March 2, 2026 CITY COUNCIL MEETING AGENDA

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
CARMYN ROBEY-ROBINSON, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
GARRETT ROSSI KNOX, 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
March 2, 2026

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

Taxpayer Impact Statement
This statement shows the estimated annual property tax bill for a **median-valued homestead in Manvel** ($359,719), comparing the **previous FY tax rate**, the **no-new-revenue rate**, and the **adopted tax rate for FY 2025-2026**.

Tax Rate Scenario	Tax Rate per $100 Valuation	Estimated Annual Tax Bill	Difference from Previous FY
FY 2024-25	$0.560000	**$2,014.43**	—
No-New-Revenue Rate	$0.539339	**$1,940.10**	-$74.33
Adopted Rate FY 2025-26 – $0.56	$0.560000	**$2,014.43**	No change

Adopted Budget
A physical copy is available at City Hall and online at https://cityofmanvel.news/AdoptedBudgetFY25-26

QR to Budget

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 accommodation or interpreter services must be made 48 hours prior to the 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 551.074; "Personnel Matters - to deliberate the appointment, employment, evaluation, and duties of a public officer or employee".

1. *Discussion and possible interview of applicants for the appointment of Planning Development and Zoning Commission Board Members*

Workshop Session Continued

Discussion on any topic as listed on the current agenda.

Regular Session

Call To Order

Invocation

Inspirational Reading - Mayor Davis

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

Proclamation:
Sunshine Week - March 15 - 21, 2026

Tenure Recognition:
Chengzhe Qin - 5 Years

Staff Presentation on Public Hearing Item(s)

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING A PROPOSED ORDINANCE (2026-O-07) OF THE CITY OF MANVEL, TEXAS, AMENDING ORDINANCE NO. 2024-O-12, PERTAINING TO ZONING AND DEVELOPMENT-RELATED PROVISIONS AND REQUIREMENTS FOR THE VALENCIA PLANNED UNIT DEVELOPMENT (PUD), AN APPROXIMATE 457 ACRES OF LAND LOCATED IMMEDIATELY EAST OF STATE HIGHWAY 288, NORTH OF HIGHWAY 6, GENERALLY SOUTH OF DEL BELLO BOULEVARD, AND GENERALLY WEST OF FARM-TO-MARKET 1128, BY AMENDING CERTAIN PROVISIONS RELATED TO FENCING REQUIREMENTS, SIGN REQUIREMENTS, AND MINIMUM REAR YARD SETBACKS; 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.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING A PROPOSED ORDINANCE (2026-O-09) 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 TRACT OR PARCEL CONTAINING 0.8440 ACRES OR 36,765 SQUARE FEET OF LAND, BEING A PORTION OF A CALLED 40' WIDE UNNAMED ROAD AS SHOWN ON EMIGRATION LAND COMPANY SUBDIVISION SECTION 71, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER VOL 2, PG. 81-82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS.

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 OWNER(S); 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.

- March 16, 2026, City Council workshop will start at 4:00 p.m.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Acceptance of infrastructure improvements for Pavement Rehabilitation to serve Pomona Section 12 for Brazoria County MUD 40 and start the two-year maintenance period.

Items Removed from Consent Agenda

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2026-O-07;
   AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING ORDINANCE NO. 2024-O-12, PERTAINING TO ZONING AND DEVELOPMENT-RELATED PROVISIONS AND REQUIREMENTS FOR THE VALENCIA PLANNED UNIT DEVELOPMENT (PUD), AN APPROXIMATE 457 ACRES OF LAND LOCATED IMMEDIATELY EAST OF STATE HIGHWAY 288, NORTH OF HIGHWAY 6, GENERALLY SOUTH OF DEL BELLO BOULEVARD, AND GENERALLY WEST OF FARM-TO-MARKET 1128, BY AMENDING CERTAIN PROVISIONS RELATED TO FENCING REQUIREMENTS, SIGN REQUIREMENTS, AND MINIMUM REAR YARD SETBACKS; 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 recommendation by PD&Z on 2/23/2026)

2. Consideration and possible action to approve the first of two readings of Ordinance 2026-O-09;
   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 TRACT OR PARCEL CONTAINING 0.8440 ACRES OR 36,765 SQUARE FEET OF LAND, BEING A PORTION OF A CALLED 40' WIDE UNNAMED ROAD AS SHOWN ON EMIGRATION LAND COMPANY SUBDIVISION SECTION 71, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER VOL 2, PG. 81-82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS.

   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 OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

3. Consideration and possible action on the appointment of Planning Development and Zoning Commission members to fill Position #5, Position #6, and Position #7 with a term to expire March 2028.

4. Consideration and possible action on the re-appointments of the Manvel Economic Development Corporation Board Positions #1, Kris Durrett II, Position #2, Martina McNickles, and Position #3, Donald Atkinson, with a term to expire March 2028.

5. Consideration and possible action to approve a request for waiver of the level debt service requirement for bond issuance for Brazoria County MUD 66.

6. Consideration and possible action to approve Resolution 2026-R-15;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – PUBLIC SAFETY OFFICE (PSO) FOR THE BODY-WORN CAMERA PROGRAM IMPLEMENTATION PROJECT; DESIGNATING THE AUTHORIZED OFFICIAL ON BEHALF OF THE CITY TO SUBMIT AND ACCEPT THE GRANT AND EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDING; DESIGNATING THE FINANCIAL OFFICER ON BEHALF OF THE CITY WITH THE AUTHORITY TO SUBMIT FINANCIAL AND/OR PROGRAMMATIC REPORTS ON BEHALF OF THE CITY; PROVIDING ASSURANCES INCLUDING THE INTENT TO BUDGET MATCHING FUNDS FOR THE PROJECT IN THE 2026-2027 BUDGET IF THE GRANT IS AWARDED; AND DECLARING AN EFFECTIVE DATE.

7. Consideration and possible action to approve Resolution 2026-R-16;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – PUBLIC SAFETY OFFICE (PSO) UNDER THE STATE HOMELAND SECURITY PROGRAM (SHSP) FOR THE REGIONAL OPERATIONAL COORDINATION, CONTINUITY, AND ACTIVE THREAT PREPAREDNESS MODERNIZATION INITIATIVE; DESIGNATING THE AUTHORIZED OFFICIAL ON BEHALF OF THE CITY TO SUBMIT AND ACCEPT THE GRANT AND EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDING; DESIGNATING THE FINANCIAL OFFICER ON BEHALF OF THE CITY WITH THE AUTHORITY TO SUBMIT FINANCIAL AND/OR PROGRAMMATIC REPORTS ON BEHALF OF THE CITY; PROVIDING REQUIRED ASSURANCES; AND DECLARING AN EFFECTIVE DATE.

8. Consideration and possible action to approve Resolution 2026-R-05;
A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED MARCH 3, 2026, FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

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 salutary 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 salutary 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, Tammy Bell, 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 February 24, 2026 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 3 business days preceding the scheduled day of the meeting.

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: 3/2/2026

TOPIC

Recognition of Sunshine Week and the City of Manvel's commitment to open government through the Texas Public Information Act.

BACKGROUND

The Texas Public Information Act guarantees the public's right to access government records. Every request received by the City is a legal process with strict statutory deadlines, detailed review requirements, and coordinated staff effort to ensure both transparency and confidentiality under the law.

The City of Manvel fulfills this responsibility through a coordinated process:

- The City Secretary's Office manages and tracks all non-law-enforcement public information requests, ensuring statutory deadlines are met, coordinating with departments, reviewing responsive records, and preparing responses in compliance with state law.
- The Manvel Police Department processes law-enforcement-related requests through its dedicated records division.
- The City Attorney's Office provides legal review and prepares requests for rulings from the Office of the Attorney General when required.

2025 REQUEST VOLUME FOR CSO & LEGAL

- City Secretary's Office: 193 requests
- PD & Legal: 241 requests
- Total Citywide: 434 requests

2026 YEAR-TO-DATE

- City Secretary's Office: 34 requests
- PD & Legal: 33 requests
- Total Citywide: 67 requests

Each request is a multi-step legal workflow:

- Intake, logging, and deadline tracking
- Coordination with multiple departments
- Collection of responsive records
- Review for confidential and sensitive information
- Redaction in accordance with state law
- Legal analysis and Attorney General rulings when required
- Preparation and delivery of the final response
- Retention of requests for compliance and audit purposes

Transparency in Manvel isn't a slogan; it's hundreds of hours of real work every year to ensure our residents have access to their government.

SUBMITTING MEMBER City Secretary's Office	**FINANCE DIRECTOR APPROVAL** _____ **CITY MANAGER APPROVAL** _____

Proclamation

Office of The Mayor
City of Manvel

Whereas, Sunshine Week is a nationwide, nonpartisan initiative that celebrates and promotes open government, public records, and the public's right to know, and is celebrated each year in mid-March to coincide with the March 16 birthday of James Madison, a principal author of the Bill of Rights and a leading advocate for transparency in government; and

Whereas, open and transparent government strengthens public trust, promotes accountability, and ensures that citizens have access to the information necessary to be informed and engaged in their community; and

Whereas, the City of Manvel proudly upholds Transparency and Accountability as one of its core organizational values and is committed to conducting the public's business in an open and accessible manner; and

Whereas, the City of Manvel supports open government through the coordinated efforts of the Office of the City Secretary, the Manvel Police Department, and the City Attorney's Office to provide public information in a timely, accurate, and lawful manner in accordance with the Texas Public Information Act; and

Whereas, Sunshine Week provides an opportunity to recognize the public servants who work diligently to maintain records, respond to requests, and make government more open and accessible to the community they serve;

Now, Therefore, I, Dan Davis, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim March 15-21, 2026, as

"Sunshine Week"

in the City of Manvel, Texas, and encourage all residents, employees, and community partners to recognize and celebrate the importance of open government and the public's right to know.

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

_____

Dan Davis, Mayor
March 2, 2026

MANVEL
CITY COUNCIL
DATA SHEET

MEETING DATE: 3/2/26

TOPIC: Requesting Acceptance of Public Infrastructure Improvements

Project Name: Paving Rehabilitation to serve Pomona Section 12

This is a request for: (•) **Initial Acceptance** (Start 2-year maintenance period)
( ) **Final Acceptance** (Bond Release)

MUD District: Brazoria County Utility District No. 40

BACKGROUND:

- [x] City Staff has approved the final walk through on this project for the civil site work.
- [x] The applicant has submitted the Two-Year Maintenance Bond
- [x] The As-Built Construction Plans have been submitted
- [ ] This is a Final Acceptance and release of associated Maintenance Bond.

STAFF RECOMMENDATION:

Staff recommends approval of this request: (•) YES ( ) NO

Notes (if applicable):

ATTACHMENTS: Request Form and Project Details

FUNDING ISSUES

- [x] **Not applicable**
- [ ] **Not budgeted**
- [ ] **Full amount already budgeted**
- [ ] **Funds to be transferred from Acct.#**

SUBMITTING STAFF MEMBER	
Jose Abraham Director of Development Services	**PUBLIC WORKS DIRECTOR APPROVAL** [x] **FINANCE DIRECTOR APPROVAL** [ ] **CITY MANAGER APPROVAL** [x]

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

INFRASTRUCTURE ACCEPTANCE REQUEST FORM

INSTRUCTIONS

- This request form, along with any required documents must be sent to permits@cityofmanvel.com no later than **8 business days** before the proposed date of infrastructure acceptance by City Council (meeting date).
- Inspection (final walk) of the infrastructure proposed to be accepted must be completed and approved prior to submitting this form.
- For Initial Acceptance, this form must be submitted **on the same day or after** the paper copy of the Maintenace Bond has been delivered to Permits Department at City Hall Annex, 20025 Highway 6, Manvel, TX. 77578.
- Include a **copy of this form as cover sheet** when submitting paper copy of the maintenance bond.
- For Final Acceptance, provide accurate plat name below to avoid delay in plat recordation.

PROJECT DETAILS: This is a request for (●) **Initial Acceptance** ( ) **Final Acceptance** (Bond Release)

Project Name: Pavement Rehabilitation To Serve Pomona Section 12

Project Type: ☐ WS&D, ☑ Paving, ☐ Other | Total Project Cost: $247,000.00

MUD (if applicable): Brazoria County Municipal Utility District No. 40

MyGov Permit No.: #24-002950 Inspection (Final Walk) Approval Date: January 8, 2026

Proposed Acceptance Date (Council Meeting Date): March 2, 2026

Approved Plat Name: Final Plat of Pomona Section 12

REQUESTER CONTACT INFORMATION

Name & Company Name: Alicia Garcia w/ LJA Engineering, Inc.

Email: aligarcia@lja.com Phone No. 281-822-7105

INFRASTRUCTURE ACCEPTANCE CHECKLIST: *(Please check applicable items in the following checklist)*

Required Documents	Check
➢ *Inspection (final walk) is complete and approved with no outstanding punch list items*	☑
➢ *Initial Acceptance required documents have been submitted or are provided with this form*	☑
• Physical copy of Two-year maintenance bond (100% of the total cost)	☑
• PDF Copy of Two-year maintenance bond (100% of the total cost)	☑
• Updated Original Tax Certificate (showing no delinquent taxes)	☐ N/A
• As-built Plans (PDF)	☑
➢ *Final Acceptance to release maintenance Bond. No Document Required.*	☐

Notes (if any): _____

Requester Signature: Alicia Garcia Date: 02/18/2026

INFRASTRUCTURE ACCEPTANCE PROJECT DETAILS

PROJECT DETAILS (To be filled in by requestor)

Project Name: Pavement Rehabilitation to Serve Pomona Section 12

Project Cost: $247,000.00

Project Type: WS&D, (Paving,) Other _____

WS&D Total Quantity (ft & in)	
Water Line Size:	Water Line Length:
Sanitary Line Size:	Sanitary Line Length:
Storm Line Size:	Storm Line Length:

Other Quantities:

Street Total Quantity (ft & in) **by Street name (if applicable)**			
Street Name	**Length**	**Width**	**Thickness**
Arbor Crest Lane	225'	28'	6"

Sidewalk Total Quantity (ft & in) **by Street name (if applicable)**			
Street Name	**Length**	**Width**	**Thickness**
Arbor Crest Lane	22'	5'	4.5"

Prepared by: Alicia Garcia

Company Name: LJA Engineering, Inc.

Email: aligarcia@lja.com Ph: 281-822-7105

MANVEL
CITY COUNCIL
DATA SHEET

MEETING DATE: March 2, 2026

TOPIC: Consideration and possible action to approve a requested amendment to zoning and development-related provisions and requirements for the Valencia Planned Unit Development (PUD), established by Ordinance No. 2024-O-12. The proposed amendment pertains to:

- (Section V (4)) - Minimum rear yard setbacks,
- (Section V (7)) - Sign requirements, and
- (Section V (10)) - Fence requirements.

BACKGROUND: Ordinance No. 2024-O-12 established the Valencia PUD district and set forth specific zoning and development standards. LJA Engineering, Inc. (the applicant), on behalf of Valencia 288 LLC has been working with staff to amend certain PUD requirements and is requesting an amendment to Ordinance No. 2024-O-12.The applicant is requesting the following changes to the PUD document:

1. Rear Yard Setbacks: Reduce the minimum rear yard setback for residential lots from 15 feet to 10 feet.
2. Temporary Community Signs: Allow six (6) additional signs, consistent in size with those previously approved, located at different locations (Exhibit J).
3. Fence Requirements: Establish detailed standards for residential and commercial fences, expanding beyond maximum fence height, to include design, materials, placement, and enforcement (Exhibits O, P, and Q).

STAFF FINDINGS: The proposed amendments to the Valencia PUD are intended to address the evolving needs of the development and provide clarity and consistency for both residential and commercial components of the project. Staff finds the following:

1. Rear Yard Setbacks: Reducing the minimum rear yard setback to 10 feet establishes a uniform standard across all residential lots, including platted sections. The current 15 feet setback is consistent with Single-family residential (SFR) district standards (60-foot-lots). However, please note that lots within Valencia have a typical depth of 120 feet which is more than the minimum depth resulting in City's SFR district. Therefore, the proposed reduction will not detrimentally impact the overall development. The reduced setback will result in more flexibility for building one-story homes, which is consistent with the Comprehensive Plan goal of offering a variety of housing choices. Plat amendments are required for previously recorded lots using the reduced setback.

2. Temporary Community Signs: The previously approved PUD allowed ten (10) Temporary Community signs located primarily:
   - 4 along Pollard Boulevard from SH-6;
   - 4 along Del Bello Boulevard from SH-288 to Pollard Boulevard; and
   - 2 along SH-6 from SH-288 to Masters Road.

   The amendment proposes six (6) additional signs:
   - 2 along the west side of SH-288 between Croix Rd and Del Bello Blvd;
   - 1 at the northwest intersection of SH-288 & Hwy 6;
   - 1 at the southeast intersection of SH-288 & Hwy 6;

- 1 at the southeast intersection of CR-48 & Hwy 6; and
- 1 at the intersection of Hwy 6 & McCoy Rd.

All signs remain consistent in size with those previously approved and are subject to applicable State and County approvals as part of the sign permit process.

3. Fence Requirements: The amendment retains the seven (7) foot maximum height for single-family residential fences and introduces detailed standards for design, materials, and placement for both residential and commercial fencing. It also clarifies that the Homeowners Association (HOA) will enforce fencing standards, and all installations or modifications must be reviewed and approved by the Architectural Review Committee (ARC).

   The amendment identifies four (4) types of permitted residential fencing, illustrated in Exhibits O, P, and Q, as outlined below:

   I. Residential Fencing

   1. Wood Public Right-of-Way Fence: For lots visible from public ROW (Dogwood Ave, Charlotte St)
   - 6’ cap-top fence, 2”x6” rot board, 2”x6” cedar cap, 1”x4” cedar trim
   - Yard side: standard 3-rail fence
   - Rot boards required

   2. Wood Good Neighbor Fence: Between adjoining lots not visible from ROW
   - 6’ 3-rail fence, 6” pickets, 4x4 posts
   - Rot boards not required (staff recommends adding rot board to align with City ordinance)

   3. Wrought Iron Fence: Lots abutting a lake
   - Extend minimum 20’ along side property line from rear yard (except corner street-side lots)
   - Min height 4’

   4. Concrete Fence: Lots abutting Pollard Blvd
   - Min height 6’

   II. Commercial Fencing

   1. Wood Public Right-of-Way Fence: Permitted where visible from the public right-of-way.
   - Min 6’ cap-top fence, 2”x6” rot board, 2”x6” cedar cap, 1”x4” cedar trim
   - Optional: 6’ concrete/masonry for durability or screening

   2. Wrought Iron Fence: Permitted where visibility and enhanced aesthetics are desired. Min 4’, max 8’

COMPARISON WITH CITY ORDINANCE:

Requirement	City Ordinance	Valencia PUD Amendment
Residential Fence Height	Max 6’ in single-family districts; Max 8’ along major thoroughfares	Max 7’ in single-family residential lots (unchanged from original PUD)
Commercial Fence Height	Max 8’	Min 4’, max 8’ for wrought iron; Min 6’ for wood or concrete
Rot Board	Required for wooden privacy fences with pickets/boards.	Required only for Wood Public Right-of-Way Fence. Not required for Wood Good Neighbor Fence.
Top Cap	Permitted up to 2” height, not counted toward total fence height.	Public ROW fences require 2”x6” cedar cap. Good Neighbor fence does not require a cap.
Fence Post	Installed with concrete footing with a depth of at least a third of the fence post's height above ground.	Not Specified

Please note that City's fence regulation was updated in 2023 to include rot board requirement for good neighbor fences. If the applicant's reasoning to exclude rot board requirement from good neighbor wooden fence is satisfactory and the change is approved, staff will consider updating the City ordinance accordingly.

STAFF RECOMMENDATION: Overall, the proposed amendments support efficient development and align with the residential and commercial character of the Valencia PUD. Staff recommends approval of requested PUD amendment with the revision that the "Wooden Good Neighbor Fence" shall require a rot board and the fence post shall be installed with concrete footing with a depth of at least a third of the fence post's height above ground. The ordinance covers rear yard setbacks, sign requirements, and fence standards, with ongoing monitoring for compliance.

PD&Z PUBLIC HEARING AND DISCUSSION (Feb 23, 2026): Two residents spoke at the meeting in opposition to the proposed amendment. Staff provided 6 emails received from surrounding residents expressing their opposition. The applicant spoke at the meeting and explained the reasons for the proposed amendment.

PD&Z Commission members discussed the details of the proposed amendment and expressed their following preference:

- limiting the setback reduction to interior lots and excluding lots on the perimeter of the PUD.
- the need to add fence post structural requirement.

PD&Z RECOMMENDATION: The PD&Z Commission is recommending approval of the requested PUD amendment by adopting the proposed Ordinance No. 2026-O-07.

ATTACHMENTS: Proposed Ordinance No. 2026-O-07, Application, Valencia PUD document amendment redline, Valencia PUD document amendment Clean, Valencia PUD document amendment Exhibits, Deviations & Variances Table.

FUNDING ISSUES

_X_ Not applicable
___ Not budgeted
___ Full amount already budgeted
___ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER	**FINANCE DIRECTOR APPROVAL** __NA___
Ellie Roohbakhsh, Senior Planner	**CITY MANAGER APPROVAL** ___YES___

Staff Use Only:
Date Received: _____
Received by: _____
Date Complete: _____
Completeness Review by:
_____

Planned Unit Development (PUD) Application

Incomplete Applications will not be accepted. Please review application submittal requirements contained in the City of Manvel PUD Manual.

(Please Type or Print Clearly with Dark Ink)

[X] Master Plan PUD [ ] Small PUD [ ] Site Plan Only

General Information
PUD Name: Valencia PUD
Number of Units Proposed: 977 Current Zoning Designation: Planned Unit Development
Zoning District under Which PUD Will Be Designed: PUD-Single Family Residential and PUD- Light Commercial
Address/Location: 457 acres north of Highway 6 and East of Iowa Lane
Brazoria County Parcel Number (s): 228665 Acres: 457
Legal Description: MANVEL LOT OL 174-175 (A0483 HT&B) ACRES 26.0374
_____

Applicant Information
Name: LJA Engineering, Inc. Daytime Phone: _____
Mailing Address: _____
City/State/Zip: _____
Contact Person: Abby Martinez
Email Address: _____

Property Owner Information (If different from applicant; attach additional signature page or appropriate letter of consent/agreement if more than one property owner)
Name: Valencia 288 LLC Daytime Phone: _____
Mailing Address: _____
City/State/Zip: _____
Email Address: _____

CITY OF MANVEL PLANNED UNIT DEVELOPMENT APPLICATION, PAGE 2

(Attach additional sheets if necessary to fully answer the following.)

1. Contiguous Land Ownership- Please specify if the owner(s) own any property that is directly adjacent to the proposed PUD and describe any future projects in adjacent property: Owners do not own property that is directly adjacent to the proposed PUD.

2. Concept Statement- Brief description of the project including proposed the use or uses: This a request to amend the existing PUD regulations. The boundary of the PUD and uses within will not change.

The proposed activities and uses shall be shown on an attached PUD plan based on the exhibit requirements for master plan and site plan review. Please refer to the City of Manvel PUD Manual for the master plan and site plan requirements.

3. Statement of Justification- Brief description outlining how the proposed PUD is consistent with the purpose of the Zoning Ordinance and all departures from the provisions of the underlying zoning district that are necessary to provide superior site development: The project is currently zoned to Planned Unit Development. The proposed request to amend the regulations will provide additional fencing regulations for enhanced community aesthetic, signage locations to attract new residents to the community, and revised rear yard setbacks to allow flexibility in home design.

4. Statement of Compliance with the Comprehensive Plan- Description of how the PUD meets or exceeds the City vision as described in the Comprehensive Plan: The proposed PUD amendment complies with the comprehensive plan by proposing well-planned development with open space for safe recreation that protects the natural environment and offering a variety of housing for different needs.

5. Statement of Compatibility- Describe how the proposed project is compatible with the surrounding uses and will not have significant adverse impacts on the properties: The Valencia PUD amendment will not change any of the proposed uses and will therefore not impact surrounding properties.

01/05/26
Date

Abigail Martinez
Applicant's Signature

01/05/26
Date

Russell Bynum
Owner's Signature (If different from Applicant)

The above signed property owners, certify that the above information is true and correct to the best of our knowledge and state that we are the legal owners of the property included in this application and/or designate the applicant to act as our agent with respect to this application. If there are more than one property owner(s), attach additional signature sheets or letter of consent to application.

Valencia
Planned Unit Development

Prepared for:

Hillwood Residential, L.P.

Prepared by:

LJA

PLANNING &
LANDSCAPE
ARCHITECTURE

FebruaryJanuary 2026

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EXHIBITS
Exhibit A - Area Location Exhibit
Exhibit B – Project Aerial Exhibit
Exhibit C – Survey
Exhibit D - Legal Description
Exhibit E - Conceptual Land Use Exhibit
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Exhibit N – Single-Family Residential Specialty Product
Exhibit O – Conceptual Fencing Exhibit
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Exhibit Q-1, Q-2, Q3 – Concrete Fencing Specifications

I. INTRODUCTION

This application was prepared on behalf of Hillwood Residential, L.P. pursuant to the City of Manvel's zoning ordinance Sec. 77-29 Planned Unit Development District (PUD) district. The purpose of a PUD District is to provide a high level of amenities, encourage a pedestrian friendly environment, and provide flexibility in the development of land subject to the development standards coordinated with the necessary public services and facilities.

The Valencia PUD is primarily a residential project that consists of approximately 457.0 acres of land and is located immediately east of State Highway 288, north of Highway 6, generally south of Del Bello Boulevard, and generally west of Farm-to-Market 1128. The Area Location Map (Exhibit A) located in the Exhibits section of this document illustrates the location of the property.

The property is generally flat with elevations ranging from 44 feet to 60 feet above mean sea level (MSL) and is largely comprised of prairie land and agricultural fields. The property is encumbered by several existing east-west pipeline easements and Chocolate Bayou which runs in a north-south direction on the western portion of the property. The MUD 43 Drainage Easement and a portion of the Brazos River Authority controlled drainage easement, at approximately 125 feet in width, runs north-south along the western property boundary.

Generally, the surrounding land use is a mix of undeveloped acreage to the southwest, some large lot residential to the north, and standard single-family residential developments to the northwest, southeast, and south. The single-family residential developments are Bluewater Lakes to the south, Lakeland to the southeast, and Del Bello Lakes to the west. To the southeast lies Manvel Junior High and Manvel High School located at the intersection of State Highway 6 and McCoy Road. The future location of the Manvel City Center directly abuts the northwestern boundary of a portion of the development, south of Del Bello Boulevard.

The surrounding area can be seen on the Area Location Map and the Project Aerial map (Exhibit A and B).

The purpose of the amendment is to incorporate the addition of multiple fence types distinguished by location and material with specific height and design standards, as well as expanded signage regulations addressing use, type, size, and location, providing greater clarity within the overall PUD. This amendment also revises the single-family residential rear yard setback for certain lot sizes to allow greater flexibility in home design.

II. PROJECT DESCRIPTION

1. Compliance with Comprehensive Plan

The Valencia PUD complies with the Manvel Comprehensive Plan by adhering to the development principles outlined in the plan. This is accomplished by encouraging well-planned quality residential and non-residential development; providing open space for recreation and protecting the natural environment; and offering a variety of housing choices (See Conceptual Land Use Plan, Exhibit E). The Valencia PUD has a well-defined network of both vehicular and pedestrian circulation systems that provide connectivity, not only to the project itself, but to existing developments to the south and west as well as to the future Manvel City Center. The diversity of housing types varies from the traditional single-family subdivision to higher density single-family specialty products that ensure residents of all ages and needs can fulfill their housing needs. The development of an internal parks system includes a recreation center, smaller parks, and significant open space areas that will help provide for the City’s future open space needs.

2. Justification

The intent of the PUD District is to encourage high quality development in the City by providing additional flexibility to take advantage of special site characteristics, location, and land uses. This document establishes certain development standards that exceed the minimum Manvel zoning regulation requirements for properties specifically located within the boundaries of the Valencia PUD.

The PUD will meet or exceed the minimum requirements of Manvel's zoning regulations through specific architectural design and engineering standards such as:

- Creating a PUD district which will respond to market conditions and maintain the flexibility necessary to address changes in the future;
- Incorporating unique single-family specialty products that will provide a variety of housing stock to ensure residents of all ages and needs can fulfill their housing requirements;
- Providing parks, amenitized detention areas, and a well-defined trail system; and
- Complying with the amended Major Thoroughfare Plan to provide sufficient connectivity throughout the project for vehicular and pedestrian activity.

3. Single-Family Residential

The traditional single-family residential component that will be found throughout the Valencia PUD will be a collection of individual neighborhoods that take their access from Dogwood Avenue, Charlotte Street and Pollard Boulevard, and/or an internal local street system that provides connections within the neighborhood and to the surrounding areas. The traditional single-family residential neighborhoods will be developed with lot sizes that vary from 50 feet to 70 feet or greater in width to respond to market conditions.

The single-family specialty products will provide unique types of residential development that is less than fifty feet in width that may include front loaded products, rear loaded or alley products, townhome alley products, and/or "zipper" lots (single-family lots with detached garages in alternating depths). The single- family specialty products neighborhoods will be developed with varying lot sizes and product types to respond to market conditions.

4. Drill Site

A 4.0-acre drill site is located on the southeast side of the intersection of Pollard Boulevard and the future Charlotte Street extension. ~~north side of the future Charlotte Street extension, to the north of Bluewater Lakes Section 2, and to the west of Lakeland Section 2.~~ The drill site will be used as open space area unless or until the mineral rights owners elect to exercise their drilling rights. The size and location of any drilling facility associated with the extraction of oil and gas shall be conceptual until a permit is issued by the City of Manvel in accordance with Chapter 35, of the *City of Manvel Code of Ordinances*. This drill site shall not be calculated towards the parkland dedication requirement. Should the surface owner acquire the mineral rights and elect to remove the drill site, the designated drill site shown on the exhibits to this Valencia PUD may be used as a park or for single-family residential uses (See Section III.2, Single-Family Residential Lot Distribution Table). If the designated drill site is used for a park, that acreage may be applied to the parkland dedication requirements.

5. Potential School Site

The project is located within the Alvin Independent School District. The size and the location of the proposed school site will be coordinated between the developer and the school district. In the event that Alvin Independent School District does not purchase the proposed school site, that site may be used for single-family residential uses (See Section II.2, Single-Family Residential Lot Distribution Table).

6. Parks and Open Space

Parks and open space accounts for approximately 36.6% of the gross acreage within the Valencia PUD. The open space calculation includes private parks, public parks, landscape reserves, pipeline easements, drainage easements, canal easements, trails, natural open space areas, drill sites, lakes/detention areas, and drainage facilities. The Valencia PUD Conceptual Amenities and Open Space Plan (Exhibit H) shows a private recreation center, public parks, lake/detention areas, and open space areas all connected via a pedestrian trail system. The proposed private recreation center, located to the west of Pollard Boulevard, will provide off-street parking and may contain active amenities such as water based recreational activities with commonly associated facilities, an active play area for children, and other passive amenities. In the event that a "splash pad" type amenity is installed, a water recirculation system will also be installed for the purpose of water conservation. The other two parks shown on Exhibit H will be public and have more passive facilities such as play areas for children, trails, picnic tables and benches. One of the lake/detention areas, designated D-03 on Exhibit H, may have active amenity features such as a kayak launch and fishing facilities. All land which is dedicated for the purpose of fulfilling the parkland dedication requirement will be developed with some form of either passive or active amenities. The various private recreation center, public parks, and trails will be developed as the adjacent residential sections are developed.

The pedestrian trail system will be comprised of a hierarchy of trail widths ranging from 12 feet in width to 6 feet in width; all sidewalks located in front of homes will be 5 feet in width.

The lakes within the Valencia PUD will maintain a constant water level while also serving as detention facilities for the project and provide a significant amount of open space. The lake/detention areas will not only enhance the aesthetic quality of the development but will provide numerous opportunities for the enjoyment of the residents.

7. Other Land Uses

The Valencia PUD has ~~five~~ four proposed commercial sites located throughout the development; ±4.7 acre and ±2.5 acre commercial sites located at the southeast and southwest corners of Del Bello Boulevard and Pollard Boulevard, a ±2.6 acre commercial site located at the northwest corner of Pollard Boulevard and Dogwood Avenue, ~~a ±1.5 acre commercial site at the southeast corner of Charlotte Street,~~ and a ±10.5 acre site located on the northeast corner of Del Bello Boulevard and Manvel Parkway. It is anticipated that the commercial developments will largely be neighborhood retail in nature.

III. ZONING

1. Proposed Zoning

To implement the conceptual master plan as currently proposed, each of the proposed land uses has been assigned a zoning district consistent with the current City of Manvel zoning regulations as shown on the Composition of Land Use Table below. The various land uses will follow the development requirements for their assigned zoning district as described in the Zoning Ordinance, in effect when this PUD is approved, unless otherwise noted in this PUD. Notwithstanding the foregoing, no amendment shall impact the project's vested rights. When there is a conflict between the requirements in the regulations listed below and this PUD Document, this PUD Document will govern.

Land use shall be regulated on a total acreage basis. Each Land Use may be increased or decreased in acreage by up to 10% of the total gross acreage. The percentage land use area change is required to ensure the success of the Valencia PUD by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow Valencia PUD to remain competitive in the real estate market over the life of the project and the ability to adjust as necessary to accommodate specific end users in a timely manner.

The land uses may be relocated within the boundaries of the PUD, as necessary to address economic and market conditions or future modification of roadway and drainage alignments. The Land Use Comparison table below provides a detailed tabulation of each land use within the development as shown on the Conceptual Land Use Exhibit, Exhibit E. All acreages shown below are subject to change as development occurs within the boundaries of the PUD and as allowed by this document.

2. Conversion of Specific Land Uses

a. The conversion of the Drill Sites, Parkland, and/or Potential School will only be allowed to convert to parkland or single-family residential uses.
b. Conversion of the Drill Sites and/or Potential School Site will be the only instance in which density may be increased within the development. However, the increase in density shall be limited to the traditional single-family lot products as described in Section III.V.3, Traditional Single-Family.
c. In the event that the drill sites or school site is converted to single-family residential, this conversion of land use shall not be counted towards the ten percent (10%) of change described in Section III.1.

A. Acreage per Land Use Summary

Land Use	Zoning District	Approximate Acreage	% Gross Acreage
Constraints			
Major Thoroughfare & Collector Roadways	PUD-SFR	37.6	
Existing Utility & Canal Easements	PUD-SFR	33.5	
Drainage & Detention	PUD-SFR	~~81.4~~83.8	
Chocolate Bayou	PUD-SFR	7.6	
Drill Site	PUD-SFR	4.0	
Subtotal		**~~164.1~~166.5**	**36.~~40~~%**
Community Elements			
Recreation Center & Parks	PUD-SFR	5.6	
Elementary School	PUD-SFR	14.8	
Landscape/Open Space	PUD-SFR	33.~~39~~	
Subtotal		**~~54.3~~53.4**	**11.7%**
Commercial			
Commercial	PUD-LC	~~21.8~~20.3	
Subtotal		**~~21.8~~20.3**	**4.~~48~~%**
Single-Family Residential			
Single-Family Residential	PUD-SFR	216.8	
Subtotal		**216.8**	**47.~~45~~%**
Totals		**457.0**	**100.0%**

B. Single-Family Residential Lot Distribution Table

Lot Size	Allowable Percentage of Total Lots	Approximate Acreage
50' X 120' (Typical)	30%	65.0
60' X 120' (Typical)	32%	69.4
70' X 130' (Typical)	10%	21.7
Specialty Product	28%	60.7
Gross Residential Total	**100%**	**216.8**

Please refer to the Single-Family Residential Exhibit, Exhibit F, for the proposed location of the various lot products. The locations of the various products shown on the exhibit may be adjusted and/or moved within the boundaries of the PUD as allowed by this document. Refer to Section III.V.3 and Section III.V.4, of this document for a listing of lot sizes and applicable standards for the various single-family residential products, including the single-family specialty product. The 50 foot lots and Specialty Products combined shall not exceed a total of 58% of the total lot count in the project; the 60 foot lots and 70 foot lots may each be increased by an additional 10% of the total lot percentage. Additionally, if the drill site and/or the school site is converted to a residential use (See Section II.4

and II.5), any of the lot sizes shown on the table above may be used provided that the percentage ratio of the various lot sizes shall not be modified.

C. Commercial Land Uses

The proposed five (5) commercial tracts are intended to provide neighborhood-scaled commercial development with retail, service, and office uses. Below is a list of allowed uses within these tracts:

a. Permitted Uses:

- Retail bakeries
- Furniture and home furnishing stores
- Electronics and appliance stores
- Building material, garden equipment and supplies dealers
- Food and beverage stores
- Health and personal care stores
- Clothing and clothing accessories stores
- Sporting goods, hobby, book, and music stores
- General merchandise stores
- Misc. store retailers
- Postal Service
- Finance and insurance
- Real estate
- Lessors of nonresidential buildings (except mini warehouses)
- Consumer good rental
- Professional, scientific, and technical services
- Accounting, tax preparation, bookkeeping and payroll
- Veterinary services
- Management of companies and enterprises
- Administrative and support services
- Educational support services
- Social assistance
- Child day care services
- Arts, entertainment, and recreation
- Fitness and Sports Centers
- Food services and drinking places
- Electronic and precision equipment repair and maintenance
- Automotive glass replacement shop
- Personal and laundry services

b. Office functions only:

- Any manufacturing or industrial related uses
- Support activities for agriculture and forestry
- Construction of buildings
- Transportation and warehousing
- Commercial and industrial machinery and equipment rental

c. Special Use Permit required:

- Beverage manufacturing
- Information
- Gasoline stations
- Ambulatory health care services
- Hospitals
- Lessors of mini warehouses and self-storage units
- Automotive and equipment rental
- Amusement, gambling, recreation industries
- Recreational goods rental
- Colleges, universities, professional, and business schools
- Nursing and residential care facilities
- Other residential care facilities

c. **Special Use Permit required (con't)**
    - Bed and breakfast
    - All other amusement and recreational industries
    - Mobile food services
    - Drinking places (alcoholic beverages)
    - Automotive repairs and maintenance
    - Personal and household
    - Goods repair and maintenance
    - Other personal care services
    - Religious organizations
    - Civil and social organizations
    - Non-store retailers
    - Technical and trade schools
    - Other schools and instruction
    - Accommodations

IV. PARKS

To meet the parks dedication requirement, there shall be a minimum of one acre of parkland dedicated for every 100 proposed single-family residential lots. Based upon the estimated number of 1,100 single-family residential lots, the Valencia PUD will be required to provide approximately ±11 acres of parkland. In the event that the number of single-family residential lots exceeds the acreage listed above, the requirement of a minimum of one acre of parkland dedicated for every 100 proposed single-family residential lots shall apply. Should the number of lots decrease from the estimated number of 1,100, the requirement of a minimum of one acre of parkland dedicated for every 100 proposed single-family residential lots shall apply.

Parkland Dedication will be credited based on the following criteria:

a. Private parks: No more than 50% of the required parkland dedication acreage shall be comprised of private parkland.
b. Public parks: Public parkland shall be dedicated to the City of Manvel once the full reimbursement for the public park has been received and maintained by the Homeowners Association. However, to be considered public parkland, the area must be available to all residents of the City of Manvel.
c. Trails: No more than 50% of the required parkland dedication acreage may be comprised of trails. To qualify for credit as trails, the following requirements must be met:
    i. All-weather hike/bike paths, landscaping and sodding installed according to the construction standards of the city for trails;
    ii. Have connections to surrounding private parks, public parks, open space, recreation areas, school and/or other trails/sidewalks;
    iii. Reserves dedicated as parkland acreage for trails shall have an average minimum width of 25 feet.
d. Lakes: No more than 35% of the required parkland dedication acreage may be comprised of lakes/detention. To qualify for credit as lakes, the following requirements must be met:
    i. Be located adjacent to parkland or open space that is designated for public use;
    ii. Maintain a constant water surface elevation;
    iii. Have connections via trails/sidewalks to surrounding private parks, public parks, open space, recreation areas, school and/or other trails/sidewalks;
    iv. Contain a minimum size of eight acres;
    v. Have side slopes not to exceed a five to one (5:1) ratio in the location of any ingress/egress areas for the purpose of fishing or kayak related activities;
    vi. Must be available to all residents of the City of Manvel.

The proposed parks dedication requirement will be met in the following manner:

Open Space Amenity	**Acreage**
Recreation Center (Private)	±2.8 acres
Parks (Public)	±2.8 acres
Lake D-03 (Public)	±3.4 acres (maximum 35% credit)
Trails adjacent to Chocolate Bayou or Lake/detention areas (Public)	±2.0 acres (maximum 50% credit)
Total	**±11.0 acres**

The acreages and locations of the various parks shown on the above table may be adjusted and/or moved within the boundaries of the PUD as allowed by this document. A well-defined trail system will be constructed throughout the development as depicted on the Conceptual Amenities and Open Space Plan (Exhibit H). The Homeowners Association will be responsible for maintaining all private parks, public parks, open space, trails, and landscaped areas within the PUD.

V. DEVELOPMENT REGULATIONS

Unless otherwise outlined in this document, all City of Manvel regulations, as amended from time to time, shall apply to this PUD. If any provision of a future amended zoning or subdivision regulation imposes a higher standard than that provided for in this PUD document, then the provisions of this PUD document shall control. If any provision of any city regulation not contained in this PUD document imposes a higher standard, that regulation shall control. Notwithstanding the foregoing, no amendment shall impact the project's vested rights. When there is a conflict between the requirements in the development regulations listed below and this PUD Document, this PUD document will govern.

1. Architectural Standards

Residential and Commercial Development Guidelines shall be created to protect the integrity of the residential and commercial development within the PUD. The Commercial Development Guidelines shall comply with the architectural standards listed in Chapter 77-51 of the Manvel Code of Ordinances unless otherwise noted in this document. Below are additional regulations that apply to the architectural standards within the PUD:

a. Structures located within recreation center or park sites shall follow building material standards and setbacks set forth in the Valencia CCRs.

b. Structures not enclosed on at least three sides shall not be held to the Commercial Development Guidelines.

   i. Such structures shall not be required to comply with Commercial setback or exterior building material requirements and shall follow building material standards and setbacks set forth in the Valencia CCRs

2. Street and Circulation System

The Valencia PUD will have sufficient mobility through the construction of several proposed roadways:

- Pollard Boulevard, a 120 foot wide thoroughfare running north-south through the property from its connection to Del Bello Boulevard in the north to its existing location in Bluewater Lakes;
- Del Bello Boulevard, a 120 foot wide thoroughfare that lies along the northern side of the future Manvel City Center. The existing thoroughfare connects to State Highway 288 to the west.
- Dogwood Avenue, an 80 foot collector road that runs east-west just to the south of the

future Manvel City Center;

- Charlotte Street, a 80 foot collector road that runs east of Pollard Boulevard in the southern portion of the Valencia PUD. The portion of Charlotte right-of-way located adjacent to C-08 and outside of the Valencia boundary shall only be developed as C-08 is developed;
- Charlotte Street, a 60 foot collector road that runs west of Pollard Boulevard in the southern portion of the Valencia PUD.
- Alleys shall be maintained by the HOA. The City will not be responsible for repairs or maintenance of any alley.

The thoroughfare and circulation plan for Valencia PUD and the surrounding vicinity is illustrated on the Conceptual Roadway Exhibit (Exhibit G). Refer to the Utility agreement and any amended agreements thereafter for applicable regulations and details regarding paving width, sidewalk width, and phasing of these roadways.

3. Traditional Single-Family

Lot Sizes and Standards:

a. 50' lots:
   i. Minimum lot size area: 6,000 square feet
   ii. Minimum width – 50 feet (measured at the front yard setback)
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – ~~15~~10 feet minimum
   viii. Building height – 40 feet maximum

b. 60' lots:
   i. Minimum lot size area: 7,200 square feet
   ii. Minimum width – 60 feet (measured at the front building line)
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – ~~15~~10 feet minimum
   viii. Building height – 40 feet maximum

c. 70' lots:
   i. Minimum lot size area: 8,400 square feet
   ii. Minimum width – 70 feet (measured at the front yard setback)
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – ~~15~~10 feet minimum
   viii. Building height – 40 feet maximum

If the rear property line of a corner parcel abuts the side property line of a neighboring parcel, the street side setback of the corner parcel must be a minimum of 15 feet.

4. Single-Family Specialty Product

Please refer to Single-Family Specialty Product Exhibits L, M, & N in this document.
Lot Sizes and Standards:

a. Front loaded detached lots:
   i. Minimum width – 42 feet (measured at the front yard setback)
   ii. Minimum depth – 120 feet
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – ~~15~~10 feet minimum
   viii. Building height – 40 feet maximum

b. Rear loaded (alley) detached lots:
   i. Minimum width – 35 feet (measured at the front yard setback)
   ii. Minimum depth – 100 feet
   iii. Front yard setback – 15 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum
   vi. Corner side yard setback – 10 feet minimum
   vii. Alley width – 20 feet
   viii. Building height – 40 feet maximum

c. Rear loaded (alley) attached lots:
   i. Minimum width – 28 feet (measured at the front yard setback)
   ii. Minimum depth – 90 feet
   iii. Front yard setback – 15 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum between structures
   vi. Corner side yard setback – 10 feet minimum
   vii. Alley width – 20 feet
   viii. Common walls allowed on one side
   ix. Building height – 40 feet maximum

d. Rear loaded (alley) townhome lots:
   i. Minimum width – 25 feet (measured at the front yard setback)
   ii. Minimum depth – 90 feet
   iii. Front yard setback – 15 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum between structures
   vi. Corner side yard setback – 10 feet minimum
   vii. Alley width – 20 feet
   viii. Common walls allowed on both sides
   ix. Maximum number of attached units: Five
   x. Minimum number of attached units: Two
   xi. Only 20% of the units within a townhome development shall be allowed to have two attached units
   xii. Building height – 40 feet maximum

e. Zipper lots (single-family detached lots with alternating depth detached garages):
   i. Minimum width – 25 feet (measured at the front yard setback)
   ii. Minimum depth – 120 feet
   iii. Front yard setback – 20 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum
   vi. Corner side yard setback – 10 feet minimum
   vii. Garage building line – 25 feet minimum
   viii. If the garage is set to the minimum of 25 feet, then the adjacent lot shall have a minimum setback of 50 feet.
   ix. Garage side setback – 0 feet with a minimum of 10 feet of separation from structures on the adjacent lot. Garage structures located less than four feet from the lot line shall have a "private four-foot perpetual drainage and maintenance easement" provided on the adjacent property and shown on the final plat.
   x. Building height – 40 feet maximum

f. Patio & Zero Lot Line Lots
   i. Minimum width – 50 feet (measured at the front yard setback)
   ii. Minimum depth – 120 feet
   iii. Front yard setback – 20 feet minimum
   iv. Garage front yard setback – 25 feet minimum
   v. Rear yard setback – ~~15~~10 feet minimum
   vi. Side yard setback – 5 feet minimum
   vii. Corner side yard setback – 10 feet minimum
   viii. A minimum of 0 feet to 5 feet on one side yard and 5 feet to 10 feet on the other side yard, with an aggregate minimum side yard setback of 10 feet between the two lots.
   ix. In no case shall units on adjoining lots be separated by less than 10 feet in width
   x. Patio home structures located less than four feet from the lot line shall have a "private four-foot perpetual drainage and maintenance easement" provided on the adjacent property and shown on the final plat.
   xi. Building height – 40 feet maximum

If the rear property line of a corner parcel abuts the side property line of a neighboring parcel, the street side setback of the corner parcel must be a minimum of 15 feet.

Where alleys dead-end, a turnaround shall be provided. Waste collection in an alley shall only be provided if approved by the City's waste haul contractor, otherwise, trash collection shall be taken from the front curb. The Homeowners Association shall enforce no parking and keep the alley clear from obstacles.

5. Streets

In the event that there is a conflict between the Valencia PUD and the Utility Agreement and any amended agreements thereafter, the Utility Agreement shall control. The development will provide points of access as required by Streets, Section 62-104(5) Multiple access points with the following modifications:

a. Two points of access. There shall be a minimum two points of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots. A boulevard may be used as a second point of access to satisfy this requirement only for the parcel designated as C-08, as shown on the Conceptual Land Use Plan, Exhibit E. Section 1 (D-01) and Section 2 (D-02) shall share a boulevarded entry and second point of access, but shall be platted separately. All entry points as shown on Exhibit E shall

provide sufficient access to address. Section 15 (D-05) shall have one boulevarded entry and a second connection via Section 2 (D-02).

b. Three points of access. There shall be a minimum of three points of access from a collector street in a subdivision or subdivision phase for 76 to 175 platted lots.

c. Four points of access. There shall be a minimum of four points of access from a collector street in a subdivision or subdivision phase for 176 platted lots or greater.

d. Boulevard entries. A boulevard entry may only be considered as two points of access when a third or fourth point of access is triggered under subsections 5.b. and 5.c. above.

e. Future access: A future point of access to an undeveloped area may be used to qualify as a point of access to satisfy the requirements above.

f. The only crossings of the existing drainage channel and canal easement along the western boundary of the PUD shall be Del Bello Boulevard, Dogwood Avenue and Charlotte Street. No additional street crossings shall be required.

g. The parcel designated as C-08 shall only be required to provide one boulevarded point of access to Charlotte street due to existing development to the east and south, proposed detention pond to the west and size of the tract.

6. Commercial

a. Minimum lot width – 60 feet (measured at the front yard setback)
b. Minimum lot depth – 100 feet
c. Front yard setback – 25 feet minimum
d. Rear yard setback – 10 feet minimum
e. Side yard setback – 5 feet minimum
f. Corner side yard setback – 10 feet minimum
g. Building Height:
    i. Pad Site - No building may exceed thirty five feet in height.
    ii. Commercial Anchor Tenant- No building may exceed sixty feet in height
h. Building Materials:
    i. All commercial buildings within the proposed commercial tracts must be composed of a minimum of 75% masonry exclusive of windows, doors, or other transparent materials. The calculation shall be based on the total square footage of all facades.
    ii. The following materials shall meet the masonry requirement:
        1. Stone
        2. Brick
        3. Concrete (including tilt wall)
        4. Hollow clay tile
        5. Concrete Masonry Unit (CMU)
        6. Glass block
        7. True Stucco
        8. Insulated concrete forms (ICF)
    i. Non-masonry materials may not exceed 25% of the building's elevation.
    ii. The following non-masonry materials are permitted. Prior to approval of the use of the below materials, proof must be provided to show that the material and installation process meets ICC and Texas Windstorm standards and as approved by the City's Building Official or City Engineer.
        1. Cementitious Fiber

j. Architectural metal panels to include, but not be limited to: lap-seam metal panels; exposed fastener panels; concealed fastener panels; flat plate metal panels; aluminum composite materials (ACM); metal composite materials (MCM); and/or formed metal panels (r-panels).
k. Landscape Requirements
    i. A minimum of 10% of the site (excluding building footprint) shall be landscaped. All pervious area shall be counted toward the total landscape area (excluding pavers).
    ii. Landscaping and/or a masonry fence shall screen outside storage areas, including but not limited to, loading docks, garbage collection bins and delivery entrances from adjacent property and public street right-of-way
    iii. Street Trees
        1. A minimum of 1 tree is required for every 50 feet of street frontage.
        2. No street tree shall be less than three inch (3”) caliper
        3. Trees may be grouped or placed at regular intervals so long as the spacing requirements listed above are met.
    iv. Parking lot landscaping
        1. In addition to the Street Trees noted above, a minimum two inch (2") caliper tree shall be provided within or adjacent to the parking area at tree islands that:
            a. Are at least 9 feet wide;
            b. Each have a square footage minimum 180 square feet;
            c. Provides 1 tree island for every 10 parking spaces;
            d. The tree islands shall be planted with sod and/or other plantings.
        2. Shrub planting shall be placed along the perimeter of a parking lot to screen the parking lot. The shrubs shall be maintained at a maximum height of 36 inches. Parking lot shrubs shall be a minimum of 24-inches at the time of planting.
        3. At entrance and exits, shrubs shall be no higher than twelve (12) inches in height to comply with sight triangle requirements.

7. Signage

The proposed locations for the project signage can be found in the Conceptual Signage Location Exhibit (Exhibit K). All signage within the development will be in accordance with the Manvel City Sign Ordinance except for the items listed below. When there is a conflict between the requirements in the sign ordinance and this PUD Document, this PUD document will govern.

a. Residential Single-Family Development Signage:

i. Primary Entry Monument: The overall primary entry monument shall consist of a primary monument sign, an attached sign blade wall, and an optional attached covered structure. The primary monument sign shall not exceed a sign area of 200 square feet. The sign blade wall shall attach the primary monument sign and the attached covered structure. The attached covered structure shall be open on three sides and shall contain roof signage that shall not exceed 200 square feet. The combined sign area of the primary monument sign and structure roof sign shall not exceed 400 square feet. The overall building envelope including the primary monument sign, attached sign structure, and attached covered structure shall be no greater than twenty feet (20’) in height, sixty feet (60’) in length, and twenty feet (20’) in depth. These signs will be placed at the major entry point to the project.

ii. Secondary Entry Monument: The secondary entry monument building envelope shall be no greater than twenty-five feet (25') in height, forty feet (40') in length, and fifteen feet (15') in depth. A water cistern twenty-five feet (25') in height by fifteen (15') in length shall contain signage on two walls of the water cistern. An ornamental/decorative fence may be provided as part of the overall design of the secondary entry monument and shall not be measured as part of the building envelope. The combined sign area of the tower and secondary monument sign shall not exceed 400 square feet. These signs will be placed at the secondary entry points to the project.

iii. Village/Park Entry Monument: Six feet (6') tall with a six-foot by six-foot (6'x6') tower footprint and an attached or isolated sign blade wall with a maximum size of six feet tall by twenty feet in length (6'x20'). The sign area shall not be greater than 64 square feet. These signs will be placed at the entry points to residential subdivisions within the project.

iv. Model Home Monument: Used to identify different builder model homes to potential home buyers. The monuments shall be a maximum of 60 square feet in size and shall not to exceed five feet (5') in height. These monuments may be installed at model homes at various locations within the development. All model home monuments must be removed when the model home is purchased and used as a private home.

v. Temporary Construction Signs/For Sale Signs: To be used during construction of the development. These signs recognize builders, architects, engineers, leasing representatives, lenders, and other associated with the project. There shall be one sign per parcel of land and the sign shall have a maximum of 64 square feet in size and not to exceed eight feet (8') in height and eight feet (8') in width per parcel of land. All temporary signs must be removed when the principle building on the applicable building site is occupied.

vi. Temporary Community Signs: Used to direct potential home buyers to various neighborhoods and/or model homes. These temporary signs may be installed at various locations within the development. In addition, sixteen (16) ~~ten (10)~~ offsite signs shall be permitted along these corridors:

- Four (4) along Pollard Boulevard from State Highway 6;
- Four (4) along Del Bello Boulevard from State Highway 288 to Pollard Boulevard;
- Two (2) along State Highway 6 from State Highway 288 to Masters Road;
- Two (2) along the west side of SH-288 between Croix Road and Del Bello Blvd;
- One (1) at the northwest intersection of SH-288 and Highway 6;
- One (1) at the southeast intersection of SH-288 and Highway 6;
- One (1) at the southeast intersection of CR-48 and Highway 6;
- One (1) at the intersection of Highway 6 and McCoy Road.

The Temporary Community Signs shall be a maximum of 128 square feet in size and shall not to exceed ten feet (10') in height. These signs may remain until 30 days following the permanent resident occupancy of the last model home. These signs may be placed within the right-of-way with the condition that they be located a minimum of four feet (4') from the back of curb. Placement within State or County rights-of-way shall be subject to approval by the applicable governing agency as part of the sign permitting process. If a Temporary Community Sign is not in

compliance with the above section, the City has the right to remove said sign at the expense of the developer with a ten (10) business days notification.

b. Commercial Development Signage:

i. Building Mounted Signs

a. Maximum Sign Area: The total building mounted sign area shall not exceed a total of 2 square feet per linear foot of the façade width or 200 square feet, whichever is less.
b. Location/Number: Tenants are permitted to have one building mounted sign per building elevation facade, except those on a corner facing two public streets, which may have two (2) signs; one facing each street.
c. Illumination: Graphic sign bands must be internally illuminated. Internal illumination shall be LED or white neon tubing. All ballasts, transformers, conduits, and other necessary electrical and structural equipment must be concealed.

i. Monument Signs

These signs shall be freestanding, double-sided monument type set perpendicular to the public street right-of-way.

a. All monument signs shall be located a minimum of 10 feet from the property line.
b. There shall be a minimum of 100 feet between monument signs.
c. All monument signs must be perpendicular to the right of way.
d. Single Tenant Monument Sign
    i. Height - Maximum 6 feet (including base)
    ii. Length – Maximum 13 feet
    iii. Sign Area - Maximum of 45 square feet
    iv. Location/Number: One single tenant monument sign per commercial tract, unless located on a corner; then one located on each public street. Sign shall be constructed perpendicular to the adjacent public street.
    v. Illumination: Internal illumination shall be LED or white neon tubing

e. Multi-Tenant Monument Sign
    i. Height - Maximum 8 feet (including base)
    ii. Length – Maximum 13 feet.
    iii. Sign Area – Maximum of 65 square feet
    iv. Location/Number: One multi-tenant monument sign per commercial tract, unless located on a corner; then one located on each public street. Signs shall be constructed perpendicular to the adjacent public street. If anchor tenant occupies 50,000 SF or more, it may have an additional one single-tenant sign.
    v. If more than one sign is approved, they may not be placed any closer than 110 feet. In no case will there be more than one sign per entrance, unless permitted by Subsection e.iv. above.
    vi. Illumination: Internal illumination shall be LED or white neon tubing per sign specifications.

f. Electronic Reader Boards

Electronic Reader Boards/ LED screens are permitted under the following regulations:

    i. LED signs are permitted for on premised signs and/or for tenants within a single development;

ii. No internal or external illumination of the LED screens will be allowed between the hours of 10pm and 6am;
iii. Maximum illumination will be the difference between ambient light and full wattage cannot be more than .2 foot-candles at 75 feet;
iv. Automatic dimmer equipment must be installed and operational; Maximum wattage at 6,500.
v. Display Time - The message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling;
vi. Size of the changeable area is no greater than 25 percent of the overall signage area

c. School Signage:

i. Building Mounted Signs
   a. Maximum Sign Area: The total building mounted sign area shall not exceed a total of 2 square feet per linear foot of the façade width or 200 square feet, whichever is less.:
   b. Location/Number: Tenants are permitted to have one building fascia sign per building elevation, except those on a corner facing two public streets, which may have two (2) signs; one facing each street.
   c. Illumination: Graphic sign bands must be internally illuminated. Internal illumination shall be LED or white neon tubing. All ballasts, transformers, conduits, and other necessary electrical and structural equipment must be concealed.

ii. Monument Signs

These signs shall be freestanding, double-sided monument type set perpendicular to the public street right-of-way.

   a. All signage shall be located a minimum of 10 feet from the property line.
   b. All signage must be perpendicular to the right of way.
   c. Height - Maximum 6 feet (including base)
   d. Length – Maximum 13 feet
   e. Sign Area - Maximum of 45 square feet
   f. Location/Number: One sign per school site, unless located on a corner; then one located on each public street. Sign shall be constructed perpendicular to the adjacent public street.
   g. Illumination: Internal illumination shall be LED or white neon tubing

   h. Electronic Reader Boards

Electronic Reader Boards/ LED screens are permitted under the following regulations:

i. LED signs are permitted for on premised signs;
ii. No internal or external illumination of the LED screens will be allowed between the hours of 10pm and 6am;
iii. Maximum illumination will be the difference between ambient light and full wattage cannot be more than .2 foot-candles at 75 feet;
iv. Automatic dimmer equipment must be installed and operational;
v. Maximum wattage at 6,500.
vi. Display Time - The message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling;
vii. Size of the changeable area is no greater than 25 percent of the overall signage area

8. Trails

The pedestrian pathway system, which is illustrated on the Conceptual Amenities and Open Space Plan (Exhibit H), will use a combination of 12 foot wide and 8 foot wide primary trails, and additional trails of not less than five feet in width to serve the residents of the project and provide multiple pedestrian connections. The trails system will provide easy and safe pedestrian access to public parks, private parks, open space, commercial tracts, single-family residential areas, and the school (if any) located within the project.

9. Utilities

Utilities will be provided by a Municipal Utility District pursuant to a Utility Agreement with the City of Manvel approved at the same time as the Valencia PUD. In the event that there is a conflict between the Valencia PUD and the Utility Agreement and any amended agreements thereafter, the Utility Agreement shall control.

10. Other Regulations

i. Residential Fencing - Fences in any single-family residential district may not exceed seven (7') feet in height. The following fence types shall be permitted within this PUD and as shown on Exhibit O, P, and Q. The Homeowners Association (HOA) shall be responsible for enforcing all fencing guidelines and standards within the community. Any exterior modifications to homes, including fencing, shall be subject to review and approval by the Architectural Review Committee (ARC). Fence post installation shall be in accordance with the City of Manvel Code of Ordinances and Design Criteria Manual.

a. Wood Public Right-of-Way Fence
   i. May be used where a screened edge or visual buffer is desired and constructed where visible from the public right-of-way.
   ii. Applies to residential lots whose rear or street side property lines abut the collector streets of Dogwood Avenue and Charlotte Street.
   iii. The fence must be a six-foot (6') tall, cap top fence with a minimum of a two-inch by six-inch (2"x6") standard rot board, a two-inch by six-inch (2"x6") cedar cap, and one-inch by four-inch (1"x4") cedar trim.
   iv. The interior (yard-facing) side of the fence shall be constructed as a standard 3-rail fence.
   v. Rot boards shall be required on all wood fences visible from the public right-of-way.

b. Wood Good Neighbor Fence
   i. May be used where a uniform, shared appearance between adjoining properties is desired.
   ii. Applies to residential lots whose rear property lines abut other residential lots and not visible from the public right-of-way.
   iii. The fence must be standard six-foot (6') tall, 3-rail fence constructed with six inch (6") pickets and 4x4 posts.
   iv. A rot board is not required.

c. Wrought Iron Fence
   i. May be used where visibility, openness, or enhanced aesthetics are desired.
   ii. Applies to residential lots whose rear or side property lines abut a lake. The wrought iron fence shall extend on the side property line for a distance of not less than twenty feet (20') from the rear yard property line, except on corner lot street-side property lines.
   iii. The fence shall be a minimum height of four feet (4').

d. Concrete Fence
i. May be used where additional durability, screening, or noise mitigation is desired.
ii. Applies to lots whose rear or side property lines abut Pollard Boulevard.
iii. The fence shall be a minimum height of six (6) feet.

ii. Commercial Fencing
a. Wood Public Right-of-Way Fence
i. May be used where a screened edge or visual buffer is desired and constructed where visible from the public right-of-way.
ii. The fence must be a minimum six-foot (6') tall, cap top fence with a minimum of a two-inch by six-inch (2''x6'') standard rot board, a two-inch by six-inch (2''x6'') cedar cap, and one-inch by four-inch (1''x4'') cedar trim.
iii. In lieu of a wood fence, a six-foot (6') tall concrete or masonry fence may be provided as an optional upgrade where additional durability, screening, or noise mitigation is desired.
b. Wrought Iron Fence
i. May be used where visibility, openness, or enhanced aesthetics are desired.
ii. The fence shall be a minimum height of four feet (4') and shall not exceed a height of eight feet (8').

~~i.~~iii. Proximity of structures to pipelines - No residential or commercial structure shall be erected or moved to a location nearer than 30 feet to any existing pipeline, except for low pressure distribution system pipeline as defined in section 62-2 of the Manvel Code of Ordinances.

~~ii.~~iv. Trees –Trees may be planted within right-of-way medians to enhance the overall landscape plan for the development. Trees shall be planted at a minimum spacing of 50 feet and located within the center of the right-of-way median. They may be located within other areas of the right-of-way in a limited manner to address physical or other constraints that exist in various areas throughout the development. In the event that there are utilities located within the future drip line of the tree, a suitable root barrier shall be used.

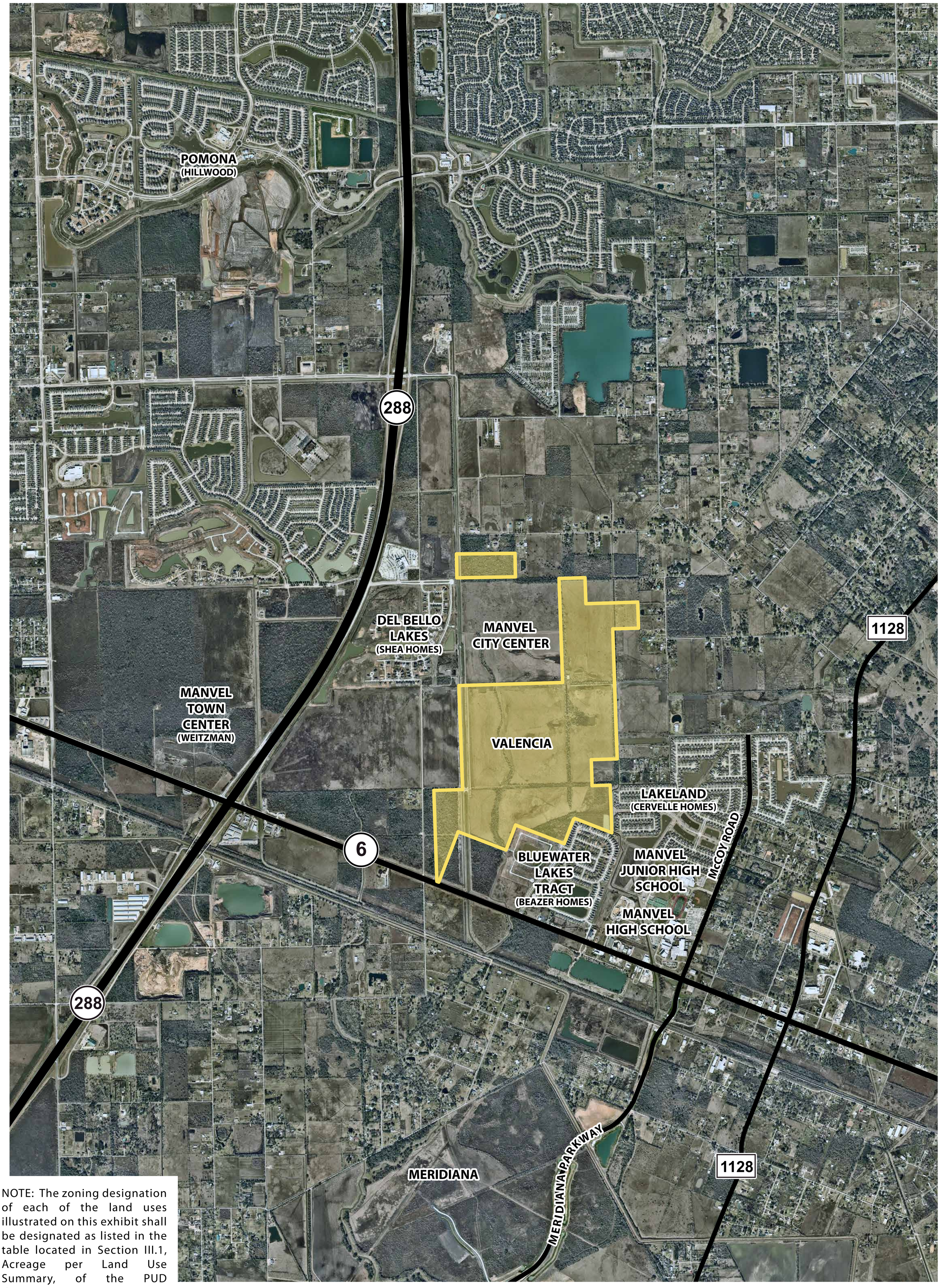
~~iii.~~v. Off-street parking areas – Off-street parking areas shall be provided for the use of community occupants and guests at the recreation center site. Twenty-five (25) off-street parking stalls will be provided for the recreation center site.

~~iv.~~vi. Paving Material – Permeable pavers, such as Trugrid or a comparable alternative, may be installed around non-residential buildings to fulfill fire code requirements.

V. PHASING / DEVELOPMENT SCHEDULE

The first phase of the project will be south of Del Bello Boulevard and Pollard Boulevard, working from the north to south as the project proceeds, as shown on the Phasing Exhibit (Exhibit I). The location and timing of future phases will be dependent upon market conditions and is subject to change. Commercial development will be driven by market conditions.

The construction of modular voter homes, shall be allowed to be located on the site throughout the duration of the project. A recorded final plat and/or permanent access shall not be required for such uses.



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT A

Planned Unit Development
Area Location Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

Reference Date: 11.07.2025

NORTH

0 500 1000 2000

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT B

Planned Unit Development
Project Aerial Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

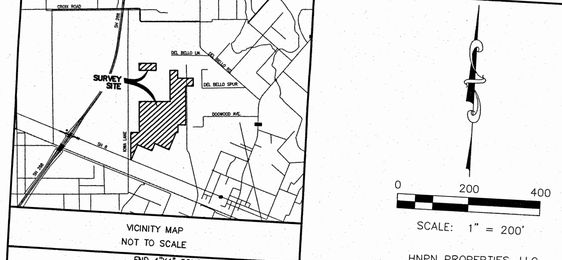
Reference Date: 02.03.2026

NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



VICINITY MAP
NOT TO SCALE

0 200 400
SCALE: 1" = 200'

LINE	BEARING	DISTANCE
L1	N 70°29'23" W	33.64'
L2	S 86°49'56" W	147.25'

LEGEND

B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.C.R.	DISTRICT CLERK RECORDS OF BRAZORIA COUNTY, TEXAS
DOC. NO.	DOCUMENT NUMBER
VOL./PG.	VOLUME/PAGE
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
(S)	SET 5/8" IR W/CAP STAMPED "LJA SURVEY"
IR	IRON ROD
IP	IRON PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
CIP	CAST IRON PIPE
A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
CONC.	CONCRETE MONUMENT
	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
X	FENCE (AS SPECIFIED)
OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
	POWEREPOLE
	GUY-WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

FND 4"X4" CONC. MONUMENT W/ 3/8" IR (LEANING SLIGHTLY)

RESIDUE OF CALLED 99.9653 ACRES SLP 288 AND RODEO PALMS II, LP SLP 288 AND RODEO PALMS II, LP NOW KNOWN AS 288 RODEO PALMS, LP BY CERTIFICATE OF CONVERSION DOC. NO. 2017027740, B.C.O.P.R.

BOUNDARY LINE AGREEMENT DOC. NO. 2019016351, B.C.O.P.R.

GULF COAST WATER AUTHORITY DOC. NO. 2019016350, B.C.O.P.R.

UTILITY EASEMENT DOC. NO. 2019016540 B.C.O.P.R.

UTILITY EASEMENT DOC. NO. 2019016541 B.C.O.P.R.

N 03°15'28" W 3,540.42'

N 03°15'28" W 598.51'

20' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

BRAZOS RIVER AUTHORITY EASEMENT AND RIGHT-OF-WAY (WIDTH VARIES) VOL. 1067, PG 786, B.C.D.R.

FND 60D NAIL BEARS S80°23'16"W-6.20' @ 34.84' PASSING FND 5/8" IR (BENT)

(S) REMAINS OF A BARBED WIRE FENCE

WOODEN POST

SURVEY LINE

TRACT 2
19.961 ACRES

20' ROADWAY AND DRAINAGE EASEMENT (ALONG SOUTH AND WEST LINES OF LOTS 6 &12) VOL. 145, PG. 245, B.C.D.R. (ITEM J)

P.O.B.

S.W. COR. LOT 6
S.W. COR. A-469
N.W. COR. A-301
S.E. COR. A-459
N.E. COR. A-460

GATE FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666" 18" CPP

15" CPP

4' BARBED WIRE FENCE

@ 1,436.21' PASSING FND 5/8" IR (BENT)

DRAINAGE EASEMENT BRAZORIA CO. MUD NO. 43 CALLED 1.790 ACRES DOC. NO. 2016011558, B.C.O.P.R.

20' STRIP (PARCEL "A") BRAZOS RIVER AUTHORITY VOL. 1070, PG. 318 B.C.D.R.

105' STRIP (PARCEL "C") BRAZOS RIVER AUTHORITY VOL. 1070, PG. 315 B.C.D.R.

BLOCK 73

FND 5/8" IR W/CAP STAMPED "FMS" FND 5/8" IR (BENT)

DRAINAGE EASEMENT BRAZORIA CO. MUD NO. 43 CALLED 1.771 ACRES FILE NO. 2016057460, B.C.O.P.R.

CITY OF MANVEL CALLED 10.00 ACRS DOC. NO. 2020000450 B.C.O.R.

20' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

FND 5/8" IR (BENT) FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

20' STRIP (PARCEL "B") BRAZOS RIVER AUTHORITY VOL. 1070, PG. 318 B.C.D.R.

RESERVE "C"

RESERVE "B"

RESERVE "A"

BOUNDARY LINE AGREEMENT DOC. NO. 2019016350, B.C.O.P.R. DOC. NO. 2019016552, B.C.O.P.R.

DEL BELLO LAKES SECTION 1 DOC. NO. 20190601988 B.C.O.P.R.

MANVEL PARKWAY (120' R.O.W.) DOC. NO. 2019062193, B.C.O.P.R.

A.C.H. & B.R.R. COMPANY SURVEY, SEC. 90, (A.K.A.) KATE R. EHRMANN SURVEY, A-459

H.T. & B.R.R. COMPANY SURVEY, SEC. 72, (A.K.A.) KATE R. EHRMANN SURVEY, A-460

H.T. & B.R.R. COMPANY SURVEY, SEC. 73, A-301

RIGHT-OF-WAY EASEMENT DEL BELLO BOULEVARD CALLED 0.3505 ACRE DOC. NO. 2019016545, B.C.O.P.R.

LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6

HNPN PROPERTIES, LLC CALLED 10.002 ACRES DOC. NO. 2019060177 B.C.O.P.R.

MICHAEL M. MCNIERNEY AND HEATHER S. HEDAYATI CALLED 10.002 ACRES DOC. NO. 2001053665 B.C.O.R.

FND 4"X4" CONC. MON. 2 WOODEN POSTS

N 87°15'19" E 1,465.65'

@ 726.24' PASSING FND 5/8" IR WOODEN POST

FOUR FORTY-THREE, LTD. 20 ACRES (SECOND TRACT) VOL. 1048, PG. 760 B.C.D.R.

LOT 7 LOT 8 LOT 9 LOT 10 LOT 11 LOT 12

ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SECTION 73 VOL. 2, PG. 91 & 92 B.C.P.R.

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L.)

S 86°50'32" W 1,465.30'

6.6' (TIE TO FENCE) 5' BARBED WIRE FENCE

MARY V. O'DONNELL SURVEY, A-469

1,168.84'

(S) FND 1/2" IR FND 1/4" P

BEARS S15°37'01"E-0.90'

LOT 17 60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L)

LOT 13 LOT 14 LOT 15 LOT 16 LOT 17 LOT 18

LOT LINE

2-8"X8" WOODEN POSTS

FND 5/8" IR

10.0' (TIE TO FENCE) 2 WOODEN POSTS @ BRIDGE (DESTROYED)

S 03°13'46" E 588.05'

MARY J MOUNTFORD MICHAEL H KASPAR AND MEDA M KASPAR CALLED 6.97 ACRES DOC. NO. 2014047736 B.C.O.P.R.

ALBERT N. DEL BELLO AND MARGARET DEL BELLO CALLED 1.50 ACRES VOL. 1310, PG. 741 B.C.D.R.

JOHN CRAIG LEBOURGEOIS CALLED 6.978 ACRES DOC. NO. 98-053061 B.C.O.R.

LOT 19 LOT 20 LOT 21 LOT 22 LOT 23 LOT 24

40' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

HERMANN HARTMANN CALLED 5.50 ACRES VOL. 788, PG. 580 B.C.D.R.

LOT 25 LOT 26 LOT 27 LOT 28 LOT 29 LOT 30 LOT 31 LOT 32 LOT 33 LOT 34 LOT 35 LOT 36 LOT 37 LOT 38 LOT 39

SYLVIA BUFFY ORNDORFF AND DUSTIN AARON DIFFERENT CALLED 13.93 ACRES DOC. NO. 2015054435 B.C.O.P.R.

FND 1/4" IP BEARS S55°51'35"W-6.79'

FND 5/8" IR W/YELLOW CAP (ILLEGIBLE) BEARS S35°02'12"W-0.66'

FND 5/8" IR W/CAP STAMPED "FMS" FND 1/2" IR BEARS S81°43'50"E-14.4'

N 86°50'32" E 659.90'

SURVEY LINE

FND 3/4" IR FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

4' BARBED WIRE FENCE

11.1' (TIE TO FENCE)

40.7' (TIE TO FENCE)

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L)

EASTBANK BAYOU, L.P. REMAINDER OF CALLED 19.950 ACRES DOC. NO. 2007022032 B.C.O.R.

FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

N 86°49'56" E 1,313.92'

FOUR FORTY-THREE, LTD. (FIRST TRACT) VOL. 1048, PG. 760 B.C.D.R.

TRACT 1
418.432 ACRES

CITY OF MANVEL CALLED 149.639 ACRES DOC. NO. 2018034498 B.C.O.P.R.

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L.)

40' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

4' BARBED WIRE FENCE

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L)

N 03°27'03" W 2,641.03'

S 03°24'33" E 660.67'

LOT 41

KATHERINE OTT MILES V CALLED WEST 1/2 OF LOT 41 AND 5 ACRES OF LOT 1 VOL. 145, PG. 245, B.C.D.R.

PEGGY COLDWELL AND CHARLES EUGENE COLDWELL JR. CALLED EAST 1/2 OF LOT 41 AND 5 ACRES FILE NO. 98-028237, B.C.D.R.

LOT 42 LOT 43 LOT 44 LOT 45 LOT 46 LOT 47 LOT 48 LOT 49 LOT 50 LOT 51 LOT 52 LOT 53 LOT 54 LOT 55

ELMORE OTT BABB CALLED WEST 1/2 OF LOT 49 AND 5.5 ACRES VOL. 134, PG. 160 B.C.D.R.

NANCY LEE STUFFLEBEME AND JANET SUE STUFFLEBEME CALLED EAST 1/2 OF LOT 49 AND 5.0 ACRES DOC. NO. 2019005980 B.C.O.P.R.

EASTBANK BAYOU, LP CALLED 19.944 ACRES DOC. NO. 2008004369 B.C.O.R.

4' BARBED WIRE FENCE

20' ROADWAY AND DRAINAGE EASEMENT (ALONG SOUTH LINE OF LOT 42) VOL. 123, PG. 17, B.C.D.R. (ITEM G)

EASTBANK BAYOU, LP CALLED 19.944 ACRES DOC. NO. 2008004369 B.C.O.R.

FOUR FORTY THREE ANNEX NO. 1 LTD. CALLED 10 ACRES (LOT 50) DOC. NO 2006045403, B.C.O.R.

677.47' PASSING FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

4' HOGWIRE FENCES

4' BARBED WIRE FENCE

IRRIGATION EASEMENT (UNDEFINED WIDTH) BRAZOS VALLEY RICE COMPANY VOL. 702, PG. 667 & VOL. 832, PG. 278, B.C.D.R. (ITEM M.)

FND 1/2" IR W/CAP STAMPED "PIN POINT RPLS 6086"

20' ROADWAY AND DRAINAGE EASEMENT (ALONG SOUTH LINE OF LOT 50) VOL. 130, PG. 301, B.C.D.R. (ITEM I)

4' HOGWIRE FENCE

4' BARBED WIRE FENCE

S 86°49'56" W 655.76'

@ 636.01' PASSING FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

S 03°24'33" E 3,300.00'

LOUIS LIRA VOL. 1694, PG.653 B.C.D.R.

ALFREDO G. ROLDAN AND MERIDA N. ROLDAN CALLED 4.540 ACRES DOC. NO. 2019059170 B.C.O.P.R.

(S) FND 3/4" IP BEARS S01°41'08"E-2.72'

FND 3/4" IP

FND 1" IP

S 03°24'33" E 660.00'

(S) LOTERBAUER MINOR PLAT LOT 1, BLOCK 1 DOC. NO. 2018013012 B.C.O.P.R.

N 86°50'32" E 1,973.81'

SURVEY LINE

FND 1/2" IR N.E. COR. OF LOT 55 N.E. COR. SEC 73

A JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2005013109 B.C.O.R.

B JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2020061362 B.C.O.P.R.

C JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2005013108 B.C.O.R.

D JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2005013107 B.C.O.R.

E ALEXANDRIA MacMILLAN AND BENJAMIN MacMILLAN CALLED 2.31 ACRES DOC. NO. 2019049484, B.C.O.P.R.

F DOUGLAS L. VARNER CALLED 1.157 ACRES DOC. NO. 2005049976 DESCRIBED IN DOC. NO. 94-045184 B.C.O.R.

G DOUGLAS L. VARNER CALLED 1.157 ACRES VOL. (87)421 PG. 194 B.C.O.R.

MATCHLINE-SHEET 2

SURVEYOR'S CERTIFICATE

I KEITH W. MONROE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY TO WESTBANK BAYOU, L.P., EASTBANK BAYOU, L.P., CYNTHIA LEE SOWELL WEISINGER, CRISTI SOWELL HARVY, ANDREW WARD SOWELL, AS CO-TRUSTEES OF THE CHARLES L. SOWELL FAMILY TRUST, FOUR FORTY-THREE, LTD., FOUR FORTY-THREE ANNEX NO. 1, LTD., CHICAGO TITLE OF TEXAS, LLC, AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY AND HILLWOOD ENTERPRISES, LP, THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION 2 SURVEY.

THE FIELD WORK WAS COMPLETED FEBRUARY, 2021.

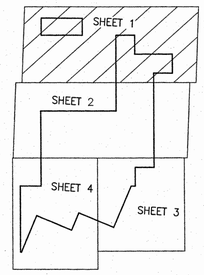
Keith L. Monroe

KEITH W. MONROE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4797
DATED FEBRUARY 26, 2021

STATE OF TEXAS KEITH W. MONROE 4797 REGISTERED LAND SURVEYOR

3-19-21

EXHIBIT C



ACREAGE SUMMARY	
TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

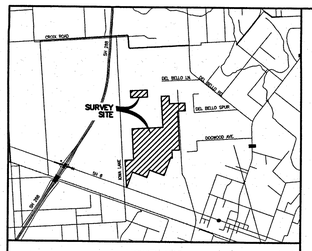
REVISED ON MARCH 19, 2021 TO REFLECT UPDATED TITLE COMMITMENT.

LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R. ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R. LOCATED IN THE H.T. & B. R.R. CO. SURVEY, SEC 65, A-285, H.T. & B. R.R. CO. SURVEY, SEC 73, A-301, H.T. & B. R.R. CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483, AND MARY V. O'DONNELL SURVEY, A-469 BRAZORIA COUNTY, TEXAS

FEBRUARY 2021 JOB NO. LJAS001-2791-2101

LJA Surveying, Inc.
3600 W Sam Houston Parkway S
Suite 175
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
TBPELS Firm Registration No. 10194382

S:\Sections\Survey\Projects\LJAS001\2791\2101\CAD\SOWELL LTS.dwg 3/19/2021



VICINITY MAP
NOT TO SCALE

0 200 400
SCALE: 1" = 200'

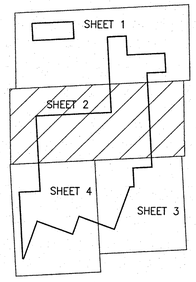
MATCHLINE–SHEET 1

LINE	BEARING	DISTANCE
L1	N 70°29'23" W	33.64'
L2	S 86°49'56" W	147.25'

LEGEND

B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
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DOC. NO.	DOCUMENT NUMBER
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P.O.B.	POINT OF BEGINNING
(S)	SET 5/8" IR W/CAP STAMPED "LJA SURVEY"
IR	IRON ROD
IP	IRON PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
CIP	CAST IRON PIPE
A.K.A.	ALSO–KNOWN–AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
CONC.	CONCRETE MONUMENT
	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
X	FENCE (AS SPECIFIED)
OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
	POWERPOLE
	GUY–WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

EXHIBIT C



MATCHLINE–SHEET 3
MATCHLINE–SHEET 4

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LAND TITLE SURVEY OF 438.393 ACRES

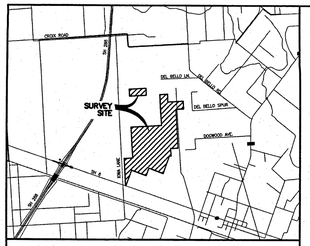
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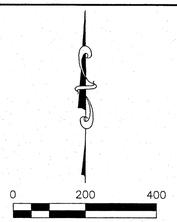
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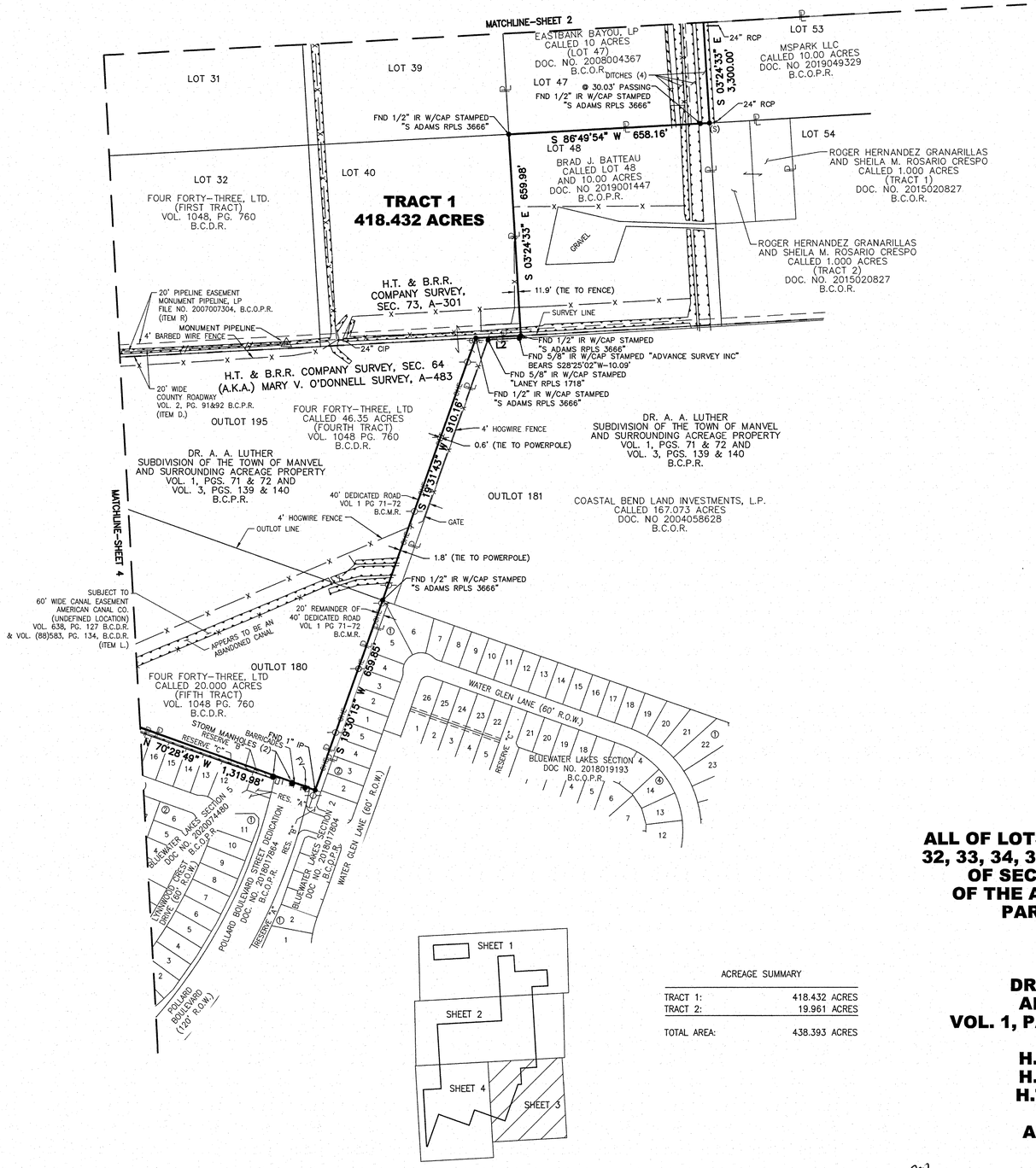
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S:\Sectors\Survey\Projects\LJAS001\2791\2101\CAD\SOWELL LTS.dwg 3/19/2021







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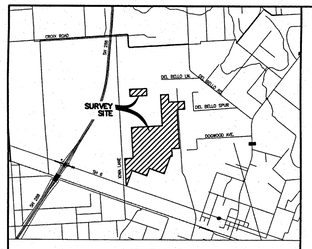
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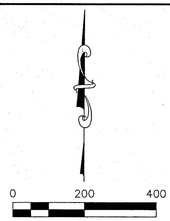
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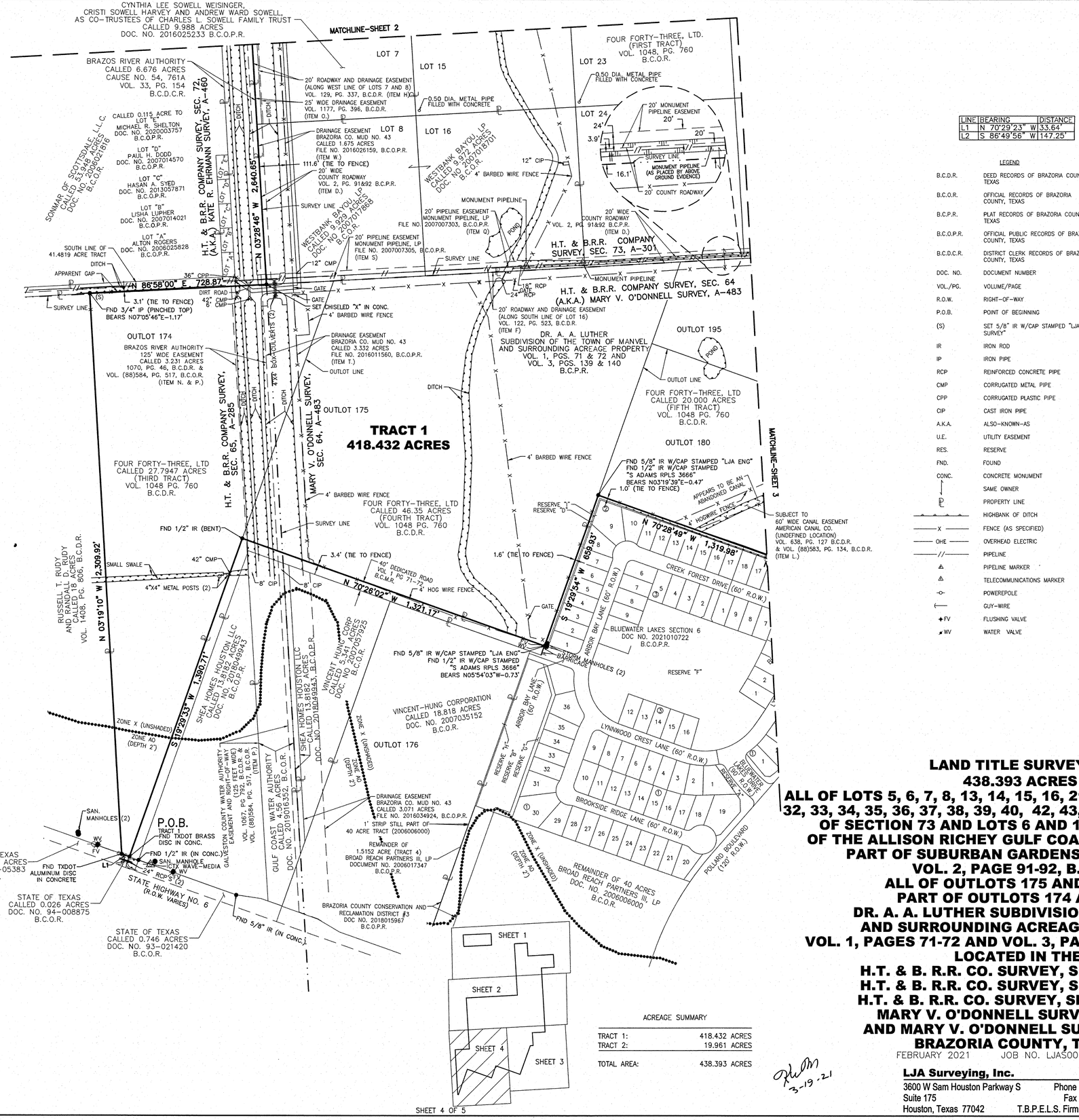
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TOTAL AREA:	438.393 ACRES

EXHIBIT C

LAND TITLE SURVEY OF
438.393 ACRES
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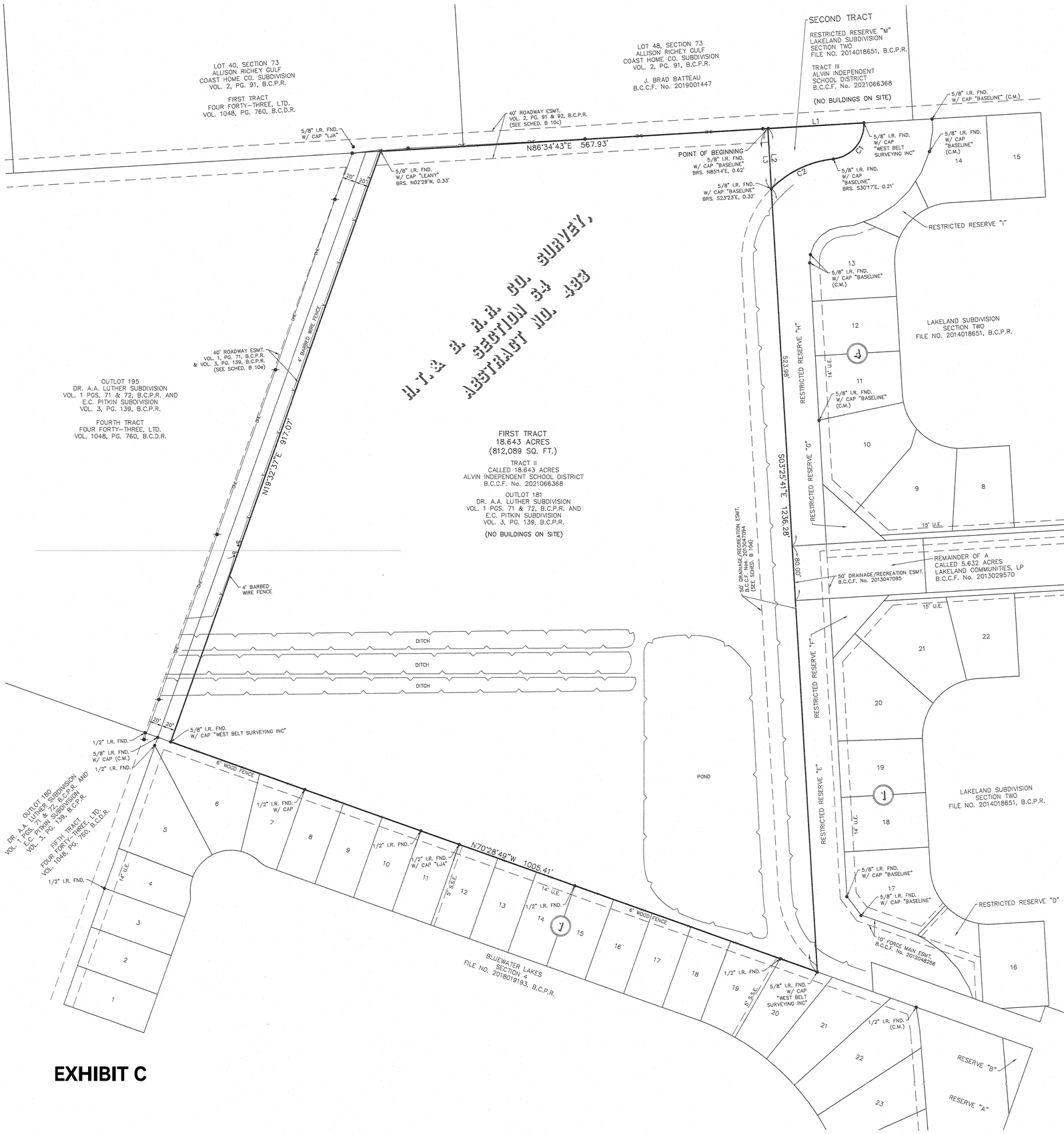
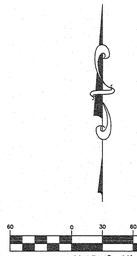
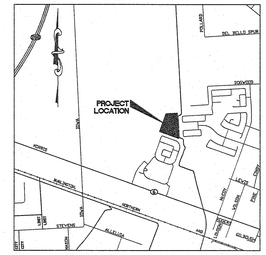


EXHIBIT C

VICINITY MAP



SCALE: 1"= 60'



KEY MAP 653T
SCALE 1" = 3000'

LEGEND

- GATE POST
- POWER POLE

ABBREVIATIONS

B.C.C.F.–BRAZORIA COUNTY CLERK'S FILE
B.C.D.R.–BRAZORIA COUNTY DEED RECORDS
B.C.P.R.–BRAZORIA COUNTY PLAT RECORDS
BRS.–BEARS
C.M.–CONTROL MONUMENT
ESMT.–EASEMENT
FND.–FOUND
I.R.–IRON ROD
OHE–OVERHEAD ELECTRIC
PG.–PAGE
S.S.E.–SANITARY SEWER EASEMENT
U.E.–UTILITY EASEMENT
VOL.–VOLUME

LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°34'43"E	141.29'
L2	N03°25'41"W	88.02'
L3	S03°25'41"E	88.02'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	76.36'	50.00'	87°29'47"	S40°19'36"W	69.15'
C2	102.93'	150.00'	39°18'54"	S64°25'03"W	100.92'

FIRST TRACT

18.643 ACRES
812,089 SQUARE FEET
H.T.&B. R.R. CO. SURVEY, SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 18.643 acre (812,089 square foot) tract of land located in the H.T.&B. R.R. Co. Survey, Section 64, Abstract Number 483, City of Manvel, Brazoria County, Texas and said 18.643 acre tract of land being all of Tract II, a called 18.643 acre tract described in the deed to Alvin Independent School District recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2021066368, and being out of and a part of Outlot 181, Dr. A.A. Luther Subdivision recorded under Volume (Vol.) 1, Pages (Pg.) 71 & 72 of the Brazoria County Plat Records (B.C.P.R.) and the E.C. Pitkin Subdivision recorded under Vol. 3, Pg. 139, B.C.P.R., said 18.643 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.)

BEGINNING in the southerly line of Lot 48, Section 73, Allison Richey Gulf Coast Home Co. Subdivision, recorded under Vol. 2, Pg. 91, B.C.P.R. and being the northwest corner of Restricted Reserve "M", Lakeland Subdivision, Section Two recorded under File No. 2014018651, B.C.P.R. and the northeast corner of said Tract II and the herein described tract, from which a 5/8–inch iron rod with cap stamped "Baseline" found bears, North 85 degrees 14 minutes East, 0.62 feet;

THENCE, South 03 degrees 25 minutes 41 seconds East, along the west line of said Restricted Reserve "M", passing at a distance of 88.02 feet, the southwest corner of said Restricted Reserve "M" and the most westerly northwest corner of Restricted Reserve "H", said Lakeland Subdivision, Section 2, from which a 5/8–inch iron rod with cap stamped "Baseline" bears, South 23 degrees 23 minutes East, 0.32 feet, continuing along the west line of said Restricted Reserve "H", passing at a distance of 612.00 feet, the southwest corner of said Restricted Reserve "H" and the northwest corner of the remainder of a called 5.632 acre tract described in the deed to Lakeland Communities, LP, recorded under B.C.C.F. No. 2013029570, continuing along the west line of said remainder of a called 5.632 acre tract, passing at a distance of 692.00 feet, the southwest corner of said remainder of a called 5.632 acre tract and the northwest corner of Restricted Reserve "E", said Lakeland Subdivision, Section Two, continuing along the west line of said Restricted Reserve "E", a total distance of 1,236.28 feet, to a 5/8–inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 20, Block 1, Bluewater Lakes, Section 4, a subdivision recorded under File No. 2018019193, B.C.P.R. and marking the southwest corner of said Restricted Reserve "E" and the southeast corner of said Tract II and the herein described tract;

THENCE, North 70 degrees 28 minutes 49 seconds West, along the northeasterly line of said Block 1, Bluewater Lakes, Section 4, a distance of 1,005.41 feet, to a 5/8–inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 6, Block 1, said Bluewater Lakes, Section 4 and the southeasterly line of a 40' wide roadway easement, recorded under Vol. 1, Pgs. 71 & 72, B.C.P.R. and Vol. 3, Pg. 139, B.C.P.R. and marking the southwest corner of said Tract II and the herein described tract, from which a 5/8–inch iron rod with cap found bears, North 70 degrees 28 minutes West, 20.00 feet and a 1/2–inch iron rod found bears, North 70 degrees 29 minutes West, 40.00 feet;

THENCE, North 19 degrees 32 minutes 37 seconds East, departing the northeasterly line of said Block 1, Bluewater Lakes, Section 4 and along the southeasterly line of said 40' wide roadway easement, a distance of 917.07 feet, to the southerly of Lot 40, Section 73, aforesaid Allison Richey Gulf Coast Home Co. subdivision and the northwest corner of said Tract II and the herein described tract, from which a 5/8–inch iron rod with cap stamped "Leany" found bears, North 02 degrees 29 minutes West, 0.33 feet;

THENCE, North 86 degrees 34 minutes 43 seconds East, along the southerly line of said Lot 40, Section 73 and aforesaid Lot 48, Section 73, a distance of 567.93 feet, to the POINT OF BEGINNING and containing a computed area of 18.643 acres (812,089 square feet) of land.

SECOND TRACT

Restricted Reserve "M"
Lake Land Subdivision, Section Two
File No. 2014018651, B.C.P.R.

I certify hereby to Valencia 288, LLC, A Texas Limited Liability Company and Old Republic National Title Insurance Company that (a) this Survey conforms to the current Texas Society of Professional Surveyors Manual of Practice requirements for a Category 1A, Condition II TSPS Land Title Survey, (b) this plat of survey and the property description set forth hereon are true and correct and prepared from an actual on–the–ground survey of the real property (the 'Property') shown hereon; (c) such survey was conducted by the Surveyor, or under his supervision; (d) all monuments, shown hereon actually exist, and the location, size, and type of material thereof are correctly shown; (e) except as shown hereon, there are no visible protrusions onto the Property or therefrom, there are no improvements on the Property, there are no visible easements or rights–of–way on the Property and there are no visible discrepancies, conflicts, shortages in area, or boundary line conflicts; (f) the size, location, and type of improvements are as shown hereon, and all are located within the boundaries of the Property and are set back from the Property lines the distances indicated; (i) all recorded easements and other exceptions, as noted in the Title Company's Commitment for Title Insurance No. 23003142A, effective date: November 2, 2023, Issue date: December 4, 2023, have been correctly platted hereon; (j) the boundaries, dimensions, and other details shown hereon are true and correct; and (k) the Property flood zone designation is noted, as defined by the Federal Emergency Management Agency, as reflected by Floor Insurance Rate Map Panel # 48039C0130K, map revised date: December 30, 2020, which such map panel covers the area in which the Property is situated.
Executed on December 4, 2023.

STATE OF TEXAS
REGISTERED
JOEL D. WALKER
5189
PROFESSIONAL
SURVEYOR

12/4/23
DATE

JOEL D. WALKER, R.P.L.S.
TEXAS REGISTRATION NO. 5189

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83

2. THE CAD FILE OF THE DRAWING SHOWN HEREIN IS BASED ON TEXAS SOUTH CENTRAL ZONE NO. 4204, STATE PLANE SURFACE VALUE (NAD83) AND MAY BE CONVERTED TO GRID BY SCALING THE DRAWING BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.9998681151807.

3. ACCORDING TO F.I.R.M. MAP NO. 48039C0130K (COMMUNITY–PANEL NO. 480076013OK), MAP REVISED DATE: DECEMBER 30, 2020. THE SUBJECT PROPERTY LIES WITHIN THE AREA DESIGNATED AS ZONE "X" UNSHADED. DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

THIS STATEMENT IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE ABOVE REFERENCED MAP. THIS INFORMATION IS TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

4. ALL UTILITIES SHOWN HEREON ARE LOCATED USING "APPARENT & VISIBLE" EVIDENCE BY ON–SITE OBSERVATION UNLESS OTHERWISE NOTED.

5. THE SUBJECT TRACT IS AFFECTED BY THE CITY ORDINANCES AND ZONING REGULATIONS OF THE CITY OF MANVEL FOR ZONE "SINGLE FAMILY RESIDENTIAL DISTRICT".

6. THIS SURVEY DOES NOT PROVIDE ANY DETERMINATION CONCERNING WETLANDS, FAULT LINES, TOXIC WASTE OR ANY OTHER ENVIRONMENTAL ISSUE. SUCH MATTERS SHOULD BE DIRECTED BY THE CLIENT OR PROSPECTIVE PURCHASER TO AN EXPERT CONSULTANT.

7. THIS SURVEY HAS BEEN PREPARED UTILIZING A COMMITMENT FOR TITLE INSURANCE PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, G.F. NO. 23003142A. EFFECTIVE DATE: NOVEMBER 2, 2023. ISSUE DATE: DECEMBER 4, 2023.

8. THE SUBJECT TRACT IS AFFECTED BY THE RESTRICTIVE COVENANTS RECORDED IN FILE No. 2014018651, B.C.P.R. AND B.C.C.F. Nos. 2014019226, 2014019758, 2014019759, 2021069517 AND 2023041966. (AS TO SECOND TRACT) (SEE SCHED. B 1)

9. THE SUBJECT TRACT IS AFFECTED BY CITY OF MANVEL ORDINANCE No. 78–4 RECORDED UNDER VOL. 1447, PG. 442, B.C.D.R. (SEE SCHED. B 10l)

10. THE SUBJECT TRACT IS AFFECTED BY CITY OF MANVEL ORDINANCE No. 2008–O–12 RECORDED UNDER B.C.C.F. No. 2008026132. (SEE SCHED. B 10m)

11. THE SUBJECT TRACT IS AFFECTED BY THE BLANKET EASEMENT TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY TEXAS GAS OPERATIONS, AND SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T TEXAS, AND COMCAST OF HOUSTON, LLC RECORDED UNDER B.C.C.F. No. 2012048141. (AS TO SECOND TRACT) (SEE SCHED. B 10p)

12. THE SUBJECT TRACT IS AFFECTED BY THE BLANKET EASEMENT TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY TEXAS GAS OPERATIONS, AND SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T TEXAS, AND COMCAST OF HOUSTON, LLC RECORDED UNDER B.C.C.F. No. 2014002448. (AS TO SECOND TRACT) (SEE SCHED. B 10q)

13. THE SUBJECT TRACT IS AFFECTED BY THE EASEMENTS RECORDED UNDER B.C.C.F. No. 2014019226. (AS TO SECOND TRACT) (SEE SCHED. B 10r)

14. THE OIL, GAS AND OTHER MINERAL RIGHTS RECORDED UNDER VOL. 609, PG. 258, B.C.D.R., VOL. 609, PG. 260, B.C.D.R. AND B.C.C.F. Nos. 2008020855, 2013028725 AND 2015029838 THRU 2015029852 DO NOT LIE WITHIN THE BOUNDARY OF THE SUBJECT TRACT. (AS TO SECOND TRACT) (SEE SCHED. B 10s thru v)

15. THE SUBJECT TRACT IS AFFECTED BY THE ANNUAL ASSESSMENTS, SPECIAL ASSESSMENTS AND SPECIFIC ASSESSMENTS RECORDED UNDER B.C.C.F. Nos. 2014019226, 2014019758, 2021069517 AND 2023041966. (AS TO SECOND TRACT) (SEE SCHED. B 10w)

16. THE SUBJECT TRACT IS AFFECTED BY THE WAIVER OF SPECIAL APPRAISAL FOR THE BENEFIT OF BRAZORIA COUNTY M.U.D. No. 61 RECORDED UNDER B.C.C.F. No. 2018002858. (AS TO SECOND TRACT) (SEE SCHED. B 10x)

ALVIN INDEPENDENT SCHOOL DISTRICT

LAND TITLE SURVEY

FIRST TRACT
18.643 ACRE TRACT AND
SECOND TRACT
RESTRICTED RESERVE "M",
LAKELAND SUBDIVISION,
SECTION TWO
OUT OF THE
H.T.&B. R.R. CO. SURVEY,
SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

WEST BELT
SURVEYING, INC.
21020 PARK ROW
KATY, TX. 77449
PHONE: (281) 599-8288
FAX: (281) 492-0926
CERTIFIED FIRM NO. 10073800

NO.	DATE	REVISIONS	BY
1	12/4/23	REFERENCED NEW TITLE COMMITMENT	MDL

DRAWN BY: MDL	CHECKED BY: KMH
SCALE: 1"=60'	APPROVED BY: JDW
PROJECT NO. S647–0337A	DATE: NOVEMBER 28, 2023

05 Dec 2023 3:21PM markl
G:_sdsk\proj\S647\0337A\DWG\LTIS120423.dwg

NOTES:

1) ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJ.

2) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CHICAGO TITLE OF TEXAS, LLC, AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY, GF NO. CTH-COM-CTT20731337, HAVING AN EFFECTIVE DATE OF MARCH 3, 2021, AND AN ISSUED DATE MARCH 10, 2021. THE SURVEYOR DID NOT ABSTRACT THE SUBJECT TRACT.

THE FOLLOWING ITEMS IN SCHEDULE B, ARE AS FOLLOWS:

10 D. ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 91 AND 92 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS; PUBLIC ROAD EASEMENT ALONG THE NORTH PROPERTY LINE. (AS TO LOTS 5, 7, 13, 15, 19, 21, 23, 29, 31, 33, 34, 35, 37, 39, 43, 45 AND 47 AND OUTLOTS 174, 175 AND 195, OF TRACT 1)
PUBLIC ROAD EASEMENT ALONG THE SOUTH PROPERTY LINE. (AS TO LOTS 6, 8, 14, 16, 22, 24, 30, 32, 34, 36, 38, 40, 42, 44, 46 AND 50, OF TRACT 1 AND TRACT 2)
PUBLIC ROAD EASEMENT ALONG THE WEST PROPERTY LINE. (LOTS 5, 6, 7 AND 8, OF TRACT 1 AND LOT 6, OF TRACT 2). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 E. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: JULY 30, 1913
RECORDING NO:VOLUME 120, PAGE 632, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOTS 5 AND 6, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 F. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: OCTOBER 9, 1913
RECORDING NO:VOLUME 122, PAGE 523, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOT 16, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 G. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: AUGUST 15, 1913
RECORDING NO:VOLUME 123, PAGE 17, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOT 42, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 H. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME CORPORATION
RECORDING DATE: NOVEMBER 19, 1914
RECORDING NO:VOLUME 129, PAGE 337, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 7 AND 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 I. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME CORPORATION
RECORDING DATE: JUNE 25, 1914
RECORDING NO:VOLUME 130, PAGE 301, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 50, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 J. ROAD EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT:
RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY RECORDING DATE: FEBRUARY 27, 1918
RECORDING NO:VOLUME 145, PAGE 245, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO TRACT 2)

10 K. ROAD EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT:
RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY RECORDING DATE: OCTOBER 15, 1920
RECORDING NO:VOLUME 165, PAGE 67, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 47, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 L. LATERAL OR CANAL EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO:AMERICAN CANAL COMPANY
RECORDING DATE: NOVEMBER 22, 1955
RECORDING NO:VOLUME 638, PAGE 127, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AS AFFECTED BY INSTRUMENT RECORDED IN VOLUME (88) 583, PAGE 134, DEED RECORDS BRAZORIA COUNTY, TEXAS
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 25, 33, 34, 35, 36, 37, 45, 46 AND 47 AND OUTLOT 180 AND OUTLOT 195, OF TRACT 1 AND TRACT 2). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 M. LATERAL OR CANAL EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO:BRAZOS VALLEY RICE COMPANY
RECORDING DATE: OCTOBER 8, 1962
RECORDING NO:VOLUME 702, PAGE 687, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AND INSTRUMENT RECORDED IN VOLUME 832, PAGE 278, DEED RECORDS BRAZORIA COUNTY, TEXAS
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 50, OF TRACT 1). DOES AFFECT SUBJECT TRACT(LOT 50), NO DEFINED WIDTH.

10 N. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO: BRAZOS RIVER AUTHORITY
RECORDING DATE: SEPTEMBER 24, 1970
RECORDING NO:VOLUME 1070, PAGE 46, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AFFECTS:TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUOTLOTS 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 O. ROAD AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS REFERENCED IN A DOCUMENT: RECORDING DATE: SEPTEMBER 27, 1973
RECORDING NO:VOLUME 1177, PAGE 396, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AFFECTS:REFERENCED IN PARAGRAPHS A. AND B. TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 7, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 P. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO: GALVESTON COUNTY WATER AUTHORITY
RECORDING DATE: AUGUST 24, 1988
RECORDING NO:IN VOLUME (88) 584, PAGE 517, DEED RECORDS BRAZORIA COUNTY, TEXAS AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUTLOT 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 Q. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007303
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 16, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 R. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007304
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 24, 32 AND 40, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 S. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007305
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 T. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: MARCH 15, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016011560
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUTLOTS 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 U. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 1, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016025269
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 7, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 V. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 6, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016026156.
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 5 AND 6, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.
JUDGEMENT RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2016056622-IS NOT RELATED TO SAID BCMUD NO. 43 EASEMENT

10 W. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 6, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016026159
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 X. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN AN AGREED FINAL JUDGMENT: GRANTED TO: ENTERPRISE CRUDE PIPELINECOMPANY LLC
RECORDING DATE: OCTOBER 19, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016051534 AND INSTRIMENT RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2016056622
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 5, 13, 21, 29, 37 AND 45, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 CG. PERMANENT EASEMENT AGREEMENT AS EVIDENCED BY MEMORANDUM OF PERMANENT EASEMENT AGREEMENT EXECUTED BY: WESTBANK BAYOU, L.P., A TEXAS LIMITED PARTNERSHIP
RECORDING DATE: SEPTEMBER 26, 2019
RECORDING NO.: UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2019046366. (AS TO TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 CH. PERMANENT EASEMENT AGREEMENT AS EVIDENCED BY MEMORANDUM OF PERMANENT EASEMENT AGREEMENT EXECUTED BY:FOUR FORTY-THREE, LTD., A TEXAS LIMITED PARTNERSHIP
RECORDING DATE: SEPTEMBER 26, 2019
RECORDING NO.: UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2019047623. (AS TO TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

3) IN ACCORDANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS, MAP NO. 48039C0130K, AND MAP NO. 48039C0110K, WITH A REVISED DATE OF DECEMBER 30, 2020, BY GRAPHICAL PLOTTING, THE SUBJECT TRACT LIES WITHIN ZONE "AO" (DEPTH 2'), AND ZONE "X"(UNSHADED). ZONE "X"(UNSHADED) IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN. ZONE "AO" IS DEFINED AS A SPECIAL FLOOD HAZARD AREA WITH FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. "LJA DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAPS."

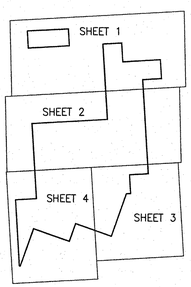
4) MINERAL INTERESTS WERE NOT INVESTIGATED AS A PART OF THIS SURVEY.

5) THIS SURVEY DOES NOT DETERMINE THE LOCATION OF WETLANDS, FAULT LINES, OR OTHER ENVIRONMENTAL ISSUES SHOULD THEY EXIST.

6) THERE IS NO VISIBLE EVIDENCE OF BURIAL GROUNDS OR MAJOR EARTH WORK AT THE TIME OF THE SURVEY.

7) THIS SURVEY IS ISSUED IN CONJUNCTION WITH THE METES AND BOUNDS DESCRIPTION BY LJA SURVEYING, INC. OF THE SAME CERTIFICATION DATE SHOWN HEREON, HEREBY REFERENCED AS PART 2 OF 2. THIS SURVEY IS PART 1 OF 2.

EXHIBIT C



ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R.
ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R.
LOCATED IN THE H.T. & B. RR CO. SURVEY, SEC 65, A-285, H.T. & B. RR CO. SURVEY, SEC 73, A-301, H.T. & B. RR CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483, AND MARY V. O'DONNELL SURVEY, A-469
BRAZORIA COUNTY, TEXAS

FEBRUARY 2021 JOB NO. LJAS001-2791-2101

3-19-21

LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382

S:\Sectors\Survey\Projects\LJAS001\2791\2101\CAD\SDWELL_LTS.dwg 3/19/2021

EXHIBIT D

METES AND BOUNDS DESCRIPTION OF TRACT 1

A 418.318 acre (18,221,949 square feet) tract, being all of Lots 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47 and 50 of the Allison-Richey Gulf Coast Home Company Suburban Gardens Subdivision of Section 73, H.T. & B. Railroad Company Survey, Abstract 301, according to the map or plat thereof, recorded in Volume 2, Page 91 and 92, of the Plat Records of Brazoria County, Texas (B.C.P.R.) and being all of those certain tracts conveyed to Westbank Bayou, LP, called 19.919 acres (Lots 5-6), recorded in Brazoria County Clerk's File Number (B.C.C.F. No.) 2007021508, called 9.929 acres (Lot 8), recorded in B.C.C.F. No. 2007017868 and called 9.972 acres (Lot 16), recorded in B.C.C.F. No. 2007018701 and being all of that certain tract conveyed to Charles L. Sowell called 9.988 acres (Lot 7), recorded in Volume 1177, Page 396, deed records of Brazoria County, Texas (B.C.D.R.), and being all of those certain tracts conveyed to Eastbank Bayou, LP, called 10 acres (Lot 33), recorded in B.C.C.F. No. 2007022032, called 19.944 acres (Lots 42-43), recorded in B.C.C.F. No. 2008004369 and called 10 acres (Lot 47), recorded in B.C.C.F. No. 2008004367 and being all of that certain tract conveyed to Four Forty-Three Annex No. 1, LTD., called 10.00 acres (Lot 50), recorded in B.C.C.F. No. 2006045403 and being a part of that certain tract conveyed to Four Forty-Three Ltd. (called 433.09 acres), recorded in Volume 1048, Page 760, B.C.D.R., with said 18,221,949 square foot tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the Northeast corner of said Section 73 and an interior corner of the H.T. & B. Railroad Company Survey, Section 74, Abstract 493, recorded in Volume 2, Page 66, B.C.P.R.) and being at the centerline intersection of 60 foot Pollard Drive (as occupied) (Platted as 40 feet - Volume 2, Page 91 and 92, B.C.P.R.) and 60 foot Del Bello Boulevard (as occupied)(Platted as 50 feet - Volume 2, Page 66, B.C.P.R.), marking the northeast corner of the Michael D. Roland and Marcy D. Roland tract (called 5.46 acres), recorded in B.C.C.F. No. 2004072423 and 2007030104, the northwest corner of the Michael C. Black tract (called 4.00 acres), recorded in B.C.C.F. No. 96-015514 and the Northeast corner of said Section 73;

THENCE S 86°50'29" W, along and with the common line of Section 73 and 74 and centerline of said 40 foot platted road, at 658.00 feet pass a point marking the southwest corner of Lot 1 of said Section 74 and the southeast corner of the Mary V O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91 and 92, B.C.P.R., from which a 5/8 inch iron rod bears, S 38°48'33" W, 3.08 feet, continuing along and with the common line of Section 73 and Division "O" and centerline of said 40 foot platted road, a total distance of 1974.26 feet (called 1980.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the north line of Section 73, the north line of a 60 foot American Canal Company Easement, recorded in Volume 638, Page 127, B.C.D.R., the south line of said Division "O", Abstract 469, the south line of the Sylvia Buffy Orndorff and Dustin Aaron Different tract (called 13.93 acres), recorded in B.C.C.F. No. 2015054435, and the centerline of said 40' platted road, marking the northwest corner of the Katherine Ott Miles tract (called 5 acres), recorded in Volume 1459, Page 1, B.C.D.R., the northeast corner of said Eastbank Bayou, LP tract (Lot 33), and being the common corner of Lot 33 and 41 of said Section 73 at the most northerly Northwest corner and **POINT OF BEGINNING** of herein described tract:

THENCE S 03°24'40" E, along and with the common line of said Lot 33 and 41, a distance of 660.58 feet (called 660.00 feet) to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking the southeast corner of said Eastbank Bayou, LP tract (Lot 33), the southwest corner of said Miles tract, the northwest corner of said Eastbank Bayou, LP tract (called 19.944 acres), an interior corner of herein described tract and being the common corner of Lots 33, 41, 42 and 34 of said Section 73;

THENCE N 86°49'54" E, along and with the common line of Lots 41, 42, 49 and 50 of said Section 73, a distance of 1314.38 feet (called 1320.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southeast corner of the Jane Hetherington Brown and Norman Paul Brown tract (called 5 acres), recorded in B.C.C.F. No. 2014042893, the southwest corner of the Suzanne Renae Scopel tract (called 5 acres), recorded in B.C.C.F. No. 2005013089, the northwest corner of the Jeffery Wayne Scopel tract (called 1.157 acres), recorded in B.C.C.F. No. 2005013109, the northeast corner of said Four Forty-Three Annex No. 1, LTD. Tract (called 10.00 acres) and the most easterly northeast corner of herein described tract and being the common corner of Lots 49, 55, 56 and 50 of said Section 73;

THENCE S 03°25'11" E, along and with the common line of Lots 50 and 56 and east line of said Four Forty-Three Annex No. 1, LTD. tract, a distance of 660.67 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southwest corner of the Douglas Varner Tract (called 1.157 acres), recorded in Volume (91) 906, Page 253, of the official records of Brazoria County, Texas (B.C.O.R.), the northwest corner of the Laura Loterbauer tract (called Minor Plat of 2.50 acres), recorded in B.C.C.F. No. 2018006317, the northeast corner of the Louis Lira tract (called 20 acres), recorded in Volume 1694, Page 653, B.C.D.R. and an angle point for corner of herein described tract and being the common corner of Lots 50, 56, 57 and 51 of said Section 73;

THENCE S 86°50'32" W, along and with the common line of Lots 50 and 51, same being the common line of said Four Forty-Three Annex No. 1, LTD. Tract and said Lira tract, a distance of 657.24 feet (called 660.00 feet), to a 5/8 inch iron rod with cap stamped "FMS" set, in the east line of said Eastbank Bayou, LP tract (called 19.944 acres), marking the southwest corner of said Four Forty-Three Annex No. 1, LTD. tract, the northwest corner of said Lira tract, an interior corner of herein described tract and being the common corner of Lots 50, 51, 43 and 42 of said Section 73;

THENCE S 03°24'55" E, along and with the common line of Lots 43, 51, 44, 52, 45, 46 and 61 at 1320.21 feet (called 1320.00 feet) pass a point in the centerline of a 40 foot platted road, recorded in Volume 2, page 91 and 92, B.C.P.R. marking the northwest corner of the Coastal Bend Land Investments, LP tract (called 40.0060 acres)(called Lot 61), recorded in B.C.C.F. No. 2006049617 and being the common corner of Lots 44, 52, 61 and 45, continuing for a total distance of 3299.48 feet (called 3300.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southwest corner of the Jose T. Villanueva and Trinidad Villanueva tract (called 5 acres), recorded in B.C.C.F. No. 2004036528, the northwest corner of the Roger Hernandez Gandarillas and Sheila M. Rosario Crespo tract (called 1.000 acre), recorded in B.C.C.F. No. 2015020827, the northeast corner of said Aspect Energy, LLC tract (called 10 acres), the southeast corner of the said Eastbank Bayou, LP tract (called 10 acres)(Lot 47), the most easterly southeast corner of herein described tract and being the common corner of Lots 53, 54, 48 and 47 of said Section 73;

THENCE S 86°49'54" W, along and with the common line of Lots 48 and 47, same being the common line of said Eastbank Bayou, LP tract (Lot 47) and said Aspect Energy, LLC tract, a distance of 657.49 feet (called 660.00 feet) to a 1/2 iron rod with cap stamped "Adams RPLS 3666" found in the east line of the of said 443.09 acre tract, marking the southwest corner of said Eastbank Bayou, LP tract and the northwest corner of said Aspect Energy, LLC tract, and interior corner of herein described tract and being the common corner of Lots 48, 40, 39 and 47 of said Section 73;

THENCE S 03°24'40" E, along and with the common line of Lots 48 and 40, same being the common line of said Aspect Energy, LLC tract and said 443.09 acre tract, a distance of 660.05 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the centerline of a 40 foot platted road, recorded in Volume 2, Page 91 and 92, B.C.P.R., in the called south line of Section 73 and the north line of the H.T. & B. Railroad Company Survey, Section 64, Abstract 483 and the north line of the Dr. A.A. Luther Subdivision of Manvel, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R. and the north line of Outlot 181 of said Dr. A.A. Luther Subdivision, marking the northwest corner of the Coastal Bend Land Investments, LP tract (remainder of a called 167.073 acre tract), recorded in B.C.C.F. No. 2004058628, the southwest corner of said Aspect Energy, LLC tract, an angle point in the east line of said 443.09 acre tract and an angle point for corner of herein described tract and being the common corner of Lots 48 and 40 of said Section 73, from which a 5/8 inch iron rod with cap stamped "Base Line" found marking the southeast corner of said Section 73 bears, S 86°50'11" W, 1975.03 feet;

THENCE S 86°50'11" W, continuing along and with the common line of said Section 73, Section 64 and the Dr. A.A. Luther Subdivision, same being the common line of said Outlot 181 and Lot 40, and centerline of said 40 foot platted road, a distance of 147.66 feet to a 5/8 inch iron rod with cap stamped "FMS" set in said common line, marking the northeast corner of the Four Forty-Three, LTD. Tract (called 24.00 acres)(Outlot 195), recorded in Volume 1048, Page 760, B.C.D.R. and an interior corner of herein described tract and being the westerly line of a 40 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R.;

THENCE S 19°30'25" W, along and with the easterly line of said Outlot 195 and the westerly line of said 40 foot platted road, at 909.98 feet pass a 1/2 inch iron rod found, marking the southeasterly corner of said Outlot 195 and the northeasterly corner of the Four Forty-Three, LTD. Tract (called 20.00 acres)(North ½ of Outlot 180), continuing for a total distance of 1569.69 feet to a 1 inch iron pipe found, marking the southeasterly corner of said 20.00 acre tract, the northeasterly corner of the Beazer Homes Texas, LP tract (called 19.99 acres)(south ½ Outlot 180), recorded in B.C.C.F. No. 2016050422 and an angle point in the westerly line of the Beazer Homes Texas, LP tract (called 5.40 acres), recorded in B.C.C.F. No. 2016050422 and the most easterly southeast corner of herein described tract;

THENCE N 70°27'42" W, along and with the common line of said North ½ of Outlot 180 and the South ½ of Outlot 180, a distance of 1319.95 feet (called 1320.00 feet) to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, in the easterly line of the Four Forty-Three, LTD. Tract (called 46.35 acres)(Outlot 175), marking the common corner of the South ½ and North ½ of Outlot 180 and an interior corner of herein described tract;

THENCE S 19°29'54" W, along and with the common line of said 46.35 acre tract and said 19.99 acre tract, same being the common line of Outlot 180 and 175, a distance of 660.47 feet to a 1/2 inch iron rod with cap stamped "LJA Eng" found, in the north line of a 40 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R., marking the most westerly northwest corner of said 5.40 acre tract, the southeasterly corner of said 46.35 acre tract and the southwesterly corner of said 19.99 acre tract and an interior corner of herein described tract;

THENCE N 70°26'20" W, along and with the south line of 46.35 acre tract and the north line of said 40 foot platted road, a distance of 1321.08 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, in the easterly line of the Four Forty-Three, LTD. Tract (called 27.7947 acres)(Outlot 174) and the westerly line of said 40 foot platted road, marking the southwesterly corner of said 46.35 acre tract and an interior corner of herein described tract;

THENCE S 19°28'54" W, along and with the common line of said 27.7947 acre tract and westerly line of said 40 foot platted road, a distance of 1390.63 feet to a TxDot Brass Disk found in the northwesterly right-of-way (r.o.w.) line of State Highway No. 6 (a.k.a. Morris Avenue)(200' R.O.W.), recorded in B.C.C.F. No. 2013053500, marking the southeasterly corner of said 27.7947 acre tract and the most southerly southeast corner of herein described tract;

THENCE N 70°30'10" W, along the northwesterly r.o.w. line of said State Highway No. 6, a distance of 33.83 feet to a TxDot Brass Disk found, marking the southeasterly corner of the Russell T. Rudy and Randall D. Rudy tract (called 18 acres), recorded in Volume 1408, Page 806, B.C.D.R., the southwesterly corner of said 27.7947 acre tract and the most southerly southwest corner of herein described tract, from which a TxDot Brass Disk found, at the intersection of easterly r.o.w. line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816 and the northwesterly r.o.w. line of said State Highway No. 6, marking the southwesterly corner of a 0.217 acre tract, recorded in B.C.C.F. No. 2013053500 bears, N 70°30'10" W, 365.23 feet;

THENCE N 03°19'19" W, along and with the common line of said 27.7947 acre tract and said 18 acre tract, a distance of 2310.10 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking the northwest corner of said 27.7947 acre tract and an angle point for corner of herein described tract, from which a 3/4 inch pinched top pipe bears, N 09°17' W, 1.1 feet and from which an iron rod with cap stamped "Kalkomey" found in the easterly r.o.w. line of said County Road 82, marking the northwest corner of said 18 acre tract, bears S 87°00'54" W, 328.14 feet and a 5/8 inch iron rod found in the easterly r.o.w. line of said County Road 82, marking the southwest corner of a called 41.4819 acre tract, recorded in B.C.C.F. No. 2003061748 bears, N 02°13'14" W, 38.07 feet;

THENCE N 86°57'38" E, along and with the north line of said 18 acre tract, a distance of 729.52 feet to a 5/8 inch iron rod with cap stamped "FMS" set, at the southwest corner of Section 73 and being in the centerline intersection of two 40 foot platted roads and being the common corner of said Section 73 and the H.T. & B. Railroad Company Survey, Section 72, Abstract 460, marking the southeast corner of the Brazos River Authority tract (called 6.676 acres)(cause no. 54,761A), recorded in Volume 33, Page 154, district clerk records of Brazoria County, Texas (B.C.D.C.R.), the southwest corner of the Brazoria County MUD No. 43 Drainage Easement (called 1.675 acres, recorded in B.C.C.F. No. 2016026159, the southwest corner of said 9.929 acre tract and an interior corner of herein described tract;

THENCE N 03°28'57" W, along and with the common line of said Section 73 and Section 72 and centerline of said 40 foot platted road, at 40.00 feet pass a point marking the southwest corner of a 0.34 acre tract (Parcel 1) out of said called 41.4819 acre tract, continuing for a total distance of 2640.38 feet (called 2640.00 feet) to a 1 inch iron pipe found, marking the northwest corner of a 0.25 acre tract (Parcel 2), the northwest corner of said 19.919 acre tract, the northwest corner of a 3.430 acre drainage easement, recorded in B.C.C.F. No. 2016026156, the northeast corner of said Brazos River Authority tract (called 6.676 acres), the southeast corner of the Brazos River Authority Parcel "D" tract (called 3.18 acres), recorded in Volume 1070, Page 315, B.C.D.R., the southwest corner of the Brazos River Authority Parcel "B" tract (called 0.61 acres), recorded in Volume 1070, Page 318, B.C.D.R., the southwest corner of the Brazoria County Municipal Utility District (M.U.D.) No. 43 Drainage Easement tract (called 1.739 acres), recorded in B.C.C.F. No. 2016011559 and the common corner of Lots 4 and 5, Section 73, from which a 1/2 inch iron rod found in the east r.o.w. line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816, marking the southwest corner of the Joan Banneyer tract (called 1.367 acres), recorded in B.C.C.F. No. 2005003981 and the northwest corner of the Sonmar of Scottsdale, LLC tract (called 53.948 acres), bears S 86°37'46" W, 900.42 feet;

THENCE N 86°51'03" E, along and with the common line of herein described tract and said lot 4 and the centerline of a 40 foot platted road, at 657.75 feet (called 660.00 feet) pass a 3/4 inch iron pipe found, marking the northeast corner of said 19.919 acre tract and the southwest corner of the 102929 Brazoria Inc. tract (called 34.90 acres), recorded in B.C.C.F. No. 2005033429 and being the common corner of Lots 4, 12, 13 and 5, and at 1973.99 feet (called 1980.00 feet) pass a 1/4 inch iron pipe found, marking the southeast corner of said 34.90 acre tract and being the common corner of Lots 20, 28, 29 and 21, continuing for a total distance of 2632.44 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in the west line of a 60 foot American Canal Company Easement, recorded in Volume 638, Page 127, B.C.D.R., marking an interior corner of said remainder of a 433.09 acre tract and an interior corner of herein described tract and being the common corner of Lots 28, 36, 37 and 29 of said Section 73;

THENCE N 03°27'06" W, along and with the common line of Lots 28, 36, 27, 35, 26, 34, 25 and 33 and the west line of said 60 foot American Canal Company Easement, a distance of 2641.03 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in the north line of Section 73, the north line of a said 60 foot American Canal Company Easement, the south line of the Mary V O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91 and 92, B.C.P.R. the south line of the John and Edith Lebourgeois tract (called 6.978 acres), recorded in B.C.C.F. No. 98-053061, the north line of the Eastbank Bayou, LP tract (called 19.950 acres), recorded in B.C.C.F. No. 2007022032 and the centerline of said 40 foot platted road, marking the most northerly northwest corner of herein described tract and being the common corner of Lot 25 and 33 of said Section 73, from which a 1/2 inch iron rod found bears, S 82°35" E, 14.3 feet;

THENCE N 86°50'29" E, along and with the common line of Section 73, Division "O", the centerline of said 40 foot platted road and the north line of said 60 foot American Canal Company Easement, a distance of 659.60' (called 660.00 feet) to the **POINT OF BEGINNING** and containing a calculated area of 418.318 acres of land.

EXHIBIT D

FIRST TRACT

18.643 ACRES
812,089 SQUARE FEET
H.T.&B. R.R. CO. SURVEY, SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 18.643 acre (812,089 square foot) tract of land located in the H.T.&B. R.R. Co. Survey, Section 64, Abstract Number 483, City of Manvel, Brazoria County, Texas and said 18.643 acre tract of land being all of Tract II, a called 18.643 acre tract described in the deed to Alvin Independent School District recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2021066368, and being out of and a part of Outlot 181, Dr. A.A. Luther Subdivision recorded under Volume (Vol.) 1, Pages (Pg.) 71 & 72 of the Brazoria County Plat Records (B.C.P.R.) and the E.C. Pitkin Subdivision recorded under Vol. 3, Pg. 139, B.C.P.R., said 18.643 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.)

BEGINNING in the southerly line of Lot 48, Section 73, Allison Richey Gulf Coast Home Co. Subdivision, recorded under Vol. 2, Pg. 91, B.C.P.R. and being the northwest corner of Restricted Reserve "M", Lakeland Subdivision, Section Two recorded under File No. 2014018651, B.C.P.R. and the northeast corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Baseline" found bears, North 85 degrees 14 minutes East, 0.62 feet;

THENCE, South 03 degrees 25 minutes 41 seconds East, along the west line of said Restricted Reserve "M", passing at a distance of 88.02 feet, the southwest corner of said Restricted Reserve "M" and the most westerly northwest corner of Restricted Reserve "H", said Lakeland Subdivision, Section 2, from which a 5/8-inch iron rod with cap stamped "Baseline" bears, South 23 degrees 23 minutes East, 0.32 feet, continuing along the west line of said Restricted Reserve "H", passing at a distance of 612.00 feet, the southwest corner of said Restricted Reserve "H" and the northwest corner of the remainder of a called 5.632 acre tract described in the deed to Lakeland Communities, LP, recorded under B.C.C.F. No. 2013029570, continuing along the west line of said remainder of a called 5.632 acre tract, passing at a distance of 692.00 feet, the southwest corner of said remainder of a called 5.632 acre tract and the northwest corner of Restricted Reserve "E", said Lakeland Subdivision, Section Two, continuing along the west line of said Restricted Reserve "E", a total distance of 1,236.28 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 20, Block 1, Bluewater Lakes, Section 4, a subdivision recorded under File No. 2018019193, B.C.P.R. and marking the southwest corner of said Restricted Reserve "E" and the southeast corner of said Tract II and the herein described tract;

THENCE, North 70 degrees 28 minutes 49 seconds West, along the northeasterly line of said Block 1, Bluewater Lakes, Section 4, a distance of 1,005.41 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 6, Block 1, said Bluewater Lakes, Section 4 and the southeasterly line of a 40' wide roadway easement, recorded under Vol. 1, Pgs. 71 & 72, B.C.P.R. and Vol. 3, Pg. 139, B.C.P.R. and marking the southwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap found bears, North 70 degrees 29 minutes West, 20.00 feet and a 1/2-inch iron rod found bears, North 70 degrees 29 minutes West, 40.00 feet;

EXHIBIT D

THENCE, North 19 degrees 32 minutes 37 seconds East, departing the northeasterly line of said Block 1, Bluewater Lakes, Section 4 and along the southeasterly line of said 40' wide roadway easement, a distance of 917.07 feet, to the southerly of Lot 40, Section 73, aforesaid Allison Richey Gulf Coast Home Co. subdivision and the northwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Leany" found bears, North 02 degrees 29 minutes West, 0.33 feet;

THENCE, North 86 degrees 34 minutes 43 seconds East, along the southerly line of said Lot 40, Section 73 and aforesaid Lot 48, Section 73, a distance of 567.93 feet, to the POINT OF BEGINNING and containing a computed area of 18.643 acres (812,089 square feet) of land as depicted on the Land Title Survey dated: November 28, 2023, revised: December 4, 2023, prepared by West Belt Surveying, Inc., Project No. S647-0337A.

West Belt Surveying, Inc.
Certified Firm No. 10073800
21020 Park Row
Katy, Texas 77449
(281) 599-8288

Joel D. Walker Date: 12/4/23
Texas Registration No. 5189



EXHIBIT D

Exhibit B

Legal Description of Drill Site

[*Attached*]

EXHIBIT D

August 19, 2021
Job No. LJAS001-2791-2104

DESCRIPTION OF
4.000 ACRES
DRILL SITE

Being 4.000 acres of land located in the H.T.& B. R.R. Company Survey, Section 64, (A.K.A.) Mary V. O'Donnell Survey, Abstract 483, Brazoria County, Texas, and also being a portion of Outlot 195 of the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140 of the Plat Records of Brazoria County, Texas (B.C.P.R.), and a portion of that certain tract conveyed to Four Forty Three, Ltd. (described as Fourth Tract) by instrument of record in Volume 1048, Page 760, of the Deed Records of said Brazoria County, Texas (B.C.D.R.), said 4.000 acres being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at a 1/2-inch iron rod with cap stamped, "S ADAMS RPLS 3666" found for the southeast corner of said Fourth Tract and said Outlot 195, same being the northeast corner of that certain called 20.000 acre tract, conveyed to Four Forty Three, Ltd. (described as Fifth Tract) by instrument of record in Volume 1048, Page 760, B.C.D.R. and Outlot 180 of said Dr. A. A. Luther Subdivision, same being on the northwesterly line of a called 40 foot wide-right-of-way as shown on said Dr. A. A. Luther Subdivision;

Thence, North 19° 31' 43" East, along the east line of said Fourth tract and said Outlot 195, same being a northwesterly line of said 40 foot wide right-of-way, 454.12 feet to the southeast corner and the POINT OF BEGINNING of the herein described tract;

Thence, South 89°45'12" West, departing said common line, 467.08 feet to a point for corner, the beginning of a curve;

EXHIBIT D

4.000 Acres

August 19, 2021
Job No. LJAS001-2791-2104

Thence, 78.42 feet along the arc of a non-tangent curve to the left, having a radius of 1,860.00 feet, a central angle of 02° 24' 56", and a chord which bears North 21° 46' 51" West, 78.41 feet to a point for corner;

Thence, North 22° 59' 19" West, 225.66 feet to a point for corner, the beginning of a curve;

Thence, 49.74 feet along the arc of a tangent curve to the right, having a radius of 30.00 feet, a central angle of 95° 00' 00", and a chord which bears North 24° 30' 41" East, 44.24 feet to a point for corner, the beginning of a compound curve;

Thence, 324.76 feet along the arc of a non-tangent curve to the right, having a radius of 472.48 feet, a central angle of 39° 22' 55", and a chord which bears North 89° 47' 18" East, 318.40 feet to a point for corner;

Thence, South 70° 28' 17" East, 340.27 feet to a point for corner on the northwesterly right of way line of the aforementioned 40 foot wide-right-of-way, same being the southeasterly line of the aforementioned Fourth Tract and the aforementioned Outlot 195, from which a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the northwest corner of said 40 foot wide right-of-way, same being the northeast corner of said Fourth Tract, and said Outlot 195, said point lying on the south line of Lot 40 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, B.C.P.R. and that certain tract conveyed to Four Forty Three, Ltd. (described as First Tract) by instrument of record in Volume 1048, Page 760, B.C.D.R., same being the north line of the aforementioned Mary V. O'Donnell Survey bears North 19° 31' 43" East, 237.23 feet;

EXHIBIT D

4.000 Acres

August 19, 2021
Job No. LJAS001-2791-2104

Thence, South 19° 31' 43" West, along the southeasterly line of said Fourth Tract and said Outlot 195, same being the northwesterly line of said 40 foot wide right-of-way, 218.81 feet to the POINT OF BEGINNING and containing 4.000 acres of land.

Corner monuments were not set at the Client's request.



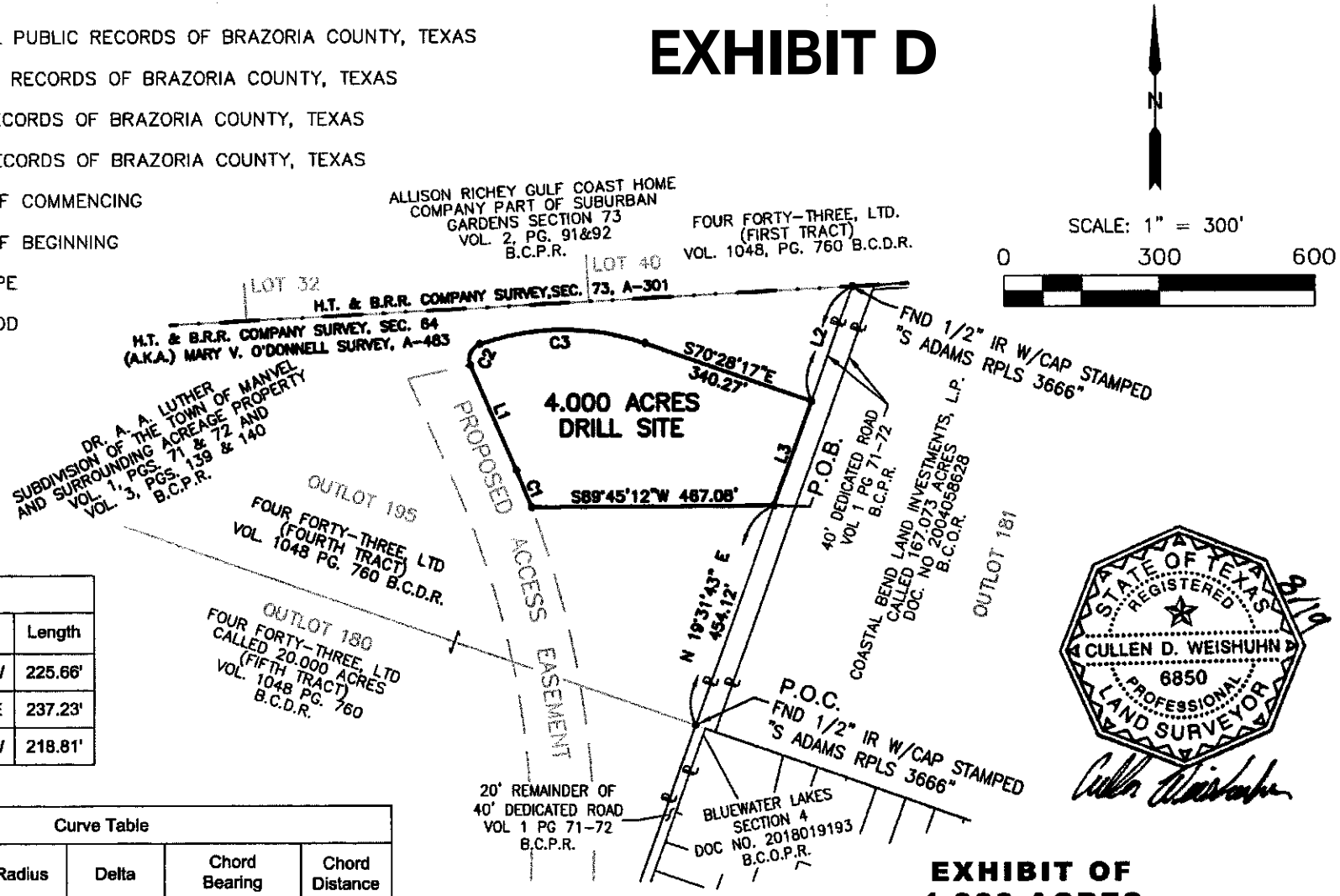
LJA Surveying, Inc.

S:\Sectors\Survey\Projects\LJAS001\2791\2104\LEGALS\4.000 Ac Drill Site.doc

EXHIBIT D

LEGEND

B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
I.P.	IRON PIPE
I.R.	IRON ROD
VOL.	VOLUME
PG.	PAGE



Line Table		
Line #	Direction	Length
L1	N22° 59' 19"W	225.66'
L2	N19° 31' 43"E	237.23'
L3	S19° 31' 43"W	218.81'

Curve Table					
Curve #	Arc Length	Radius	Delta	Chord Bearing	Chord Distance
C1	78.42'	1,860.00	2°24'56"	N21° 46' 51"W	78.41'
C2	49.74'	30.00	95°00'00"	N24° 30' 41"E	44.24'
C3	324.76'	472.48	39°22'55"	N89° 47' 18"E	318.40'

NOTES:

1. ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJ.

2. CORNER MONUMENTS WERE NOT SET AT THE CLIENT'S REQUEST.

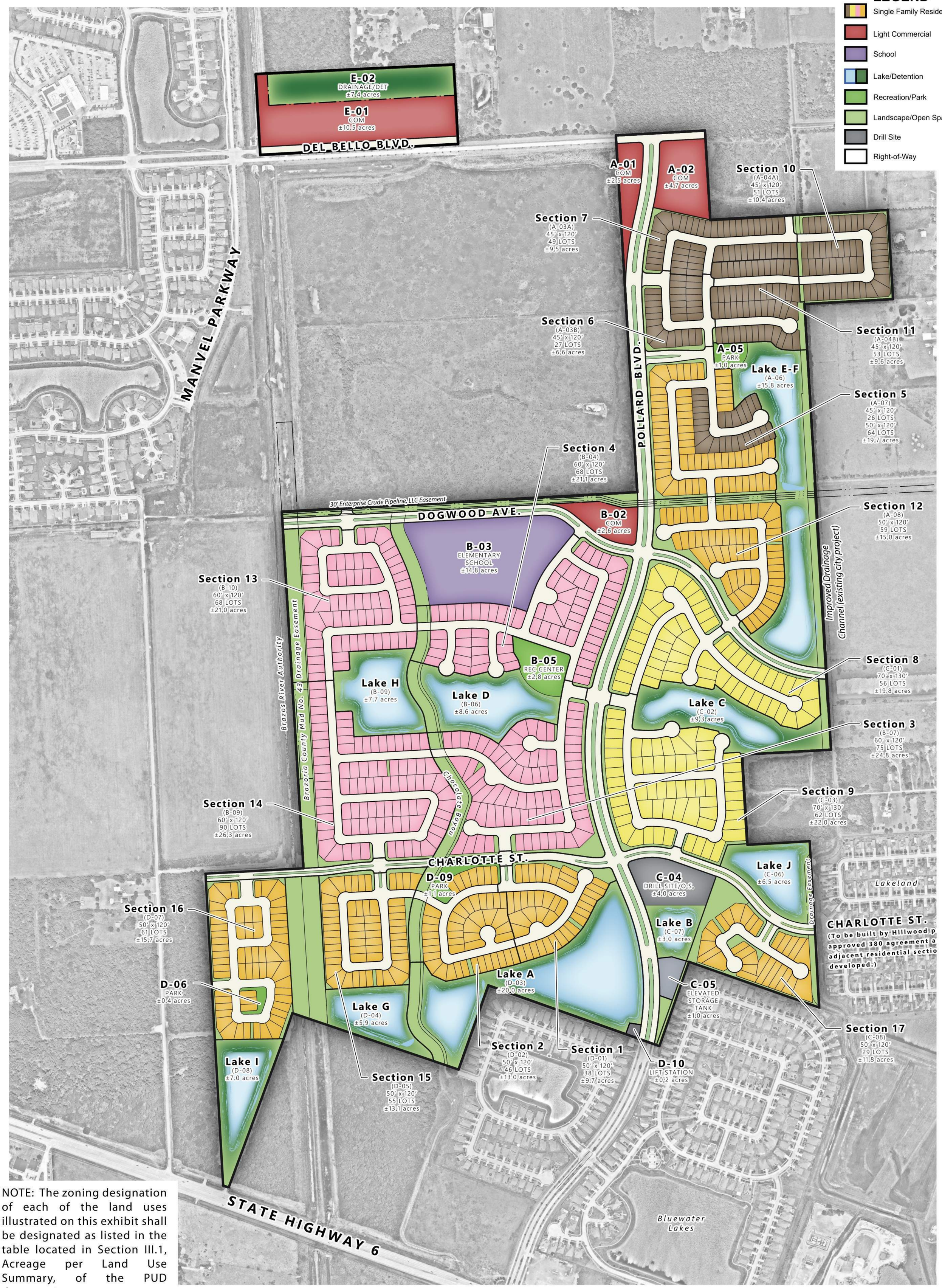
STATE OF TEXAS REGISTERED CULLEN D. WEISHUHN 6850 PROFESSIONAL LAND SURVEYOR 8/19

EXHIBIT OF
4.000 ACRES
DRILL SITE
IN THE
H.T. & B.R.R. COMPANY SURVEY, SEC. 64
(A.K.A.) MARY V. O'DONNELL SURVEY, A-483
BRAZORIA COUNTY, TEXAS

AUGUST 2021 JOB NO. LJAS001-2791-2104

LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.L.S. Firm No. 10194382

S:\Sectors\Survey\Projects\LJAS001\2791\2104\CAD\V4.0 As-Drill Site.dwg



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT E

Planned Unit Development
Conceptual Land Use Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

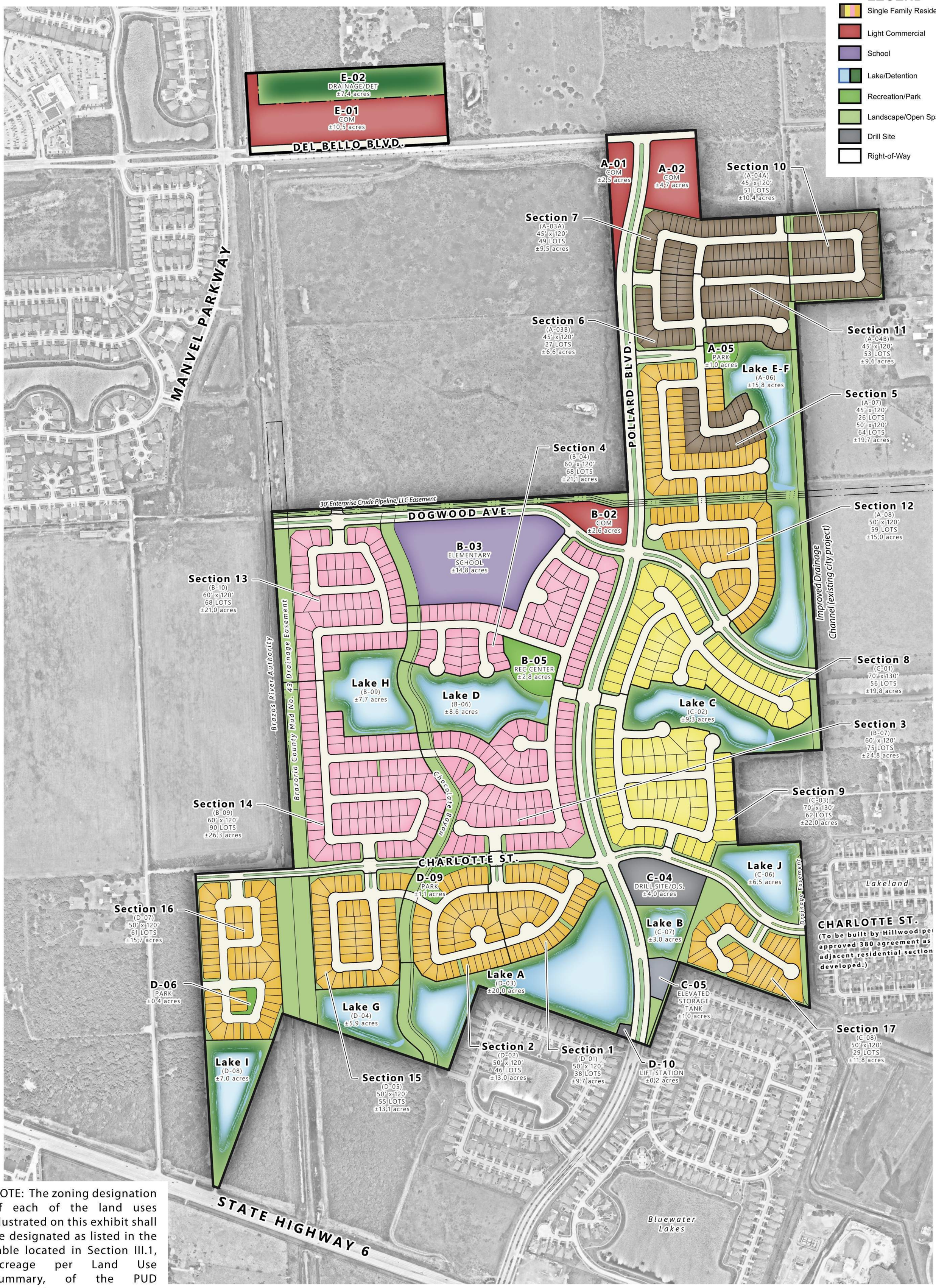
Reference Date: 12.02.2025

NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT F

Planned Unit Development
Single Family Residential Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

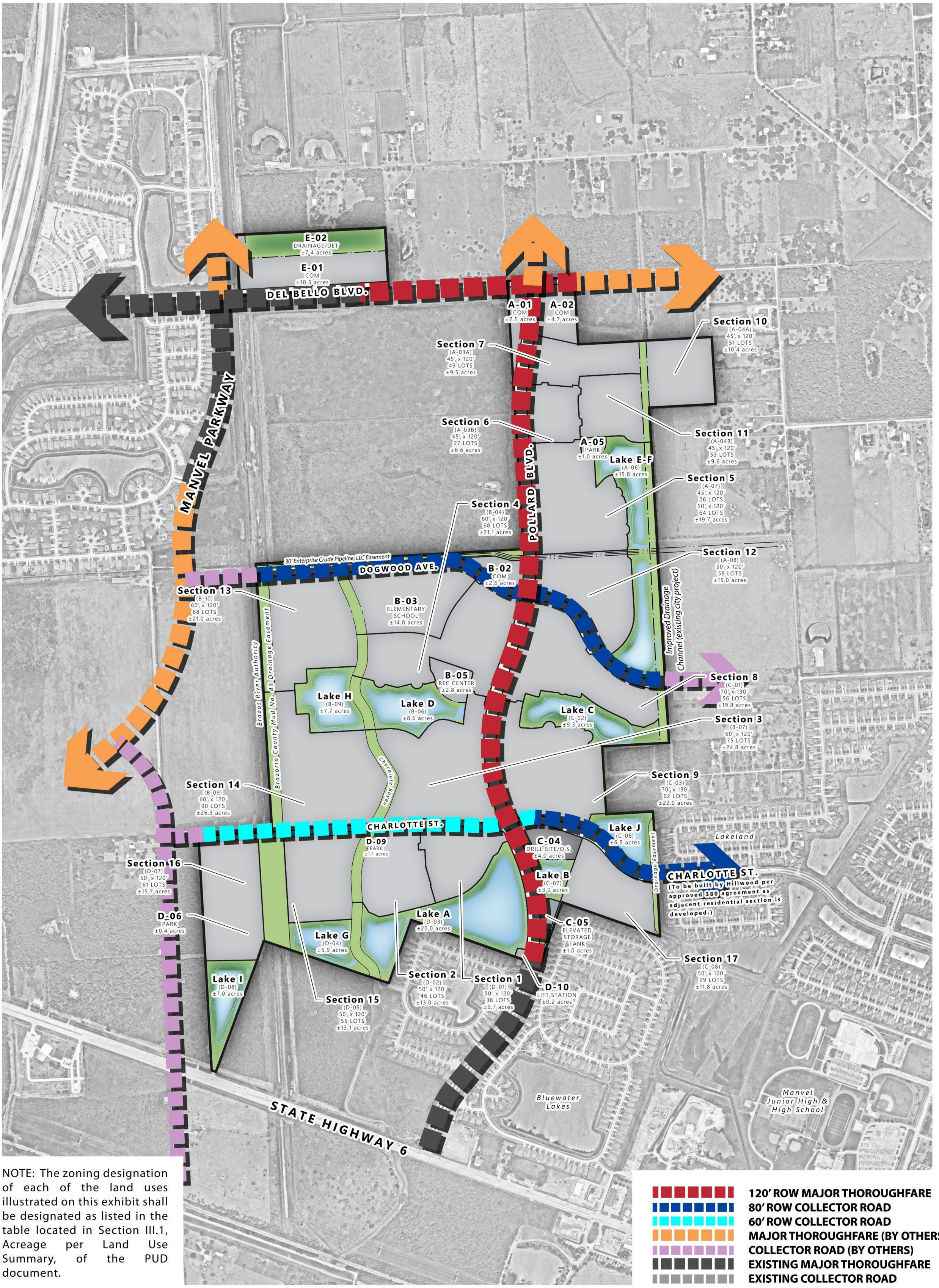
Reference Date: 12.02.2025

NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

120' ROW MAJOR THOROUGHFARE
80' ROW COLLECTOR ROAD
60' ROW COLLECTOR ROAD
MAJOR THOROUGHFARE (BY OTHERS)
COLLECTOR ROAD (BY OTHERS)
EXISTING MAJOR THOROUGHFARE
EXISTING COLLECTOR ROAD

Prepared for

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EXHIBIT G

Planned Unit Development
Conceptual Roadway Exhibit

VALENCIA

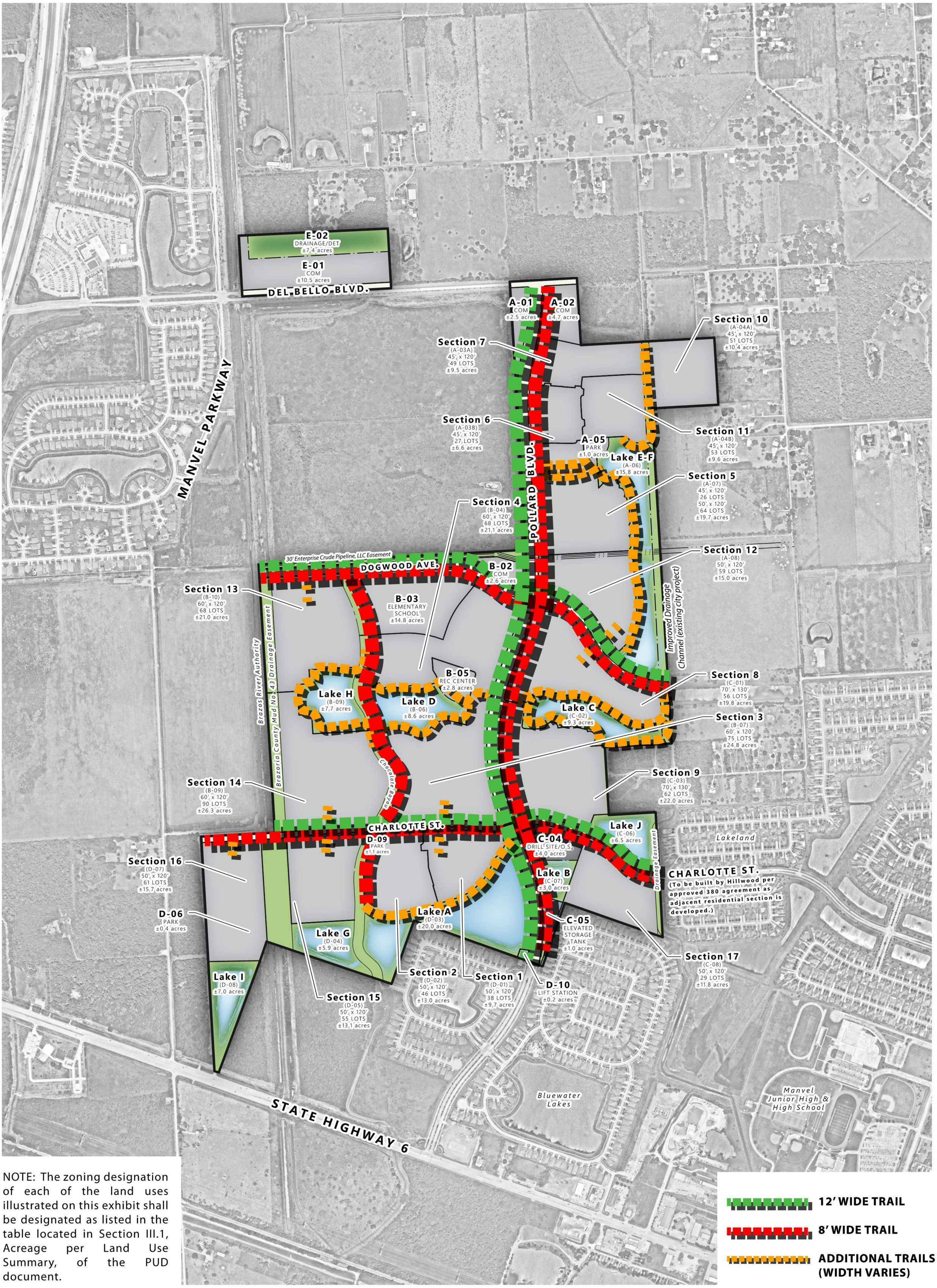
±457.0 Acres of Land
Manvel, Texas

Reference Date: 12.02.2025

NORTH
0 200 400 800

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

12' WIDE TRAIL

8' WIDE TRAIL

ADDITIONAL TRAILS (WIDTH VARIES)

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EXHIBIT H

Planned Unit Development

Conceptual Amenities and Open Space Exhibit

VALENCIA

±457.0 Acres of Land

Manvel, Texas

Reference Date: 12.02.2025

NORTH

0 200 400 800

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



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EXHIBIT I

Planned Unit Development
Phasing Exhibit

VALENCIA

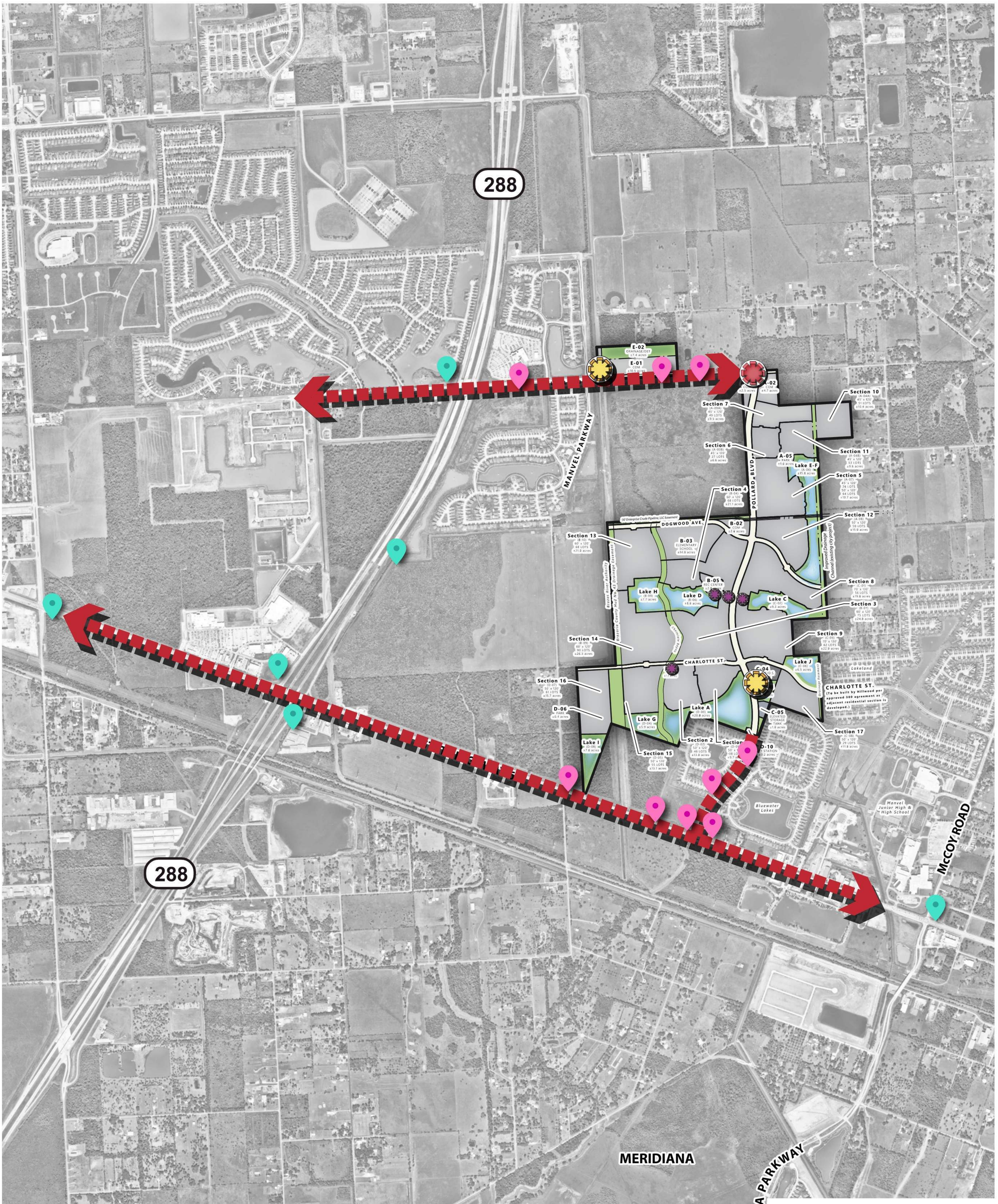
±457.0 Acres of Land
Manvel, Texas

Reference Date: 12.02.2025

NORTH 0 200 400 800

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The location of the Model Home Monument, Temporary Construction Signs, and Temporary Builder Signs are not illustrated on this exhibit and are subject to the locations and standards as described in Section IV.7, Signage, of the PUD document.

