the adoption of this ordinance;
3. *Protected Trees:*
 - a. Any tree with a diameter at breast height (DBH – 4.5 feet) of 19 inches or a circumference of 60 inches, or more, identified in the list of protected tree species in Section 77-44 (B) 4.
 - b. Any tree shown on an approved landscape plan that is necessary to meet the development standards of the zoning ordinance (Chapter 77 of the Manvel, Code of Ordinances) or to meet a condition of approval of the development to which the landscape plan applies.
 - c. Any tree identified in the list of protected tree species located in the public right-of-way or a property owned by the city of Manvel.

-
- d. A tree of any size that serves as a screening between commercial and residential uses and zoning district.
4. *List of Protected Tree Species:*
- a. Oak (all variety);
 - b. Pecan
 - c. Magnolia
 - d. Elm
5. *Clear Cutting Prohibited:* Clear cutting of trees on undeveloped land is prohibited. Parcels proposed for development that include stands of trees shall not be clear cut in preparation for development. Development shall be designed to, completely, or partially preserve existing stands of trees unless:
- a. No reasonable alternative design at the same density and intensity could be approved.
 - b. Relocation of the protected trees to another location on-site or within the City is not practical or economically feasible as certified by an arborist or a landscape professional.
6. *Tree Removal Permit Required:*
- a. No person shall cut down, destroy, remove, move, or effectively destroy through damaging or encroach into the protected root zone of any protected tree on any public or private property unless a valid tree removal permit has been issued based on the tree removal criteria provided in Section 77-44 (B) 9.
 - b. Before a permit can be issued, a tree survey shall be submitted as set out in Section 77-44 (B) 7.
 - c. The Zoning Official or designee may require an applicant to provide aerial photograph interpretation of the site and/or additional data for preliminary analysis of large-scale development projects involving tree removal.
 - d. For applications that do not meet the Tree Removal Criteria (below), the applicant shall have the right to appeal to the Manvel City Council. An appeal to the Manvel City Council must be filed within sixty (60) days after receiving notice of permit denial. A final decision on the application shall be made by City Council upon receiving a recommendation from City of Manvel Parks Board.
 - e. Where the dangerous condition of a protected tree requires its immediate removal to protect against a serious and immediate risk to health, safety or property, a property owner may remove a protected tree without first obtaining a permit. However, within fourteen (14) calendar days after removing the tree, the property owner must apply for a tree removal permit and file a written statement describing the protected tree by size, species, and location and explaining the emergency conditions that required its immediate removal.
 - f. A tree removal permit is not required for the removal of a non-protected tree.
7. *Tree Survey and Preservation Plan Required:*
- a. Generally, all application for a tree removal permit must include information pertaining to specifications and location of all protected trees; identification of protected trees to be removed and preserved; reason for tree removal; details and specifications of proposed tree replacement; tree preservation plan showing tree protection measures during construction activities, and any other relevant details.

-
- b. For removal of one or more protected trees from a property proposed for construction, a property owner must submit a written application accompanied by a current tree survey and a tree preservation plan prepared by an arborist or a landscape professional.
 - c. For removal of an individual protected tree from a property not proposed for construction, a property owner must file a written application may accompany a survey, map, or plat of the property showing the location, species, and size of the protected tree that is to be removed and explaining the reason that removal is desired in lieu of a tree survey and preservation plan.
 - d. The City may accept a partial tree survey in lieu of a full tree survey if the Zoning Official finds that protected trees only exist on a portion of the site.
8. *Tree Protection Requirement:* All existing trees intended to be made part of a proposed development shall be protected during construction activities. The following minimum standards apply to tree protection during construction activities:
- a. Barricades made of wood or fencing material, not less than 3 feet in height with horizontal and vertical structural members shall be installed at the critical root zone.
 - b. In situations where a tree remains in the immediate area of intended development activity where tree protection fence is not feasible, the tree shall be protected by enclosing the entire circumference of the tree's trunk with fence pickets, at least six feet high, banded by wire or other means that does not damage the tree.
 - c. Barricades shall be removed only to prepare development site for final landscaping.
 - d. Parking or storing of vehicles, equipment or materials within critical root zone is prohibited.
 - e. Parking or storing of vehicles, equipment or materials within critical root zone is prohibited.
 - f. Protected trees shall be pruned only for clearance, dead, or hazard branches. Corrective pruning should occur after construction is complete.
9. *Tree Removal Criteria:* No individual protected tree shall be removed unless it meets one or more of the following criteria based on which a tree removal permit is issued:
- a. The tree is infected with an epidemic insect or disease where a recommended control is not applicable, and removal is the recommended practice to prevent transmission.
 - b. The tree poses an extreme public nuisance because of its species, size, location, or condition.
 - c. The tree poses a severe safety hazard that cannot be corrected by pruning, transplanting, or other treatments.
 - d. The tree severely interferes with the growth and development of a more protected desirable tree.
 - e. The aesthetic value of the tree is so low or negative that the site is visually enhanced by the tree's removal.
 - f. The tree is in, and within 10 feet of, an approved building footprint and results in a dangerous condition.
 - g. The tree is located within six feet of a utility easement, and the tree would interfere with the use of the easement.
 - h. On properties proposed for development, no reasonable alternative site design at the same density and intensity could be approved and relocation of the protected tree to another location on-site or within the City is not practical or feasible for the survival of the tree.

-
- i. The tree has a negative impact on the aesthetics and visibility of an existing or proposed development in a manner that the intended purpose of the development cannot be achieved.

10. Tree Replacement Requirement and Standards:

- a. If a protected tree is removed in violation of this ordinance, it shall be replaced in accordance with the requirements of this section.
- b. Tree replacement requirement for removal of individual protected trees with a valid tree replacement permit may be modified or waived when a replacement tree can potentially result in hazardous and unsafe conditions due to existing development or insufficient area for healthy growth of existing or replacement trees, as determined by the City Council based on recommendation from the City of Manvel Parks Board.
- c. On properties proposed for development, replacement trees shall be counted towards the landscaping requirements of the zoning ordinance based on its location.
- d. Tree replacement shall be based on the following standards:
 - 0-10 inches DBH – One 3-inch or more
 - 10-15 inches DBH – One equivalent caliper or Two 3-inch caliper
 - 15–19 inches DBH - One equivalent caliper or Four 3-inch caliper
 - 19-inch DBH or more - One equivalent caliper or Six 3-inch caliper.
- e. On properties proposed for development, replacement trees shall be installed as part of site development.
- f. On properties not proposed for development, replacement trees shall be installed within 30 days of removal.

11. Tree Preservation Credits: Existing protected trees that are preserved shall be applied towards development landscaping requirements if the site development plan indicates compliance with standards for tree protection of this ordinance during construction activities.

(C) Development Landscaping: The following regulations shall apply to all new land development projects, except new single- family residential:

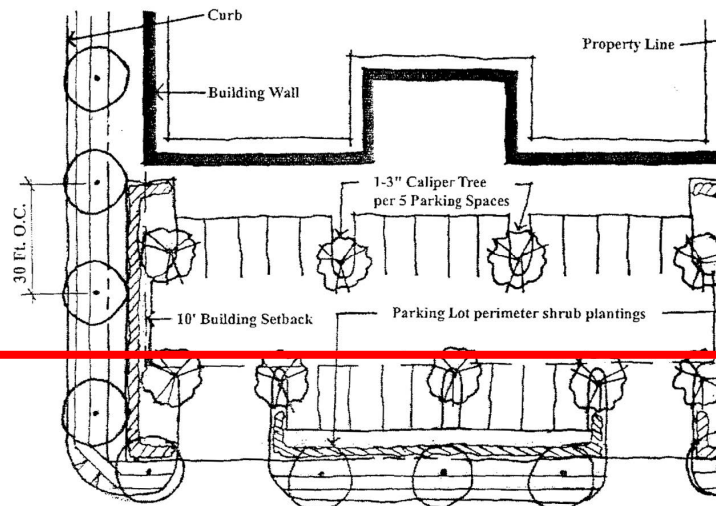
~~(1) Trees.~~

- ~~a. Preservation required of existing street trees. Trees located in any public street right-of-way must be preserved and may not be removed without prior written approval of the zoning official.~~
- ~~b. Retention of existing trees. Where appropriate, new development should be located to take advantage of existing mature trees. The protection and retention of existing trees which are at least 1½ inches in caliper shall be credited to the tree planting requirements except for street tree planting requirements.~~
- ~~c. Protection of existing trees. Trees that are to be protected and retained shall be protected during construction. The tree protection area shall not be used for the parking or storage of any soil, vehicles, equipment, or materials. No waste or surplus products of any nature shall be disposed of within or near the tree preservation area. Grade changes around existing trees are limited to three inches.~~
- ~~d. Planting of new street trees. Street trees shall be reasonably regularly spaced with at least one tree for each 30 feet of street frontage for each street on which the property fronts.~~

- ~~1. Street trees shall be planted within the right-of-way line with adjustments in spacing allowed for driveways, streetlights, visibility triangles, transit shelters, and utility or traffic control appurtenances. If sufficient street trees to meet the requirement already exist along the frontage of a site, no additional trees are required, provided they are protected and retained in accordance with these regulations.~~
 - ~~2. The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.~~
1. *Planting of new yard trees.*
 - a. New trees shall be planted with at least one tree for each 30 feet of street frontage along front and street side yards.
 - b. The minimum planting size for yard trees is 2½ inches in caliper measured at the base of the tree.
 - c. No new trees shall be planted in public rights-of-way, utility easements, or existing access easement.
 - d. For new development, if planting on yard trees is not possible due to existing easements along the street frontage, additional parking lot trees at the rate of one (1) tree for each five (5) parking spaces shall be planted. Such trees shall be a minimum of 1½ inches in caliper measured at the base of the tree.
 - e. 2. *Planting of trees and shrubs for new parking lots.* Trees for new parking lots shall total at least one tree for each ~~five~~ ten parking spaces and at the end of each parking row. Trees and landscaping must be located within the parking area in ~~areas~~ 9 feet X 18 feet planting islands protected by a curb or other vehicle obstruction. Such trees shall be a minimum of 1½ inches in caliper measured at the base of the tree. Shrub plantings shall be placed along the perimeter of a parking lot in an amount to provide a visible screen for the parking lot. The shrubs must be maintained at a ~~maximum~~ height of 30 to 36 inches for safety and visibility purposes.

Example:

~~REQUIRED STREET AND PARKING LOT TREES AND SHRUBS~~



Scale: 1 inch = 30 feet

~~(2)~~ 3. *Maintenance of landscaping.* All landscaping must be perpetually maintained in good health by the property owner on which the landscaping lies or by the adjacent property owner. In the case of street trees planted within the right-of-way, the owner of the adjacent property shall have the responsibility for tree maintenance. Trees lost for any reason, with the exception of street or utility work, shall be replaced by the property owner within six months. Replacement trees must be a minimum of three-inch caliper. The responsibility for replacement of trees removed because of natural disaster, vehicular accident, or other similar circumstance, is that of the adjacent property owner regardless of whether that owner is reimbursed by the responsible party.

~~(3)~~ 4. *Planting areas.*

- a. *Site areas.* All site areas not covered by buildings or paving shall be planted with trees, shrubs, grass, ground covers or other plant materials. Special ground covering materials are permissible in playgrounds or active sports areas or other areas as determined by the city zoning official.
- b. *Landscape plans.* Landscape plans shall be submitted to the city zoning official at the time of submittal of all other construction plans for all new construction. In the open-planned unit development district landscape plans shall be submitted to the city zoning official prior to consideration of the plan by the planning commission.
- c. *Irrigation.* All planting areas shall be irrigated. Irrigation plans must be submitted with the landscaping plans and all irrigation materials shall be installed prior to occupancy of the building.

~~(4)~~ 5. *Land uses requiring Required landscape screening and/or fencing.*

- a. *Air conditioning and other mechanical equipment.* Ground mounted mechanical equipment of all types must be fenced or screened with shrub planting from pedestrian view. This requirement does not apply to traffic control equipment boxes, telecommunication housings (smaller than three feet by six feet) or similar public facilities.
- b. *Utility facilities.* All utility facilities must be screened from pedestrian view subject to a screening and buffering plan approved by the zoning official.
- c. *Parking lots.* All parking lots for nonresidential uses must be landscaped according to these regulations.
- d. *Drive-through facilities.* Where drive-through lanes or stacking bays and/or service windows are within 50 feet of a side or rear property line that adjoins an existing residential use, a six foot high wooden fence must be constructed and retained adjacent to the property line.

6. *Transitional buffer yard between residential and non-residential uses.*

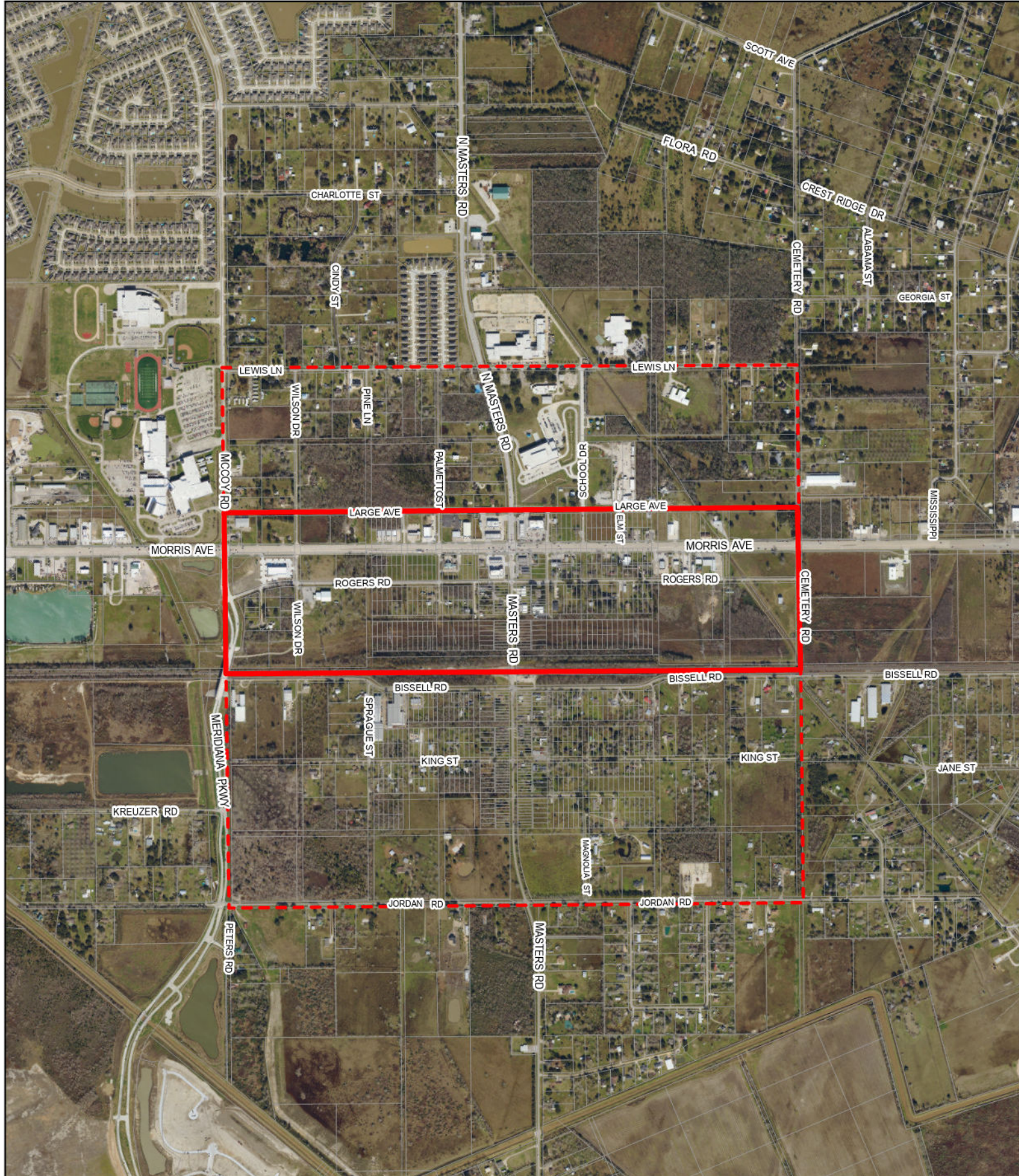
- a. Non-residential development shall provide a ten (10) foot wide landscape buffer yard when abutting an existing residential development or undeveloped residential zoning district. The buffer yard shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not already present on the abutting residential development or undeveloped zoning district along the property line.
- b. New master-planned residential development shall provide a ten (10) foot wide landscape buffer yard when abutting undeveloped properties zoned for non-residential uses. The buffer yard shall be maintained by the Homeowner's Association and shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not present on the abutting residential development or undeveloped zoning district along the property line.