- Proposed Temporary Signage
- Existing Temporary Signage
- Primary Entry Monument
- Secondary Entry Monument
- Village/Park Signage
- Temporary Sign Corridor

Reference Date: 12.02.2025

NORTH

0 400 800 1600

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EXHIBIT J

Planned Unit Development

Conceptual Project Signage Exhibit

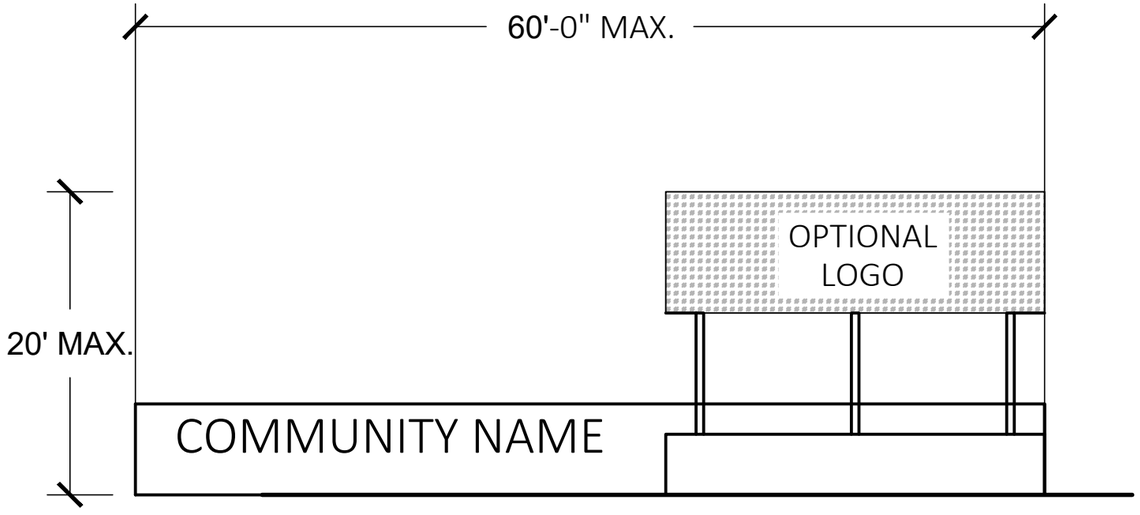
VALENCIA

±457.0 Acres of Land

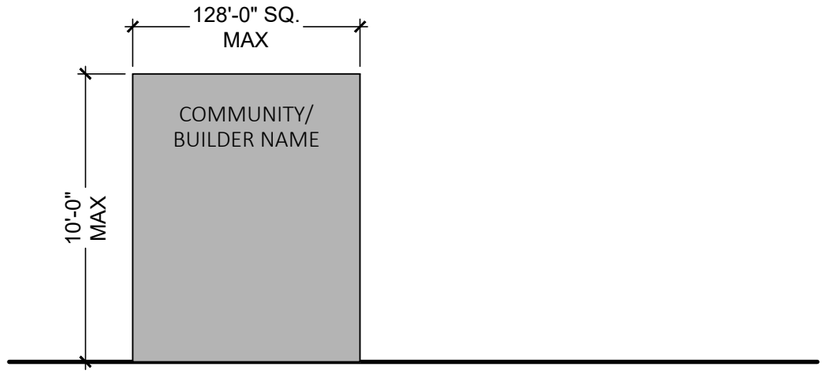
Manvel, Texas

LJA PLANNING & LANDSCAPE ARCHITECTURE

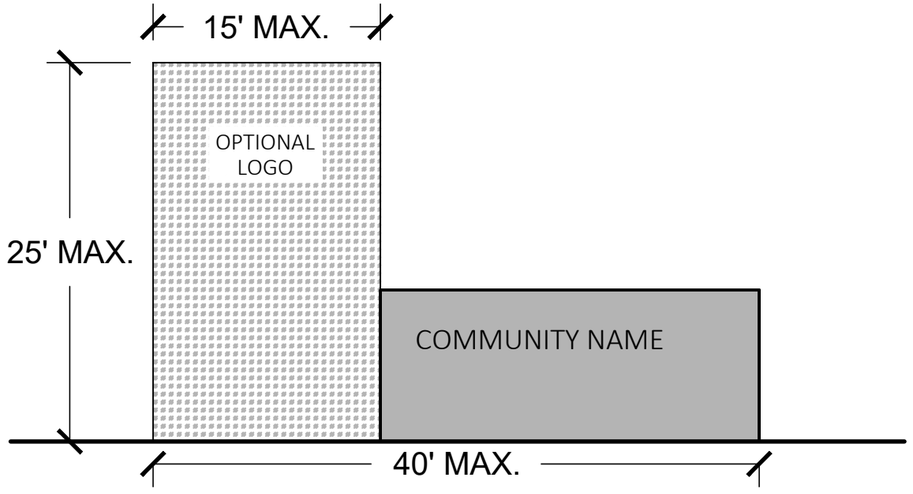
RELATIONSHIPS | PROCESS | DESIGN



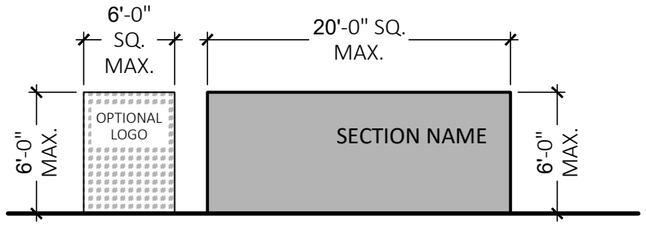
PRIMARY ENTRY MONUMENTS



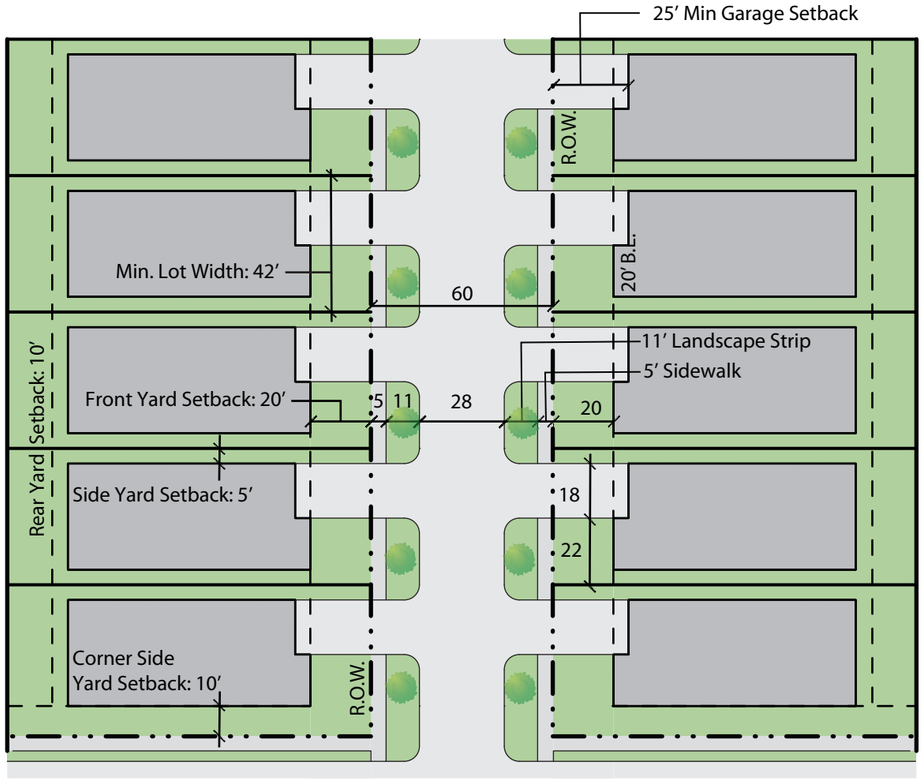
TEMPORARY COMMUNITY SIGNAGE



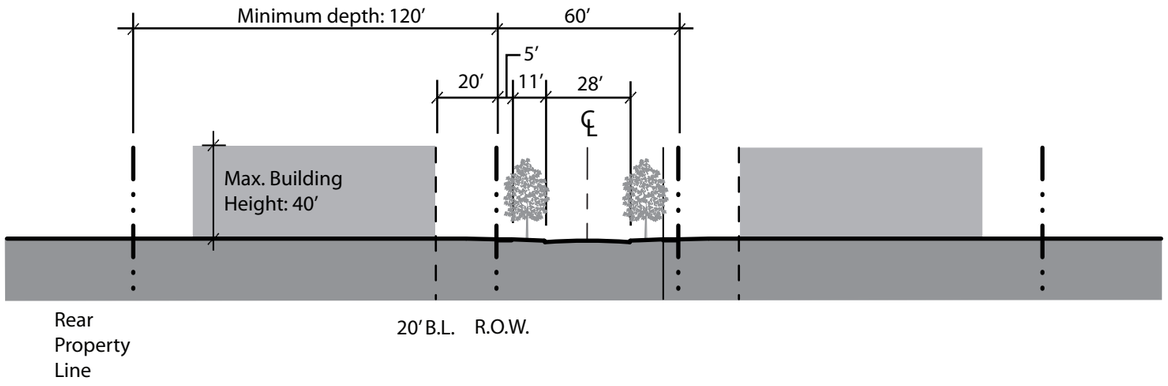
SECONDARY ENTRY MONUMENTS



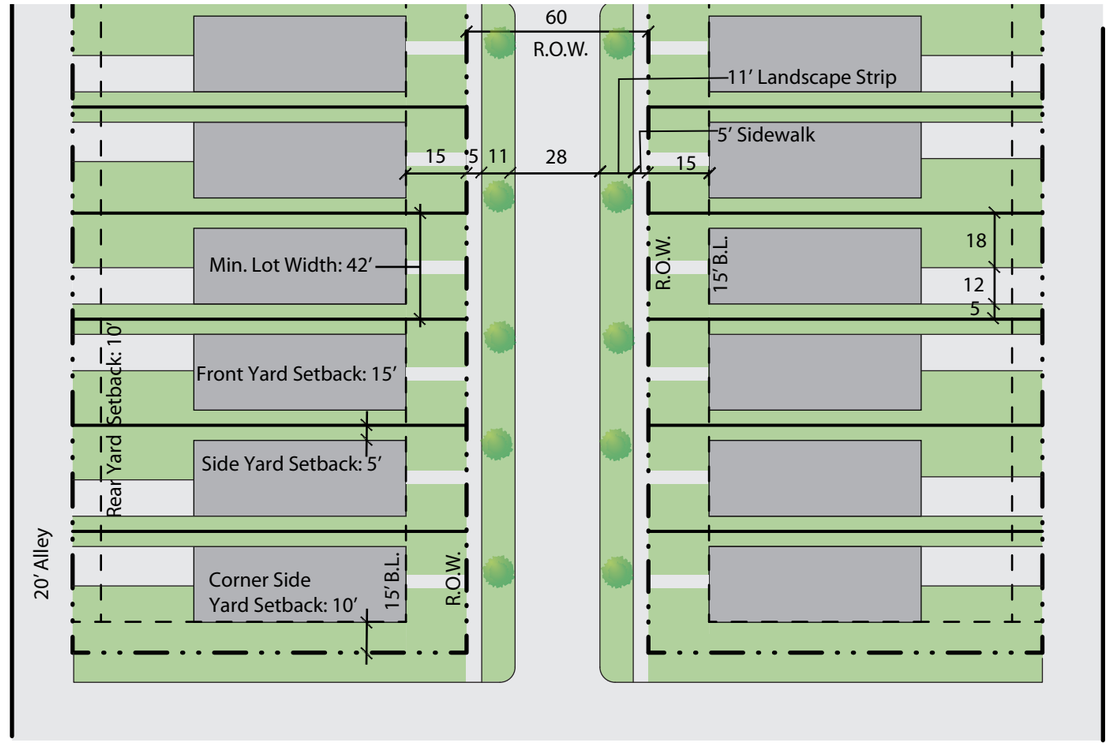
VILLAGE/PARK ENTRY MONUMENTS



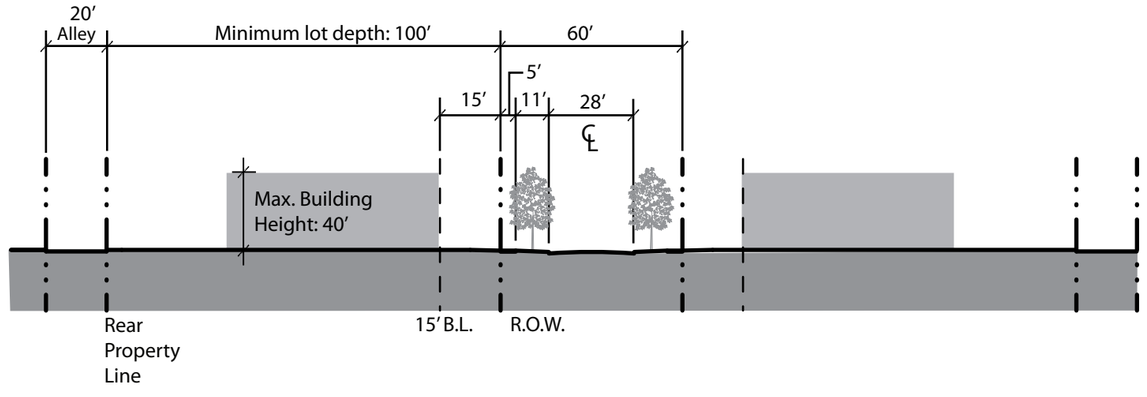
1. Plan Front Load 42' Product - 60' R.O.W.



1. Section Front Load 42' Product - 60' R.O.W.



2. Plan 35' Alley Product - 60' R.O.W.



2. Section 35' Alley Product - 60' R.O.W.

Prepared for

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EXHIBIT L

Planned Unit Development

Specialty Product Exhibits for Front Load and Alley Products

VALENCIA

±458.4 Acres of Land

Manvel, Texas

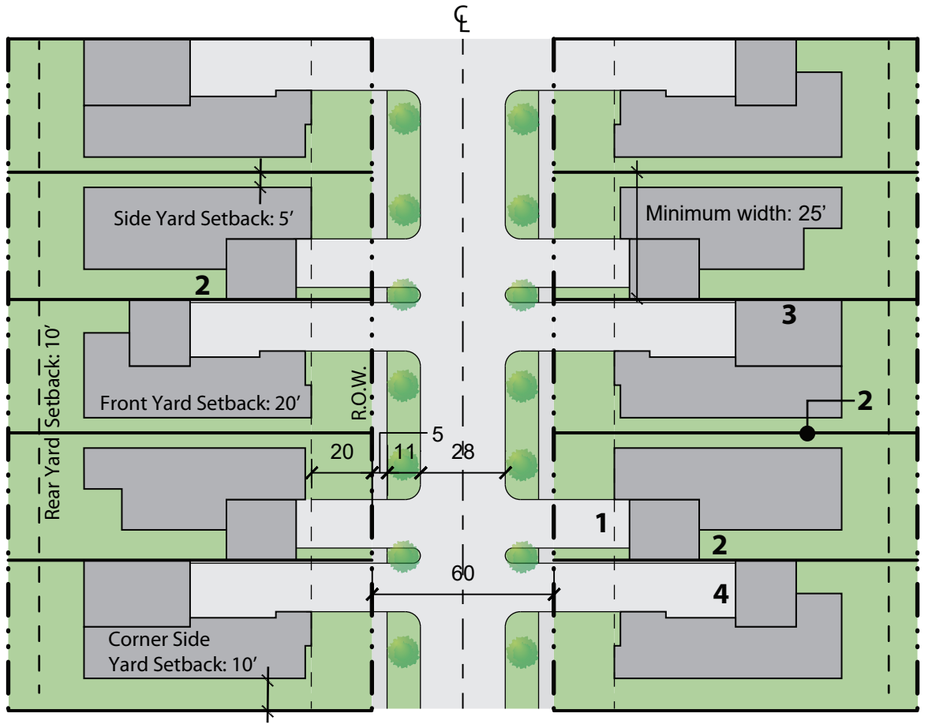
Reference Date: 02.27.2024

NORTH

0 25 50 100

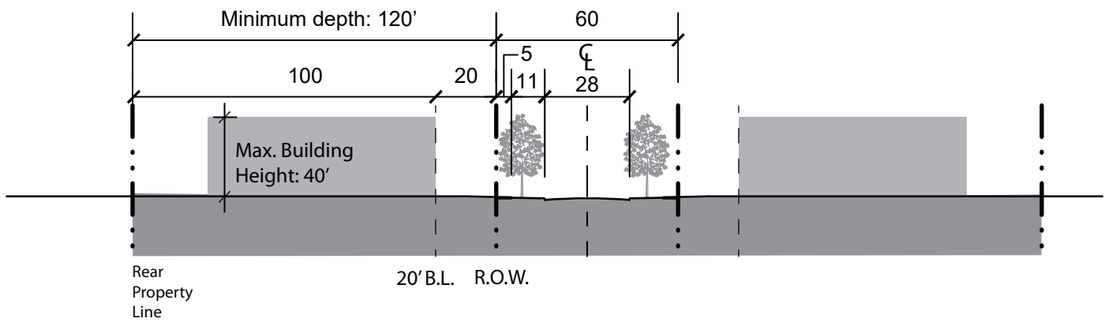
LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN

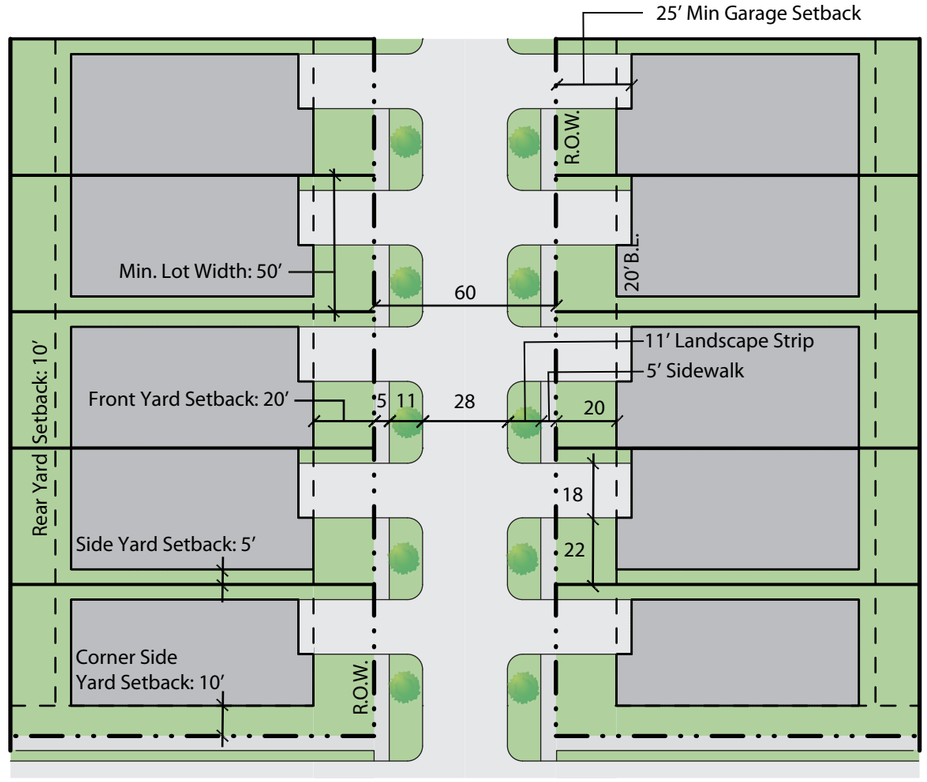


1. 25' Min Garage Setback
2. 10' Min. Building separation
3. Zero Lot line at garage, typ.
4. 50' Setback

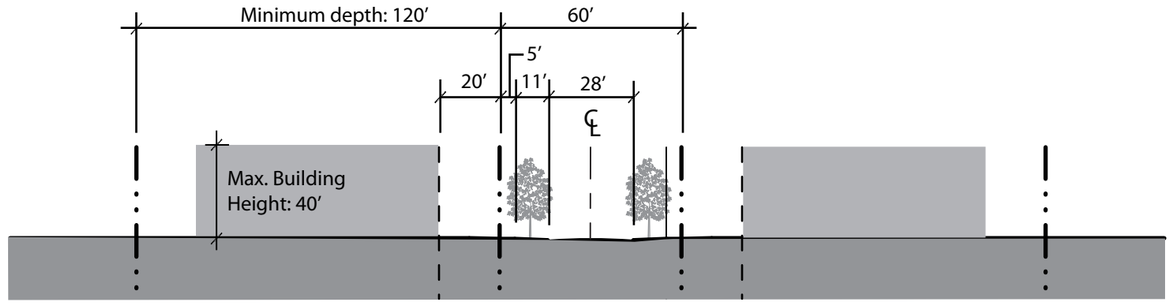
5. Plan: Zipper Lot Product - 60' R.O.W.



5. Section: Zipper Lot Product - 60' R.O.W.



6. Plan: Patio & Zero Lot Line Product - 60' R.O.W.



6. Section: Patio & Zero Lot Line Product - 60' R.O.W.

Prepared for

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EXHIBIT N

Planned Unit Development

Specialty Product Exhibits for Zipper Lot and Patio/Zero Lot Line Products

VALENCIA

±458.4 Acres of Land

Manvel, Texas

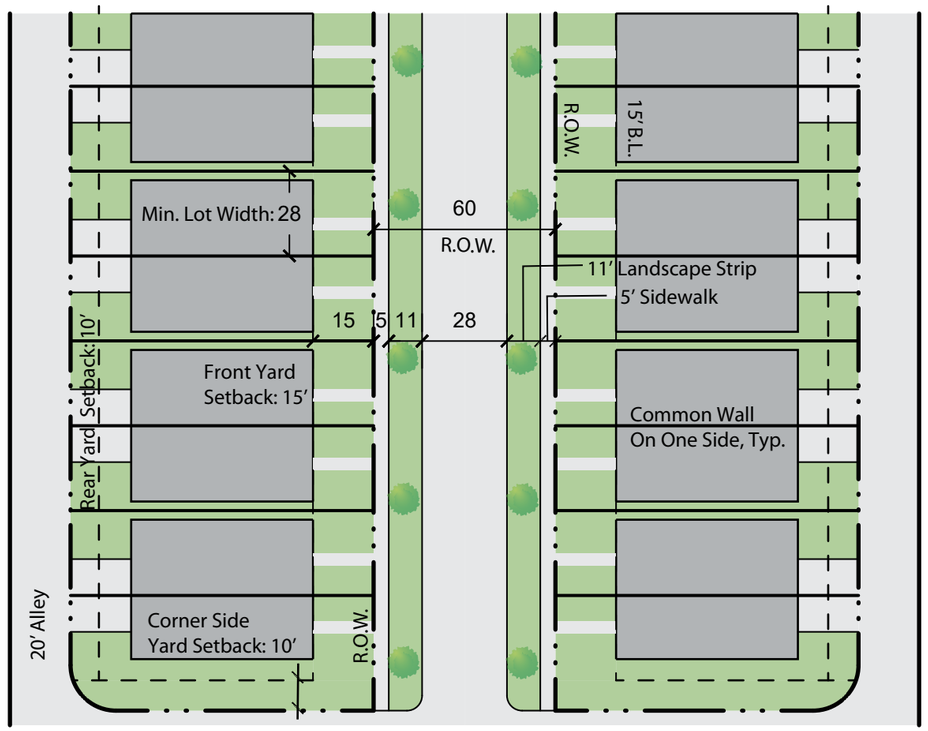
Reference Date: 02.27.2024

NORTH

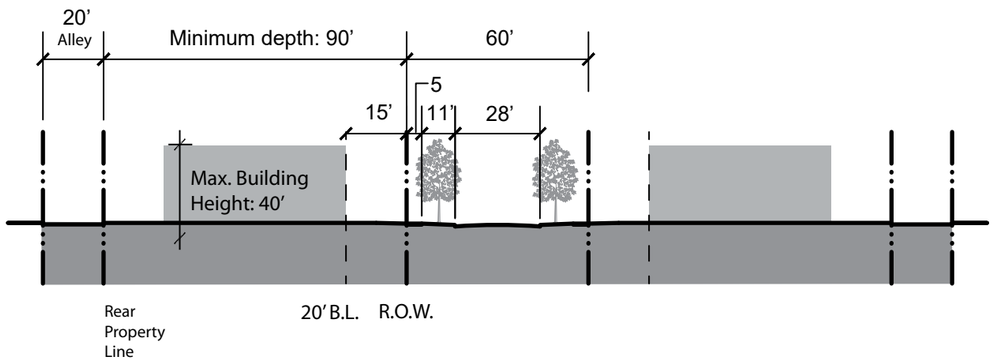
0 25 50 100

LJA PLANNING & LANDSCAPE ARCHITECTURE

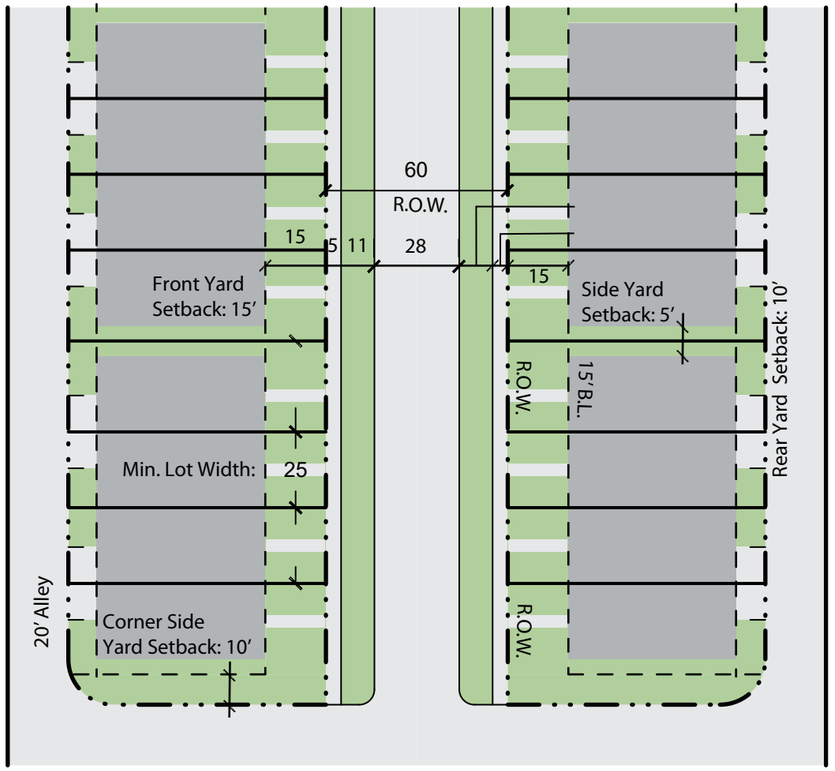
RELATIONSHIPS | PROCESS | DESIGN



3. Plan: Rear Load 28' Attached Product - 60' R.O.W.

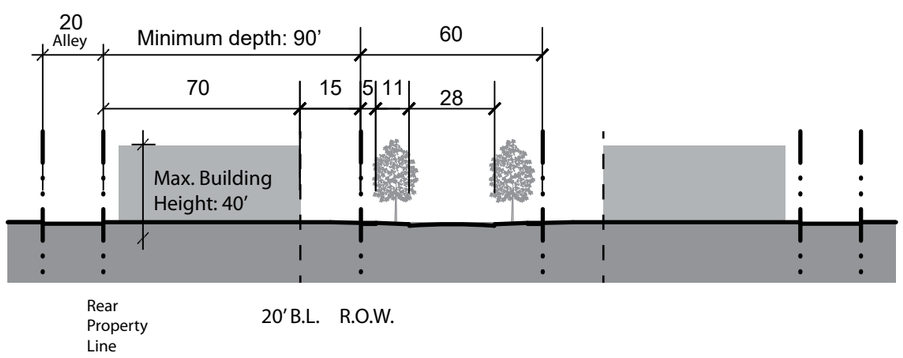


3 Section: Rear Load 28' Attached Product - 60' R.O.W.



4. Plan: Rear Load 25' Townhome Product - 60' R.O.W.

Note:
Max. Number of Attached Units: 5
Min. Number of Attached Units: 2



4. Section: Rear Load 25' Townhome Product - 60' R.O.W.

Prepared for

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EXHIBIT M

Planned Unit Development

Specialty Product Exhibits for Rear Load Attached and Townhome Products

VALENCIA

±458.4 Acres of Land

Manvel, Texas

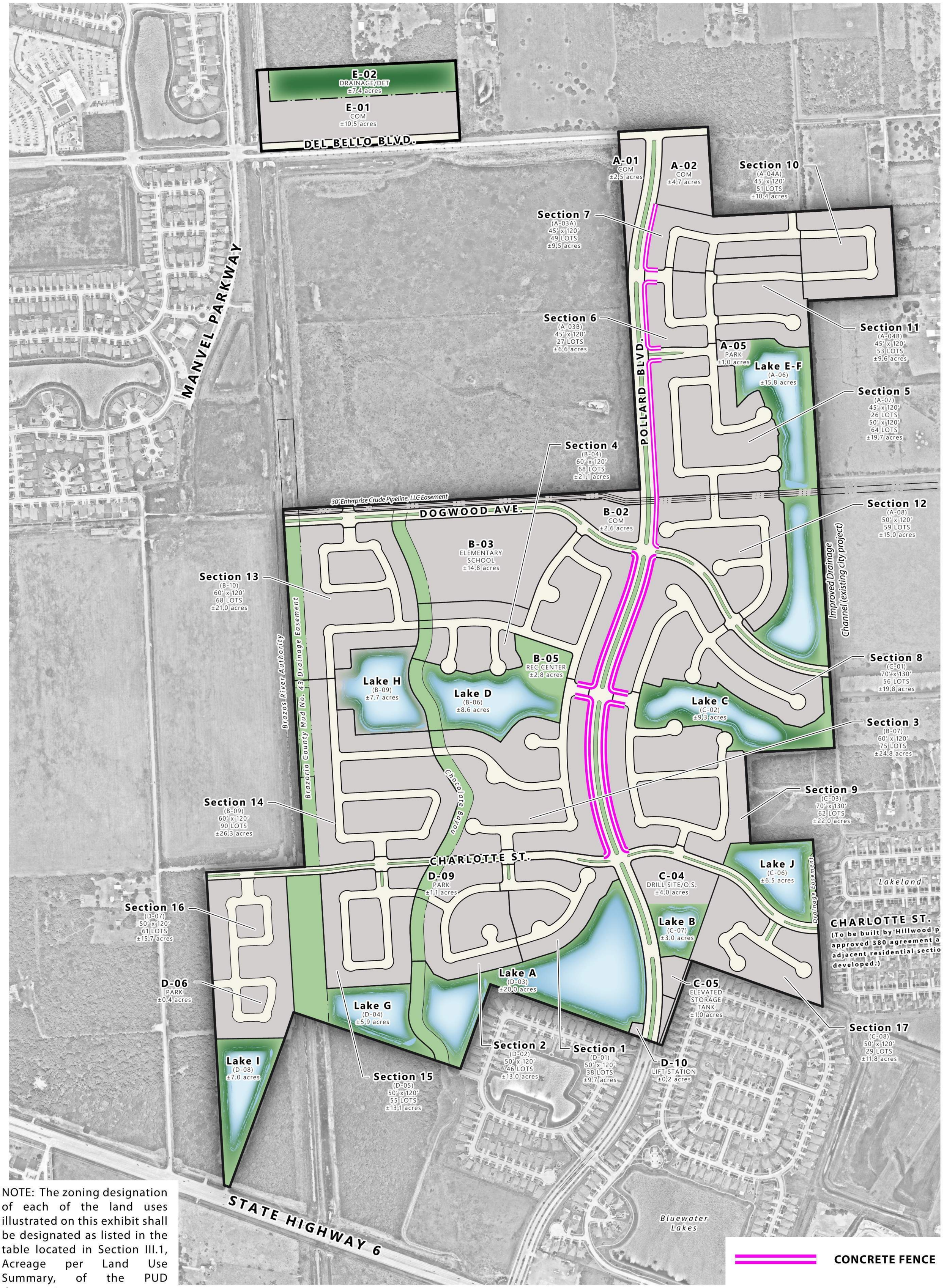
Reference Date: 02.27.2024

NORTH

0 25 50 100

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

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EXHIBIT O

Planned Unit Development
Conceptual Fencing Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

Reference Date: 12.02.2025

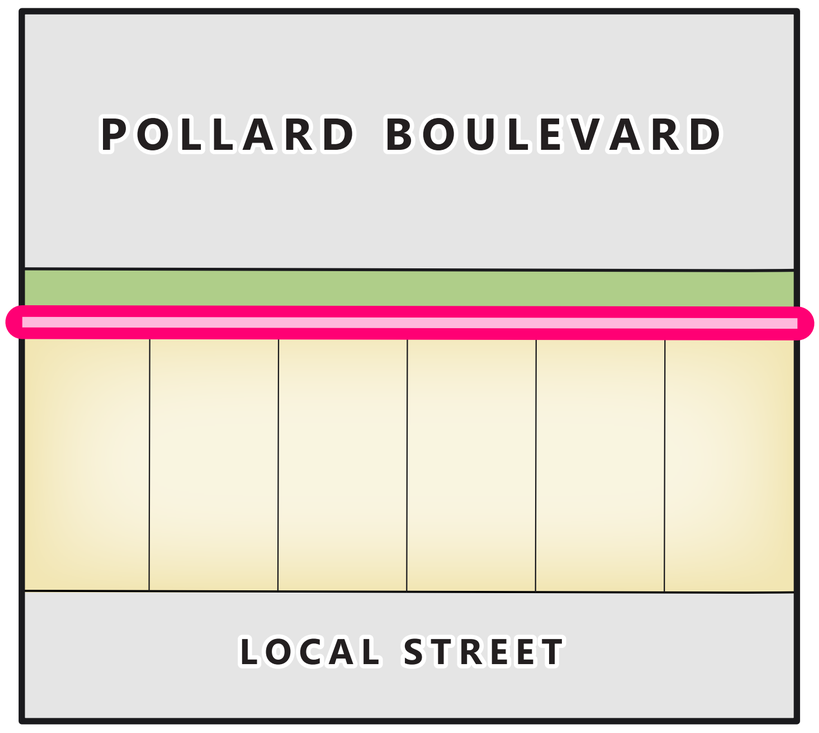
NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

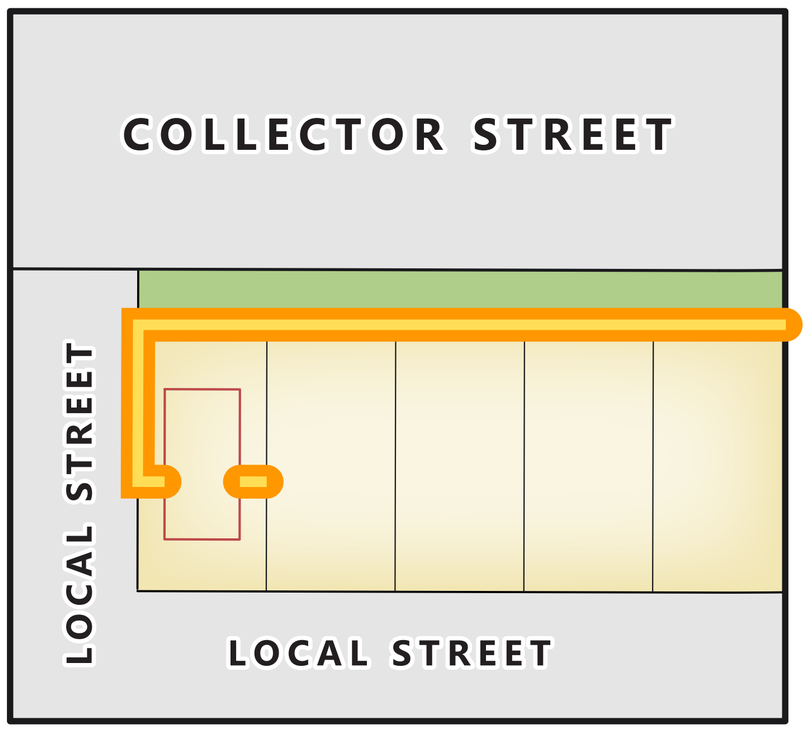
RELATIONSHIPS | PROCESS | DESIGN

CONCRETE FENCE



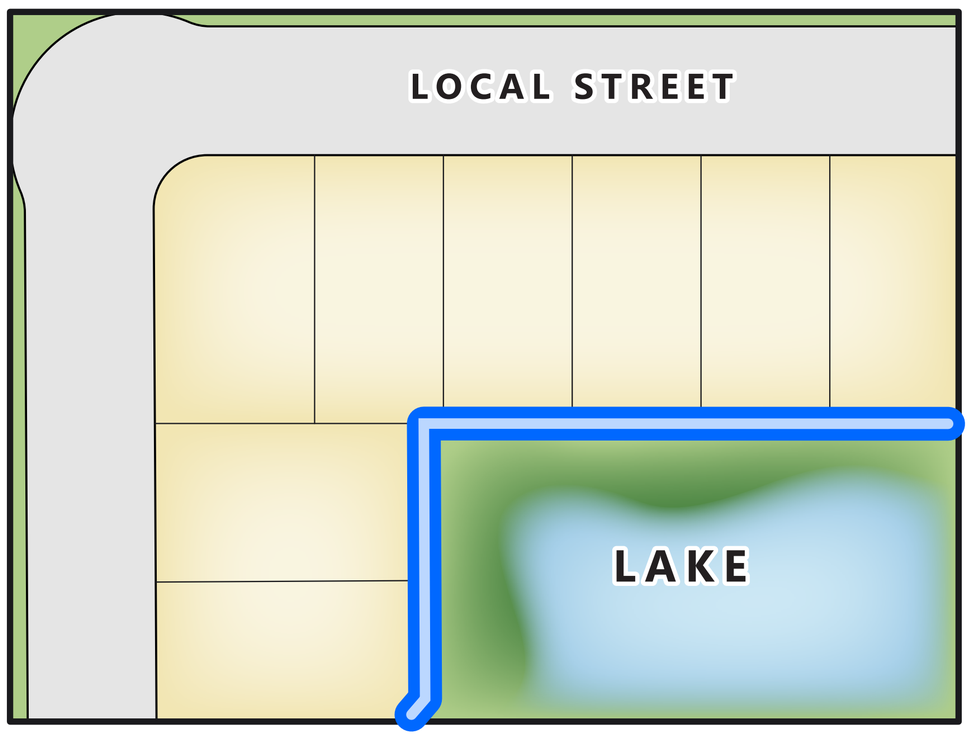
Applies to lots backing onto Pollard Boulevard

WOOD PUBLIC ROW FENCE



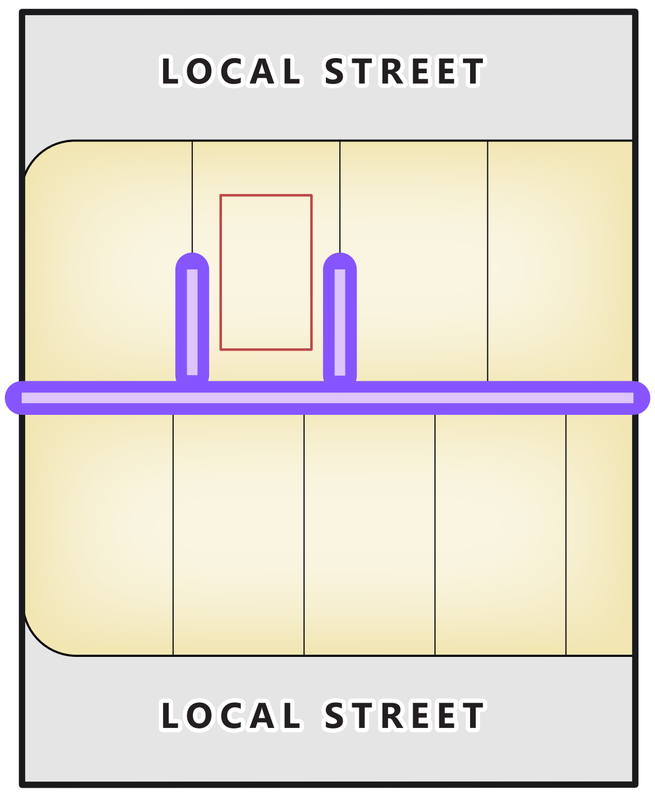
Applies to lots backing onto a collector street;
Applies to all lots with side yard fencing facing a public right-of-way

WROUGHT IRON FENCE



Applies to lots backing onto a lake

WOOD GOOD NEIGHBOR FENCE



Applies to all lots backing onto other lots and interior side lot lines

NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT P

Planned Unit Development
Fencing Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

CONCRETE FENCE
WROUGHT IRON FENCE
WOOD PUBLIC ROW FENCE
WOOD GOOD NEIGHBOR FENCE

***Please note that multiple fence types may apply to a lot depending on it's location**

Reference Date: 12.19.2025

NORTH

0 25 50 100

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN

GENERAL NOTES

BUILDING CODE: 2021 INTERNATIONAL BUILDING CODE

WIND LOADING: DESIGN WIND SPEED: 141 MPH (ULTIMATE WIND SECOND PER ASCE 7-16)
WIND EXPOSURE CATEGORY C, RISK CATEGORY II

THE DETAILED SITE ELEMENTS MAY BE BUILT IN AREAS QUALIFIED AS WIND EXPOSURE B OR C.

THE SOIL GRADING ON BOTH SIDES OF THE FENCING MUST BE NO STEEPER THAN A 1 FOOT DROP IN A HORIZONTAL DISTANCE OF 8 FEET. THIS DESIGN ASSUMES THAT THERE IS NO OPEN DRAINAGE DITCH CLOSER THAN 8 FEET FROM THE FACE OF THE FENCING. NOTIFY BGA IF ANY OF THESE CRITERIA CANNOT BE MET.

EXISTING STRUCTURE AND EXISTING CONDITIONS:

FIELD VERIFY THE AREA OF NEW CONSTRUCTION TO DETERMINE IF EXISTING STRUCTURES, UNDERGROUND UTILITIES OR PLUMBING MAY INTERFERE WITH THE NEW CONSTRUCTION.

FOUNDATION AND EARTHWORK:

FOOTINGS HAVE BEEN DESIGNED FOR THE FOLLOWING ASSUMED ALLOWABLE BEARING PRESSURES:
TOTAL LOAD: 3000 PSF (END BEARING)
BEARING ELEVATION: 9 FEET MINIMUM BELOW FINISHED GRADE

IMPORTANT NOTE: SHALLOW WATER CONDITIONS MAY BE ENCOUNTERED IN THE PIERS. IT IS RECOMMENDED THAT THE CONTRACTOR DRILL SOME TEST HOLES TO VERIFY IF WATER WILL BE PRESENT. IF WATER IS PRESENT, THEN IT IS RECOMMENDED THAT THE HOLES NOT BE DRILLED TO FULL BEARING DEPTH UNTIL CONCRETE IS ON-SITE. IF MORE THAN 1" DEPTH OF WATER SEEPS INTO THE PIER UPON COMPLETION OF DRILLING THEN PUMP OUT THE EXCESS WATER PRIOR TO CONCRETING.

BEARING ELEVATIONS FOR BOTTOM OF FOOTINGS SHALL BE VERIFIED WITH FIELD CONDITIONS. THE FOOTINGS SHALL BEAR AT A SOILS STRATA RECOMMENDED IN THE SOILS REPORT. WHEN SOFT OR UNSUITABLE SOILS ARE ENCOUNTERED AT SPECIFIED BEARING STRATA, THE SOILS CONSULTANT AND BGA ENGINEERS SHALL BE NOTIFIED.

FOOTINGS SHALL BE POURED AS SOON AS POSSIBLE AFTER EXCAVATION, CLEAN-OUT, INSPECTION AND INSTALLATION OF REINFORCING STEEL. NOTIFY GEOTECHNICAL ENGINEER AT LEAST 24 HOURS PRIOR TO DIGGING OF FOOTINGS TO SCHEDULE SITE VISITS. PROPER SOIL BEARING SHALL BE VERIFIED BY THE GEOTECHNICAL ENGINEER PRIOR TO POURING EACH FOOTING. FOOTINGS DRILLED TO FULL DEPTH SHALL NOT BE LEFT OPEN OVERNIGHT.

CONCRETE (PRECAST AND SITE-CAST):

CONCRETE SHALL BE NORMAL WEIGHT AND SHALL CONFORM TO ACI 318 REQUIREMENTS. CONCRETE WORK SHALL CONFORM TO ACI 301.
MINIMUM CONCRETE PROPERTIES:
PRECAST ELEMENTS - 5000 PSI COMPRESSIVE STRENGTH AND MAX. AGGREGATE 3/4" 5% AIR ENTRAINMENT, MAXIMUM WATER TO CEMENT RATIO OF 0.50

SITE CAST ELEMENTS - 3000 PSI COMPRESSIVE STRENGTH AND MAX. AGGREGATE 1 1/2" NO AIR ENTRAINMENT, MAXIMUM WATER TO CEMENT RATIO OF 0.53

STRENGTHS LISTED ARE FOR 28-DAY.
AGGREGATES SHALL MEET THE REQUIREMENTS OF ACI 302.1R (CHAPTER 5.4) AND CONFORM TO THE COMBINED AGGREGATE GRADING SPECIFIED IN SECTION 5.4.3 (ACI 302.1R).
FLY ASH, WHEN USED, MAY BE SUBSTITUTED FOR PORTLAND CEMENT IN QUANTITIES NOT TO EXCEED 25 PERCENT FLY ASH BY MASS OF CEMENTIOUS MATERIALS.
PROPERLY CONSOLIDATE ALL CONCRETE USING VIBRATORS DURING PLACEMENT. VIBRATE ALL CONCRETE INCLUDING THE TOP FIVE FEET OF DRILLED PIERS, FOOTINGS, GRADE BEAMS, SLABS, WALLS, COLUMNS, ETC. VIBRATE ALL CONCRETE SUCH THAT NO COLD JOINTS OR HONEYCOMBING (VOIDS) ARE PRESENT IN THE FINISHED CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF ANY STRUCTURAL REPAIRS TO CONCRETE DUE TO IMPROPER PLACEMENT. THE CONTRACTOR MUST PROVIDE THE ENGINEER WITH PROPOSED REPAIR MATERIALS PRIOR TO COMMENCEMENT OF ANY STRUCTURAL REPAIR WORK. THE ENGINEER MUST APPROVE IN WRITING THE PROPOSED PRODUCTS. NOTIFY BGA ENGINEERS FOR ADDITIONAL INSTRUCTIONS AT ANY CONDITIONS WHERE STRUCTURAL OR COSMETIC REPAIRS ARE NECESSARY TO EXPOSED CONCRETE.
PRECAST COLUMNS SHALL BE TEMPORARILY BRACED AFTER ERECTION. BRACING TO REMAIN IN PLACE UNTIL GROUT HAS BEEN INSTALLED AND HAS REACH A MINIMUM OF 75% OF ITS DESIGN 28 DAY STRENGTH.

REINFORCING STEEL:

REINFORCING BARS SHALL CONFORM TO ASTM A615-GRADE 60.
WELDED WIRE FABRIC SHALL CONFORM TO ASTM A185 OR A497. FURNISH IN FLAT SHEETS ONLY.
SMOOTH DOWELS SHALL CONFORM TO ASTM A36 OR ASTM A306.
REINFORCING STEEL DETAILING SHALL CONFORM TO ACI 315.
PROVIDE CHAIRS TO INSURE PROPER COVER FOR ALL REINFORCING IN PRECAST AND CAST-IN-PLACE CONCRETE FOR PRECAST CONCRETE, SUPPORTS AT EXPOSED TO VIEW SURFACES SHALL BE PLASTIC PROTECTED OR STAINLESS STEEL PROTECTED.
DUCTILE IRON INSERTS. ASTM A536 AS MANUFACTURED BY RICHMOND SCREW ANCHOR CO., HOHMAN & BARNARD INC., OR DAYTON SUPERIOR CORPORATION.
CONCRETE COVER (PLANT CAST PRECAST):
PRECAST COLUMNS 1 1/2" BOTTOM, 1" SIDES, AND 1 1/2" TOP
PRECAST WALL PANELS 2" EDGES (TOP, BOTTOM, SIDES) MAT REINFORCING TO BE CENTERED IN PANEL THICKNESS
CONCRETE COVER (SITE-CAST CONCRETE):
DRILLED PIERS 6" BOTTOM, 3" SIDES AND 2" TOP
CAPS/GRADE BEAMS 2" TOP, 3" BOTTOM, 2" SIDES
WELDING OF REINFORCING STEEL - ASTM A615-GRADE 60 REINFORCING STEEL SHALL NOT BE WELDED OR TACK WELDED FOR ANY REASON.

MASONRY:

MASONRY CONSTRUCTION SHALL CONFORM TO THE REFERENCED BUILDING CODE, ACI 530 AND ACI 530.1.
GROUT SHALL CONFORM TO ASTM C476 WITH A MAXIMUM AGGREGATE SIZE OF 3/8", AND A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS.
PERIODIC INSPECTIONS OF THE MASONRY CONSTRUCTION PER THE APPLICABLE BUILDING CODES ARE REQUIRED. MASONRY CONTRACTOR TO PROVIDE AT LEAST 24 HOURS NOTICE. COORDINATE FREQUENCY OF VISITS AND SCHEDULE WITH THE CONTRACTOR AND OWNER'S REPRESENTATIVE.
ALL VOIDS CONTAINING REINFORCING STEEL SHALL BE FILLED SOLID WITH GROUT AT SPECIFIED ABOVE.
VERTICAL BARS SHALL BE HELD IN POSITION AT TOP AND BOTTOM AND AT INTERVALS NOT EXCEEDING 8'-0".

NON-SHRINK GROUT:

NON-SHRINK GROUT BETWEEN COLUMNS AND FOOTINGS AND FOR INFILLING OF LIFTING INSERTS SHALL BE A NON-METALLIC, SHRINKAGE RESISTANT, PREMIXED, NON-CORROSIVE, NON-STAINING PRODUCT CONTAINING PORTLAND CEMENT, SILICA SANDS, SHRINKAGE COMPENSATING AGENTS, AND FLUIDITY IMPROVING COMPOUNDS.
NON-SHRINK GROUT SHALL CONFORM TO CORPS OF ENGINEERS SPECIFICATION FOR NON-SHRINK GROUT, CE-CRD-C621. TWENTY-EIGHT DAY COMPRESSIVE STRENGTH AS DETERMINED BY GROUT CUBE TESTS, SHALL BE 6,000 PSI MINIMUM.
NON-SHRINK GROUT SHALL BE PLACED IN A FLUID FLOWABLE STATE UNDER BASEPLATES AND BEARING PLATES THAT HAVE A FORM BUILT AROUND THEM FOR GROUT CONFINEMENT.
NON-SHRINK GROUT MUST BE INSTALLED PRIOR TO FILLING COLUMN CAVITY WITH GROUT.

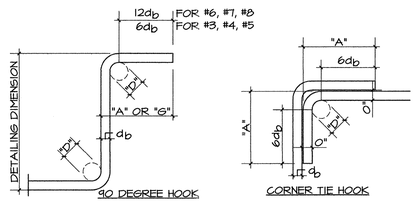
STRUCTURAL TESTS AND SPECIAL INSPECTIONS

REFER TO THE REFERENCED BUILDING CODE FOR ADDITIONAL INFORMATION, DEFINITIONS AND TESTING REFERENCES REGARDING SPECIAL INSPECTIONS. THIS SECTION OF NOTES IS BASED ON CHAPTER 17 OF THE IBC CODE.
THE OWNER SHALL HIRE ONE OR MORE SPECIAL INSPECTORS TO PROVIDE THE SPECIAL INSPECTIONS DURING CONSTRUCTION FOR THE FOLLOWING TYPES OF STRUCTURAL WORK:
1. PRECAST AND CAST-IN-PLACE CONCRETE
2. FOUNDATION ELEMENTS

THIS SECTION IS LIMITED ONLY TO STRUCTURAL PORTIONS OF THE PROJECT. THIS SECTION DOES NOT COVER STANDARD INSPECTIONS TO BE PERFORMED BY THE BUILDING OFFICIAL OR PERIODIC SITE VISITS/OBSERVATIONS MADE BY REPRESENTATIVES OF BGA ENGINEERS, INC.
THE SPECIAL INSPECTOR FOR THE LISTED STRUCTURAL ITEMS SHALL BE ONE OR MORE OF THE FOLLOWING: A QUALIFIED TESTING LAB OR GEOTECHNICAL ENGINEER QUALIFIED TO INSPECT THE PARTICULAR TYPE OF CONSTRUCTION REQUIRING THE SPECIAL INSPECTION. THE OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE SPECIAL INSPECTIONS LISTED IN THIS SECTION, EXCEPT FOR ADDITIONAL INSPECTIONS REQUIRED DUE TO NON-CONFORMANCE OF WORK. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR ADDITIONAL COSTS INCURRED IF THE SPECIAL INSPECTOR MAKES ADDITIONAL TRIPS, REPORTS, ETC. FOR WORK FOUND TO BE NON-CONFORMING TO THE APPROVED CONSTRUCTION DOCUMENTS.
THE SPECIAL INSPECTOR(S) SHALL OBSERVE THE WORK TO ASCERTAIN TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF WHETHER THE WORK IS IN CONFORMANCE WITH THE APPROVED CONTRACT DRAWINGS AND SPECIFICATIONS OR NOT.
THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE SPECIAL INSPECTOR(S) AND BGA ENGINEERS INC. AT LEAST 72 HOURS BEFORE COMMENCING ANY NEW TYPE OF STRUCTURAL WORK COVERED BY THIS SPECIAL INSPECTION SECTION. DURING THE ONGOING CONSTRUCTION OF A PARTICULAR TYPE OF STRUCTURAL WORK, THE NOTICE TIME MAY BE REDUCED TO 24 HOURS. THE GENERAL CONTRACTOR SHALL KEEP THE OWNER, ARCHITECT AND BGA ENGINEERS INC. INFORMED OF ANY SCHEDULING PROBLEMS OR DIFFICULTIES.
THE SPECIAL INSPECTOR(S) SHALL FURNISH COPIES OF ALL INSPECTION REPORTS TO THE EOR RESPONSIBLE FOR THE PORTION OF THE WORK BEING REVIEWED, THE ARCHITECT, GENERAL CONTRACTOR AND THE BUILDING OFFICIAL. ALL REPORTS SHALL INCLUDE THE NAME(S) OF THE INDIVIDUAL AND COMPANY PERFORMING THE SPECIAL INSPECTIONS, AS WELL AS THE DATE OF EACH INSPECTION, ITEMS REVIEWED, AREA OF EACH ITEM RELATIVE TO SPECIFIC GRID LINES/FLOOR LEVELS AND ANY DISCREPANCIES BETWEEN THE OBSERVED WORK AND APPROVED CONSTRUCTION DOCUMENTS.
IF ANY DISCREPANCIES OR DEFICIENCIES ARE NOTED, THE SPECIAL INSPECTOR SHALL IMMEDIATELY NOTIFY THE GENERAL CONTRACTOR (ON THE SAME DAY AS THE INSPECTION IF AT ALL POSSIBLE AND BEFORE THE INSPECTOR LEAVES THE SITE). THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO RELAY THESE FINDINGS TO THE APPROPRIATE SUB-CONTRACTOR AND SHALL BE RESPONSIBLE FOR DIRECTING AND COORDINATING ALL CORRECTIVE ACTIONS NECESSARY TO CORRECT THE DISCREPANCIES OR DEFICIENCIES. THE SPECIAL INSPECTOR SHALL ALSO NOTIFY THE ARCHITECT AND ENGINEER WITHIN 24 HOURS, EITHER BY FAX OR PHONE CALL, AND WHAT CORRECTIVE ACTION WAS TAKEN, IF ANY AT THAT POINT, BY THE GENERAL CONTRACTOR. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT CORRECTIVE ACTION IS TAKEN IN A TIMELY MANNER.
THE GENERAL CONTRACTOR SHALL CONTACT BGA ENGINEERS INC. AND/OR THE ARCHITECT IF THERE IS ANY QUESTION REGARDING THE PROPER CORRECTIVE ACTION TO TAKEN BASED ON THE SPECIAL INSPECTOR'S REPORTS AND RECOMMENDATIONS.
AT THE COMPLETION OF EACH TYPE OF STRUCTURAL WORK, THE SPECIAL INSPECTOR SHALL SUBMIT A SIGNED REPORT CERTIFIED BY A LICENSED ENGINEER IN THE STATE OF THE PROJECT. THE REPORT SHALL STATE WHETHER THE INSPECTED WORK WAS, TO THE BEST OF THE INSPECTOR'S KNOWLEDGE, IN CONFORMANCE WITH THE APPROVED CONSTRUCTION DOCUMENTS AND WHETHER THE INSPECTED WORK WAS PERFORMED IN A WORKMANLIKE MANNER.
THE FOLLOWING IS A SUMMARY OF THE PERIODIC AND CONTINUOUS SPECIAL INSPECTIONS REQUIRED FOR THIS PROJECT. REFER TO THE BUILDING CODE FOR ADDITIONAL REFERENCES, IF NEEDED.
PRECAST AND CAST-IN-PLACE CONCRETE CONSTRUCTION (BASED ON IBC 1704.4):
1. INSPECTION OF ALL REINFORCING STEEL (INCLUDING SIZES, QUANTITIES AND PLACEMENT) - (PERIODIC)
2. INSPECTION OF ANY WELDING OF REINFORCING STEEL, INCLUDING DEFORMED BAR ANCHORS (CONTINUOUS)
3. INSPECT BOLTS OR ANCHORS INSTALLED IN CONCRETE PRIOR TO OR DURING THE PLACEMENT OF THE CONCRETE, INCLUDING SIZE, QUANTITY, LENGTH AND LAYOUT (PERIODIC)
4. VERIFY THE USE OF THE APPROVED CONCRETE DESIGN MIX (PERIODIC)
5. SAMPLING OF FRESH CONCRETE, PERFORMING SLUMP/AIR CONTENT/TEMPERATURE TESTS AND MAKING OF CONCRETE CYLINDERS FOR STRENGTH TESTS (CONTINUOUS)
6. INSPECTION FOR MAINTENANCE OF SPECIFIED CURING TECHNIQUES AND TEMPERATURES (PERIODIC)

CONCRETE MASONRY CONSTRUCTION (BASED ON IBC 1704.5):
1. PROPORTIONS OF SITE-MIXED GROUT (PERIODIC)
2. INSPECT GROUT SPACES PRIOR TO GROUTING AND PLACEMENT OF GROUT (CONTINUOUS)
3. ANCHORS OR CONNECTORS TO OTHER STRUCTURAL ITEMS (CONTINUOUS)

FOUNDATIONS (BASED ON IBC 1704.7 AND 1704.8):
1. DRILLED PIERS. PROVIDE CONTINUOUS INSPECTION OF ALL DRILLED PIERS. OBSERVE PIER DEPTH, VERIFY BEARING SOILS WITH SOILS REPORT, VERIFY PIER DIAMETER AND BELL SIZE (IF ANY), CLEANLINESS OF PIER BOTTOM, VERIFY REINFORCING STEEL SIZE, VERIFY PROPER VIBRATION OF THE TOP SECTION OF CONCRETE IN THE PIER, AND SAMPLE FRESH CONCRETE PER THE SECTION ABOVE. (CONTINUOUS)

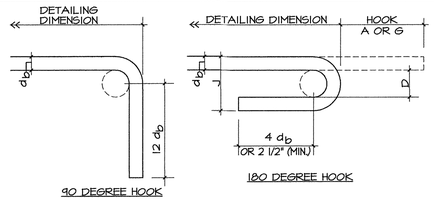


STIRRUP & TIE HOOK SCHEDULE

BAR SIZE	"D"	90 DEG HOOK "A" OR "G"	135 DEG HOOK "A" OR "G"
#3	1 1/2"	4"	4"
#4	2"	4 1/2"	4 1/2"
#5	2 1/2"	6"	5 1/2"

D = INSIDE DIAMETER OF BEND
d_b = BAR DIAMETER

TYPICAL STIRRUP AND TIE HOOK TYPES 01

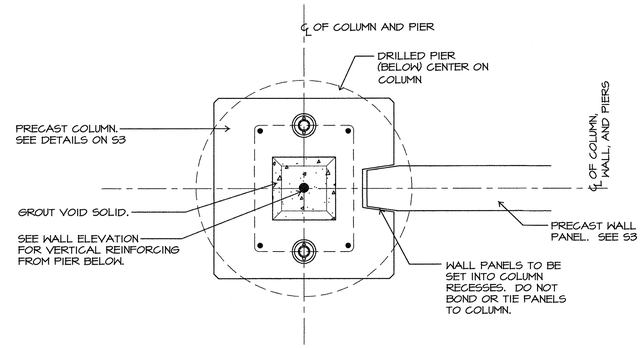


RECOMMENDED END HOOKS - ALL GRADES

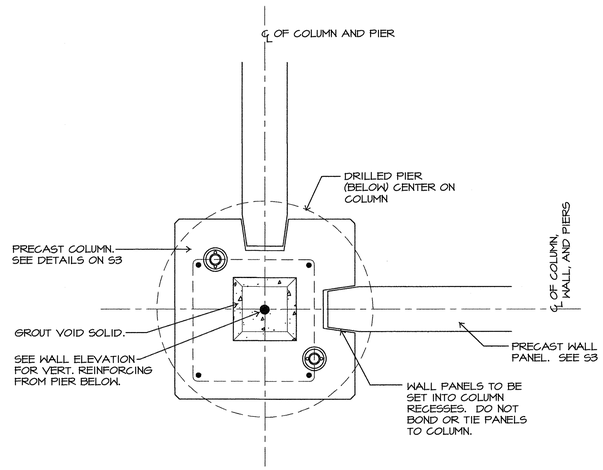
BAR SIZE	FINISHED BEND DIAMETER "D"	180° HOOKS "A" OR "G"	180° HOOKS "J"	90° HOOKS "A" OR "G"
#3	2 1/4"	5"	3"	6"
#4	3"	6"	4"	8"
#5	3 3/4"	7"	5"	10"
#6	4 1/2"	8"	6"	12"

D = INSIDE DIAMETER OF BEND
d_b = BAR DIAMETER

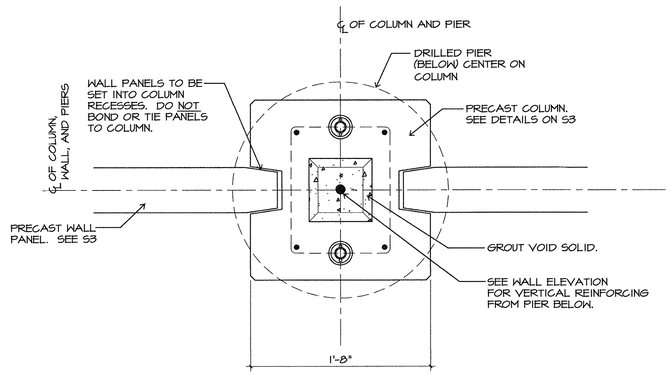
TYPICAL END HOOK TYPES 02



DETAIL 03B/S1
"EC" END COLUMN -PLAN VIEW
SCALE : 1-1/2"=1'-0"



DETAIL 03C/S1
"CC" CORNER COLUMN -PLAN VIEW
SCALE : 1-1/2"=1'-0"



DETAIL 03A/S1
"LC" LINE COLUMN -PLAN VIEW
SCALE : 1-1/2"=1'-0"

EXHIBIT Q-1

STRUCTURAL ENGINEERS
TX FIRM REG. #833
BGA ENGINEERS, INC.
13100 NORTHWEST FREEWAY, SUITE 350
HOUSTON, TEXAS 77040
(713) 329-9922

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SEAL
BGA ENGINEERING PROJECT NO. 23070



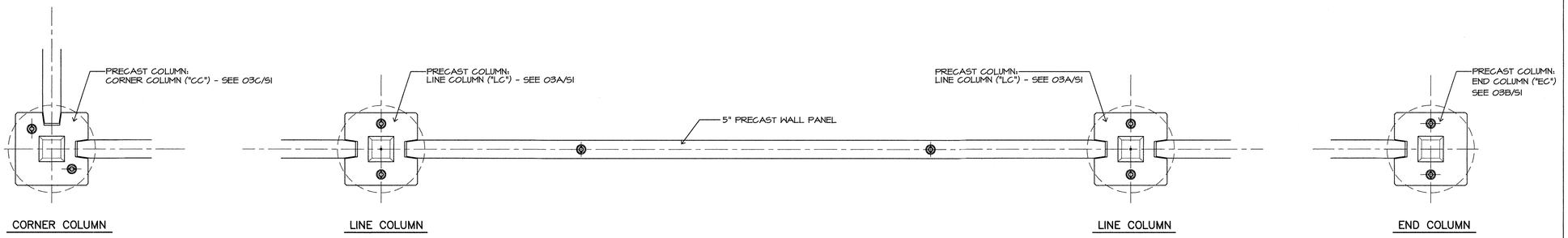
MIKE HULBERT, TX PE#76981

Valencia Phase 1
6Ft. Verticrete Precast Fence System
Client: Republic Masonry
Manvel (Brazoria County), Texas

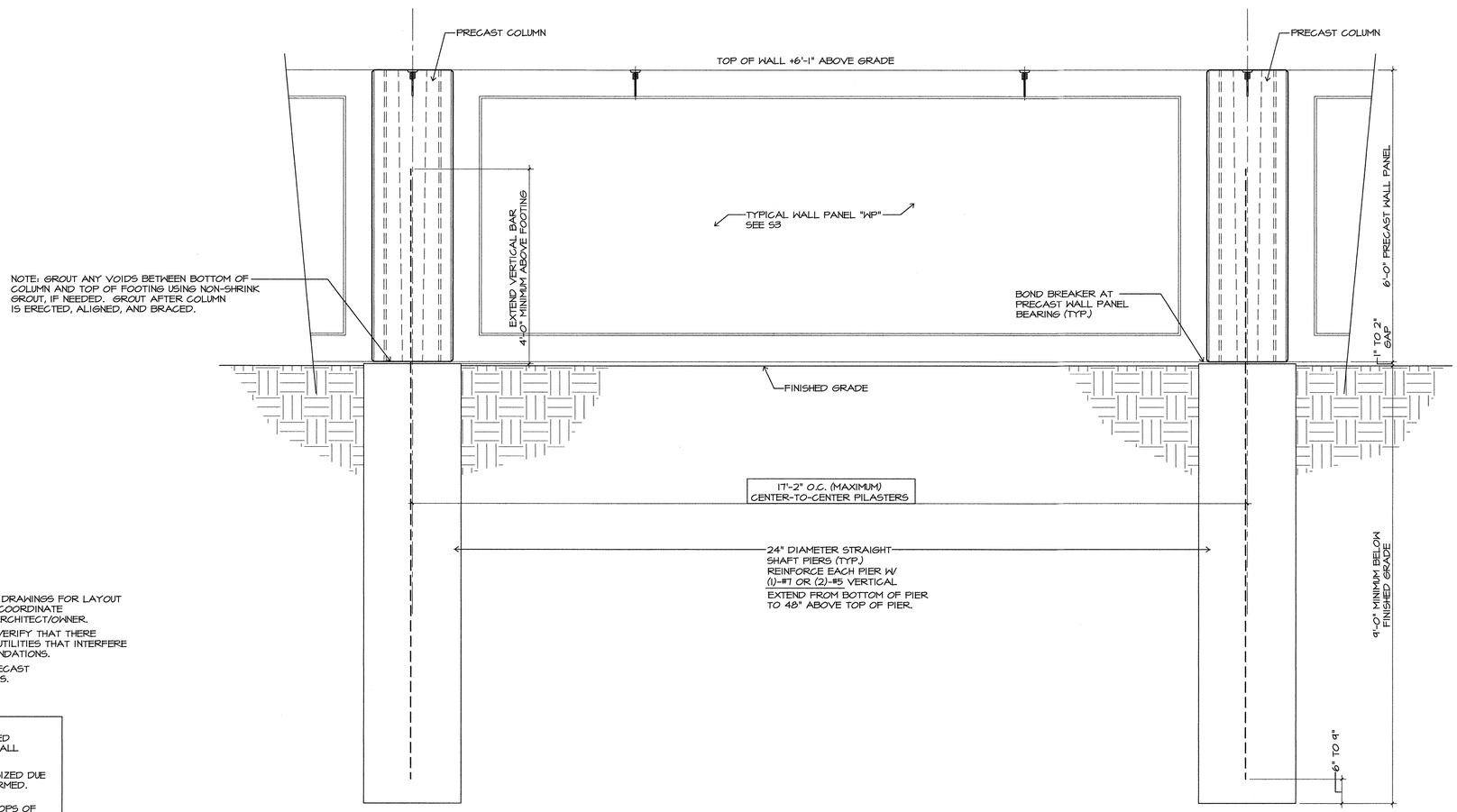
Standard Details and General Notes

Date: 09/25/2023
Scale: 3/4"=1'-0" (UNO)
Job No.: BGA #23070
Revised:

S-1



PLAN VIEW



NOTES:
1. REFER TO SITE PLAN/LANDSCAPE DRAWINGS FOR LAYOUT AND LOCATIONS OF ALL WALLS. COORDINATE FINAL LAYOUT WITH LANDSCAPE ARCHITECT/OWNER.
2. PRIOR TO CONSTRUCTION, FIELD VERIFY THAT THERE ARE NO EXISTING UNDERGROUND UTILITIES THAT INTERFERE WITH ANY OF THE PROPOSED FOUNDATIONS.
3. REFER TO SHEET S3 FOR ALL PRECAST WALL PANEL AND COLUMN DETAILS.

PIER CAP NOTES:

TOP OF ALL PIERS SHALL BE FORMED WHEN PIERS ARE INSTALLED AND SHALL HAVE VERTICAL FACES.

TOP OF CAPS SHALL NOT BE OVERSIZED DUE TO SOIL SLOUGHING OR BE SOIL FORMED.

ANY AND ALL VOIDS AROUND THE TOPS OF ALL PIER CAPS (DUE TO FORMWORK OR SOIL SLOUGHING) SHALL BE FILLED IN WITH APPROVED STRUCTURAL FILL MATERIALS AND SHALL BE COMPACTED ACCORDING TO THE GEOTECHNICAL REPORT. SPOILS FROM THE PIERS SHALL NOT BE USED AS STRUCTURAL FILL UNLESS THE GEOTECHNICAL ENGINEER APPROVES THE MATERIAL AS STRUCTURAL FILL.

DETAIL 01/S2
6'-0" TALL VERTICRETE FENCE – TYPICAL WALL PANEL AND COLUMNS
SCALE : 3/4" = 1'-0"

EXHIBIT Q-2

STRUCTURAL ENGINEERS
TX FIRM REG. #833
BGA ENGINEERS, INC.
13100 NORTHWEST FREEWAY, SUITE 350
HOUSTON, TEXAS 77040
(713) 329-9922

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SEAL
BGA ENGINEERS,INC. PROJECT NO. 23070

STATE OF TEXAS
MIKE HULBERT
76981
LICENSED
PROFESSIONAL ENGINEER
9/25/2023

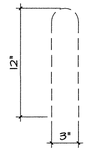
MIKE HULBERT, TX PE#76981

Valencia Phase 1
6Ft. Verticrete Precast Fence System
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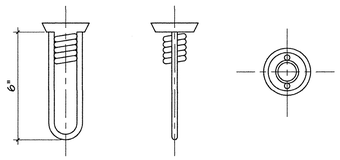
Typical Plan and Elevation

Date: 09/25/2023
Scale: 3/4"=1'-0" (UNO)
Job No.: BGA #23070
Revised:

S-2



DOWEL

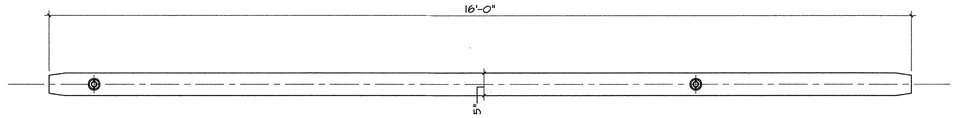


FRONT VIEW | SIDE VIEW | TOP VIEW

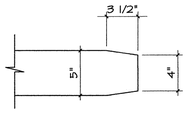
INSERT

NOTES:
1. ALL LIFTING INSERTS (UNO) TO BE: DAYTON SUPERIOR B-16 STRAIGHT COIL LOOP INSERT, 3/4" DIA. X 6" LONG, ELECTRO-PLATED.
2. PROVIDE 1/2" SET-BACK FROM FACE OF FORM.
3. AFTER ERECTION FILL ALL INSERT HOLES WITH NON-SHRINK GROUT.
4. PROVIDE (1)-#4 DOWEL (SEE ABOVE) THROUGH EACH INSERT.

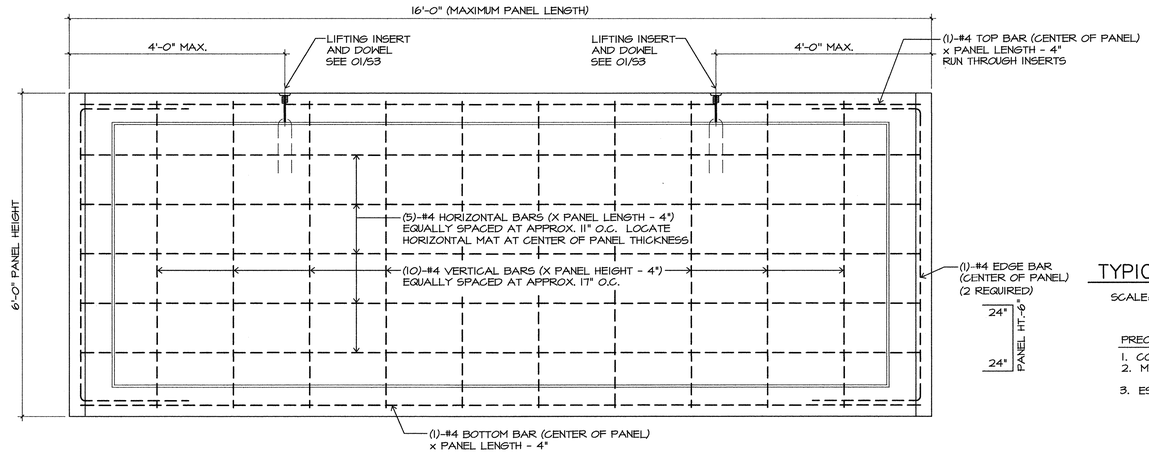
TYPICAL LIFTING INSERT | 01



TYPICAL WALL PANEL ("WP") – TOP VIEW



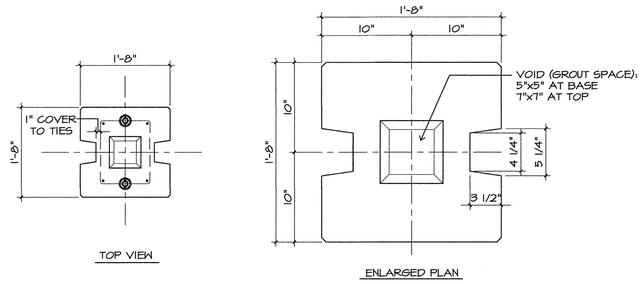
ENLARGED PLAN VIEW OF WALL ENDS



TYPICAL WALL PANEL ("WP") REINFORCING – ELEVATION

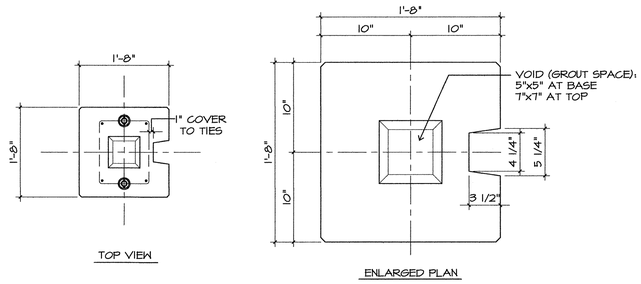
SCALE: 3/4"=1'-0"

PRECAST WALL PANEL NOTES:
1. COORDINATE REVEAL PATTERN WITH LANDSCAPE ARCHITECT.
2. MAXIMUM REVEAL DEPTH = 1/2" (FOR PATTERN ON BOTH FACES) OR 3/4" (FOR PATTERN ON ONE FACE)
3. ESTIMATED PANEL WEIGHT (FOR 6'x16' NOMINAL PANELS) = 6,000 LBS



TYPICAL LINE COLUMN ("LC") REINFORCING – ELEVATION

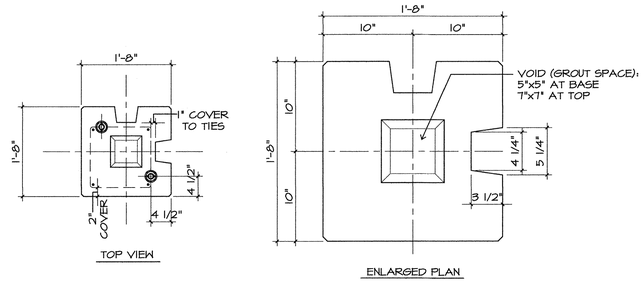
SCALE: 3/4"=1'-0"



TYPICAL END COLUMN ("EC") REINFORCING – ELEVATION

SCALE: 3/4"=1'-0"

PRECAST COLUMN NOTES:
1. COORDINATE REVEAL PATTERN WITH LANDSCAPE ARCHITECT.
2. MAXIMUM REVEAL DEPTH = 1/2" (PER FACE)
3. ESTIMATED COLUMN WEIGHT (FOR 6'x20"x20" NOMINAL COLUMNS) = 2,275 LBS (UNGROUTED)
4. PROVIDE 1/2" CHAMFERS ON ALL EXPOSED EDGES.



TYP. 90 DEG. CORNER COLUMN ("CC") REINFORCING–ELEVATION

SCALE: 3/4"=1'-0"

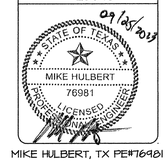
EXHIBIT Q-3

STRUCTURAL ENGINEERS
TX FIRM REG. #8313
BGA ENGINEERS, INC.
13100 NORTHWEST FREEWAY, SUITE 350
HOUSTON, TEXAS 77040
(713) 329-9922

THIS DRAWING AND THE DESIGN SHOWN IS THE PROPERTY OF BGA ENGINEERS,INC. THE REPRODUCTION,COPYING OR USE OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF BGA ENGINEERS,INC. ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION BY BGA.
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SEAL

BGA ENGINEERS,INC. PROJECT NO. 23070



MIKE HULBERT, TX PE#76981

Valencia Phase 1
6Ft. Verticrete Precast Fence System
Client: Republic Masonry
Manvel (Brazoria County), Texas

Precast Details

Date: 09/25/2023
Scale: 3/4"=1'-0" (UNO)
Job No.: BGA #23070
Revised:

S-3

VALENCIA PLANNED UNIT DEVELOPMENT AMENDMENT DEVELOPMENT STANDARDS COMPARISON TABLE				
Subject	**City of Manvel Code of Ordinances Section**	**Code of Ordinances Regulation**	**Proposed**	**Justification for the Variance**
Fencing	**Sec. 38-28. - Fencing.**	**A masonry, wood, shrubbery or alternative fencing material, of a material and design pre-approved by the city planning and development commission, shall be provided along any portion of the community boundary.**	i. **Residential Fencing - Fences in any single-family residential district may not exceed seven (7') feet in height. The following fence types shall be permitted within this PUD and as shown on Exhibit O, P, and Q. The Homeowners Association (HOA) shall be responsible for enforcing all fencing guidelines and standards within the community. Any exterior modifications to homes, including fencing, shall be subject to review and approval by the Architectural Review Committee (ARC). Fence post installation shall be in accordance with the City of Manvel Code of Ordinances and Design Criteria Manual.** a. **Wood Public Right-of-Way Fence** i. **May be used where a screened edge or visual buffer is desired and constructed where visible from the public right-of-way.** ii. **Applies to residential lots whose rear or street side property lines abut the collector streets of Dogwood Avenue and Charlotte Street.** iii. **The fence must be a six-foot (6') tall, cap top fence with a minimum of a two-inch by six-inch (2''x6'') standard rot board, a two-inch by six-inch (2''x6'') cedar cap, and one-inch by four-inch (1''x4'') cedar trim.** iv. **The interior (yard-facing) side of the fence shall be constructed as a standard 3-rail fence.** v. **Rot boards shall be required on all wood fences visible from the public right-of-way.** b. **Wood Good Neighbor Fence** i. **May be used where a uniform, shared appearance between adjoining properties is desired.** ii. **Applies to residential lots whose rear property lines abut other residential lots and not visible from the public right-of-way.** iii. **The fence must be standard six-foot (6') tall, 3-rail fence constructed with six inch (6'') pickets and 4x4 posts.** iv. **A rot board is not required.** c. **Wrought Iron Fence** i. **May be used where visibility, openness, or enhanced aesthetics are desired.** ii. **Applies to residential lots whose rear or side property lines abut a lake. The wrought iron fence shall extend on the**	**The purpose of the variance is to provide clear guidelines for fencing with the Valencia PUD.**

			side property line for a distance of not less than twenty feet (20') from the rear yard property line, except on corner lot street-side property lines. iii. The fence shall be a minimum height of four feet (4'). d. Concrete Fence i. May be used where additional durability, screening, or noise mitigation is desired. ii. Applies to lots whose rear or side property lines abut Pollard Boulevard. iii. The fence shall be a minimum height of six (6) feet. ii. Commercial Fencing a. Wood Public Right-of-Way Fence i. May be used where a screened edge or visual buffer is desired and constructed where visible from the public right-of-way. ii. The fence must be a minimum six-foot (6') tall, cap top fence with a minimum of a two-inch by six-inch (2''x6'') standard rot board, a two-inch by six-inch (2''x6'') cedar cap, and one-inch by four-inch (1''x4'') cedar trim. iii. In lieu of a wood fence, a six-foot (6') tall concrete or masonry fence may be provided as an optional upgrade where additional durability, screening, or noise mitigation is desired. b. Wrought Iron Fence i. May be used where visibility, openness, or enhanced aesthetics are desired. ii. The fence shall be a minimum height of four feet (4') and shall not exceed a height of eight feet (8').	
Temporary Signs	Sec. 53-10. - Allowed signs.	(a)The following signs are allowed in all districts and do not require a permit: (1)Temporary real estate signs. Temporary real estate signs advertise the sale, rental, or lease of the premises upon which the sign is located. a. Nonresidential districts and/or uses. Temporary real estate signs not exceeding 32 square feet in area are permitted in nonresidential districts. b. Residential districts and/or uses. Temporary real estate signs not exceeding 16 square feet in area in residential districts and/or residential uses. Temporary real estate signs	i. Temporary Community Signs: Used to direct potential home buyers to various neighborhoods and/or model homes. These temporary signs may be installed at various locations within the development. In addition, sixteen (16) offsite signs shall be permitted along these corridors: • Four (4) along Pollard Boulevard from State Highway 6; • Four (4) along Del Bello Boulevard from State Highway 288 to Pollard Boulevard; • Two (2) along State Highway 6 from State Highway 288 to Masters Road; • Two (2) along the west side of SH-288 between Croix Road and Del Bello Blvd; • One (1) at the northwest intersection of SH-288 and Highway 6;	The purpose of the variance is to allow for a greater number of temporary signs improve visibility and navigation for potential home buyers.

		not exceeding 32 square feet in area are allowed in residential districts and/or uses for properties fronting on a major thoroughfare, parkway, arterial, or collector as identified in the city's thoroughfare plan, as amended from time to time. c. All temporary real estate signs shall be removed not later than ten days following the sale, rental, or lease of the subject property. d. All temporary real estate signs shall only be located on private property;	• One (1) at the southeast intersection of SH-288 and Highway 6; • One (1) at the southeast intersection of CR-48 and Highway 6; • One (1) at the intersection of Highway 6 and McCoy Road. The Temporary Community Signs shall be a maximum of 128 square feet in size and shall not to exceed ten feet (10') in height. These signs may remain until 30 days following the permanent resident occupancy of the last model home. These signs may be placed within the right-of-way with the condition that they be located a minimum of four feet (4') from the back of curb. Placement within State or County rights-of-way shall be subject to approval by the applicable governing agency as part of the sign permitting process. If a Temporary Community Sign is not in compliance with the above section, the City has the right to remove said sign at the expense of the developer with a ten (10) business days notification.	
Setbacks	Sec. 77-28. - Single-family residential (SFR) district.	(4) Rear *yard:* The minimum rear yard setback shall be 15 feet for the principal structure.	vii. Rear yard setback – 10 feet minimum	The purpose of the variance is to allow for a reduced rear building line minimum that can accommodate high density products. The Valencia PUD offers a wide a range of housing types for different needs.

ORDINANCE NO. 2026-O-7

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE NO. 2024-O-12, PERTAINING TO ZONING AND DEVELOPMENT-RELATED PROVISIONS AND REQUIREMENTS FOR THE VALENCIA PLANNED UNIT DEVELOPMENT (PUD), AN APPROXIMATE 457 ACRES OF LAND LOCATED IMMEDIATELY EAST OF STATE HIGHWAY 288, NORTH OF HIGHWAY 6, GENERALLY SOUTH OF DEL BELLO BOULEVARD, AND GENERALLY WEST OF FARM-TO-MARKET 1128, BY AMENDING CERTAIN PROVISIONS RELATED TO FENCING REQUIREMENTS, SIGN REQUIREMENTS, AND MINIMUM REAR YARD SETBACKS; 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.

* * * * * * * * *

WHEREAS, Ordinance #2021-O-18 was adopted by City Council in the year 2021 to rezone an approximate 437.86 acres of land from Open-Single Family Residential (O-SFR) district to Planned Unit Development (PUD) district to allow a master planned development called "Valencia" by the developer Valencia 288 LLC., (Hillwood); and

WHEREAS, the Valencia PUD was amended in 2024 by the adoption of Ordinance #2024-O-12 to make several changes to the PUD document and development plan, including addition of an approximate 18.6 acres of land; and

WHEREAS, the Valencia development currently includes 457 acres of land, more particularly described in Exhibit "A" attached hereto; and

WHEREAS, LJA Engineering, Inc., ("Applicant"), on behalf of Valencia 288 LLC., (Hillwood) has made an application to the City requesting an amendment to the Valencia PUD to amend certain provisions related to fence requirements, Temporary sign allowance, and minimum rear yard setbacks; and

WHEREAS, the Applicant, has requested to amend the PUD document to (a) reduce the minimum rear yard setback for residential lots from 15 feet to 10 feet; (b) Allow six (6) additional temporary signs, consistent in size with those previously approved, located at different locations; and (c) establish detailed standards for residential and commercial fences, expanding beyond maximum fence height, to include design, materials, placement, and enforcement; and

WHEREAS, pursuant to Section 7 of the City's Zoning Ordinance, the developer has modified the PUD document and associated development plan to revise the text and add exhibits to reflect the requested amendment; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on said PUD amendment; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request with modifications, and the City Council deems it appropriate to approve the requested PUD amendment with modifications; now, therefore,

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

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

Section 2. The PUD document governing the development of 457 acres, currently zoned Planned Unit Development (PUD) District, generally east of State Highway 288, North of Highway 6, generally south of Del Bello Boulevard, and West of Farm to Market Road 1128, is hereby amended.

Section 3. The City Council has reviewed the amended PUD document and associated development plan, attached hereto as Exhibit "B," and complies with the findings in accordance with following Section 77-29(o)(5) of the City's Zoning Ordinance.

Section 4. Development of the Property shall strictly comply with the **Valencia PUD Document**, attached hereto as Exhibit "B" and made a part of hereof for all purposes.

Section 5. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said land, as described and provided in Section 2 above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 6. The City Council hereby finds and determines that said rezoning comports to the City's comprehensive land use plan, and to the extent of any conflict, amends said comprehensive land use plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tracts as described above.

Section 7. In the event any section, paragraph, subdivision, 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 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 and every part of the same notwithstanding the

omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. 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 $2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this _____ day of _____, 2026.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2026.

_____

_____

Dan Davis, Mayor

ATTEST:

_____

Tammy Bell, City Secretary

APPROVED AS TO FORM:

_____

Robert Gervais, City Attorney

EXHIBIT A



VICINITY MAP
NOT TO SCALE

0 200 400
SCALE: 1" = 200'

LINE	BEARING	DISTANCE
L1	N 70°29'23" W	33.64'
L2	S 86°49'56" W	147.25'

LEGEND

B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.C.R.	DISTRICT CLERK RECORDS OF BRAZORIA COUNTY, TEXAS
DOC. NO.	DOCUMENT NUMBER
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R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
(S)	SET 5/8" IR W/CAP STAMPED "LJA SURVEY"
IR	IRON ROD
IP	IRON PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
CIP	CAST IRON PIPE
A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
CONC.	CONCRETE MONUMENT
	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
X	FENCE (AS SPECIFIED)
OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
	POWEREPOLE
	GUY-WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

MATCHLINE–SHEET 2

SURVEYOR'S CERTIFICATE

I KEITH W. MONROE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY TO WESTBANK BAYOU, L.P., EASTBANK BAYOU, L.P., CYNTHIA LEE SOWELL WEISINGER, CRISTI SOWELL HARVY, ANDREW WARD SOWELL, AS CO-TRUSTEES OF THE CHARLES L. SOWELL FAMILY TRUST, FOUR FORTY-THREE, LTD., FOUR FORTY-THREE ANNEX NO. 1, LTD., CHICAGO TITLE OF TEXAS, LLC, AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY AND HILLWOOD ENTERPRISES, LP, THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION 2 SURVEY.

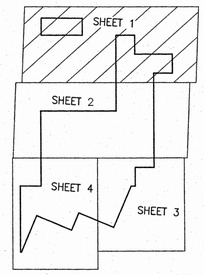
THE FIELD WORK WAS COMPLETED FEBRUARY, 2021.

KEITH W. MONROE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4797
DATED FEBRUARY 26, 2021

STATE OF TEXAS · KEITH W. MONROE · 4797 · REGISTERED · LAND SURVEYOR

3-19-21

REVISED ON MARCH 19, 2021 TO REFLECT UPDATED TITLE COMMITMENT.



ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

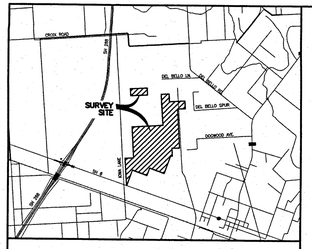
LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R. ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R. LOCATED IN THE H.T. & B. R.R. CO. SURVEY, SEC 65, A-285, H.T. & B. R.R. CO. SURVEY, SEC 73, A-301, H.T. & B. R.R. CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483, AND MARY V. O'DONNELL SURVEY, A-469 BRAZORIA COUNTY, TEXAS

FEBRUARY 2021 JOB NO. LJAS001-2791-2101

LJA Surveying, Inc.
3600 W Sam Houston Parkway S
Suite 175
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026

S:\Sections\Survey\Projects\LJAS001\2791\2101\CAD\SOWELL LTS.dwg 3/19/2021

EXHIBIT A



SCALE: 1" = 200'

MATCHLINE–SHEET 1

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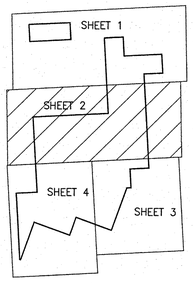
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TRACT 1
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MATCHLINE–SHEET 3
MATCHLINE–SHEET 4

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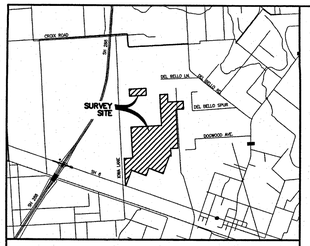
FEBRUARY 2021 JOB NO. LJAS001–2791–2101

LJA Surveying, Inc.
3600 W Sam Houston Parkway S
Suite 175
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
T.B.P.E.L.S. Firm No. 10194382

3-19-21

S:\Sectors\Survey\Projects\LJAS001\2791\2101\CAD\SOWELL LTS.dwg 3/19/2021

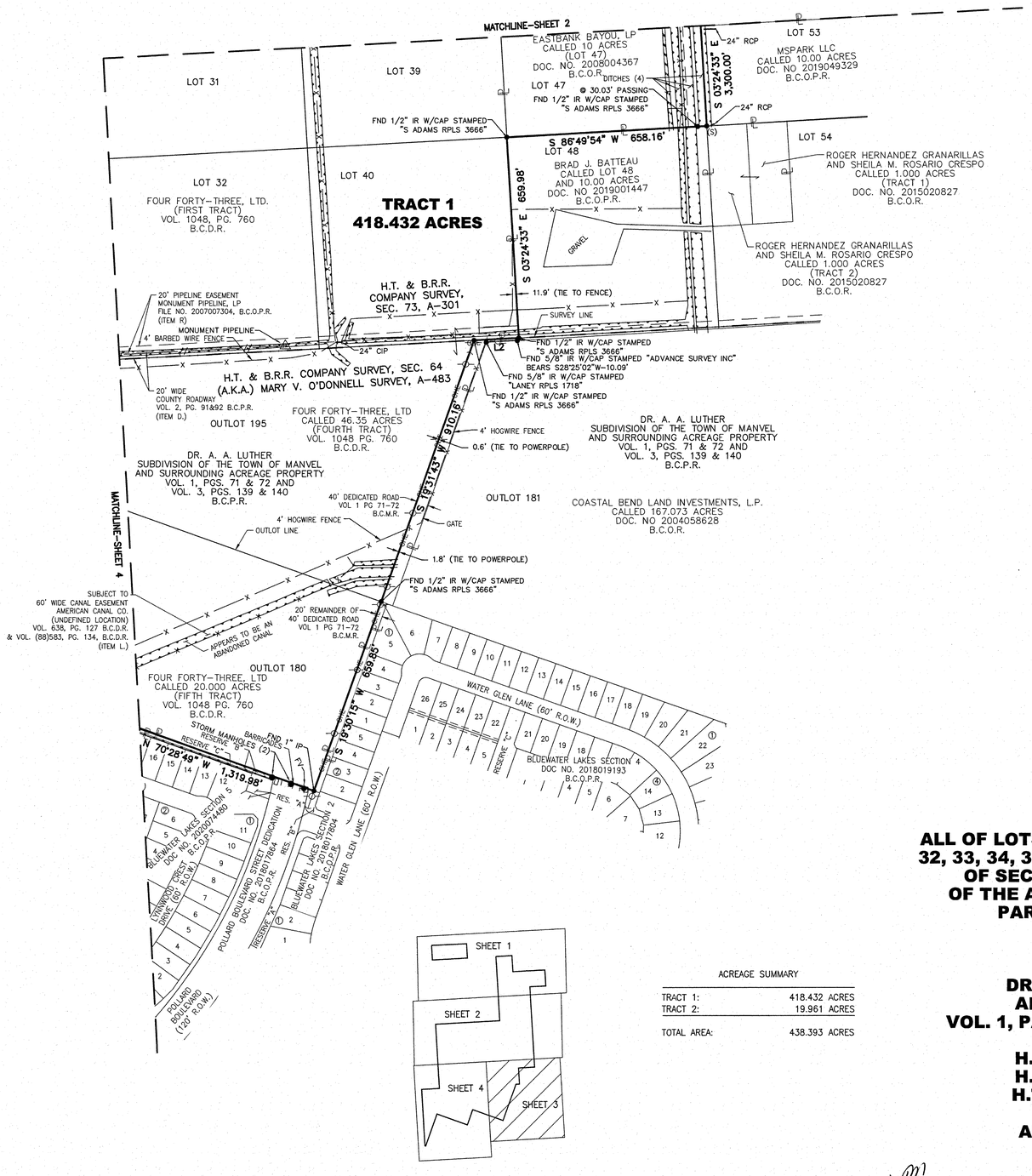
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OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
-o-	POWEREPOLE
	GUY-WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R. ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R. LOCATED IN THE H.T. & B. R.R. CO. SURVEY, SEC 65, A-285, H.T. & B. R.R. CO. SURVEY, SEC 73, A-301, H.T. & B. R.R. CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483, AND MARY V. O'DONNELL SURVEY, A-469 BRAZORIA COUNTY, TEXAS

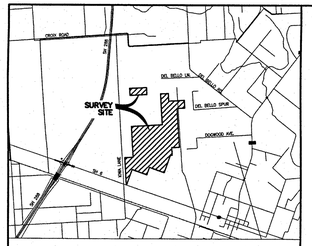
FEBRUARY 2021 JOB NO. LJAS001-2791-2101

3-19-21

LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382

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EXHIBIT A



VICINITY MAP
NOT TO SCALE

0 200 400
SCALE: 1" = 200'

LINE	BEARING	DISTANCE
L1	N 70°29'23" W	33.64'
L2	S 86°49'56" W	147.25'

LEGEND

B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.C.R.	DISTRICT CLERK RECORDS OF BRAZORIA COUNTY, TEXAS
DOC. NO.	DOCUMENT NUMBER
VOL./PG.	VOLUME/PAGE
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
(S)	SET 5/8" IR W/CAP STAMPED "LJA SURVEY"
IR	IRON ROD
IP	IRON PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
CIP	CAST IRON PIPE
A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
CONC.	CONCRETE MONUMENT
	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
X	FENCE (AS SPECIFIED)
OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
	POWERPOLE
	GUY-WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
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TOTAL AREA:	438.393 ACRES

LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R.
ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R.
LOCATED IN THE
H.T. & B. R.R. CO. SURVEY, SEC 65, A-285,
H.T. & B. R.R. CO. SURVEY, SEC 73, A-301,
H.T. & B. R.R. CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483,
AND MARY V. O'DONNELL SURVEY, A-469
BRAZORIA COUNTY, TEXAS

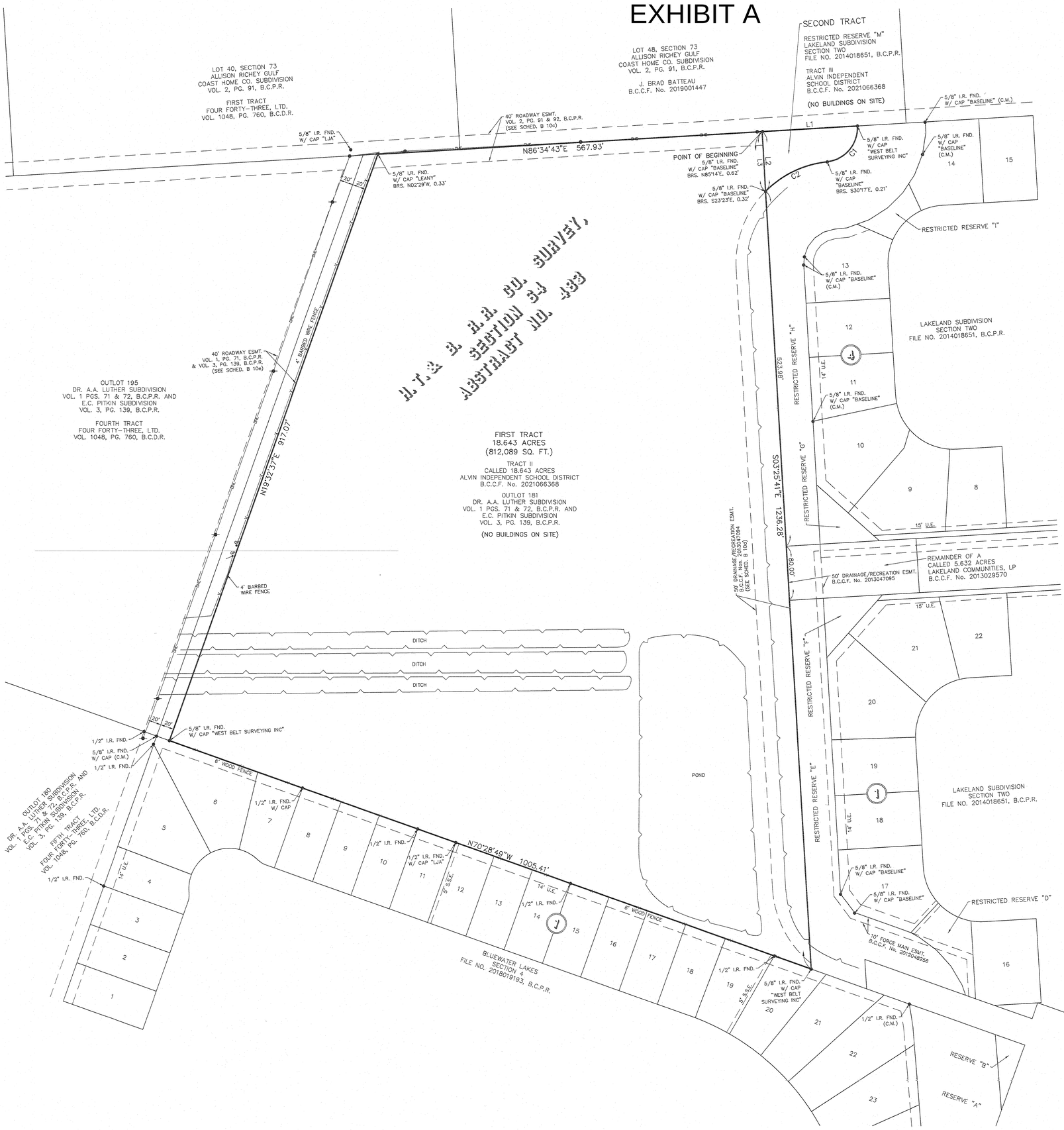
FEBRUARY 2021 JOB NO. LJAS001-2791-2101

3-19-21

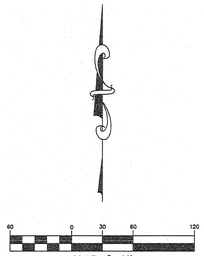
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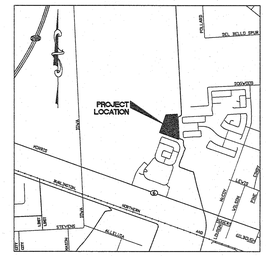
EXHIBIT A



H.T.&B. R.R. CO. SURVEY,
SECTION 64
ABSTRACT NO. 483



VICINITY MAP



LEGEND

- GATE POST
- POWER POLE

ABBREVIATIONS

B.C.C.F.–BRAZORIA COUNTY CLERK'S FILE
B.C.D.R.–BRAZORIA COUNTY DEED RECORDS
B.C.P.R.–BRAZORIA COUNTY PLAT RECORDS
BRS.–BEARS
C.M.–CONTROL MONUMENT
ESMT.–EASEMENT
FND.–FOUND
I.R.–IRON ROD
OHE–OVERHEAD ELECTRIC
PG.–PAGE
S.S.E.–SANITARY SEWER EASEMENT
U.E.–UTILITY EASEMENT
VOL.–VOLUME

LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°34'43"E	141.29'
L2	N03°25'41"W	88.02'
L3	S03°25'41"E	88.02'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	76.36'	50.00'	87°29'47"	S40°19'36"W	69.15'
C2	102.93'	150.00'	39°18'54"	S64°25'03"W	100.92'

FIRST TRACT

18.643 ACRES
812,089 SQUARE FEET
H.T.&B. R.R. CO. SURVEY, SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 18.643 acre (812,089 square foot) tract of land located in the H.T.&B. R.R. Co. Survey, Section 64, Abstract Number 483, City of Manvel, Brazoria County, Texas and said 18.643 acre tract of land being all of Tract II, a called 18.643 acre tract described in the deed to Alvin Independent School District recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2021066368, and being out of and a part of Outlot 181, Dr. A.A. Luther Subdivision recorded under Volume (Vol.) 1, Pages (Pg.) 71 & 72 of the Brazoria County Plat Records (B.C.P.R.) and the E.C. Pitkin Subdivision recorded under Vol. 3, Pg. 139, B.C.P.R., said 18.643 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.)

BEGINNING in the southerly line of Lot 48, Section 73, Allison Richey Gulf Coast Home Co. Subdivision, recorded under Vol. 2, Pg. 91, B.C.P.R. and being the northwest corner of Restricted Reserve "M", Lakeland Subdivision, Section Two recorded under File No. 2014018651, B.C.P.R. and the northeast corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Baseline" found bears, North 85 degrees 14 minutes East, 0.62 feet;

THENCE, South 03 degrees 25 minutes 41 seconds East, along the west line of said Restricted Reserve "M", passing at a distance of 88.02 feet, the southwest corner of said Restricted Reserve "M" and the most westerly northwest corner of Restricted Reserve "H", said Lakeland Subdivision, Section 2, from which a 5/8-inch iron rod with cap stamped "Baseline" bears, South 23 degrees 23 minutes East, 0.32 feet, continuing along the west line of said Restricted Reserve "H", passing at a distance of 612.00 feet, the southwest corner of said Restricted Reserve "H" and the northwest corner of the remainder of a called 5.632 acre tract described in the deed to Lakeland Communities, LP, recorded under B.C.C.F. No. 2013029570, continuing along the west line of said remainder of a called 5.632 acre tract, passing at a distance of 692.00 feet, the southwest corner of said remainder of a called 5.632 acre tract and the northwest corner of Restricted Reserve "E", said Lakeland Subdivision, Section Two, continuing along the west line of said Restricted Reserve "E", a total distance of 1,236.28 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 20, Block 1, Bluewater Lakes, Section 4, a subdivision recorded under File No. 2018019193, B.C.P.R. and marking the southwest corner of said Restricted Reserve "E" and the southeast corner of said Tract II and the herein described tract;

THENCE, North 70 degrees 28 minutes 49 seconds West, along the northeasterly line of said Block 1, Bluewater Lakes, Section 4, a distance of 1,005.41 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 6, Block 1, said Bluewater Lakes, Section 4 and the southeasterly line of a 40' wide roadway easement, recorded under Vol. 1, Pgs. 71 & 72, B.C.P.R. and Vol. 3, Pg. 139, B.C.P.R. and marking the southwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap found bears, North 70 degrees 28 minutes West, 20.00 feet and a 1/2-inch iron rod found bears, North 70 degrees 29 minutes West, 40.00 feet;

THENCE, North 19 degrees 32 minutes 37 seconds East, departing the northeasterly line of said Block 1, Bluewater Lakes, Section 4 and along the southeasterly line of said 40' wide roadway easement, a distance of 917.07 feet, to the southerly of Lot 40, Section 73, aforesaid Allison Richey Gulf Coast Home Co. subdivision and the northwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Leany" found bears, North 02 degrees 29 minutes West, 0.33 feet;

THENCE, North 86 degrees 34 minutes 43 seconds East, along the southerly line of said Lot 40, Section 73 and aforesaid Lot 48, Section 73, a distance of 567.93 feet, to the POINT OF BEGINNING and containing a computed area of 18.643 acres (812,089 square feet) of land.

SECOND TRACT

Restricted Reserve "M"
Lake Land Subdivision, Section Two
File No. 2014018651, B.C.P.R.

I certify hereby to Valencia 288, LLC, A Texas Limited Liability Company and Old Republic National Title Insurance Company that (a) this Survey conforms to the current Texas Society of Professional Surveyors Manual of Practice requirements for a Category 1A, Condition II TSPS Land Title Survey, (b) this plat of survey and the property description set forth hereon are true and correct and prepared from an actual on-the-ground survey of the real property (the 'Property') shown hereon; (c) such survey was conducted by the Surveyor, or under his supervision; (d) all monuments, shown hereon actually exist, and the location, size, and type of material thereof are correctly shown; (e) except as shown hereon, there are no visible protrusions onto the Property or therefrom, there are no improvements on the Property, there are no visible easements or rights-of-way on the Property and there are no visible discrepancies, conflicts, shortages in area, or boundary line conflicts; (f) the size, location, and type of improvements are as shown hereon, and all are located within the boundaries of the Property and are set back from the Property lines the distances indicated; (i) all recorded easements and other exceptions, as noted in the Title Company's Commitment for Title Insurance No. 23003142A, effective date: November 2, 2023, Issue date: December 4, 2023, have been correctly platted hereon; (j) the boundaries, dimensions, and other details shown hereon are true and correct; and (k) the Property flood zone designation is noted, as defined by the Federal Emergency Management Agency, as reflected by Floor Insurance Rate Map Panel # 48039C0130K, map revised date: December 30, 2020, which such map panel covers the area in which the Property is situated.
Executed on December 4, 2023.

STATE OF TEXAS
REGISTERED
JOEL D. WALKER
5189
PROFESSIONAL LAND SURVEYOR

12/4/23
DATE

JOEL D. WALKER, R.P.L.S.
TEXAS REGISTRATION NO. 5189

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83

2. THE CAD FILE OF THE DRAWING SHOWN HEREIN IS BASED ON TEXAS SOUTH CENTRAL ZONE NO. 4204, STATE PLANE SURFACE VALUE (NAD83) AND MAY BE CONVERTED TO GRID BY SCALING THE DRAWING BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.9998681151807.

3. ACCORDING TO F.I.R.M. MAP NO. 48039C0130K (COMMUNITY-PANEL NO. 4800760130K), MAP REVISED DATE: DECEMBER 30, 2020. THE SUBJECT PROPERTY LIES WITHIN THE AREA DESIGNATED AS ZONE "X" UNSHADED. DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

THIS STATEMENT IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE ABOVE REFERENCED MAP. THIS INFORMATION IS TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

4. ALL UTILITIES SHOWN HEREON ARE LOCATED USING "APPARENT & VISIBLE" EVIDENCE BY ON-SITE OBSERVATION UNLESS OTHERWISE NOTED.

5. THE SUBJECT TRACT IS AFFECTED BY THE CITY ORDINANCES AND ZONING REGULATIONS OF THE CITY OF MANVEL FOR ZONE "SINGLE FAMILY RESIDENTIAL DISTRICT".

6. THIS SURVEY DOES NOT PROVIDE ANY DETERMINATION CONCERNING WETLANDS, FAULT LINES, TOXIC WASTE OR ANY OTHER ENVIRONMENTAL ISSUE. SUCH MATTERS SHOULD BE DIRECTED BY THE CLIENT OR PROSPECTIVE PURCHASER TO AN EXPERT CONSULTANT.

7. THIS SURVEY HAS BEEN PREPARED UTILIZING A COMMITMENT FOR TITLE INSURANCE PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, G.F. NO. 23003142A. EFFECTIVE DATE: NOVEMBER 2, 2023. ISSUE DATE: DECEMBER 4, 2023.

8. THE SUBJECT TRACT IS AFFECTED BY THE RESTRICTIVE COVENANTS RECORDED IN FILE No. 2014018651, B.C.P.R. AND B.C.C.F. Nos. 2014019226, 2014019758, 2014019759, 2021069517 AND 2023041966. (AS TO SECOND TRACT) (SEE SCHED. B 1)

9. THE SUBJECT TRACT IS AFFECTED BY CITY OF MANVEL ORDINANCE No. 78-4 RECORDED UNDER VOL. 1447, PG. 442, B.C.D.R. (SEE SCHED. B 10l)

10. THE SUBJECT TRACT IS AFFECTED BY CITY OF MANVEL ORDINANCE No. 2008-O-12 RECORDED UNDER B.C.C.F. No. 2008026132. (SEE SCHED. B 10m)

11. THE SUBJECT TRACT IS AFFECTED BY THE BLANKET EASEMENT TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY TEXAS GAS OPERATIONS, AND SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T TEXAS, AND COMCAST OF HOUSTON, LLC RECORDED UNDER B.C.C.F. No. 2012048141. (AS TO SECOND TRACT) (SEE SCHED. B 10p)

12. THE SUBJECT TRACT IS AFFECTED BY THE BLANKET EASEMENT TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY TEXAS GAS OPERATIONS, AND SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T TEXAS, AND COMCAST OF HOUSTON, LLC RECORDED UNDER B.C.C.F. No. 2014002448. (AS TO SECOND TRACT) (SEE SCHED. B 10q)

13. THE SUBJECT TRACT IS AFFECTED BY THE EASEMENTS RECORDED UNDER B.C.C.F. No. 2014019226. (AS TO SECOND TRACT) (SEE SCHED. B 10r)

14. THE OIL, GAS AND OTHER MINERAL RIGHTS RECORDED UNDER VOL. 609, PG. 258, B.C.D.R., VOL. 609, PG. 260, B.C.D.R. AND B.C.C.F. Nos. 2008020855, 2013028725 AND 2015029838 THRU 2015029852 DO NOT LIE WITHIN THE BOUNDARY OF THE SUBJECT TRACT. (AS TO SECOND TRACT) (SEE SCHED. B 10s thru v)

15. THE SUBJECT TRACT IS AFFECTED BY THE ANNUAL ASSESSMENTS, SPECIAL ASSESSMENTS AND SPECIFIC ASSESSMENTS RECORDED UNDER B.C.C.F. Nos. 2014019226, 2014019758, 2021069517 AND 2023041966. (AS TO SECOND TRACT) (SEE SCHED. B 10w)

16. THE SUBJECT TRACT IS AFFECTED BY THE WAIVER OF SPECIAL APPRAISAL FOR THE BENEFIT OF BRAZORIA COUNTY M.U.D. No. 61 RECORDED UNDER B.C.C.F. No. 2018002858. (AS TO SECOND TRACT) (SEE SCHED. B 10x)

ALVIN INDEPENDENT SCHOOL DISTRICT

LAND TITLE SURVEY

FIRST TRACT
18.643 ACRE TRACT AND
SECOND TRACT
RESTRICTED RESERVE "M",
LAKELAND SUBDIVISION,
SECTION TWO
OUT OF THE
H.T.&B. R.R. CO. SURVEY,
SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

WEST BELT
SURVEYING, INC.
21020 PARK ROW
KATY, TX. 77449
PHONE: (281) 599-8288
FAX: (281) 492-0926
CERTIFIED FIRM NO. 10073800

NO.	DATE	REVISIONS	BY
1	12/4/23	REFERENCED NEW TITLE COMMITMENT	MDL

DRAWN BY: MDL	CHECKED BY: KMH
SCALE: 1"=60'	APPROVED BY: JDW
PROJECT NO. S647-0337A	DATE: NOVEMBER 28, 2023

05 Dec 2023 3:21PM markl
G:_sdsk\proj\S647\0337A\DWG\LTS120423.dwg

EXHIBIT A

NOTES:

1) ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJ.

2) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CHICAGO TITLE OF TEXAS, LLC, AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY, GF NO. CTH-COM-CTT20731337, HAVING AN EFFECTIVE DATE OF MARCH 3, 2021, AND AN ISSUED DATE MARCH 10, 2021. THE SURVEYOR DID NOT ABSTRACT THE SUBJECT TRACT.

THE FOLLOWING ITEMS IN SCHEDULE B, ARE AS FOLLOWS:

10 D. ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 91 AND 92 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS; PUBLIC ROAD EASEMENT ALONG THE NORTH PROPERTY LINE. (AS TO LOTS 5, 7, 13, 15, 19, 21, 23, 29, 31, 33, 34, 35, 37, 39, 43, 45 AND 47 AND OUTLOTS 174, 175 AND 195, OF TRACT 1)
PUBLIC ROAD EASEMENT ALONG THE SOUTH PROPERTY LINE. (AS TO LOTS 6, 8, 14, 16, 22, 24, 30, 32, 34, 36, 38, 40, 42, 44, 46 AND 50, OF TRACT 1 AND TRACT 2)
PUBLIC ROAD EASEMENT ALONG THE WEST PROPERTY LINE. (LOTS 5, 6, 7 AND 8, OF TRACT 1 AND LOT 6, OF TRACT 2). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 E. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: JULY 30, 1913
RECORDING NO:VOLUME 120, PAGE 632, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOTS 5 AND 6, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 F. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: OCTOBER 9, 1913
RECORDING NO:VOLUME 122, PAGE 523, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOT 16, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 G. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: AUGUST 15, 1913
RECORDING NO:VOLUME 123, PAGE 17, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOT 42, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 H. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME CORPORATION
RECORDING DATE: NOVEMBER 19, 1914
RECORDING NO:VOLUME 129, PAGE 337, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 7 AND 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 I. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME CORPORATION
RECORDING DATE: JUNE 25, 1914
RECORDING NO:VOLUME 130, PAGE 301, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 50, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 J. ROAD EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT:
RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY RECORDING DATE: FEBRUARY 27, 1918
RECORDING NO:VOLUME 145, PAGE 245, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO TRACT 2)

10 K. ROAD EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT:
RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY RECORDING DATE: OCTOBER 15, 1920
RECORDING NO:VOLUME 165, PAGE 67, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 47, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 L. LATERAL OR CANAL EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO:AMERICAN CANAL COMPANY
RECORDING DATE: NOVEMBER 22, 1955
RECORDING NO:VOLUME 638, PAGE 127, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AS AFFECTED BY INSTRUMENT RECORDED IN VOLUME (88) 583, PAGE 134, DEED RECORDS BRAZORIA COUNTY, TEXAS
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 25, 33, 34, 35, 36, 37, 45, 46 AND 47 AND OUTLOT 180 AND OUTLOT 195, OF TRACT 1 AND TRACT 2). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 M. LATERAL OR CANAL EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO:BRAZOS VALLEY RICE COMPANY
RECORDING DATE: OCTOBER 8, 1962
RECORDING NO:VOLUME 702, PAGE 687, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AND INSTRUMENT RECORDED IN VOLUME 832, PAGE 278, DEED RECORDS BRAZORIA COUNTY, TEXAS
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 50, OF TRACT 1). DOES AFFECT SUBJECT TRACT(LOT 50), NO DEFINED WIDTH.

10 N. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO: BRAZOS RIVER AUTHORITY
RECORDING DATE: SEPTEMBER 24, 1970
RECORDING NO:VOLUME 1070, PAGE 46, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AFFECTS:TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUOTLOTS 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 O. ROAD AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS REFERENCED IN A DOCUMENT: RECORDING DATE: SEPTEMBER 27, 1973
RECORDING NO:VOLUME 1177, PAGE 396, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AFFECTS:REFERENCED IN PARAGRAPHS A. AND B. TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 7, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 P. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO: GALVESTON COUNTY WATER AUTHORITY
RECORDING DATE: AUGUST 24, 1988
RECORDING NO:IN VOLUME (88) 584, PAGE 517, DEED RECORDS BRAZORIA COUNTY, TEXAS AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUTLOT 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 Q. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007303
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 16, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 R. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007304
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 24, 32 AND 40, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 S. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007305
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 T. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: MARCH 15, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016011560
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUTLOTS 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 U. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 1, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016025269
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 7, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 V. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 6, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016026156.
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 5 AND 6, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.
JUDGEMENT RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2016056622-IS NOT RELATED TO SAID BCMUD NO. 43 EASEMENT

10 W. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 6, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016026159
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 X. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN AN AGREED FINAL JUDGMENT: GRANTED TO: ENTERPRISE CRUDE PIPELINECOMPANY LLC
RECORDING DATE: OCTOBER 19, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016051534 AND INSTRIMENT RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2016056622
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 5, 13, 21, 29, 37 AND 45, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 CG. PERMANENT EASEMENT AGREEMENT AS EVIDENCED BY MEMORANDUM OF PERMANENT EASEMENT AGREEMENT EXECUTED BY: WESTBANK BAYOU, L.P., A TEXAS LIMITED PARTNERSHIP
RECORDING DATE: SEPTEMBER 26, 2019
RECORDING NO.: UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2019046366. (AS TO TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 CH. PERMANENT EASEMENT AGREEMENT AS EVIDENCED BY MEMORANDUM OF PERMANENT EASEMENT AGREEMENT EXECUTED BY:FOUR FORTY-THREE, LTD., A TEXAS LIMITED PARTNERSHIP
RECORDING DATE: SEPTEMBER 26, 2019
RECORDING NO.: UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2019047623. (AS TO TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

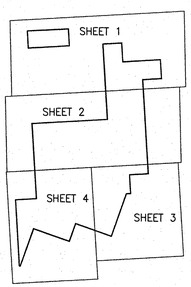
3) IN ACCORDANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS, MAP NO. 48039C0130K, AND MAP NO. 48039C0110K, WITH A REVISED DATE OF DECEMBER 30, 2020, BY GRAPHICAL PLOTTING, THE SUBJECT TRACT LIES WITHIN ZONE "AO" (DEPTH 2'), AND ZONE "X"(UNSHADED). ZONE "X"(UNSHADED) IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN. ZONE "AO" IS DEFINED AS A SPECIAL FLOOD HAZARD AREA WITH FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. "LJA DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAPS."

4) MINERAL INTERESTS WERE NOT INVESTIGATED AS A PART OF THIS SURVEY.

5) THIS SURVEY DOES NOT DETERMINE THE LOCATION OF WETLANDS, FAULT LINES, OR OTHER ENVIRONMENTAL ISSUES SHOULD THEY EXIST.

6) THERE IS NO VISIBLE EVIDENCE OF BURIAL GROUNDS OR MAJOR EARTH WORK AT THE TIME OF THE SURVEY.

7) THIS SURVEY IS ISSUED IN CONJUNCTION WITH THE METES AND BOUNDS DESCRIPTION BY LJA SURVEYING, INC. OF THE SAME CERTIFICATION DATE SHOWN HEREON, HEREBY REFERENCED AS PART 2 OF 2. THIS SURVEY IS PART 1 OF 2.



ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R. ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R. LOCATED IN THE H.T. & B. RR CO. SURVEY, SEC 65, A-285, H.T. & B. RR CO. SURVEY, SEC 73, A-301, H.T. & B. RR CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483, AND MARY V. O'DONNELL SURVEY, A-469 BRAZORIA COUNTY, TEXAS

FEBRUARY 2021 JOB NO. LJAS001-2791-2101

3-19-21

LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382

S:\Section\Survey\Projects\LJAS001\2791\2101\CAD\SDWELL_LTS.dwg 3/19/2021

METES AND BOUNDS DESCRIPTION OF TRACT 1

EXHIBIT A

A 418.318 acre (18,221,949 square feet) tract, being all of Lots 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47 and 50 of the Allison-Richey Gulf Coast Home Company Suburban Gardens Subdivision of Section 73, H.T. & B. Railroad Company Survey, Abstract 301, according to the map or plat thereof, recorded in Volume 2, Page 91 and 92, of the Plat Records of Brazoria County, Texas (B.C.P.R.) and being all of those certain tracts conveyed to Westbank Bayou, LP, called 19.919 acres (Lots 5-6), recorded in Brazoria County Clerk's File Number (B.C.C.F. No.) 2007021508, called 9.929 acres (Lot 8), recorded in B.C.C.F. No. 2007017868 and called 9.972 acres (Lot 16), recorded in B.C.C.F. No. 2007018701 and being all of that certain tract conveyed to Charles L. Sowell called 9.988 acres (Lot 7), recorded in Volume 1177, Page 396, deed records of Brazoria County, Texas (B.C.D.R.), and being all of those certain tracts conveyed to Eastbank Bayou, LP, called 10 acres (Lot 33), recorded in B.C.C.F. No. 2007022032, called 19.944 acres (Lots 42-43), recorded in B.C.C.F. No. 2008004369 and called 10 acres (Lot 47), recorded in B.C.C.F. No. 2008004367 and being all of that certain tract conveyed to Four Forty-Three Annex No. 1, LTD., called 10.00 acres (Lot 50), recorded in B.C.C.F. No. 2006045403 and being a part of that certain tract conveyed to Four Forty-Three Ltd. (called 433.09 acres), recorded in Volume 1048, Page 760, B.C.D.R., with said 18,221,949 square foot tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the Northeast corner of said Section 73 and an interior corner of the H.T. & B. Railroad Company Survey, Section 74, Abstract 493, recorded in Volume 2, Page 66, B.C.P.R.) and being at the centerline intersection of 60 foot Pollard Drive (as occupied) (Platted as 40 feet - Volume 2, Page 91 and 92, B.C.P.R.) and 60 foot Del Bello Boulevard (as occupied)(Platted as 50 feet - Volume 2, Page 66, B.C.P.R.), marking the northeast corner of the Michael D. Roland and Marcy D. Roland tract (called 5.46 acres), recorded in B.C.C.F. No. 2004072423 and 2007030104, the northwest corner of the Michael C. Black tract (called 4.00 acres), recorded in B.C.C.F. No. 96-015514 and the Northeast corner of said Section 73;

THENCE S 86°50'29" W, along and with the common line of Section 73 and 74 and centerline of said 40 foot platted road, at 658.00 feet pass a point marking the southwest corner of Lot 1 of said Section 74 and the southeast corner of the Mary V O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91 and 92, B.C.P.R., from which a 5/8 inch iron rod bears, S 38°48'33" W, 3.08 feet, continuing along and with the common line of Section 73 and Division "O" and centerline of said 40 foot platted road, a total distance of 1974.26 feet (called 1980.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the north line of Section 73, the north line of a 60 foot American Canal Company Easement, recorded in Volume 638, Page 127, B.C.D.R., the south line of said Division "O", Abstract 469, the south line of the Sylvia Buffy Orndorff and Dustin Aaron Different tract (called 13.93 acres), recorded in B.C.C.F. No. 2015054435, and the centerline of said 40' platted road, marking the northwest corner of the Katherine Ott Miles tract (called 5 acres), recorded in Volume 1459, Page 1, B.C.D.R., the northeast corner of said Eastbank Bayou, LP tract (Lot 33), and being the common corner of Lot 33 and 41 of said Section 73 at the most northerly Northwest corner and **POINT OF BEGINNING** of herein described tract:

THENCE S 03°24'40" E, along and with the common line of said Lot 33 and 41, a distance of 660.58 feet (called 660.00 feet) to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking the southeast corner of said Eastbank Bayou, LP tract (Lot 33), the southwest corner of said Miles tract, the northwest corner of said Eastbank Bayou, LP tract (called 19.944 acres), an interior corner of herein described tract and being the common corner of Lots 33, 41, 42 and 34 of said Section 73;

THENCE N 86°49'54" E, along and with the common line of Lots 41, 42, 49 and 50 of said Section 73, a distance of 1314.38 feet (called 1320.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southeast corner of the Jane Hetherington Brown and Norman Paul Brown tract (called 5 acres), recorded in B.C.C.F. No. 2014042893, the southwest corner of the Suzanne Renae Scopel tract (called 5 acres), recorded in B.C.C.F. No. 2005013089, the northwest corner of the Jeffery Wayne Scopel tract (called 1.157 acres), recorded in B.C.C.F. No. 2005013109, the northeast corner of said Four Forty-Three Annex No. 1, LTD. Tract (called 10.00 acres) and the most easterly northeast corner of herein described tract and being the common corner of Lots 49, 55, 56 and 50 of said Section 73;

THENCE S 03°25'11" E, along and with the common line of Lots 50 and 56 and east line of said Four Forty-Three Annex No. 1, LTD. tract, a distance of 660.67 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southwest corner of the Douglas Varner Tract (called 1.157 acres), recorded in Volume (91) 906, Page 253, of the official records of Brazoria County, Texas (B.C.O.R.), the northwest corner of the Laura Loterbauer tract (called Minor Plat of 2.50 acres), recorded in B.C.C.F. No. 2018006317, the northeast corner of the Louis Lira tract (called 20 acres), recorded in Volume 1694, Page 653, B.C.D.R. and an angle point for corner of herein described tract and being the common corner of Lots 50, 56, 57 and 51 of said Section 73;

THENCE S 86°50'32" W, along and with the common line of Lots 50 and 51, same being the common line of said Four Forty-Three Annex No. 1, LTD. Tract and said Lira tract, a distance of 657.24 feet (called 660.00 feet), to a 5/8 inch iron rod with cap stamped "FMS" set, in the east line of said Eastbank Bayou, LP tract (called 19.944 acres), marking the southwest corner of said Four Forty-Three Annex No. 1, LTD. tract, the northwest corner of said Lira tract, an interior corner of herein described tract and being the common corner of Lots 50, 51, 43 and 42 of said Section 73;

THENCE S 03°24'55" E, along and with the common line of Lots 43, 51, 44, 52, 45, 46 and 61 at 1320.21 feet (called 1320.00 feet) pass a point in the centerline of a 40 foot platted road, recorded in Volume 2, page 91 and 92, B.C.P.R. marking the northwest corner of the Coastal Bend Land Investments, LP tract (called 40.0060 acres)(called Lot 61), recorded in B.C.C.F. No. 2006049617 and being the common corner of Lots 44, 52, 61 and 45, continuing for a total distance of 3299.48 feet (called 3300.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southwest corner of the Jose T. Villanueva and Trinidad Villanueva tract (called 5 acres), recorded in B.C.C.F. No. 2004036528, the northwest corner of the Roger Hernandez Gandarillas and Sheila M. Rosario Crespo tract (called 1.000 acre), recorded in B.C.C.F. No. 2015020827, the northeast corner of said Aspect Energy, LLC tract (called 10 acres), the southeast corner of the said Eastbank Bayou, LP tract (called 10 acres)(Lot 47), the most easterly southeast corner of herein described tract and being the common corner of Lots 53, 54, 48 and 47 of said Section 73;

THENCE S 86°49'54" W, along and with the common line of Lots 48 and 47, same being the common line of said Eastbank Bayou, LP tract (Lot 47) and said Aspect Energy, LLC tract, a distance of 657.49 feet (called 660.00 feet) to a 1/2 iron rod with cap stamped "Adams RPLS 3666" found in the east line of the of said 443.09 acre tract, marking the southwest corner of said Eastbank Bayou, LP tract and the northwest corner of said Aspect Energy, LLC tract, and interior corner of herein described tract and being the common corner of Lots 48, 40, 39 and 47 of said Section 73;

THENCE S 03°24'40" E, along and with the common line of Lots 48 and 40, same being the common line of said Aspect Energy, LLC tract and said 443.09 acre tract, a distance of 660.05 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the centerline of a 40 foot platted road, recorded in Volume 2, Page 91 and 92, B.C.P.R., in the called south line of Section 73 and the north line of the H.T. & B. Railroad Company Survey, Section 64, Abstract 483 and the north line of the Dr. A.A. Luther Subdivision of Manvel, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R. and the north line of Outlot 181 of said Dr. A.A. Luther Subdivision, marking the northwest corner of the Coastal Bend Land Investments, LP tract (remainder of a called 167.073 acre tract), recorded in B.C.C.F. No. 2004058628, the southwest corner of said Aspect Energy, LLC tract, an angle point in the east line of said 443.09 acre tract and an angle point for corner of herein described tract and being the common corner of Lots 48 and 40 of said Section 73, from which a 5/8 inch iron rod with cap stamped "Base Line" found marking the southeast corner of said Section 73 bears, S 86°50'11" W, 1975.03 feet;

THENCE S 86°50'11" W, continuing along and with the common line of said Section 73, Section 64 and the Dr. A.A. Luther Subdivision, same being the common line of said Outlot 181 and Lot 40, and centerline of said 40 foot platted road, a distance of 147.66 feet to a 5/8 inch iron rod with cap stamped "FMS" set in said common line, marking the northeast corner of the Four Forty-Three, LTD. Tract (called 24.00 acres)(Outlot 195), recorded in Volume 1048, Page 760, B.C.D.R. and an interior corner of herein described tract and being the westerly line of a 40 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R.;

THENCE S 19°30'25" W, along and with the easterly line of said Outlot 195 and the westerly line of said 40 foot platted road, at 909.98 feet pass a 1/2 inch iron rod found, marking the southeasterly corner of said Outlot 195 and the northeasterly corner of the Four Forty-Three, LTD. Tract (called 20.00 acres)(North ½ of Outlot 180), continuing for a total distance of 1569.69 feet to a 1 inch iron pipe found, marking the southeasterly corner of said 20.00 acre tract, the northeasterly corner of the Beazer Homes Texas, LP tract (called 19.99 acres)(south ½ Outlot 180), recorded in B.C.C.F. No. 2016050422 and an angle point in the westerly line of the Beazer Homes Texas, LP tract (called 5.40 acres), recorded in B.C.C.F. No. 2016050422 and the most easterly southeast corner of herein described tract;

THENCE N 70°27'42" W, along and with the common line of said North ½ of Outlot 180 and the South ½ of Outlot 180, a distance of 1319.95 feet (called 1320.00 feet) to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, in the easterly line of the Four Forty-Three, LTD. Tract (called 46.35 acres)(Outlot 175), marking the common corner of the South ½ and North ½ of Outlot 180 and an interior corner of herein described tract;

THENCE S 19°29'54" W, along and with the common line of said 46.35 acre tract and said 19.99 acre tract, same being the common line of Outlot 180 and 175, a distance of 660.47 feet to a 1/2 inch iron rod with cap stamped "LJA Eng" found, in the north line of a 40 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R., marking the most westerly northwest corner of said 5.40 acre tract, the southeasterly corner of said 46.35 acre tract and the southwesterly corner of said 19.99 acre tract and an interior corner of herein described tract;

THENCE N 70°26'20" W, along and with the south line of 46.35 acre tract and the north line of said 40 foot platted road, a distance of 1321.08 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, in the easterly line of the Four Forty-Three, LTD. Tract (called 27.7947 acres)(Outlot 174) and the westerly line of said 40 foot platted road, marking the southwesterly corner of said 46.35 acre tract and an interior corner of herein described tract;

THENCE S 19°28'54" W, along and with the common line of said 27.7947 acre tract and westerly line of said 40 foot platted road, a distance of 1390.63 feet to a TxDot Brass Disk found in the northwesterly right-of-way (r.o.w.) line of State Highway No. 6 (a.k.a. Morris Avenue)(200' R.O.W.), recorded in B.C.C.F. No. 2013053500, marking the southeasterly corner of said 27.7947 acre tract and the most southerly southeast corner of herein described tract;

THENCE N 70°30'10" W, along the northwesterly r.o.w. line of said State Highway No. 6, a distance of 33.83 feet to a TxDot Brass Disk found, marking the southeasterly corner of the Russell T. Rudy and Randall D. Rudy tract (called 18 acres), recorded in Volume 1408, Page 806, B.C.D.R., the southwesterly corner of said 27.7947 acre tract and the most southerly southwest corner of herein described tract, from which a TxDot Brass Disk found, at the intersection of easterly r.o.w. line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816 and the northwesterly r.o.w. line of said State Highway No. 6, marking the southwesterly corner of a 0.217 acre tract, recorded in B.C.C.F. No. 2013053500 bears, N 70°30'10" W, 365.23 feet;

THENCE N 03°19'19" W, along and with the common line of said 27.7947 acre tract and said 18 acre tract, a distance of 2310.10 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking the northwest corner of said 27.7947 acre tract and an angle point for corner of herein described tract, from which a 3/4 inch pinched top pipe bears, N 09°17' W, 1.1 feet and from which an iron rod with cap stamped "Kalkomey" found in the easterly r.o.w. line of said County Road 82, marking the northwest corner of said 18 acre tract, bears S 87°00'54" W, 328.14 feet and a 5/8 inch iron rod found in the easterly r.o.w. line of said County Road 82, marking the southwest corner of a called 41.4819 acre tract, recorded in B.C.C.F. No. 2003061748 bears, N 02°13'14" W, 38.07 feet;

THENCE N 86°57'38" E, along and with the north line of said 18 acre tract, a distance of 729.52 feet to a 5/8 inch iron rod with cap stamped "FMS" set, at the southwest corner of Section 73 and being in the centerline intersection of two 40 foot platted roads and being the common corner of said Section 73 and the H.T. & B. Railroad Company Survey, Section 72, Abstract 460, marking the southeast corner of the Brazos River Authority tract (called 6.676 acres)(cause no. 54,761A), recorded in Volume 33, Page 154, district clerk records of Brazoria County, Texas (B.C.D.C.R.), the southwest corner of the Brazoria County MUD No. 43 Drainage Easement (called 1.675 acres, recorded in B.C.C.F. No. 2016026159, the southwest corner of said 9.929 acre tract and an interior corner of herein described tract;

THENCE N 03°28'57" W, along and with the common line of said Section 73 and Section 72 and centerline of said 40 foot platted road, at 40.00 feet pass a point marking the southwest corner of a 0.34 acre tract (Parcel 1) out of said called 41.4819 acre tract, continuing for a total distance of 2640.38 feet (called 2640.00 feet) to a 1 inch iron pipe found, marking the northwest corner of a 0.25 acre tract (Parcel 2), the northwest corner of said 19.919 acre tract, the northwest corner of a 3.430 acre drainage easement, recorded in B.C.C.F. No. 2016026156, the northeast corner of said Brazos River Authority tract (called 6.676 acres), the southeast corner of the Brazos River Authority Parcel "D" tract (called 3.18 acres), recorded in Volume 1070, Page 315, B.C.D.R., the southwest corner of the Brazos River Authority Parcel "B" tract (called 0.61 acres), recorded in Volume 1070, Page 318, B.C.D.R., the southwest corner of the Brazoria County Municipal Utility District (M.U.D.) No. 43 Drainage Easement tract (called 1.739 acres), recorded in B.C.C.F. No. 2016011559 and the common corner of Lots 4 and 5, Section 73, from which a 1/2 inch iron rod found in the east r.o.w. line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816, marking the southwest corner of the Joan Banneyer tract (called 1.367 acres), recorded in B.C.C.F. No. 2005003981 and the northwest corner of the Sonmar of Scottsdale, LLC tract (called 53.948 acres), bears S 86°37'46" W, 900.42 feet;

THENCE N 86°51'03" E, along and with the common line of herein described tract and said lot 4 and the centerline of a 40 foot platted road, at 657.75 feet (called 660.00 feet) pass a 3/4 inch iron pipe found, marking the northeast corner of said 19.919 acre tract and the southwest corner of the 102929 Brazoria Inc. tract (called 34.90 acres), recorded in B.C.C.F. No. 2005033429 and being the common corner of Lots 4, 12, 13 and 5, and at 1973.99 feet (called 1980.00 feet) pass a 1/4 inch iron pipe found, marking the southeast corner of said 34.90 acre tract and being the common corner of Lots 20, 28, 29 and 21, continuing for a total distance of 2632.44 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in the west line of a 60 foot American Canal Company Easement, recorded in Volume 638, Page 127, B.C.D.R., marking an interior corner of said remainder of a 433.09 acre tract and an interior corner of herein described tract and being the common corner of Lots 28, 36, 37 and 29 of said Section 73;

THENCE N 03°27'06" W, along and with the common line of Lots 28, 36, 27, 35, 26, 34, 25 and 33 and the west line of said 60 foot American Canal Company Easement, a distance of 2641.03 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in the north line of Section 73, the north line of a said 60 foot American Canal Company Easement, the south line of the Mary V O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91 and 92, B.C.P.R. the south line of the John and Edith Lebourgeois tract (called 6.978 acres), recorded in B.C.C.F. No. 98-053061, the north line of the Eastbank Bayou, LP tract (called 19.950 acres), recorded in B.C.C.F. No. 2007022032 and the centerline of said 40 foot platted road, marking the most northerly northwest corner of herein described tract and being the common corner of Lot 25 and 33 of said Section 73, from which a 1/2 inch iron rod found bears, S 82°35" E, 14.3 feet;

THENCE N 86°50'29" E, along and with the common line of Section 73, Division "O", the centerline of said 40 foot platted road and the north line of said 60 foot American Canal Company Easement, a distance of 659.60' (called 660.00 feet) to the **POINT OF BEGINNING** and containing a calculated area of 418.318 acres of land.

EXHIBIT A

FIRST TRACT

18.643 ACRES
812,089 SQUARE FEET
H.T.&B. R.R. CO. SURVEY, SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 18.643 acre (812,089 square foot) tract of land located in the H.T.&B. R.R. Co. Survey, Section 64, Abstract Number 483, City of Manvel, Brazoria County, Texas and said 18.643 acre tract of land being all of Tract II, a called 18.643 acre tract described in the deed to Alvin Independent School District recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2021066368, and being out of and a part of Outlot 181, Dr. A.A. Luther Subdivision recorded under Volume (Vol.) 1, Pages (Pg.) 71 & 72 of the Brazoria County Plat Records (B.C.P.R.) and the E.C. Pitkin Subdivision recorded under Vol. 3, Pg. 139, B.C.P.R., said 18.643 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.)

BEGINNING in the southerly line of Lot 48, Section 73, Allison Richey Gulf Coast Home Co. Subdivision, recorded under Vol. 2, Pg. 91, B.C.P.R. and being the northwest corner of Restricted Reserve "M", Lakeland Subdivision, Section Two recorded under File No. 2014018651, B.C.P.R. and the northeast corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Baseline" found bears, North 85 degrees 14 minutes East, 0.62 feet;

THENCE, South 03 degrees 25 minutes 41 seconds East, along the west line of said Restricted Reserve "M", passing at a distance of 88.02 feet, the southwest corner of said Restricted Reserve "M" and the most westerly northwest corner of Restricted Reserve "H", said Lakeland Subdivision, Section 2, from which a 5/8-inch iron rod with cap stamped "Baseline" bears, South 23 degrees 23 minutes East, 0.32 feet, continuing along the west line of said Restricted Reserve "H", passing at a distance of 612.00 feet, the southwest corner of said Restricted Reserve "H" and the northwest corner of the remainder of a called 5.632 acre tract described in the deed to Lakeland Communities, LP, recorded under B.C.C.F. No. 2013029570, continuing along the west line of said remainder of a called 5.632 acre tract, passing at a distance of 692.00 feet, the southwest corner of said remainder of a called 5.632 acre tract and the northwest corner of Restricted Reserve "E", said Lakeland Subdivision, Section Two, continuing along the west line of said Restricted Reserve "E", a total distance of 1,236.28 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 20, Block 1, Bluewater Lakes, Section 4, a subdivision recorded under File No. 2018019193, B.C.P.R. and marking the southwest corner of said Restricted Reserve "E" and the southeast corner of said Tract II and the herein described tract;

THENCE, North 70 degrees 28 minutes 49 seconds West, along the northeasterly line of said Block 1, Bluewater Lakes, Section 4, a distance of 1,005.41 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 6, Block 1, said Bluewater Lakes, Section 4 and the southeasterly line of a 40' wide roadway easement, recorded under Vol. 1, Pgs. 71 & 72, B.C.P.R. and Vol. 3, Pg. 139, B.C.P.R. and marking the southwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap found bears, North 70 degrees 29 minutes West, 20.00 feet and a 1/2-inch iron rod found bears, North 70 degrees 29 minutes West, 40.00 feet;

THENCE, North 19 degrees 32 minutes 37 seconds East, departing the northeasterly line of said Block 1, Bluewater Lakes, Section 4 and along the southeasterly line of said 40' wide roadway easement, a distance of 917.07 feet, to the southerly of Lot 40, Section 73, aforesaid Allison Richey Gulf Coast Home Co. subdivision and the northwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Leany" found bears, North 02 degrees 29 minutes West, 0.33 feet;

THENCE, North 86 degrees 34 minutes 43 seconds East, along the southerly line of said Lot 40, Section 73 and aforesaid Lot 48, Section 73, a distance of 567.93 feet, to the POINT OF BEGINNING and containing a computed area of 18.643 acres (812,089 square feet) of land as depicted on the Land Title Survey dated: November 28, 2023, revised: December 4, 2023, prepared by West Belt Surveying, Inc., Project No. S647-0337A.

West Belt Surveying, Inc.
Certified Firm No. 10073800
21020 Park Row
Katy, Texas 77449
(281) 599-8288

Joel D. Walker Date: 12/4/23
Texas Registration No. 5189



EXHIBIT A

Legal Description of Drill Site

[*Attached*]

August 19, 2021
Job No. LJAS001-2791-2104

DESCRIPTION OF
4.000 ACRES
DRILL SITE

Being 4.000 acres of land located in the H.T.& B. R.R. Company Survey, Section 64, (A.K.A.) Mary V. O'Donnell Survey, Abstract 483, Brazoria County, Texas, and also being a portion of Outlot 195 of the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140 of the Plat Records of Brazoria County, Texas (B.C.P.R.), and a portion of that certain tract conveyed to Four Forty Three, Ltd. (described as Fourth Tract) by instrument of record in Volume 1048, Page 760, of the Deed Records of said Brazoria County, Texas (B.C.D.R.), said 4.000 acres being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at a 1/2-inch iron rod with cap stamped, "S ADAMS RPLS 3666" found for the southeast corner of said Fourth Tract and said Outlot 195, same being the northeast corner of that certain called 20.000 acre tract, conveyed to Four Forty Three, Ltd. (described as Fifth Tract) by instrument of record in Volume 1048, Page 760, B.C.D.R. and Outlot 180 of said Dr. A. A. Luther Subdivision, same being on the northwesterly line of a called 40 foot wide-right-of-way as shown on said Dr. A. A. Luther Subdivision;

Thence, North 19° 31' 43" East, along the east line of said Fourth tract and said Outlot 195, same being a northwesterly line of said 40 foot wide right-of-way, 454.12 feet to the southeast corner and the POINT OF BEGINNING of the herein described tract;

Thence, South 89°45'12" West, departing said common line, 467.08 feet to a point for corner, the beginning of a curve;

4.000 Acres

August 19, 2021
Job No. LJAS001-2791-2104

Thence, 78.42 feet along the arc of a non-tangent curve to the left, having a radius of 1,860.00 feet, a central angle of 02° 24' 56", and a chord which bears North 21° 46' 51" West, 78.41 feet to a point for corner;

Thence, North 22° 59' 19" West, 225.66 feet to a point for corner, the beginning of a curve;

Thence, 49.74 feet along the arc of a tangent curve to the right, having a radius of 30.00 feet, a central angle of 95° 00' 00", and a chord which bears North 24° 30' 41" East, 44.24 feet to a point for corner, the beginning of a compound curve;

Thence, 324.76 feet along the arc of a non-tangent curve to the right, having a radius of 472.48 feet, a central angle of 39° 22' 55", and a chord which bears North 89° 47' 18" East, 318.40 feet to a point for corner;

Thence, South 70° 28' 17" East, 340.27 feet to a point for corner on the northwesterly right of way line of the aforementioned 40 foot wide-right-of-way, same being the southeasterly line of the aforementioned Fourth Tract and the aforementioned Outlot 195, from which a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the northwest corner of said 40 foot wide right-of-way, same being the northeast corner of said Fourth Tract, and said Outlot 195, said point lying on the south line of Lot 40 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, B.C.P.R. and that certain tract conveyed to Four Forty Three, Ltd. (described as First Tract) by instrument of record in Volume 1048, Page 760, B.C.D.R., same being the north line of the aforementioned Mary V. O'Donnell Survey bears North 19° 31' 43" East, 237.23 feet;

EXHIBIT A

4.000 Acres

August 19, 2021
Job No. LJAS001-2791-2104

Thence, South 19° 31' 43" West, along the southeasterly line of said Fourth Tract and said Outlot 195, same being the northwesterly line of said 40 foot wide right-of-way, 218.81 feet to the POINT OF BEGINNING and containing 4.000 acres of land.

Corner monuments were not set at the Client's request.



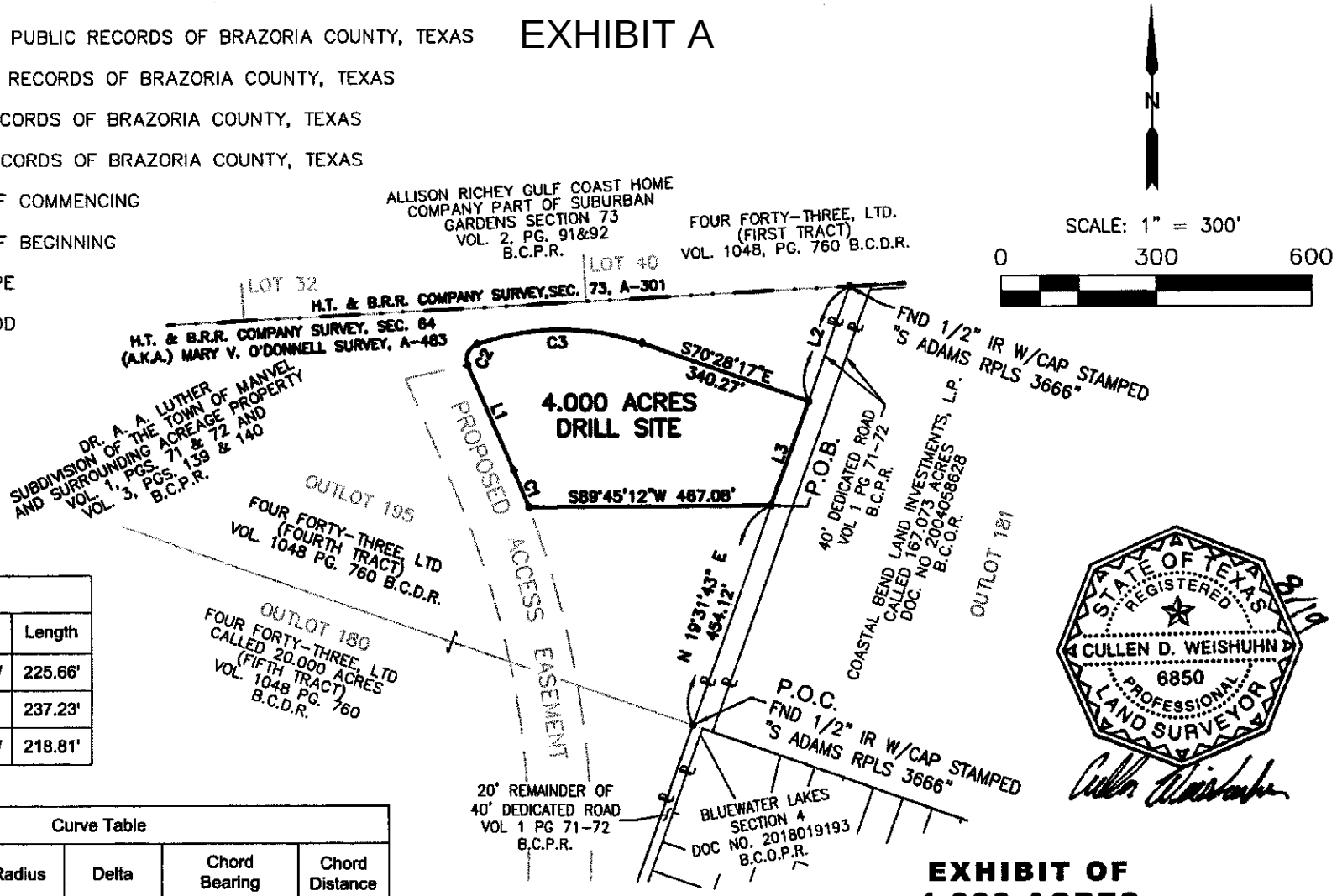
LJA Surveying, Inc.

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EXHIBIT A

LEGEND

B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
I.P.	IRON PIPE
I.R.	IRON ROD
VOL.	VOLUME
PG.	PAGE



Line Table		
Line #	Direction	Length
L1	N22° 59' 19"W	225.66'
L2	N19° 31' 43"E	237.23'
L3	S19° 31' 43"W	218.81'

Curve Table					
Curve #	Arc Length	Radius	Delta	Chord Bearing	Chord Distance
C1	78.42'	1,860.00	2°24'56"	N21° 46' 51"W	78.41'
C2	49.74'	30.00	95°00'00"	N24° 30' 41"E	44.24'
C3	324.76'	472.48	39°22'55"	N89° 47' 18"E	318.40'

NOTES:

1. ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJ.

2. CORNER MONUMENTS WERE NOT SET AT THE CLIENT'S REQUEST.

STATE OF TEXAS REGISTERED CULLEN D. WEISHUHN 6850 PROFESSIONAL LAND SURVEYOR 8/19

EXHIBIT OF
4.000 ACRES
DRILL SITE
IN THE
H.T. & B.R.R. COMPANY SURVEY, SEC. 64
(A.K.A.) MARY V. O'DONNELL SURVEY, A-483
BRAZORIA COUNTY, TEXAS

AUGUST 2021 JOB NO. LJAS001-2791-2104

LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.L.S. Firm No. 10194382

S:\Sectors\Survey\Projects\LJAS001\2791\2104\CAD\V4.0 As-Drill Site.dwg

Valencia
Planned Unit Development

Prepared for:

Hillwood Residential, L.P.

Prepared by:

LJA

PLANNING &
LANDSCAPE
ARCHITECTURE

February 2026

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EXHIBITS

Exhibit A - Area Location Exhibit
Exhibit B – Project Aerial Exhibit
Exhibit C – Survey
Exhibit D - Legal Description
Exhibit E - Conceptual Land Use Exhibit
Exhibit F – Conceptual Single-Family Residential Exhibit
Exhibit G - Conceptual Roadway Exhibit
Exhibit H - Conceptual Amenities and Open Space Exhibit
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Exhibit J – Conceptual Project Signage Exhibit
Exhibit K – Conceptual Signage Location Exhibit
Exhibit L – Single-Family Residential Specialty Product
Exhibit M – Single-Family Residential Specialty Product
Exhibit N – Single-Family Residential Specialty Product
Exhibit O – Conceptual Fencing Exhibit
Exhibit P – Fencing Exhibit
Exhibit Q-1, Q-2, Q3 – Concrete Fencing Specifications

I. INTRODUCTION

This application was prepared on behalf of Hillwood Residential, L.P. pursuant to the City of Manvel's zoning ordinance Sec. 77-29 Planned Unit Development District (PUD) district. The purpose of a PUD District is to provide a high level of amenities, encourage a pedestrian friendly environment, and provide flexibility in the development of land subject to the development standards coordinated with the necessary public services and facilities.

The Valencia PUD is primarily a residential project that consists of approximately 457.0 acres of land and is located immediately east of State Highway 288, north of Highway 6, generally south of Del Bello Boulevard, and generally west of Farm-to-Market 1128. The Area Location Map (Exhibit A) located in the Exhibits section of this document illustrates the location of the property.

The property is generally flat with elevations ranging from 44 feet to 60 feet above mean sea level (MSL) and is largely comprised of prairie land and agricultural fields. The property is encumbered by several existing east-west pipeline easements and Chocolate Bayou which runs in a north-south direction on the western portion of the property. The MUD 43 Drainage Easement and a portion of the Brazos River Authority controlled drainage easement, at approximately 125 feet in width, runs north-south along the western property boundary.

Generally, the surrounding land use is a mix of undeveloped acreage to the southwest, some large lot residential to the north, and standard single-family residential developments to the northwest, southeast, and south. The single-family residential developments are Bluewater Lakes to the south, Lakeland to the southeast, and Del Bello Lakes to the west. To the southeast lies Manvel Junior High and Manvel High School located at the intersection of State Highway 6 and McCoy Road. The future location of the Manvel City Center directly abuts the northwestern boundary of a portion of the development, south of Del Bello Boulevard.

The surrounding area can be seen on the Area Location Map and the Project Aerial map (Exhibit A and B).

The purpose of the amendment is to incorporate the addition of multiple fence types distinguished by location and material with specific height and design standards, as well as expanded signage regulations addressing use, type, size, and location, providing greater clarity within the overall PUD. This amendment also revises the single-family residential rear yard setback for certain lot sizes to allow greater flexibility in home design.

II. PROJECT DESCRIPTION

1. Compliance with Comprehensive Plan

The Valencia PUD complies with the Manvel Comprehensive Plan by adhering to the development principles outlined in the plan. This is accomplished by encouraging well-planned quality residential and non-residential development; providing open space for recreation and protecting the natural environment; and offering a variety of housing choices (See Conceptual Land Use Plan, Exhibit E). The Valencia PUD has a well-defined network of both vehicular and pedestrian circulation systems that provide connectivity, not only to the project itself, but to existing developments to the south and west as well as to the future Manvel City Center. The diversity of housing types varies from the traditional single-family subdivision to higher density single-family specialty products that ensure residents of all ages and needs can fulfill their housing needs. The development of an internal parks system includes a recreation center, smaller parks, and significant open space areas that will help provide for the City’s future open space needs.

2. Justification

The intent of the PUD District is to encourage high quality development in the City by providing additional flexibility to take advantage of special site characteristics, location, and land uses. This document establishes certain development standards that exceed the minimum Manvel zoning regulation requirements for properties specifically located within the boundaries of the Valencia PUD.

The PUD will meet or exceed the minimum requirements of Manvel's zoning regulations through specific architectural design and engineering standards such as:

- Creating a PUD district which will respond to market conditions and maintain the flexibility necessary to address changes in the future;
- Incorporating unique single-family specialty products that will provide a variety of housing stock to ensure residents of all ages and needs can fulfill their housing requirements;
- Providing parks, amenitized detention areas, and a well-defined trail system; and
- Complying with the amended Major Thoroughfare Plan to provide sufficient connectivity throughout the project for vehicular and pedestrian activity.

3. Single-Family Residential

The traditional single-family residential component that will be found throughout the Valencia PUD will be a collection of individual neighborhoods that take their access from Dogwood Avenue, Charlotte Street and Pollard Boulevard, and/or an internal local street system that provides connections within the neighborhood and to the surrounding areas. The traditional single-family residential neighborhoods will be developed with lot sizes that vary from 50 feet to 70 feet or greater in width to respond to market conditions.

The single-family specialty products will provide unique types of residential development that is less than fifty feet in width that may include front loaded products, rear loaded or alley products, townhome alley products, and/or "zipper" lots (single-family lots with detached garages in alternating depths). The single- family specialty products neighborhoods will be developed with varying lot sizes and product types to respond to market conditions.

4. Drill Site

A 4.0-acre drill site is located on the southeast side of the intersection of Pollard Boulevard and the future Charlotte Street extension. The drill site will be used as open space area unless or until the mineral rights owners elect to exercise their drilling rights. The size and location of any drilling facility associated with the extraction of oil and gas shall be conceptual until a permit is issued by the City of Manvel in accordance with Chapter 35, of the *City of Manvel Code of Ordinances*. This drill site shall not be calculated towards the parkland dedication requirement. Should the surface owner acquire the mineral rights and elect to remove the drill site, the designated drill site shown on the exhibits to this Valencia PUD may be used as a park or for single-family residential uses (See Section III.2, Single-Family Residential Lot Distribution Table). If the designated drill site is used for a park, that acreage may be applied to the parkland dedication requirements.

5. Potential School Site

The project is located within the Alvin Independent School District. The size and the location of the proposed school site will be coordinated between the developer and the school district. In the event that Alvin Independent School District does not purchase the proposed school site, that site may be used for single-family residential uses (See Section II.2, Single-Family Residential Lot Distribution Table).

6. Parks and Open Space

Parks and open space accounts for approximately 36.6% of the gross acreage within the Valencia PUD. The open space calculation includes private parks, public parks, landscape reserves, pipeline easements, drainage easements, canal easements, trails, natural open space areas, drill sites, lakes/detention areas, and drainage facilities. The Valencia PUD Conceptual Amenities and Open Space Plan (Exhibit H) shows a private recreation center, public parks, lake/detention areas, and open space areas all connected via a pedestrian trail system. The proposed private recreation center, located to the west of Pollard Boulevard, will provide off-street parking and may contain active amenities such as water based recreational activities with commonly associated facilities, an active play area for children, and other passive amenities. In the event that a “splash pad” type amenity is installed, a water recirculation system will also be installed for the purpose of water conservation. The other two parks shown on Exhibit H will be public and have more passive facilities such as play areas for children, trails, picnic tables and benches. One of the lake/detention areas, designated D-03 on Exhibit H, may have active amenity features such as a kayak launch and fishing facilities. All land which is dedicated for the purpose of fulfilling the parkland dedication requirement will be developed with some form of either passive or active amenities. The various private recreation center, public parks, and trails will be developed as the adjacent residential sections are developed.

The pedestrian trail system will be comprised of a hierarchy of trail widths ranging from 12 feet in width to 6 feet in width; all sidewalks located in front of homes will be 5 feet in width.

The lakes within the Valencia PUD will maintain a constant water level while also serving as detention facilities for the project and provide a significant amount of open space. The lake/detention areas will not only enhance the aesthetic quality of the development but will provide numerous opportunities for the enjoyment of the residents.

7. Other Land Uses

The Valencia PUD has four proposed commercial sites located throughout the development; ±4.7 acre and ±2.5 acre commercial sites located at the southeast and southwest corners of Del Bello Boulevard and Pollard Boulevard, a ±2.6 acre commercial site located at the northwest corner of Pollard Boulevard and Dogwood Avenue, and a ±10.5 acre site located on the northeast corner of Del Bello Boulevard and Manvel Parkway. It is anticipated that the commercial developments will largely be neighborhood retail in nature.

III. ZONING

1. Proposed Zoning

To implement the conceptual master plan as currently proposed, each of the proposed land uses has been assigned a zoning district consistent with the current City of Manvel zoning regulations as shown on the Composition of Land Use Table below. The various land uses will follow the development requirements for their assigned zoning district as described in the Zoning Ordinance, in effect when this PUD is approved, unless otherwise noted in this PUD. Notwithstanding the foregoing, no amendment shall impact the project's vested rights. When there is a conflict between the requirements in the regulations listed below and this PUD Document, this PUD Document will govern.

Land use shall be regulated on a total acreage basis. Each Land Use may be increased or decreased in acreage by up to 10% of the total gross acreage. The percentage land use area change is required to ensure the success of the Valencia PUD by maintaining the flexibility to modify land use sizes in response to changes in economic and market conditions. This will allow Valencia PUD to remain competitive in the real estate market over the life of the project and the ability to adjust as necessary to accommodate specific end users in a timely manner.

The land uses may be relocated within the boundaries of the PUD, as necessary to address economic and market conditions or future modification of roadway and drainage alignments. The Land Use Comparison table below provides a detailed tabulation of each land use within the development as shown on the Conceptual Land Use Exhibit, Exhibit E. All acreages shown below are subject to change as development occurs within the boundaries of the PUD and as allowed by this document.

2. Conversion of Specific Land Uses

a. The conversion of the Drill Sites, Parkland, and/or Potential School will only be allowed to convert to parkland or single-family residential uses.
b. Conversion of the Drill Sites and/or Potential School Site will be the only instance in which density may be increased within the development. However, the increase in density shall be limited to the traditional single-family lot products as described in Section III.V.3, Traditional Single-Family.
c. In the event that the drill sites or school site is converted to single-family residential, this conversion of land use shall not be counted towards the ten percent (10%) of change described in Section III.1.

A. Acreage per Land Use Summary

Land Use	Zoning District	Approximate Acreage	% Gross Acreage
Constraints			
Major Thoroughfare & Collector Roadways	PUD-SFR	37.6	
Existing Utility & Canal Easements	PUD-SFR	33.5	
Drainage & Detention	PUD-SFR	83.8	
Chocolate Bayou	PUD-SFR	7.6	
Drill Site	PUD-SFR	4.0	
Subtotal		**166.5**	**36.4%**
Community Elements			
Recreation Center & Parks	PUD-SFR	5.6	
Elementary School	PUD-SFR	14.8	
Landscape/Open Space	PUD-SFR	33.3	
Subtotal		**53.4**	**11.7%**
Commercial			
Commercial	PUD-LC	20.3	
Subtotal		**20.3**	**4.4%**
Single-Family Residential			
Single-Family Residential	PUD-SFR	216.8	
Subtotal		**216.8**	**47.4%**
Totals		**457.0**	**100.0%**

B. Single-Family Residential Lot Distribution Table

Lot Size	Allowable Percentage of Total Lots	Approximate Acreage
50' X 120' (Typical)	30%	65.0
60' X 120' (Typical)	32%	69.4
70' X 130' (Typical)	10%	21.7
Specialty Product	28%	60.7
Gross Residential Total	**100%**	**216.8**

Please refer to the Single-Family Residential Exhibit, Exhibit F, for the proposed location of the various lot products. The locations of the various products shown on the exhibit may be adjusted and/or moved within the boundaries of the PUD as allowed by this document. Refer to Section III.V.3 and Section III.V.4, of this document for a listing of lot sizes and applicable standards for the various single-family residential products, including the single-family specialty product. The 50 foot lots and Specialty Products combined shall not exceed a total of 58% of the total lot count in the project; the 60 foot lots and 70 foot lots may each be increased by an additional 10% of the total lot percentage. Additionally, if the drill site and/or the school site is converted to a residential use (See Section II.4

and II.5), any of the lot sizes shown on the table above may be used provided that the percentage ratio of the various lot sizes shall not be modified.

C. Commercial Land Uses

The proposed five (5) commercial tracts are intended to provide neighborhood-scaled commercial development with retail, service, and office uses. Below is a list of allowed uses within these tracts:

a. Permitted Uses:

- Retail bakeries
- Furniture and home furnishing stores
- Electronics and appliance stores
- Building material, garden equipment and supplies dealers
- Food and beverage stores
- Health and personal care stores
- Clothing and clothing accessories stores
- Sporting goods, hobby, book, and music stores
- General merchandise stores
- Misc. store retailers
- Postal Service
- Finance and insurance
- Real estate
- Lessors of nonresidential buildings (except mini warehouses)
- Consumer good rental
- Professional, scientific, and technical services
- Accounting, tax preparation, bookkeeping and payroll
- Veterinary services
- Management of companies and enterprises
- Administrative and support services
- Educational support services
- Social assistance
- Child day care services
- Arts, entertainment, and recreation
- Fitness and Sports Centers
- Food services and drinking places
- Electronic and precision equipment repair and maintenance
- Automotive glass replacement shop
- Personal and laundry services

b. Office functions only:

- Any manufacturing or industrial related uses
- Support activities for agriculture and forestry
- Construction of buildings
- Transportation and warehousing
- Commercial and industrial machinery and equipment rental

c. Special Use Permit required:

- Beverage manufacturing
- Information
- Gasoline stations
- Ambulatory health care services
- Hospitals
- Lessors of mini warehouses and self-storage units
- Automotive and equipment rental
- Amusement, gambling, recreation industries
- Recreational goods rental
- Colleges, universities, professional, and business schools
- Nursing and residential care facilities
- Other residential care facilities

c. Special Use Permit required (con't)

- Bed and breakfast
- All other amusement and recreational industries
- Mobile food services
- Drinking places (alcoholic beverages)
- Automotive repairs and maintenance
- Personal and household
- Goods repair and maintenance
- Other personal care services
- Religious organizations
- Civil and social organizations
- Non-store retailers
- Technical and trade schools
- Other schools and instruction
- Accommodations

IV. PARKS

To meet the parks dedication requirement, there shall be a minimum of one acre of parkland dedicated for every 100 proposed single-family residential lots. Based upon the estimated number of 1,100 single-family residential lots, the Valencia PUD will be required to provide approximately ±11 acres of parkland. In the event that the number of single-family residential lots exceeds the acreage listed above, the requirement of a minimum of one acre of parkland dedicated for every 100 proposed single-family residential lots shall apply. Should the number of lots decrease from the estimated number of 1,100, the requirement of a minimum of one acre of parkland dedicated for every 100 proposed single-family residential lots shall apply.