(Ord. No. 2020-O-15, § 3, 10-19-2020; Ord. No. 2023-O-40, § 3, 12-4-2023)

Sec. 62-119. Additional requirements for subdivisions in the Original Manvel Townsite area.

- (a) Original Manvel Townsite area. The regulations in this section shall apply to all applicable subdivisions and development of land within the Original Manvel Townsite (OMT) area. The Original Manvel Townsite area shall be bounded by Cemetery Road on the east, Lewis Lane on the north, McCoy Road on the west, and Jordan Road, on the south.
- (b) Applicability. The regulations in this section shall apply to lots that are ten acres or less.
- (c) These regulations are specific to subdivisions and development in the Original Manvel Townsite area, and supersede any conflicting regulations in other sections of the City Code.
- (d) The following regulations shall apply to subdivisions and development in the Original Manvel Townsite area:
 - (1) *Streets*. Subdivider/developer shall be permitted to construct any perimeter street in asphalt.
 - (2) *Drainage*. Subdivider/developer shall be permitted to construct drainage ditches on perimeter streets, in lieu of curb and gutter storm sewer.
 - (5) *Detention/mitigation*. In lieu of on-site detention/mitigation, offsite detention/mitigation shall be permitted if an engineered drainage plan shows the proper conveyance to an offsite detention facility, and where there is capacity in that offsite facility.

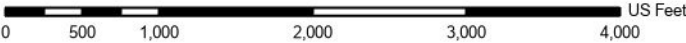
(Ord. No. 2016-O-10, § 1, 4-25-2016; Ord. No. 2019-O-24, § 4, 8-5-2019)



Old Manvel Town Site Area



 Old Manvel Town Site Area  Proposed Manvel Town Site Area  Parcels



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

Date: April 2025
Reference: 2025025
Data Source: City of Manvel,
Brazoria County Open Data

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, motorcycles are a common means of transportation and recreation for many residents of Manvel and across the United States; and

Whereas, ensuring the safety of motorcyclists is vital, as they are more vulnerable on the road compared to other vehicle occupants; and

Whereas, May is recognized nationally as Motorcycle Safety Awareness Month, providing an opportunity to raise awareness about motorcycle safety among all road users; and

Whereas, in their latest report, the National Highway Traffic Safety Administration (NHTSA) reported that 6,218 motorcyclists were killed in traffic crashes, accounting for 15% of all traffic fatalities; and

Whereas, key safety measures include motorcyclists wearing Department of Transportation (DOT) compliant helmets, refraining from riding under the influence of alcohol or drugs, and adhering to speed limits; and

Whereas, drivers of other vehicles are encouraged to be vigilant, check blind spots, and yield the right-of-way to motorcyclists when appropriate to prevent accidents; and

Whereas, the City of Manvel is committed to promoting awareness and safe practices to reduce motorcycle-related injuries and fatalities;

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim May 2025 as



“Motorcycle Safety Awareness Month”

in the City of Manvel, Texas, and urge all residents to join in promoting safe driving and riding practices to ensure the well-being of motorcyclists and all road users.

In witness thereof, I have hereunto set my hand and
caused the seal of the City of Manvel to be affixed.

Dan Davis, Mayor
April 17, 2025

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, hurricanes pose significant threats to life and property, necessitating proactive preparedness; and

Whereas, the City of Manvel recognizes the importance of preparedness to protect residents, homes, and businesses during hurricane season; and

Whereas, Hurricane Preparedness Week, observed May 4-10, 2025, serves as a reminder for individuals and communities to take proactive steps before hurricane season begins; and

Whereas, the National Oceanic and Atmospheric Administration (NOAA) and the National Weather Service (NWS) provide important information to keep communities informed, and the Brazoria County Office of Emergency Management offers essential resources, including:

- STEAR (State of Texas Emergency Assistance Registry): A program for those needing evacuation assistance during emergencies.
- Hurricane Evacuation Routes: Detailed maps and information to ensure safe and efficient evacuations when necessary.
- Preparedness Guides: Step-by-step instructions for building supply kits, securing property, and creating family communication plans.
- Ready Brazoria County App: This app features accurate news and resources, maps of hazard zones, routes to safety, and locations of essential services. It also allows you to create your personal household plan in case of emergencies.

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim May 4-10, 2025, as



“Hurricane Preparedness Week”

in the City of Manvel and urge all residents to utilize available resources, develop personal preparedness plans, and take necessary precautions to protect their families, homes, and community.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Dan Davis, Mayor
March 3, 2025

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, the Office of the Professional Municipal Clerk, a time-honored and essential part of local government, exists throughout the world and serves as the foundation of transparent, accountable, and efficient governance; and

Whereas, the Municipal Clerks of the City of Manvel play an indispensable role in supporting democracy by maintaining the integrity of public records, ensuring the fair and open conduct of elections, and providing critical administrative support to the City Council and residents; and

Whereas, Municipal Clerks serve as the official record keepers of the City, managing vital documents, preserving historical records, and ensuring public access to governmental information, all while upholding the highest standards of ethics and professionalism; and

Whereas, the responsibilities of Municipal Clerks extend far beyond paperwork and procedures, as they are often the first point of contact for citizens, providing guidance, assistance, and a welcoming presence to those engaging with their local government; and

Whereas, the Municipal Clerk's vital, yet often unseen, role in keeping local government running smoothly and handling essential responsibilities with professionalism and dedication make them the steadfast foundation of our city's administration; and

Whereas, Professional Municipal Clerks Week, established by the International Institute of Municipal Clerks, is an opportunity for the City of Manvel to recognize and honor these dedicated public servants who contribute so much to our community;

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim May 4 to May 10, 2025, as



“Professional Municipal Clerks Week”

in the City of Manvel, Texas, and encourage all citizens to recognize and appreciate the hard work, dedication, and invaluable contributions of our Municipal Clerks, whose service ensures the continued success and stability of our local government.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Dan Davis, Mayor
April 17, 2025

ORDINANCE NO. 2025-O-12

AN ORDINANCE AMENDING CHAPTER 17. “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE IX “IMPACT FEES,” SECTION 17-412 TO ADD A NEW PROVISION REGARDING ADMINISTRATIVE ITEMS; PROVIDING AN INCENTIVE TO RESIDENTS AND BUSINESSES WHO ARE ON A PRIVATE WELL AND/OR SEPTIC SYSTEM TO CONNECT TO CITY SERVICES WHEN THEY BECOME AVAILABLE; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, Texas Local Government Code § 395.001 et seq., authorizes cities to enact or impose impact fees (capital recovery fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development; and

WHEREAS, the City adopted Article IX of Chapter 17 of The City Code to provide for the assessment and collection of impact fees in the city limits; and

WHEREAS, in 2013, consistent with input from the Capital Improvements Advisory Committee, the citizens, and the City Council, by ordinance, approved the City’s Land Use Assumptions and Capital Improvements Plan and set the resulting impact fee; and

WHEREAS, the impact fees were amended by ordinance in 2016, and again in 2019; and

WHEREAS, in 2021, the City Council again amended the impact fees by approving the 2021 Update Study of Land Use Assumptions, Capital Improvement Plan & Impact Fees; and

WHEREAS, prior to 2021 Land Use Assumptions, Capital Improvement Plan & Impact Fees contained a provision providing for administrative items, including incentives to residents and businesses on well and septic systems to tie on to city services, once available; and

WHEREAS, the City has determined it is in the best interest of the general public to permanently adopt these administrative items and the incentives to homeowners and businesses who are on a private well and/or septic system to connect to city services when they become available; and

WHEREAS, the City has determined that it is in the best interest of the general public to amend and update The City Code to permanently adopt these administrative items; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANVEL:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby declared true and correct.

Section 2. The Code of Ordinances of the City of Manvel, Texas, Chapter 17. *Buildings and Building Regulations*, Article IX. “Impact Fees” is hereby amended by adopting a new section 17-412 “Administrative items” to read and provide as follows:

“Chapter 17 - BUILDINGS AND BUILDING REGULATIONS”

....

Sec. 17-412 – Administrative Items

1. The impact fee will be assessed (subject to future updates) at the time that a plat is filed (where applicable), and collected during the building permit process, as identified in the impact fee legislation.
2. Parks and temporary construction trailers will not be assessed any impact fees.
3. Houses and businesses obtaining additional meter(s) for fire line or lawn irrigation purposes only will not pay the impact fee associated with water or wastewater.
4. The Architect or Engineer for the Owner will size the water meter for the development based on industry standards.
5. Governmental buildings and churches will not pay the water and sewer impact fees based on the proposed assessment method. Schools are exempt from payment of impact fees unless the board of trustees consents to a specific agreement in accordance with Chapter 395, Local Government Code.

6. When an existing water meter is changed out, additional impact fees will only be assessed if the meter size is increased. The fee will be based on the incremental increase in the Service units.
7. When meters are changed out for the same size meter or a smaller meter, no Impact Fee will be assessed.
8. If an existing home is currently on a private well and/or septic system, and public water or sewer become available:
 - a. If the homeowner connects within 1 year of the installation of the City services, they will not have to pay impact fees.
 - b. If the homeowner has not connected to City services within that first year, they can connect within the second year and pay ½ of the impact fee.
 - c. If the homeowner has not connected to City services within the first two years, they will pay the full impact fee at the time of their connection.
9. If an existing business is currently on a private well and/or septic system, and public water or sewer become available:
 - a. If the business connects within 1 year of the installation of the City services, they will be credited up to 2 Equivalent Single Family Connections (ESFC) towards their impact fees.
 - b. If the business has not connected to City services within that first year, they can connect within the second year and will be credited up to 1 Equivalent Single Family Connections (ESFC) towards their impact fees.
 - c. If the business has not connected to City services within the first two years, they will pay the full impact fee at the time of their connection.
10. Impact fees do not include tap or meter fees; these regulations do not waive any tap or meter fees. If a new service connection is required in order to connect to a City main, the customer will pay the corresponding tap fee identified in the current Fee Schedule. If a service connection is already available, no tap fee will be required. Meter fees are required to offset the purchase price of the water meter.

Section 3. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 4. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on the first reading this _____ day of _____, 2025.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2025.

ATTEST:

APPROVED:

Tammy Bell, City Secretary

Dan Davis, Mayor

APPROVED AS TO FORM:

Robert Gervais, City Attorney



2025-O-12 Impact Fee Admin Example

Example: Existing Business

If a new water line is installed in front of an existing business and it is determined that the business requires a 2" meter to meet their needs, they would get to credit 2 ESFCs toward their Impact Fee if they connected to City Services within that first year of the city services being available.

WITHOUT THE NEW VERBIAGE:

2" water meter

6.4 ESFC

\$61,107 Impact Fees Due

WITH THE NEW VERBIAGE:

2" water meter

6.4 ESFC – 2 ESFC (Incentive) = 4.4 ESFC

\$42,011 Impact Fees Due

One Equivalent Single Family Connection (ESFC) is equivalent to the impact of one single family home. The equivalency factor increases depending on the meter size. So, 2 ESFC would be the equivalent of two single family homes, or a 1" water meter.

- 1 ESFC is the equivalent of \$9,548
- 2 ESFCs is the equivalent of \$19,096

RESOLUTION NO. 2025-R-09

A RESOLUTION DESIGNATING CITY OFFICIALS AS SIGNATORIES AT TEXPOOL FOR THE CITY'S TEXPOOL ACCOUNT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Manvel, Texas, needs to update the City's list of authorized representatives at TexPool; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

SECTION 1: That the City Council hereby approves the following changes to the list of authorized representatives at TexPool by designating city officials as authorized signatories.

1. Dan Davis, Mayor
2. Daniel S. Johnson, City Manager
3. Rosa Donaire, Director of Finance

SECTION 2: That the City Council hereby authorizes the execution of any documentation necessary to implement said authorized changes of signatories on the City's TexPool Account.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

Dan Davis, Mayor
City of Manvel, Texas

ATTEST:

APPROVED AS TO FORM:

Tammy Bell
City Secretary

Robert Gervais
City Attorney



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: April 21, 2025

TOPIC Proposal for Rotational Schedule of Acting City Manager Duties

Background:

The City Charter requires the appointment of an Acting City Manager in the event of the City Manager's absence or incapacity. Traditionally, this responsibility may be assigned to a single individual. However, following the example set by former City Manager Ron Cox, I propose a rotational approach that involves the entire Leadership Team.

This rotational method not only spreads the responsibility across multiple capable individuals but also allows for professional development and preparedness in assuming leadership roles. Each member of the Leadership Team will be afforded the opportunity to serve as Acting City Manager, thereby enhancing their leadership skills and fostering a collaborative environment.

Proposal:

I recommend that the City Council approve a six-month rotational schedule for the Acting City Manager role, as outlined below:

- **May 2025:** Rosie Donaire
- **June 2025:** Robbie Hall
- **July 2025:** Chad Dumont
- **August 2025:** Tammy Bell
- **September 2025:** Jose Abraham
- **October 2025:** Keith Traylor

Benefits of the Rotational Approach:

1. **Leadership Development:** Each member of the Leadership Team will have the opportunity to gain experience in the City Manager's role, preparing them for future responsibilities.
2. **Enhanced Team Cohesion:** Rotating the Acting City Manager role fosters a sense of shared responsibility and strengthens the collaborative spirit within the Leadership Team.
3. **Continuity of Operations:** The rotation ensures that there is always a qualified individual prepared to assume the City Manager's duties, providing stability and continuity of operations.

Conclusion:

This proposal aligns with the City's commitment to leadership development and operational excellence. I believe that this rotational approach will benefit both the City and the members of the Leadership Team. I respectfully request that the City Council approve the proposed six-month rotation schedule for the Acting City Manager role.

FUNDING ISSUES

✓ Not applicable

SUBMITTING STAFF MEMBER Dan Johnson, City Manager	FINANCE DIRECTOR APPROVAL <u>✓</u> CITY MANAGER APPROVAL <u>✓</u>
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MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving & Appurtenances to serve Valencia Section 16 for Brazoria County Municipal Utility District 83 and City of Manvel, Texas to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Final acceptance of infrastructure improvements for “Pomona Parkway Pedestrian Crosswalks Phase 2 to serve Brazoria County MUD No. 39, Brazoria County, Texas” and release the associated maintenance bond.

BACKGROUND: City Staff has conducted a final acceptance walk-through for “Pomona Parkway Pedestrian Crosswalks Phase 2 to serve Brazoria County MUD No. 39, Brazoria County, Texas”. All punch list items have been addressed.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project and release the associated maintenance bonds.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
- ☐ Not budgeted
- ☐ Full amount already budgeted
- ☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Avellino Detention Pond for Brazoria County Municipal Utility District 47, Brazoria County, Texas to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

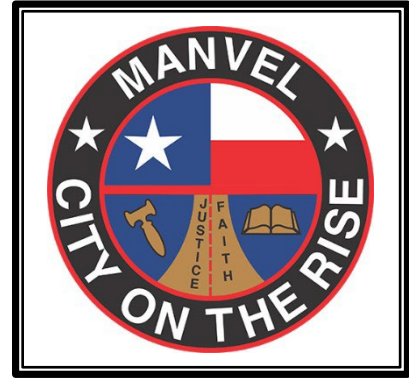
SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MISSION STATEMENT:

"The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens."

MINUTES 4/7/2025

Workshop Session

Mayor Davis called the workshop of the Manvel City Council to order at 5:01 p.m.

Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 4 Ed Perry
City Councilmember Place 5 Crystal Sarmiento
City Councilmember Place 6 Jerome Hudson

Absent: None

Also Present: Dan Johnson, City Manager
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Robbie Hall, Director of Public Works
Jose Abraham, Director of Development Services

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

- *Brazoria County MUD #61 Utility and Development Agreement*
- * Legal issues dealing with the contractor for the Manvel Public Works Facility*
- * Legal questions regarding SUP Ordinance 2025-O-07*

Mayor Davis convened the meeting into Executive Session at 5:01 p.m.
Mayor Davis reconvened the meeting out of Executive Session at 6:02 p.m.
There was no action taken during the Executive Session.

WORKSHOP SESSION CONTINUED

Discussion on any topic as listed on the current agenda.

Mayor Davis adjourned the Workshop at 6:02 p.m.

Regular Session

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:02 p.m.

Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 4 Ed Perry
City Councilmember Place 5 Crystal Sarmiento
City Councilmember Place 6 Jerome Hudson

Absent: None

Also Present: Dan Johnson, City Manager
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Robbie Hall, Director of Public Works
Jose Abraham, Director of Development Services

Invocation

Inspirational Reading - Council Member Sarmiento

Pledge

Presentations

Proclamations

Public Safety Telecommunication Week - April 13-19, 2025

Fair Housing Month - April 2025

Military Appreciation Month - May 2025

Public Comments: "Comment Card" Required

12 homeowners comments expressing opposition to ER submitted into the record

Eddie Baez - submitted letter in opposition to ER

Jessica Wells - spoke in opposition to ER

Nadia and Jose Luna - submitted comments in opposition to ER

Jeanette Gutierrez - submitted comments in opposition to ER

Jesse Rios - submitted comments in opposition to ER

Janie Rojas - submitted comments in opposition to ER

David Minceburg - provided update on Del Bello/288 development project

Jason Suzchecki - spoke in favor of ER

Chuck Webb - spoke in favor of ER and addressed concerns brought up concerning noise, traffic, lighting, turn lane, and tax revenue

Brian Roberson - AISD School Board Trustees Position 4 candidate

Taleesa Keel - AISD School Board Trustee candidate

Jared Browning - spoke in favor of ER

Kim Covington - spoke in favor of ER

Samantha Mines - spoke in favor of ER, addressed inter-facility transfer concerns

Mary Ann Atkinson - spoke on the impact fees as it relates to residents on well and septic and also spoke in favor of granting the SUP for the church to be used as a wedding venue

City Manager Update

Staff Recognition

Development Update

Akery Lake Update

Eggstravaganza Update

Tammy Bell - 21-year work anniversary

Chief Traylor recognized Captain Day and Corporal Debonis, and announced Captain Alvarado as the new Assistant Chief.

Jose Abraham provided the Development Update

Robbie Hall provided the update on Akery Lake. Pre-bid held, proposals due 4/23, 5/5 anticipated date for contract award

Eggstravaganza update

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve second and final reading of Ordinance 2025-O-06;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.954 ACRE TRACT OF LAND, CURRENTLY, DEVELOPED AS A RETAIL CENTER WITH ASSOCIATED PARKING, LOCATED AT 20703 HWY 6 MORRIS AVENUE/HIGHWAY 6 (PID: 224008) FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR "RELIGIOUS ORGANIZATIONS" TO LIGHT COMMERCIAL DISTRICT/ STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP) FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621310 "OFFICES OF CHIROPRACTORS" AND NAICS USE 621498 "PAIN THERAPY CENTERS AND CLINICS, OUTPATIENT"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with favorable recommendation by PD&Z with a Vote 7-0).
3. Approve second and final reading of Ordinance 2025-O-10;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 59 *STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*, ARTICLE IV "RESIDENTIAL PARKING," BY ADOPTING A NEW SECTION 59-84 REGULATING THE PARKING OF TRAILERS AND BOATS ON RESIDENTIAL STREETS; RENUMBERING THE REMAINING SECTIONS OF ARTICLE IV; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HEREWITH; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
4. Approve second and final reading of Ordinance 2025-O-11;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE CLOSING OF A CITY RIGHT-OF-WAY CONSISTING OF THE PORTION OF BISSELL ROAD, RUNNING APPROXIMATELY 2,500 FEET FROM IOWA LANE EAST TO KIRCHNER ROAD, LOCATED WITHIN THE CITY OF MANVEL, BRAZORIA COUNTY, TEXAS; CLOSING SAID PUBLIC RIGHT-OF-WAY TO PUBLIC TRAVEL; PROVIDING AN EXCEPTION FOR PROPERTY OWNERS WHO OBTAIN A LICENSE FROM THE CITY FOR ACCESS; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

April 7, 2025 MANVEL CITY COUNCIL MEETING MINUTES

5. Approve a License Agreement for Ingress and Egress between the City of Manvel and Noah D. Martini (Licensee) granting the right, privilege and license to use the ROW closed by Ordinance 2025-O-11 for ingress and egress to access Licensee's residence at 6202 Bissell Road, Manvel, TX 77578.
6. Approve Resolution 2025-R-06;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL SUPPORTING THE APPLICATION BY 288 ASSOCIATES LP TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR A PRIVATE COMMERCIAL DRIVEWAY TO ACCESS AND SERVE THE 30-ACRE COMMERCIAL DEVELOPMENT AT THE SOUTHEAST CORNER OF DEL BELLO BOULEVARD AND SH288, IN THE CITY OF MANVEL.
7. Approve Resolution 2025-R-07;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL SUPPORTING THARALDSON INVESTMENTS' REQUEST FOR SUPPORT FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO DESIGN AND CONSTRUCT A NEW NORTHBOUND SERVICE ROAD WITH MULTIPLE INGRESS/EGRESS POINTS TO THE PRESIDIO DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF SH 288 AND SH 6 IN THE CITY OF MANVEL.
8. Acceptance of a Water Line Easement from GC Manvel East LP for construction, reconstructing, altering, and maintaining underground water line facilities in under, over, along, upon, and across that certain 4.301acre tract of land, more or less, said easement being more particularly described as a 20.00 foot x 29.00 foot easement along and perpendicular to Rogers Road within the City,
9. Acceptance of infrastructure improvements for Lift Station No. 3 to Serve Pomona for Brazoria County Municipal Utility District No. 40, Brazoria County, Texas to begin the Two-Year Maintenance Period.

Councilmember Sarmiento made the motion to approve the Consent Agenda. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Items Removed from Consent Agenda - None

Regular Agenda

1. Update by Waste Connections on the CPI Rate Adjustment (Authorized under the Franchise Agreement)

Waste Connections asked that Council postpone the item to the next meeting since they were not available to attend meeting.

Mayor Davis made the motion to postpone until the next Council meeting. Councilmember Perry seconded the motion.

April 7, 2025 MANVEL CITY COUNCIL MEETING MINUTES

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

2. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-07; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 1.07 ACRES TRACT OF LAND GENERALLY LOCATED ALONG NORTH SIDE OF MORRIS AVENUE / HIGHWAY 6 (PID: 228682), WEST OF THE UNDER-CONSTRUCTION AUTOZONE AT 19201 MORRIS AVE, MANVEL, TX, FROM LIGHT COMMERCIAL DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621493 "FREESTANDING AMBULATORY SURGICAL AND EMERGENCY CENTERS"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. *(Tabled by PD&Z on 3/10/2025). (Favorable recommendation by PD&Z FAILED on 3/24/25 with a 1-5 vote).*

Jose Abraham, Director of Development Services, provided the overview.

Dr. Thomas, the applicant, addressed the Council.

Councilmember Sarmiento expressed that she is not opposed to the ER itself; it's the location that she has concerns about.

Mayor Davis made the motion to approve with conditions. Councilmember Opliger seconded the motion.

The motion FAILED with a vote: 0/7

Yes: None

No: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

Absent: None

Abstained: None

3. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-12; AN ORDINANCE AMENDING CHAPTER 17. "BUILDINGS AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE IX "IMPACT FEES," SECTION 17-412 TO ADD A NEW PROVISION REGARDING ADMINISTRATIVE ITEMS; PROVIDING AN INCENTIVE TO RESIDENTS WHO ARE ON A PRIVATE WELL AND/OR SEPTIC SYSTEM TO CONNECT TO CITY SERVICES WHEN THEY BECOME AVAILABLE; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

April 7, 2025 MANVEL CITY COUNCIL MEETING MINUTES

Mayor Davis shared he would like to see commercial businesses included in this.

Changes to be brought back for the second reading:

Improve wording on number 9 so people understand they still have to pay a tap fee and adjustments to language on number 8 to include commercial businesses.

Councilmember Bonner made the motion to approve with proposed changes.
Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

4. Consideration and possible action to approve Resolution No. 2025-R-08:
A RESOLUTION TO CALL A PUBLIC HEARING TO BE HELD JOINTLY WITH THE PLANNING, DEVELOPMENT, AND ZONING COMMISSION TO CONSIDER APPROVING THE SEVERAL REGULATORY CHANGES TO THE ZONING ORDINANCE ON MONDAY, APRIL 28, 2025 AT 6PM.

Mayor Davis made the motion to approve. Councilmember Lands seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

5. Consideration and possible action to approve a subdivision variance request seeking to vary Chapter 62, Sections 62-111 *Additional Street Requirements* and 62-113 *Sidewalks*, for an approximate 1.03-acre tract of land located at 7398/7346 Taylor St, Manvel, Texas (southwest corner of Taylor St and Magnolia St intersection), tract of land generally bounded by Taylor St to the north, Magnolia St to the east, unimproved street rights-of-way (ROW) of Russell St to the west, and a vacant residential lot to the south, for a wedding venue and authorize the Mayor to execute the Development Agreement.

Elaheh Roohbakhsh, Associate Planner, provided the overview.

Mayor Davis made the motion to approve. Councilmember Lands seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

6. Consideration and possible action to approve the proposal from Freese and Nichols for the development of a Roadway Impact Fee Program, and authorize the City Manager to negotiate and execute the terms of the agreement.
7. Consideration and possible action to approve the proposal from Freese and Nichols for the Water and Wastewater Impact Fee Study Update, and authorize the City Manager to negotiate and execute the terms of the agreement.

Councilmember Bonner made the motion to approve Regular Agenda Items 6 & 7. Councilmember Perry seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

8. Consideration and possible action to concur with the Mayor on an ad hoc selection committee for the naming of city facilities.

The proposed committee is:

Staff - Alyssa Deaton

PD&Z - Mary Ann Atkinson

MEDC - Derek Dalmolin

Council - Harry Opliger

Community - Cary Perrin

Mayor Davis made the motion to approve. Councilmember Sarmiento seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

9. Consideration and possible action to direct staff on participation in the AISD AIMS Awards Sponsorship Packages.

*Moved to the beginning of the Regular Agenda

Coach Newsome spoke about the two events they put on and asked the City to sponsor them again this year. Last year, the City donated \$4,000.

Mayor Davis made the motion to direct staff to make a Pro Sponsorship level donation of \$5,000. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

April 7, 2025 MANVEL CITY COUNCIL MEETING MINUTES

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Mayor and Council Comments

State of the County - 4/9

Adjourn

Mayor Davis made the motion to adjourn the meeting at 8:14 p.m. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS

ORDINANCE NO. 2025-O-13

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF CITY RIGHT-OF-WAY CONSISTING OF A 0.4073 ACRE TRACT OF LAND IN THE MARY V. O'DONNELL SURVEY, ABSTRACT NO. 470, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS, BEING THAT PORTION OF RUSSELL STREET LOCATED BETWEEN SH 6 AND LARGE AVENUE; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNERS; RETAINING AN EASEMENT FOR CENTERPOINT FACILITIES CURRENTLY OCCUPYING SAID RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the JBB&D Family Partnership (west side) and 7303 Russell, LLC (east side) are the property owners of land located west and east of Russell Street, between SH 6 and Large Avenue (Applicants);

WHEREAS, the Applicants have petitioned the City of Manvel, Texas, to vacate, abandon, and close the hereinafter described right-of-way abutting their property; and

WHEREAS, said right-of-way is known as a 0.4073 acre tract of land in the Mary V. O'Donnell Survey, Abstract No. 470, City of Manvel, Brazoria County, Texas, being a portion of Russell Street located between SH 6 and Large Avenue; and

WHEREAS, Applicants have submitted the necessary application and information and fees to the City to review the request for abandonment, said application attached hereto as Exhibit A;

WHEREAS, the City Council has determined that such public right-of-way, being a portion of Russell Street located between SH 6 and Large Avenue, is no longer necessary for public convenience and

necessity and should be vacated, abandoned, and closed, and any interest in said right of way released; now, therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, STATE OF TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of city right-of-way consisting of 0.4073 acre tract of land in the Mary V. O'Donnell Survey, Abstract No. 470, City of Manvel, Brazoria County, Texas, being a portion of Russell Street located between SH 6 and Large Avenue. Said right-of-way to be abandoned is more particularly described by metes and bounds, and shown by map, as attached as Exhibit B, attached hereto and incorporated herein.

Section 3. The right-of-way consisting of 0.4073 acre tract of land in the Mary V. O'Donnell Survey, Abstract No. 470, City of Manvel, Brazoria County, Texas, being a portion of Russell Street located between SH 6 and Large Avenue, is hereby vacated, abandoned, and closed, and any public right of way interest therein is released.

Section 4. This abandonment is subject to, and contingent upon, payment of all fees and consideration (as determined by the appraisal commissioned in connection with this abandonment request, as may be modified by city council) by the Applicant, or other satisfaction of said consideration requirement as may determined in advance by Council, as well as fulfillment of all other requirements of state law, city ordinances, and the City's abandonment policy. Until satisfactory completion of this requirement, this abandonment shall not be effective.

Section 5. Upon satisfaction of the above, this abandonment shall be effective and the Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, conveying the respective abandoned right of way interests to the abutting property owner(s), upon request.

Section 6. Utility Easements for facilities currently in place. Consistent with the franchise agreement(s) currently in place with Centerpoint Energy Houston Electric, LLC and Centerpoint Energy Texas Gas Operations (jointly or severally referred to herein as “Centerpoint”), the City of Manvel hereby retains utility easements for Centerpoint for any Centerpoint electrical or gas facilities currently occupying the abandoned right-of-way. The abandonment, sale, conveyance, or surrender of possession of this right-of-way shall be subject to any such easement right and continued use and occupancy thereof by Centerpoint.

Section 7. Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this _____ day of _____, 2025.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day
of _____, 2025.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Abandonment application

Exhibit B

Metes and bounds
Map of area to be abandoned



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-668-5061

ROW ABANDONMENT

Date: February 13, 2025

Name of property owner: (Proof of ownership must be provided)

JBB & D Family Partnership (west side) and 7303 Russell LLC (east side) - Deeds Attached

Address: 902 S. Friendswood Dr, Suite E Phone # 832-512-1200

Friendswood TX 77546

Reason and intent for requested action:

Close an under-utilized ROW and and remove a poorly spaced intersection at SH 6.

Improve safety and mobility on SH 6.

Encourage cohesive development of the property as a restaurant and service hub.

Consolidate property holdings of single ownership group on both sides of the street in this block.

Entire limits and extent of the property to be abandoned, vacated, closed or relocated:

Russell Street between SH 6 and Large Avenue consisting of 0.4073 acres. Survey and M&B attached.

alan mueller

Signature of Applicant

Alan Mueller, Owner's Representative, on behalf of JBB & D Family Partnership



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-668-5061

Procedures:

Date of Action: _____

FEES PAID \$1,000.00

Check Number 6035

Collect the following documents

☒ A formal recent survey prepared by a registered professional land surveyor that identifies the location and physical configuration of the site. The survey shall also specify the acreage or square footage;

☒ The proper legal description of the property to be considered for abandonment, including, if appropriate, a metes and bounds description verified by a registered surveyor or by county records (that will identify the property by a legal instrument with volume, page, etc.); and

☒ Collect administration processing fee of \$1,000.00 to cover the cost of the title report, appraisal, staff and consultant review time, and the ordinance and deed preparation legal fees;

Staff procedures:

_____ Commission a title report of the area to be abandoned.

_____ Commission an independent appraisal of the area to be abandoned

_____ Send letters to all utility companies, drainage districts, affected city departments, and/or other interested agencies identifying the proposed action and requesting a letter of "no objection" from each of the concerned entities within thirty (30) days; and

_____ Determine if a utility easement is needed in the area considered to be abandoned and, if determined to be necessary, to have the new utility easement reserved in the deed of conveyance or obtained separately and recorded in the property deed record to be filed with the Brazoria County Clerk.

_____ Schedule Public Hearing Date for Planning, Development and Zoning

_____ Schedule Public Hearing Date for City Council (1st reading of the ordinance)

_____ Notice to property owners will be initiated ten (10) days prior to the scheduled hearing. The city shall provide written notice of such public hearing to each owner of real property, as indicated by the most recently approved city tax roll, whose property abuts or lies within 200 feet of the subject street, alley, right-of-way or easement.

_____ Collect tender/escrow by the applicant(s) of the appraised value of the abandoned area (must be collected prior to the second reading of the ordinance)

_____ Upon request by applicant, and the pre-payment of all recordation fees, a quitclaim deed will be prepared and filed in the deed records of the Brazoria County Clerk. The Mayor and City Manager are authorized to execute said quitclaim deeds.