Parkland Dedication will be credited based on the following criteria:

a. Private parks: No more than 50% of the required parkland dedication acreage shall be comprised of private parkland.
b. Public parks: Public parkland shall be dedicated to the City of Manvel once the full reimbursement for the public park has been received and maintained by the Homeowners Association. However, to be considered public parkland, the area must be available to all residents of the City of Manvel.
c. Trails: No more than 50% of the required parkland dedication acreage may be comprised of trails. To qualify for credit as trails, the following requirements must be met:
    i. All-weather hike/bike paths, landscaping and sodding installed according to the construction standards of the city for trails;
    ii. Have connections to surrounding private parks, public parks, open space, recreation areas, school and/or other trails/sidewalks;
    iii. Reserves dedicated as parkland acreage for trails shall have an average minimum width of 25 feet.
d. Lakes: No more than 35% of the required parkland dedication acreage may be comprised of lakes/detention. To qualify for credit as lakes, the following requirements must be met:
    i. Be located adjacent to parkland or open space that is designated for public use;
    ii. Maintain a constant water surface elevation;
    iii. Have connections via trails/sidewalks to surrounding private parks, public parks, open space, recreation areas, school and/or other trails/sidewalks;
    iv. Contain a minimum size of eight acres;
    v. Have side slopes not to exceed a five to one (5:1) ratio in the location of any ingress/egress areas for the purpose of fishing or kayak related activities;
    vi. Must be available to all residents of the City of Manvel.

The proposed parks dedication requirement will be met in the following manner:

Open Space Amenity	**Acreage**
Recreation Center (Private)	±2.8 acres
Parks (Public)	±2.8 acres
Lake D-03 (Public)	±3.4 acres (maximum 35% credit)
Trails adjacent to Chocolate Bayou or Lake/detention areas (Public)	±2.0 acres (maximum 50% credit)
Total	**±11.0 acres**

The acreages and locations of the various parks shown on the above table may be adjusted and/or moved within the boundaries of the PUD as allowed by this document. A well-defined trail system will be constructed throughout the development as depicted on the Conceptual Amenities and Open Space Plan (Exhibit H). The Homeowners Association will be responsible for maintaining all private parks, public parks, open space, trails, and landscaped areas within the PUD.

V. DEVELOPMENT REGULATIONS

Unless otherwise outlined in this document, all City of Manvel regulations, as amended from time to time, shall apply to this PUD. If any provision of a future amended zoning or subdivision regulation imposes a higher standard than that provided for in this PUD document, then the provisions of this PUD document shall control. If any provision of any city regulation not contained in this PUD document imposes a higher standard, that regulation shall control. Notwithstanding the foregoing, no amendment shall impact the project's vested rights. When there is a conflict between the requirements in the development regulations listed below and this PUD Document, this PUD document will govern.

1. Architectural Standards

Residential and Commercial Development Guidelines shall be created to protect the integrity of the residential and commercial development within the PUD. The Commercial Development Guidelines shall comply with the architectural standards listed in Chapter 77-51 of the Manvel Code of Ordinances unless otherwise noted in this document. Below are additional regulations that apply to the architectural standards within the PUD:

a. Structures located within recreation center or park sites shall follow building material standards and setbacks set forth in the Valencia CCRs.

b. Structures not enclosed on at least three sides shall not be held to the Commercial Development Guidelines.

   i. Such structures shall not be required to comply with Commercial setback or exterior building material requirements and shall follow building material standards and setbacks set forth in the Valencia CCRs

2. Street and Circulation System

The Valencia PUD will have sufficient mobility through the construction of several proposed roadways:

- Pollard Boulevard, a 120 foot wide thoroughfare running north-south through the property from its connection to Del Bello Boulevard in the north to its existing location in Bluewater Lakes;
- Del Bello Boulevard, a 120 foot wide thoroughfare that lies along the northern side of the future Manvel City Center. The existing thoroughfare connects to State Highway 288 to the west.
- Dogwood Avenue, an 80 foot collector road that runs east-west just to the south of the

future Manvel City Center;
- Charlotte Street, a 80 foot collector road that runs east of Pollard Boulevard in the southern portion of the Valencia PUD. The portion of Charlotte right-of-way located adjacent to C-08 and outside of the Valencia boundary shall only be developed as C-08 is developed;
- Charlotte Street, a 60 foot collector road that runs west of Pollard Boulevard in the southern portion of the Valencia PUD.
- Alleys shall be maintained by the HOA. The City will not be responsible for repairs or maintenance of any alley.

The thoroughfare and circulation plan for Valencia PUD and the surrounding vicinity is illustrated on the Conceptual Roadway Exhibit (Exhibit G). Refer to the Utility agreement and any amended agreements thereafter for applicable regulations and details regarding paving width, sidewalk width, and phasing of these roadways.

3. Traditional Single-Family

Lot Sizes and Standards:

a. 50' lots:
   i. Minimum lot size area: 6,000 square feet
   ii. Minimum width – 50 feet (measured at the front yard setback)
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – 10 feet minimum
   viii. Building height – 40 feet maximum

b. 60' lots:
   i. Minimum lot size area: 7,200 square feet
   ii. Minimum width – 60 feet (measured at the front building line)
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – 10 feet minimum
   viii. Building height – 40 feet maximum

c. 70' lots:
   i. Minimum lot size area: 8,400 square feet
   ii. Minimum width – 70 feet (measured at the front yard setback)
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – 10 feet minimum
   viii. Building height – 40 feet maximum

If the rear property line of a corner parcel abuts the side property line of a neighboring parcel, the street side setback of the corner parcel must be a minimum of 15 feet.

4. Single-Family Specialty Product

Please refer to Single-Family Specialty Product Exhibits L, M, & N in this document.
Lot Sizes and Standards:

a. Front loaded detached lots:
   i. Minimum width – 42 feet (measured at the front yard setback)
   ii. Minimum depth – 120 feet
   iii. Front yard setback – 20 feet minimum
   iv. Side yard setback – 5 feet minimum
   v. Corner side yard setback – 10 feet minimum
   vi. Garage Front yard setback – 25 feet minimum
   vii. Rear yard setback – 10 feet minimum
   viii. Building height – 40 feet maximum

b. Rear loaded (alley) detached lots:
   i. Minimum width – 35 feet (measured at the front yard setback)
   ii. Minimum depth – 100 feet
   iii. Front yard setback – 15 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum
   vi. Corner side yard setback – 10 feet minimum
   vii. Alley width – 20 feet
   viii. Building height – 40 feet maximum

c. Rear loaded (alley) attached lots:
   i. Minimum width – 28 feet (measured at the front yard setback)
   ii. Minimum depth – 90 feet
   iii. Front yard setback – 15 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum between structures
   vi. Corner side yard setback – 10 feet minimum
   vii. Alley width – 20 feet
   viii. Common walls allowed on one side
   ix. Building height – 40 feet maximum

d. Rear loaded (alley) townhome lots:
   i. Minimum width – 25 feet (measured at the front yard setback)
   ii. Minimum depth – 90 feet
   iii. Front yard setback – 15 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum between structures
   vi. Corner side yard setback – 10 feet minimum
   vii. Alley width – 20 feet
   viii. Common walls allowed on both sides
   ix. Maximum number of attached units: Five
   x. Minimum number of attached units: Two
   xi. Only 20% of the units within a townhome development shall be allowed to have two attached units
   xii. Building height – 40 feet maximum

e. Zipper lots (single-family detached lots with alternating depth detached garages):
   i. Minimum width – 25 feet (measured at the front yard setback)
   ii. Minimum depth – 120 feet
   iii. Front yard setback – 20 feet minimum
   iv. Rear yard setback – 10 feet minimum
   v. Side yard setback – 5 feet minimum
   vi. Corner side yard setback – 10 feet minimum
   vii. Garage building line – 25 feet minimum
   viii. If the garage is set to the minimum of 25 feet, then the adjacent lot shall have a minimum setback of 50 feet.
   ix. Garage side setback – 0 feet with a minimum of 10 feet of separation from structures on the adjacent lot. Garage structures located less than four feet from the lot line shall have a "private four-foot perpetual drainage and maintenance easement" provided on the adjacent property and shown on the final plat.
   x. Building height – 40 feet maximum

f. Patio & Zero Lot Line Lots
   i. Minimum width – 50 feet (measured at the front yard setback)
   ii. Minimum depth – 120 feet
   iii. Front yard setback – 20 feet minimum
   iv. Garage front yard setback – 25 feet minimum
   v. Rear yard setback – 10 feet minimum
   vi. Side yard setback – 5 feet minimum
   vii. Corner side yard setback – 10 feet minimum
   viii. A minimum of 0 feet to 5 feet on one side yard and 5 feet to 10 feet on the other side yard, with an aggregate minimum side yard setback of 10 feet between the two lots.
   ix. In no case shall units on adjoining lots be separated by less than 10 feet in width
   x. Patio home structures located less than four feet from the lot line shall have a "private four-foot perpetual drainage and maintenance easement" provided on the adjacent property and shown on the final plat.
   xi. Building height – 40 feet maximum

If the rear property line of a corner parcel abuts the side property line of a neighboring parcel, the street side setback of the corner parcel must be a minimum of 15 feet.

Where alleys dead-end, a turnaround shall be provided. Waste collection in an alley shall only be provided if approved by the City's waste haul contractor, otherwise, trash collection shall be taken from the front curb. The Homeowners Association shall enforce no parking and keep the alley clear from obstacles.

5. Streets

In the event that there is a conflict between the Valencia PUD and the Utility Agreement and any amended agreements thereafter, the Utility Agreement shall control. The development will provide points of access as required by Streets, Section 62-104(5) Multiple access points with the following modifications:

a. Two points of access. There shall be a minimum two points of access from a collector street into a subdivision or subdivision phase, up to a maximum of 75 platted lots. A boulevard may be used as a second point of access to satisfy this requirement only for the parcel designated as C-08, as shown on the Conceptual Land Use Plan, Exhibit E. Section 1 (D-01) and Section 2 (D-02) shall share a boulevarded entry and second point of access, but shall be platted separately. All entry points as shown on Exhibit E shall

provide sufficient access to address. Section 15 (D-05) shall have one boulevarded entry and a second connection via Section 2 (D-02).

b. Three points of access. There shall be a minimum of three points of access from a collector street in a subdivision or subdivision phase for 76 to 175 platted lots.

c. Four points of access. There shall be a minimum of four points of access from a collector street in a subdivision or subdivision phase for 176 platted lots or greater.

d. Boulevard entries. A boulevard entry may only be considered as two points of access when a third or fourth point of access is triggered under subsections 5.b. and 5.c. above.

e. Future access: A future point of access to an undeveloped area may be used to qualify as a point of access to satisfy the requirements above.

f. The only crossings of the existing drainage channel and canal easement along the western boundary of the PUD shall be Del Bello Boulevard, Dogwood Avenue and Charlotte Street. No additional street crossings shall be required.

g. The parcel designated as C-08 shall only be required to provide one boulevarded point of access to Charlotte street due to existing development to the east and south, proposed detention pond to the west and size of the tract.

6. Commercial

a. Minimum lot width – 60 feet (measured at the front yard setback)
b. Minimum lot depth – 100 feet
c. Front yard setback – 25 feet minimum
d. Rear yard setback – 10 feet minimum
e. Side yard setback – 5 feet minimum
f. Corner side yard setback – 10 feet minimum
g. Building Height:
    i. Pad Site - No building may exceed thirty five feet in height.
    ii. Commercial Anchor Tenant- No building may exceed sixty feet in height
h. Building Materials:
    i. All commercial buildings within the proposed commercial tracts must be composed of a minimum of 75% masonry exclusive of windows, doors, or other transparent materials. The calculation shall be based on the total square footage of all facades.
    ii. The following materials shall meet the masonry requirement:
        1. Stone
        2. Brick
        3. Concrete (including tilt wall)
        4. Hollow clay tile
        5. Concrete Masonry Unit (CMU)
        6. Glass block
        7. True Stucco
        8. Insulated concrete forms (ICF)
    i. Non-masonry materials may not exceed 25% of the building's elevation.
    ii. The following non-masonry materials are permitted. Prior to approval of the use of the below materials, proof must be provided to show that the material and installation process meets ICC and Texas Windstorm standards and as approved by the City's Building Official or City Engineer.
        1. Cementitious Fiber

j. Architectural metal panels to include, but not be limited to: lap-seam metal panels; exposed fastener panels; concealed fastener panels; flat plate metal panels; aluminum composite materials (ACM); metal composite materials (MCM); and/or formed metal panels (r-panels).
k. Landscape Requirements
    i. A minimum of 10% of the site (excluding building footprint) shall be landscaped. All pervious area shall be counted toward the total landscape area (excluding pavers).
    ii. Landscaping and/or a masonry fence shall screen outside storage areas, including but not limited to, loading docks, garbage collection bins and delivery entrances from adjacent property and public street right-of-way
    iii. Street Trees
        1. A minimum of 1 tree is required for every 50 feet of street frontage.
        2. No street tree shall be less than three inch (3”) caliper
        3. Trees may be grouped or placed at regular intervals so long as the spacing requirements listed above are met.
    iv. Parking lot landscaping
        1. In addition to the Street Trees noted above, a minimum two inch (2") caliper tree shall be provided within or adjacent to the parking area at tree islands that:
            a. Are at least 9 feet wide;
            b. Each have a square footage minimum 180 square feet;
            c. Provides 1 tree island for every 10 parking spaces;
            d. The tree islands shall be planted with sod and/or other plantings.
        2. Shrub planting shall be placed along the perimeter of a parking lot to screen the parking lot. The shrubs shall be maintained at a maximum height of 36 inches. Parking lot shrubs shall be a minimum of 24-inches at the time of planting.
        3. At entrance and exits, shrubs shall be no higher than twelve (12) inches in height to comply with sight triangle requirements.

7. Signage

The proposed locations for the project signage can be found in the Conceptual Signage Location Exhibit (Exhibit K). All signage within the development will be in accordance with the Manvel City Sign Ordinance except for the items listed below. When there is a conflict between the requirements in the sign ordinance and this PUD Document, this PUD document will govern.

a. Residential Single-Family Development Signage:

i. Primary Entry Monument: The overall primary entry monument shall consist of a primary monument sign, an attached sign blade wall, and an optional attached covered structure. The primary monument sign shall not exceed a sign area of 200 square feet. The sign blade wall shall attach the primary monument sign and the attached covered structure. The attached covered structure shall be open on three sides and shall contain roof signage that shall not exceed 200 square feet. The combined sign area of the primary monument sign and structure roof sign shall not exceed 400 square feet. The overall building envelope including the primary monument sign, attached sign structure, and attached covered structure shall be no greater than twenty feet (20’) in height, sixty feet (60’) in length, and twenty feet (20’) in depth. These signs will be placed at the major entry point to the project.

ii. Secondary Entry Monument: The secondary entry monument building envelope shall be no greater than twenty-five feet (25') in height, forty feet (40') in length, and fifteen feet (15') in depth. A water cistern twenty-five feet (25') in height by fifteen (15') in length shall contain signage on two walls of the water cistern. An ornamental/decorative fence may be provided as part of the overall design of the secondary entry monument and shall not be measured as part of the building envelope. The combined sign area of the tower and secondary monument sign shall not exceed 400 square feet. These signs will be placed at the secondary entry points to the project.

iii. Village/Park Entry Monument: Six feet (6') tall with a six-foot by six-foot (6'x6') tower footprint and an attached or isolated sign blade wall with a maximum size of six feet tall by twenty feet in length (6'x20'). The sign area shall not be greater than 64 square feet. These signs will be placed at the entry points to residential subdivisions within the project.

iv. Model Home Monument: Used to identify different builder model homes to potential home buyers. The monuments shall be a maximum of 60 square feet in size and shall not to exceed five feet (5') in height. These monuments may be installed at model homes at various locations within the development. All model home monuments must be removed when the model home is purchased and used as a private home.

v. Temporary Construction Signs/For Sale Signs: To be used during construction of the development. These signs recognize builders, architects, engineers, leasing representatives, lenders, and other associated with the project. There shall be one sign per parcel of land and the sign shall have a maximum of 64 square feet in size and not to exceed eight feet (8') in height and eight feet (8') in width per parcel of land. All temporary signs must be removed when the principle building on the applicable building site is occupied.

vi. Temporary Community Signs: Used to direct potential home buyers to various neighborhoods and/or model homes. These temporary signs may be installed at various locations within the development. In addition, sixteen (16) offsite signs shall be permitted along these corridors:

- Four (4) along Pollard Boulevard from State Highway 6;
- Four (4) along Del Bello Boulevard from State Highway 288 to Pollard Boulevard;
- Two (2) along State Highway 6 from State Highway 288 to Masters Road;
- Two (2) along the west side of SH-288 between Croix Road and Del Bello Blvd;
- One (1) at the northwest intersection of SH-288 and Highway 6;
- One (1) at the southeast intersection of SH-288 and Highway 6;
- One (1) at the southeast intersection of CR-48 and Highway 6;
- One (1) at the intersection of Highway 6 and McCoy Road.

The Temporary Community Signs shall be a maximum of 128 square feet in size and shall not to exceed ten feet (10') in height. These signs may remain until 30 days following the permanent resident occupancy of the last model home. These signs may be placed within the right-of-way with the condition that they be located a minimum of four feet (4') from the back of curb. Placement within State or County rights-of-way shall be subject to approval by the applicable governing agency as part of the sign permitting process. If a Temporary Community Sign is not in

compliance with the above section, the City has the right to remove said sign at the expense of the developer with a ten (10) business days notification.

b. Commercial Development Signage:

i. Building Mounted Signs

a. Maximum Sign Area: The total building mounted sign area shall not exceed a total of 2 square feet per linear foot of the façade width or 200 square feet, whichever is less.
b. Location/Number: Tenants are permitted to have one building mounted sign per building elevation facade, except those on a corner facing two public streets, which may have two (2) signs; one facing each street.
c. Illumination: Graphic sign bands must be internally illuminated. Internal illumination shall be LED or white neon tubing. All ballasts, transformers, conduits, and other necessary electrical and structural equipment must be concealed.

i. Monument Signs

These signs shall be freestanding, double-sided monument type set perpendicular to the public street right-of-way.

a. All monument signs shall be located a minimum of 10 feet from the property line.
b. There shall be a minimum of 100 feet between monument signs.
c. All monument signs must be perpendicular to the right of way.
d. Single Tenant Monument Sign
    i. Height - Maximum 6 feet (including base)
    ii. Length – Maximum 13 feet
    iii. Sign Area - Maximum of 45 square feet
    iv. Location/Number: One single tenant monument sign per commercial tract, unless located on a corner; then one located on each public street. Sign shall be constructed perpendicular to the adjacent public street.
    v. Illumination: Internal illumination shall be LED or white neon tubing

e. Multi-Tenant Monument Sign
    i. Height - Maximum 8 feet (including base)
    ii. Length – Maximum 13 feet.
    iii. Sign Area – Maximum of 65 square feet
    iv. Location/Number: One multi-tenant monument sign per commercial tract, unless located on a corner; then one located on each public street. Signs shall be constructed perpendicular to the adjacent public street. If anchor tenant occupies 50,000 SF or more, it may have an additional one single-tenant sign.
    v. If more than one sign is approved, they may not be placed any closer than 110 feet. In no case will there be more than one sign per entrance, unless permitted by Subsection e.iv. above.
    vi. Illumination: Internal illumination shall be LED or white neon tubing per sign specifications.

f. Electronic Reader Boards

Electronic Reader Boards/ LED screens are permitted under the following regulations:

    i. LED signs are permitted for on premised signs and/or for tenants within a single development;

ii. No internal or external illumination of the LED screens will be allowed between the hours of 10pm and 6am;
iii. Maximum illumination will be the difference between ambient light and full wattage cannot be more than .2 foot-candles at 75 feet;
iv. Automatic dimmer equipment must be installed and operational; Maximum wattage at 6,500.
v. Display Time - The message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling;
vi. Size of the changeable area is no greater than 25 percent of the overall signage area

c. School Signage:

i. Building Mounted Signs
   a. Maximum Sign Area: The total building mounted sign area shall not exceed a total of 2 square feet per linear foot of the façade width or 200 square feet, whichever is less.:
   b. Location/Number: Tenants are permitted to have one building fascia sign per building elevation, except those on a corner facing two public streets, which may have two (2) signs; one facing each street.
   c. Illumination: Graphic sign bands must be internally illuminated. Internal illumination shall be LED or white neon tubing. All ballasts, transformers, conduits, and other necessary electrical and structural equipment must be concealed.

ii. Monument Signs

These signs shall be freestanding, double-sided monument type set perpendicular to the public street right-of-way.

   a. All signage shall be located a minimum of 10 feet from the property line.
   b. All signage must be perpendicular to the right of way.
   c. Height - Maximum 6 feet (including base)
   d. Length – Maximum 13 feet
   e. Sign Area - Maximum of 45 square feet
   f. Location/Number: One sign per school site, unless located on a corner; then one located on each public street. Sign shall be constructed perpendicular to the adjacent public street.
   g. Illumination: Internal illumination shall be LED or white neon tubing

   h. Electronic Reader Boards

Electronic Reader Boards/ LED screens are permitted under the following regulations:

i. LED signs are permitted for on premised signs;
ii. No internal or external illumination of the LED screens will be allowed between the hours of 10pm and 6am;
iii. Maximum illumination will be the difference between ambient light and full wattage cannot be more than .2 foot-candles at 75 feet;
iv. Automatic dimmer equipment must be installed and operational;
v. Maximum wattage at 6,500.
vi. Display Time - The message is displayed for a minimum of 15 seconds without changing, flashing, or scrolling;
vii. Size of the changeable area is no greater than 25 percent of the overall signage area

8. Trails

The pedestrian pathway system, which is illustrated on the Conceptual Amenities and Open Space Plan (Exhibit H), will use a combination of 12 foot wide and 8 foot wide primary trails, and additional trails of not less than five feet in width to serve the residents of the project and provide multiple pedestrian connections. The trails system will provide easy and safe pedestrian access to public parks, private parks, open space, commercial tracts, single-family residential areas, and the school (if any) located within the project.

9. Utilities

Utilities will be provided by a Municipal Utility District pursuant to a Utility Agreement with the City of Manvel approved at the same time as the Valencia PUD. In the event that there is a conflict between the Valencia PUD and the Utility Agreement and any amended agreements thereafter, the Utility Agreement shall control.

10. Other Regulations

i. Residential Fencing - Fences in any single-family residential district may not exceed seven (7') feet in height. The following fence types shall be permitted within this PUD and as shown on Exhibit O, P, and Q. The Homeowners Association (HOA) shall be responsible for enforcing all fencing guidelines and standards within the community. Any exterior modifications to homes, including fencing, shall be subject to review and approval by the Architectural Review Committee (ARC). Fence post installation shall be in accordance with the City of Manvel Code of Ordinances and Design Criteria Manual.

   a. Wood Public Right-of-Way Fence
      i. May be used where a screened edge or visual buffer is desired and constructed where visible from the public right-of-way.
      ii. Applies to residential lots whose rear or street side property lines abut the collector streets of Dogwood Avenue and Charlotte Street.
      iii. The fence must be a six-foot (6') tall, cap top fence with a minimum of a two-inch by six-inch (2''x6'') standard rot board, a two-inch by six-inch (2''x6'') cedar cap, and one-inch by four-inch (1''x4'') cedar trim.
      iv. The interior (yard-facing) side of the fence shall be constructed as a standard 3-rail fence.
      v. Rot boards shall be required on all wood fences visible from the public right-of-way.
   b. Wood Good Neighbor Fence
      i. May be used where a uniform, shared appearance between adjoining properties is desired.
      ii. Applies to residential lots whose rear property lines abut other residential lots and not visible from the public right-of-way.
      iii. The fence must be standard six-foot (6') tall, 3-rail fence constructed with six inch (6'') pickets and 4x4 posts.
      iv. A rot board is not required.
   c. Wrought Iron Fence
      i. May be used where visibility, openness, or enhanced aesthetics are desired.
      ii. Applies to residential lots whose rear or side property lines abut a lake. The wrought iron fence shall extend on the side property line for a distance of not less than twenty feet (20') from the rear yard property line, except on corner lot street-side property lines.
      iii. The fence shall be a minimum height of four feet (4').

d. Concrete Fence
    i. May be used where additional durability, screening, or noise mitigation is desired.
    ii. Applies to lots whose rear or side property lines abut Pollard Boulevard.
    iii. The fence shall be a minimum height of six (6) feet.

ii. Commercial Fencing
a. Wood Public Right-of-Way Fence
    i. May be used where a screened edge or visual buffer is desired and constructed where visible from the public right-of-way.
    ii. The fence must be a minimum six-foot (6') tall, cap top fence with a minimum of a two-inch by six-inch (2''x6'') standard rot board, a two-inch by six-inch (2''x6'') cedar cap, and one-inch by four-inch (1''x4'') cedar trim.
    iii. In lieu of a wood fence, a six-foot (6') tall concrete or masonry fence may be provided as an optional upgrade where additional durability, screening, or noise mitigation is desired.
b. Wrought Iron Fence
    i. May be used where visibility, openness, or enhanced aesthetics are desired.
    ii. The fence shall be a minimum height of four feet (4') and shall not exceed a height of eight feet (8').

iii. Proximity of structures to pipelines - No residential or commercial structure shall be erected or moved to a location nearer than 30 feet to any existing pipeline, except for low pressure distribution system pipeline as defined in section 62-2 of the Manvel Code of Ordinances.

iv. Trees –Trees may be planted within right-of-way medians to enhance the overall landscape plan for the development. Trees shall be planted at a minimum spacing of 50 feet and located within the center of the right-of-way median. They may be located within other areas of the right-of-way in a limited manner to address physical or other constraints that exist in various areas throughout the development. In the event that there are utilities located within the future drip line of the tree, a suitable root barrier shall be used.

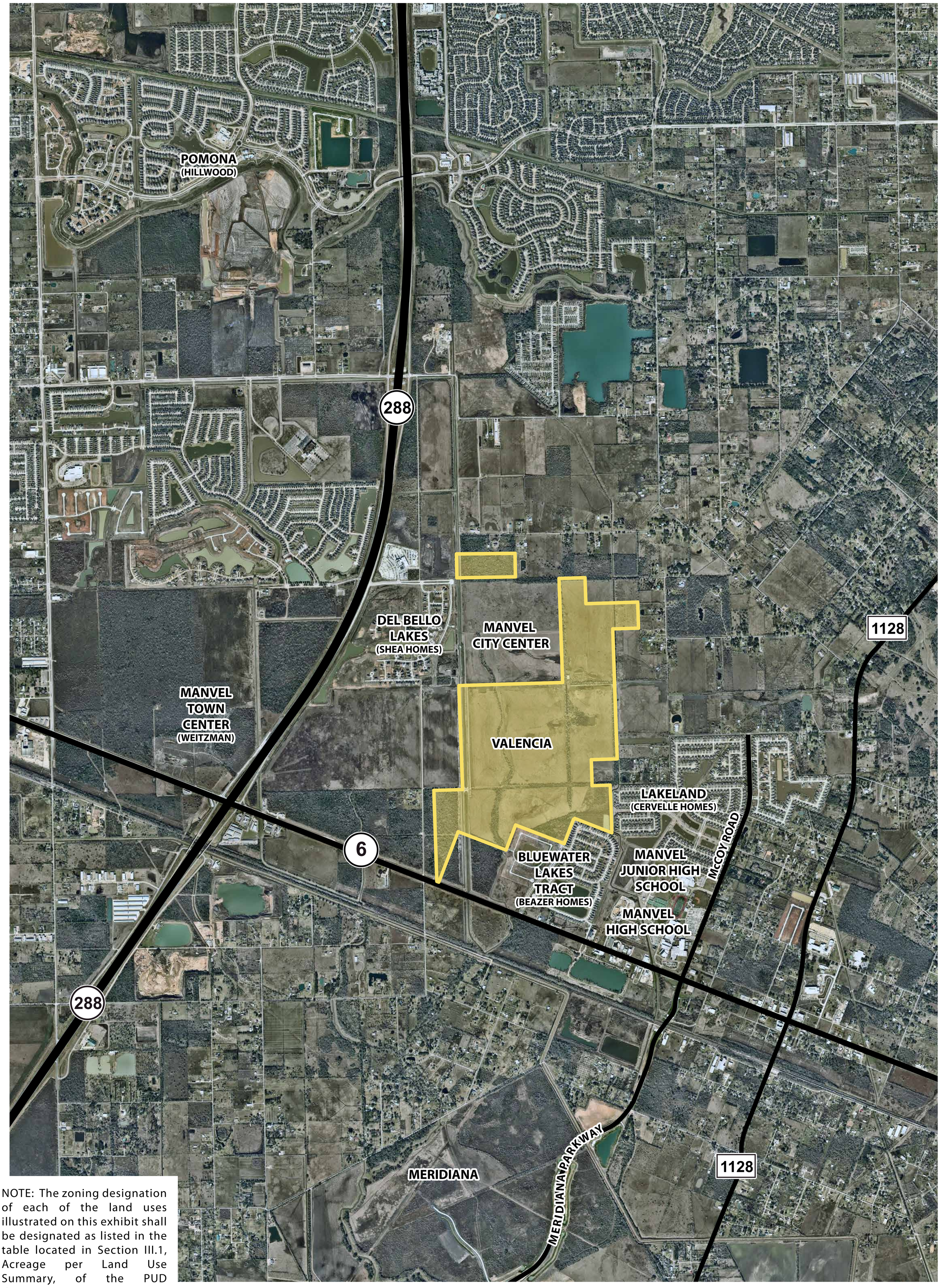
v. Off-street parking areas – Off-street parking areas shall be provided for the use of community occupants and guests at the recreation center site. Twenty-five (25) off-street parking stalls will be provided for the recreation center site.

vi. Paving Material – Permeable pavers, such as Trugrid or a comparable alternative, may be installed around non-residential buildings to fulfill fire code requirements.

V. PHASING / DEVELOPMENT SCHEDULE

The first phase of the project will be south of Del Bello Boulevard and Pollard Boulevard, working from the north to south as the project proceeds, as shown on the Phasing Exhibit (Exhibit I). The location and timing of future phases will be dependent upon market conditions and is subject to change. Commercial development will be driven by market conditions.

The construction of modular voter homes, shall be allowed to be located on the site throughout the duration of the project. A recorded final plat and/or permanent access shall not be required for such uses.



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT A

Planned Unit Development
Area Location Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

Reference Date: 11.07.2025

NORTH

0 500 1000 2000

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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This exhibit is an illustrative representation for presentation purposes only and should not be used for computation or construction purposes. The information provided within should be considered a graphic representation to aid in determining plan components and relationships and is subject to change without notice. All property boundaries, easements, road alignments, drainage, flood plains, environmental issues and other information shown is approximate and should not be relied upon for any purpose. No warranties, express or implied, concerning the actual design, accuracy, location, and character of the facilities shown on this exhibit are intended.

EXHIBIT B

Planned Unit Development
Project Aerial Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

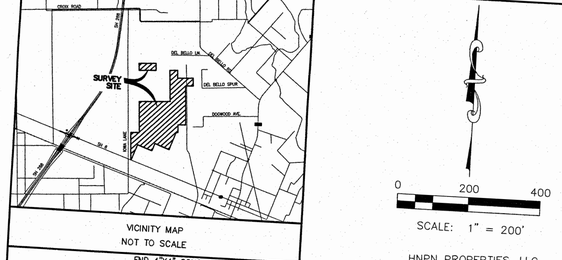
Reference Date: 02.03.2026

NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



VICINITY MAP
NOT TO SCALE

0 200 400
SCALE: 1" = 200'

LINE	BEARING	DISTANCE
L1	N 70°29'23" W	33.64'
L2	S 86°49'56" W	147.25'

LEGEND

B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.C.R.	DISTRICT CLERK RECORDS OF BRAZORIA COUNTY, TEXAS
DOC. NO.	DOCUMENT NUMBER
VOL./PG.	VOLUME/PAGE
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
(S)	SET 5/8" IR W/CAP STAMPED "LJA SURVEY"
IR	IRON ROD
IP	IRON PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
CIP	CAST IRON PIPE
A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
CONC.	CONCRETE MONUMENT
	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
X	FENCE (AS SPECIFIED)
OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
	POWEREPOLE
	GUY-WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

FND 4"X4" CONC. MONUMENT W/ 3/8" IR (LEANING SLIGHTLY)

RESIDUE OF CALLED 99.9653 ACRES SLP 288 AND RODEO PALMS II, LP SLP 288 AND RODEO PALMS II, LP NOW KNOWN AS 288 RODEO PALMS, LP BY CERTIFICATE OF CONVERSION DOC. NO. 2017027740, B.C.O.P.R.

BOUNDARY LINE AGREEMENT DOC. NO. 2019016351, B.C.O.P.R.

GULF COAST WATER AUTHORITY DOC. NO. 2019016350, B.C.O.P.R.

UTILITY EASEMENT DOC. NO. 2019016540 B.C.O.P.R.

UTILITY EASEMENT DOC. NO. 2019016541 B.C.O.P.R.

N 03°15'28" W 3,540.42'

N 03°15'28" W 598.51'

20' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

BRAZOS RIVER AUTHORITY EASEMENT AND RIGHT-OF-WAY (WIDTH VARIES) VOL. 1067, PG 786, B.C.D.R.

FND 60D NAIL BEARS S80°23'16"W-6.20' @ 34.84' PASSING FND 5/8" IR (BENT)

(S) REMAINS OF A BARBED WIRE FENCE

WOODEN POST

SURVEY LINE

TRACT 2
19.961 ACRES

20' ROADWAY AND DRAINAGE EASEMENT (ALONG SOUTH AND WEST LINES OF LOTS 6 &12) VOL. 145, PG. 245, B.C.D.R. (ITEM J)

P.O.B.

S.W. COR. LOT 6
S.W. COR. A-469
N.W. COR. A-301
S.E. COR. A-459
N.E. COR. A-460

GATE FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666" 18" CPP

15" CPP

4' BARBED WIRE FENCE

@ 1,436.21' PASSING FND 5/8" IR (BENT)

DRAINAGE EASEMENT BRAZORIA CO. MUD NO. 43 CALLED 1.790 ACRES DOC. NO. 2016011558, B.C.O.P.R.

20' STRIP (PARCEL "A") BRAZOS RIVER AUTHORITY VOL. 1070, PG. 318 B.C.D.R.

105' STRIP (PARCEL "C") BRAZOS RIVER AUTHORITY VOL. 1070, PG. 315 B.C.D.R.

BLOCK 73

FND 5/8" IR W/CAP STAMPED "FMS" FND 5/8" IR (BENT)

DRAINAGE EASEMENT BRAZORIA CO. MUD NO. 43 CALLED 1.771 ACRES FILE NO. 2016057460, B.C.O.P.R.

CITY OF MANVEL CALLED 10.00 ACRS DOC. NO. 2020000450 B.C.O.R.

20' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

FND 5/8" IR (BENT) FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

20' STRIP (PARCEL "B") BRAZOS RIVER AUTHORITY VOL. 1070, PG. 318 B.C.D.R.

RESERVE "C"

RESERVE "B"

RESERVE "A"

BOUNDARY LINE AGREEMENT DOC. NO. 2019016350, B.C.O.P.R. DOC. NO. 2019016552, B.C.O.P.R.

DEL BELLO LAKES SECTION 1 DOC. NO. 20190601988 B.C.O.P.R.

MANVEL PARKWAY (120' R.O.W.) DOC. NO. 2019062193, B.C.O.P.R.

A.C.H. & B.R.R. COMPANY SURVEY, SEC. 90, (A.K.A.) KATE R. EHRMANN SURVEY, A-459

H.T. & B.R.R. COMPANY SURVEY, SEC. 72, (A.K.A.) KATE R. EHRMANN SURVEY, A-460

H.T. & B.R.R. COMPANY SURVEY, SEC. 73, A-301

RIGHT-OF-WAY EASEMENT DEL BELLO BOULEVARD CALLED 0.3505 ACRE DOC. NO. 2019016545, B.C.O.P.R.

LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6

HNPN PROPERTIES, LLC CALLED 10.002 ACRES DOC. NO. 2019060177 B.C.O.P.R.

MICHAEL M. MCNIERNEY AND HEATHER S. HEDAYATI CALLED 10.002 ACRES DOC. NO. 2001053665 B.C.O.R.

FND 4"X4" CONC. MON. 2 WOODEN POSTS

N 87°15'19" E 1,465.65'

@ 726.24' PASSING FND 5/8" IR WOODEN POST

FOUR FORTY-THREE, LTD. 20 ACRES (SECOND TRACT) VOL. 1048, PG. 760 B.C.D.R.

LOT 7 LOT 8 LOT 9 LOT 10 LOT 11 LOT 12

ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SECTION 73 VOL. 2, PG. 91 & 92 B.C.P.R.

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L.)

S 86°50'32" W 1,465.30'

6.6' (TIE TO FENCE) 5' BARBED WIRE FENCE

MARY V. O'DONNELL SURVEY, A-469

1,168.84'

(S) FND 1/2" IR FND 1/4" P

BEARS S15°37'01"E-0.90'

LOT 17 60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L)

LOT 13 LOT 14 LOT 15 LOT 16 LOT 17 LOT 18

LOT LINE

2-8"X8" WOODEN POSTS

FND 5/8" IR

10.0' (TIE TO FENCE) 2 WOODEN POSTS @ BRIDGE (DESTROYED)

S 03°13'46" E 588.05'

MARY J MOUNTFORD MICHAEL H KASPAR AND MEDA M KASPAR CALLED 6.97 ACRES DOC. NO. 2014047736 B.C.O.P.R.

ALBERT N. DEL BELLO AND MARGARET DEL BELLO CALLED 1.50 ACRES VOL. 1310, PG. 741 B.C.D.R.

JOHN CRAIG LEBOURGEOIS CALLED 6.978 ACRES DOC. NO. 98-053061 B.C.O.R.

LOT 19 LOT 20 LOT 21 LOT 22 LOT 23 LOT 24

40' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

HERMANN HARTMANN CALLED 5.50 ACRES VOL. 788, PG. 580 B.C.D.R.

LOT 25 LOT 26 LOT 27 LOT 28 LOT 29 LOT 30 LOT 31 LOT 32 LOT 33 LOT 34 LOT 35 LOT 36 LOT 37 LOT 38 LOT 39

SYLVIA BUFFY ORNDORFF AND DUSTIN AARON DIFFERENT CALLED 13.93 ACRES DOC. NO. 2015054435 B.C.O.P.R.

FND 1/4" IP BEARS S55°51'35"W-6.79'

FND 5/8" IR W/YELLOW CAP (ILLEGIBLE) BEARS S35°02'12"W-0.66'

FND 5/8" IR W/CAP STAMPED "FMS" FND 1/2" IR BEARS S81°43'50"E-14.4'

N 86°50'32" E 659.90'

SURVEY LINE

FND 3/4" IR FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

4' BARBED WIRE FENCE

11.1' (TIE TO FENCE)

40.7' (TIE TO FENCE)

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L)

EASTBANK BAYOU, L.P. REMAINDER OF CALLED 19.950 ACRES DOC. NO. 2007022032 B.C.O.R.

FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

N 86°49'56" E 1,313.92'

FOUR FORTY-THREE, LTD. (FIRST TRACT) VOL. 1048, PG. 760 B.C.D.R.

TRACT 1
418.432 ACRES

CITY OF MANVEL CALLED 149.639 ACRES DOC. NO. 2018034498 B.C.O.P.R.

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L.)

40' WIDE COUNTY ROADWAY VOL. 2, PG. 91&92 B.C.P.R. (ITEM D.)

FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

4' BARBED WIRE FENCE

60' WIDE CANAL EASEMENT AMERICAN CANAL CO. VOL. 638, PG. 127, B.C.D.R. & VOL. (88)583, PG. 134, B.C.D.R. (ITEM L)

N 03°27'03" W 2,641.03'

S 03°24'33" E 660.67'

LOT 41

KATHERINE OTT MILES V CALLED WEST 1/2 OF LOT 41 AND 5 ACRES OF LOT 1 VOL. 145, PG. 245, B.C.D.R.

PEGGY COLDWELL AND CHARLES EUGENE COLDWELL JR. CALLED EAST 1/2 OF LOT 41 AND 5 ACRES FILE NO. 98-028237, B.C.D.R.

LOT 42 LOT 43 LOT 44 LOT 45 LOT 46 LOT 47 LOT 48 LOT 49 LOT 50 LOT 51 LOT 52 LOT 53 LOT 54 LOT 55

ELMORE OTT BABB CALLED WEST 1/2 OF LOT 49 AND 5.5 ACRES VOL. 134, PG. 160 B.C.D.R.

NANCY LEE STUFFLEBEME AND JANET SUE STUFFLEBEME CALLED EAST 1/2 OF LOT 49 AND 5.0 ACRES DOC. NO. 2019005980 B.C.O.P.R.

EASTBANK BAYOU, LP CALLED 19.944 ACRES DOC. NO. 2008004369 B.C.O.R.

4' BARBED WIRE FENCE

20' ROADWAY AND DRAINAGE EASEMENT (ALONG SOUTH LINE OF LOT 42) VOL. 123, PG. 17, B.C.D.R. (ITEM G)

EASTBANK BAYOU, LP CALLED 19.944 ACRES DOC. NO. 2008004369 B.C.O.R.

FOUR FORTY THREE ANNEX NO. 1 LTD. CALLED 10 ACRES (LOT 50) DOC. NO 2006045403, B.C.O.R.

677.47' PASSING FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

4' HOGWIRE FENCES

4' BARBED WIRE FENCE

IRRIGATION EASEMENT (UNDEFINED WIDTH) BRAZOS VALLEY RICE COMPANY VOL. 702, PG. 667 & VOL. 832, PG. 278, B.C.D.R. (ITEM M.)

FND 1/2" IR W/CAP STAMPED "PIN POINT RPLS 6086"

20' ROADWAY AND DRAINAGE EASEMENT (ALONG SOUTH LINE OF LOT 50) VOL. 130, PG. 301, B.C.D.R. (ITEM I)

4' HOGWIRE FENCE

4' BARBED WIRE FENCE

S 86°49'56" W 655.76'

@ 636.01' PASSING FND 1/2" IR W/CAP STAMPED "S ADAMS RPLS 3666"

S 03°24'33" E 3,300.00'

LOUIS LIRA VOL. 1694, PG.653 B.C.D.R.

ALFREDO G. ROLDAN AND MERIDA N. ROLDAN CALLED 4.540 ACRES DOC. NO. 2019059170 B.C.O.P.R.

(S) FND 3/4" IP BEARS S01°41'08"E-2.72'

FND 3/4" IP

FND 1" IP

S 03°24'33" E 660.00'

(S) LOTERBAUER MINOR PLAT LOT 1, BLOCK 1 DOC. NO. 2018013012 B.C.O.P.R.

N 86°50'32" E 1,973.81'

SURVEY LINE

FND 1/2" IR N.E. COR. OF LOT 55 N.E. COR. SEC 73

A JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2005013109 B.C.O.R.

B JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2020061362 B.C.O.P.R.

C JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2005013108 B.C.O.R.

D JEFFERY WAYNE SCOPEL CALLED 1.157 ACRES DOC. NO. 2005013107 B.C.O.R.

E ALEXANDRIA MacMILLAN AND BENJAMIN MacMILLAN CALLED 2.31 ACRES DOC. NO. 2019049484, B.C.O.P.R.

F DOUGLAS L. VARNER CALLED 1.157 ACRES DOC. NO. 2005049976 DESCRIBED IN DOC. NO. 94-045184 B.C.O.R.

G DOUGLAS L. VARNER CALLED 1.157 ACRES VOL. (87)421 PG. 194 B.C.O.R.

MATCHLINE-SHEET 2

SURVEYOR'S CERTIFICATE

I KEITH W. MONROE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY TO WESTBANK BAYOU, L.P., EASTBANK BAYOU, L.P., CYNTHIA LEE SOWELL WEISINGER, CRISTI SOWELL HARVY, ANDREW WARD SOWELL, AS CO-TRUSTEES OF THE CHARLES L. SOWELL FAMILY TRUST, FOUR FORTY-THREE, LTD., FOUR FORTY-THREE ANNEX NO. 1, LTD., CHICAGO TITLE OF TEXAS, LLC, AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY AND HILLWOOD ENTERPRISES, LP, THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION 2 SURVEY.

THE FIELD WORK WAS COMPLETED FEBRUARY, 2021.

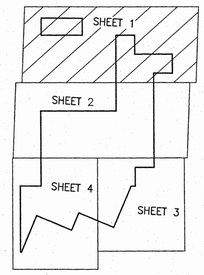
Keith L. Monroe

KEITH W. MONROE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4797
DATED FEBRUARY 26, 2021

STATE OF TEXAS KEITH W. MONROE 4797 REGISTERED LAND SURVEYOR

3-19-21

EXHIBIT C



ACREAGE SUMMARY	
TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

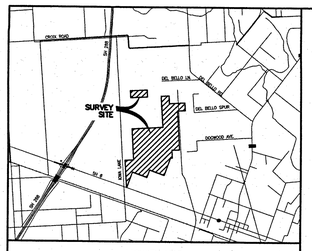
REVISED ON MARCH 19, 2021 TO REFLECT UPDATED TITLE COMMITMENT.

LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R. ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R. LOCATED IN THE H.T. & B. R.R. CO. SURVEY, SEC 65, A-285, H.T. & B. R.R. CO. SURVEY, SEC 73, A-301, H.T. & B. R.R. CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483, AND MARY V. O'DONNELL SURVEY, A-469 BRAZORIA COUNTY, TEXAS

FEBRUARY 2021 JOB NO. LJAS001-2791-2101

LJA Surveying, Inc.
3600 W Sam Houston Parkway S
Suite 175
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
TBPELS Firm Registration No. 10194382

S:\Sections\Survey\Projects\LJAS001\2791\2101\CAD\SOWELL LTS.dwg 3/19/2021



VICINITY MAP
NOT TO SCALE

0 200 400
SCALE: 1" = 200'

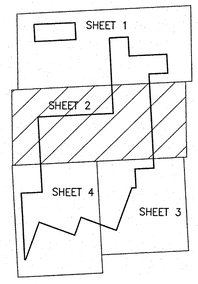
MATCHLINE-SHEET 1

LINE	BEARING	DISTANCE
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L2	S 86°49'56" W	147.25'

LEGEND

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B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.C.R.	DISTRICT CLERK RECORDS OF BRAZORIA COUNTY, TEXAS
DOC. NO.	DOCUMENT NUMBER
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CPP	CORRUGATED PLASTIC PIPE
CIP	CAST IRON PIPE
A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
CONC.	CONCRETE MONUMENT
	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
X	FENCE (AS SPECIFIED)
OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
-o-	POWERPOLE
	GUY-WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

EXHIBIT C



ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
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TOTAL AREA:	438.393 ACRES

LAND TITLE SURVEY OF 438.393 ACRES

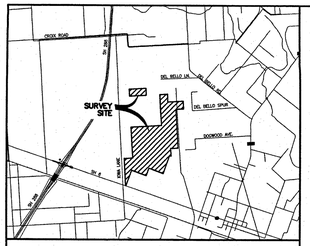
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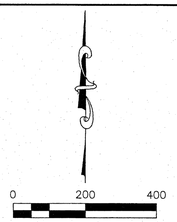
FEBRUARY 2021 JOB NO. LJAS001-2791-2101

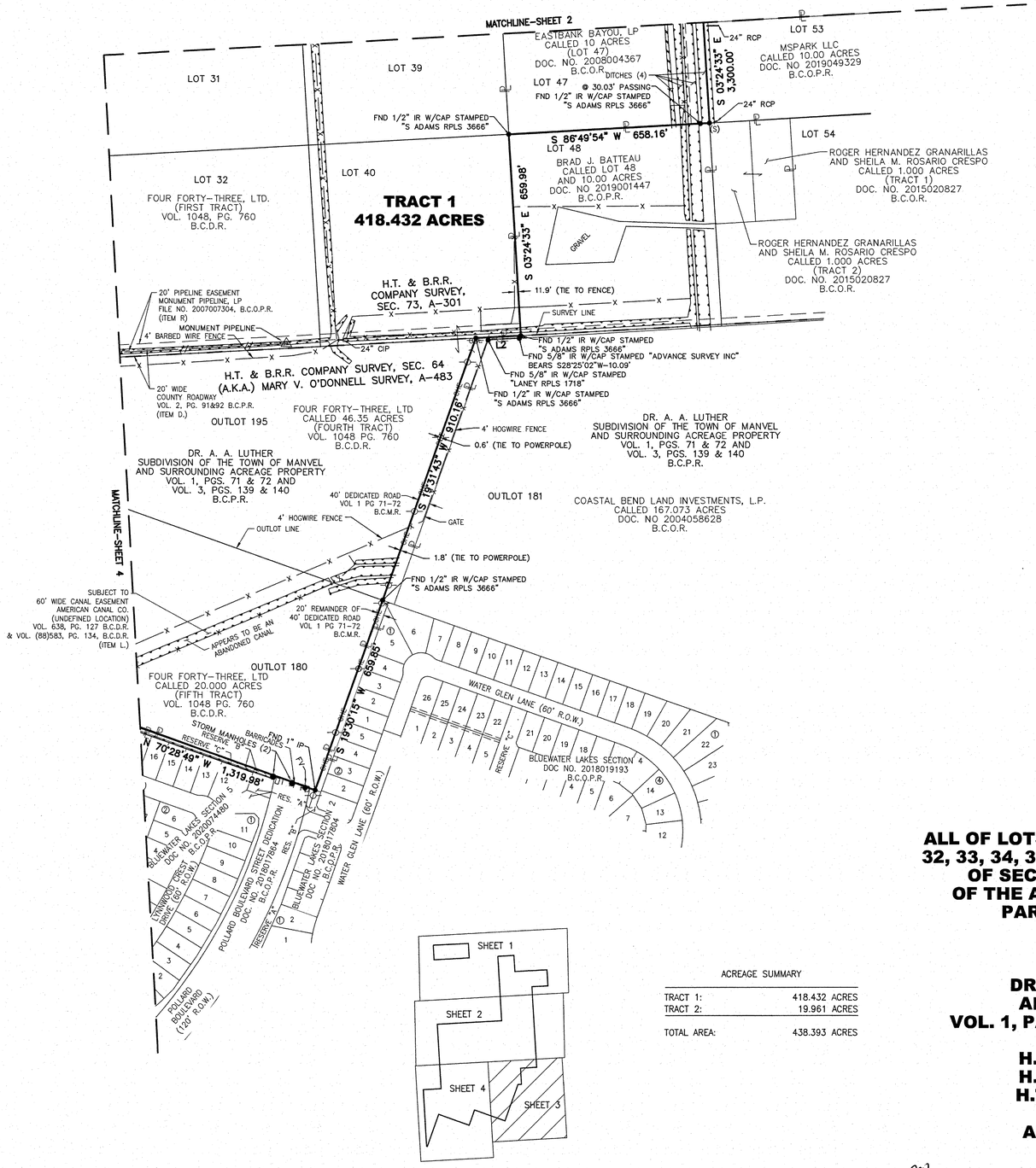
3-19-21

LJA Surveying, Inc.
3600 W Sam Houston Parkway S
Suite 175
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
T.B.P.E.L.S. Firm No. 10194382

S:\Sectors\Survey\Projects\LJAS001\2791\2101\CAD\SOWELL LTS.dwg 3/19/2021







LINE	BEARING	DISTANCE
L1	N 70°29'23" W	33.64'
L2	S 86°49'56" W	147.25'

LEGEND

B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.C.R.	DISTRICT CLERK RECORDS OF BRAZORIA COUNTY, TEXAS
DOC. NO.	DOCUMENT NUMBER
VOL./PG.	VOLUME/PAGE
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
(S)	SET 5/8" IR W/CAP STAMPED "LJA SURVEY"
IR	IRON ROD
IP	IRON PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
CIP	CAST IRON PIPE
A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
CONC.	CONCRETE MONUMENT
	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
X	FENCE (AS SPECIFIED)
OHE	OVERHEAD ELECTRIC
//	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
	POWEREPOLE
	GUY-WIRE
FV	FLUSHING VALVE
WV	WATER VALVE

ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

EXHIBIT C

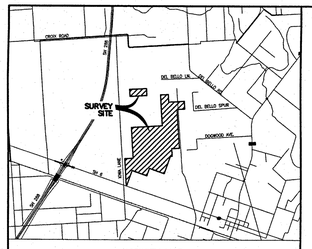
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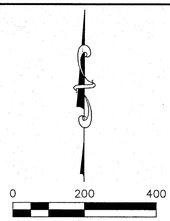
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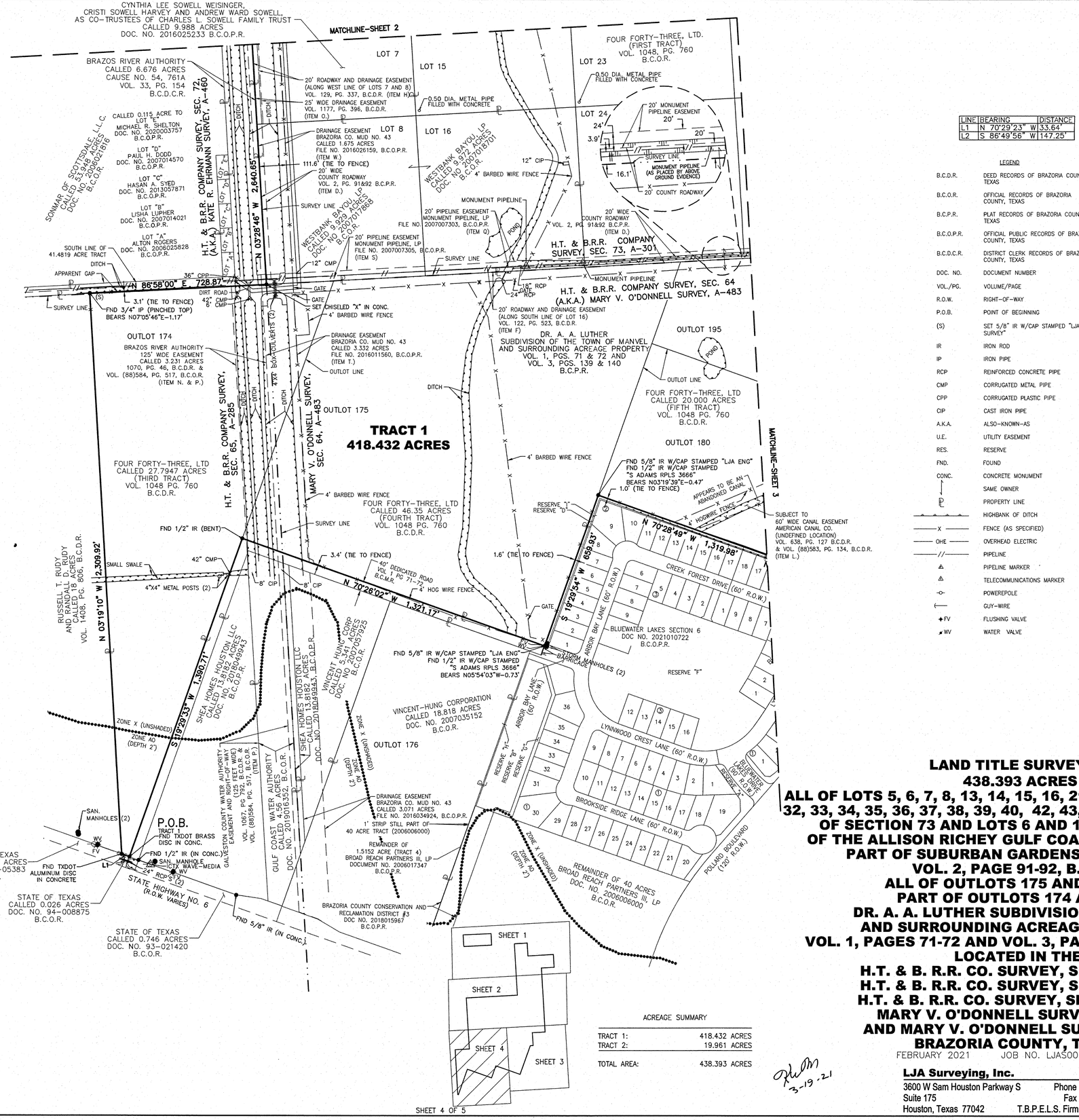
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FEBRUARY 2021 JOB NO. LJAS001-2791-2101

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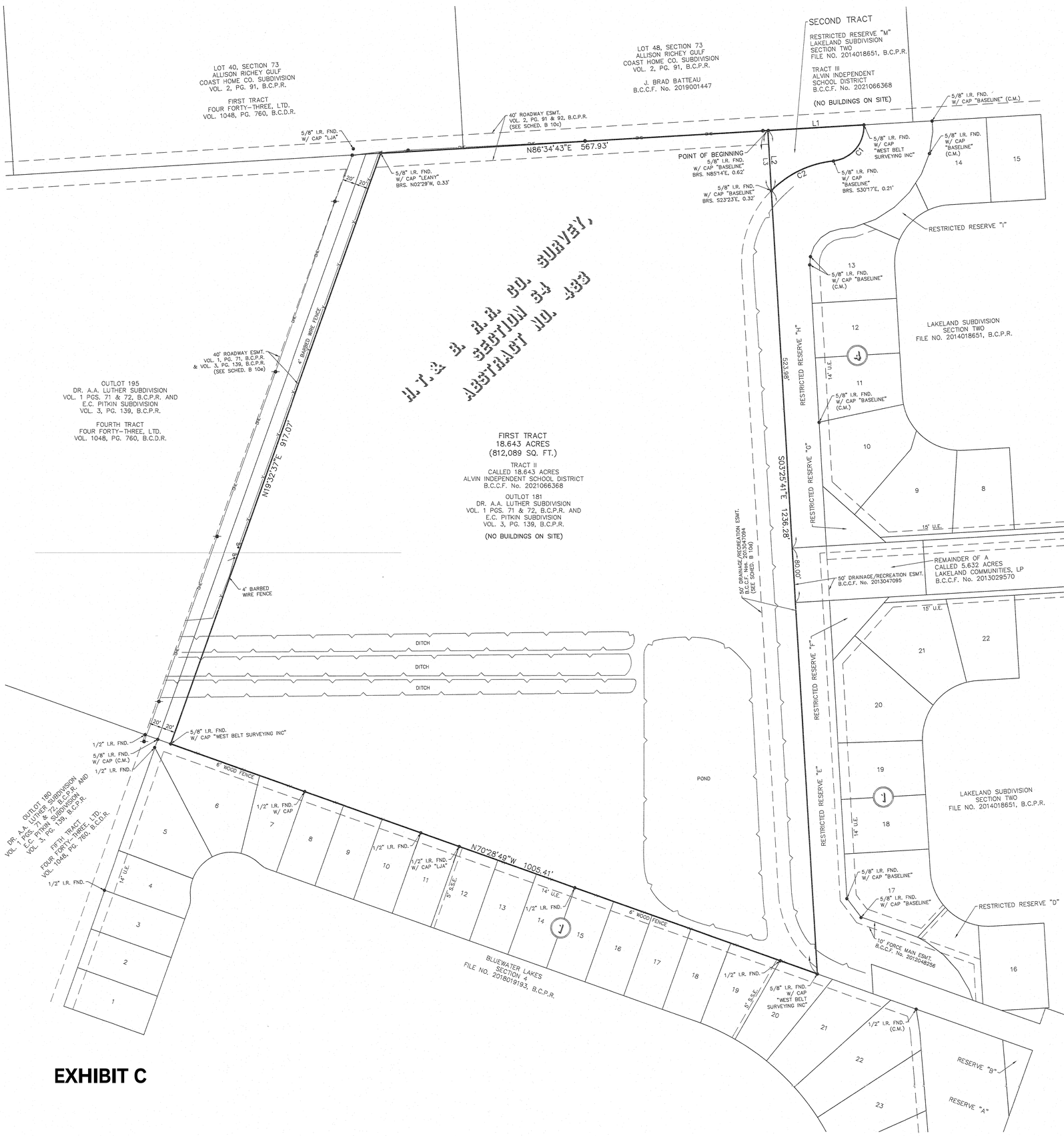
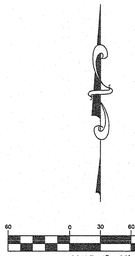
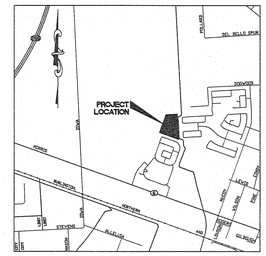


EXHIBIT C

VICINITY MAP





LEGEND

- GATE POST
- POWER POLE

ABBREVIATIONS

B.C.C.F.–BRAZORIA COUNTY CLERK'S FILE
B.C.D.R.–BRAZORIA COUNTY DEED RECORDS
B.C.P.R.–BRAZORIA COUNTY PLAT RECORDS
BRS.–BEARS
C.M.–CONTROL MONUMENT
ESMT.–EASEMENT
FND.–FOUND
I.R.–IRON ROD
OHE–OVERHEAD ELECTRIC
PG.–PAGE
S.S.E.–SANITARY SEWER EASEMENT
U.E.–UTILITY EASEMENT
VOL.–VOLUME

LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°34'43"E	141.29'
L2	N03°25'41"W	88.02'
L3	S03°25'41"E	88.02'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	76.36'	50.00'	87°29'47"	S40°19'36"W	69.15'
C2	102.93'	150.00'	39°18'54"	S64°25'03"W	100.92'

FIRST TRACT

18.643 ACRES
812,089 SQUARE FEET
H.T.&B. R.R. CO. SURVEY, SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 18.643 acre (812,089 square foot) tract of land located in the H.T.&B. R.R. Co. Survey, Section 64, Abstract Number 483, City of Manvel, Brazoria County, Texas and said 18.643 acre tract of land being all of Tract II, a called 18.643 acre tract described in the deed to Alvin Independent School District recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2021066368, and being out of and a part of Outlot 181, Dr. A.A. Luther Subdivision recorded under Volume (Vol.) 1, Pages (Pg.) 71 & 72 of the Brazoria County Plat Records (B.C.P.R.) and the E.C. Pitkin Subdivision recorded under Vol. 3, Pg. 139, B.C.P.R., said 18.643 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.)

BEGINNING in the southerly line of Lot 48, Section 73, Allison Richey Gulf Coast Home Co. Subdivision, recorded under Vol. 2, Pg. 91, B.C.P.R. and being the northwest corner of Restricted Reserve "M", Lakeland Subdivision, Section Two recorded under File No. 2014018651, B.C.P.R. and the northeast corner of said Tract II and the herein described tract, from which a 5/8–inch iron rod with cap stamped "Baseline" found bears, North 85 degrees 14 minutes East, 0.62 feet;

THENCE, South 03 degrees 25 minutes 41 seconds East, along the west line of said Restricted Reserve "M", passing at a distance of 88.02 feet, the southwest corner of said Restricted Reserve "M" and the most westerly northwest corner of Restricted Reserve "H", said Lakeland Subdivision, Section 2, from which a 5/8–inch iron rod with cap stamped "Baseline" bears, South 23 degrees 23 minutes East, 0.32 feet, continuing along the west line of said Restricted Reserve "H", passing at a distance of 612.00 feet, the southwest corner of said Restricted Reserve "H" and the northwest corner of the remainder of a called 5.632 acre tract described in the deed to Lakeland Communities, LP, recorded under B.C.C.F. No. 2013029570, continuing along the west line of said remainder of a called 5.632 acre tract, passing at a distance of 692.00 feet, the southwest corner of said remainder of a called 5.632 acre tract and the northwest corner of Restricted Reserve "E", said Lakeland Subdivision, Section Two, continuing along the west line of said Restricted Reserve "E", a total distance of 1,236.28 feet, to a 5/8–inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 20, Block 1, Bluewater Lakes, Section 4, a subdivision recorded under File No. 2018019193, B.C.P.R. and marking the southwest corner of said Restricted Reserve "E" and the southeast corner of said Tract II and the herein described tract;

THENCE, North 70 degrees 28 minutes 49 seconds West, along the northeasterly line of said Block 1, Bluewater Lakes, Section 4, a distance of 1,005.41 feet, to a 5/8–inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 6, Block 1, said Bluewater Lakes, Section 4 and the southeasterly line of a 40' wide roadway easement, recorded under Vol. 1, Pgs. 71 & 72, B.C.P.R. and Vol. 3, Pg. 139, B.C.P.R. and marking the southwest corner of said Tract II and the herein described tract, from which a 5/8–inch iron rod with cap found bears, North 70 degrees 28 minutes West, 20.00 feet and a 1/2–inch iron rod found bears, North 70 degrees 29 minutes West, 40.00 feet;

THENCE, North 19 degrees 32 minutes 37 seconds East, departing the northeasterly line of said Block 1, Bluewater Lakes, Section 4 and along the southeasterly line of said 40' wide roadway easement, a distance of 917.07 feet, to the southerly of Lot 40, Section 73, aforesaid Allison Richey Gulf Coast Home Co. subdivision and the northwest corner of said Tract II and the herein described tract, from which a 5/8–inch iron rod with cap stamped "Leany" found bears, North 02 degrees 29 minutes West, 0.33 feet;

THENCE, North 86 degrees 34 minutes 43 seconds East, along the southerly line of said Lot 40, Section 73 and aforesaid Lot 48, Section 73, a distance of 567.93 feet, to the POINT OF BEGINNING and containing a computed area of 18.643 acres (812,089 square feet) of land.

SECOND TRACT

Restricted Reserve "M"
Lake Land Subdivision, Section Two
File No. 2014018651, B.C.P.R.

I certify hereby to Valencia 288, LLC, A Texas Limited Liability Company and Old Republic National Title Insurance Company that (a) this Survey conforms to the current Texas Society of Professional Surveyors Manual of Practice requirements for a Category 1A, Condition II TSPS Land Title Survey, (b) this plat of survey and the property description set forth hereon are true and correct and prepared from an actual on–the–ground survey of the real property (the 'Property') shown hereon; (c) such survey was conducted by the Surveyor, or under his supervision; (d) all monuments, shown hereon actually exist, and the location, size, and type of material thereof are correctly shown; (e) except as shown hereon, there are no visible protrusions onto the Property or therefrom, there are no improvements on the Property, there are no visible easements or rights–of–way on the Property and there are no visible discrepancies, conflicts, shortages in area, or boundary line conflicts; (f) the size, location, and type of improvements are as shown hereon, and all are located within the boundaries of the Property and are set back from the Property lines the distances indicated; (i) all recorded easements and other exceptions, as noted in the Title Company's Commitment for Title Insurance No. 23003142A, effective date: November 2, 2023, Issue date: December 4, 2023, have been correctly plotted hereon; (j) the boundaries, dimensions, and other details shown hereon are true and correct; and (k) the Property flood zone designation is noted, as defined by the Federal Emergency Management Agency, as reflected by Floor Insurance Rate Map Panel # 48039C0130K, map revised date: December 30, 2020, which such map panel covers the area in which the Property is situated.
Executed on December 4, 2023.

STATE OF TEXAS
REGISTERED
JOEL D. WALKER
5189
PROFESSIONAL
SURVEYOR

12/4/23
DATE

JOEL D. WALKER, R.P.L.S.
TEXAS REGISTRATION NO. 5189

SURVEYOR'S NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83

2. THE CAD FILE OF THE DRAWING SHOWN HEREIN IS BASED ON TEXAS SOUTH CENTRAL ZONE NO. 4204, STATE PLANE SURFACE VALUE (NAD83) AND MAY BE CONVERTED TO GRID BY SCALING THE DRAWING BY THE FOLLOWING COMBINED SCALE FACTOR OF 0.9998681151807.

3. ACCORDING TO F.I.R.M. MAP NO. 48039C0130K (COMMUNITY–PANEL NO. 480076013OK), MAP REVISED DATE: DECEMBER 30, 2020. THE SUBJECT PROPERTY LIES WITHIN THE AREA DESIGNATED AS ZONE "X" UNSHADED. DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

THIS STATEMENT IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE ABOVE REFERENCED MAP. THIS INFORMATION IS TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

4. ALL UTILITIES SHOWN HEREON ARE LOCATED USING "APPARENT & VISIBLE" EVIDENCE BY ON–SITE OBSERVATION UNLESS OTHERWISE NOTED.

5. THE SUBJECT TRACT IS AFFECTED BY THE CITY ORDINANCES AND ZONING REGULATIONS OF THE CITY OF MANVEL FOR ZONE "SINGLE FAMILY RESIDENTIAL DISTRICT".

6. THIS SURVEY DOES NOT PROVIDE ANY DETERMINATION CONCERNING WETLANDS, FAULT LINES, TOXIC WASTE OR ANY OTHER ENVIRONMENTAL ISSUE. SUCH MATTERS SHOULD BE DIRECTED BY THE CLIENT OR PROSPECTIVE PURCHASER TO AN EXPERT CONSULTANT.

7. THIS SURVEY HAS BEEN PREPARED UTILIZING A COMMITMENT FOR TITLE INSURANCE PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, G.F. NO. 23003142A. EFFECTIVE DATE: NOVEMBER 2, 2023. ISSUE DATE: DECEMBER 4, 2023.

8. THE SUBJECT TRACT IS AFFECTED BY THE RESTRICTIVE COVENANTS RECORDED IN FILE No. 2014018651, B.C.P.R. AND B.C.C.F. Nos. 2014019226, 2014019758, 2014019759, 2021069517 AND 2023041966. (AS TO SECOND TRACT) (SEE SCHED. B 1)

9. THE SUBJECT TRACT IS AFFECTED BY CITY OF MANVEL ORDINANCE No. 78–4 RECORDED UNDER VOL. 1447, PG. 442, B.C.D.R. (SEE SCHED. B 10l)

10. THE SUBJECT TRACT IS AFFECTED BY CITY OF MANVEL ORDINANCE No. 2008–O–12 RECORDED UNDER B.C.C.F. No. 2008026132. (SEE SCHED. B 10m)

11. THE SUBJECT TRACT IS AFFECTED BY THE BLANKET EASEMENT TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY TEXAS GAS OPERATIONS, AND SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T TEXAS, AND COMCAST OF HOUSTON, LLC RECORDED UNDER B.C.C.F. No. 2012048141. (AS TO SECOND TRACT) (SEE SCHED. B 10p)

12. THE SUBJECT TRACT IS AFFECTED BY THE BLANKET EASEMENT TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY TEXAS GAS OPERATIONS, AND SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T TEXAS, AND COMCAST OF HOUSTON, LLC RECORDED UNDER B.C.C.F. No. 2014002448. (AS TO SECOND TRACT) (SEE SCHED. B 10q)

13. THE SUBJECT TRACT IS AFFECTED BY THE EASEMENTS RECORDED UNDER B.C.C.F. No. 2014019226. (AS TO SECOND TRACT) (SEE SCHED. B 10r)

14. THE OIL, GAS AND OTHER MINERAL RIGHTS RECORDED UNDER VOL. 609, PG. 258, B.C.D.R., VOL. 609, PG. 260, B.C.D.R. AND B.C.C.F. Nos. 2008020855, 2013028725 AND 2015029838 THRU 2015029852 DO NOT LIE WITHIN THE BOUNDARY OF THE SUBJECT TRACT. (AS TO SECOND TRACT) (SEE SCHED. B 10s thru v)

15. THE SUBJECT TRACT IS AFFECTED BY THE ANNUAL ASSESSMENTS, SPECIAL ASSESSMENTS AND SPECIFIC ASSESSMENTS RECORDED UNDER B.C.C.F. Nos. 2014019226, 2014019758, 2021069517 AND 2023041966. (AS TO SECOND TRACT) (SEE SCHED. B 10w)

16. THE SUBJECT TRACT IS AFFECTED BY THE WAIVER OF SPECIAL APPRAISAL FOR THE BENEFIT OF BRAZORIA COUNTY M.U.D. No. 61 RECORDED UNDER B.C.C.F. No. 2018002858. (AS TO SECOND TRACT) (SEE SCHED. B 10x)

ALVIN INDEPENDENT SCHOOL DISTRICT

LAND TITLE SURVEY

FIRST TRACT
18.643 ACRE TRACT AND
SECOND TRACT
RESTRICTED RESERVE "M",
LAKELAND SUBDIVISION,
SECTION TWO
OUT OF THE
H.T.&B. R.R. CO. SURVEY,
SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

WEST BELT
SURVEYING, INC.
21020 PARK ROW
KATY, TX. 77449
PHONE: (281) 599-8288
FAX: (281) 492-0926
CERTIFIED FIRM NO. 10073800

NO.	DATE	REVISIONS	BY
1	12/4/23	REFERENCED NEW TITLE COMMITMENT	MDL

DRAWN BY: MDL	CHECKED BY: KMH
SCALE: 1"=60'	APPROVED BY: JDW
PROJECT NO. S647–0337A	DATE: NOVEMBER 28, 2023

05 Dec 2023 3:21PM markl
G:_sdsk\proj\S647\0337A\DWG\LTIS120423.dwg

NOTES:

1) ALL BEARINGS REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJ.

2) THIS SURVEY WAS PREPARED FROM INFORMATION PROVIDED BY CHICAGO TITLE OF TEXAS, LLC, AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY, GF NO. CTH-COM-CTT20731337, HAVING AN EFFECTIVE DATE OF MARCH 3, 2021, AND AN ISSUED DATE MARCH 10, 2021. THE SURVEYOR DID NOT ABSTRACT THE SUBJECT TRACT.

THE FOLLOWING ITEMS IN SCHEDULE B, ARE AS FOLLOWS:

10 D. ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGE 91 AND 92 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS; PUBLIC ROAD EASEMENT ALONG THE NORTH PROPERTY LINE. (AS TO LOTS 5, 7, 13, 15, 19, 21, 23, 29, 31, 33, 34, 35, 37, 39, 43, 45 AND 47 AND OUTLOTS 174, 175 AND 195, OF TRACT 1)
PUBLIC ROAD EASEMENT ALONG THE SOUTH PROPERTY LINE. (AS TO LOTS 6, 8, 14, 16, 22, 24, 30, 32, 34, 36, 38, 40, 42, 44, 46 AND 50, OF TRACT 1 AND TRACT 2)
PUBLIC ROAD EASEMENT ALONG THE WEST PROPERTY LINE. (LOTS 5, 6, 7 AND 8, OF TRACT 1 AND LOT 6, OF TRACT 2). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 E. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: JULY 30, 1913
RECORDING NO:VOLUME 120, PAGE 632, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOTS 5 AND 6, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 F. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: OCTOBER 9, 1913
RECORDING NO:VOLUME 122, PAGE 523, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOT 16, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 G. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY
RECORDING DATE: AUGUST 15, 1913
RECORDING NO:VOLUME 123, PAGE 17, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN.(AS TO LOT 42, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 H. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME CORPORATION
RECORDING DATE: NOVEMBER 19, 1914
RECORDING NO:VOLUME 129, PAGE 337, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 7 AND 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 I. ROADWAY AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT: RESERVED BY: ALLISON-RICHEY GULF COAST HOME CORPORATION
RECORDING DATE: JUNE 25, 1914
RECORDING NO:VOLUME 130, PAGE 301, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 50, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 J. ROAD EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT:
RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY RECORDING DATE: FEBRUARY 27, 1918
RECORDING NO:VOLUME 145, PAGE 245, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO TRACT 2)

10 K. ROAD EASEMENT(S) AND APPURTENANCES AS RESERVED IN A DOCUMENT:
RESERVED BY: ALLISON-RICHEY GULF COAST HOME COMPANY RECORDING DATE: OCTOBER 15, 1920
RECORDING NO:VOLUME 165, PAGE 67, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS
AFFECTS: 20 FEET WIDE AND TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 47, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 L. LATERAL OR CANAL EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO:AMERICAN CANAL COMPANY
RECORDING DATE: NOVEMBER 22, 1955
RECORDING NO:VOLUME 638, PAGE 127, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AS AFFECTED BY INSTRUMENT RECORDED IN VOLUME (88) 583, PAGE 134, DEED RECORDS BRAZORIA COUNTY, TEXAS
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 25, 33, 34, 35, 36, 37, 45, 46 AND 47 AND OUTLOT 180 AND OUTLOT 195, OF TRACT 1 AND TRACT 2). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 M. LATERAL OR CANAL EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO:BRAZOS VALLEY RICE COMPANY
RECORDING DATE: OCTOBER 8, 1962
RECORDING NO:VOLUME 702, PAGE 687, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AND INSTRUMENT RECORDED IN VOLUME 832, PAGE 278, DEED RECORDS BRAZORIA COUNTY, TEXAS
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 50, OF TRACT 1). DOES AFFECT SUBJECT TRACT(LOT 50), NO DEFINED WIDTH.

10 N. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO: BRAZOS RIVER AUTHORITY
RECORDING DATE: SEPTEMBER 24, 1970
RECORDING NO:VOLUME 1070, PAGE 46, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AFFECTS:TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUOTLOTS 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 O. ROAD AND DRAINAGE EASEMENT(S) AND APPURTENANCES AS REFERENCED IN A DOCUMENT: RECORDING DATE: SEPTEMBER 27, 1973
RECORDING NO:VOLUME 1177, PAGE 396, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AFFECTS:REFERENCED IN PARAGRAPHS A. AND B. TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 7, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 P. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT: GRANTED TO: GALVESTON COUNTY WATER AUTHORITY
RECORDING DATE: AUGUST 24, 1988
RECORDING NO:IN VOLUME (88) 584, PAGE 517, DEED RECORDS BRAZORIA COUNTY, TEXAS AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUTLOT 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 Q. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007303
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 16, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 R. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007304
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 24, 32 AND 40, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 S. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MONUMENT PIPELINE, LP, A TEXAS LIMITED PARTNERSHIP RECORDING DATE: FEBRUARY 6, 2007
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2007007305
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 T. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: MARCH 15, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016011560
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO OUTLOTS 174 AND 175, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 U. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: MRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 1, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016025269
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 7, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 V. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 6, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016026156.
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 5 AND 6, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.
JUDGEMENT RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2016056622-IS NOT RELATED TO SAID BCMUD NO. 43 EASEMENT

10 W. DRAINAGE EASEMENT(S) AND APPURTENANCES AS GRANTED IN A DOCUMENT:
GRANTED TO: BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 RECORDING DATE: JUNE 6, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016026159
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOT 8, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 X. PIPELINE RIGHT-OF-WAY AND EASEMENT(S) AND APPURTENANCES AS GRANTED IN AN AGREED FINAL JUDGMENT: GRANTED TO: ENTERPRISE CRUDE PIPELINECOMPANY LLC
RECORDING DATE: OCTOBER 19, 2016
RECORDING NO:UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER(S) 2016051534 AND INSTRIMENT RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2016056622
AFFECTS: TRAVERSING A PORTION OF THE SUBJECT PROPERTY AND BEING MORE PARTICULARLY LOCATED AND DEFINED THEREIN. (AS TO LOTS 5, 13, 21, 29, 37 AND 45, OF TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 CG. PERMANENT EASEMENT AGREEMENT AS EVIDENCED BY MEMORANDUM OF PERMANENT EASEMENT AGREEMENT EXECUTED BY: WESTBANK BAYOU, L.P., A TEXAS LIMITED PARTNERSHIP
RECORDING DATE: SEPTEMBER 26, 2019
RECORDING NO.: UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2019046366. (AS TO TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

10 CH. PERMANENT EASEMENT AGREEMENT AS EVIDENCED BY MEMORANDUM OF PERMANENT EASEMENT AGREEMENT EXECUTED BY:FOUR FORTY-THREE, LTD., A TEXAS LIMITED PARTNERSHIP
RECORDING DATE: SEPTEMBER 26, 2019
RECORDING NO.: UNDER BRAZORIA COUNTY CLERK'S FILE NO(S). 2019047623. (AS TO TRACT 1). DOES AFFECT SUBJECT TRACT AND SHOWN HEREON.

3) IN ACCORDANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS, MAP NO. 48039C0130K, AND MAP NO. 48039C0110K, WITH A REVISED DATE OF DECEMBER 30, 2020, BY GRAPHICAL PLOTTING, THE SUBJECT TRACT LIES WITHIN ZONE "AO" (DEPTH 2'), AND ZONE "X"(UNSHADED). ZONE "X"(UNSHADED) IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN. ZONE "AO" IS DEFINED AS A SPECIAL FLOOD HAZARD AREA WITH FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. "LJA DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAPS."

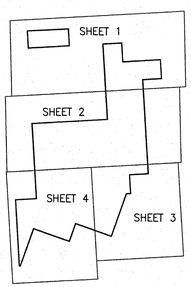
4) MINERAL INTERESTS WERE NOT INVESTIGATED AS A PART OF THIS SURVEY.

5) THIS SURVEY DOES NOT DETERMINE THE LOCATION OF WETLANDS, FAULT LINES, OR OTHER ENVIRONMENTAL ISSUES SHOULD THEY EXIST.

6) THERE IS NO VISIBLE EVIDENCE OF BURIAL GROUNDS OR MAJOR EARTH WORK AT THE TIME OF THE SURVEY.

7) THIS SURVEY IS ISSUED IN CONJUNCTION WITH THE METES AND BOUNDS DESCRIPTION BY LJA SURVEYING, INC. OF THE SAME CERTIFICATION DATE SHOWN HEREON, HEREBY REFERENCED AS PART 2 OF 2. THIS SURVEY IS PART 1 OF 2.

EXHIBIT C



ACREAGE SUMMARY

TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

LAND TITLE SURVEY OF
438.393 ACRES
ALL OF LOTS 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, AND 50 OF SECTION 73 AND LOTS 6 AND 12 OF DIVISION "O" OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, VOL. 2, PAGE 91-92, B.C.P.R.
ALL OF OUTLOTS 175 AND 195 AND PART OF OUTLOTS 174 AND 180 DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY VOL. 1, PAGES 71-72 AND VOL. 3, PAGE 139-140, B.C.P.R.
LOCATED IN THE H.T. & B. RR CO. SURVEY, SEC 65, A-285, H.T. & B. RR CO. SURVEY, SEC 73, A-301, H.T. & B. RR CO. SURVEY, SEC 64 (A.K.A.) MARY V. O'DONNELL SURVEY , A-483, AND MARY V. O'DONNELL SURVEY, A-469
BRAZORIA COUNTY, TEXAS

FEBRUARY 2021 JOB NO. LJAS001-2791-2101

3-19-21

LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382

S:\Sectors\Survey\Projects\LJAS001\2791\2101\CAD\SDWELL_LTS.dwg 3/19/2021

EXHIBIT D

METES AND BOUNDS DESCRIPTION OF TRACT 1

A 418.318 acre (18,221,949 square feet) tract, being all of Lots 5, 6, 7, 8, 13, 14, 15, 16, 21, 22, 23, 24, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47 and 50 of the Allison-Richey Gulf Coast Home Company Suburban Gardens Subdivision of Section 73, H.T. & B. Railroad Company Survey, Abstract 301, according to the map or plat thereof, recorded in Volume 2, Page 91 and 92, of the Plat Records of Brazoria County, Texas (B.C.P.R.) and being all of those certain tracts conveyed to Westbank Bayou, LP, called 19.919 acres (Lots 5-6), recorded in Brazoria County Clerk's File Number (B.C.C.F. No.) 2007021508, called 9.929 acres (Lot 8), recorded in B.C.C.F. No. 2007017868 and called 9.972 acres (Lot 16), recorded in B.C.C.F. No. 2007018701 and being all of that certain tract conveyed to Charles L. Sowell called 9.988 acres (Lot 7), recorded in Volume 1177, Page 396, deed records of Brazoria County, Texas (B.C.D.R.), and being all of those certain tracts conveyed to Eastbank Bayou, LP, called 10 acres (Lot 33), recorded in B.C.C.F. No. 2007022032, called 19.944 acres (Lots 42-43), recorded in B.C.C.F. No. 2008004369 and called 10 acres (Lot 47), recorded in B.C.C.F. No. 2008004367 and being all of that certain tract conveyed to Four Forty-Three Annex No. 1, LTD., called 10.00 acres (Lot 50), recorded in B.C.C.F. No. 2006045403 and being a part of that certain tract conveyed to Four Forty-Three Ltd. (called 433.09 acres), recorded in Volume 1048, Page 760, B.C.D.R., with said 18,221,949 square foot tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the Northeast corner of said Section 73 and an interior corner of the H.T. & B. Railroad Company Survey, Section 74, Abstract 493, recorded in Volume 2, Page 66, B.C.P.R.) and being at the centerline intersection of 60 foot Pollard Drive (as occupied) (Platted as 40 feet - Volume 2, Page 91 and 92, B.C.P.R.) and 60 foot Del Bello Boulevard (as occupied)(Platted as 50 feet - Volume 2, Page 66, B.C.P.R.), marking the northeast corner of the Michael D. Roland and Marcy D. Roland tract (called 5.46 acres), recorded in B.C.C.F. No. 2004072423 and 2007030104, the northwest corner of the Michael C. Black tract (called 4.00 acres), recorded in B.C.C.F. No. 96-015514 and the Northeast corner of said Section 73;

THENCE S 86°50'29" W, along and with the common line of Section 73 and 74 and centerline of said 40 foot platted road, at 658.00 feet pass a point marking the southwest corner of Lot 1 of said Section 74 and the southeast corner of the Mary V O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91 and 92, B.C.P.R., from which a 5/8 inch iron rod bears, S 38°48'33" W, 3.08 feet, continuing along and with the common line of Section 73 and Division "O" and centerline of said 40 foot platted road, a total distance of 1974.26 feet (called 1980.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the north line of Section 73, the north line of a 60 foot American Canal Company Easement, recorded in Volume 638, Page 127, B.C.D.R., the south line of said Division "O", Abstract 469, the south line of the Sylvia Buffy Orndorff and Dustin Aaron Different tract (called 13.93 acres), recorded in B.C.C.F. No. 2015054435, and the centerline of said 40' platted road, marking the northwest corner of the Katherine Ott Miles tract (called 5 acres), recorded in Volume 1459, Page 1, B.C.D.R., the northeast corner of said Eastbank Bayou, LP tract (Lot 33), and being the common corner of Lot 33 and 41 of said Section 73 at the most northerly Northwest corner and **POINT OF BEGINNING** of herein described tract:

THENCE S 03°24'40" E, along and with the common line of said Lot 33 and 41, a distance of 660.58 feet (called 660.00 feet) to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking the southeast corner of said Eastbank Bayou, LP tract (Lot 33), the southwest corner of said Miles tract, the northwest corner of said Eastbank Bayou, LP tract (called 19.944 acres), an interior corner of herein described tract and being the common corner of Lots 33, 41, 42 and 34 of said Section 73;

THENCE N 86°49'54" E, along and with the common line of Lots 41, 42, 49 and 50 of said Section 73, a distance of 1314.38 feet (called 1320.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southeast corner of the Jane Hetherington Brown and Norman Paul Brown tract (called 5 acres), recorded in B.C.C.F. No. 2014042893, the southwest corner of the Suzanne Renae Scopel tract (called 5 acres), recorded in B.C.C.F. No. 2005013089, the northwest corner of the Jeffery Wayne Scopel tract (called 1.157 acres), recorded in B.C.C.F. No. 2005013109, the northeast corner of said Four Forty-Three Annex No. 1, LTD. Tract (called 10.00 acres) and the most easterly northeast corner of herein described tract and being the common corner of Lots 49, 55, 56 and 50 of said Section 73;

THENCE S 03°25'11" E, along and with the common line of Lots 50 and 56 and east line of said Four Forty-Three Annex No. 1, LTD. tract, a distance of 660.67 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southwest corner of the Douglas Varner Tract (called 1.157 acres), recorded in Volume (91) 906, Page 253, of the official records of Brazoria County, Texas (B.C.O.R.), the northwest corner of the Laura Loterbauer tract (called Minor Plat of 2.50 acres), recorded in B.C.C.F. No. 2018006317, the northeast corner of the Louis Lira tract (called 20 acres), recorded in Volume 1694, Page 653, B.C.D.R. and an angle point for corner of herein described tract and being the common corner of Lots 50, 56, 57 and 51 of said Section 73;

THENCE S 86°50'32" W, along and with the common line of Lots 50 and 51, same being the common line of said Four Forty-Three Annex No. 1, LTD. Tract and said Lira tract, a distance of 657.24 feet (called 660.00 feet), to a 5/8 inch iron rod with cap stamped "FMS" set, in the east line of said Eastbank Bayou, LP tract (called 19.944 acres), marking the southwest corner of said Four Forty-Three Annex No. 1, LTD. tract, the northwest corner of said Lira tract, an interior corner of herein described tract and being the common corner of Lots 50, 51, 43 and 42 of said Section 73;

THENCE S 03°24'55" E, along and with the common line of Lots 43, 51, 44, 52, 45, 46 and 61 at 1320.21 feet (called 1320.00 feet) pass a point in the centerline of a 40 foot platted road, recorded in Volume 2, page 91 and 92, B.C.P.R. marking the northwest corner of the Coastal Bend Land Investments, LP tract (called 40.0060 acres)(called Lot 61), recorded in B.C.C.F. No. 2006049617 and being the common corner of Lots 44, 52, 61 and 45, continuing for a total distance of 3299.48 feet (called 3300.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set, marking the southwest corner of the Jose T. Villanueva and Trinidad Villanueva tract (called 5 acres), recorded in B.C.C.F. No. 2004036528, the northwest corner of the Roger Hernandez Gandarillas and Sheila M. Rosario Crespo tract (called 1.000 acre), recorded in B.C.C.F. No. 2015020827, the northeast corner of said Aspect Energy, LLC tract (called 10 acres), the southeast corner of the said Eastbank Bayou, LP tract (called 10 acres)(Lot 47), the most easterly southeast corner of herein described tract and being the common corner of Lots 53, 54, 48 and 47 of said Section 73;

THENCE S 86°49'54" W, along and with the common line of Lots 48 and 47, same being the common line of said Eastbank Bayou, LP tract (Lot 47) and said Aspect Energy, LLC tract, a distance of 657.49 feet (called 660.00 feet) to a 1/2 iron rod with cap stamped "Adams RPLS 3666" found in the east line of the of said 443.09 acre tract, marking the southwest corner of said Eastbank Bayou, LP tract and the northwest corner of said Aspect Energy, LLC tract, and interior corner of herein described tract and being the common corner of Lots 48, 40, 39 and 47 of said Section 73;

THENCE S 03°24'40" E, along and with the common line of Lots 48 and 40, same being the common line of said Aspect Energy, LLC tract and said 443.09 acre tract, a distance of 660.05 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" set in the centerline of a 40 foot platted road, recorded in Volume 2, Page 91 and 92, B.C.P.R., in the called south line of Section 73 and the north line of the H.T. & B. Railroad Company Survey, Section 64, Abstract 483 and the north line of the Dr. A.A. Luther Subdivision of Manvel, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R. and the north line of Outlot 181 of said Dr. A.A. Luther Subdivision, marking the northwest corner of the Coastal Bend Land Investments, LP tract (remainder of a called 167.073 acre tract), recorded in B.C.C.F. No. 2004058628, the southwest corner of said Aspect Energy, LLC tract, an angle point in the east line of said 443.09 acre tract and an angle point for corner of herein described tract and being the common corner of Lots 48 and 40 of said Section 73, from which a 5/8 inch iron rod with cap stamped "Base Line" found marking the southeast corner of said Section 73 bears, S 86°50'11" W, 1975.03 feet;

THENCE S 86°50'11" W, continuing along and with the common line of said Section 73, Section 64 and the Dr. A.A. Luther Subdivision, same being the common line of said Outlot 181 and Lot 40, and centerline of said 40 foot platted road, a distance of 147.66 feet to a 5/8 inch iron rod with cap stamped "FMS" set in said common line, marking the northeast corner of the Four Forty-Three, LTD. Tract (called 24.00 acres)(Outlot 195), recorded in Volume 1048, Page 760, B.C.D.R. and an interior corner of herein described tract and being the westerly line of a 40 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R.;

THENCE S 19°30'25" W, along and with the easterly line of said Outlot 195 and the westerly line of said 40 foot platted road, at 909.98 feet pass a 1/2 inch iron rod found, marking the southeasterly corner of said Outlot 195 and the northeasterly corner of the Four Forty-Three, LTD. Tract (called 20.00 acres)(North ½ of Outlot 180), continuing for a total distance of 1569.69 feet to a 1 inch iron pipe found, marking the southeasterly corner of said 20.00 acre tract, the northeasterly corner of the Beazer Homes Texas, LP tract (called 19.99 acres)(south ½ Outlot 180), recorded in B.C.C.F. No. 2016050422 and an angle point in the westerly line of the Beazer Homes Texas, LP tract (called 5.40 acres), recorded in B.C.C.F. No. 2016050422 and the most easterly southeast corner of herein described tract;

THENCE N 70°27'42" W, along and with the common line of said North ½ of Outlot 180 and the South ½ of Outlot 180, a distance of 1319.95 feet (called 1320.00 feet) to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, in the easterly line of the Four Forty-Three, LTD. Tract (called 46.35 acres)(Outlot 175), marking the common corner of the South ½ and North ½ of Outlot 180 and an interior corner of herein described tract;

THENCE S 19°29'54" W, along and with the common line of said 46.35 acre tract and said 19.99 acre tract, same being the common line of Outlot 180 and 175, a distance of 660.47 feet to a 1/2 inch iron rod with cap stamped "LJA Eng" found, in the north line of a 40 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 139 and 140, B.C.P.R., marking the most westerly northwest corner of said 5.40 acre tract, the southeasterly corner of said 46.35 acre tract and the southwesterly corner of said 19.99 acre tract and an interior corner of herein described tract;

THENCE N 70°26'20" W, along and with the south line of 46.35 acre tract and the north line of said 40 foot platted road, a distance of 1321.08 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, in the easterly line of the Four Forty-Three, LTD. Tract (called 27.7947 acres)(Outlot 174) and the westerly line of said 40 foot platted road, marking the southwesterly corner of said 46.35 acre tract and an interior corner of herein described tract;

THENCE S 19°28'54" W, along and with the common line of said 27.7947 acre tract and westerly line of said 40 foot platted road, a distance of 1390.63 feet to a TxDot Brass Disk found in the northwesterly right-of-way (r.o.w.) line of State Highway No. 6 (a.k.a. Morris Avenue)(200' R.O.W.), recorded in B.C.C.F. No. 2013053500, marking the southeasterly corner of said 27.7947 acre tract and the most southerly southeast corner of herein described tract;

THENCE N 70°30'10" W, along the northwesterly r.o.w. line of said State Highway No. 6, a distance of 33.83 feet to a TxDot Brass Disk found, marking the southeasterly corner of the Russell T. Rudy and Randall D. Rudy tract (called 18 acres), recorded in Volume 1408, Page 806, B.C.D.R., the southwesterly corner of said 27.7947 acre tract and the most southerly southwest corner of herein described tract, from which a TxDot Brass Disk found, at the intersection of easterly r.o.w. line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816 and the northwesterly r.o.w. line of said State Highway No. 6, marking the southwesterly corner of a 0.217 acre tract, recorded in B.C.C.F. No. 2013053500 bears, N 70°30'10" W, 365.23 feet;

THENCE N 03°19'19" W, along and with the common line of said 27.7947 acre tract and said 18 acre tract, a distance of 2310.10 feet to a 1/2 inch iron rod with cap stamped "Adams RPLS 3666" found, marking the northwest corner of said 27.7947 acre tract and an angle point for corner of herein described tract, from which a 3/4 inch pinched top pipe bears, N 09°17' W, 1.1 feet and from which an iron rod with cap stamped "Kalkomey" found in the easterly r.o.w. line of said County Road 82, marking the northwest corner of said 18 acre tract, bears S 87°00'54" W, 328.14 feet and a 5/8 inch iron rod found in the easterly r.o.w. line of said County Road 82, marking the southwest corner of a called 41.4819 acre tract, recorded in B.C.C.F. No. 2003061748 bears, N 02°13'14" W, 38.07 feet;

THENCE N 86°57'38" E, along and with the north line of said 18 acre tract, a distance of 729.52 feet to a 5/8 inch iron rod with cap stamped "FMS" set, at the southwest corner of Section 73 and being in the centerline intersection of two 40 foot platted roads and being the common corner of said Section 73 and the H.T. & B. Railroad Company Survey, Section 72, Abstract 460, marking the southeast corner of the Brazos River Authority tract (called 6.676 acres)(cause no. 54,761A), recorded in Volume 33, Page 154, district clerk records of Brazoria County, Texas (B.C.D.C.R.), the southwest corner of the Brazoria County MUD No. 43 Drainage Easement (called 1.675 acres, recorded in B.C.C.F. No. 2016026159, the southwest corner of said 9.929 acre tract and an interior corner of herein described tract;

THENCE N 03°28'57" W, along and with the common line of said Section 73 and Section 72 and centerline of said 40 foot platted road, at 40.00 feet pass a point marking the southwest corner of a 0.34 acre tract (Parcel 1) out of said called 41.4819 acre tract, continuing for a total distance of 2640.38 feet (called 2640.00 feet) to a 1 inch iron pipe found, marking the northwest corner of a 0.25 acre tract (Parcel 2), the northwest corner of said 19.919 acre tract, the northwest corner of a 3.430 acre drainage easement, recorded in B.C.C.F. No. 2016026156, the northeast corner of said Brazos River Authority tract (called 6.676 acres), the southeast corner of the Brazos River Authority Parcel "D" tract (called 3.18 acres), recorded in Volume 1070, Page 315, B.C.D.R., the southwest corner of the Brazos River Authority Parcel "B" tract (called 0.61 acres), recorded in Volume 1070, Page 318, B.C.D.R., the southwest corner of the Brazoria County Municipal Utility District (M.U.D.) No. 43 Drainage Easement tract (called 1.739 acres), recorded in B.C.C.F. No. 2016011559 and the common corner of Lots 4 and 5, Section 73, from which a 1/2 inch iron rod found in the east r.o.w. line of County Road 82 (a.k.a. Iowa Lane)(60' R.O.W. as occupied), recorded in B.C.C.F. No. 2006021816, marking the southwest corner of the Joan Banneyer tract (called 1.367 acres), recorded in B.C.C.F. No. 2005003981 and the northwest corner of the Sonmar of Scottsdale, LLC tract (called 53.948 acres), bears S 86°37'46" W, 900.42 feet;

THENCE N 86°51'03" E, along and with the common line of herein described tract and said lot 4 and the centerline of a 40 foot platted road, at 657.75 feet (called 660.00 feet) pass a 3/4 inch iron pipe found, marking the northeast corner of said 19.919 acre tract and the southwest corner of the 102929 Brazoria Inc. tract (called 34.90 acres), recorded in B.C.C.F. No. 2005033429 and being the common corner of Lots 4, 12, 13 and 5, and at 1973.99 feet (called 1980.00 feet) pass a 1/4 inch iron pipe found, marking the southeast corner of said 34.90 acre tract and being the common corner of Lots 20, 28, 29 and 21, continuing for a total distance of 2632.44 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in the west line of a 60 foot American Canal Company Easement, recorded in Volume 638, Page 127, B.C.D.R., marking an interior corner of said remainder of a 433.09 acre tract and an interior corner of herein described tract and being the common corner of Lots 28, 36, 37 and 29 of said Section 73;

THENCE N 03°27'06" W, along and with the common line of Lots 28, 36, 27, 35, 26, 34, 25 and 33 and the west line of said 60 foot American Canal Company Easement, a distance of 2641.03 feet (called 2640.00 feet) to a 5/8 inch iron rod with cap stamped "FMS" found in the north line of Section 73, the north line of a said 60 foot American Canal Company Easement, the south line of the Mary V O'Donnell Survey, Division "O", Abstract 469, recorded in Volume 2, Page 91 and 92, B.C.P.R. the south line of the John and Edith Lebourgeois tract (called 6.978 acres), recorded in B.C.C.F. No. 98-053061, the north line of the Eastbank Bayou, LP tract (called 19.950 acres), recorded in B.C.C.F. No. 2007022032 and the centerline of said 40 foot platted road, marking the most northerly northwest corner of herein described tract and being the common corner of Lot 25 and 33 of said Section 73, from which a 1/2 inch iron rod found bears, S 82°35" E, 14.3 feet;

THENCE N 86°50'29" E, along and with the common line of Section 73, Division "O", the centerline of said 40 foot platted road and the north line of said 60 foot American Canal Company Easement, a distance of 659.60' (called 660.00 feet) to the **POINT OF BEGINNING** and containing a calculated area of 418.318 acres of land.

EXHIBIT D

FIRST TRACT

18.643 ACRES
812,089 SQUARE FEET
H.T.&B. R.R. CO. SURVEY, SECTION 64
ABSTRACT NO. 483
CITY OF MANVEL
BRAZORIA COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 18.643 acre (812,089 square foot) tract of land located in the H.T.&B. R.R. Co. Survey, Section 64, Abstract Number 483, City of Manvel, Brazoria County, Texas and said 18.643 acre tract of land being all of Tract II, a called 18.643 acre tract described in the deed to Alvin Independent School District recorded under Brazoria County Clerk's File Number (B.C.C.F. No.) 2021066368, and being out of and a part of Outlot 181, Dr. A.A. Luther Subdivision recorded under Volume (Vol.) 1, Pages (Pg.) 71 & 72 of the Brazoria County Plat Records (B.C.P.R.) and the E.C. Pitkin Subdivision recorded under Vol. 3, Pg. 139, B.C.P.R., said 18.643 acre tract being more particularly described by metes and bounds as follows: (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.)

BEGINNING in the southerly line of Lot 48, Section 73, Allison Richey Gulf Coast Home Co. Subdivision, recorded under Vol. 2, Pg. 91, B.C.P.R. and being the northwest corner of Restricted Reserve "M", Lakeland Subdivision, Section Two recorded under File No. 2014018651, B.C.P.R. and the northeast corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Baseline" found bears, North 85 degrees 14 minutes East, 0.62 feet;

THENCE, South 03 degrees 25 minutes 41 seconds East, along the west line of said Restricted Reserve "M", passing at a distance of 88.02 feet, the southwest corner of said Restricted Reserve "M" and the most westerly northwest corner of Restricted Reserve "H", said Lakeland Subdivision, Section 2, from which a 5/8-inch iron rod with cap stamped "Baseline" bears, South 23 degrees 23 minutes East, 0.32 feet, continuing along the west line of said Restricted Reserve "H", passing at a distance of 612.00 feet, the southwest corner of said Restricted Reserve "H" and the northwest corner of the remainder of a called 5.632 acre tract described in the deed to Lakeland Communities, LP, recorded under B.C.C.F. No. 2013029570, continuing along the west line of said remainder of a called 5.632 acre tract, passing at a distance of 692.00 feet, the southwest corner of said remainder of a called 5.632 acre tract and the northwest corner of Restricted Reserve "E", said Lakeland Subdivision, Section Two, continuing along the west line of said Restricted Reserve "E", a total distance of 1,236.28 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 20, Block 1, Bluewater Lakes, Section 4, a subdivision recorded under File No. 2018019193, B.C.P.R. and marking the southwest corner of said Restricted Reserve "E" and the southeast corner of said Tract II and the herein described tract;

THENCE, North 70 degrees 28 minutes 49 seconds West, along the northeasterly line of said Block 1, Bluewater Lakes, Section 4, a distance of 1,005.41 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" found in the northeasterly line of Lot 6, Block 1, said Bluewater Lakes, Section 4 and the southeasterly line of a 40' wide roadway easement, recorded under Vol. 1, Pgs. 71 & 72, B.C.P.R. and Vol. 3, Pg. 139, B.C.P.R. and marking the southwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap found bears, North 70 degrees 29 minutes West, 20.00 feet and a 1/2-inch iron rod found bears, North 70 degrees 29 minutes West, 40.00 feet;

EXHIBIT D

THENCE, North 19 degrees 32 minutes 37 seconds East, departing the northeasterly line of said Block 1, Bluewater Lakes, Section 4 and along the southeasterly line of said 40' wide roadway easement, a distance of 917.07 feet, to the southerly of Lot 40, Section 73, aforesaid Allison Richey Gulf Coast Home Co. subdivision and the northwest corner of said Tract II and the herein described tract, from which a 5/8-inch iron rod with cap stamped "Leany" found bears, North 02 degrees 29 minutes West, 0.33 feet;

THENCE, North 86 degrees 34 minutes 43 seconds East, along the southerly line of said Lot 40, Section 73 and aforesaid Lot 48, Section 73, a distance of 567.93 feet, to the POINT OF BEGINNING and containing a computed area of 18.643 acres (812,089 square feet) of land as depicted on the Land Title Survey dated: November 28, 2023, revised: December 4, 2023, prepared by West Belt Surveying, Inc., Project No. S647-0337A.

West Belt Surveying, Inc.
Certified Firm No. 10073800
21020 Park Row
Katy, Texas 77449
(281) 599-8288

Joel D. Walker Date: 12/4/23
Texas Registration No. 5189



EXHIBIT D

Exhibit B

Legal Description of Drill Site

[*Attached*]

EXHIBIT D

August 19, 2021
Job No. LJAS001-2791-2104

DESCRIPTION OF
4.000 ACRES
DRILL SITE

Being 4.000 acres of land located in the H.T.& B. R.R. Company Survey, Section 64, (A.K.A.) Mary V. O'Donnell Survey, Abstract 483, Brazoria County, Texas, and also being a portion of Outlot 195 of the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140 of the Plat Records of Brazoria County, Texas (B.C.P.R.), and a portion of that certain tract conveyed to Four Forty Three, Ltd. (described as Fourth Tract) by instrument of record in Volume 1048, Page 760, of the Deed Records of said Brazoria County, Texas (B.C.D.R.), said 4.000 acres being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at a 1/2-inch iron rod with cap stamped, "S ADAMS RPLS 3666" found for the southeast corner of said Fourth Tract and said Outlot 195, same being the northeast corner of that certain called 20.000 acre tract, conveyed to Four Forty Three, Ltd. (described as Fifth Tract) by instrument of record in Volume 1048, Page 760, B.C.D.R. and Outlot 180 of said Dr. A. A. Luther Subdivision, same being on the northwesterly line of a called 40 foot wide-right-of-way as shown on said Dr. A. A. Luther Subdivision;

Thence, North 19° 31' 43" East, along the east line of said Fourth tract and said Outlot 195, same being a northwesterly line of said 40 foot wide right-of-way, 454.12 feet to the southeast corner and the POINT OF BEGINNING of the herein described tract;

Thence, South 89°45'12" West, departing said common line, 467.08 feet to a point for corner, the beginning of a curve;

EXHIBIT D

4.000 Acres

August 19, 2021
Job No. LJAS001-2791-2104

Thence, 78.42 feet along the arc of a non-tangent curve to the left, having a radius of 1,860.00 feet, a central angle of 02° 24' 56", and a chord which bears North 21° 46' 51" West, 78.41 feet to a point for corner;

Thence, North 22° 59' 19" West, 225.66 feet to a point for corner, the beginning of a curve;

Thence, 49.74 feet along the arc of a tangent curve to the right, having a radius of 30.00 feet, a central angle of 95° 00' 00", and a chord which bears North 24° 30' 41" East, 44.24 feet to a point for corner, the beginning of a compound curve;

Thence, 324.76 feet along the arc of a non-tangent curve to the right, having a radius of 472.48 feet, a central angle of 39° 22' 55", and a chord which bears North 89° 47' 18" East, 318.40 feet to a point for corner;

Thence, South 70° 28' 17" East, 340.27 feet to a point for corner on the northwesterly right of way line of the aforementioned 40 foot wide-right-of-way, same being the southeasterly line of the aforementioned Fourth Tract and the aforementioned Outlot 195, from which a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the northwest corner of said 40 foot wide right-of-way, same being the northeast corner of said Fourth Tract, and said Outlot 195, said point lying on the south line of Lot 40 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, B.C.P.R. and that certain tract conveyed to Four Forty Three, Ltd. (described as First Tract) by instrument of record in Volume 1048, Page 760, B.C.D.R., same being the north line of the aforementioned Mary V. O'Donnell Survey bears North 19° 31' 43" East, 237.23 feet;

EXHIBIT D

4.000 Acres

August 19, 2021
Job No. LJAS001-2791-2104

Thence, South 19° 31' 43" West, along the southeasterly line of said Fourth Tract and said Outlot 195, same being the northwesterly line of said 40 foot wide right-of-way, 218.81 feet to the POINT OF BEGINNING and containing 4.000 acres of land.

Corner monuments were not set at the Client's request.



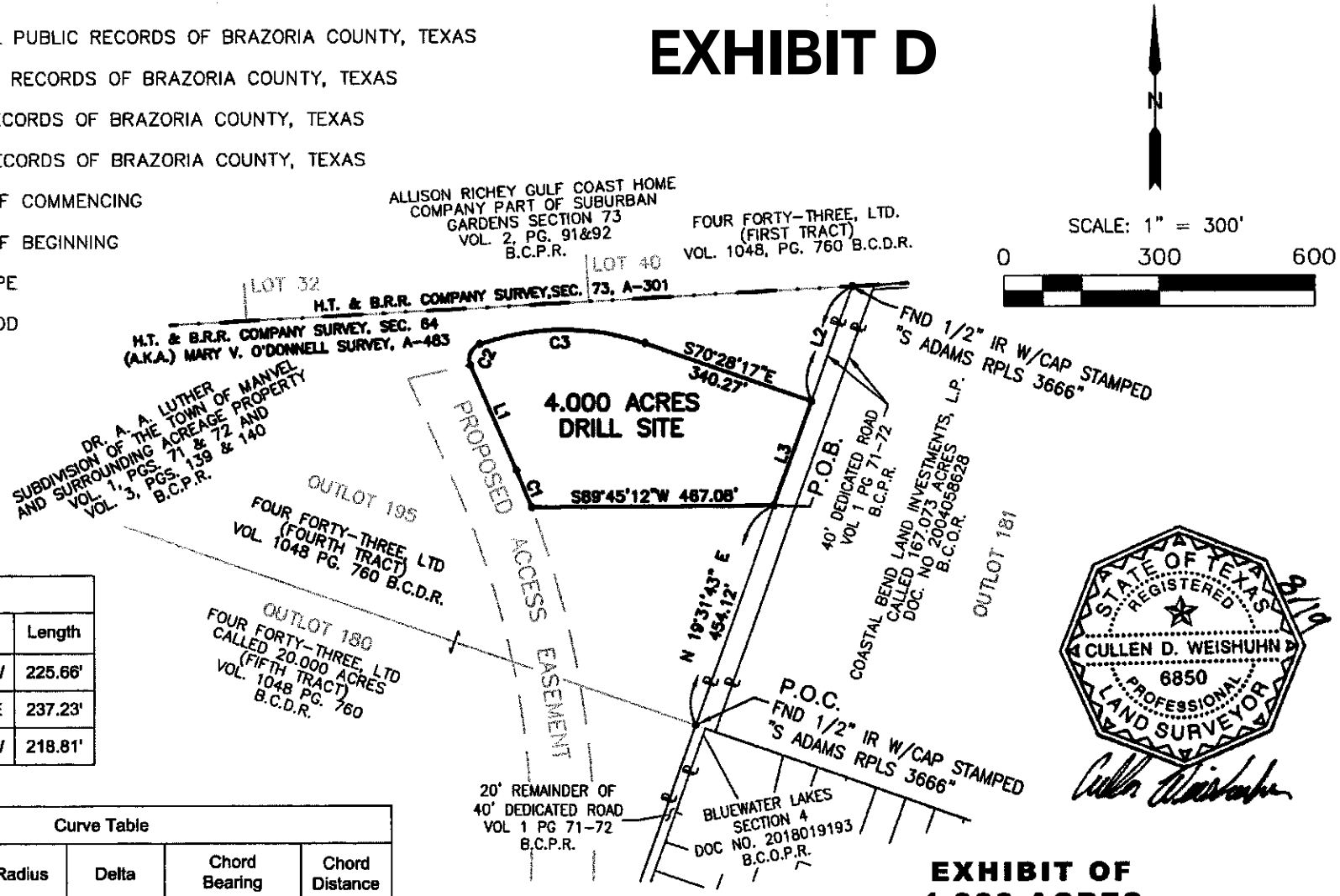
LJA Surveying, Inc.

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EXHIBIT D

LEGEND

B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
I.P.	IRON PIPE
I.R.	IRON ROD
VOL.	VOLUME
PG.	PAGE



Line Table		
Line #	Direction	Length
L1	N22° 59' 19"W	225.66'
L2	N19° 31' 43"E	237.23'
L3	S19° 31' 43"W	218.81'

Curve Table					
Curve #	Arc Length	Radius	Delta	Chord Bearing	Chord Distance
C1	78.42'	1,860.00	2°24'56"	N21° 46' 51"W	78.41'
C2	49.74'	30.00	95°00'00"	N24° 30' 41"E	44.24'
C3	324.76'	472.48	39°22'55"	N89° 47' 18"E	318.40'

NOTES:

1. ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83, 1993 ADJ.

2. CORNER MONUMENTS WERE NOT SET AT THE CLIENT'S REQUEST.

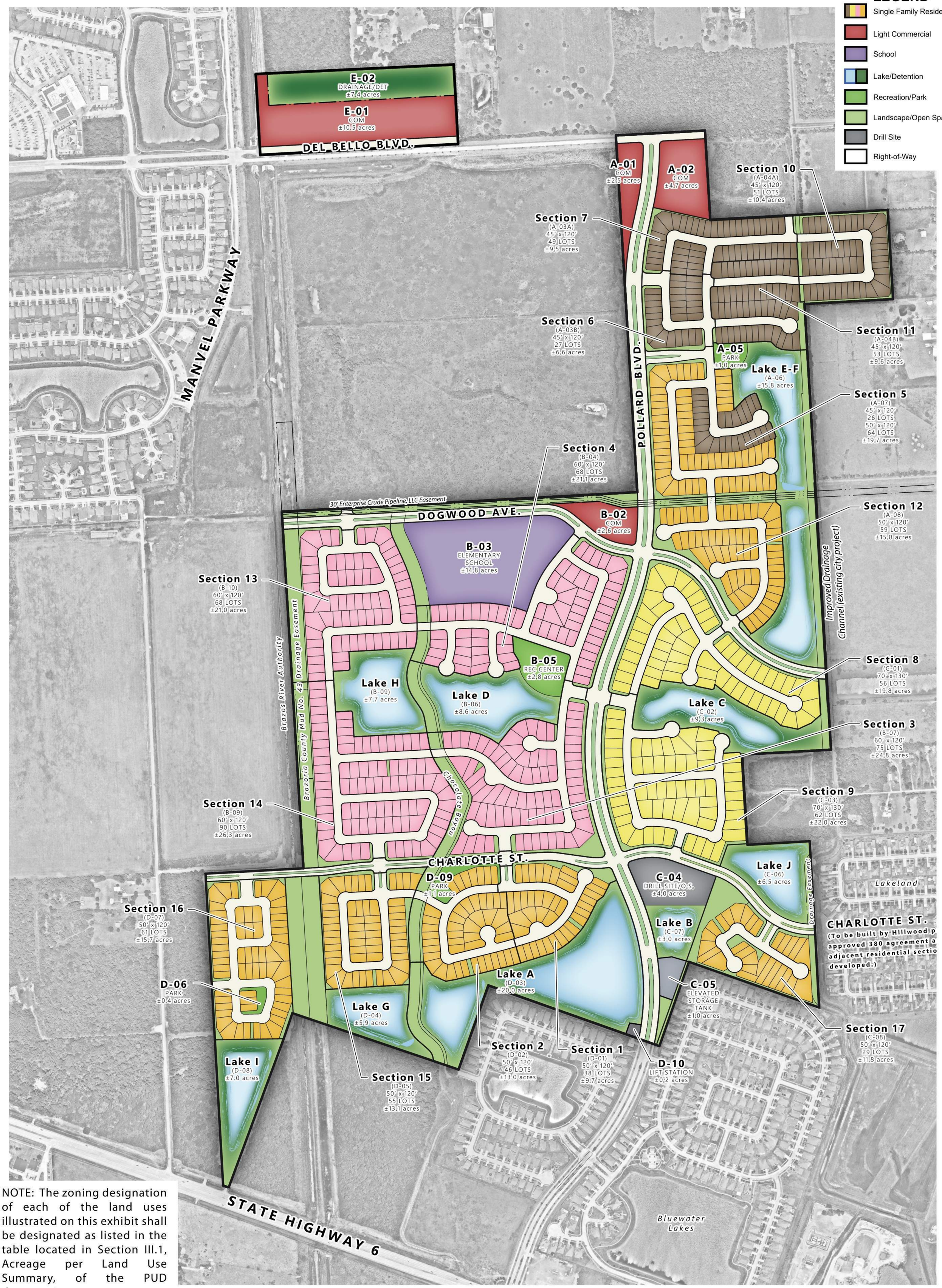
STATE OF TEXAS REGISTERED CULLEN D. WEISHUHN 6850 PROFESSIONAL LAND SURVEYOR 8/19

EXHIBIT OF
4.000 ACRES
DRILL SITE
IN THE
H.T. & B.R.R. COMPANY SURVEY, SEC. 64
(A.K.A.) MARY V. O'DONNELL SURVEY, A-483
BRAZORIA COUNTY, TEXAS

AUGUST 2021 JOB NO. LJAS001-2791-2104

LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.L.S. Firm No. 10194382

S:\Sectors\Survey\Projects\LJAS001\2791\2104\CAD\V4.0 As-Drill Site.dwg



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT E

Planned Unit Development
Conceptual Land Use Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

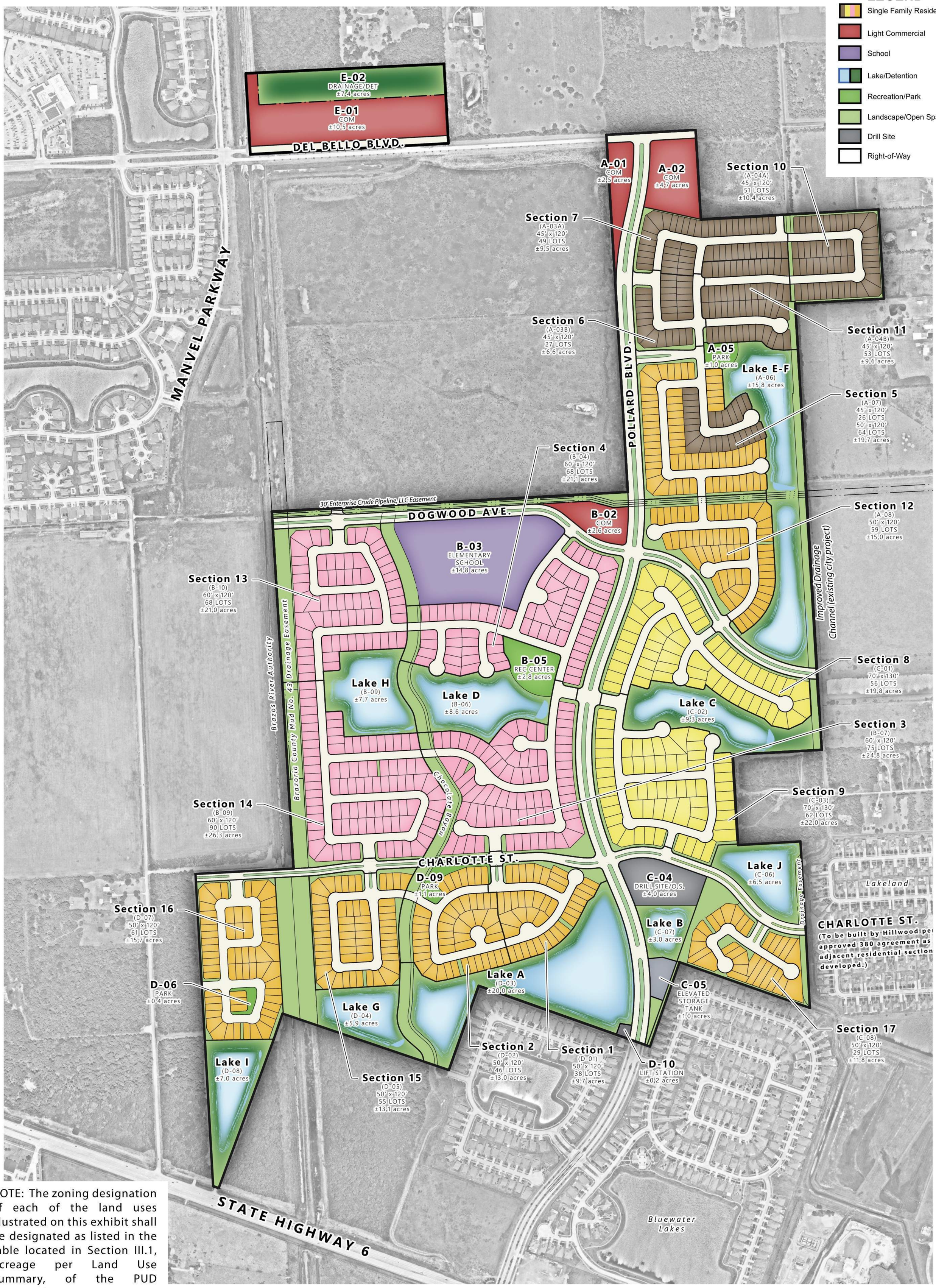
Reference Date: 12.02.2025

NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT F

Planned Unit Development
Single Family Residential Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

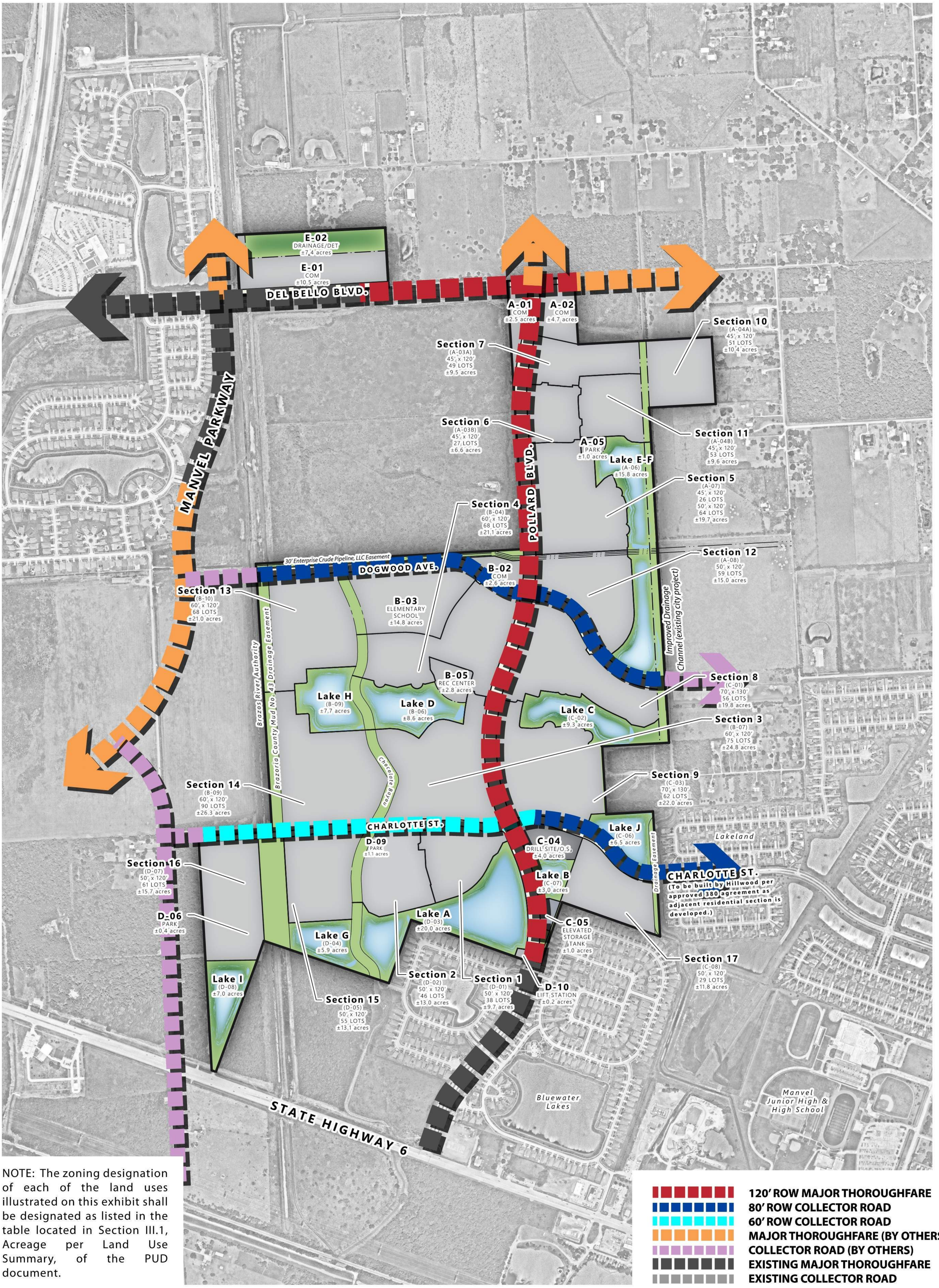
Reference Date: 12.02.2025

NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

120' ROW MAJOR THOROUGHFARE
80' ROW COLLECTOR ROAD
60' ROW COLLECTOR ROAD
MAJOR THOROUGHFARE (BY OTHERS)
COLLECTOR ROAD (BY OTHERS)
EXISTING MAJOR THOROUGHFARE
EXISTING COLLECTOR ROAD

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT G

Planned Unit Development
Conceptual Roadway Exhibit

VALENCIA

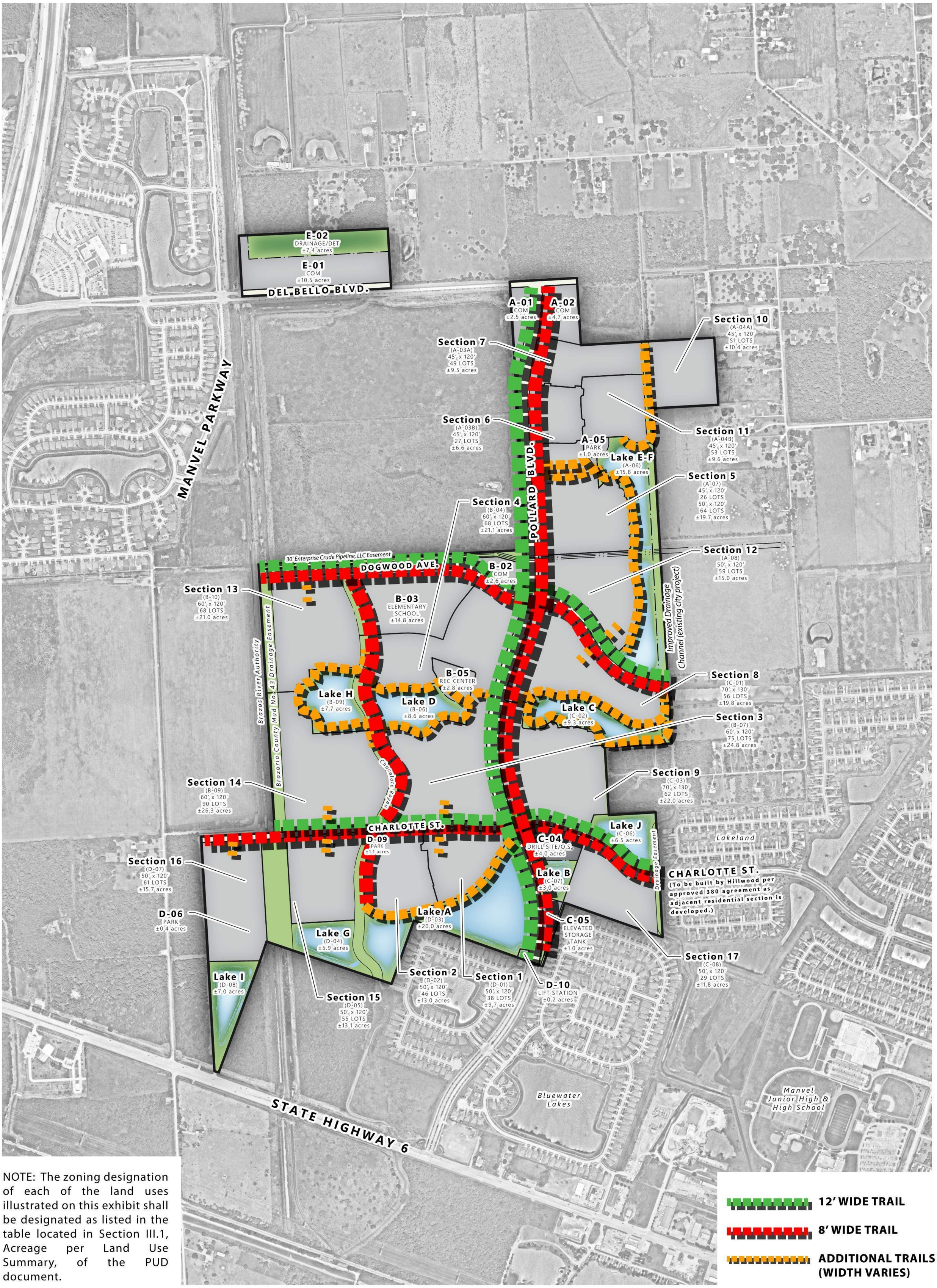
±457.0 Acres of Land
Manvel, Texas

Reference Date: 12.02.2025

NORTH
0 200 400 800

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

12' WIDE TRAIL

8' WIDE TRAIL

ADDITIONAL TRAILS (WIDTH VARIES)

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT H

Planned Unit Development

Conceptual Amenities and Open Space Exhibit

VALENCIA

±457.0 Acres of Land

Manvel, Texas

Reference Date: 12.02.2025

NORTH

0 200 400 800

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for

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EXHIBIT I

Planned Unit Development
Phasing Exhibit

VALENCIA

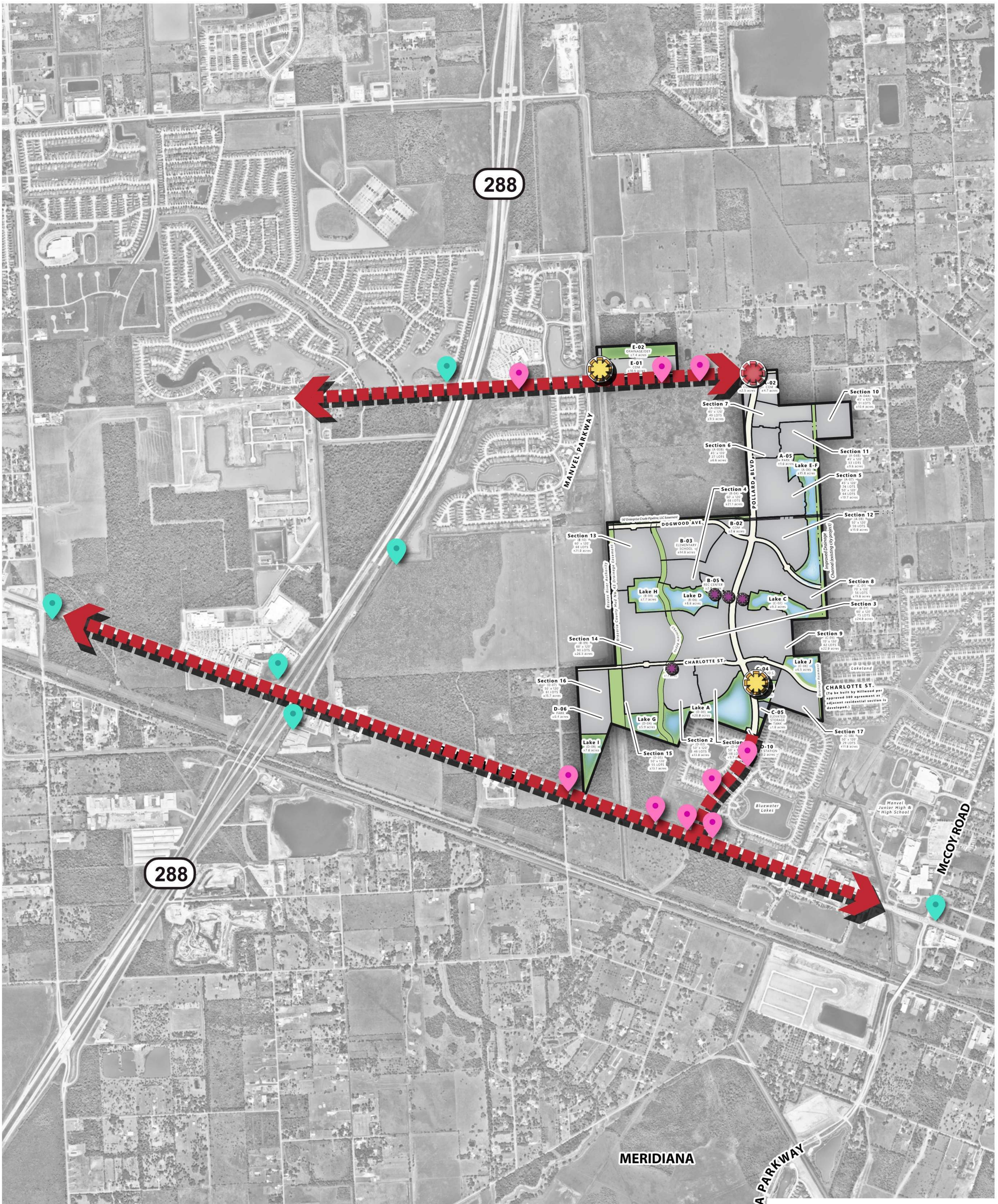
±457.0 Acres of Land
Manvel, Texas

Reference Date: 12.02.2025

NORTH 0 200 400 800

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The location of the Model Home Monument, Temporary Construction Signs, and Temporary Builder Signs are not illustrated on this exhibit and are subject to the locations and standards as described in Section IV.7, Signage, of the PUD document.

- Proposed Temporary Signage
- Existing Temporary Signage
- Primary Entry Monument
- Secondary Entry Monument
- Village/Park Signage
- Temporary Sign Corridor

Reference Date: 12.02.2025

NORTH

0 400 800 1600

Prepared for

HILLWOOD RESIDENTIAL

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EXHIBIT J

Planned Unit Development

Conceptual Project Signage Exhibit

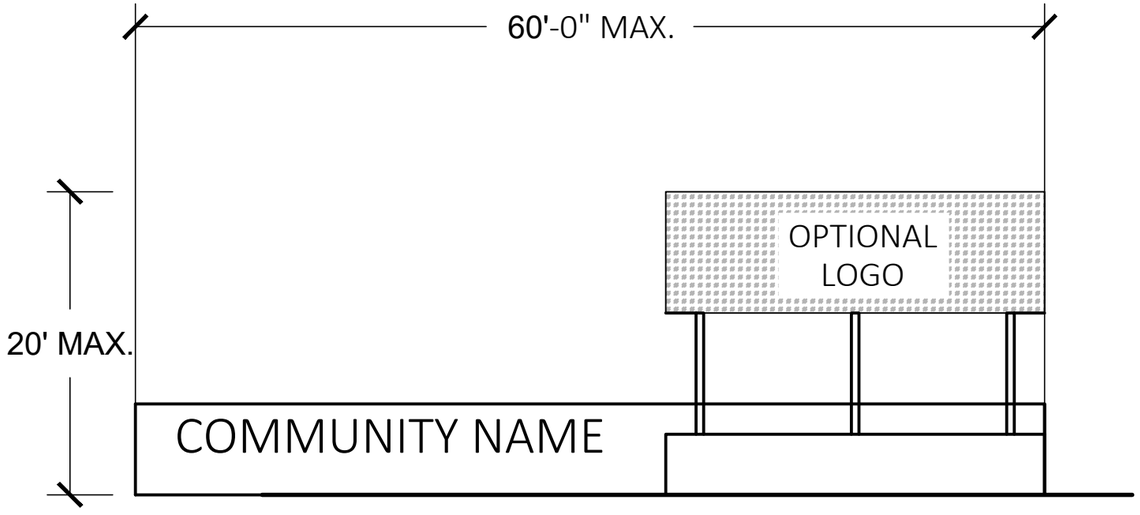
VALENCIA

±457.0 Acres of Land

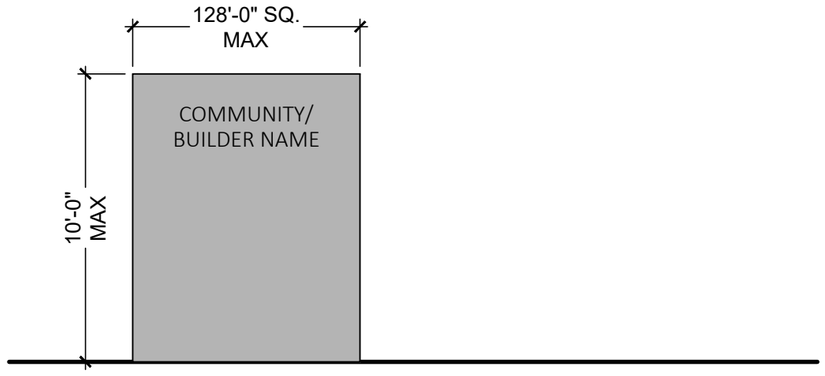
Manvel, Texas

LJA PLANNING & LANDSCAPE ARCHITECTURE

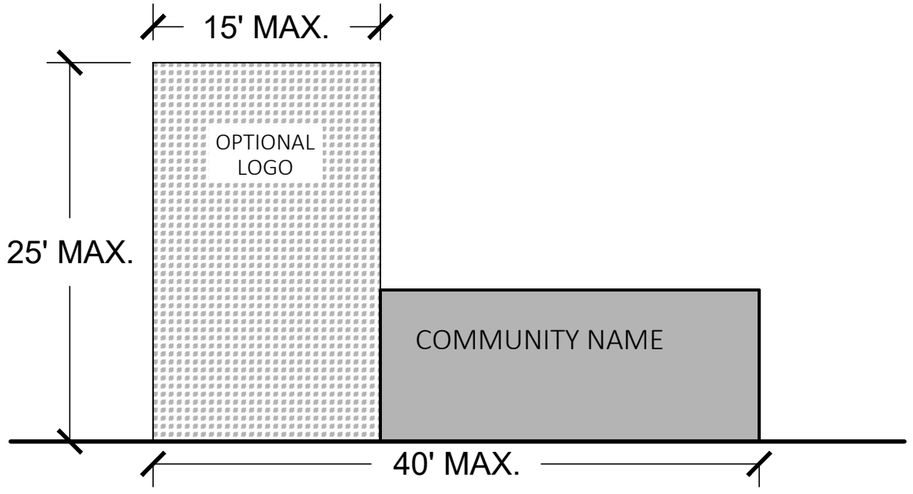
RELATIONSHIPS | PROCESS | DESIGN



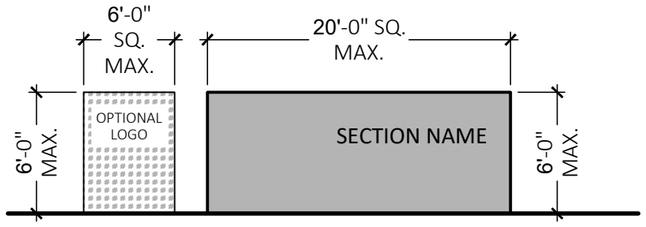
PRIMARY ENTRY MONUMENTS



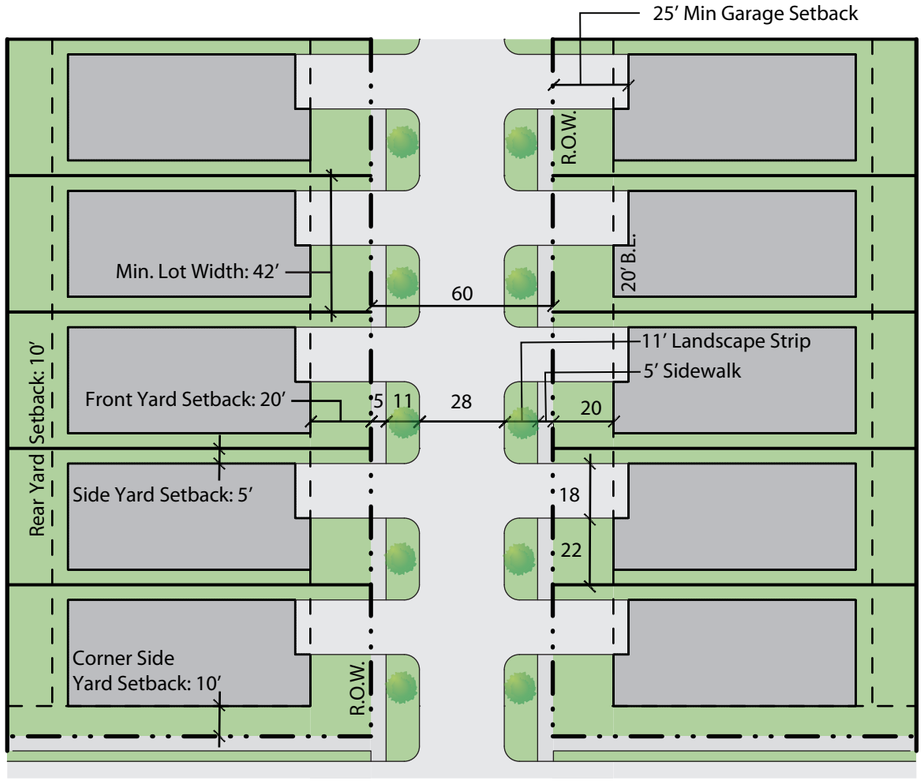
TEMPORARY COMMUNITY SIGNAGE



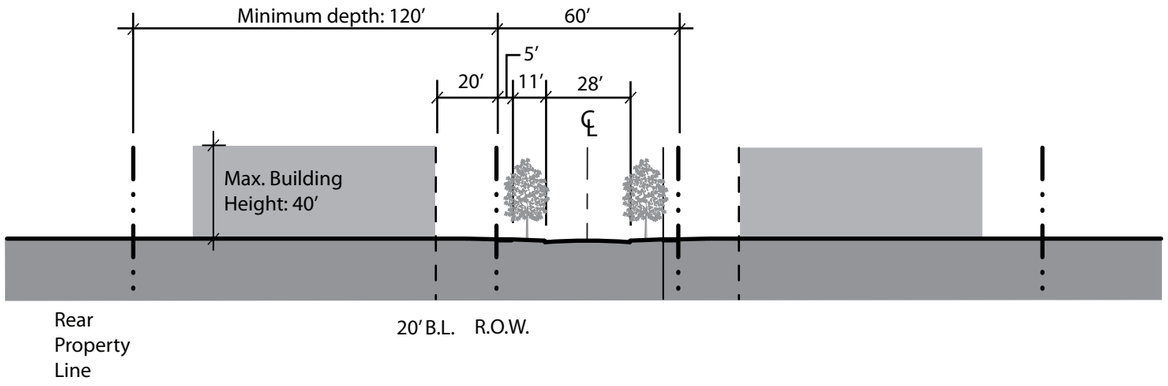
SECONDARY ENTRY MONUMENTS



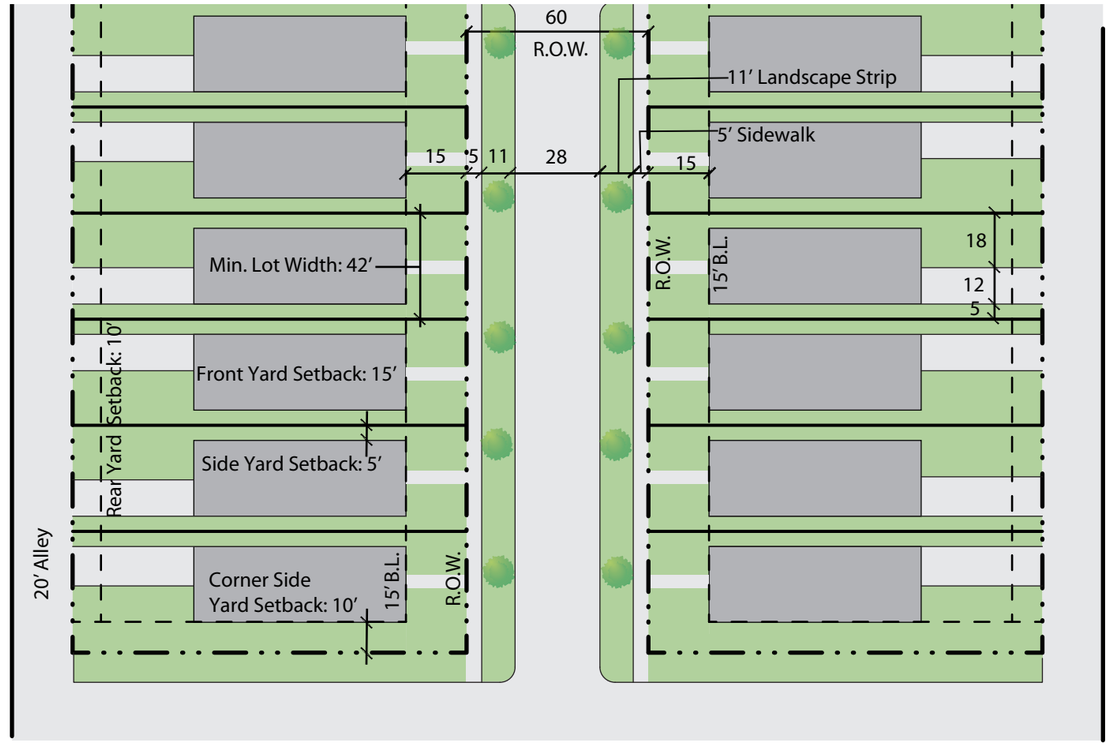
VILLAGE/PARK ENTRY MONUMENTS



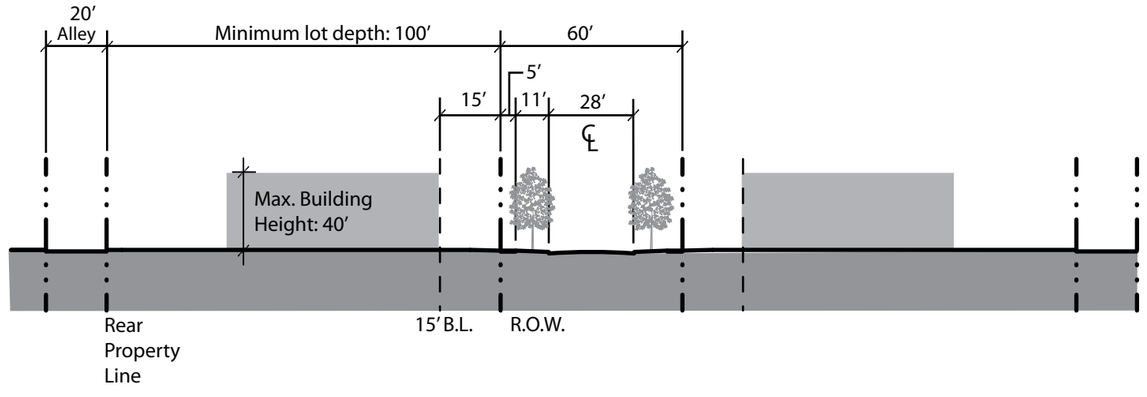
1. Plan Front Load 42' Product - 60' R.O.W.



1. Section Front Load 42' Product - 60' R.O.W.



2. Plan 35' Alley Product - 60' R.O.W.



2. Section 35' Alley Product - 60' R.O.W.

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EXHIBIT L

Planned Unit Development

Specialty Product Exhibits for Front Load and Alley Products

VALENCIA

±458.4 Acres of Land

Manvel, Texas

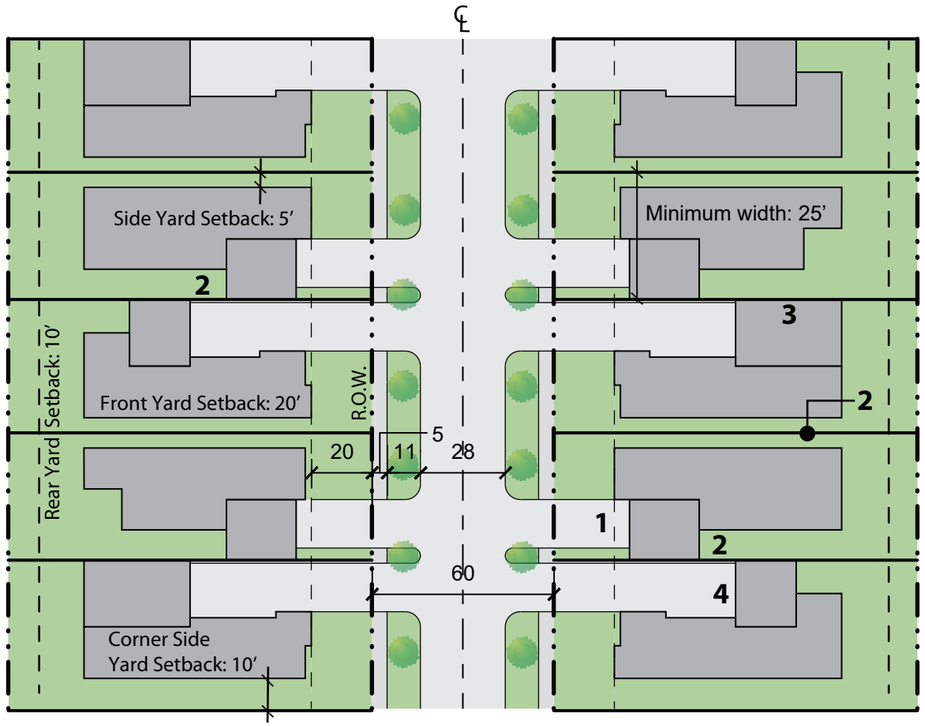
Reference Date: 02.27.2024

NORTH

0 25 50 100

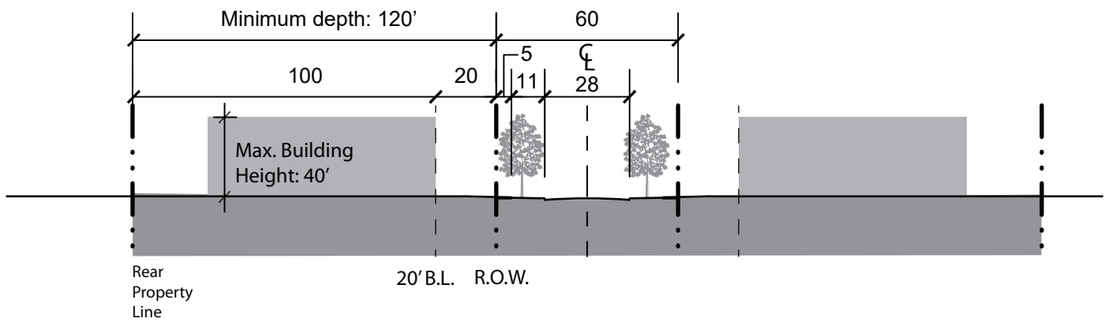
LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN

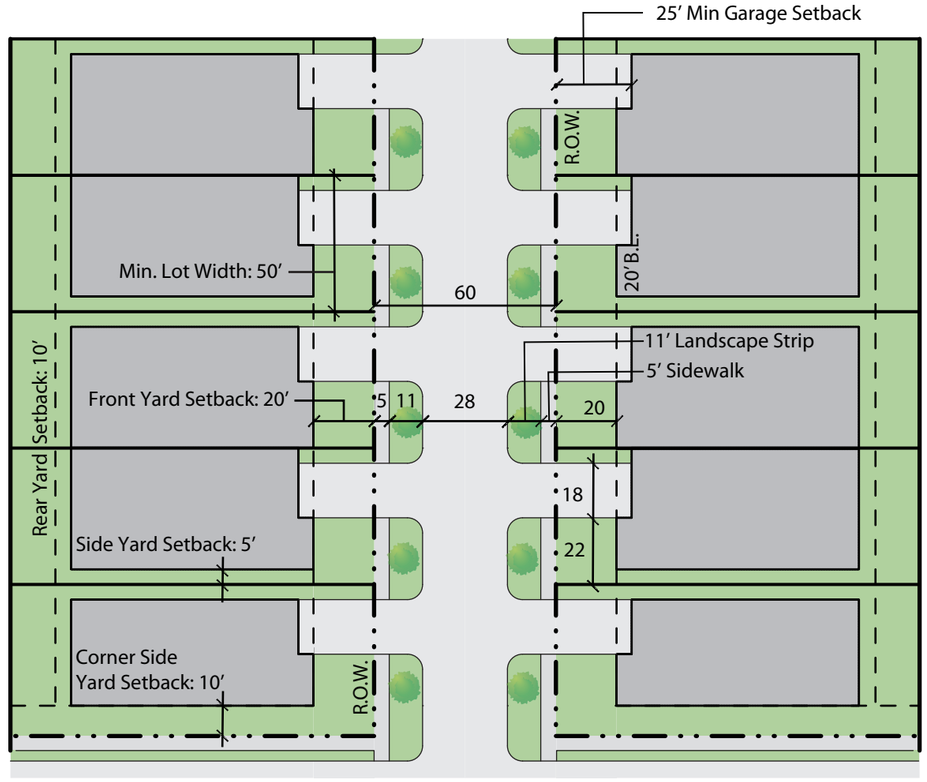


1. 25' Min Garage Setback
2. 10' Min. Building separation
3. Zero Lot line at garage, typ.
4. 50' Setback

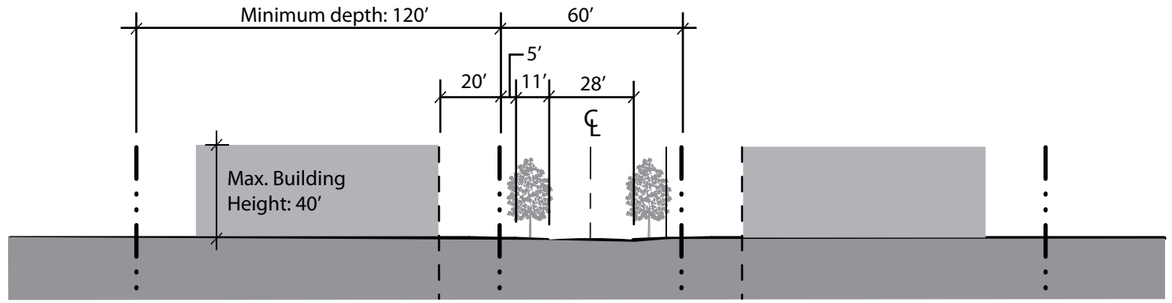
5. Plan: Zipper Lot Product - 60' R.O.W.



5. Section: Zipper Lot Product - 60' R.O.W.



6. Plan: Patio & Zero Lot Line Product - 60' R.O.W.



6. Section: Patio & Zero Lot Line Product - 60' R.O.W.

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EXHIBIT N

Planned Unit Development

Specialty Product Exhibits for Zipper Lot and Patio/Zero Lot Line Products

VALENCIA

±458.4 Acres of Land

Manvel, Texas

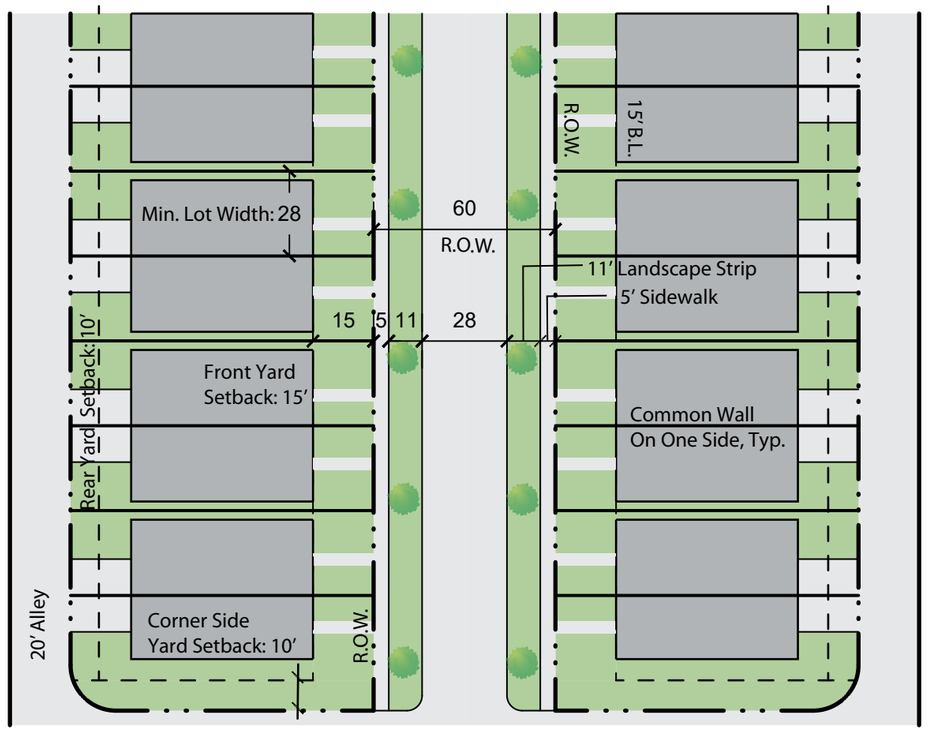
Reference Date: 02.27.2024

NORTH

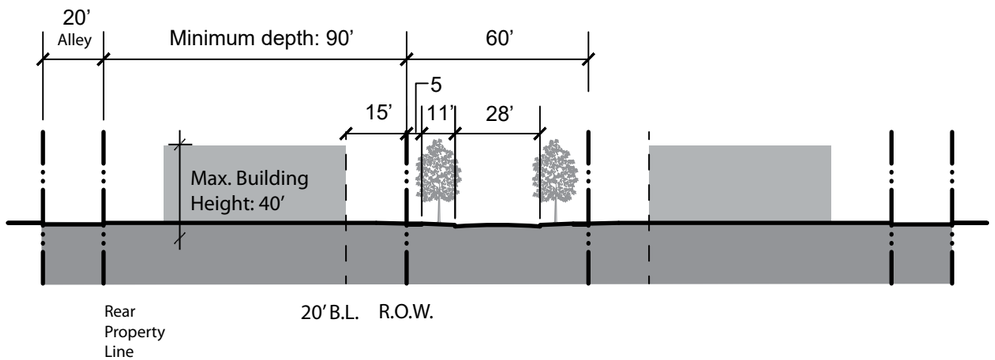
0 25 50 100

LJA PLANNING & LANDSCAPE ARCHITECTURE

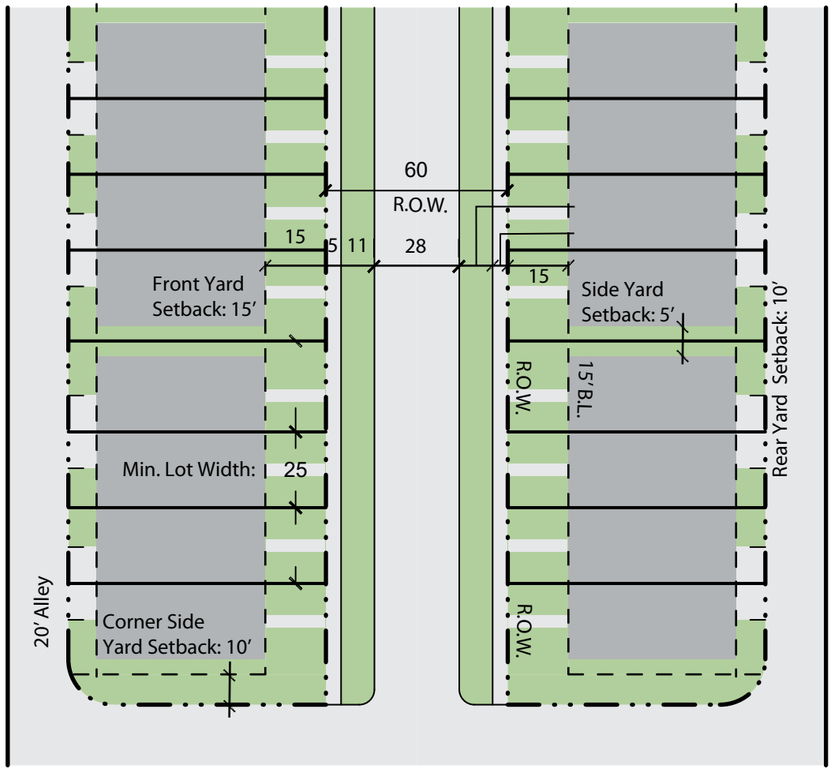
RELATIONSHIPS | PROCESS | DESIGN



3. Plan: Rear Load 28' Attached Product - 60' R.O.W.

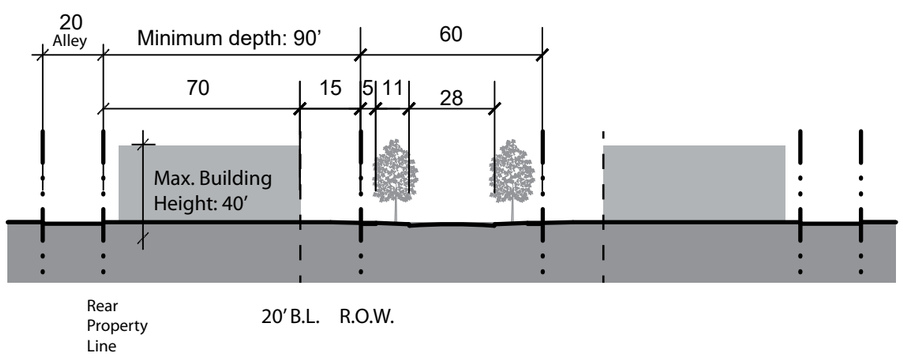


3 Section: Rear Load 28' Attached Product - 60' R.O.W.



4. Plan: Rear Load 25' Townhome Product - 60' R.O.W.

Note:
Max. Number of Attached Units: 5
Min. Number of Attached Units: 2



4. Section: Rear Load 25' Townhome Product - 60' R.O.W.

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EXHIBIT M

Planned Unit Development

Specialty Product Exhibits for Rear Load Attached and Townhome Products

VALENCIA

±458.4 Acres of Land

Manvel, Texas

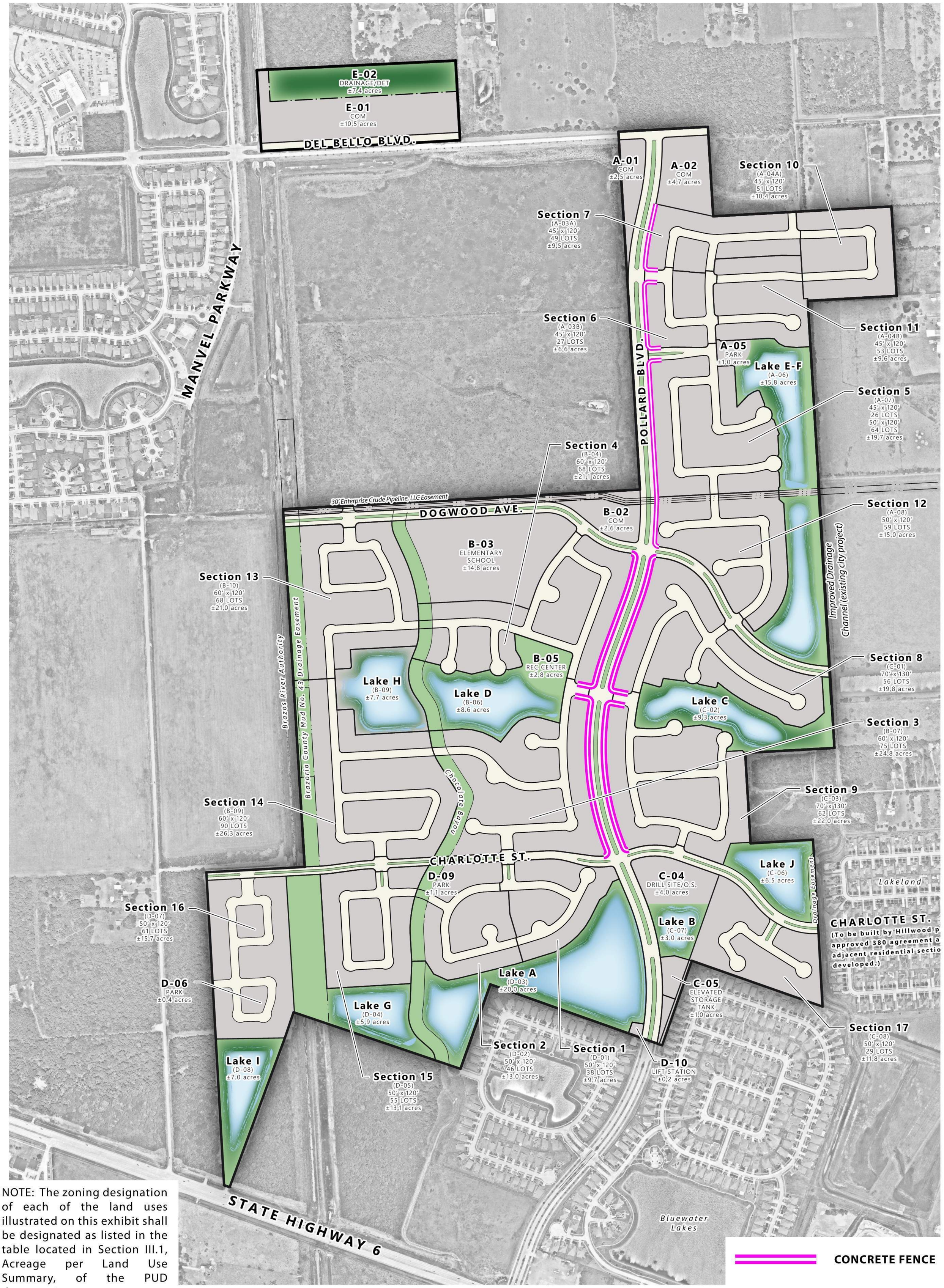
Reference Date: 02.27.2024

NORTH

0 25 50 100

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN



NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

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EXHIBIT O

Planned Unit Development
Conceptual Fencing Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

Reference Date: 12.02.2025

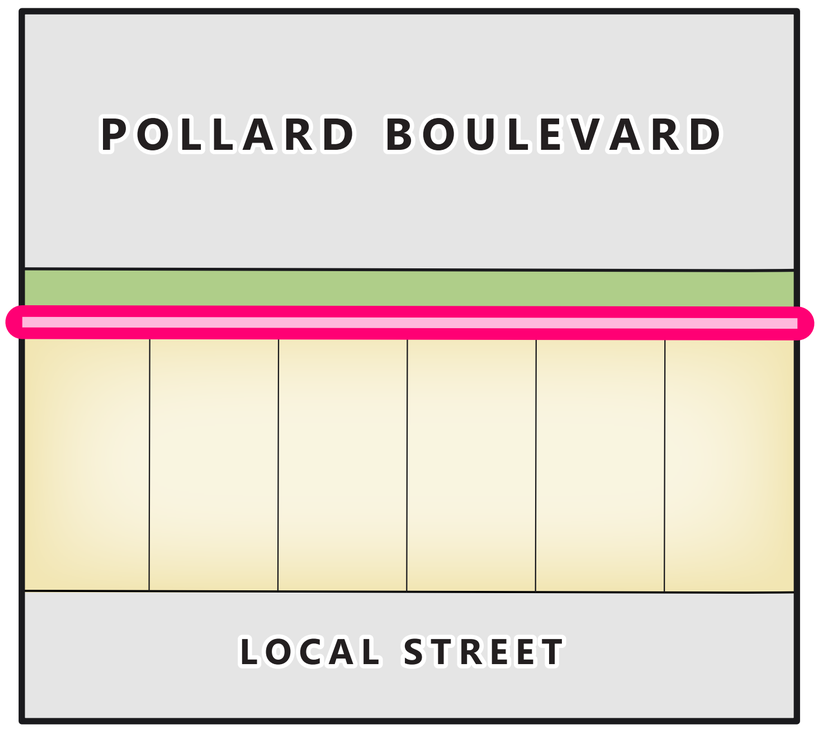
NORTH

0 150 300 600

LJA PLANNING & LANDSCAPE ARCHITECTURE

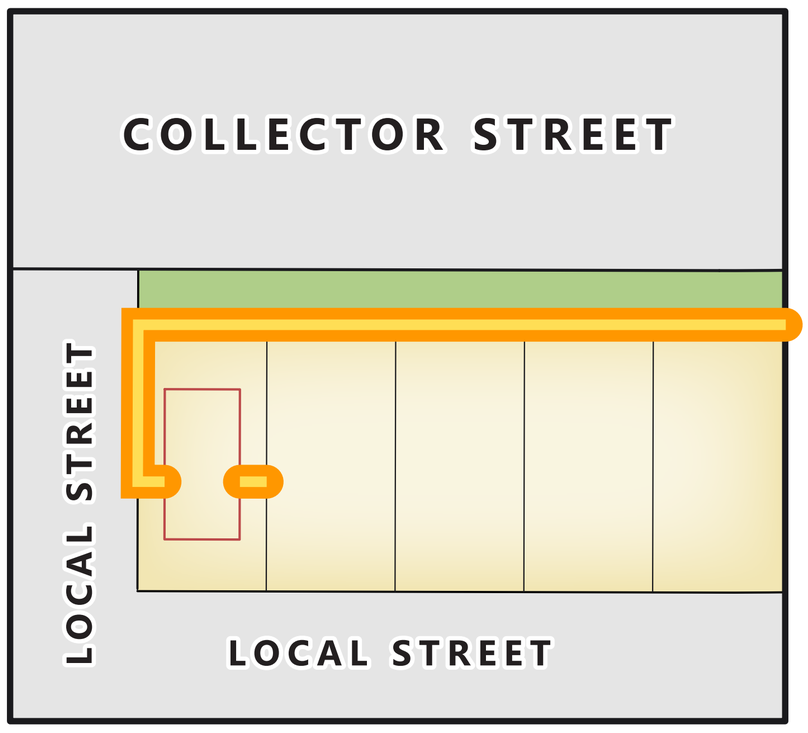
RELATIONSHIPS | PROCESS | DESIGN

CONCRETE FENCE



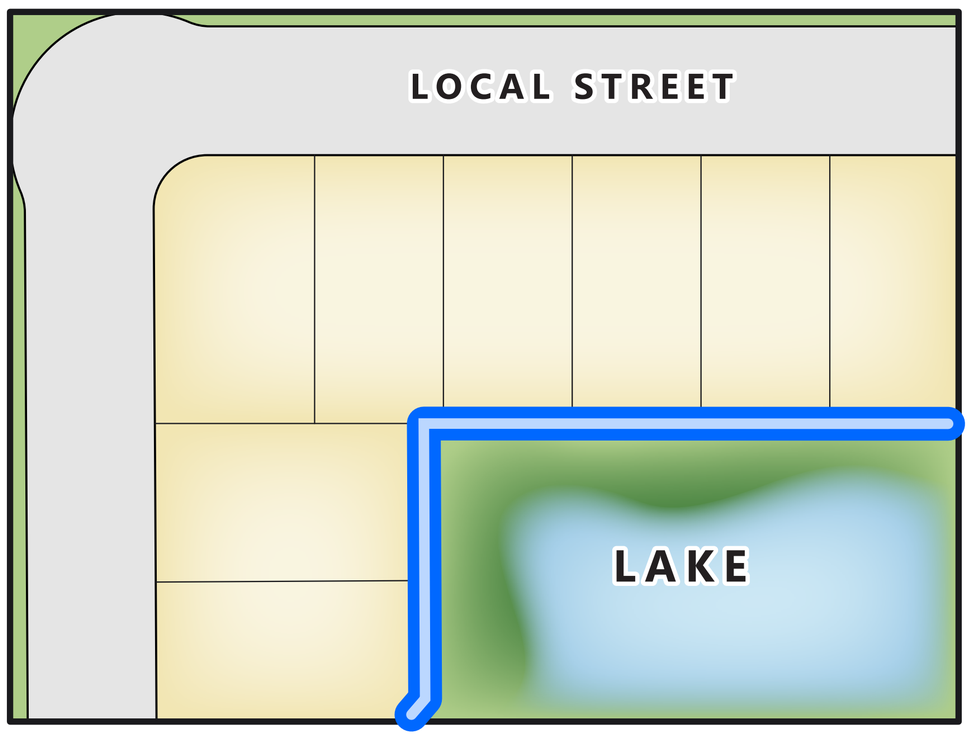
Applies to lots backing onto Pollard Boulevard

WOOD PUBLIC ROW FENCE



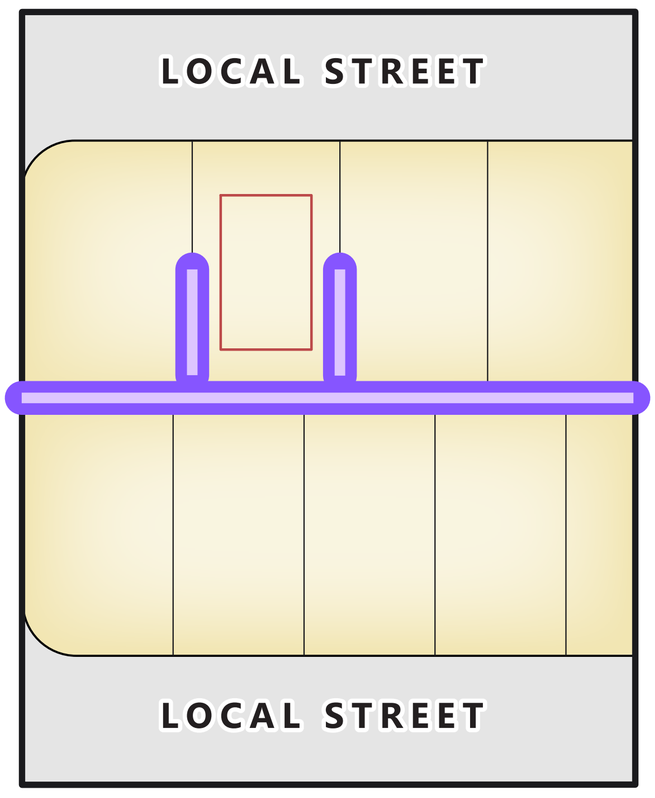
Applies to lots backing onto a collector street;
Applies to all lots with side yard fencing facing a public right-of-way

WROUGHT IRON FENCE



Applies to lots backing onto a lake

WOOD GOOD NEIGHBOR FENCE



Applies to all lots backing onto other lots and interior side lot lines

NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

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EXHIBIT P

Planned Unit Development
Fencing Exhibit

VALENCIA

±457.0 Acres of Land
Manvel, Texas

CONCRETE FENCE
WROUGHT IRON FENCE
WOOD PUBLIC ROW FENCE
WOOD GOOD NEIGHBOR FENCE

***Please note that multiple fence types may apply to a lot depending on it's location**

Reference Date: 12.19.2025

NORTH

0 25 50 100

LJA PLANNING & LANDSCAPE ARCHITECTURE

RELATIONSHIPS | PROCESS | DESIGN

GENERAL NOTES

BUILDING CODE: 2021 INTERNATIONAL BUILDING CODE

WIND LOADING: DESIGN WIND SPEED: 141 MPH (ULTIMATE WIND SECOND PER ASCE 7-16)
WIND EXPOSURE CATEGORY C, RISK CATEGORY II

THE DETAILED SITE ELEMENTS MAY BE BUILT IN AREAS QUALIFIED AS WIND EXPOSURE B OR C.