LEGAL DESCRIPTION
0.4073 ACRES

BEING 0.4073 acres of land out of the Russell Street Right-of-Way, located in the Mary V. O'Donnell Survey, Abstract Number 470, City of Manvel, Brazoria County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a TXDot Monument found in the east line of Russell Street being 60 feet wide marking the most westerly corner of Block 3 of the Town of Manvel Subdivision as recorded under Volume 1, Page 69 of the Brazoria County Property Records;

THENCE in a southeasterly direction along the arc of a curve to the left 47.17 feet, having a radius of 30.00 feet, a central angle of $90^{\circ}05'41''$ and a long chord of $S\ 25^{\circ}20'23''\ E$, 42.46 feet to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the north line of Highway 6 also known as Morris Avenue having a right of way of 120 feet;

THENCE $N\ 70^{\circ}23'14''\ W$ 119.97 feet along the north line of said Highway 6 to a 1/2 inch iron rod with "S ADAMS RPLS 3666" cap found for the most southerly corner of Minor Plat Manvel Big Horn Subdivision as recorded under Brazoria County Clerk's File Number 2018017097 in the north line of said Highway 6;

THENCE in a northeasterly direction along the arc of a curve to the left 47.04 feet, having a radius of 30.00 feet, a central angle of $89^{\circ}50'32''$ and a long chord of $N\ 64^{\circ}37'44''\ E$, 42.37 feet to a 1/2 inch iron rod found for corner in the west line of said Russell Street;

THENCE $N\ 19^{\circ}42'28''\ E$ 259.09 feet along the east line of said Minor Plat Manvel Big Horn Subdivision and the west line of said Russell Street to a 1/2 inch iron rod with "S ADAMS RPLS 3666" cap found for the northeast corner of said Minor Plat Manvel Big Horn Subdivision, in the south line of Large Avenue being 60 feet wide;

THENCE $S\ 70^{\circ}33'43''\ E$ 60.00 feet along said Large Avenue to a 1/2 inch iron rod found for the north corner of said Block 3 of Town of Manvel Subdivision;

THENCE $S\ 19^{\circ}42'28''\ W$ 259.17 feet along the east line of said Russell Street and the west line of Block 3 of said Town of Manvel Subdivision to the **PLACE OF BEGINNING**.

NOTE: ALL BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204. NAD 1983 DATUM.

FILED BY FIDELITY NATIONAL
TITLE**GENERAL WARRANTY DEED WITH VENDOR'S LIEN****NOTICE OF CONFIDENTIALITY RIGHTS:**

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BRAZORIA

That RANDY BOFF AND JANICE SEDDON, hereinafter called "Grantors" (whether one or more), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantees herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by 7303 RUSSELL, LLC, a Texas limited liability company, of its one certain promissory note of even date herewith, payable to the order of HOMETOWN BANK, NATIONAL ASSOCIATION, in the total sum of SEVEN HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$720,000.00), payable in monthly installments and bearing interest as therein provided and containing the usual clauses relating to acceleration of maturity and for attorney's fees, and providing for acceleration of maturity, at the option of the holder, the payment of which said note of even date herewith is secured by a vendor's lien herein retained and is additionally secured by a Deed of Trust of even date herewith to ALLAN RASMUSSEN, JR., Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto 7303 RUSSELL, LLC, a Texas limited liability company, herein called "Grantees" (whether one or more), all of the following real property (together with all improvements thereon the "Property") situated in Brazoria County, Texas, to-wit:

See Exhibit "A" attached hereto and incorporated for all purposes.

This conveyance is made and accepted subject to any and all easements, rights of way, valid restrictions, mineral reservations of any kind, maintenance charges, building set back lines, and governmental regulations, if any, to the extent, but only to the extent that they are reflected by the records of the Office of the County Clerk of the above mentioned County and State.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantees, their heirs and assigns forever; and Grantors do hereby bind themselves, their heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof except as to the reservations from and exceptions to conveyance and warranty.

When Grantor and/or Grantee are more than one entity, the pertinent nouns, verbs and pronouns shall be construed to correspond. When Grantor and/or Grantee are a corporation, a trustee or other legal entity that is not a natural person, the pertinent words "heirs, executors and administrators" and/or "heirs and assigns" shall be construed to mean "successors and assigns," respectively. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

But it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the above described Property, is retained against the above described Property until the above described note and indebtedness has been fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

HOMETOWN BANK, NATIONAL ASSOCIATION, at the instance and request of the Grantees herein, having advanced and paid in cash to the Grantors herein that portion of the purchase price of the herein described Property as evidenced by the hereinbefore described \$720,000.00 note, the Vendor's Lien, together with the Superior Title in and to the Property, is retained herein for the benefit of said HOMETOWN BANK, NATIONAL ASSOCIATION

HTBNA
MEMBER
FDIC

Warranty Deed w/Vendor's Lien
Page 1 of 3

and the same are hereby TRANSFERRED and ASSIGNED to said HOMETOWN BANK, NATIONAL ASSOCIATION, such transfer and assignment being without recourse against Grantors.

Current ad valorem taxes on the Property have been prorated, the payment thereof is assumed by Grantees.

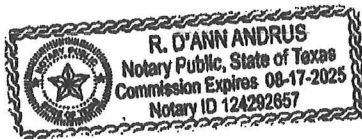
EXECUTED THIS 20 day of December, 2024.

Randy Boff
RANDY BOFF
Janice Seddon
JANICE SEDDON

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF Galveston §

This instrument was acknowledged before me on this 20 day of December, 2024, by RANDY BOFF.

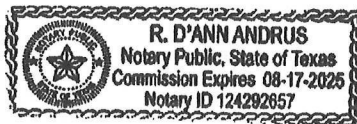


[Signature]
Notary Public in and for
The State of TEXAS

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF Galveston §

This instrument was acknowledged before me on this 20 day of December, 2024, by JANICE SEDDON



[Signature]
Notary Public in and for
The State of TEXAS

GRANTEES' ADDRESS:

7303 RUSSELL, LLC
2300 Smith Ranch Road
Pearland, Texas 77584

AFTER RECORDING, RETURN TO:

7303 RUSSELL, LLC
2300 Smith Ranch Road
Pearland, Texas 77584



PREPARED IN THE LAW OFFICE OF:

MURRAY | LOBB, PLLC
2200 Space Park Drive, Suite 350
Houston, Texas 77058
Telephone 281.488.0630

GF# FAH24010382 (12.24)

HTBNA
MEMBER
FDIC

Warranty Deed w/Vendor's Lien
Page 3 of 3

EXHIBIT A**LEGAL DESCRIPTION
1.9737 ACRES**

BEING the remainder of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 3, of the Town of Marvel, Texas, a subdivision in Brazoria County, Texas according to the map or plat there recorded in Volume 1, Page 69 of the Plat Records of Brazoria County, Texas, in the Mary V. O'Donnell Survey, Abstract No. 470, City of Marvel, Brazoria County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found TxDot Monument at the southern cutback corner of the intersection of Highway 6 also known as Morris Avenue having a right of way of 120 feet and School Road being 60 feet right of way;

THENCE N 70°23'14" W 243.91 feet along the north line of said Highway 6 to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the north line of Highway 6;

THENCE in a northwesterly direction along the arc of a curve to the right 47.17 feet, having a radius of 30.00 feet, a central angle of 90°05'41" and a long chord of N 25°20'23" W, 42.46 feet to a TxDot Monument found for corner;

THENCE N 19°42'28" E 259.17 feet along the east line of Russell Street being 60 feet wide to a 1/2 inch iron rod found in the south line of Large Avenue being 60 feet wide;

THENCE S 70°33'43" E 297.88 feet along said Large Avenue to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the west line of said School Road;

THENCE S 19°26'17" W 265.15 feet along the west line of said School Road to a TxDot Monument found for corner for the northerly cutback corner;

THENCE S 64°51'48" W 35.49 feet along the cutback corner to the **PLACE OF BEGINNING**.

NOTE: ALL BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 1983 DATUM.

HTBNA
MEMBER
FDIC

FILED and RECORDED

Instrument Number: 2024055858

Filing and Recording Date: 12/26/2024 08:37:29 AM Pages: 5 Recording Fee: \$42.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-jessie

General Warranty Deed

Date: April 28, 2017

Grantor: KENNETH R. SMITH, a married person; and ROBERT E. MERRILL, a married person, each owning, occupying and claiming other property as their homestead

Grantor's Mailing Address:

KENNETH R. SMITH
110 Harris Dr.
Austin, Tx. 78737

ROBERT E. MERRILL
110 Harris Dr.
Austin Tx 78737

Grantee: JBB & D FAMILY LIMITED PARTNERSHIP, a Texas limited partnership

Grantee's Mailing Address:

JBB & D FAMILY LIMITED PARTNERSHIP
2300 Smith Ranch Road
Pearland, TX 77584

Consideration:

Ten dollars (\$10.00) Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

0.86 acres of land, being a part of lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 4, of the Dr. A. A. Luther Subdivision of the Town of Manvel, Brazoria County, Texas, according to the tile Plat recorded in Volume 1, Pages 69-70, Plat Records of Brazoria County, Texas, said 0.86 acres being more particularly described in Exhibit "A" attached hereto and made a part hereof.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

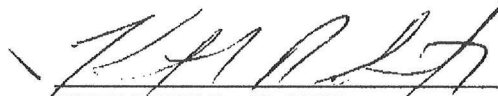
1
STEWART TITLE 16039032118

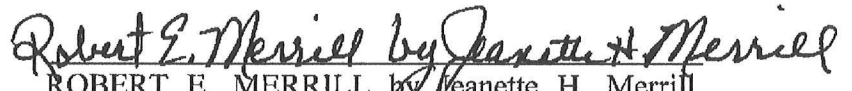
This General Warranty Deed and the conveyance above are executed by Grantor and accepted by Grantee subject to any and all restrictions, easements, mineral reservations, and other matters of record, to the extent they are validly existing and applicable to the Property.

GRANTOR IS CONVEYING THE PROPERTY TO GRANTEE AS IS, WHERE IS, AND WITH ALL FAULTS, AND SPECIFICALLY AND EXPRESSLY WITHOUT ANY WARRANTIES, REPRESENTATIONS, OR GUARANTEES, EITHER EXPRESS OR IMPLIED, OF ANY KIND, NATURE, OR TYPE FROM OR ON BEHALF OF GRANTOR, EXCEPT FOR GRANTOR'S WARRANTY OF TITLE STATED ABOVE. GRANTEE ACKNOWLEDGES AND STIPULATES THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATION, STATEMENT, OR OTHER ASSERTION ABOUT THE CONDITION OF THE PROPERTY MADE BY GRANTOR, OR ANYONE ACTING ON GRANTOR'S BEHALF, BUT IS RELYING ON GRANTEE'S OWN EXAMINATION OF THE PROPERTY.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.


KENNETH R. SMITH

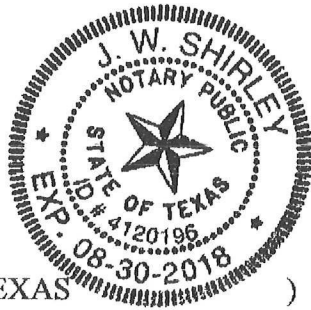

ROBERT E. MERRILL by Jeanette H. Merrill,
Attorney-in-Fact

STATE OF TEXAS

)

COUNTY OF GALVESTON)

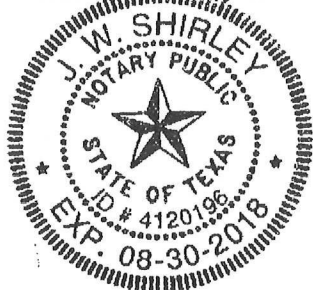
This instrument was acknowledged before me on 5/1, 2017, by
KENNETH R. SMITH.



STATE OF TEXAS)

COUNTY OF GALVESTON)

This instrument was acknowledged before me on 4/28, 2017, by
Jeanette H. Merrill, Attorney-in-Fact for ROBERT E. MERRILL.

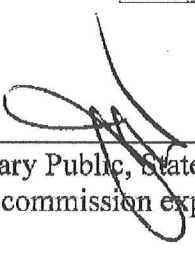


PREPARED IN THE OFFICE OF:

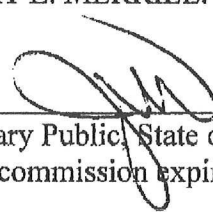
CROUCH LAW OFFICE
235 W. Sealy Street
Alvin, Texas 77511
Tel: (281) 331-5288
Fax: (281) 331-9346

AFTER RECORDING RETURN TO:

JBB & D FAMILY LIMITED PARTNERSHIP
2300 Smith Ranch Road
Pearland, TX 77584



Notary Public, State of Texas
My commission expires: _____



Notary Public, State of Texas
My commission expires: _____

EXHIBIT "A" LEGAL DESCRIPTION

File No.: 16039032778

0.86 ACRES OF LAND, BEING A PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 4, OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL, BRAZORIA COUNTY, TEXAS, ACCORDING TO TILE PLAT RECORDED IN VOLUME 1, PAGES 69-70, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, SAID 0.86 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING at a 1/2 inch iron rod set For the Northeast corner of the herein described tract at tile Northeast, corner of Lot 1, Block 4, said point being the intersection of the South right-of-way line of Large Avenue with the West line of a 10.0 foot alley, said point being located North 70 deg. 25 min. 27 sec. West - 160.0 feet from a 1/2 inch iron rod found at the Northeast corner of Lot 16, Block 4;

THENCE South 19 deg. 35 min. 03 sec. West, along the East line of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 4, and the West line of said 10.0 foot alley, a distance of 289.50 feet to a 5/8 inch iron rod (disturbed) found for the Southeast corner of the herein described tract at the Northeast corner of 0.033 acre tract described as Parcel 201 in a deed to the State of Texas recorded in Clerk's File 93-036570;

THENCE North 70 deg. 28 min. 57 sec. West, along the North line of Parcel 201, being the North right-of-way line or State Highway 6, a distance of 105.18 feet to a 1/2 inch iron rod set at the P.C. of a curve to the right;

THENCE with the line of Parcel 201, following said curve to the right having a Radius of 25.0 feet, Central Angle of 90 deg. 06 min. 41 sec., Chord Bearing and Distance of North 25 deg. 25 min. 37 sec. West 35.39 feet, for an arc distance of 39.32 feet to a 1/2 inch iron rod set at the P.T. of said curve, said point being in the East line of a 10.0 foot strip described in a deed to Brazoria County recorded in Volume 276, Page 615, Deed Records, and the East right-of-way line of F. M. 1128;

THENCE North 19 deg. 37 min. 44 sec. East, along the East line of said 10.0 foot strip, being the East right-of-way line of F. M. 1128, a distance of 264.58 feet to a 1/2 inch iron rod set for the Northwest corner of the herein described tract, said point being in the North line of Lot 1, Block 4, and the South right-of-way line of Large Avenue;

THENCE South 70 deg. 25 min. 27 sec. East, along the North line of Lot 1, Block 4, and the South right-of-way line of Large Avenue, a distance of 130.0 foot to the PLACE OF BEGINNING and containing 0.86 acres of land.

FILED and RECORDED

Instrument Number: 2017020745

Filing and Recording Date: 05/01/2017 10:49:06 AM Pages: 5 Recording Fee: \$38.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in cursive script, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-nygtra

BEING 0.4073 acres of land out of the Russell Sweet Right-of-Way, located in the Mary V. O'Donnell Survey, Abstract Number 470, City of Manvel, Brazoria County, Texas and being more particularly described by metes and bounds as follows:

THENCE in a southeasterly direction along the arc of a curve to the left 47.17 feet, having a radius of 30.00 feet, a central angle of $91^{\circ}05'41''$ and a long chord of $S\ 25^{\circ}20'23''\ E$, 42.46 feet to a 5/8 inch iron rod with "ATKINSON 5937" can set for corner in the north line of Highway 6.

THENCE in a northeasterly direction along the arc of a curve to the left 47.04 feet, having a radius of 30.00 feet, a central angle of 89°50'32" and a long chord of N 64°57'44" E, 42.37 feet to a 1/2 inch iron rod found for corner in the west line of said Russell Street;

THENCE S 70°33'43" E 60.00 feet along said Large Avenue to a 12 inch iron rod found for the north corner of said Block 3 of Town of Marvel Subdivision;

NOTE: ALL BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM. SOUTH CENTRAL ZONE 4204 NAD 1983 DATUM

ACCORDING TO FEMA PANEL 48039C0130K, EFFECTIVE: ON 12/30/2020 THIS TRACT
 HAS LAIN LIES IN THE FOLLOWING ZONE.

ONE FOOT WITH A DEPTH OF 2 FEET THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD.