THE SOIL GRADING ON BOTH SIDES OF THE FENCING MUST BE NO STEEPER THAN A 1 FOOT DROP IN A HORIZONTAL DISTANCE OF 8 FEET. THIS DESIGN ASSUMES THAT THERE IS NO OPEN DRAINAGE DITCH CLOSER THAN 8 FEET FROM THE FACE OF THE FENCING. NOTIFY BGA IF ANY OF THESE CRITERIA CANNOT BE MET.

EXISTING STRUCTURE AND EXISTING CONDITIONS:

FIELD VERIFY THE AREA OF NEW CONSTRUCTION TO DETERMINE IF EXISTING STRUCTURES, UNDERGROUND UTILITIES OR PLUMBING MAY INTERFERE WITH THE NEW CONSTRUCTION.

FOUNDATION AND EARTHWORK:

FOOTINGS HAVE BEEN DESIGNED FOR THE FOLLOWING ASSUMED ALLOWABLE BEARING PRESSURES:
TOTAL LOAD: 3000 PSF (END BEARING)
BEARING ELEVATION: 9 FEET MINIMUM BELOW FINISHED GRADE

IMPORTANT NOTE: SHALLOW WATER CONDITIONS MAY BE ENCOUNTERED IN THE PIERS. IT IS RECOMMENDED THAT THE CONTRACTOR DRILL SOME TEST HOLES TO VERIFY IF WATER WILL BE PRESENT. IF WATER IS PRESENT, THEN IT IS RECOMMENDED THAT THE HOLES NOT BE DRILLED TO FULL BEARING DEPTH UNTIL CONCRETE IS ON-SITE. IF MORE THAN 1" DEPTH OF WATER SEEPS INTO THE PIER UPON COMPLETION OF DRILLING THEN PUMP OUT THE EXCESS WATER PRIOR TO CONCRETING.

BEARING ELEVATIONS FOR BOTTOM OF FOOTINGS SHALL BE VERIFIED WITH FIELD CONDITIONS. THE FOOTINGS SHALL BEAR AT A SOILS STRATA RECOMMENDED IN THE SOILS REPORT. WHEN SOFT OR UNSUITABLE SOILS ARE ENCOUNTERED AT SPECIFIED BEARING STRATA, THE SOILS CONSULTANT AND BGA ENGINEERS SHALL BE NOTIFIED.

FOOTINGS SHALL BE POURED AS SOON AS POSSIBLE AFTER EXCAVATION, CLEAN-OUT, INSPECTION AND INSTALLATION OF REINFORCING STEEL. NOTIFY GEOTECHNICAL ENGINEER AT LEAST 24 HOURS PRIOR TO DIGGING OF FOOTINGS TO SCHEDULE SITE VISITS. PROPER SOIL BEARING SHALL BE VERIFIED BY THE GEOTECHNICAL ENGINEER PRIOR TO POURING EACH FOOTING. FOOTINGS DRILLED TO FULL DEPTH SHALL NOT BE LEFT OPEN OVERNIGHT.

CONCRETE (PRECAST AND SITE-CAST):

CONCRETE SHALL BE NORMAL WEIGHT AND SHALL CONFORM TO ACI 318 REQUIREMENTS. CONCRETE WORK SHALL CONFORM TO ACI 301.
MINIMUM CONCRETE PROPERTIES:
PRECAST ELEMENTS - 5000 PSI COMPRESSIVE STRENGTH AND MAX. AGGREGATE 3/4" 5% AIR ENTRAINMENT, MAXIMUM WATER TO CEMENT RATIO OF 0.50

SITE CAST ELEMENTS - 3000 PSI COMPRESSIVE STRENGTH AND MAX. AGGREGATE 1 1/2" NO AIR ENTRAINMENT, MAXIMUM WATER TO CEMENT RATIO OF 0.53

STRENGTHS LISTED ARE FOR 28-DAY.
AGGREGATES SHALL MEET THE REQUIREMENTS OF ACI 302.1R (CHAPTER 5.4) AND CONFORM TO THE COMBINED AGGREGATE GRADING SPECIFIED IN SECTION 5.4.3 (ACI 302.1R).
FLY ASH, WHEN USED, MAY BE SUBSTITUTED FOR PORTLAND CEMENT IN QUANTITIES NOT TO EXCEED 25 PERCENT FLY ASH BY MASS OF CEMENTIOUS MATERIALS.
PROPERLY CONSOLIDATE ALL CONCRETE USING VIBRATORS DURING PLACEMENT. VIBRATE ALL CONCRETE INCLUDING THE TOP FIVE FEET OF DRILLED PIERS, FOOTINGS, GRADE BEAMS, SLABS, WALLS, COLUMNS, ETC. VIBRATE ALL CONCRETE SUCH THAT NO COLD JOINTS OR HONEYCOMBING (VOIDS) ARE PRESENT IN THE FINISHED CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF ANY STRUCTURAL REPAIRS TO CONCRETE DUE TO IMPROPER PLACEMENT. THE CONTRACTOR MUST PROVIDE THE ENGINEER WITH PROPOSED REPAIR MATERIALS PRIOR TO COMMENCEMENT OF ANY STRUCTURAL REPAIR WORK. THE ENGINEER MUST APPROVE IN WRITING THE PROPOSED PRODUCTS. NOTIFY BGA ENGINEERS FOR ADDITIONAL INSTRUCTIONS AT ANY CONDITIONS WHERE STRUCTURAL OR COSMETIC REPAIRS ARE NECESSARY TO EXPOSED CONCRETE.
PRECAST COLUMNS SHALL BE TEMPORARILY BRACED AFTER ERECTION. BRACING TO REMAIN IN PLACE UNTIL GROUT HAS BEEN INSTALLED AND HAS REACH A MINIMUM OF 75% OF ITS DESIGN 28 DAY STRENGTH.

REINFORCING STEEL:

REINFORCING BARS SHALL CONFORM TO ASTM A615-GRADE 60.
WELDED WIRE FABRIC SHALL CONFORM TO ASTM A185 OR A497. FURNISH IN FLAT SHEETS ONLY.
SMOOTH DOWELS SHALL CONFORM TO ASTM A36 OR ASTM A306.
REINFORCING STEEL DETAILING SHALL CONFORM TO ACI 315.
PROVIDE CHAIRS TO INSURE PROPER COVER FOR ALL REINFORCING IN PRECAST AND CAST-IN-PLACE CONCRETE FOR PRECAST CONCRETE, SUPPORTS AT EXPOSED TO VIEW SURFACES SHALL BE PLASTIC PROTECTED OR STAINLESS STEEL PROTECTED.
DUCTILE IRON INSERTS. ASTM A536 AS MANUFACTURED BY RICHMOND SCREW ANCHOR CO., HOHMAN & BARNARD INC., OR DAYTON SUPERIOR CORPORATION.
CONCRETE COVER (PLANT CAST PRECAST):
PRECAST COLUMNS 1 1/2" BOTTOM, 1" SIDES, AND 1 1/2" TOP
PRECAST WALL PANELS 2" EDGES (TOP, BOTTOM, SIDES) MAT REINFORCING TO BE CENTERED IN PANEL THICKNESS
CONCRETE COVER (SITE-CAST CONCRETE):
DRILLED PIERS 6" BOTTOM, 3" SIDES AND 2" TOP
CAPS/GRADE BEAMS 2" TOP, 3" BOTTOM, 2" SIDES
WELDING OF REINFORCING STEEL - ASTM A615-GRADE 60 REINFORCING STEEL SHALL NOT BE WELDED OR TACK WELDED FOR ANY REASON.

MASONRY:

MASONRY CONSTRUCTION SHALL CONFORM TO THE REFERENCED BUILDING CODE, ACI 530 AND ACI 530.1.
GROUT SHALL CONFORM TO ASTM C476 WITH A MAXIMUM AGGREGATE SIZE OF 3/8", AND A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI @ 28 DAYS.
PERIODIC INSPECTIONS OF THE MASONRY CONSTRUCTION PER THE APPLICABLE BUILDING CODES ARE REQUIRED. MASONRY CONTRACTOR TO PROVIDE AT LEAST 24 HOURS NOTICE. COORDINATE FREQUENCY OF VISITS AND SCHEDULE WITH THE CONTRACTOR AND OWNER'S REPRESENTATIVE.
ALL VOIDS CONTAINING REINFORCING STEEL SHALL BE FILLED SOLID WITH GROUT AT SPECIFIED ABOVE.
VERTICAL BARS SHALL BE HELD IN POSITION AT TOP AND BOTTOM AND AT INTERVALS NOT EXCEEDING 8'-0".

NON-SHRINK GROUT:

NON-SHRINK GROUT BETWEEN COLUMNS AND FOOTINGS AND FOR INFILLING OF LIFTING INSERTS SHALL BE A NON-METALLIC, SHRINKAGE RESISTANT, PREMIXED, NON-CORROSIVE, NON-STAINING PRODUCT CONTAINING PORTLAND CEMENT, SILICA SANDS, SHRINKAGE COMPENSATING AGENTS, AND FLUIDITY IMPROVING COMPOUNDS.
NON-SHRINK GROUT SHALL CONFORM TO CORPS OF ENGINEERS SPECIFICATION FOR NON-SHRINK GROUT, CE-CRD-C621. TWENTY-EIGHT DAY COMPRESSIVE STRENGTH AS DETERMINED BY GROUT CUBE TESTS, SHALL BE 6,000 PSI MINIMUM.
NON-SHRINK GROUT SHALL BE PLACED IN A FLUID FLOWABLE STATE UNDER BASEPLATES AND BEARING PLATES THAT HAVE A FORM BUILT AROUND THEM FOR GROUT CONFINEMENT.
NON-SHRINK GROUT MUST BE INSTALLED PRIOR TO FILLING COLUMN CAVITY WITH GROUT.

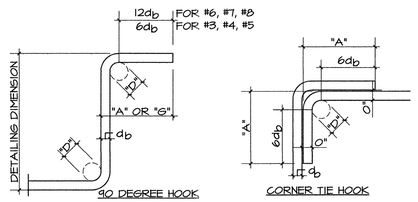
STRUCTURAL TESTS AND SPECIAL INSPECTIONS

REFER TO THE REFERENCED BUILDING CODE FOR ADDITIONAL INFORMATION, DEFINITIONS AND TESTING REFERENCES REGARDING SPECIAL INSPECTIONS. THIS SECTION OF NOTES IS BASED ON CHAPTER 17 OF THE IBC CODE.
THE OWNER SHALL HIRE ONE OR MORE SPECIAL INSPECTORS TO PROVIDE THE SPECIAL INSPECTIONS DURING CONSTRUCTION FOR THE FOLLOWING TYPES OF STRUCTURAL WORK:
1. PRECAST AND CAST-IN-PLACE CONCRETE
2. FOUNDATION ELEMENTS

THIS SECTION IS LIMITED ONLY TO STRUCTURAL PORTIONS OF THE PROJECT. THIS SECTION DOES NOT COVER STANDARD INSPECTIONS TO BE PERFORMED BY THE BUILDING OFFICIAL OR PERIODIC SITE VISITS/OBSERVATIONS MADE BY REPRESENTATIVES OF BGA ENGINEERS, INC.
THE SPECIAL INSPECTOR FOR THE LISTED STRUCTURAL ITEMS SHALL BE ONE OR MORE OF THE FOLLOWING: A QUALIFIED TESTING LAB OR GEOTECHNICAL ENGINEER QUALIFIED TO INSPECT THE PARTICULAR TYPE OF CONSTRUCTION REQUIRING THE SPECIAL INSPECTION. THE OWNER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE SPECIAL INSPECTIONS LISTED IN THIS SECTION, EXCEPT FOR ADDITIONAL INSPECTIONS REQUIRED DUE TO NON-CONFORMANCE OF WORK. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR ADDITIONAL COSTS INCURRED IF THE SPECIAL INSPECTOR MAKES ADDITIONAL TRIPS, REPORTS, ETC. FOR WORK FOUND TO BE NON-CONFORMING TO THE APPROVED CONSTRUCTION DOCUMENTS.
THE SPECIAL INSPECTOR(S) SHALL OBSERVE THE WORK TO ASCERTAIN TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF WHETHER THE WORK IS IN CONFORMANCE WITH THE APPROVED CONTRACT DRAWINGS AND SPECIFICATIONS OR NOT.
THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE SPECIAL INSPECTOR(S) AND BGA ENGINEERS INC. AT LEAST 72 HOURS BEFORE COMMENCING ANY NEW TYPE OF STRUCTURAL WORK COVERED BY THIS SPECIAL INSPECTION SECTION. DURING THE ONGOING CONSTRUCTION OF A PARTICULAR TYPE OF STRUCTURAL WORK, THE NOTICE TIME MAY BE REDUCED TO 24 HOURS. THE GENERAL CONTRACTOR SHALL KEEP THE OWNER, ARCHITECT AND BGA ENGINEERS INC. INFORMED OF ANY SCHEDULING PROBLEMS OR DIFFICULTIES.
THE SPECIAL INSPECTOR(S) SHALL FURNISH COPIES OF ALL INSPECTION REPORTS TO THE EOR RESPONSIBLE FOR THE PORTION OF THE WORK BEING REVIEWED, THE ARCHITECT, GENERAL CONTRACTOR AND THE BUILDING OFFICIAL. ALL REPORTS SHALL INCLUDE THE NAME(S) OF THE INDIVIDUAL AND COMPANY PERFORMING THE SPECIAL INSPECTIONS, AS WELL AS THE DATE OF EACH INSPECTION, ITEMS REVIEWED, AREA OF EACH ITEM RELATIVE TO SPECIFIC GRID LINES/FLOOR LEVELS AND ANY DISCREPANCIES BETWEEN THE OBSERVED WORK AND APPROVED CONSTRUCTION DOCUMENTS.
IF ANY DISCREPANCIES OR DEFICIENCIES ARE NOTED, THE SPECIAL INSPECTOR SHALL IMMEDIATELY NOTIFY THE GENERAL CONTRACTOR (ON THE SAME DAY AS THE INSPECTION IF AT ALL POSSIBLE AND BEFORE THE INSPECTOR LEAVES THE SITE). THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO RELAY THESE FINDINGS TO THE APPROPRIATE SUB-CONTRACTOR AND SHALL BE RESPONSIBLE FOR DIRECTING AND COORDINATING ALL CORRECTIVE ACTIONS NECESSARY TO CORRECT THE DISCREPANCIES OR DEFICIENCIES. THE SPECIAL INSPECTOR SHALL ALSO NOTIFY THE ARCHITECT AND ENGINEER WITHIN 24 HOURS, EITHER BY FAX OR PHONE CALL, AND WHAT CORRECTIVE ACTION WAS TAKEN, IF ANY AT THAT POINT, BY THE GENERAL CONTRACTOR. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT CORRECTIVE ACTION IS TAKEN IN A TIMELY MANNER.
THE GENERAL CONTRACTOR SHALL CONTACT BGA ENGINEERS INC. AND/OR THE ARCHITECT IF THERE IS ANY QUESTION REGARDING THE PROPER CORRECTIVE ACTION TO TAKEN BASED ON THE SPECIAL INSPECTOR'S REPORTS AND RECOMMENDATIONS.
AT THE COMPLETION OF EACH TYPE OF STRUCTURAL WORK, THE SPECIAL INSPECTOR SHALL SUBMIT A SIGNED REPORT CERTIFIED BY A LICENSED ENGINEER IN THE STATE OF THE PROJECT. THE REPORT SHALL STATE WHETHER THE INSPECTED WORK WAS, TO THE BEST OF THE INSPECTOR'S KNOWLEDGE, IN CONFORMANCE WITH THE APPROVED CONSTRUCTION DOCUMENTS AND WHETHER THE INSPECTED WORK WAS PERFORMED IN A WORKMANLIKE MANNER.
THE FOLLOWING IS A SUMMARY OF THE PERIODIC AND CONTINUOUS SPECIAL INSPECTIONS REQUIRED FOR THIS PROJECT. REFER TO THE BUILDING CODE FOR ADDITIONAL REFERENCES, IF NEEDED.
PRECAST AND CAST-IN-PLACE CONCRETE CONSTRUCTION (BASED ON IBC 1704.4):
1. INSPECTION OF ALL REINFORCING STEEL (INCLUDING SIZES, QUANTITIES AND PLACEMENT) - (PERIODIC)
2. INSPECTION OF ANY WELDING OF REINFORCING STEEL, INCLUDING DEFORMED BAR ANCHORS (CONTINUOUS)
3. INSPECT BOLTS OR ANCHORS INSTALLED IN CONCRETE PRIOR TO OR DURING THE PLACEMENT OF THE CONCRETE, INCLUDING SIZE, QUANTITY, LENGTH AND LAYOUT (PERIODIC)
4. VERIFY THE USE OF THE APPROVED CONCRETE DESIGN MIX (PERIODIC)
5. SAMPLING OF FRESH CONCRETE, PERFORMING SLUMP/AIR CONTENT/TEMPERATURE TESTS AND MAKING OF CONCRETE CYLINDERS FOR STRENGTH TESTS (CONTINUOUS)
6. INSPECTION FOR MAINTENANCE OF SPECIFIED CURING TECHNIQUES AND TEMPERATURES (PERIODIC)

CONCRETE MASONRY CONSTRUCTION (BASED ON IBC 1704.5):
1. PROPORTIONS OF SITE-MIXED GROUT (PERIODIC)
2. INSPECT GROUT SPACES PRIOR TO GROUTING AND PLACEMENT OF GROUT (CONTINUOUS)
3. ANCHORS OR CONNECTORS TO OTHER STRUCTURAL ITEMS (CONTINUOUS)

FOUNDATIONS (BASED ON IBC 1704.7 AND 1704.8):
1. DRILLED PIERS. PROVIDE CONTINUOUS INSPECTION OF ALL DRILLED PIERS. OBSERVE PIER DEPTH, VERIFY BEARING SOILS WITH SOILS REPORT, VERIFY PIER DIAMETER AND BELL SIZE (IF ANY), CLEANLINESS OF PIER BOTTOM, VERIFY REINFORCING STEEL SIZE, VERIFY PROPER VIBRATION OF THE TOP SECTION OF CONCRETE IN THE PIER, AND SAMPLE FRESH CONCRETE PER THE SECTION ABOVE. (CONTINUOUS)

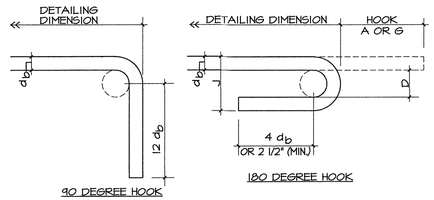


STIRRUP & TIE HOOK SCHEDULE

BAR SIZE	"D"	90 DEG HOOK "A" OR "G"	135 DEG HOOK "A" OR "G"
#3	1 1/2"	4"	4"
#4	2"	4 1/2"	4 1/2"
#5	2 1/2"	6"	5 1/2"

D = INSIDE DIAMETER OF BEND
d_b = BAR DIAMETER

TYPICAL STIRRUP AND TIE HOOK TYPES 01

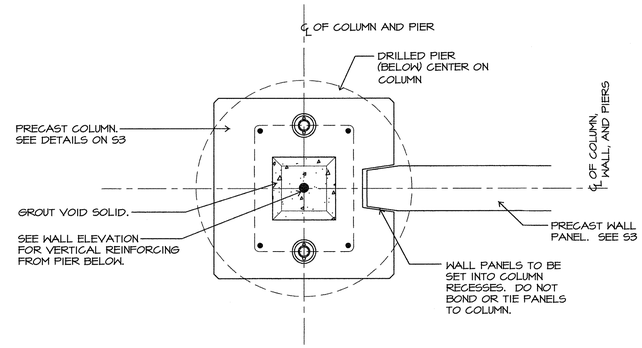


RECOMMENDED END HOOKS - ALL GRADES

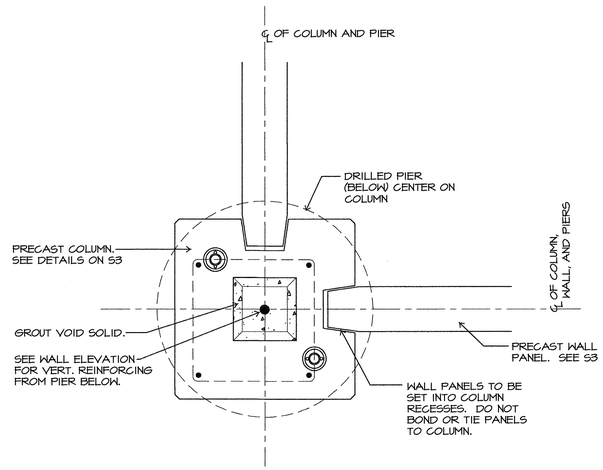
BAR SIZE	FINISHED BEND DIAMETER "D"	180° HOOKS "A" OR "G"	180° HOOKS "J"	90° HOOKS "A" OR "G"
#3	2 1/4"	5"	3"	6"
#4	3"	6"	4"	8"
#5	3 3/4"	7"	5"	10"
#6	4 1/2"	8"	6"	12"

D = INSIDE DIAMETER OF BEND
d_b = BAR DIAMETER

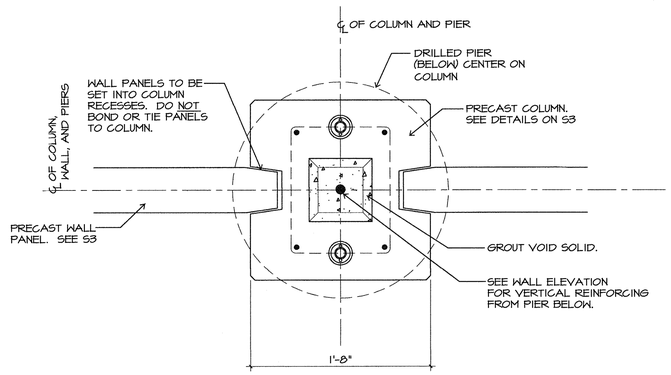
TYPICAL END HOOK TYPES 02



DETAIL 03B/S1
"EC" END COLUMN -PLAN VIEW
SCALE : 1-1/2"=1'-0"



DETAIL 03C/S1
"CC" CORNER COLUMN -PLAN VIEW
SCALE : 1-1/2"=1'-0"



DETAIL 03A/S1
"LC" LINE COLUMN -PLAN VIEW
SCALE : 1-1/2"=1'-0"

EXHIBIT Q-1

STRUCTURAL ENGINEERS
TX FIRM REG. #833
BGA ENGINEERS, INC.
13100 NORTHWEST FREEWAY, SUITE 350
HOUSTON, TEXAS 77040
(713) 329-9922

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SEAL
BGA ENGINEERING PROJECT NO. 23070



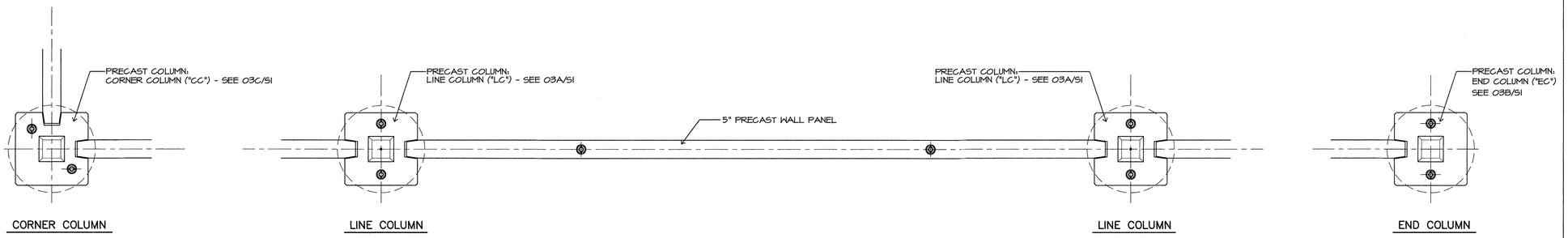
MIKE HULBERT, TX PE#76981

Valencia Phase 1
6Ft. Verticrete Precast Fence System
Client: Republic Masonry
Manvel (Brazoria County), Texas

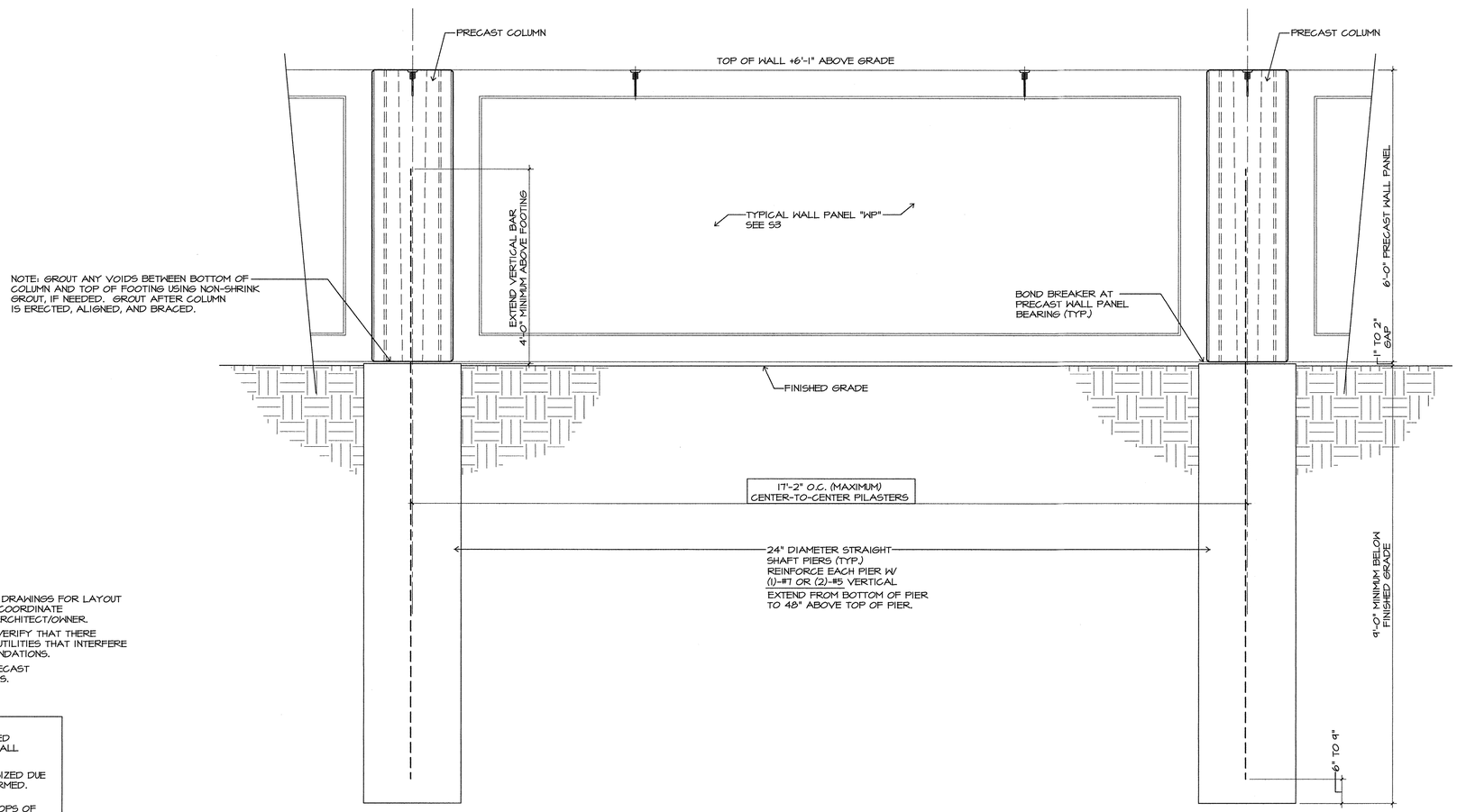
Standard Details and General Notes

Date: 09/25/2023
Scale: 3/4"=1'-0" (UNO)
Job No.: BGA #23070
Revised:

S-1



PLAN VIEW



NOTES:
1. REFER TO SITE PLAN/LANDSCAPE DRAWINGS FOR LAYOUT AND LOCATIONS OF ALL WALLS. COORDINATE FINAL LAYOUT WITH LANDSCAPE ARCHITECT/OWNER.
2. PRIOR TO CONSTRUCTION, FIELD VERIFY THAT THERE ARE NO EXISTING UNDERGROUND UTILITIES THAT INTERFERE WITH ANY OF THE PROPOSED FOUNDATIONS.
3. REFER TO SHEET S3 FOR ALL PRECAST WALL PANEL AND COLUMN DETAILS.

PIER CAP NOTES:

TOP OF ALL PIERS SHALL BE FORMED WHEN PIERS ARE INSTALLED AND SHALL HAVE VERTICAL FACES.

TOP OF CAPS SHALL NOT BE OVERSIZED DUE TO SOIL SLOUGHING OR BE SOIL FORMED.

ANY AND ALL VOIDS AROUND THE TOPS OF ALL PIER CAPS (DUE TO FORMWORK OR SOIL SLOUGHING) SHALL BE FILLED IN WITH APPROVED STRUCTURAL FILL MATERIALS AND SHALL BE COMPACTED ACCORDING TO THE GEOTECHNICAL REPORT. SPOILS FROM THE PIERS SHALL NOT BE USED AS STRUCTURAL FILL UNLESS THE GEOTECHNICAL ENGINEER APPROVES THE MATERIAL AS STRUCTURAL FILL.

DETAIL 01/S2
6'-0" TALL VERTICRETE FENCE – TYPICAL WALL PANEL AND COLUMNS
SCALE : 3/4" = 1'-0"

EXHIBIT Q-2

STRUCTURAL ENGINEERS
TX FIRM REG. #833
BGA ENGINEERS, INC.
13100 NORTHWEST FREEWAY, SUITE 350
HOUSTON, TEXAS 77040
(713) 329-9922

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SEAL
BGA ENGINEERS,INC. PROJECT NO. 23070

STATE OF TEXAS
MIKE HULBERT
76981
LICENSED
PROFESSIONAL ENGINEER
9/25/2023

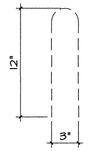
MIKE HULBERT, TX PE#76981

Valencia Phase 1
6Ft. Verticrete Precast Fence System
Client: Republic Masonry
Manvel (Brazoria County), Texas

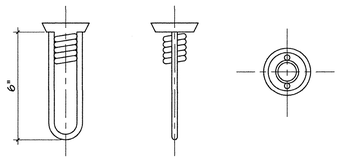
Typical Plan and Elevation

Date: 09/25/2023
Scale: 3/4"=1'-0" (UNO)
Job No.: BGA #23070
Revised:

S-2



DOWEL

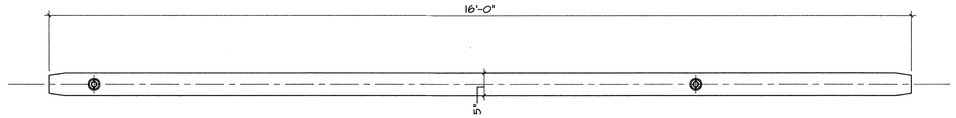


FRONT VIEW | SIDE VIEW | TOP VIEW

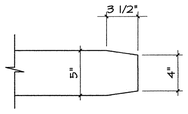
INSERT

NOTES:
1. ALL LIFTING INSERTS (UNO) TO BE: DAYTON SUPERIOR B-16 STRAIGHT COIL LOOP INSERT, 3/4" DIA. X 6" LONG, ELECTRO-PLATED.
2. PROVIDE 1/2" SET-BACK FROM FACE OF FORM.
3. AFTER ERECTION FILL ALL INSERT HOLES WITH NON-SHRINK GROUT.
4. PROVIDE (1)-#4 DOWEL (SEE ABOVE) THROUGH EACH INSERT.

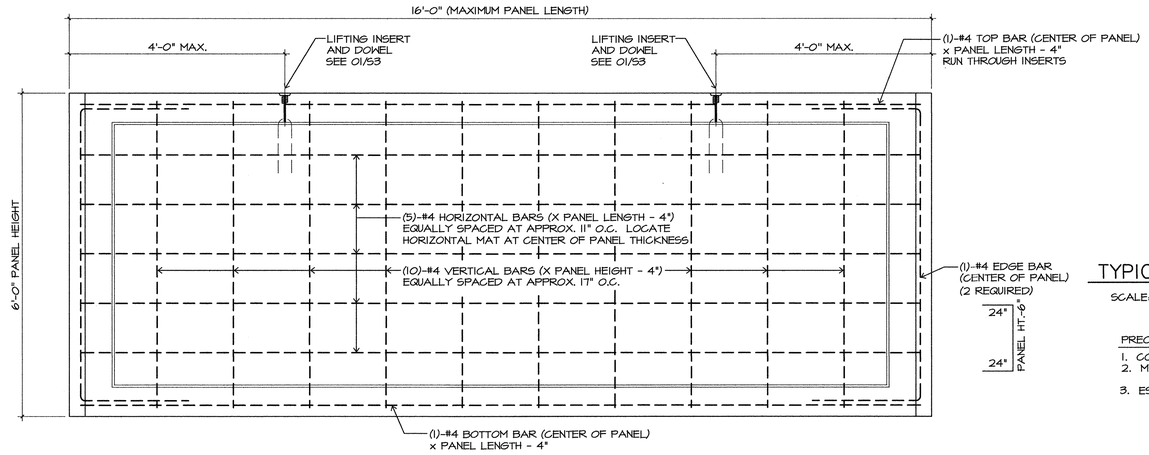
TYPICAL LIFTING INSERT | 01



TYPICAL WALL PANEL ("WP") – TOP VIEW



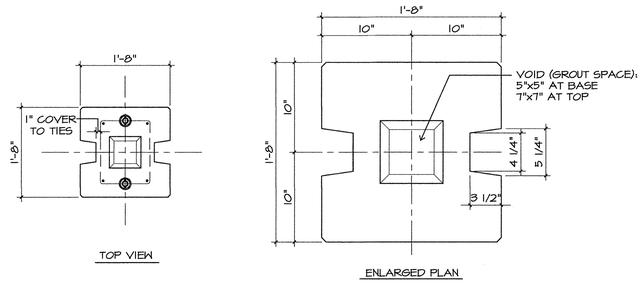
ENLARGED PLAN VIEW OF WALL ENDS



TYPICAL WALL PANEL ("WP") REINFORCING – ELEVATION

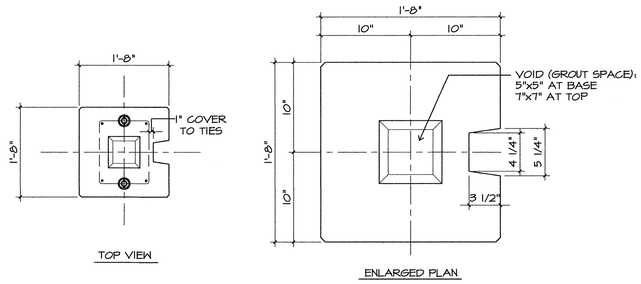
SCALE: 3/4"=1'-0"

PRECAST WALL PANEL NOTES:
1. COORDINATE REVEAL PATTERN WITH LANDSCAPE ARCHITECT.
2. MAXIMUM REVEAL DEPTH = 1/2" (FOR PATTERN ON BOTH FACES) OR 3/4" (FOR PATTERN ON ONE FACE)
3. ESTIMATED PANEL WEIGHT (FOR 6'x16' NOMINAL PANELS) = 6,000 LBS



TYPICAL LINE COLUMN ("LC") REINFORCING – ELEVATION

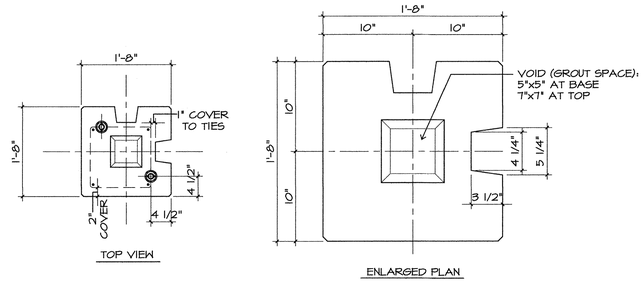
SCALE: 3/4"=1'-0"



TYPICAL END COLUMN ("EC") REINFORCING – ELEVATION

SCALE: 3/4"=1'-0"

PRECAST COLUMN NOTES:
1. COORDINATE REVEAL PATTERN WITH LANDSCAPE ARCHITECT.
2. MAXIMUM REVEAL DEPTH = 1/2" (PER FACE)
3. ESTIMATED COLUMN WEIGHT (FOR 6'x20"x20" NOMINAL COLUMNS) = 2,275 LBS (UNGROUTED)
4. PROVIDE 1/2" CHAMFERS ON ALL EXPOSED EDGES.



TYP. 90 DEG. CORNER COLUMN ("CC") REINFORCING–ELEVATION

SCALE: 3/4"=1'-0"

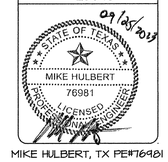
EXHIBIT Q-3

STRUCTURAL ENGINEERS
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HOUSTON, TEXAS 77040
(713) 329-9922

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SEAL

BGA ENGINEERS,INC. PROJECT NO. 23070



MIKE HULBERT, TX PE#76981

Valencia Phase 1
6Ft. Verticrete Precast Fence System
Client: Republic Masonry
Manvel (Brazoria County), Texas

Precast Details

Date: 09/25/2023
Scale: 3/4"=1'-0" (UNO)
Job No.: BGA #23070
Revised:

S-3

January 7, 2026

City of Manvel
Attn: Dan Johnson, City Manager
20031 Morris Avenue
Manvel, Texas 77578

Re: Request for Consideration and Action – Abandonment of Public Right-of-Way (Exhibit A)

Dear Mr. Johnson,

On behalf of BCS Manvel LLC ("BCS"), we respectfully request the City of Manvel's consideration and action regarding the abandonment of a portion of public right-of-way located within the City of Manvel, as depicted on Exhibit "A" (the "Subject ROW").

The Subject ROW is a portion of an approximately forty-foot (40') wide right-of-way dedicated by a 1912 plat (the "Historical ROW), shown on Exhibit "B," traversing land within the City of Manvel and its extraterritorial jurisdiction ("ETJ"). The Subject ROW is unimproved, unnecessary for public travel or circulation, and no longer required for municipal purposes.

BCS owns and is developing the adjacent tracts within the City of Manvel, shown on Exhibit "C," planned and advancing as Manvel Crossing. The continued existence of the Subject ROW creates unnecessary design constraints, and its abandonment would allow for a more efficient and cohesive site layout consistent with the development's long-term vision.

The City is authorized to consider and act upon this request pursuant to Resolution No. 2015-R-10.

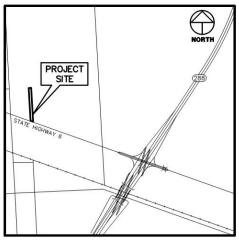
Abandonment of the Subject ROW will not prevent continued access to properties north of the City limits, as ETJ properties adjoining the Historical ROW will continue to have access via Rodeo Palms Parkway and the future extension of Kirby Drive. Public access, utility service, emergency response, and future connectivity will not be adversely affected. BCS is prepared to coordinate with City staff on all technical requirements.

Upon receipt of our $1,000 application fee being delivered today, we respectfully request staff review and initiation of the applicable process for Planning & Zoning Commission and City Council consideration. BCS is prepared to coordinate with City staff on all technical requirements and appreciates the City's continued partnership.

Sincerely,

Ryan Sweeney
Partner
BCS Capital Group

Exhibit "A"



CITY OF MANVEL, BRAZORIA COUNTY, TEXAS

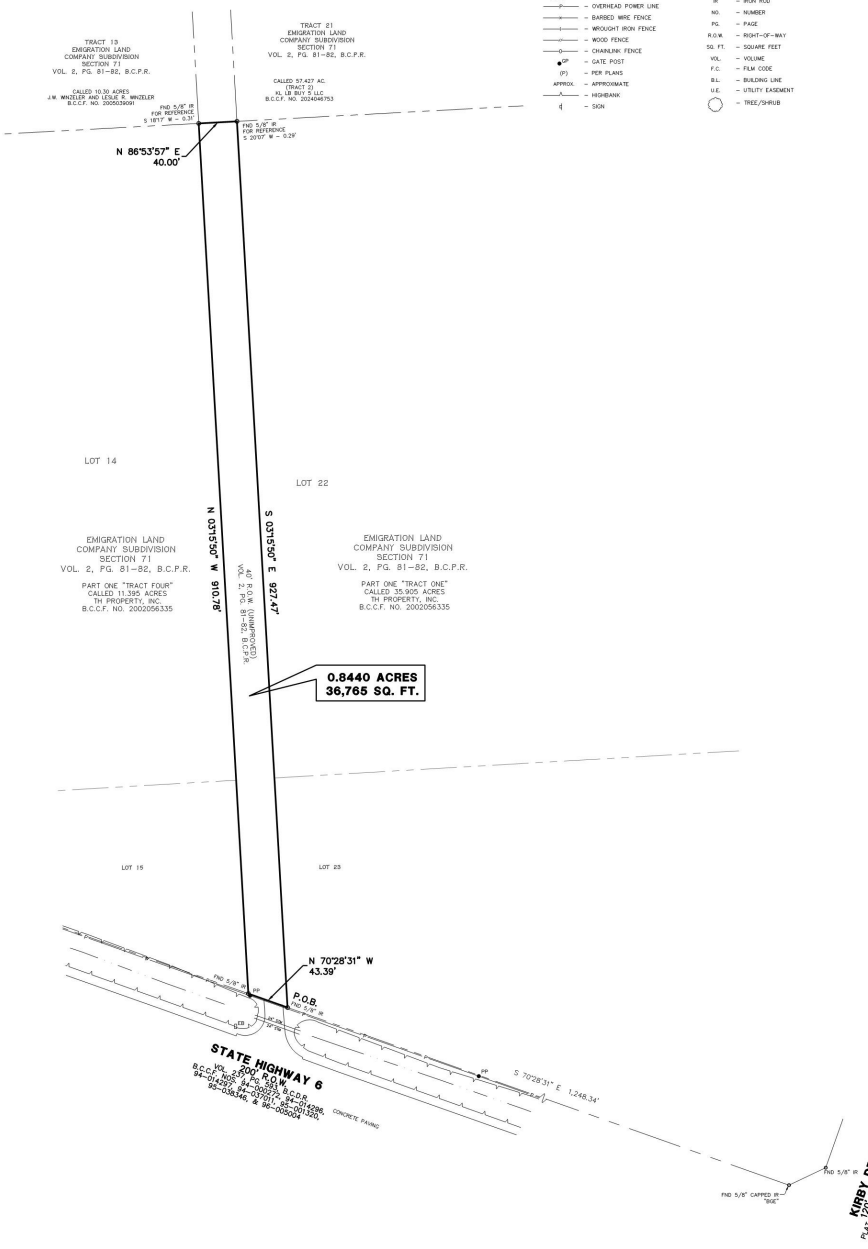
VICINITY MAP

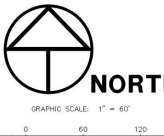
SCALE: 1" = 2000

LEGEND

* SOME OF THESE ELEMENTS MAY NOT BE USED ON THIS SURVEY

BO	BOLLARD	PLM	PIPELINE MARKER
HC	HANDICAP	UGCS	UNDERGROUND CABLE SIGN
GM	GAS METER	CTL	CATHODIC TEST LEAD
GV	GAS VALVE	MW	MONITORING WELL
FH	FIRE HYDRANT	P	PIN FLAG/PAINT MARK
WM	WATER METER	TC	TOP OF CURB
WV	WATER VALVE	G	GUTTER
ICV	IRRIGATION CONTROL VALVE	TG	TOP OF GRATE
	GRATE INLET	FL	FLOW LINE
	GRATE INLET	HB	HIGHBANK
	MANHOLE	SAN	SANITARY SEWER
CO	CLEANOUT	STM	STORM SEWER
TP	TELEPHONE PEDESTAL	CMP	CORRUGATED METAL PIPE
EB	ELECTRIC BOX	CPP	CORRUGATED PLASTIC PIPE
TSB	TRAFFIC SIGNAL BOX	RCP	REINFORCED CONCRETE PIPE
LP	LIGHT POLE	TEL	TELEPHONE
TLP	TRAFFIC LIGHT POLE	SWBT	SOUTHWESTERN BELL TELEPHONE CO.
GL	GROUND/SPOT LIGHT	WTR	WATER
PP	POWER POLE	UG	UNDERGROUND
PP/T	POWER POLE W/TRANSFORMER	FND	FOUND
PP/LT	POWER POLE W/LIGHT	B.C.C.F.	BRAZORIA COUNTY CLERK FILE
PP/CT	POWER POLE W/CONDUIT	B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
MP	METER POLE	B.C.M.R.	BRAZORIA COUNTY MAP RECORDS
SP	SERVICE POLE	IP	IRON PIPE
GAC	GUY ANCHOR	IR	IRON ROD
	OVERHEAD POWER LINE	NO.	NUMBER
	BARBED WIRE FENCE	PG.	PAGE
	WROUGHT IRON FENCE	R.O.W.	RIGHT-OF-WAY
	WOOD FENCE	SQ. FT.	SQUARE FEET
	CHAINLINK FENCE	VOL.	VOLUME
	GATE POST	F.C.	FILM CODE
(P)	PER PLANS	B.L.	BUILDING LINE
APPROX.	APPROXIMATE	U.E.	UTILITY EASEMENT
	HIGHBANK		TREE/SHRUB
	SIGN		





DESCRIPTION

BEING A TRACT OR PARCEL CONTAINING 0.8440 ACRES OR 36,765 SQUARE FEET OF LAND, BEING A PORTION OF A CALLED 40' WIDE UNNAMED ROAD AS SHOWN ON EMIGRATION LAND COMPANY SUBDIVISION, SECTION 71, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER VOL. 2, PG. 81-82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, WITH SAID 0.8440 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY 6 (CALLED 200' WIDE) AS RECORDED UNDER VOL. 237, PG. 593, B.C.D.R. AND BY BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NOS. 94-000272, 94-014296, 94-014297, 94-037011, 95-001320, 95-038346, & 96-005004, FOR THE SOUTHWEST CORNER OF A CALLED 35.905 ACRE TRACT OF LAND (KNOWN AS "TRACT ONE") DESCRIBED TO TH PROPERTY, INC. AS RECORDED UNDER B.C.C.F. NO. 2002056335, SAME BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND MARKING THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6 AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.) BEARS FOR REFERENCE, SOUTH 70 DEG. 28 MIN. 31 SEC. EAST – 1,248.34 FEET;

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TO: BCS CAPITAL GROUP

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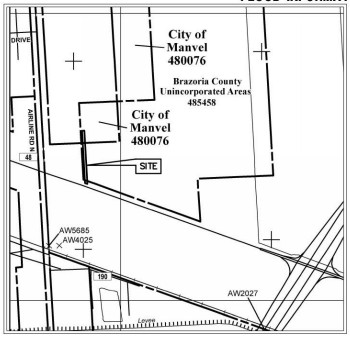
STATE OF TEXAS REGISTERED MATTHEW CARPENTER 6942 PROFESSIONAL LAND SURVEYOR

12/16/2025

MATTHEW CARPENTER
Registered Professional Land Surveyor
Texas Registration No. 6942

DATE

FLOOD INFORMATION



FLOOD INSURANCE RATE MAP

BRAZORIA COUNTY, TEXAS
AND INCORPORATED AREAS

PANEL 110 OF 925

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ALVIN, CITY OF	480651	0110	K
BRAZORIA COUNTY	480648	0110	K
IOWA COLONY, CITY OF	481071	0110	K
MANVEL, CITY OF	480078	0110	K
PEARLAND, CITY OF	480077	0110	K

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
48039C0110K

MAP REVISED
DECEMBER 30, 2020

WINDROSE
LAND SURVEYING | PLATTING

5353 W SAM HOUSTON PKWY N, STE 150 | HOUSTON, TX 77041 | 713.458.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

STANDARD LAND SURVEY OF
0.8440 AC. / 36,765 SQ. FT.
SITUATED IN THE
H. T. & B. RR. CO. SURVEY, SECTION 71
ABSTRACT NO. 291
BRAZORIA COUNTY, TEXAS

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FIELDED BY:	AR	CHECKED BY: CL	JOB NO. 59121-ROW-Aban
DRAWN BY:	–	DATE: DECEMBER 2025	SHEET NO. 1 of 1

Exhibit "B"

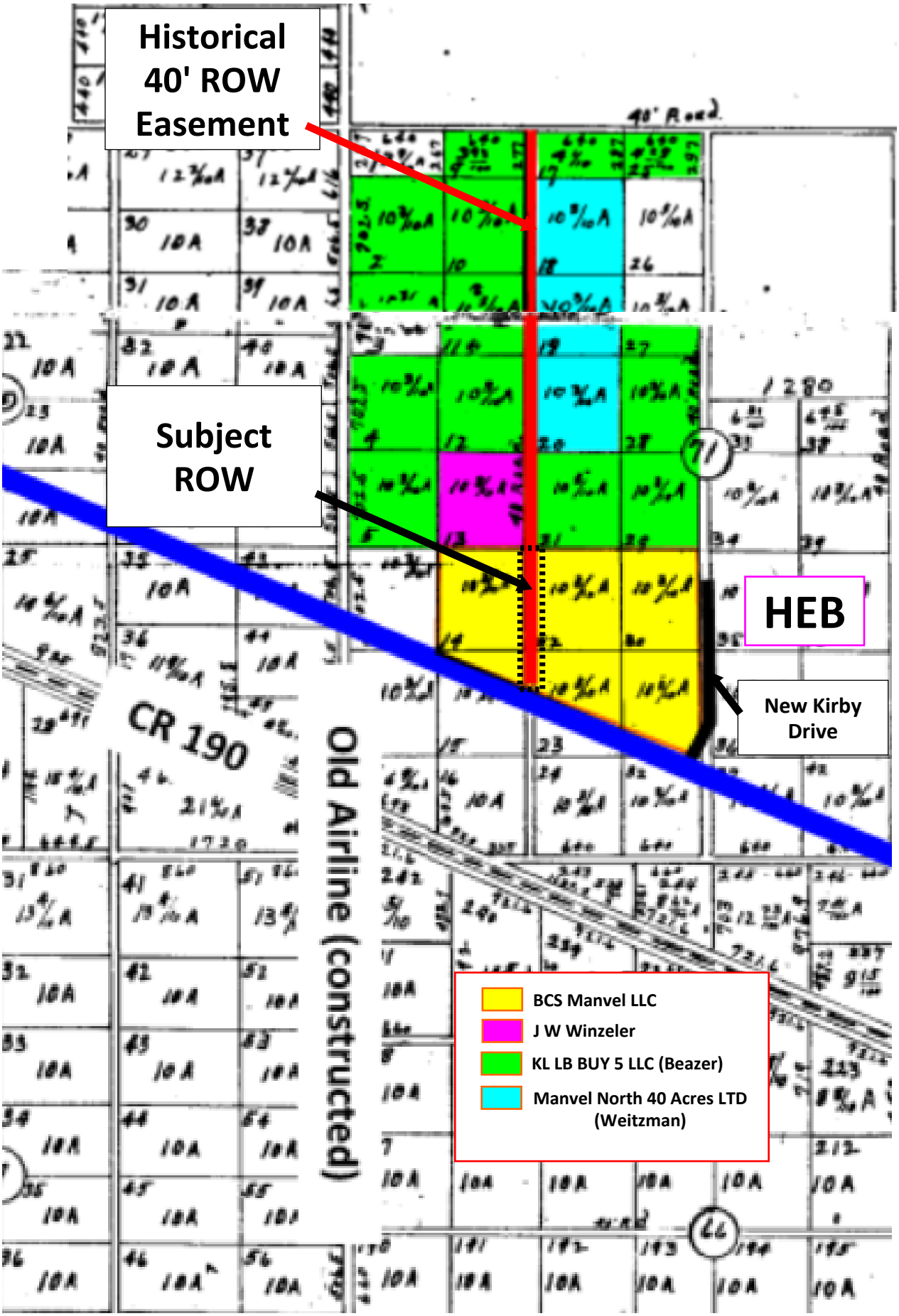
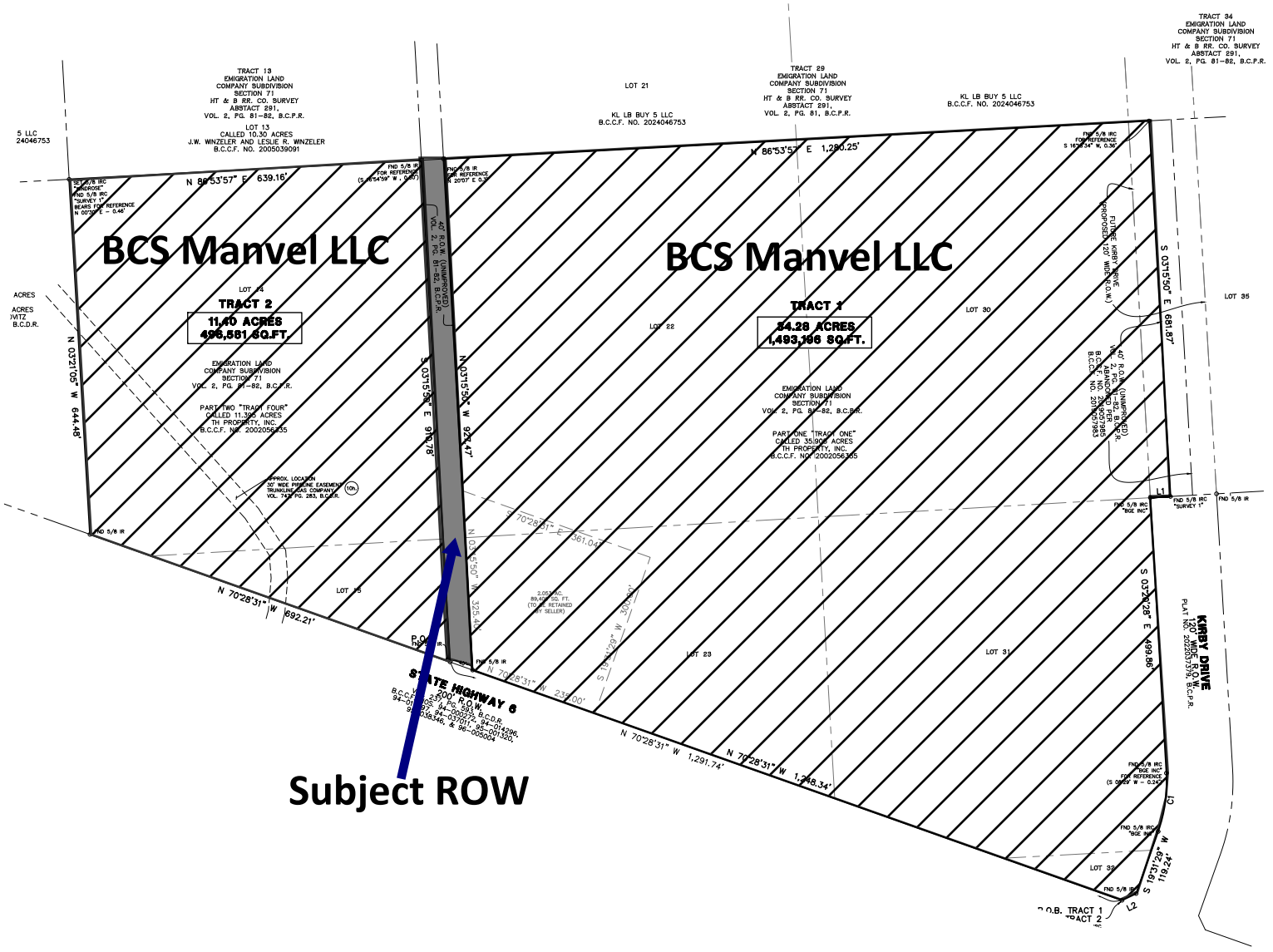

Historical 40' ROW Easement
Subject ROW
HEB
New Kirby Drive
CR 190
Old Airline (constructed)
BCS Manvel LLC
J W Winzeler
KL LB BUY 5 LLC (Beazer)
Manvel North 40 Acres LTD (Weitzman)

Exhibit "C"


BCS Manvel LLC
TRACT 2
11.40 ACRES
496,581 SQ.FT.
BCS Manvel LLC
TRACT 1
34.28 ACRES
1,493,166 SQ.FT.
Subject ROW
STATE HIGHWAY 6
KIRBY DRIVE
N 86°53'57" E 639.16'
N 86°53'57" E 1,280.25'
N 03°21'05" W 644.48'
N 03°15'50" E 910.78'
N 03°15'50" W 924.47'
S 03°15'50" E 681.97'
N 70°28'31" W 692.21'
N 70°28'31" W 1,291.74'
N 70°28'31" W 1,248.34'
S 03°28'28" E 499.86'
S 19°31'29" W 118.24'
P.O.B. TRACT 1
P.O.B. TRACT 2
TRACT 13
TRACT 29
TRACT 34
LOT 21
LOT 22
LOT 23
LOT 30
LOT 31
LOT 35
LOT 38
KL LB BUY 5 LLC
B.C.C.F. NO. 2024046753
FUTURE KIRBY DRIVE (PROPOSED 120' WIDE R.O.W.)
70' R.O.W. (UNIMPROVED)
VOL. 2, PG. 81-82, B.C.P.R.
ABANDONED PER B.C.C.F. NO. 2020079383
80' R.O.W.
VOL. 2, PG. 81-82, B.C.P.R.
ABANDONED PER B.C.C.F. NO. 2020079383
40' R.O.W. (UNIMPROVED)
VOL. 2, PG. 81-82, B.C.P.R.
200' R.O.W.
VOL. 2, PG. 81-82, B.C.P.R.
KIRBY DRIVE
PLAT NO. 20220137½, B.C.P.R.

MANVEL
CITY COUNCIL
DATA SHEET

MEETING DATE: March 2, 2026

TOPIC: A request by BCS Manvel LLC to abandon a portion of 40' wide right-of-way shown in Emigration Land Company Subdivision, Section 71, according to the map or plat recorded in Volume 2, Page 81 - 82 of Plat Records of Brazoria County, Texas, situated in the H.T. & B. R.R. CO. Survey, Abstract 291, being a total of 0.8440 acres.

BACKGROUND: The applicant is requesting to abandon a portion of a 40' wide right-of-way (ROW), located within their property proposed for development. The proposed development was recently approved as a Planned Unit Development (Manvel Crossing). The applicant owns the property along both side of the ROW. The remaining portion of the ROW is located within the City's ETJ under Brazoria County's jurisdiction. The abandonment of the subject portion of the ROW will not result in any tract of land being deprived of access.

The subject ROW is not a major throughfare and the proposed abandonment will not have any detrimental impact in the area.

STAFF RECOMMENDATION: Staff recommends approval of this requested ROW abandonment with the approval of Ordinance No. 2026-O-09.

PDZ RECOMMENDATION: Planning Development and Zoning Commission recommends approval of this requested ROW abandonment with the approval of Ordinance No. 2026-O-09.

ATTACHMENTS: Ordinance No. 2026-O-09, ROW abandonment application packet.

FUNDING ISSUES

_X_ 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** _____

January 7, 2026

City of Manvel
Attn: Dan Johnson, City Manager
20031 Morris Avenue
Manvel, Texas 77578

Re: Request for Consideration and Action – Abandonment of Public Right-of-Way (Exhibit A)

Dear Mr. Johnson,

On behalf of BCS Manvel LLC ("BCS"), we respectfully request the City of Manvel's consideration and action regarding the abandonment of a portion of public right-of-way located within the City of Manvel, as depicted on Exhibit "A" (the "Subject ROW").

The Subject ROW is a portion of an approximately forty-foot (40') wide right-of-way dedicated by a 1912 plat (the "Historical ROW), shown on Exhibit "B," traversing land within the City of Manvel and its extraterritorial jurisdiction ("ETJ"). The Subject ROW is unimproved, unnecessary for public travel or circulation, and no longer required for municipal purposes.

BCS owns and is developing the adjacent tracts within the City of Manvel, shown on Exhibit "C," planned and advancing as Manvel Crossing. The continued existence of the Subject ROW creates unnecessary design constraints, and its abandonment would allow for a more efficient and cohesive site layout consistent with the development's long-term vision.

The City is authorized to consider and act upon this request pursuant to Resolution No. 2015-R-10.

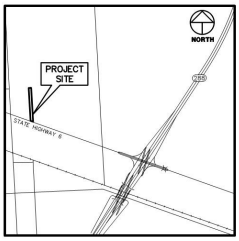
Abandonment of the Subject ROW will not prevent continued access to properties north of the City limits, as ETJ properties adjoining the Historical ROW will continue to have access via Rodeo Palms Parkway and the future extension of Kirby Drive. Public access, utility service, emergency response, and future connectivity will not be adversely affected. BCS is prepared to coordinate with City staff on all technical requirements.

Upon receipt of our $1,000 application fee being delivered today, we respectfully request staff review and initiation of the applicable process for Planning & Zoning Commission and City Council consideration. BCS is prepared to coordinate with City staff on all technical requirements and appreciates the City's continued partnership.

Sincerely,

Ryan Sweeney
Partner
BCS Capital Group

Exhibit "A"



CITY OF MANVEL, BRAZORIA COUNTY, TEXAS

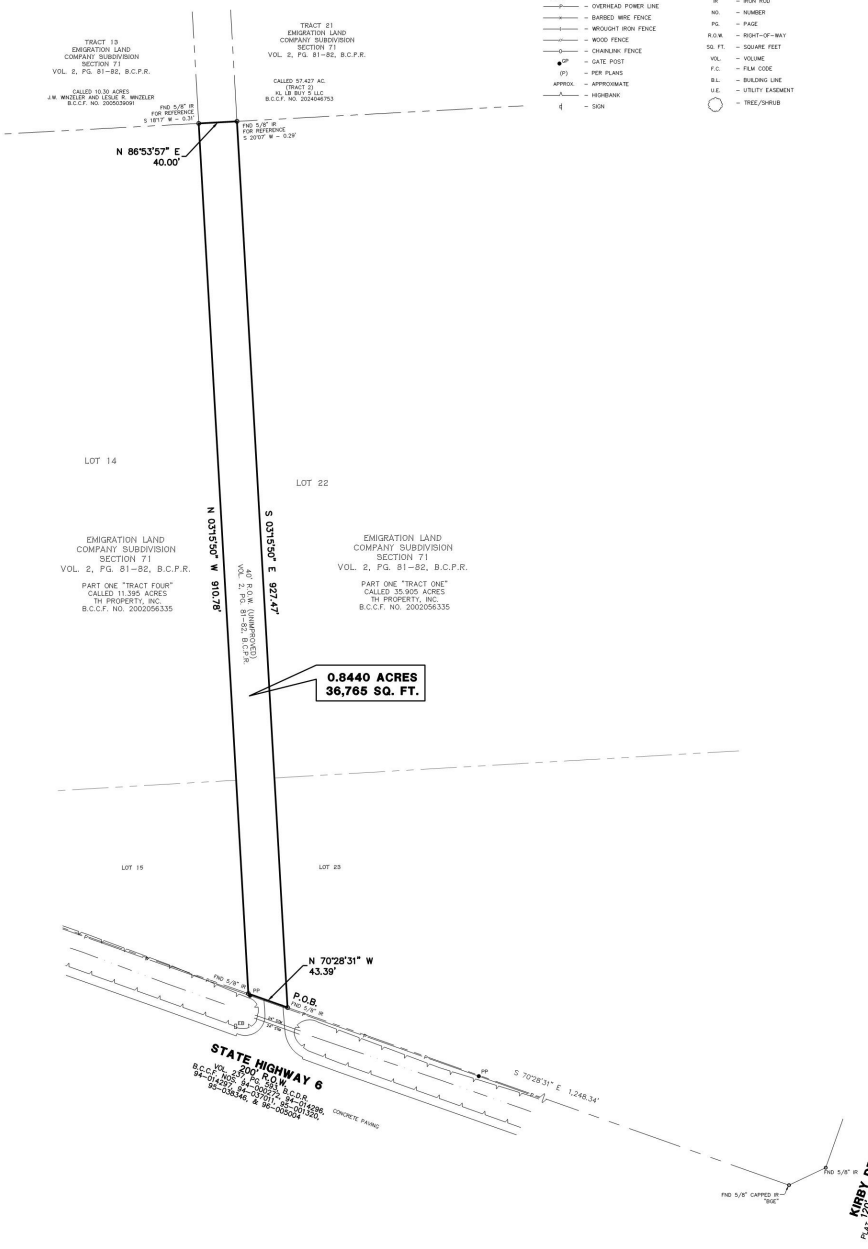
VICINITY MAP

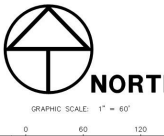
SCALE: 1" = 2000

LEGEND

* SOME OF THESE ELEMENTS MAY NOT BE USED ON THIS SURVEY

BO	BOLLARD	PLM	PIPELINE MARKER
HC	HANDICAP	UGCS	UNDERGROUND CABLE SIGN
GM	GAS METER	CTL	CATHODIC TEST LEAD
GV	GAS VALVE	MW	MONITORING WELL
FH	FIRE HYDRANT	P	PIN FLAG/PAINT MARK
WM	WATER METER	TC	TOP OF CURB
WV	WATER VALVE	G	GUTTER
ICV	IRRIGATION CONTROL VALVE	TG	TOP OF GRATE
	GRATE INLET	FL	FLOW LINE
	GRATE INLET	HB	HIGHBANK
	MANHOLE	SAN	SANITARY SEWER
CO	CLEANOUT	STM	STORM SEWER
TP	TELEPHONE PEDESTAL	CMP	CORRUGATED METAL PIPE
EB	ELECTRIC BOX	CPP	CORRUGATED PLASTIC PIPE
TSB	TRAFFIC SIGNAL BOX	RCP	REINFORCED CONCRETE PIPE
LP	LIGHT POLE	TEL	TELEPHONE
TLP	TRAFFIC LIGHT POLE	SWBT	SOUTHWESTERN BELL TELEPHONE CO.
GL	GROUND/SPOT LIGHT	WTR	WATER
PP	POWER POLE	UG	UNDERGROUND
PP/T	POWER POLE W/TRANSFORMER	FND	FOUND
PP/LT	POWER POLE W/LIGHT	B.C.C.F.	BRAZORIA COUNTY CLERK FILE
PP/CT	POWER POLE W/CONDUIT	B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
MP	METER POLE	B.C.M.R.	BRAZORIA COUNTY MAP RECORDS
SP	SERVICE POLE	IP	IRON PIPE
GAC	GUY ANCHOR	IR	IRON ROD
	OVERHEAD POWER LINE	NO.	NUMBER
	BARBED WIRE FENCE	PG.	PAGE
	WROUGHT IRON FENCE	R.O.W.	RIGHT-OF-WAY
	WOOD FENCE	SQ. FT.	SQUARE FEET
	CHAINLINK FENCE	VOL.	VOLUME
	GATE POST	F.C.	FILM CODE
(P)	PER PLANS	B.L.	BUILDING LINE
APPROX.	APPROXIMATE	U.E.	UTILITY EASEMENT
	HIGHBANK		TREE/SHRUB
	SIGN		





DESCRIPTION

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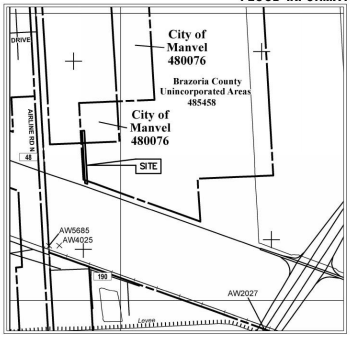
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12/16/2025

MATTHEW CARPENTER
Registered Professional Land Surveyor
Texas Registration No. 6942

DATE

FLOOD INFORMATION



FLOOD INSURANCE RATE MAP

BRAZORIA COUNTY, TEXAS
AND INCORPORATED AREAS

PANEL 110 OF 925

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ALVIN, CITY OF	480651	0110	K
BRAZORIA COUNTY	480648	0110	K
IOWA COLONY, CITY OF	481071	0110	K
MANVEL, CITY OF	480078	0110	K
PEARLAND, CITY OF	480077	0110	K

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
48039C0110K

MAP REVISED
DECEMBER 30, 2020

WINDROSE
LAND SURVEYING | PLATTING

5353 W SAM HOUSTON PKWY N, STE 150 | HOUSTON, TX 77041 | 713.458.2281
FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

STANDARD LAND SURVEY OF
0.8440 AC. / 36,765 SQ. FT.
SITUATED IN THE
H. T. & B. RR. CO. SURVEY, SECTION 71
ABSTRACT NO. 291
BRAZORIA COUNTY, TEXAS

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FIELDED BY:	AR	CHECKED BY: CL	JOB NO. 59121-ROW-Aban
DRAWN BY:	–	DATE: DECEMBER 2025	SHEET NO. 1 of 1

Exhibit "B"

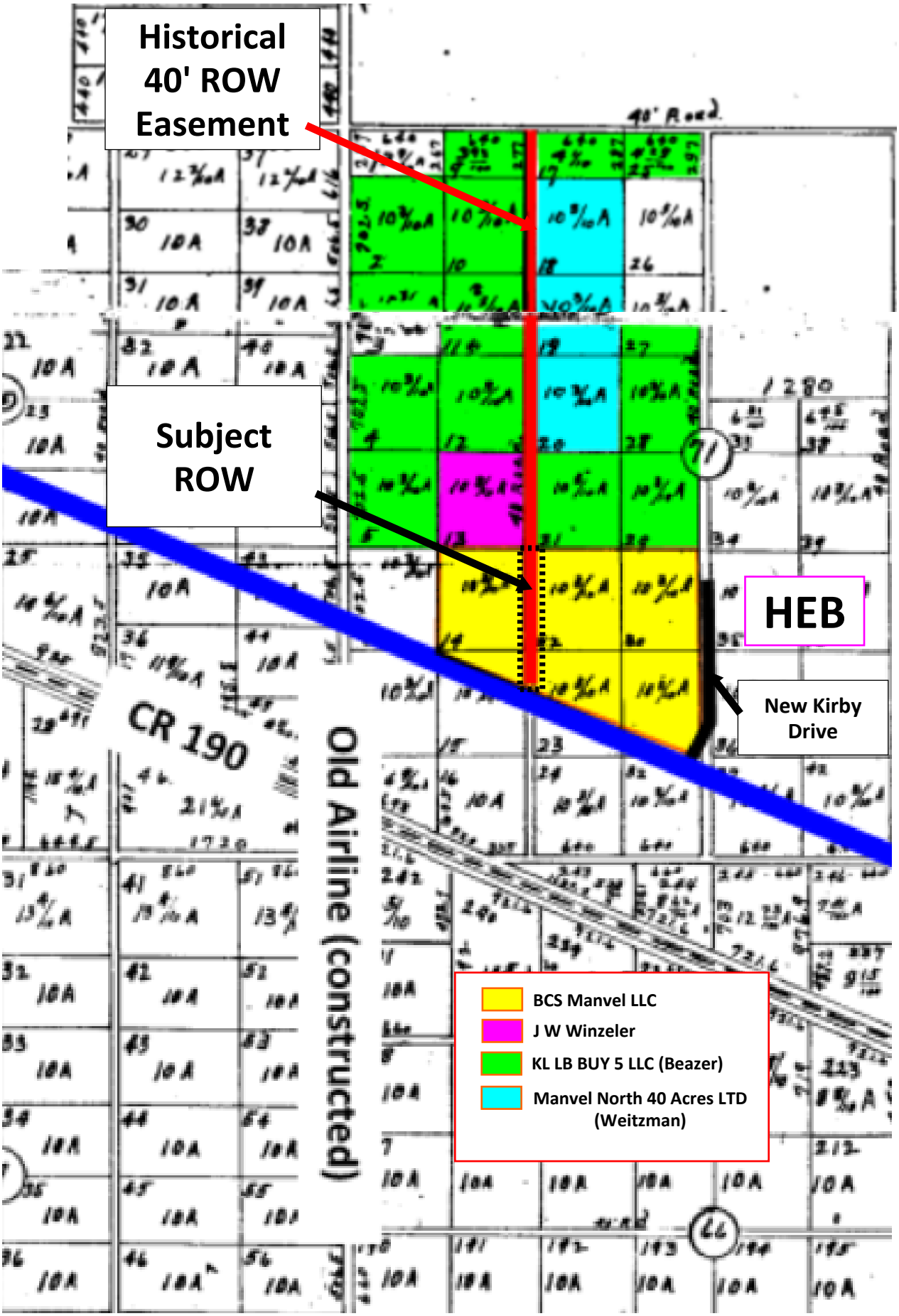
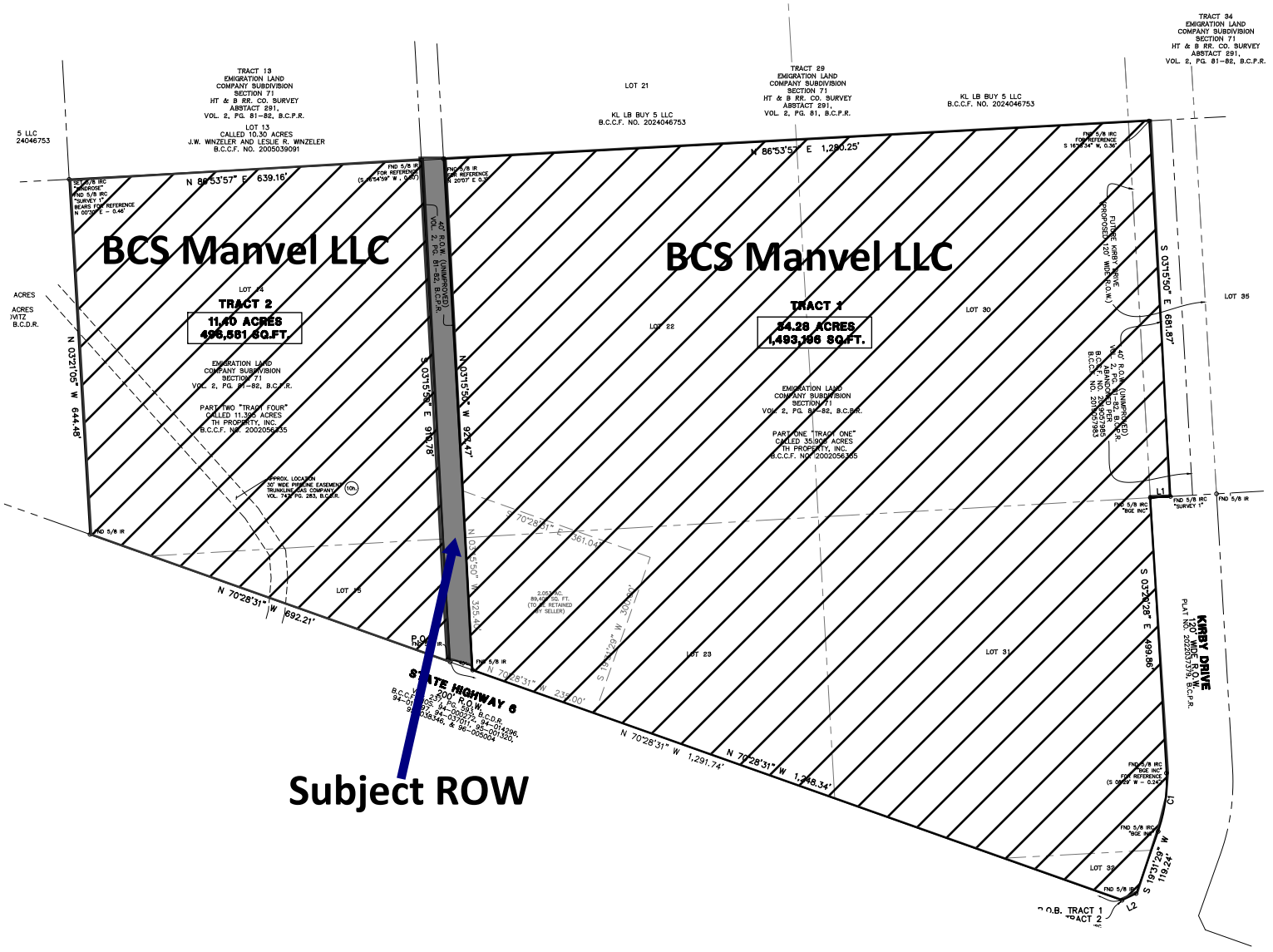

Historical 40' ROW Easement
Subject ROW
HEB
New Kirby Drive
CR 190
Old Airline (constructed)
BCS Manvel LLC
J W Winzeler
KL LB BUY 5 LLC (Beazer)
Manvel North 40 Acres LTD (Weitzman)

Exhibit "C"


BCS Manvel LLC
TRACT 2
11.40 ACRES
496,581 SQ.FT.
BCS Manvel LLC
TRACT 1
34.28 ACRES
1,493,166 SQ.FT.
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P.O.B. TRACT 1
P.O.B. TRACT 2
TRACT 13
TRACT 29
TRACT 34
LOT 21
LOT 22
LOT 23
LOT 30
LOT 31
LOT 35
LOT 38
KL LB BUY 5 LLC
B.C.C.F. NO. 2024046753
FUTURE KIRBY DRIVE (PROPOSED 120' WIDE R.O.W.)
70' R.O.W. (UNIMPROVED)
VOL. 2, PG. 81-82, B.C.P.R.
ABANDONED PER B.C.C.F. NO. 2020079383
80' R.O.W.
VOL. 2, PG. 81-82, B.C.P.R.
ABANDONED PER B.C.C.F. NO. 2020079383
40' R.O.W. (UNIMPROVED)
VOL. 2, PG. 81-82, B.C.P.R.
200' R.O.W.
VOL. 2, PG. 81-82, B.C.P.R.
KIRBY DRIVE
PLAT NO. 20220137½, B.C.P.R.