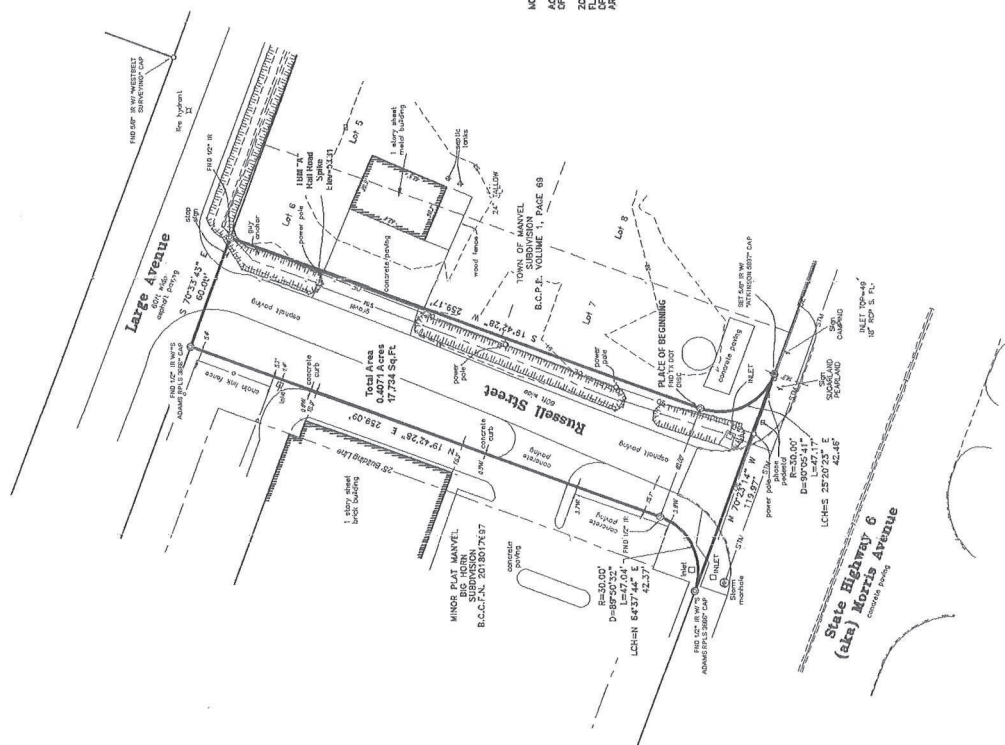
SCALE: 1"=30'

THIS SURVEY WAS PREPARED WITH THE ASSISTANCE OF A TITLE REPORT
PREPARED BY FIDELITY NATIONAL TITLE OF NUMBER FTH-225-FAH24010382D
ISSUED NOVEMBER 06 2024

**ATKINSON
ENGINEERS**

HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAN CORRECTLY REPRESENTS THE FACTS AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT TEXAS SURVEYORS' ASSOCIATION STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II LAND TITLE SURVEY.

DATE: 12/12/2024	SC: 1-1-20	NO: 1111	RV: 10	Secondary & Specimen Types	Default Name
Worksheet: 17, Smalls, 10/4/2021 Worksheet: 17, Smalls, 10/4/2021					



- [illegible]

LEGAL DESCRIPTION
0.4073 ACRES

BEING 0.4073 acres of land out of the Russell Street Right-of-Way, located in the Mary V. O'Donnell Survey, Abstract Number 470, City of Manvel, Brazoria County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a TXDot Monument found in the east line of Russell Street being 60 feet wide marking the most westerly corner of Block 3 of the Town of Manvel Subdivision as recorded under Volume 1, Page 69 of the Brazoria County Property Records;

THENCE in a southeasterly direction along the arc of a curve to the left 47.17 feet, having a radius of 30.00 feet, a central angle of $90^{\circ}05'41''$ and a long chord of S $25^{\circ}20'23''$ E, 42.46 feet to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the north line of Highway 6 also known as Morris Avenue having a right of way of 120 feet;

THENCE N $70^{\circ}23'14''$ W 119.97 feet along the north line of said Highway 6 to a 1/2 inch iron rod with "S ADAMS RPLS 3666" cap found for the most southerly corner of Minor Plat Manvel Big Horn Subdivision as recorded under Brazoria County Clerk's File Number 2018017097 in the north line of said Highway 6;

THENCE in a northeasterly direction along the arc of a curve to the left 47.04 feet, having a radius of 30.00 feet, a central angle of $89^{\circ}50'32''$ and a long chord of N $64^{\circ}37'44''$ E, 42.37 feet to a 1/2 inch iron rod found for corner in the west line of said Russell Street;

THENCE N $19^{\circ}42'28''$ E 259.09 feet along the east line of said Minor Plat Manvel Big Horn Subdivision and the west line of said Russell Street to a 1/2 inch iron rod with "S ADAMS RPLS 3666" cap found for the northeast corner of said Minor Plat Manvel Big Horn Subdivision, in the south line of Large Avenue being 60 feet wide;

THENCE S $70^{\circ}33'43''$ E 60.00 feet along said Large Avenue to a 1/2 inch iron rod found for the north corner of said Block 3 of Town of Manvel Subdivision;

THENCE S $19^{\circ}42'28''$ W 259.17 feet along the east line of said Russell Street and the west line of Block 3 of said Town of Manvel Subdivision to the **PLACE OF BEGINNING**.

NOTE: ALL BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204. NAD 1983 DATUM.





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: March 21, 2025

TOPIC: Public hearing to received input on a request by JBB&D Family Partnership and 7303 Russel LLC (applicant), to abandon the portion of Russell St right-of-way (ROW) located between Highway 6 and Large Avenue (abutting Big Horn restaurant on the east side). The portion of the ROW requested to be abandoned is 60-foot-wide and approximately 0.4071 acres.

BACKGROUND: The applicant owns the property on both sides of the portion of Russell St proposed for abandonment and intends to develop the property at 7303 Russell St as a restaurant. The abandonment of said ROW will allow inclusion of additional acreage to the new development so that the existing Big Horn development and the proposed restaurant can function as a unified complex. This will also allow better management of parking and traffic flow for both properties.

The portion of Russel St proposed for abandonment does not extend beyond Large Avenue to the north. School Rd ROW, which abuts the restaurant site on the east side, provides connectivity between Highway 6 and Lewis Lane. Therefore, the proposed ROW abandonment will not cause a detrimental impact on connectivity and public convenience. In terms of utility, this portion of the ROW does not include any city utilities. CenterPoint Energy has been notified about the requested abandonment, and we have not received a response. There are electric poles in the ROW which appear to provide service to the existing building at 7303 Russell St. Per the City's franchise agreement with CenterPoint Energy, the city is required to retain an easement for CenterPoint Energy facilities, upon an abandonment.

The portion of School Rd between Highway 6 and Large Ave is an asphalt road and the remaining portion is a concrete road. Staff discussed with the applicant the possibility of improving the asphalt portion and inclusion of sidewalks along the entire property in lieu of the payment associated with this ROW abandonment.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 2025-O-13 granting the proposed right-of-way abandonment subject to, and contingent upon, payment of all fees and consideration (as determined by the appraisal commissioned in connection with this abandonment request, as may be modified by city council) by the Applicant, or other satisfaction of said consideration requirement as may be determined by City Council.

PD&Z COMMISSION RECOMMENDATION: Planning, Development, and Zoning Commission recommends approval of Ordinance No. 2025-O-13 granting the proposed right-of-way abandonment subject to, and contingent upon, payment of all fees and consideration (as determined by the appraisal commissioned in connection with this abandonment request, as may be modified by city council) by the Applicant, or other satisfaction of said consideration requirement as may be determined by City Council.

ATTACHMENTS: Ordinance No. 2025-O-13, ROW Abandonment Application, Russell Street ROW Survey, Legal Description, and Russell St Abandonment Exhibit.

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Jose Abraham
Director of Development Services

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

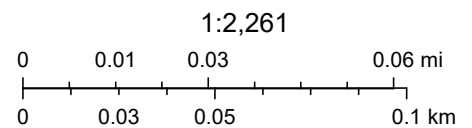


Russell St ROW Abandonment



4/10/2025

- Parcels
- City of Manvel - City Limits
- Streets
- TXDOT
- City of Manvel



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-668-5061

ROW ABANDONMENT

Date: February 13, 2025

Name of property owner: (Proof of ownership must be provided)

JBB & D Family Partnership (west side) and 7303 Russell LLC (east side) - Deeds Attached

Address: 902 S. Friendswood Dr, Suite E Phone # 832-512-1200
Friendswood TX 77546

Reason and intent for requested action:

Close an under-utilized ROW and and remove a poorly spaced intersection at SH 6.

Improve safety and mobility on SH 6.

Encourage cohesive development of the property as a restaurant and service hub.

Consolidate property holdings of single ownership group on both sides of the street in this block.

Entire limits and extent of the property to be abandoned, vacated, closed or relocated:
Russell Street between SH 6 and Large Avenue consisting of 0.4073 acres. Survey and M&B attached.

alan mueller

Signature of Applicant

Alan Mueller, Owner's Representative, on behalf of JBB & D Family Partnership



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-668-5061

Procedures:

Date of Action: _____

FEES PAID \$1,000.00

Check Number 6035

Collect the following documents

☒ A formal recent survey prepared by a registered professional land surveyor that identifies the location and physical configuration of the site. The survey shall also specify the acreage or square footage;

☒ The proper legal description of the property to be considered for abandonment, including, if appropriate, a metes and bounds description verified by a registered surveyor or by county records (that will identify the property by a legal instrument with volume, page, etc.); and

☒ Collect administration processing fee of \$1,000.00 to cover the cost of the title report, appraisal, staff and consultant review time, and the ordinance and deed preparation legal fees;

Staff procedures:

_____ Commission a title report of the area to be abandoned.

_____ Commission an independent appraisal of the area to be abandoned

_____ Send letters to all utility companies, drainage districts, affected city departments, and/or other interested agencies identifying the proposed action and requesting a letter of "no objection" from each of the concerned entities within thirty (30) days; and

_____ Determine if a utility easement is needed in the area considered to be abandoned and, if determined to be necessary, to have the new utility easement reserved in the deed of conveyance or obtained separately and recorded in the property deed record to be filed with the Brazoria County Clerk.

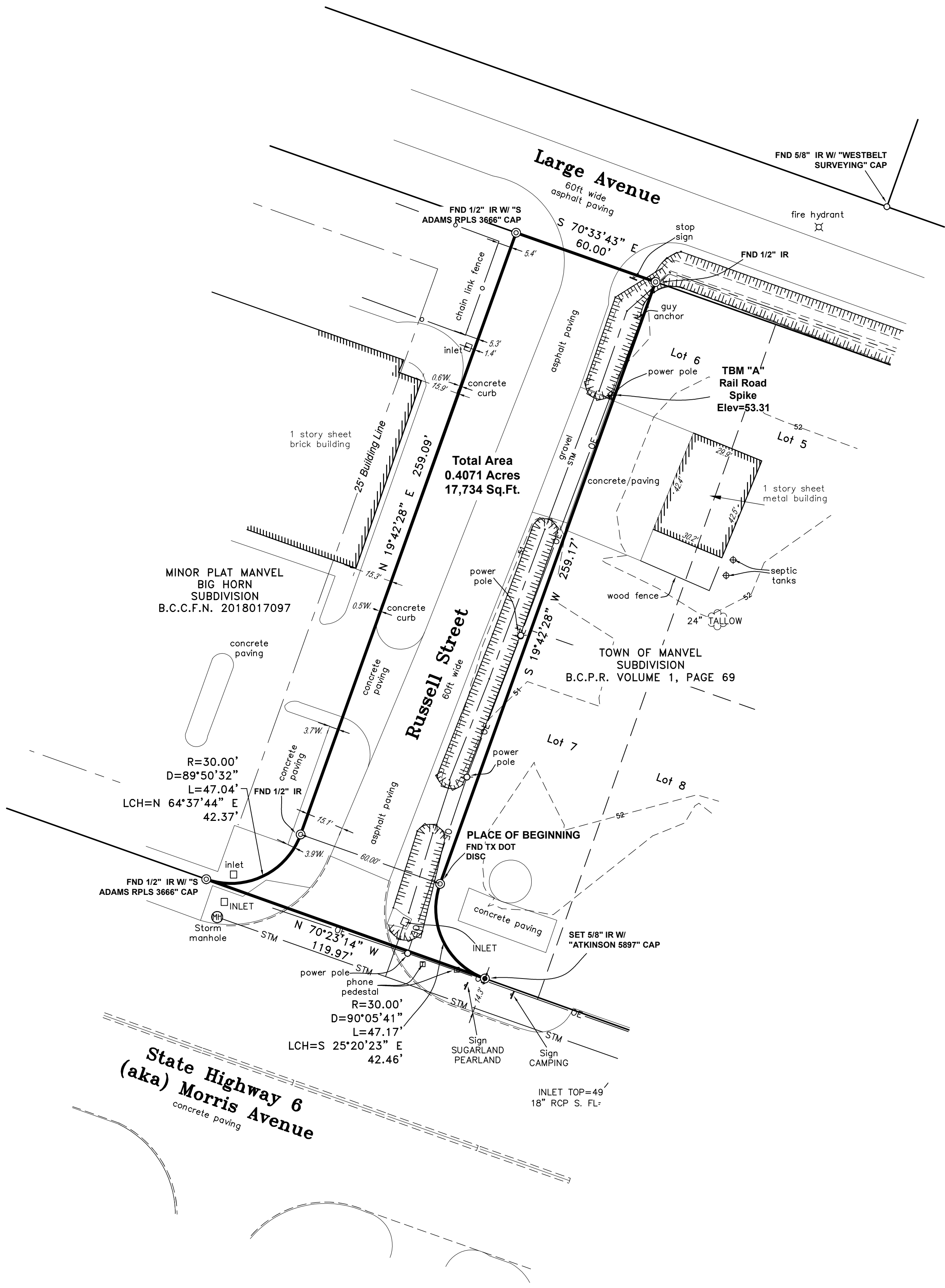
_____ Schedule Public Hearing Date for Planning, Development and Zoning

_____ Schedule Public Hearing Date for City Council (1st reading of the ordinance)

_____ Notice to property owners will be initiated ten (10) days prior to the scheduled hearing. The city shall provide written notice of such public hearing to each owner of real property, as indicated by the most recently approved city tax roll, whose property abuts or lies within 200 feet of the subject street, alley, right-of-way or easement.

_____ Collect tender/escrow by the applicant(s) of the appraised value of the abandoned area (must be collected prior to the second reading of the ordinance)

_____ Upon request by applicant, and the pre-payment of all recordation fees, a quitclaim deed will be prepared and filed in the deed records of the Brazoria County Clerk. The Mayor and City Manager are authorized to execute said quitclaim deeds.



LEGAL DESCRIPTION
0.4073 ACRES

BEING 0.4073 acres of land out of the Russell Street Right-of-Way, located in the Mary V. O'Donnell Survey, Abstract Number 470, City of Manvel, Brazoria County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a TXDot Monument found in the east line of Russell Street being 60 feet wide marking the most westerly corner of Block 3 of the Town of Manvel Subdivision as recorded under Volume 1, Page 69 of the Brazoria County Property Records;

THENCE in a southeasterly direction along the arc of a curve to the left 47.17 feet, having a radius of 30.00 feet, a central angle of 90°05'41" and a long chord of S 25°20'23" E, 42.46 feet to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the north line of Highway 6 also known as Morris Avenue having a right of way of 120 feet;

THENCE N 70°23'14" W 119.97 feet along the north line of said Highway 6 to a 1/2 inch iron rod with "S ADAMS RPLS 3666" cap found for the most southerly corner of Minor Plat Manvel Big Horn Subdivision as recorded under Brazoria County Clerk's File Number 2018017097 in the north line of said Highway 6;

THENCE in a northeasterly direction along the arc of a curve to the left 47.04 feet, having a radius of 30.00 feet, a central angle of 89°50'32" and a long chord of N 64°37'44" E, 42.37 feet to a 1/2 inch iron rod found for corner in the west line of said Russell Street;

THENCE N 19°42'28" E 259.09 feet along the east line of said Minor Plat Manvel Big Horn Subdivision and the west line of said Russell Street to a 1/2 inch iron rod with "S ADAMS RPLS 3666" cap found for the northeast corner of said Minor Plat Manvel Big Horn Subdivision, in the south line of Large Avenue being 60 feet wide;

THENCE S 70°33'43" E 60.00 feet along said Large Avenue to a 1/2 inch iron rod found for the north corner of said Block 3 of Town of Manvel Subdivision;

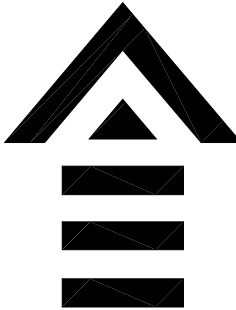
THENCE S 19°42'28" W 259.17 feet along the east line of said Russell Street and the west line of Block 3 of said Town of Manvel Subdivision to the PLACE OF BEGINNING.

NOTE: ALL BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204. NAD 1983 DATUM.

NOTE:

ACCORDING TO FEMA PANEL 48039C0130K, EFFECTIVE ON 12/30/2020 THIS TRACT OF LAND LIES IN THE FOLLOWING ZONE:

ZONE AO WITH A DEPTH OF 2 FEET THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD.



NOTE: ALL BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204. NAD 1983 DATUM



SCALE: 1"=30'

THIS SURVEY WAS PREPARED WITH THE ASSISTANCE OF A TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE GF NUMBER FTH-225-FAH24010382D ISSUED NOVEMBER 06,2024

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT TEXAS SURVEYORS ASSOCIATION STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II LAND TITLE SURVEY.



ATKINSON
ENGINEERS
150 Years Improving Texas
1832 Chimney Road
Houston, Texas 77056
Phone: 281.872.7600
Fax: 281.872.7601

Civil Engineers — Land Surveyors

BY: *Neil M. Atkinson*

REGISTERED PROFESSIONAL LAND SURVEYOR

DATE: 12/12/2024 SCALE: 1"=30' DRAWN BY: JB DWG.NO. BZ0470-24

LEGEND

- | | |
|----------------|---|
| BC | denotes back of curb |
| G | denotes gutter |
| CL | denotes center line |
| EP | denotes edge of pavement |
| EC | denotes edge of concrete |
| HB | denotes top or high bank |
| FL | denotes flow line |
| IP | denotes iron pipe |
| IR | denotes iron rod |
| TXDOT Monument | denotes concrete Monument w/ alu. cap stamped TXDOT |
| PVC | denotes polyvinyl chloride pipe |
| RCP | denotes reinforced concrete pipe |
| HDPE | denotes high density polyethylene |
| CMP | denotes corrugated metal pipe |
| TBM | denotes temporary benchmark |
| UE | denotes utility easement |
| BL | denotes building line |
| ⊙ | denotes monument found and held for boundary |
| ⊙ | denotes set monument |
| ⊙ | denotes monument found for boundary |
| ⊙ | denotes power pole |
| ⊙ | denotes fire hydrant |
| ⊙ | denotes light pole |
| ⊙ | denotes guy wire |
| ⊙ | denotes telephone pull box |
| ⊙ | denotes cleanout |
| ⊙ | denotes water valve |
| ⊙ | denotes storm sewer manhole |
| ⊙ | denotes sanitary sewer manhole |
| ⊙ | denotes underground telecomm line |
| ⊙ | denotes sanitary sewer line |
| ⊙ | denotes storm sewer line |

LEGAL DESCRIPTION

0.4073 ACRES

BEING 0.4073 acres of land out of the Russell Street Right-of-Way, located in the Mary V. O'Donnell Survey, Abstract Number 470, City of Manvel, Brazoria County, Texas and being more particularly described by metes and bounds as follows:

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THENCE in a southeasterly direction along the arc of a curve to the left 47.17 feet, having a radius of 30.00 feet, a central angle of $90^{\circ}05'41''$ and a long chord of S $25^{\circ}20'23''$ E, 42.46 feet to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the north line of Highway 6 also known as Morris Avenue having a right of way of 120 feet;

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THENCE in a northeasterly direction along the arc of a curve to the left 47.04 feet, having a radius of 30.00 feet, a central angle of $89^{\circ}50'32''$ and a long chord of N $64^{\circ}37'44''$ E, 42.37 feet to a 1/2 inch iron rod found for corner in the west line of said Russell Street;

THENCE N $19^{\circ}42'28''$ E 259.09 feet along the east line of said Minor Plat Manvel Big Horn Subdivision and the west line of said Russell Street to a 1/2 inch iron rod with "S ADAMS RPLS 3666" cap found for the northeast corner of said Minor Plat Manvel Big Horn Subdivision, in the south line of Large Avenue being 60 feet wide;

THENCE S $70^{\circ}33'43''$ E 60.00 feet along said Large Avenue to a 1/2 inch iron rod found for the north corner of said Block 3 of Town of Manvel Subdivision;

THENCE S $19^{\circ}42'28''$ W 259.17 feet along the east line of said Russell Street and the west line of Block 3 of said Town of Manvel Subdivision to the **PLACE OF BEGINNING**.

NOTE: ALL BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 1983 DATUM.

NOTICE OF CONFIDENTIALITY RIGHTS:

THE STATE OF TEXAS

067 028 124

KNOW ALL MEN BY THESE PRESENTS:

That **RANDY BOFF AND JANICE SEDDON**, hereinafter called "**Grantors**" (whether one or more), for and in consideration of the sum of **TEN AND NO/100 (\$10.00) DOLLARS** and other valuable consideration to the undersigned paid by the Grantees herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by **7303 RUSSELL, LLC**, a Texas limited liability company, of its one certain promissory note of even date herewith, payable to the order of **HOMETOWN BANK, NATIONAL ASSOCIATION**, in the total sum of **SEVEN HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$720,000.00)**, payable in monthly installments and bearing interest as therein provided and containing the usual clauses relating to acceleration of maturity and for attorney's fees, and providing for acceleration of maturity, at the option of the holder, the payment of which said note of even date herewith is secured by a vendor's lien herein retained and is additionally secured by a Deed of Trust of even date herewith to **ALLAN RASMUSSEN, JR., Trustee**, have **GRANTED, SOLD AND CONVEYED**, and by these presents do **GRANT, SELL AND CONVEY** unto **7303 RUSSELL, LLC**, a Texas limited liability company, herein called "**Grantees**" (whether one or more), all of the following real property (together with all improvements thereon the "**Property**") situated in Brazoria County, Texas, to-wit:

This conveyance is made and accepted subject to any and all easements, rights of way, valid restrictions, mineral reservations of any kind, maintenance charges, building set back lines, and governmental regulations, if any, to the extent, but only to the extent that they are reflected by the records of the Office of the County Clerk of the above mentioned County and State.

When Grantor and/or Grantee are more than one entity, the pertinent nouns, verbs and pronouns shall be construed to correspond. When Grantor and/or Grantee are a corporation, a trustee or other legal entity that is not a natural person, the pertinent words "heirs, executors and administrators" and/or "heirs and assigns" shall be construed to mean "successors and assigns," respectively. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

HOMETOWN BANK, NATIONAL ASSOCIATION, at the instance and request of the Grantees herein, having advanced and paid in cash to the Grantors herein that portion of the purchase price of the herein described Property as is evidenced by the hereinbefore described \$720,000.00 note, the Vendor's Lien, together with the Superior title to said Property, is retained herein for the benefit of said **HOMETOWN BANK, NATIONAL ASSOCIATION**

HTB
MEMBER
FDIC

Warranty Deed w/Vendor's Lien
Page 1 of 3

and the same are hereby TRANSFERRED and ASSIGNED to said HOMETOWN BANK, NATIONAL ASSOCIATION, such transfer and assignment being without recourse against Grantors.

Current ad valorem taxes on the Property have been prorated, the payment thereof is assumed by Grantees.

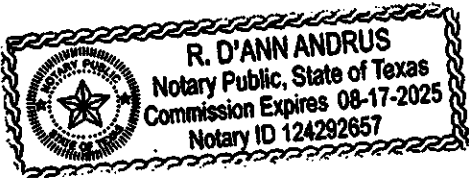
EXECUTED THIS 20 day of December, 2024.

Randy Boff
RANDY BOFF
Janice Seddon
JANICE SEDDON

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF Galveston §

This instrument was acknowledged before me on this 20 day of December, 2024, by RANDY BOFF.

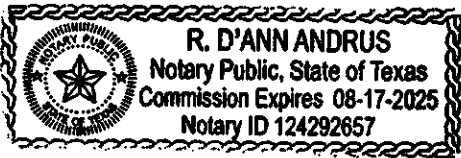


[Signature]
Notary Public in and for
The State of TEXAS

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF Galveston §

This instrument was acknowledged before me on this 20 day of December, 2024, by JANICE SEDDON



[Signature]
Notary Public in and for
The State of TEXAS

GRANTEES' ADDRESS:

7303 RUSSELL, LLC
2300 Smith Ranch Road
Pearland, Texas 77584

AFTER RECORDING, RETURN TO:

7303 RUSSELL, LLC
2300 Smith Ranch Road
Pearland, Texas 77584



PREPARED IN THE LAW OFFICE OF:

MURRAY | LOBB, PLLC
2200 Space Park Drive, Suite 350
Houston, Texas 77058
Telephone 281.488.0630

GF# FAH24010382 (12.24)

HTBNA
MEMBER
FDIC

Warranty Deed w/Vendor's Lien
Page 3 of 3

EXHIBIT A**LEGAL DESCRIPTION
1.9737 ACRES**

BEING the remainder of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 3, of the Town of Marvel, Texas, a subdivision in Brazoria County, Texas according to the map or plat there recorded in Volume 1, Page 69 of the Plat Records of Brazoria County, Texas, in the Mary V. O'Donnell Survey, Abstract No. 470, City of Marvel, Brazoria County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found TxDot Monument at the southern cutback corner of the intersection of Highway 6 also known as Morris Avenue having a right of way of 120 feet and School Road being 60 feet right of way;

THENCE N 70°23'14" W 243.91 feet along the north line of said Highway 6 to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the north line of Highway 6;

THENCE in a northwesterly direction along the arc of a curve to the right 47.17 feet, having a radius of 30.00 feet, a central angle of 90°05'41" and a long chord of N 25°20'23" W, 42.46 feet to a TxDot Monument found for corner;

THENCE N 19°42'28" E 259.17 feet along the east line of Russell Street being 60 feet wide to a 1/2 inch iron rod found in the south line of Large Avenue being 60 feet wide;

THENCE S 70°33'43" E 297.88 feet along said Large Avenue to a 5/8 inch iron rod with "ATKINSON 5897" cap set for corner in the west line of said School Road;

THENCE S 19°26'17" W 265.15 feet along the west line of said School Road to a TxDot Monument found for corner for the northerly cutback corner;

THENCE S 64°51'48" W 35.49 feet along the cutback corner to the **PLACE OF BEGINNING**.

NOTE: ALL BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH OF THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD 1983 DATUM.

HTBNA
MEMBER
FDIC

FILED and RECORDED

Instrument Number: 2024055858

Filing and Recording Date: 12/26/2024 08:37:29 AM Pages: 5 Recording Fee: \$42.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-jessie

General Warranty Deed

Date: April 28, 2017

Grantor: KENNETH R. SMITH, a married person; and ROBERT E. MERRILL, a married person, each owning, occupying and claiming other property as their homestead

Grantor's Mailing Address:

KENNETH R. SMITH

110 Harris Dr.

Austin, Tx. 78737

ROBERT E. MERRILL

110 Harris Dr.

Austin Tx 78737

Grantee: JBB & D FAMILY LIMITED PARTNERSHIP, a Texas limited partnership

Grantee's Mailing Address:

JBB & D FAMILY LIMITED PARTNERSHIP

2300 Smith Ranch Road

Pearland, TX 77584

Consideration:

Ten dollars (\$10.00) Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

0.86 acres of land, being a part of lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 4, of the Dr. A. A. Luther Subdivision of the Town of Manvel, Brazoria County, Texas, according to the tile Plat recorded in Volume 1, Pages 69-70, Plat Records of Brazoria County, Texas, said 0.86 acres being more particularly described in Exhibit "A" attached hereto and made a part hereof.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

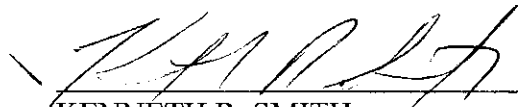
1
STEWART TITLE 16039032778

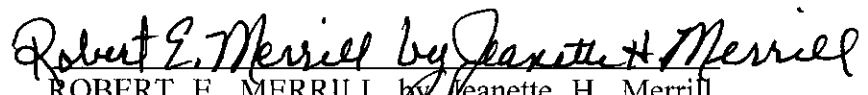
This General Warranty Deed and the conveyance above are executed by Grantor and accepted by Grantee subject to any and all restrictions, easements, mineral reservations, and other matters of record, to the extent they are validly existing and applicable to the Property.

GRANTOR IS CONVEYING THE PROPERTY TO GRANTEE AS IS, WHERE IS, AND WITH ALL FAULTS, AND SPECIFICALLY AND EXPRESSLY WITHOUT ANY WARRANTIES, REPRESENTATIONS, OR GUARANTEES, EITHER EXPRESS OR IMPLIED, OF ANY KIND, NATURE, OR TYPE FROM OR ON BEHALF OF GRANTOR, EXCEPT FOR GRANTOR'S WARRANTY OF TITLE STATED ABOVE. GRANTEE ACKNOWLEDGES AND STIPULATES THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATION, STATEMENT, OR OTHER ASSERTION ABOUT THE CONDITION OF THE PROPERTY MADE BY GRANTOR, OR ANYONE ACTING ON GRANTOR'S BEHALF, BUT IS RELYING ON GRANTEE'S OWN EXAMINATION OF THE PROPERTY.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.


KENNETH R. SMITH

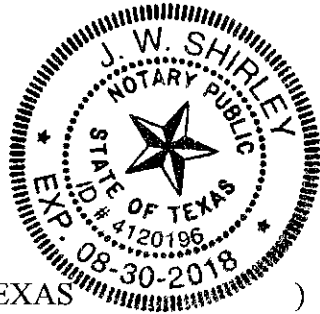

ROBERT E. MERRILL by Jeanette H. Merrill,
Attorney-in-Fact

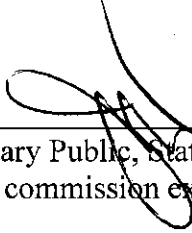
STATE OF TEXAS

)

COUNTY OF GALVESTON)

This instrument was acknowledged before me on 5/1, 2017, by
KENNETH R. SMITH.



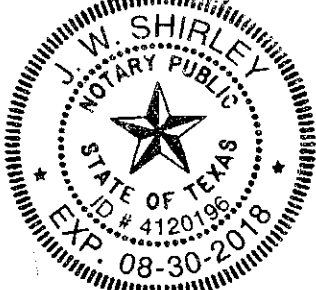


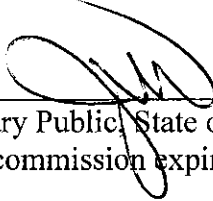
Notary Public, State of Texas
My commission expires: _____

STATE OF TEXAS)

COUNTY OF GALVESTON)

This instrument was acknowledged before me on 4/28, 2017, by
Jeanette H. Merrill, Attorney-in-Fact for ROBERT E. MERRILL.





Notary Public, State of Texas
My commission expires: _____

PREPARED IN THE OFFICE OF:

CROUCH LAW OFFICE
235 W. Sealy Street
Alvin, Texas 77511
Tel: (281) 331-5288
Fax: (281) 331-9346

AFTER RECORDING RETURN TO:

JBB & D FAMILY LIMITED PARTNERSHIP
2300 Smith Ranch Road
Pearland, TX 77584

EXHIBIT "A"

LEGAL DESCRIPTION

File No.: 16039032778

0.86 ACRES OF LAND, BEING A PART OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK 4, OF THE DR. A. A. LUTHER SUBDIVISION OF THE TOWN OF MANVEL, BRAZORIA COUNTY, TEXAS, ACCORDING TO TILE PLAT RECORDED IN VOLUME 1, PAGES 69-70, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, SAID 0.86 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING at a 1/2 inch iron rod set For the Northeast corner of the herein described tract at tile Northeast, corner of Lot 1, Block 4, said point being the intersection of the South right-of-way line of Large Avenue with the West line of a 10.0 foot alley, said point being located North 70 deg. 25 min. 27 sec. West - 160.0 feet from a 1/2 inch iron rod found at the Northeast corner of Lot 16, Block 4;

THENCE South 19 deg. 35 min. 03 sec. West, along the East line of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 4, and the West line of said 10.0 foot alley, a distance of 289.50 feet to a 5/8 inch iron rod (disturbed) found for the Southeast corner of the herein described tract at the Northeast corner of 0.033 acre tract described as Parcel 201 in a deed to the State of Texas recorded in Clerk's File 93-036570;

THENCE North 70 deg. 28 min. 57 sec. West, along the North line of Parcel 201, being the North right-of-way line or State Highway 6, a distance of 105.18 feet to a 1/2 inch iron rod set at the P.C. of a curve to the right;

THENCE with the line of Parcel 201, following said curve to the right having a Radius of 25.0 feet, Central Angle of 90 deg. 06 min. 41 sec., Chord Bearing and Distance of North 25 deg. 25 min. 37 sec. West 35.39 feet, for an arc distance of 39.32 feet to a 1/2 inch iron rod set at the P.T. of said curve, said point being in the East line of a 10.0 foot strip described in a deed to Brazoria County recorded in Volume 276, Page 615, Deed Records, and the East right-of-way line of F. M. 1128;

THENCE North 19 deg. 37 min. 44 sec. East, along the East line of said 10.0 foot strip, being the East right-of-way line of F. M. 1128, a distance of 264.58 feet to a 1/2 inch iron rod set for the Northwest corner of the herein described tract, said point being in the North line of Lot 1, Block 4, and the South right-of-way line of Large Avenue;

THENCE South 70 deg. 25 min. 27 sec. East, along the North line of Lot 1, Block 4, and the South right-of-way line of Large Avenue, a distance of 130.0 foot to the PLACE OF BEGINNING and containing 0.86 acres of land.

FILED and RECORDED

Instrument Number: 2017020745

Filing and Recording Date: 05/01/2017 10:49:06 AM Pages: 5 Recording Fee: \$38.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

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cclerk-nygtra



CITY COUNCIL DATA SHEET

MEETING DATE: 04/21/2025

TOPIC: Appointment of TIRZ 3 & SMDA Members

BACKGROUND:

Current SMDA & TIRZ 3 Members:

South Manvel Development Authority

Place 1	Davison, Dan	30 Apr 2026
Place 2	Mitchell, Nicole	30 Apr 2025
Place 3	Bickham, Kim	30 Apr 2026
Place 4	Donaire, Rosa	30 Apr 2025
Place 5	Hanson, Melody	30 Apr 2026

TIRZ 3 Board

Place 1	Carrasco, Seth	30 Apr 2025	*County Appointed Position
Place 2	Mitchell, Nicole	30 Apr 2025	
Place 3	Bickham, Kim	30 Apr 2026	
Place 4	Donaire, Rosa	30 Apr 2025	
Place 5	Hanson, Melody	30 Apr 2026	

Applicants considered for reappointment:

Nicole Mitchell – Reappointment to Place 2 for both SMDA & TIRZ 3 Board

Rosa Donaire – Reappointment to Place 4 for both SMDA & TIRZ 3 Board

Seth Carrasco – Reappointment to Place 1 for TIRZ 3 Board

RECOMMENDATION: Staff Recommends Approval

ATTACHMENTS:

FUNDING ISSUES

☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Tammy Bell, City Secretary

FINANCE DIRECTOR APPROVAL: ____

CITY MANAGER APPROVAL: ____



CITY COUNCIL DATA SHEET

MEETING DATE: 04/21/2025

TOPIC: Appointment of TIRZ 3 & SMDA Members

BACKGROUND:

Current SMDA & TIRZ 3 Members:

South Manvel Development Authority

Place 1	Davison, Dan	30 Apr 2026
Place 2	Mitchell, Nicole	30 Apr 2025
Place 3	Bickham, Kim	30 Apr 2026
Place 4	Donaire, Rosa	30 Apr 2025
Place 5	Hanson, Melody	30 Apr 2026

TIRZ 3 Board

Place 1	Carrasco, Seth	30 Apr 2025	*County Appointed Position
Place 2	Mitchell, Nicole	30 Apr 2025	
Place 3	Bickham, Kim	30 Apr 2026	
Place 4	Donaire, Rosa	30 Apr 2025	
Place 5	Hanson, Melody	30 Apr 2026	

Applicants considered for reappointment:

Nicole Mitchell – Reappointment to Place 2 for both SMDA & TIRZ 3 Board

Rosa Donaire – Reappointment to Place 4 for both SMDA & TIRZ 3 Board

Seth Carrasco – Reappointment to Place 1 for TIRZ 3 Board

RECOMMENDATION: Staff Recommends Approval

ATTACHMENTS:

FUNDING ISSUES

☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Tammy Bell, City Secretary

FINANCE DIRECTOR APPROVAL: ____

CITY MANAGER APPROVAL: ____



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: **April 21, 2025**

TOPIC: Consider for approval an Interlocal Agreement with the Brazoria County Emergency Services District #3 (BCESD3) to allocate and share sales tax revenue for sales tax received from territories in the City's ETJ, if and when annexed by the City of Manvel.

BACKGROUND:

- BCESD 3 was created and exists under the authority of Article III, Section 48-e of the Texas Constitution and Chapter 775, Texas Health & Safety Code.
- BCESD3 receives its funding primarily from ad valorem property taxes.
- State law provides that BCESD3 may also impose and receive sales tax funding, if approved at an election.
- The board of BCESD3 has called an election for May 3, 2025, for the voters to consider a 1.5 % sales tax for BCESD3.
- The sales tax election will be on the ballot as Proposition A.
- The Proposition A ballot language is: "The adoption of a local sales and use tax in Brazoria County Emergency Services District No. 3 at a rate not to exceed one and one-half percent (1.5%) in any location in the district."
- Voters can vote "for" or "against" the above-stated proposition.
- A successful vote would allow the BCESD3 to impose a 1.5% sales tax within the District boundaries, except where the local sales tax was already at 2% and "maxed out" as provided by law. The sales tax election would therefore not affect anything inside the city limits, because the local sales tax is already at its 2 % maximum in the city limits.
- Although the 2% local sales tax maximum has already been reached in the city limits of the City of Manvel, the BCESD3 1.5% could be imposed in areas in the extra-territorial jurisdiction (ETJ) that have not been annexed for limited purposes.
- Upon approval by the voters, the BCESD3 could therefore impose its 1.5% sales tax on properties in the ETJ that have not already been annexed for limited purposes. The inclusion of the BCESD3 sales tax in the ETJ would mean the sales tax would then be at the maximum in that area as well.
- **if the City of Manvel were to later annex these areas in the ETJ over which the BCESD3 had imposed its sales tax, the City of Manvel would not be eligible to impose its sales tax, because the maximum sales tax would have already been reached.**
- The BCESD3 is willing to allocate and share (50-50) the sales tax in these ETJ areas with the City of Manvel, should the election pass.
- The Interlocal agreement that is proposed would only be effective if the election is

successful. It would see the BCESD3 and City of Manvel split the sales tax in these areas 50%-50%, once the City of Manvel annexes these areas.

RECOMMENDATION:

Staff recommends approval.

The agreement is only effective if the proposition is approved by the voters.

In the event that the proposition is approved, sharing of the sales tax in the ETJ for properties later annexed by the City would be a great benefit to the City. This is because, upon annexation, the city would then be obligated to provide city services to those properties. Without this agreement, the City would have to provide those services to the annexed properties without this sales tax revenue.

ATTACHMENTS:

Letter from BCESD3

BCESD3 election order

FAQ

BCESD3 District Map/Response area

Interlocal Agreement for Allocation of Sales Tax Revenue



FUNDING ISSUES

☐ Not applicable

☐ Not budgeted

☐ Full amount already budgeted

☐ Funds to be transferred from Acct.#

* Without this agreement, the City would arguably have to provide city services to annexed properties, without the benefit of sales tax revenue.

SUBMITTING STAFF MEMBER

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

INTERLOCAL AGREEMENT FOR THE ALLOCATION OF SALES TAX REVENUE

STATE OF TEXAS §

COUNTY OF BRAZORIA §

THIS AGREEMENT is made and entered into effective as of the 1st day of May, 2025, by and between **THE CITY OF MANVEL ("City")**, a body politic and corporate and municipal corporation of the State of Texas, and **BRAZORIA COUNTY EMERGENCY SERVICES DISTRICT NO. 3 ("BCESD 3")**, a political subdivision of the State of Texas.

PRELIMINARY MATTERS

1. The City has been created, established, organized and exists as a Home Rule corporation under the laws of the State of Texas;
2. BCESD 3 has been created, established, organized and exists under the authority of Article III, Section 48-e of the Texas Constitution and Chapter 775, Texas Health & Safety Code;
3. The City has, among its powers, the power of annexation and the power of imposing a local sales and use tax within its jurisdiction, subject to all applicable provisions of the Texas Tax Code and other applicable laws;
4. BCESD 3 has, among its powers, the power of imposing a local sales and use tax within its jurisdiction, subject to all applicable provisions of the Texas Tax Code, Chapter 775, Texas Health and Safety Code and other applicable laws;
5. The City has the power to undertake improvement projects separately or jointly with other persons or entities, including development agreements under Chapter 380 of the Texas Local Government Code, to pay all or part of the costs of improvement projects, including improvement projects that improve, enhance, or support, among other matters, road construction, public utilities construction, building development, and the availability of public safety and security, fire protection, emergency medical services, or law enforcement in the City;
6. The City and BCESD 3 have overlapping boundaries and jurisdictions, and the City is located entirely within the boundary of BCESD 3;

7. The City currently collectively impose a 1.5% local sale and use tax;
8. BCESD 3 currently has called a May 3, 2025 election under Health and Safety Code § 775.0751(c-1) for the approval of a local sales and use tax not to exceed 1.5% in any area within its jurisdiction;
9. Pursuant to Chapter 321 of the Texas Tax Code (Sec. 321.102), when a municipality annexes for full purposes territory contained within an emergency services district that had theretofore imposed a local sales and use tax and where the local sales and use tax in the annexed area is thereby at the 2% maximum rate for local sales and use tax, the local sales and use tax imposed by the emergency services district remains allocated to the emergency services district and is not allocated by the State Comptroller to the municipality.

FINDINGS

1. The Parties find that Texas Health and Safety Code Sec. 775.0754 allows BCESD 3 to agree to allocate sales and use tax revenue collected in areas annexed by the City subsequent to the implementation of the BCESD 3 sales and use tax, if such tax is approved by the voters in the May 3, 2025 election;
2. The Parties find that the City requires additional sales tax revenue from post May 3, 2025 to provide services and foster development to such areas as the City may annex thereafter, and to provide funding and tax incentives to promote future development projects in both the City and BCESD 3;
3. The Parties find that the future development within the City's current and future full purposes annexed areas contained within BCESD 3 will be of benefit to BCESD 3, in terms of (a) providing additional revenue and (b) enhancing the capability of delivering emergency services by BCESD 3 to the annexed area by virtue of the municipal services to be provided by the City, including but not limited to additional revenue, additional sales tax revenue, road and access development, police protection and the like;
4. The Parties find that due to the provisions of the Texas Tax Code (Sec. 321.102), if the BCESD 3 sales and use tax election proposition passes on May 6, the City will not have authority to impose its sales tax or to receive any sales tax revenue from any areas contained within BCESD 3 which were annexed for full purposes by the City after May 3, 2025;

5. The Parties find that it is in the best interests and for the common benefit of the City and BCESD 3 that the City and BCESD 3 enter into this Agreement to allocate, as provided herein, the sales tax revenue generated under the BCESD 3 sales and use tax in the areas contained within BCESD 3 that may be annexed for full purposes by the City at a later date;
6. The Parties find that the Interlocal Cooperation Act, codified as V.T.C.A., Government Code, Chapter 791 (the "Interlocal Act"), provides authorization for any local government to contract with one or more other local governments to perform governmental functions and services under the terms of the Interlocal Act and funding thereunder; and
7. The City and BCESD 3 jointly find that each are local governments as provided under the Interlocal Act and the agreements and provisions herein relate to the respective government functions of each,

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual covenants and conditions hereinafter set forth, the City and BCESD 3 agree as follows:

I. ALLOCATION OF SALES TAX

1. BCESD 3 agrees to allocate to the City certain sales and use tax revenue under the terms of Texas Health and Safety Code Sec. 775.0754 as follows:
 - (a) Fifty per cent (50%) of the local sales and use tax revenue collected by the State Comptroller and derived from sales tax payers which are located within the territorial jurisdiction of BCESD 3 and being not contained within the corporate boundary of the City prior to May 3, 2025, and which subsequent to the effective date of this Agreement is annexed by the City after May 3, 2025.
 - (b) The payment under 1(a), above, of such allocated local sales and use tax revenue collected by the State Comptroller shall be paid by the State Comptroller under policies and procedures that the Comptroller considers reasonable to BCESD 3 and the City as provided by Section 775.0754(c), with the City and BCESD 3 each receiving 50% of the sales and use taxes collected from the sales tax payers in the areas subsequently annexed for full purposes by the City.

2. Allocations paid to the City shall continue for any qualifying sales and use tax payer as long as the territory remains part of the City for full purposes. Any subsequent deannexation of any territory qualifying under section 1, above, shall cause the full sales and use tax for that territory to revert solely to the District with allocation payments to the City ending in a timely manner per Comptroller procedures.
3. This Agreement is intended for the benefit of the named Parties only and is in no way intended to benefit any other person, either directly or indirectly, including members of the public. Nothing in the Agreement shall or shall be construed to create a partnership or other type of joint enterprise, the sole intent being to create a contractual relationship between the Parties.
4. Nothing in this Agreement is intended to expand any liability that any Party to this Agreement may have to any other person other than a named Party to this Agreement.
5. The validity, interpretation, and performance of this Agreement shall be governed by the laws of the State of Texas.
6. Any suit brought to enforce, interpret, or receive damages under any provision of this Agreement shall be brought in Brazoria County, Texas, where venue for all matters hereunder is stipulated.
7. Neither this Agreement nor any term or provision of it, may be changed, waived, discharged, amended, or modified orally, or in any other manner than by an instrument in writing signed by all the Parties.
8. This Agreement is not assignable by any Party without the written consent of the other Party.
9. Notwithstanding the provisions of the Texas Government Code or the Texas Local Government Code, and unless prohibited by Texas law, each Party shall defend, indemnify, and hold harmless the other Party and its officers, agents, employees and representatives from any and all losses, liability, damages, claims, suits, actions and administrative proceedings, and demands and all expenditures and cost relating to acts or omissions of the indemnitor, its officers, agents or employees arising out of or incidental to the performance of any of the provisions of this Agreement. No Party assumes liability for the acts or omissions of persons other than each Party's respective officers, agents or employees. This indemnification clause shall survive this Agreement.
10. By entering into this Agreement, neither Party waives any of the immunities provided by the Texas Government Code or the Texas Local Government Code or other

applicable provisions of law. This Agreement is not intended to confer any legal rights or benefits on any person or entity other than the Parties of this Agreement.

11. All notices hereunder shall be sent certified mail, return receipt requested to the addresses set forth below the signatures of the Parties to the Agreement. Notices are deemed given and completed upon deposit in the United States Mail. Either Party may change its address by providing ten (10) days written notice of such change to the other Party in the manner provided for above.

12. This Agreement is null and void if the District sales and use tax proposition is not approved by the voters at the election to be held on May 3, 2025.

EXECUTED in duplicate originals for and on behalf of the Parties on the dates indicated below, but effective May 1, 2025.

ATTEST:

BRAZORIA COUNTY EMERGENCY
SERVICES DISTRICT NO. 3

By: _____
Name: _____
Title: _____

By: _____
Name: Darrell Valusek
Title: District President
Address: _____

COUNTERSIGNED:

Date: _____

By: _____
Name: John Peeler
Title: District Counsel

ATTEST:

THE CITY OF MANVEL, TEXAS

By: _____
Name: _____
Title: _____

By: _____
Name: Dan Davis
Title: Mayor
Address: _____

COUNTERSIGNED:

Date: _____

By: _____
Name: Bobby Gervais
Title: City Attorney

COVELER & PEELER, P.C.

Attorneys At Law
TWO MEMORIAL CITY PLAZA
820 GESSNER, SUITE 1710
HOUSTON, TEXAS 77024-8261
Telephone(713) 984-8222
Facsimile(713) 984-0670
PEELER@COVELER.COM

April 16, 2025

The Honorable Dan Davis, Mayor
The Honorable City Council
City of Manvel, Texas

***Re: Brazoria County Emergency Services District No. 3
Sales Tax Election, May 3, 2025 and Proposed Revenue
Allocation Agreement with the City of Manvel***

Dear Mayor Davis and Council Members:

This office is counsel to Brazoria County Emergency Services District No. 3 ("BCESD 3" or "District"). The BCESD 3 Finance Committee has asked me to provide information to the City of Manvel ("City") regarding a proposed Interlocal Agreement For The Allocation Of Sales Tax Revenue between BCESD 3 and the City.

The District has called an Election, as provided under Health & Safety Code, Section 775.0751, for May 3, 2025 on the proposition of the imposition of a District Sales and Use Tax not to exceed one and one-half percent (1.5%) in any location in the District. As noted in correspondence to the Commissioners Court in February, the immediate reasons discussed for the proposed sales and use tax are to provide necessary revenue to continue to provide emergency services coverage at rates commensurate with the District's population growth.

BCESD 3 has developed more detailed information regarding the need for additional revenue and asked me to summarize some of the most relevant information for your review and to provide information regarding the enclosed proposed Interlocal Agreement For The Allocation Of Sales Tax Revenue between BCESD 3 and the City.

BCESD 3 provides fire suppression, rescue and emergency medical services (together "emergency services") to a large area of Brazoria County. This includes the area in and around the City of Manvel, as well as a much larger area of the County. Please see the attached map for reference. BCESD 3 has experienced tremendous population growth and development since its inception, requiring an increase in the provision of emergency services to the residents and businesses of the District.

The District has determined that to meet the demands of growth it will need to build additional emergency services stations, buy new fire trucks, ambulances and

equipment, and hire additional first responders. Current financial projections indicate that in a few years the District could meet a financial deficit in regard to the funding needed to meet those increased expenses if it was forced to rely on property taxes and ambulance billing alone. However, imposing a sales and use tax at a rate not to exceed 1.5% in any location in the District would close the gap between projected needs and currently anticipated revenue.

While the District's sales tax, if approved by the voters, would not affect the sales tax already imposed within the City limits, it would impose a new sales tax in the City's extraterritorial jurisdiction area. We understand that the City is concerned that if an ESD sales tax is imposed in its ETJ, that would prevent the City from extending its City sales tax into those areas when they are eventually annexed by the City. This could stifle City growth and impede the City's ability to meet its obligations to provide necessary services to your residents.

To be clear: BCESD 3 does not want to impede City growth. Therefore, the BCESD 3 Finance Committee is proposing that the City and BCESD 3 adopt the enclosed proposed Interlocal Agreement For The Allocation Of Sales Tax Revenue between BCESD 3 and the City. The Agreement would call for a 50-50 split of sales and use tax in any areas later annexed by the City. This would allow both the City and BCESD 3 to recoup an even share of sales tax within those areas, letting each entity meet its obligations to its respective residents.

While BCESD 3 is under no obligation to offer such a division of sales tax revenue, the Finance Committee believes that continued growth and development by the City will also lead to continued growth and development for the District. Simply put, both entities benefit as the City continues to develop through improvements in City services and increases in property tax revenue and sales tax revenue.

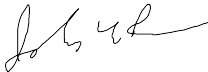
Members of the BCESD 3 Finance Committee intend to present the Agreement to the full Board of Commissioners for BCESD 3 at a special meeting held on Monday, April 21st. The Finance Committee members intend to then attend the City Council meeting on April 21st in order to answer any questions you may have regarding this matter.

We ask that you add an item to the April 21, 2025 City Council meeting to approve the proposed Interlocal Agreement For The Allocation Of Sales Tax Revenue between BCESD 3 and the City.

If there are any questions, please contact the undersigned.

Very truly yours,

COVELER & PEELER, P.C.

By: 

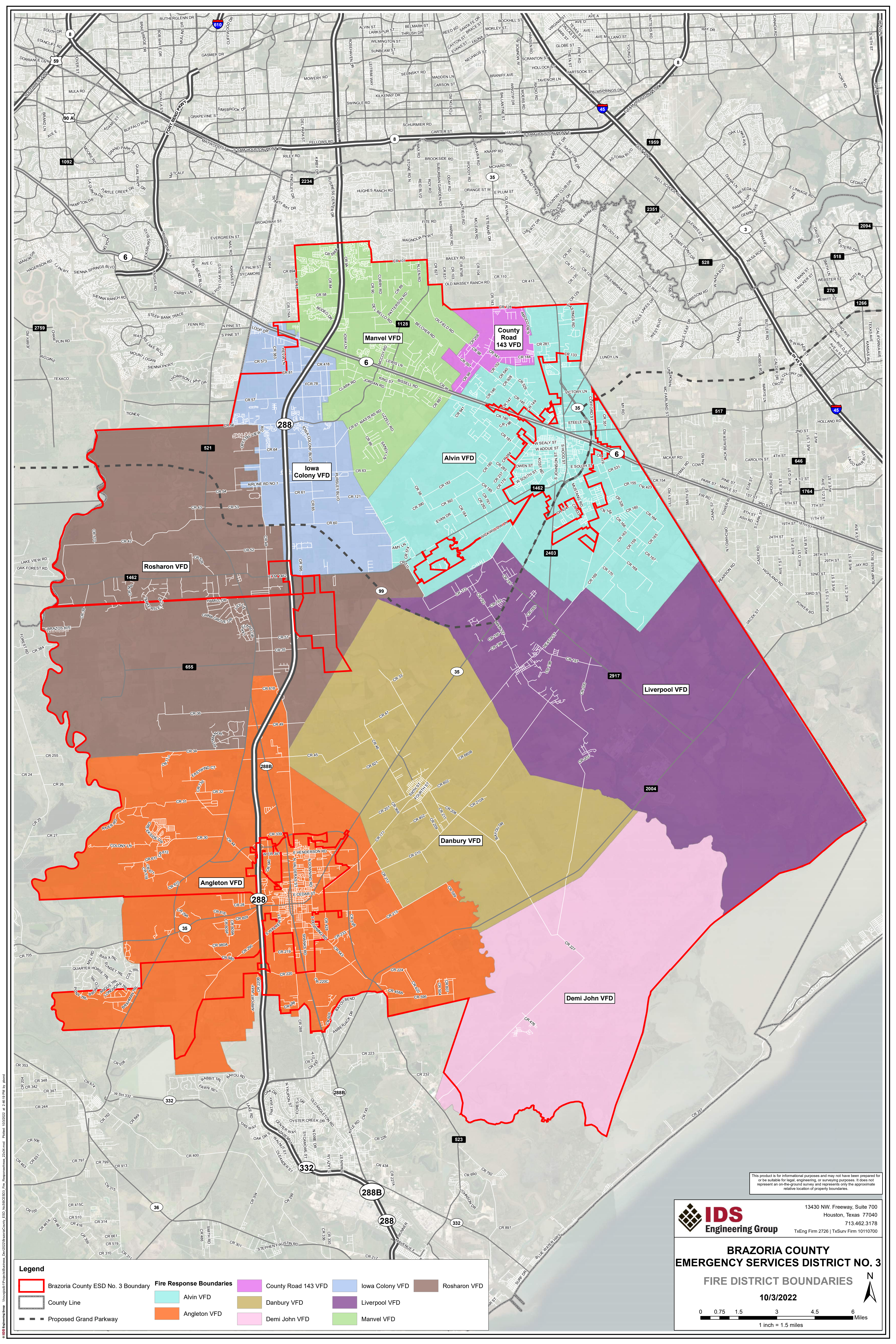
John W. Peeler

City of Manvel
April 16, 2025
Page 3

Cc: City Attorney Bobby Gervais

Enclosures

Proposed Interlocal Agreement For The Allocation Of Sales Tax Revenue
BCESD 3 Map
FAQ Regarding BCESD 3 Sales Tax Proposition



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

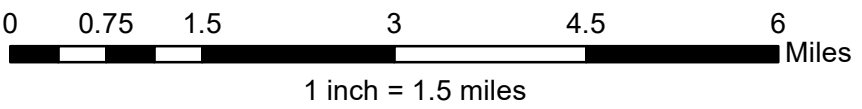


13430 NW. Freeway, Suite 700
Houston, Texas 77040
713.462.3178
TxEng Firm 2726 | TxSurv Firm 10110700

**BRAZORIA COUNTY
EMERGENCY SERVICES DISTRICT NO. 3**

FIRE DISTRICT BOUNDARIES

10/3/2022



Legend

- Brazoria County ESD No. 3 Boundary
- County Line
- Proposed Grand Parkway

Fire Response Boundaries

- Alvin VFD
- Angleton VFD

- County Road 143 VFD
- Danbury VFD
- Demi John VFD
- Manvel VFD

- Iowa Colony VFD
- Liverpool VFD

- Rosharon VFD

1. Why did the ESD Board make the decision to move forward with a sales tax election?
 - Growth of the population
 - Aging apparatus
 - Deficit in the budget needs for long range planning
2. Why does the District need this increase in revenue?
 - New stations needed to address the growth
 - Our property tax rate does not cover the needs of the District. Out of an allowed 10% the District tax rate is only .007459/\$100, which includes a debt rate of .003862/\$100
 - Just as household expenses increase and other businesses have experienced increased expenses over the last few years, so has the District.
 - The cost of a fire truck ranges from \$800,000 – \$2M, depending on the type and with the commercial growth that is happening in the county, we will need to purchase additional types of apparatus to meet the needs of the community.
3. What impact will this have on the fire service provided by the District?
 - The increase in revenue will allow us to accelerate the plan for the build out of two new stations that the District has already purchased land for.
 - It will also allow to District to replace an aged fleet of fire trucks and apparatus.
4. What impact will this have on the EMS service provided by the District?
 - Just as the population growth effects the Fire side of the District, it effects the EMS Division as well, with the need for ambulances and life-saving equipment.

- To initiate new programs for EMS, such as the blood program and the new ventilator system is very expensive.

5. How will the funds be spent?

- The additional funding will be used to fund the needs of the Fire Departments and EMS Services that provide services within the District. The needs of each department are different, some need newer apparatus, some need more locations, and some need upgrades to their equipment. These funds will allow the District to provide these items quicker.

6. How will this increase impact the residents?

- In many parts of the District the resident will experience no change. There are areas in the county that the sales tax is not already 8.25% and those areas would see a small increase on purchases.
- This is also a way to capture funds from those passing through our District.

7. How will it impact the residents if Prop A does not pass?

- Brazoria County ESD3 will continue to serve the community but due to the growth and rising prices you could eventually see longer response times and less apparatus available.

ORDER FOR ELECTION TO BE HELD MAY 3, 2025 ON THE PROPOSITION OF AUTHORIZING BRAZORIA COUNTY EMERGENCY SERVICES DISTRICT NO. 3 TO IMPOSE A SALES AND USE TAX AS PROVIDED UNDER TEXAS HEALTH AND SAFETY CODE §§775.0751 and 775.0752

WHEREAS, BRAZORIA COUNTY EMERGENCY SERVICES DISTRICT NO. 3 (the "District") operates pursuant to Texas Constitution, Article III, Section 48-e, and Chapter 775, Texas Health & Safety Code; and

WHEREAS, §775.0751, Texas Health & Safety Code, provides that the District may adopt a sales and use tax at an election held as provided by §775.0752; and

WHEREAS, the District may impose the tax at a rate from one-eighth of one percent to two percent in increments of one-eighth of one percent; and

WHEREAS, the District may not adopt a tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the District and other political subdivisions of this state having territory in the District would exceed two percent at any location in the District; and

WHEREAS, there is contained in the District certain territories contained in certain political subdivisions which overlap portions of the District whereby a total local sales and use tax of two percent (2%) has been imposed; and

WHEREAS, the District Board of ESD Commissioners finds that it would be in the best interests of the District and the residents and commercial interests situated in the District to afford the eligible voters within the District the opportunity to determine whether the District should impose a sales tax at a rate of one and one-half percent (1.5%), **excluding any areas** where there currently exists a 2% local sales and use tax; and

WHEREAS, Texas Health & Safety Code, §775.0752 and Texas Tax Code, §323.403, requires that such Election be held on the next uniform election day not less than 30 days after the day on which the order calling the election was passed,

WHEREAS, the next uniform date for an election called under such circumstances is May 3, 2025,

NOW, THEREFORE, IT IS HEREBY ORDERED that an Election be held in Brazoria County Emergency Services District No. 3 on Saturday, May 3, 2025, between the hours of 7:00 a.m. and 7:00 p.m., on the following proposition:

"The adoption of a local sales and use tax in Brazoria County Emergency Services District No. 3 at a rate not to exceed one and one-half percent (1.5%) in any location in the district."

IT IS FURTHER ORDERED that:

1. The ballot for the Election shall provide for voting "for" or "against" the above stated proposition. A majority of the votes cast either "for" or "against" the proposition shall determine whether the proposition is adopted. A vote "for" shall mean a vote in favor of the proposition and a vote "against" shall mean a vote against the proposition.

2. The election may be held jointly with other Brazoria County entities under the Joint Election Agreement promulgated by the Brazoria County Elections Office.

3. The election will be conducted by the Brazoria County Elections Office under the terms of the Election Services Agreement promulgated by the Brazoria County Elections Office. To the full extent allowed by law, the District delegates to the Brazoria County Elections Administrator all election duties described in the Agreement.

4. The Election shall be held within the Election Precincts and at the Polling Places designated by the Elections Administrator (also called "Contracting Officer") pursuant to the Brazoria County Election Order for the Brazoria County elections scheduled for May 3, 2025, subject to any such changes as may be made under the authority of such County Order(s). The designation is adopted and approved by the Board of ESD Commissioners.

As of the date of this Order, the election polling places have been designated for Early Voting and Election Day as per attached Exhibits "Notice of Early Voting at Branch Polling Locations" and "Election Day Vote Center – Joint Local – 2025-05-03-Tentative".

5. Only persons qualified to vote within the geographic boundaries of **BRAZORIA COUNTY EMERGENCY SERVICES DISTRICT NO. 3** shall be allowed to vote at the Election and each voter shall vote at the Polling Place designated by Brazoria County, as described above.

6. The Notice of the Election shall be prepared in accordance with law and shall be given by publication of the Notice of Election along with the Order designating the Voting Precincts and Polling Places for the Election. Such publication shall be made one time in a daily newspaper of general circulation within the geographic boundaries of the District, said publication to be made not earlier than the 30th day nor later than the 10th day before the Election Date. Further, a copy of such Notice shall, not later than the 21st day before the Election Date, be posted on the bulletin board or other place conspicuous to the public used for posting Notices of the meetings of the District Board of Emergency Services Commissioners and a copy shall be filed with the County Clerk of Brazoria County, Texas. After publication, the District Board of Emergency Services Commissioners shall retain a copy of the published Notice that contains the name of the newspaper in which it was published and the date of publication.

7. The voting in the District's Election Precincts shall utilize an Electronic Voting System procured and certified by the Brazoria County Elections Office. Brazoria County's certified electronic voting equipment is to be used in the May 3, 2025 Joint Election, as described in the Joint Election Agreement and/or Election Services Agreement.

8. **Joyce Hudman**, is hereby designated as the Early Voting Clerk for the Election. Early voting shall be conducted from April 22, 2025 (the date which represents the earliest date on which early voting may begin) through April 29, 2025 (the date which represents the last day on which early voting may be performed). As ordered by the District Board of Emergency Services Commissioners, the location of the main early voting place is determined by the Brazoria County Elections Office and is designated as **East Annex 1524 E. Mulberry Angleton, Texas 77515**.

Branch early voting locations and election day locations will be determined by Brazoria County for its May 3, 2025 elections.

9. For the use of those voters in the District who are entitled by law to vote early by mail, the Early Voting Clerk above named shall receive applications for early voting ballots to be voted by mail in accordance with the Texas Election Code. For the use of those voters who are entitled by law to vote an early voting ballot by mail, the County shall provide each voter with a paper ballot and instructions to make a mark on the paper ballot.

10. As described in the Election Services Agreement, the District Board orders that ballot applications and ballots voted shall be sent to the Early Voting Clerk Joyce Hudman, County Clerk at **111 E. Locust Ste 200 Angleton, TX 77515**, or as otherwise designated by the Brazoria County Early Voting Clerk. The ballot applications must be received by April 22, 2025, at 5:00 p.m. If any Application for Ballot By Mail is submitted by email or fax or if a Federal Post Card Application is submitted by fax, to be effective, the application must also be submitted by mail and be received not later than the fourth (4th) business day after it is received by email or fax. All requests for early voting ballots to be voted by mail that are received by the District shall be forwarded in person or by email or fax to the Contracting Officer on the day of receipt. Original applications that are received by mail and forwarded by email or fax must also be mailed to the Contracting Officer for all processing. The Regular Early Voting Clerk for the District, as defined in the Election Services Agreement between Brazoria County and the District, may also receive applications and forward same to the Early Voting Clerk, as described in the Election Services Agreement.

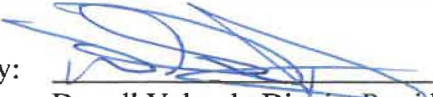
11. The following concurrent and subsequent Orders, among other Orders, may be made by the District to facilitate the Election: Joint Election Agreement; Order Approving and Appointing an Agent; Order Approving a Contract with Brazoria County; Order Establishing And Designating Election Precincts And Polling Places; Order Appointing Presiding Election Judge(s); Order Appointing Early Voting Ballot Board; Order Appointing An Early Voting Clerk; Order Establishing And Designating A Polling Place; Resolution Adopting Voting System.

12. In accordance with all applicable Federal and State law, there shall be provided Spanish translation of the ballot as well as other applicable election materials.

13. This Order constitutes the Election Order of **BRAZORIA COUNTY EMERGENCY SERVICES DISTRICT NO. 3** Election to conduct a Sales and Use Tax Proposition election.

ADOPTED at Open Meeting this the 10th day of February, 2025, by a vote of 4
to 0.

**BRAZORIA COUNTY EMERGENCY
SERVICES DISTRICT NO. 3**

By: 
Darrell Valusek, District President

ATTEST:

By: 
Matt Glaves, District Secretary