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

ROW ABANDONMENT

Date: 2/3/26

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

BCS Manvel LLC

Address: 1940 Fountain View Dr, Suite 220, Houston, TX 77057 Phone # 281-216-5717

Reason and intent for requested action:

Request for the abandonment of a portion of public right-of-way located within the City of Manvel, as depicted on Exhibit "A" (the "Subject ROW") of the enclosed letter.

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

Extent of the proposed Subject ROW abandonment reflected on the survey attached as Exhibit "A" of the enclosed letter

Ryan Sweeney

Signature of Applicant

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

Procedures: Date of Action: _____

FEES PAID _____ *Check Number* _____

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 ne 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.

January 7, 2026

City of Manvel
Attn: Dan Johnson, City Manager
20031 Morris Avenue
Manvel, Texas 77578

Re: Request for Consideration and Action – Abandonment of Public Right-of-Way (Exhibit A)

Dear Mr. Johnson,

On behalf of BCS Manvel LLC ("BCS"), we respectfully request the City of Manvel's consideration and action regarding the abandonment of a portion of public right-of-way located within the City of Manvel, as depicted on Exhibit "A" (the "Subject ROW").

The Subject ROW is a portion of an approximately forty-foot (40') wide right-of-way dedicated by a 1912 plat (the "Historical ROW), shown on Exhibit "B," traversing land within the City of Manvel and its extraterritorial jurisdiction ("ETJ"). The Subject ROW is unimproved, unnecessary for public travel or circulation, and no longer required for municipal purposes.

BCS owns and is developing the adjacent tracts within the City of Manvel, shown on Exhibit "C," planned and advancing as Manvel Crossing. The continued existence of the Subject ROW creates unnecessary design constraints, and its abandonment would allow for a more efficient and cohesive site layout consistent with the development's long-term vision.

The City is authorized to consider and act upon this request pursuant to Resolution No. 2015-R-10.

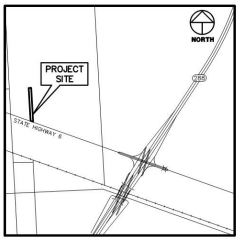
Abandonment of the Subject ROW will not prevent continued access to properties north of the City limits, as ETJ properties adjoining the Historical ROW will continue to have access via Rodeo Palms Parkway and the future extension of Kirby Drive. Public access, utility service, emergency response, and future connectivity will not be adversely affected. BCS is prepared to coordinate with City staff on all technical requirements.

Upon receipt of our $1,000 application fee being delivered today, we respectfully request staff review and initiation of the applicable process for Planning & Zoning Commission and City Council consideration. BCS is prepared to coordinate with City staff on all technical requirements and appreciates the City's continued partnership.

Sincerely,

Ryan Sweeney
Partner
BCS Capital Group

Exhibit "A"



CITY OF MANVEL, BRAZORIA COUNTY, TEXAS

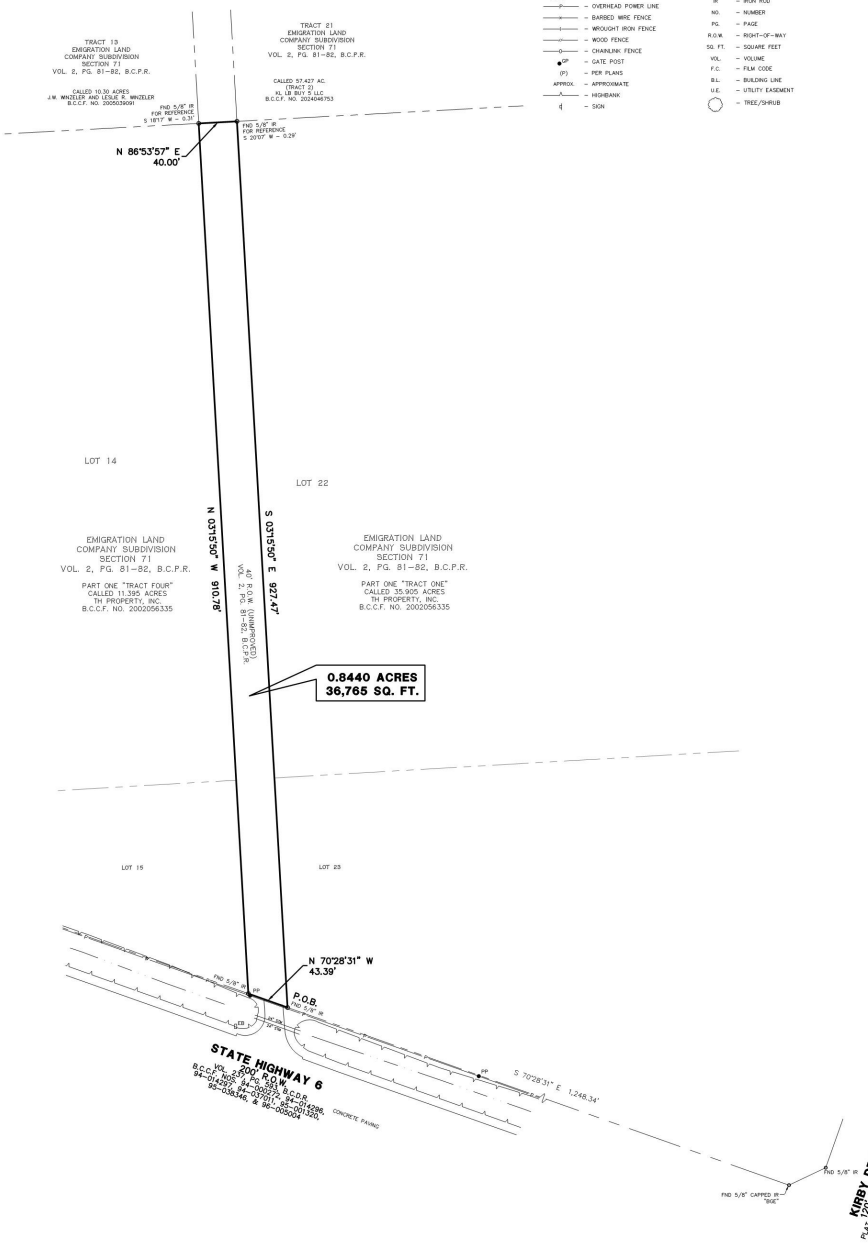
VICINITY MAP

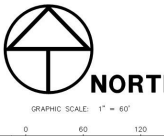
SCALE: 1" = 2000

LEGEND

* SOME OF THESE ELEMENTS MAY NOT BE USED ON THIS SURVEY

BO	BOLLARD	PLM	PIPELINE MARKER
HC	HANDICAP	UGCS	UNDERGROUND CABLE SIGN
GM	GAS METER	CTL	CATHODIC TEST LEAD
GV	GAS VALVE	MW	MONITORING WELL
FH	FIRE HYDRANT	P	PIN FLAG/PAINT MARK
WM	WATER METER	TC	TOP OF CURB
WV	WATER VALVE	G	GUTTER
ICV	IRRIGATION CONTROL VALVE	TG	TOP OF GRATE
	GRATE INLET	FL	FLOW LINE
	GRATE INLET	HB	HIGHBANK
	MANHOLE	SAN	SANITARY SEWER
CO	CLEANOUT	STM	STORM SEWER
TP	TELEPHONE PEDESTAL	CMP	CORRUGATED METAL PIPE
EB	ELECTRIC BOX	CPP	CORRUGATED PLASTIC PIPE
TSB	TRAFFIC SIGNAL BOX	RCP	REINFORCED CONCRETE PIPE
LP	LIGHT POLE	TEL	TELEPHONE
TLP	TRAFFIC LIGHT POLE	SWBT	SOUTHWESTERN BELL TELEPHONE CO.
GL	GROUND/SPOT LIGHT	WTR	WATER
PP	POWER POLE	UG	UNDERGROUND
PP/T	POWER POLE W/TRANSFORMER	FND	FOUND
PP/LT	POWER POLE W/LIGHT	B.C.C.F.	BRAZORIA COUNTY CLERK FILE
PP/CT	POWER POLE W/CONDUIT	B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
MP	METER POLE	B.C.M.R.	BRAZORIA COUNTY MAP RECORDS
SP	SERVICE POLE	IP	IRON PIPE
GAC	GUY ANCHOR	IR	IRON ROD
	OVERHEAD POWER LINE	NO.	NUMBER
	BARBED WIRE FENCE	PG.	PAGE
	WROUGHT IRON FENCE	R.O.W.	RIGHT-OF-WAY
	WOOD FENCE	SQ. FT.	SQUARE FEET
	CHAINLINK FENCE	VOL.	VOLUME
	GATE POST	F.C.	FILM CODE
(P)	PER PLANS	B.L.	BUILDING LINE
APPROX.	APPROXIMATE	U.E.	UTILITY EASEMENT
	HIGHBANK		TREE/SHRUB
	SIGN		





DESCRIPTION

BEING A TRACT OR PARCEL CONTAINING 0.8440 ACRES OR 36,765 SQUARE FEET OF LAND, BEING A PORTION OF A CALLED 40' WIDE UNNAMED ROAD AS SHOWN ON EMIGRATION LAND COMPANY SUBDIVISION, SECTION 71, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER VOL. 2, PG. 81-82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, WITH SAID 0.8440 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY 6 (CALLED 200' WIDE) AS RECORDED UNDER VOL. 237, PG. 593, B.C.D.R. AND BY BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NOS. 94-000272, 94-014296, 94-014297, 94-037011, 95-001320, 95-038346, & 96-005004, FOR THE SOUTHWEST CORNER OF A CALLED 35.905 ACRE TRACT OF LAND (KNOWN AS "TRACT ONE") DESCRIBED TO TH PROPERTY, INC. AS RECORDED UNDER B.C.C.F. NO. 2002056335, SAME BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND MARKING THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6 AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.) BEARS FOR REFERENCE, SOUTH 70 DEG. 28 MIN. 31 SEC. EAST – 1,248.34 FEET;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 43.40 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF A CALLED 11.395 ACRE TRACT (KNOWN AS "TRACT FOUR") DESCRIBED TO TH PROPERTY, INC. AS RECORDED UNDER B.C.C.F. NO. 2002056335, SAME BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, WITH THE EAST LINE OF SAID 11.395 ACRE TRACT, A DISTANCE OF 910.78 FEET THE SOUTHEAST CORNER OF LOT 13 OF SAID EMIGRATION LAND COMPANY SUBDIVISION, SECTION 71, SAME BEING THE SOUTHEAST CORNER OF A CALLED 10.30 ACRE TRACT OF LAND DESCRIBED TO J.W. WINZELER AND LESLIE R. WINZELER AS RECORDED UNDER B.C.C.F. NO. 2005039091, THE NORTHEAST CORNER OF SAID 11.395 ACRE TRACT, AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON ROD FOUND BEARS FOR REFERENCE, SOUTH 18 DEG. 17 MIN. WEST – 0.31';

THENCE, NORTH 86 DEG. 53 MIN. 57 SEC. EAST, OVER AND ACROSS SAID 40' WIDE UNNAMED ROAD, A DISTANCE OF 40.00 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF A CALLED 57.427 ACRE TRACT OF LAND (KNOWN AS TRACT 2) DESCRIBED TO KL LB BUY 5 LLC, AS RECORDED UNDER B.C.C.F. NO. 2024046753, SAME BEING THE NORTHWEST CORNER OF SAID 35.905 ACRE TRACT, AND SAME BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON ROD FOUND BEARS FOR REFERENCE, SOUTH 20 DEG. 07 MIN. WEST – 0.29 FEET;

THENCE, SOUTH 03 DEG. 15 MIN. 50 SEC. EAST, ALONG THE WEST LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 927.47 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.8440 ACRES OR 36,765 SQUARE FEET OF LAND, MORE OR LESS, AS SHOWN ON JOB NO. 59121-ROW-ABANDON PREPARED BY WINDROSE, WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204).

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTOR'S CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTOR'S CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204). ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES AND MAY BE BROUGHT TO GRID BY APPLYING THE FOLLOWING SCALE FACTOR: 0.99868381.
3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) FOR BRAZORIA COUNTY, TEXAS, MAP NO. 48039C0110K REVISED/DATED DECEMBER 30, 2020, THE SUBJECT TRACT APPEARS TO LIE WITHIN UNSHADED ZONE "X". THIS DETERMINATION WAS DONE BY GRAPHIC PLOTTING AND IS APPROXIMATE ONLY, AND HAS NOT BEEN FIELD VERIFIED. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF WINDROSE SURVEYING AND LAND SERVICES.
4. READILY VISIBLE IMPROVEMENTS AND UTILITIES WERE LOCATED WITH THIS SURVEY, NO SUBSURFACE PROBING, EXCAVATION OR EXPLORATION WAS PERFORMED BY WINDROSE SURVEYING AND LAND SERVICES.
5. ENVIRONMENTAL AND DRAINAGE ISSUES ARE BEYOND THE SCOPE OF THIS SURVEY.
6. THE SQUARE FOOTAGE TOTALS SHOWN HEREON ARE BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES REFLECTED ON THE SURVEY. IT DOES NOT INCLUDE THE TOLERANCES THAT MAY BE PRESENT DUE TO THE POSITIONAL ACCURACY OF THE BOUNDARY MONUMENTATION.
7. THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EXPRESSED OR IMPLIED.

SURVEYOR'S CERTIFICATION

TO: BCS CAPITAL GROUP

I DO HEREBY CERTIFY TO THE ABOVE LISTED THAT THIS SURVEY WAS MADE ON THE GROUND AND WAS PERFORMED UNDER MY SUPERVISION, THAT THIS PLAT CORRECTLY REPRESENTS THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THE FACTS FOUND AT THE TIME OF THIS SURVEY SHOW THE IMPROVEMENTS. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 2, STANDARD LAND SURVEY; TO THE BEST OF MY KNOWLEDGE. THE FIELD WORK WAS COMPLETED ON OCTOBER 7, 2025.

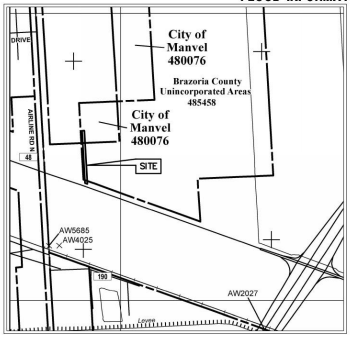
STATE OF TEXAS REGISTERED MATTHEW CARPENTER 6942 PROFESSIONAL LAND SURVEYOR

12/16/2025

MATTHEW CARPENTER
Registered Professional Land Surveyor
Texas Registration No. 6942

DATE

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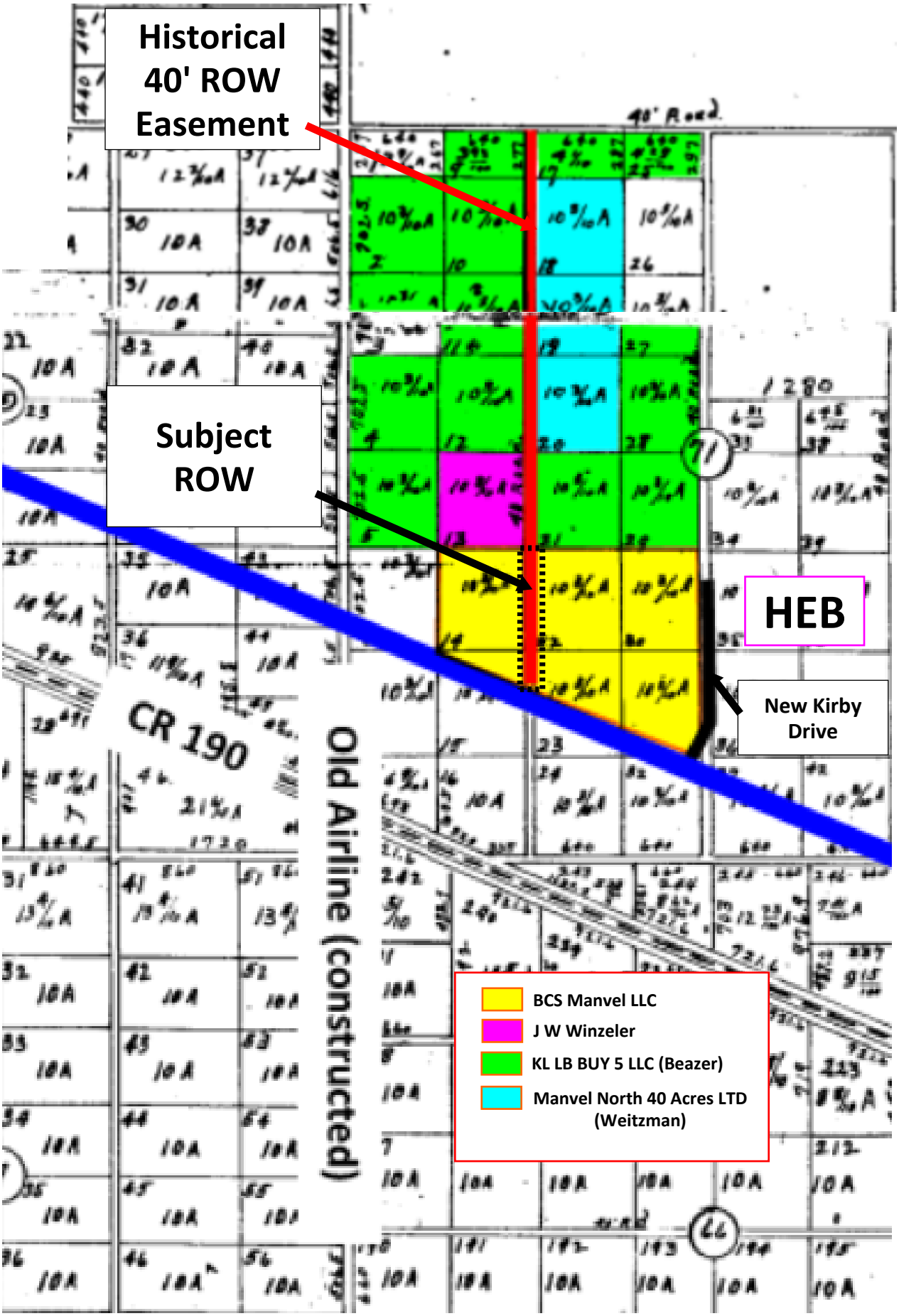
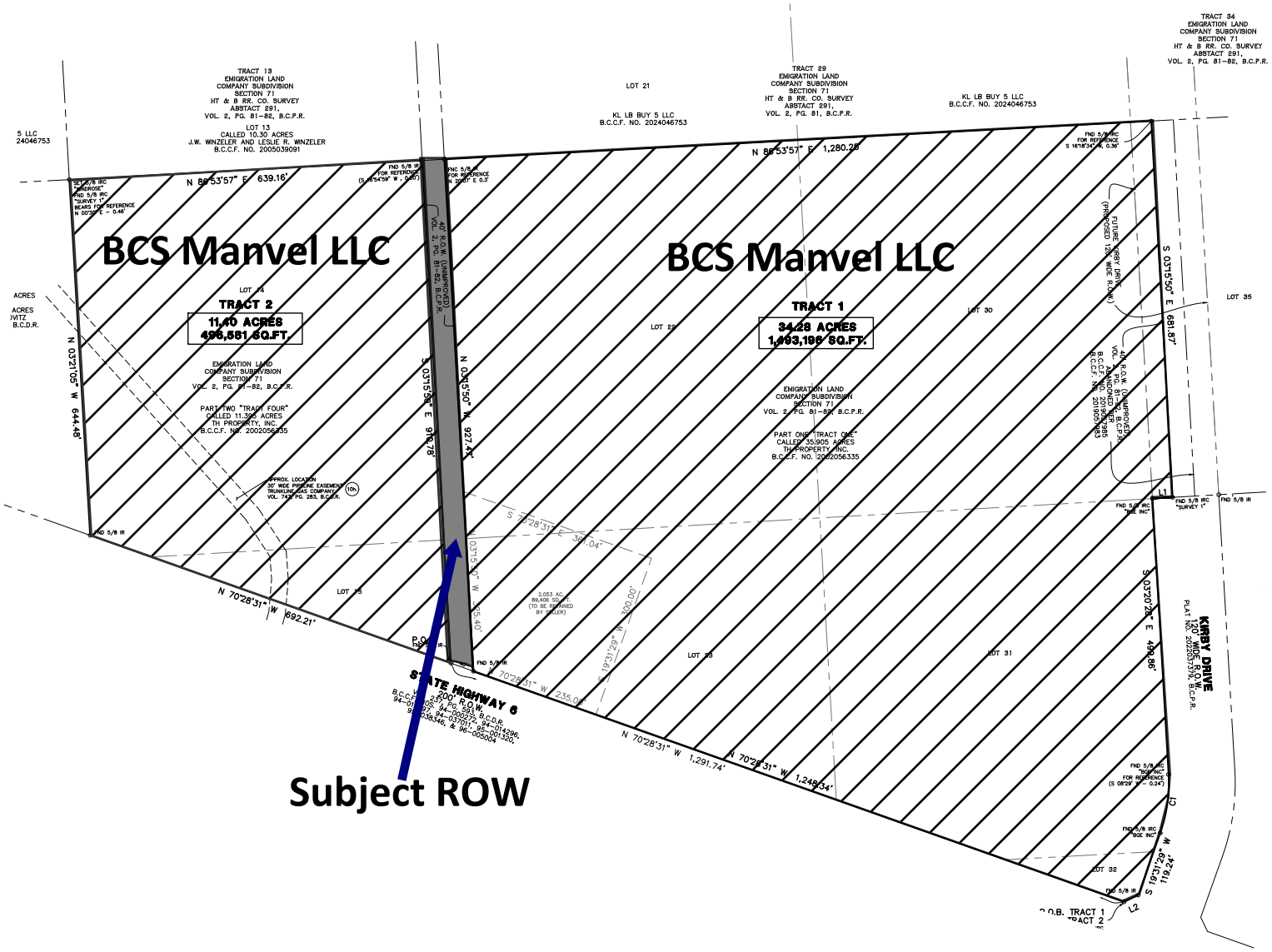

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S 70°28'31" E 30.04'
N 03°15'50" W 25.40'
S 19°31'29" W 200.00'
N 70°28'31" W 235.04'
P.O.B. TRACT 1
TRACT 2
LOT 13
LOT 21
LOT 29
LOT 30
LOT 31
LOT 32
LOT 35
TRACT 13 EMIGRATION LAND COMPANY SUBDIVISION SECTION 71 HT & B RR. CO. SURVEY ABSTACT 291, VOL. 2, PG. 81-82, B.C.P.R.
LOT 13 CALLED 10.30 ACRES J.W. WINZELER AND LESLIE R. WINZELER B.C.C.F. NO. 2005039091
KL LB BUY 5 LLC B.C.C.F. NO. 2024046753
TRACT 29 EMIGRATION LAND COMPANY SUBDIVISION SECTION 71 HT & B RR. CO. SURVEY ABSTACT 291, VOL. 2, PG. 81, B.C.P.R.
TRACT 34 EMIGRATION LAND COMPANY SUBDIVISION SECTION 71 HT & B RR. CO. SURVEY ABSTACT 291, VOL. 2, PG. 81-82, B.C.P.R.
EMIGRATION LAND COMPANY SUBDIVISION SECTION 71 VOL. 2, PG. 81-82, B.C.P.R.
PART TWO "TRACT FOUR" CALLED 11.395 ACRES TH PROPERTY, INC. B.C.C.F. NO. 2002056335
PART ONE "TRACT ONE" CALLED 55.905 ACRES TH PROPERTY INC. B.C.C.F. NO. 2002056335
40' R.O.W. (UNIMPROVED) VOL. 2, PG. 81-82, B.C.P.R.
APPROX. LOCATION 30' WIDE PIPELINE EASEMENT TRUNKLINE GAS COMPANY VOL. 733, PG. 283, B.C.R.P.
FUTURE KIRBY DRIVE (PROPOSED 120' WIDE R.O.W.)
80' R.O.W. (UNIMPROVED) ABANDONED PER VOL. 2, PG. 81-82, B.C.P.R. B.C.C.F. NO. 2019067383
100' R.O.W. VOL. 257, PG. 557, B.C.D.R. 94-001222, 94-001223, 94-001224, 94-001225, 94-001226, 94-001227, 94-001228, 94-001229, 94-001230, 94-001231, 94-001232, 94-001233, 94-001234, 94-001235, 94-001236, & 94-001237
2.053 AC. 89,406 SQ.FT. (TO BE PURCHASED BY SELLER)
FND 5/8 IR
FND 5/8 IRC "SURVEY 1"
FND 5/8 IRC RICE INC.
FND 5/8 IRC "BCP INC."
SET 5/8 IRC "BCP INC." FOR REFERENCE (S 08°29' E - 0.24')
SET 5/8 IRC "ARMOROSE" FND 5/8 IRC "SURVEY 1" BEARS FOR REFERENCE N 00°35' E - 0.46'
FND 5/8 IR FOR REFERENCE (S 85°49' W - 0.60')
FNC 5/8 IR FOR REFERENCE N 3007 E 0.3'
FND 5/8 IRC FOR REFERENCE S 16°16'34" W 0.36'
KIRBY DRIVE 120' WIDE R.O.W. PLAT NO. 20220137?? B.C.P.R.

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.

SPECIAL WARRANTY DEED

Date: December 17 2025

Grantor: T HOANG PROPERTY INC., a Texas corporation
formerly known as TH Property, Inc.

Grantor's Mailing Address:

2505 Sunfire Lane
Pearland, Brazoria County, Texas 77584

Grantee: BCS CAPITAL GROUP LLC,
a Texas limited liability company

Grantee's Mailing Address:

1940 Fountain View Dr #220
Houston, TX 77057

Consideration:

$10.00 and other good and valuable consideration, the sufficiency of which is hereby acknowledged.

Property (including any improvements):

Being a tract or parcel containing 2.053 acres of land in Brazoria County, Texas, being more particularly described on Exhibit A attached hereto, together with all rights, privileges, and appurtenances pertaining to the Property, including Grantor's right, title and interest in any minerals, utilities, adjacent streets, alleys, strips, gores and rights of way; Grantor's interest in all leases, rents and security deposits, if any, and Grantor's interest in all licenses and permits related to the Property, if any.

Reservations from Conveyance:

None.

Exceptions to Conveyance and Warranty:

Those set forth on Exhibit B attached hereto.

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 when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

All taxes assessed against the Property for the year 2025 have been prorated between the parties, and Grantee hereby assumes and agrees to pay in full taxes all taxes assessed against the Property for subsequent years.

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

[Signatures to Follow on the Next Page]

This Special Warranty Deed is signed as of the date of the acknowledgements below, but shall be effective as of the date first set forth above.

GRANTOR:

T HOANG PROPERTY INC.,
a Texas corporation
formerly known as TH Property, Inc.

By: Teresa Hoang
Name: Teresa Hoang
Title: Vice President

THE STATE OF ~~TEXAS~~ FL § Florida
§
COUNTY OF Miami-Dade §

This instrument was acknowledged before me, this 17th day of December, 2025, by Teresa Hoang, Vice-President of T HOANG PROPERTY INC., a Texas corporation company, on behalf of said corporation in the capacity stated.

JOSE CARABALLO
Notary Public - State of Florida
Commission # HH 611635
Expires on November 12, 2028

Notary Public for the State of ~~Texas~~ FL Florida

Notarized remotely online using communication technology via Proof.

Produced Driver License as identification.

AFTER RECORDING RETURN TO:
Select Title LLC
3424 FM 1092, Suite 200
Missouri City, Texas 77459

EXHIBIT A

Legal Description

A TRACT OR PARCEL CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND BEING OUT OF LOTS 22 AND 23, EMIGRATION LAND COMPANY SUBDIVISION, SECTION 71, MAP OR PLAT THEREOF RECORDED UNDER VOL. 2, PG. 81–82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND OUT OF A CALLED 35.905 ACRE TRACT, ALSO KNOWN AS PART ONE TRACT ONE, DESCRIBED IN DEED TO TH PROPERTY, INC., AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, WITH SAID 2.053 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND FOR THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 6 (200 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 35.905 ACRE TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 1,013.34 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, CONTINUING WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 235.00 FEET TO 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST UNIMPROVED 40 FEET R.O.W., AS RECORDED UNDER VOL. 2, PG. 81–82, B.C.P.R., AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, WITH THE EAST LINE OF SAID 40 FEET R.O.W. LINE, A DISTANCE OF 325.40 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 70 DEG. 28 MIN. 31 SEC. EAST, OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 361.04 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 19 DEG. 31 MIN. 29 SEC. WEST, CONTINUING OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND.

EXHIBIT B

Permitted Exceptions

1. A pipeline easement granted to Trunkline Gas Company, by instrument recorded in Volume 747, Page 283, of the Deed Records of Brazoria County, Texas, as affected by Assignment and assumption filed of record under Brazoria County Clerk's Fil Nos. 98 028304 and 98 028307.

2. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Volume 382, Page 711 (87005301) Volume 382, Page 722 (87005306), Volume 409, Page 843 (87013858), Volume 409, Page 851 (87013860) Volume 409, Page 856 (87013861), Volume 415, Page 875 (87015741), Volume 415, Page 889 (87015745), Volume 432, Page 651 (87021228), Volume 477, Page 763 (87035917), Volume 559 Page 523 (88018747), Volume 617, Page 216 (88036885), Volume 652, Page 137 (890073391 Volume 652, Page 146 (89007340), Volume 652, Page 295 (89007392), Volume 652, Page 316 (89007397), Volume 933, Page 428 (91022626), Volume 933, Page 432 (91022627) Volume 933, Page 436 (91022628), Volume 933, Page 446 (91022632) and Volume 933, Page 454 (91022635) of the Official Records of Brazoria County, Texas.

3. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria County Clerk's File Nos. 01-020975, 01-020976, 01-020977, 01-020978, 01-020985. 01-020986, 01-020993, 01-037844, 01-037845, 02-015491, and 2-017230 of the Official Records of Brazoria County, Texas.

4. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Clerk's Form T-7: Commitment for Title Insurance Page 6 Continuation of Schedule B GF No. SN2501255 File Nos. 2005009749, 2005034983, 2005034984, 2005034985, 2005042094, and 2006026491 of the Official Records of Brazoria County, Texas.

5. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria l. CountyvClerk's File Nos. 2008010066, 2008015240, 2008041366, 2008041367, 2008049197, 2009006791, and 2023003575, of the Official Public Records of Brazoria County, Texas.

6. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023013070.

7. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023045178.

8. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File

No. 2023045209.

9. Terms, conditions, provisions, and stipulations contained in Manville City Ordinance No. 2019-O-02, filed for record under Brazoria County Clerk's File No. 2019031688.

10. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 36, of the Deed Records of Brazoria County, Texas.

11. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 366, of the Deed Records of Brazoria County, Texas.

12. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 710, Page 1, of the Deed Records of Brazoria County, Texas.

13. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument filed for record under Brazoria County Clerk's File No. 02 056335.

14. Terms, conditions, provisions, and stipulations contained in Waiver of Surface Rights, filed for record under Brazoria County Clerk's File No. 02 064303.

FILED and RECORDED

Instrument Number: 2025060600

Filing and Recording Date: 12/17/2025 03:02:03 PM Pages: 7 Recording Fee: $45.00

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.

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-sierra

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.

SPECIAL WARRANTY DEED

Date: December 11, 2025

Grantor: T HOANG PROPERTY INC., a Texas corporation, formerly known as TH Property, Inc.

Grantor's Mailing Address:

2505 Sunfire Lane
Pearland, Brazoria County, Texas 77584

Grantee: BCS CAPITAL GROUP LLC, a Texas limited liability company

Grantee's Mailing Address:

1940 Fountain View Dr #220
Houston, TX 77057

Consideration:

$10.00 cash and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

Property (including any improvements):

Being (i) a tract or parcel containing 34.28 acres of land in Brazoria County, Texas, SAVE AND EXCEPT that certain 2.053-acre tract ("Tract 1"), and (ii) and a tract or parcel containing 11.399 acres of land in Brazoria, County, Texas ("Tract 2"), Tract 1 and Tract 2 being more particularly described on Exhibit A attached hereto, together with all rights, privileges, and appurtenances pertaining to the Property, including Grantor's right, title and interest in any minerals, utilities, adjacent streets, alleys, strips, gores and rights of way; Grantor's interest in all leases, rents and security deposits, if any, and Grantor's interest in all licenses and permits related to the Property, if any.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Those set forth on Exhibit B attached hereto.

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 when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

All taxes assessed against the Property for the year 2025 have been prorated between the parties, and Grantee hereby assumes and agrees to pay in full taxes all taxes assessed against the Property for subsequent years.

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

[Signatures to Follow on the Next Page]

This Special Warranty Deed is signed as of the date of the acknowledgements below, but shall be effective as of the date first set forth above.

GRANTOR:

T HOANG PROPERTY INC.,
a Texas corporation, formerly known as TH Property, Inc.

By: Teresa Hoang
Name: Teresa Hoang
Title: Vice-President

THE STATE OF ~~TEXAS~~ FL § Florida
§
COUNTY OF Miami-Dade §

This instrument was acknowledged before me, this 17th day of December, 2025, by Teresa Hoang, Vice-President of T HOANG PROPERTY INC., a Texas corporation company, on behalf of said corporation in the capacity stated.

JOSE CARABALLO
Notary Public - State of Florida
Commission # HH 611633
Expires on November 12, 2028

Notary Public for the State of ~~Texas~~ Florida
FL

Notarized remotely online using communication technology via Proof.

Produced Driver License as Identification.

AFTER RECORDING RETURN TO:
Select Title LLC
3424 FM 1092, Suite 200
Missouri City, Texas 77459

EXHIBIT A

Legal Description

Tract 1:

A TRACT OR PARCEL CONTAINING 34.28 ACRES OR 1,493,196 SQUARE FEET OF LAND SITUATED IN THE H. T. & B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, SAME BEING CALLED "PART ONE, TRACT ONE" OR 35.905 ACRES OF LAND DESCRIBED IN DEED TO TH PROPERTY, INC., RECORDED UNDER BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.) NO. 2022037379, AND BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, WITH SAID 34.28 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING, AT BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND MARKING THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF SAID STATE HIGHWAY NO. 6 (200' WIDE) AS RECORDED UNDER MAP OR PLAT NO. 2022037379, B.C.P.R. AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120' WIDE) AS RECORDED UNDER MAP OR PLAT NO. 2022037379, B.C.P.R., SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, ALONG THE SOUTH LINE OF SAID 35.905 ACRES AND NORTH LINE OF SAID HWY NO. 6, A DISTANCE OF 1,248.34 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST CORNER OF A 40 FEET R.O.W. (UNIMPROVED), AS RECORDED UNDER MAP OR PLAT VOL. 2, PG. 81-82, B.P.C.R., AND THE SOUTHWEST CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, ALONG THE EAST LINE OF SAID 40 FEET R.O.W. AND WEST LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 927.47 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE EAST LINE OF SAID 40 FEET
R.O.W. AND THE SOUTHWEST CORNER OF CALLED LOT 21 BEING A PART OF CALLED 201.0164 ACRE TRACT OF LAND DESCRIBED IN DEED TO NEW RODEO 288, LTD., AS RECORED UNDER MAP OR PLAT VOL. 2, PG. 81. B.C.P.R. AND BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2006043836., AND THE NORTHWEST CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 86 DEG. 53 MIN. 57 SEC. EAST, ALONG THE SOUTH LINE OF SAID 201.0164 ACRE TRACT AND NORTH LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 1,280.25 FEET TO A CORNER FOR THE SOUTHEAST CORNER OF CALLED LOT 29, BEING A PROTION OF SAID 201.0164 ACRE TRACT OF LAND AND ON THE WEST LINE OF CALLED 40 FEET R.O.W., AS RECORDED UNDER MAP OR PLAT VOL. 2, PG. 81-82 B.C.P.R. AND B.C.C.F. NO. 2019057985, AND B.C.C.F. NO. 2019057983, AND SAME BEING THE NORTHEAST CORNER OF SAID 35.905 ACRE AND OF THE HERIEN DESCRIBED TRACT FROM A 5/8 INCH IRON ROD BEARS SOUTH 16 DEG. 18 MIN. 34 SEC. WEST FOR A DISTANCE OF 0.366 FEET;

THENCE, SOUTH 03 DEG. 15 MIN. 50 SEC. EAST, ALONG THE WEST LINE OF SAID 40 FEET R.O.W. AND EAST LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 681.87 FEET TO CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE WEST LINE OF SAID 40 FEET R.O.W., AND MARKING THE MOST NORTHEASTERLEY CORNER OF SAID KIRBY DRIVE AND THE MOST EASTERLY CORNER OF SAID 35.905 ACER TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 86 DEG. 39 MIN. 32 SEC. WEST, ALONG THE COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT, A DISTANCE OF 36.57 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "BGE INC." FOR THE NORTHWEST CORNER OF SAID KIRBY DRIVE AND THE EAST CORNER OF SAID 35.905 ACRE TRACT, AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 03 DEG. 20 MIN. 28 SEC. EAST, ALONG THE WEST R.O.W. LINE OF SAID KIRBY DRIVE AND THE EAST LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 499.85 FEET, TO A POINT STARTING A NONTANGENT CURVE TO THE RIGHT FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS SOUTH 46 DEG. 58 MIN. 53 SEC. WEST FOR A DISTANCE OF 0.267 FEET;

THENCE, CONTINUING ALONG THE COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 270.05 FEET, A CENTRAL ANGLE OF 22 DEG. 51 MIN. 57 SEC., AN ARC LENGTH OF 107.77 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 08 DEG. 05 MIN. 31 SEC. WEST, - 107.06 FEET TO A FOUND 5/8 INCH IRON ROD ON THE SAME SAID COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 19 DEG. 31 MIN. 29 SEC. WEST, CONTINUING ALONG THE COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT, A DISTANCE OF 119.23 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE NORTH END OF A CUT BACK CORNER OF THE INTERSECTION OF THE WEST R.O.W. LINE OF SAID KIRBY DRIVE AND THE NORTH R.O.W. LINE OF SAID HWY 6, SAME BEING THE MOST SOUTHEASTERLY CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 64 DEG. 31 MIN. 29 SEC. WEST, ALONG THE SAME SAID CUTBACK LINE OF THE INTERSECTION OF SAID HWY 6 AND SAID KIRBY DRIVE, A DISTANCE OF 28.29 FEET THE **POINT OF BEGINNING** AND CONTAINING 34.28 ACRES OR 1,493,196 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 59121-BND, PREPARED BY WINDROSE.

[*continued on the following page*]

SAVE AND EXCEPT:

A TRACT OR PARCEL CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND BEING OUT OF LOTS 22 AND 23, EMIGRATION LAND COMPANY SUBDIVISION, SECTION 71, MAP OR PLAT THEREOF RECORDED UNDER VOL. 2, PG. 81–82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND OUT OF A CALLED 35.905 ACRE TRACT, ALSO KNOWN AS PART ONE TRACT ONE, DESCRIBED IN DEED TO TH PROPERTY, INC., AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, WITH SAID 2.053 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND FOR THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 6 (200 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 35.905 ACRE TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 1,013.34 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, CONTINUING WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 235.00 FEET TO 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST UNIMPROVED 40 FEET R.O.W., AS RECORDED UNDER VOL. 2, PG. 81–82, B.C.P.R., AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, WITH THE EAST LINE OF SAID 40 FEET R.O.W. LINE, A DISTANCE OF 325.40 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 70 DEG. 28 MIN. 31 SEC. EAST, OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 361.04 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 19 DEG. 31 MIN. 29 SEC. WEST, CONTINUING OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND.

Tract 2:

A TRACT OR PARCEL CONTAINING 11.399 ACRES OR 496.581 SQUARE FEET OF LAND SITUATED IN THE H. T. & B. RR.CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, SAME BEING CALLED "PART TWO OF TRACT FOUR" 11.395 ACRES OF LAND DESCRIBED IN DEED TO TH PROPERTY, INC., RECORDED UNDER BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.) NO. 2022037379, AND BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, WITH SAID 11.3999 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING, AT BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND MARKING THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 6 (200' WIDE) AS RECORDED UNDER PLAT NO. 2022037379,(B.C.P.R.) AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120' WIDE) AS RECORDED UNDER PLAT NO. 2022037379, (B.C.P.R.), SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF CALLED 35.905 ACRES OF LAND DESCRIBED IN DEED TO TH PROPERTY, INC. AS RECORDED UNDER MAP OR PLAT NO. 2022037379 AND B.C.C.F. NO. 2002056335,;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID HWY 6 PASSING A FOUND 5/8 INCH IRON ROD FOR A DISTANCE OF 1248.34 FEET MARKING THE SOUTHEAST CORNER OF A 40 FEET R.O.W. (UNIMPROVED) RECORDED UNDER A MAP OR PLAT VOL.2, PG. 81-82, B.C.P.R., AND THE SOUTHWEST CORNER OF SAID 35.905 ACRE TRACT, TO A FOUND 5/8 INCH IRON ROD FOR A TOTAL DISTANCE OF 1291.68 FEET MARKING THE SOUTHWEST CORNER OF SAID 40 FEET R.O.W. AND THE SOUTHEAST CORNER OF SAID 11.395 ACRE TRACT SAME BEING THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, CONTIUING ALONG THE NORTH R.O.W. LINE OF SAID HWY 6 AND THE SOUTH LINE OF SAID 11.395 ACRE TRACT, A DISTANCE OF 692.21 FEET TO A FOUND 5/8 INCH IRON ROD MARKING THE SOUTHEAST CORNER OF CALLED LOT 6 AND LOT 7, 8.28689 ACRES OF LAND DESCRIBED IN DEED TO JERRY A. ARGOVITZ, AS RECORDED UNDER MAP OR PLAT VOL. 2, PG. 81, B.C.P.R. AND VOL. 1151, PG. 839 OF B.C.C.F., AND THE SOUTHWEST CORNER OF SAID 11.395 ACRES AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 21 MIN. 05 SEC. WEST, ALONG THE COMMON LINE OF SAID LOT 6 AND LOT 7 AND SAID 11.395 ACRE TRACT, FOR A DISTANCE OF 644.48 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHEAST CORNER OF CALLED LOT 5 BEING A PART OF CALLED 201.0164 ACRES OF LAND DESCRIBED IN DEED TO NEW RODEO 288, LTD., AS RECORDED UNDER MAP OR PLAT THEREOF VOL. 2, PG. 81, B.C.P.R. AND B.C.C.F. NO. 2005039031, AND VOL. 1181, PG. 884 OF B.C.C.F., AND THE SOUTHWEST CORNER OF CALLED LOT 13 OR CALLED 10.30 ACRES OF LAND DESCRIBED IN DEED TO J.W. WINZELLER AND LESLIE R. WINZELLER AS RECORDED UNDER MAP OR PLAT THEREOF VOL. 2, PG. 81-82, B.C.P.R. AND B.C.C.F. NO. 200539091 AND SAME BEING THE NORTHWEST CORNER OF SAID 11.395 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 86 DEG. 53 MIN. 57 SEC. EAST, ALONG THE COMMON LINE OF SAID LOT 13 AND 11.395 ACRE TRACT, A DISTANCE OF 639.16 FEET TO A CORNER ON THE WEST R.O.W. LINE OF SAID 40 FEET AND THE SOUTHEAST CORNER OF SAID LOT 13 AND THE NORTHEAST CORNER OF SAID 11.395 ACRE TRACT AND THE HEREIN DESCRIBED TRACT FROM WHICH FOUND 5/8 INCH IRON ROD BEARS SOUTH 16 DEG. 54 MIN. 59 SEC. WEST, FOR A DISTANCE OF .304 FEET;

THENCE, SOUTH 03 DEG. 15 MIN. 50 SEC. EAST, ALONG THE WEST R.O.W. LINE OF SAID 40 FEET AND THE EAST LINE OF SAID 11.395 ACRE TRACT, A DISTANCE OF 910.78 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 11.3999 ACRES OR 496,581 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 59121-BND, PREPARED BY WINDROSE.

EXHIBIT B

Permitted Exceptions

1. A pipeline easement granted to Trunkline Gas Company, by instrument recorded in Volume 747, Page 283, of the Deed Records of Brazoria County, Texas, as affected by Assignment and assumption filed of record under Brazoria County Clerk's Fil Nos. 98 028304 and 98 028307.

2. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Volume 382, Page 711 (87005301) Volume 382, Page 722 (87005306), Volume 409, Page 843 (87013858), Volume 409, Page 851 (87013860) Volume 409, Page 856 (87013861), Volume 415, Page 875 (87015741), Volume 415, Page 889 (87015745), Volume 432, Page 651 (87021228), Volume 477, Page 763 (87035917), Volume 559 Page 523 (88018747), Volume 617, Page 216 (88036885), Volume 652, Page 137 (890073391 Volume 652, Page 146 (89007340), Volume 652, Page 295 (89007392), Volume 652, Page 316 (89007397), Volume 933, Page 428 (91022626), Volume 933, Page 432 (91022627) Volume 933, Page 436 (91022628), Volume 933, Page 446 (91022632) and Volume 933, Page 454 (91022635) of the Official Records of Brazoria County, Texas.

3. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria County Clerk's File Nos. 01-020975, 01-020976, 01-020977, 01-020978, 01-020985. 01-020986, 01-020993, 01-037844, 01-037845, 02-015491, and 2-017230 of the Official Records of Brazoria County, Texas.

4. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Clerk's Form T-7: Commitment for Title Insurance Page 6 Continuation of Schedule B GF No. SN2501255 File Nos. 2005009749, 2005034983, 2005034984, 2005034985, 2005042094, and 2006026491 of the Official Records of Brazoria County, Texas.

5. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria I. CountyvClerk's File Nos. 2008010066, 2008015240, 2008041366, 2008041367, 2008049197, 2009006791, and 2023003575, of the Official Public Records of Brazoria County, Texas.

6. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023013070.

7. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023045178.

8. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File

No. 2023045209.

9. Terms, conditions, provisions, and stipulations contained in Manville City Ordinance No. 2019-O-02, filed for record under Brazoria County Clerk's File No. 2019031688.

10. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 36, of the Deed Records of Brazoria County, Texas.

11. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 366, of the Deed Records of Brazoria County, Texas.

12. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 710, Page 1, of the Deed Records of Brazoria County, Texas.

13. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument filed for record under Brazoria County Clerk's File No. 02 056335.

14. Terms, conditions, provisions, and stipulations contained in Waiver of Surface Rights, filed for record under Brazoria County Clerk's File No. 02 064303.

FILED and RECORDED

Instrument Number: 2025060599

Filing and Recording Date: 12/17/2025 03:01:28 PM Pages: 11 Recording Fee: $61.00

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.



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-sierra

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.

SPECIAL WARRANTY CONTRIBUTION DEED WITH ASSUMPTION

Effective Date: December 17, 2025

Grantor: BCS Capital Group LLC, a Texas limited liability company

Grantor's Mailing Address:

1940 Fountain View Dr #220
Houston, TX 77057

Grantee: BCS Manvel LLC, a Texas limited liability company

Grantee's Mailing Address:

1940 Fountain View Dr #220
Houston, TX 77057

Consideration:

As a contribution from Grantor to Grantee, and Grantee's assumption of and agreement to pay all obligations evidenced by a promissory note of even date, together with all interest, renewals, extensions and modifications thereof, according to the note's terms, the unpaid principal and earned interest in the original principal amount shown in the note, dated December 17, 2025, executed by BCS Capital Group LLC, and payable to the order of T Hoang Property Inc. The note is secured by a deed of trust dated December 17, 2025, from BCS Capital Group LLC to Bradley Elder, Trustee, recorded in the Official Public Records of Brazoria County, Texas under Clerk's File No. 2025060692. As further consideration, Grantee promises to keep and perform all of the covenants and obligations of the grantor named in that deed of trust and to indemnify, defend, and hold Grantor harmless from any loss, attorneys' fees, expenses or claims attributable to a breach of default of any provision of this assumption by Grantee.

Property (including any improvements):

Being a tract or parcel containing 2.053 acres of land in Brazoria County, Texas, as more particularly described on Exhibit A attached hereto, together with all rights, privileges, and appurtenances pertaining to the Property, including Grantor's right, title and interest in any

minerals, utilities, adjacent streets, alleys, strips, gores and rights of way; Grantor's interest in all leases, rents and security deposits, if any, and Grantor's interest in all licenses and permits related to the Property, if any.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Those set forth on Exhibit B attached hereto.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, contributes, bargains, 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 when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

All taxes assessed against the Property for the year 2025 have been prorated between the parties, and Grantee hereby assumes and agrees to pay in full taxes all taxes assessed against the Property for subsequent years.

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

This Special Warranty Contribution Deed may be signed in multiple counterparts.

[Signatures to Follow on the Next Page]

This Special Warranty Contribution Deed is signed as of the date of the acknowledgements below, but shall be effective on the Effective Date provided above.

GRANTOR:

BCS CAPITAL GROUP LLC, a Texas limited liability company

By: _____
Robert Cannon, Manager

STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me this 16 day of December, 2025, by Robert Cannon, Manager of BCS Capital Group LLC, on behalf of said limited liability company and as an act of said company.

Commission expires:
06/26/2028

_____
Notary Public, State of Texas

LAURA SHEPHERD
Notary ID #134965974
My Commission Expires
June 26, 2028

GRANTEE:

BCS Manvel LLC, a Texas limited liability company

By: BCS Capital Management LLC, a Texas limited liability company, its manager

By: _____
Robert Cannon, Manager

STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me this 16 day of December, 2025, by Robert Cannon, Manager of BCS Capital Management LLC, a Texas limited liability company, manager of BCS Manvel LLC, a Texas limited liability company, on behalf of said limited liability companies and as an act of said companies.

Commission expires:
06/26/2028

_____
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Kelly Beaudry
Moody Law Group, PLLC
3003 West Alabama
Houston, Texas 77098

EXHIBIT A
The Property

A TRACT OR PARCEL CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND BEING OUT OF LOTS 22 AND 23, EMIGRATION LAND COMPANY SUBDIVISION, SECTION 71, MAP OR PLAT THEREOF RECORDED UNDER VOL. 2, PG. 81–82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND OUT OF A CALLED 35.905 ACRE TRACT, ALSO KNOWN AS PART ONE TRACT ONE, DESCRIBED IN DEED TO TH PROPERTY, INC., AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, WITH SAID 2.053 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND FOR THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT–OF–WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 6 (200 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 35.905 ACRE TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 1,013.34 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, CONTINUING WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 235.00 FEET TO 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST UNIMPROVED 40 FEET R.O.W., AS RECORDED UNDER VOL. 2, PG. 81–82, B.C.P.R., AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, WITH THE EAST LINE OF SAID 40 FEET R.O.W. LINE, A DISTANCE OF 325.40 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 70 DEG. 28 MIN. 31 SEC. EAST, OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 361.04 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 19 DEG. 31 MIN. 29 SEC. WEST, CONTINUING OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND.

EXHIBIT B
Permitted Exceptions

1. A pipeline easement granted to Trunkline Gas Company, by instrument recorded in Volume 747, Page 283, of the Deed Records of Brazoria County, Texas, as affected by Assignment and assumption filed of record under Brazoria County Clerk's Fil Nos. 98 028304 and 98 028307.

2. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Volume 382, Page 711 (87005301) Volume 382, Page 722 (87005306), Volume 409, Page 843 (87013858), Volume 409, Page 851 (87013860) Volume 409, Page 856 (87013861), Volume 415, Page 875 (87015741), Volume 415, Page 889 (87015745), Volume 432, Page 651 (87021228), Volume 477, Page 763 (87035917), Volume 559 Page 523 (88018747), Volume 617, Page 216 (88036885), Volume 652, Page 137 (890073391 Volume 652, Page 146 (89007340), Volume 652, Page 295 (89007392), Volume 652, Page 316 (89007397), Volume 933, Page 428 (91022626), Volume 933, Page 432 (91022627) Volume 933, Page 436 (91022628), Volume 933, Page 446 (91022632) and Volume 933, Page 454 (91022635) of the Official Records of Brazoria County, Texas.

3. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria County Clerk's File Nos. 01-020975, 01-020976, 01-020977, 01-020978, 01-020985. 01-020986, 01-020993, 01-037844, 01-037845, 02-015491, and 2-017230 of the Official Records of Brazoria County, Texas.

4. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Clerk's Form T-7: Commitment for Title Insurance Page 6 Continuation of Schedule B GF No. SN2501255 File Nos. 2005009749, 2005034983, 2005034984, 2005034985, 2005042094, and 2006026491 of the Official Records of Brazoria County, Texas.

5. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria l. CountyvClerk's File Nos. 2008010066, 2008015240, 2008041366, 2008041367, 2008049197, 2009006791, and 2023003575, of the Official Public Records of Brazoria County, Texas.

6. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023013070.

7. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023045178.

8. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File

No. 2023045209.

9. Terms, conditions, provisions, and stipulations contained in Manville City Ordinance No. 2019-O-02, filed for record under Brazoria County Clerk's File No. 2019031688.

10. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 36, of the Deed Records of Brazoria County, Texas.

11. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 366, of the Deed Records of Brazoria County, Texas.

12. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 710, Page 1, of the Deed Records of Brazoria County, Texas.

13. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument filed for record under Brazoria County Clerk's File No. 02 056335.

14. Terms, conditions, provisions, and stipulations contained in Waiver of Surface Rights, filed for record under Brazoria County Clerk's File No. 02 064303.

FILED and RECORDED

Instrument Number: 2025060749

Filing and Recording Date: 12/18/2025 11:24:12 AM Pages: 8 Recording Fee: $49.00

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.



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-kali

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.

SPECIAL WARRANTY CONTRIBUTION DEED WITH ASSUMPTION

Effective Date: December 17, 2025

Grantor: BCS Capital Group LLC, a Texas limited liability company

Grantor's Mailing Address:

1940 Fountain View Dr #220
Houston, TX 77057

Grantee: BCS Manvel LLC, a Texas limited liability company

Grantee's Mailing Address:

1940 Fountain View Dr #220
Houston, TX 77057

Consideration:

As a contribution from Grantor to Grantee, and Grantee's assumption of and agreement to pay, according to the note's terms, the unpaid principal and earned interest in the original principal amount shown in the note, dated December 17, 2025, executed by BCS Capital Group LLC, and payable to the order of Daniel Wade Clark. The note is secured by a deed of trust dated December 17, 2025, from BCS Capital Group LLC to Howard Cordray, Trustee, recorded in the Official Public Records of Brazoria County, Texas under Clerk's File No. 2025060693. As further consideration, Grantee promises to keep and perform all of the covenants and obligations of the grantor named in that deed of trust and to indemnify, defend, and hold Grantor harmless from any loss, attorneys' fees, expenses or claims attributable to a breach of default of any provision of this assumption by Grantee.

Property (including any improvements):

Being (i) a tract or parcel containing 34.28 acres of land in Brazoria County, Texas, SAVE AND EXCEPT that certain 2.053-acre tract ("Tract 1"), (ii) a tract or parcel containing 11.399 acres of land in Brazoria, County, Texas ("Tract 2"), and (iii) a tract or parcel containing 1.649 acres of land in Brazoria County, Texas ("Tract 3"), Tract 1, Tract 2 and Tract 3 being more particularly described on Exhibit A attached hereto, together with all

rights, privileges, and appurtenances pertaining to the Property, including Grantor's right, title and interest in any minerals, utilities, adjacent streets, alleys, strips, gores and rights of way; Grantor's interest in all leases, rents and security deposits, if any, and Grantor's interest in all licenses and permits related to the Property, if any.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Those set forth on Exhibit B attached hereto.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, contributes, bargains, 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 when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

All taxes assessed against the Property for the year 2025 have been prorated between the parties, and Grantee hereby assumes and agrees to pay in full taxes all taxes assessed against the Property for subsequent years.

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

This Special Warranty Contribution Deed may be signed in multiple counterparts.

[Signatures to Follow on the Next Page]

This Special Warranty Contribution Deed is signed as of the date of the acknowledgements below, but shall be effective on the Effective Date provided above.

GRANTOR:

BCS CAPITAL GROUP LLC, a Texas limited liability company

By: _____
Robert Cannon, Manager

STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me this 16 day of December, 2025, by Robert Cannon, Manager of BCS Capital Group LLC, on behalf of said limited liability company and as an act of said company.

Commission expires:
06/26/2028

_____
Notary Public, State of Texas

LAURA SHEPHERD
Notary ID #134965974
My Commission Expires
June 26, 2028

GRANTEE:

BCS Manvel LLC, a Texas limited liability company

By: BCS Capital Management LLC, a Texas limited liability company, its manager

By: _____
Robert Cannon, Manager

STATE OF TEXAS §
§
COUNTY OF Harris §

This instrument was acknowledged before me this 16 day of December, 2025, by Robert Cannon, Manager of BCS Capital Management LLC, a Texas limited liability company, manager of BCS Manvel LLC, a Texas limited liability company, on behalf of said limited liability companies and as an act of said companies.

Commission expires:
06/26/2028

_____
Notary Public, State of Texas

LAURA SHEPHERD
Notary ID #134965974
My Commission Expires
June 26, 2028

AFTER RECORDING RETURN TO:

Kelly Beaudry
Moody Law Group, PLLC
3003 West Alabama
Houston, Texas 77098

EXHIBIT A
The Property

Tract 1:

A TRACT OR PARCEL CONTAINING 34.28 ACRES OR 1,493,196 SQUARE FEET OF LAND SITUATED IN THE H. T. & B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, SAME BEING CALLED "PART ONE, TRACT ONE" OR 35.905 ACRES OF LAND DESCRIBED IN DEED TO TH PROPERTY, INC., RECORDED UNDER BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.) NO. 2022037379, AND BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, WITH SAID 34.28 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING, AT BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND MARKING THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF SAID STATE HIGHWAY NO. 6 (200' WIDE) AS RECORDED UNDER MAP OR PLAT NO. 2022037379, B.C.P.R. AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120' WIDE) AS RECORDED UNDER MAP OR PLAT NO. 2022037379, B.C.P.R., SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, ALONG THE SOUTH LINE OF SAID 35.905 ACRES AND NORTH LINE OF SAID HWY NO. 6, A DISTANCE OF 1,248.34 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST CORNER OF A 40 FEET R.O.W. (UNIMPROVED), AS RECORDED UNDER MAP OR PLAT VOL. 2, PG. 81-82, B.P.C.R., AND THE SOUTHWEST CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, ALONG THE EAST LINE OF SAID 40 FEET R.O.W. AND WEST LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 927.47 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE EAST LINE OF SAID 40 FEET
R.O.W. AND THE SOUTHWEST CORNER OF CALLED LOT 21 BEING A PART OF CALLED 201.0164 ACRE TRACT OF LAND DESCRIBED IN DEED TO NEW RODEO 288, LTD., AS RECORED UNDER MAP OR PLAT VOL. 2, PG. 81. B.C.P.R. AND BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2006043836., AND THE NORTHWEST CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 86 DEG. 53 MIN. 57 SEC. EAST, ALONG THE SOUTH LINE OF SAID 201.0164 ACRE TRACT AND NORTH LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 1,280.25 FEET TO A CORNER FOR THE SOUTHEAST CORNER OF CALLED LOT 29, BEING A PROTION OF SAID 201.0164 ACRE TRACT OF LAND AND ON THE WEST LINE OF CALLED 40 FEET R.O.W., AS RECORDED UNDER

MAP OR PLAT VOL. 2, PG. 81-82 B.C.P.R. AND B.C.C.F. NO. 2019057985, AND B.C.C.F. NO. 2019057983, AND SAME BEING THE NORTHEAST CORNER OF SAID 35.905 ACRE AND OF THE HERIEN DESCRIBED TRACT FROM A 5/8 INCH IRON ROD BEARS SOUTH 16 DEG. 18 MIN. 34 SEC. WEST FOR A DISTANCE OF 0.366 FEET;

THENCE, SOUTH 03 DEG. 15 MIN. 50 SEC. EAST, ALONG THE WEST LINE OF SAID 40 FEET R.O.W. AND EAST LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 681.87 FEET TO CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE WEST LINE OF SAID 40 FEET R.O.W., AND MARKING THE MOST NORTHEASTERLEY CORNER OF SAID KIRBY DRIVE AND THE MOST EASTERLY CORNER OF SAID 35.905 ACER TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 86 DEG. 39 MIN. 32 SEC. WEST, ALONG THE COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT, A DISTANCE OF 36.57 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "BGE INC." FOR THE NORTHWEST CORNER OF SAID KIRBY DRIVE AND THE EAST CORNER OF SAID 35.905 ACRE TRACT, AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 03 DEG. 20 MIN. 28 SEC. EAST, ALONG THE WEST R.O.W. LINE OF SAID KIRBY DRIVE AND THE EAST LINE OF SAID 35.905 ACRE TRACT, A DISTANCE OF 499.85 FEET, TO A POINT STARTING A NONTANGENT CURVE TO THE RIGHT FROM WHICH A FOUND 5/8 INCH IRON ROD BEARS SOUTH 46 DEG. 58 MIN. 53 SEC. WEST FOR A DISTANCE OF 0.267 FEET;

THENCE, CONTINUING ALONG THE COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 270.05 FEET, A CENTRAL ANGLE OF 22 DEG. 51 MIN. 57 SEC., AN ARC LENGTH OF 107.77 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 08 DEG. 05 MIN. 31 SEC. WEST, - 107.06 FEET TO A FOUND 5/8 INCH IRON ROD ON THE SAME SAID COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 19 DEG. 31 MIN. 29 SEC. WEST, CONTINUING ALONG THE COMMON LINE OF SAID KIRBY DRIVE AND SAID 35.905 ACRE TRACT, A DISTANCE OF 119.23 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE NORTH END OF A CUT BACK CORNER OF THE INTERSECTION OF THE WEST R.O.W. LINE OF SAID KIRBY DRIVE AND THE NORTH R.O.W. LINE OF SAID HWY 6, SAME BEING THE MOST SOUTHEASTERLY CORNER OF SAID 35.905 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 64 DEG. 31 MIN. 29 SEC. WEST, ALONG THE SAME SAID CUTBACK LINE OF THE INTERSECTION OF SAID HWY 6 AND SAID KIRBY DRIVE, A DISTANCE OF 28.29 FEET THE **POINT OF BEGINNING** AND CONTAINING 34.28 ACRES OR 1,493,196 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 59121-BND, PREPARED BY WINDROSE.

SAVE AND EXCEPT:

A TRACT OR PARCEL CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND BEING OUT OF LOTS 22 AND 23, EMIGRATION LAND COMPANY SUBDIVISION, SECTION 71, MAP OR PLAT THEREOF RECORDED UNDER VOL. 2, PG. 81–82, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND OUT OF A CALLED 35.905 ACRE TRACT, ALSO KNOWN AS PART ONE TRACT ONE, DESCRIBED IN DEED TO TH PROPERTY, INC., AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, SITUATED IN THE H. T. AND B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, WITH SAID 2.053 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND FOR THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT–OF–WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 6 (200 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120 FEET WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 35.905 ACRE TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 1,013.34 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE SOUTHEAST CORNER AND POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, CONTINUING WITH THE NORTH R.O.W. LINE OF SAID STATE HIGHWAY 6, A DISTANCE OF 235.00 FEET TO 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST UNIMPROVED 40 FEET R.O.W., AS RECORDED UNDER VOL. 2, PG. 81–82, B.C.P.R., AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, WITH THE EAST LINE OF SAID 40 FEET R.O.W. LINE, A DISTANCE OF 325.40 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 70 DEG. 28 MIN. 31 SEC. EAST, OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 361.04 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED WINDROSE SET FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 19 DEG. 31 MIN. 29 SEC. WEST, CONTINUING OVER AND ACROSS SAID 35.905 ACRE TRACT, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.053 ACRES OR 89,406 SQUARE FEET OF LAND.

Tract 2:

A TRACT OR PARCEL CONTAINING 11.399 ACRES OR 496.581 SQUARE FEET OF LAND SITUATED IN THE H. T. & B. RR.CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, SAME BEING CALLED "PART TWO OF TRACT FOUR" 11.395 ACRES OF LAND DESCRIBED IN DEED TO TH PROPERTY, INC., RECORDED UNDER BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.) NO. 2022037379, AND BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2002056335, WITH SAID 11.3999 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (NAD 83):

COMMENCING, AT BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "BGE" FOUND MARKING THE SOUTH END OF A CUTBACK CORNER OF THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 6 (200' WIDE) AS RECORDED UNDER PLAT NO. 2022037379,(B.C.P.R.) AND THE WEST R.O.W. LINE OF KIRBY DRIVE (120' WIDE) AS RECORDED UNDER PLAT NO. 2022037379, (B.C.P.R.), SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF CALLED 35.905 ACRES OF LAND DESCRIBED IN DEED TO TH PROPERTY, INC. AS RECORDED UNDER MAP OR PLAT NO. 2022037379 AND B.C.C.F. NO. 2002056335,;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, ALONG THE NORTH R.O.W. LINE OF SAID HWY 6 PASSING A FOUND 5/8 INCH IRON ROD FOR A DISTANCE OF 1248.34 FEET MARKING THE SOUTHEAST CORNER OF A 40 FEET R.O.W. (UNIMPROVED) RECORDED UNDER A MAP OR PLAT VOL.2, PG. 81-82, B.C.P.R., AND THE SOUTHWEST CORNER OF SAID 35.905 ACRE TRACT, TO A FOUND 5/8 INCH IRON ROD FOR A TOTAL DISTANCE OF 1291.68 FEET MARKING THE SOUTHWEST CORNER OF SAID 40 FEET R.O.W. AND THE SOUTHEAST CORNER OF SAID 11.395 ACRE TRACT SAME BEING THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 70 DEG. 28 MIN. 31 SEC. WEST, CONTIUING ALONG THE NORTH R.O.W. LINE OF SAID HWY 6 AND THE SOUTH LINE OF SAID 11.395 ACRE TRACT, A DISTANCE OF 692.21 FEET TO A FOUND 5/8 INCH IRON ROD MARKING THE SOUTHEAST CORNER OF CALLED LOT 6 AND LOT 7, 8.28689 ACRES OF LAND DESCRIBED IN DEED TO JERRY A. ARGOVITZ, AS RECORDED UNDER MAP OR PLAT VOL. 2, PG. 81, B.C.P.R. AND VOL. 1151, PG. 839 OF B.C.C.F., AND THE SOUTHWEST CORNER OF SAID 11.395 ACRES AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 21 MIN. 05 SEC. WEST, ALONG THE COMMON LINE OF SAID LOT 6 AND LOT 7 AND SAID 11.395 ACRE TRACT, FOR A DISTANCE OF 644.48 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHEAST CORNER OF CALLED LOT 5 BEING A PART OF CALLED 201.0164 ACRES OF LAND DESCRIBED IN DEED TO NEW RODEO 288, LTD., AS RECORDED UNDER MAP OR PLAT THEREOF VOL. 2, PG. 81, B.C.P.R. AND B.C.C.F. NO.

2005039031, AND VOL. 1181, PG. 884 OF B.C.C.F., AND THE SOUTHWEST CORNER OF CALLED LOT 13 OR CALLED 10.30 ACRES OF LAND DESCRIBED IN DEED TO J.W. WINZELLER AND LESLIE R. WINZELLER AS RECORDED UNDER MAP OR PLAT THEREOF VOL. 2, PG. 81-82, B.C.P.R. AND B.C.C.F. NO. 200539091 AND SAME BEING THE NORTHWEST CORNER OF SAID 11.395 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 86 DEG. 53 MIN. 57 SEC. EAST, ALONG THE COMMON LINE OF SAID LOT 13 AND 11.395 ACRE TRACT, A DISTANCE OF 639.16 FEET TO A CORNER ON THE WEST R.O.W. LINE OF SAID 40 FEET AND THE SOUTHEAST CORNER OF SAID LOT 13 AND THE NORTHEAST CORNER OF SAID 11.395 ACRE TRACT AND THE HEREIN DESCRIBED TRACT FROM WHICH FOUND 5/8 INCH IRON ROD BEARS SOUTH 16 DEG. 54 MIN. 59 SEC. WEST, FOR A DISTANCE OF .304 FEET;

THENCE, SOUTH 03 DEG. 15 MIN. 50 SEC. EAST, ALONG THE WEST R.O.W. LINE OF SAID 40 FEET AND THE EAST LINE OF SAID 11.395 ACRE TRACT, A DISTANCE OF 910.78 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 11.3999 ACRES OR 496,581 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 59121-BND, PREPARED BY WINDROSE.

Tract 3:

BEING A TRACT OR PARCEL CONTAINING 1.649 ACRES OR 71,831 SQUARE FEET OF LAND, SITUATED IN THE H.T. & B. RR. CO. SURVEY, SECTION 71, ABSTRACT NO. 291, BRAZORIA COUNTY, TEXAS, BEING PART OF AND OUT OF LOT 29 OF EMIGRATION LAND COMPANY SUBDIVISION COMPANY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER VOLUME 2, PAGES 81-82 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND BEING ALL OF A CALLED 1.6366 ACRE TRACT OF LAND DESCRIBED IN DEED TO CATHERINE KECK WAGGONER AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2020042539, WITH SAID 1.649 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD WITH PLASTIC CAP STAMPED "BGE" FOUND IN THE WEST LINE OF RESTRICTED RESERVE "A", BLOCK 1 OF MANVEL TOWN CENTER DETENTION PONDS AND MUD FACILITIES, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER PLAT NO. 2023010263, B.C.P.R., SAME BEING THE MOST NORTHERLY NORTHEAST CORNER OF UNRESTRICTED RESERVE "B", BLOCK 1 OF MANVEL TOWN CENTER SECTION ONE, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED UNDER PLAT NO. 2022042761, B.C.P.R., AND SAME BEING THE SOUTHEAST CORNER OF LOT 40 OF SAID EMIGRATION LAND COMPANY SUBDIVISION AND THE SOUTHEAST CORNER OF A CALLED 52.788 ACRE TRACT OF LAND (TRACT 3) DESCRIBED TO KL LB BUY 5 LLC AS RECORDED UNDER B.C.C.F. NO. 2024046753, FROM WHICH AN IRON ROD WITH PLASTIC CAP STAMPED "BGE" FOUND FOR THE SOUTHWEST CORNER OF SAID RESTRICTED RESERVE "A", SAME BEING AN INTERIOR CORNER OF SAID UNRESTRICTED RESERVE "B" BEARS FOR REFERENCE, SOUTH 03 DEG. 20 MIN. 28 SEC. EAST - 64.88 FEET;

THENCE, NORTH 03 DEG. 26 MIN. 07 SEC. WEST, ALONG THE WEST LINE OF SAID RESTRICTED RESERVE "A", SAME BEING THE EAST LINE OF SAID LOT 40, A DISTANCE OF 676.26 FEET TO THE SOUTHEAST CORNER OF LOT 39 OF SAID EMIGRATION LAND COMPANY SUBDIVISION;

THENCE, SOUTH 86 DEG. 53 MIN. 57 SEC. WEST, ALONG THE COMMON LINE OF SAID LOTS 39 AND 40, AND WITH THE COMMON LINE OF LOTS 34 AND 35 OF SAID EMIGRATION LAND COMPANY SUBDIVISION, A DISTANCE OF 1,361.44 FEET TO THE COMMON EAST CORNER OF LOTS 29 AND 30 OF SAID EMIGRATION LAND COMPANY SUBDIVISION, SAME BEING THE SOUTHEAST CORNER OF SAID 1.6366 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**, FROM WHICH AN IRON ROD WITH PLASTIC CAP FOUND BEARS FOR REFERENCE, SOUTH 16 DEG. 19 MIN. WEST - 0.37 FEET, AND ALSO FROM WHICH AN IRON ROD WITH PLASTIC CAP STAMPED "SURVEY1" FOUND ON THE NORTH LINE OF KIRBY DRIVE (120' WIDE) AS RECORDED UNDER PLAT NO. 2022037379, B.C.P.R., BEARS FOR REFERENCE, SOUTH 03 DEG. 15 MIN. 50 SEC. EAST - 681.87 FEET;

THENCE, SOUTH 86 DEG. 53 MIN. 57 SEC. WEST, CONTINUING ALONG THE COMMON LINE OF SAID LOTS 29 AND 30 AND WITH THE SOUTH LINE OF SAID 1.6366 ACRE TRACT, A DISTANCE OF 269.03 FEET TO THE SOUTHWEST CORNER OF SAID 1.6366 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF A CALLED 57.427 ACRE TRACT OF LAND (KNOWN AS TRACT 2) DESCRIBED TO KL LB BUY 5 LLC AS RECORDED UNDER B.C.C.F. NO. 2024046753 BEARS FOR REFERENCE, SOUTH 86 DEG. 53 MIN. 57 SEC. WEST - 1,011.22 FEET;

THENCE, NORTH 03 DEG. 15 MIN. 50 SEC. WEST, OVER AND ACROSS SAID LOT 29 AND WITH THE WEST LINE OF SAID 1.6366 ACRE TRACT, A DISTANCE OF 267.00 FEET TO THE NORTHWEST CORNER OF SAID 1.6366 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON ROD FOUND BEARS FOR REFERENCE, SOUTH 72 DEG. 38 MIN. 17 SEC. WEST - 1,083.86 FEET;

THENCE, NORTH 86 DEG. 53 MIN. 57 SEC. EAST, CONTINUING OVER AND ACROSS SAID LOT 39 AND WITH THE NORTH LINE OF SAID 1.6366 ACRE TRACT, A DISTANCE OF 269.03 FEET A POINT IN THE WEST LINE OF A CALLED 40' WIDE R.O.W. (UNIMPROVED) AS RECORDED UNDER VOLUME 2, PAGES. 81-82, B.C.P.R., SAID POINT BEING THE NORTHEAST CORNER OF SAID 1.6366 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 03 DEG. 15 MIN. 50 SEC. EAST, WITH THE COMMON LINE OF SAID 40' R.O.W. AND SAID 1.6366 ACRE TRACT, A DISTANCE OF 267.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.649 ACRES OR 71,831 SQUARE FEET OF LAND, MORE OR LESS, AS SHOWN ON JOB NO. 59121-1.6AC, PREPARED BY WINDROSE, WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (4204).

Exhibit B

Permitted Exceptions

1. A pipeline easement granted to Trunkline Gas Company, by instrument recorded in Volume 747, Page 283, of the Deed Records of Brazoria County, Texas, as affected by Assignment and assumption filed of record under Brazoria County Clerk's Fil Nos. 98 028304 and 98 028307. (As to Tract 1 and Tract 2 only)

2. Lease for ~~coal, lignite, oil, gas or~~ other minerals, together with rights incident thereto, recorded at Volume 382, Page 711 (87005301) Volume 382, Page 722 (87005306), Volume 409, Page 843 (87013858), Volume 409, Page 851 (87013860) Volume 409, Page 856 (87013861), Volume 415, Page 875 (87015741), Volume 415, Page 889 (87015745), ~~Volume 432, Page 651~~ (87021228), Volume 477, Page 763 (87035917), Volume 559 Page 523 (88018747), Volume 617, Page 216 (88036885), Volume 652, Page 137 (890073391 Volume 652, Page 146 (89007340), Volume 652, Page 295 (89007392), Volume 652, Page 316 (89007397), Volume 933, Page 428 (91022626), Volume 933, Page 432 (91022627) Volume 933, Page 436 (91022628), Volume 933, Page 446 (91022632) and Volume 933, Page 454 (91022635) of the Official Records of Brazoria County, Texas. (As to Tract 1 and Tract 2 only)

3. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria County Clerk's File Nos. 01-020975, 01-020976, 01-020977, 01-020978, 01-020985. 01-020986, 01-020993, 01-037844, 01-037845, 02-015491, and 2-017230 of the Official Records of Brazoria County, Texas. (As to Tract 1 and Tract 2 only)

4. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Clerk's Form T-7: Commitment for Title Insurance Page 6 Continuation of Schedule B GF No. SN2501255 File Nos. 2005009749, 2005034983, 2005034984, 2005034985, 2005042094, and 2006026491 of the Official Records of Brazoria County, Texas. (As to Tract 1 and Tract 2 only)

5. Lease for coal, lignite, oil, gas or other minerals, together with rights incident thereto, recorded at Brazoria l. CountyvClerk's File Nos. 2008010066, 2008015240, 2008041366, 2008041367, 2008049197, 2009006791, and 2023003575, of the Official Public Records of Brazoria County, Texas. (As to Tract 1 and Tract 2 only)

6. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023013070. (As to Tract 1 and Tract 2 only)

7. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023045178. (As to Tract 1 and Tract 2 only)

8. Terms, conditions, provisions, and stipulations contained in Lease as evidenced by

Memorandum of Oil and Gas Lease, filed for record under Brazoria County Clerk's File No. 2023045209. (As to Tract 1 and Tract 2 only)

9. Terms, conditions, provisions, and stipulations contained in Manville City Ordinance No. 2019-O-02, filed for record under Brazoria County Clerk's File No. 2019031688. (As to Tract 1 and Tract 2 only)

10. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 36, of the Deed Records of Brazoria County, Texas. (As to Tract 1 and Tract 2 only)

11. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 301, Page 366, of the Deed Records of Brazoria County, Texas. (As to Tract 1 and Tract 2 only)

12. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument recorded in Volume 710, Page 1, of the Deed Records of Brazoria County, Texas. (As to Tract 1 and Tract 2 only)

13. All the oil, gas and other minerals, and all other elements not considered a part of the surface estate, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted therefrom and not insured hereunder, as the same are set forth in instrument filed for record under Brazoria County Clerk's File No. 02 056335. (As to Tract 1 and Tract 2 only)

14. Terms, conditions, provisions, and stipulations contained in Waiver of Surface Rights, filed for record under Brazoria County Clerk's File No. 02 064303. (As to Tract 1 and Tract 2 only)

15. Terms, conditions, provisions, and stipulations contained in Oil, Gas, and Mineral Lease, recorded in Volume 381, Page 972, of the Deed Records of Brazoria County, Texas. (As to Tract 3 only)

16. Terms, conditions, provisions, and stipulations contained in Oil, Gas, and Mineral Lease Agreement, recorded in/under Document No. 2005073053, of the Official Public Records of Brazoria County, Texas. (As to Tract 3 only)

FILED and RECORDED

Instrument Number: 2025060752

Filing and Recording Date: 12/18/2025 11:27:03 AM Pages: 14 Recording Fee: $73.00

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.



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-jessica

CITY COUNCIL DATA SHEET

MEETING DATE:

Agenda: **Regular** ☑ **Consent** ☐

TOPIC:

Consideration and approval of a resolution authorizing submission of a grant application to the Office of the Governor – Public Safety Office for the Body-Worn Camera Grant Program and designation of an Authorized Official and Financial Officer.

BACKGROUND:

The Manvel Police Department currently operates a body-worn camera system that has reached manufacturer end-of-life and is no longer supported. The existing equipment has experienced reliability and safety issues and must be fully replaced.The Office of the Governor – Public Safety Office (PSO) offers grant funding to support the acquisition of body-worn cameras and associated digital evidence storage systems. The proposed project will replace existing equipment and expand camera availability to support current staffing and operational needs.Approval of a resolution is required to authorize submission of the grant application and to designate an Authorized Official and Financial Officer, as required by PSO.

RECOMMENDATION:

Approve a resolution authorizing submission of the Body-Worn Camera Grant application to the Office of the Governor – Public Safety Office and designating the City Manager as the Authorized Official and the Finance Director as the Financial Officer.

ATTACHMENTS:

FUNDING ISSUES

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

The required 25% local match is not budgeted in FY 2025–2026 and would be included in the FY 2026–2027 budget if the grant is awarded.

SUBMITTING STAFF MEMBER	FINANCE DIRECTOR APPROVAL ☐ CITY MANAGER APPROVAL: ☐

RESOLUTION NO. 2026-R-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – PUBLIC SAFETY OFFICE (PSO) FOR THE BODY-WORN CAMERA PROGRAM IMPLEMENTATION PROJECT; DESIGNATING THE AUTHORIZED OFFICIAL ON BEHALF OF THE CITY TO SUBMIT AND ACCEPT THE GRANT AND EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDING; DESIGNATING THE FINANCIAL OFFICER ON BEHALF OF THE CITY WITH THE AUTHORITY TO SUBMIT FINANCIAL AND/OR PROGRAMMATIC REPORTS ON BEHALF OF THE CITY; PROVIDING ASSURANCES INCLUDING THE INTENT TO BUDGET MATCHING FUNDS FOR THE PROJECT IN THE 2026-2027 BUDGET IF THE GRANT IS AWARDED; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Manvel finds it in the best interest of the citizens of Manvel, Texas, that the Body-Worn Camera Program Implementation Project be operated for Fiscal Year 2027; and

WHEREAS, the City Council of the City of Manvel agrees that it intends to provide all applicable matching funds for the project as required by the Office of the Governor – Public Safety Office grant application, subject to the appropriation of funding in the 2026-2027 annual budget; and

WHEREAS, the City Council of the City of Manvel agrees that in the event of loss or misuse of the Office of the Governor funds, the City will return all such funds to the Office of the Governor in full; and

WHEREAS, the City Council of the City of Manvel designates the City Manager as the grantee's Authorized Official, with the authority to apply for, accept, reject, alter, or terminate the grant on behalf of the City; and

WHEREAS, the City Council of the City of Manvel, Texas, designates the Finance Director as the grantee's Financial Officer, with the power to submit financial and/or programmatic reports or alter a grant on behalf of the City;

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

Section 1. The City Council of the City hereby:

(a) Approves submission of the grant application for the Body-Worn Camera Program Implementation Project to the Office of the Governor – Public Safety Office. to the Office of the Governor – Public Safety Office.

(b) Agrees that, if the grant is awarded, the City intends to provide all applicable matching funds for the project as required by the Office of the Governor – Public Safety Office grant application, subject to the appropriation of funding in the 2026-2027 annual budget. and

(c) Assures that in the event of misuse or loss of grant funds, all funds will be returned to Office of the Governor – Public Safety Office in full.

Section 2. The City Council of the City of Manvel designates Dan Johnson, City Manager, as the Grantee's authorized official, with the authority to apply for, accept, reject, alter, or terminate the grant on behalf of the City, as well as execute any and all documentation necessary for the grant. Acceptance of the grant is approved, without further city council approval, upon determination by the City Manager that the grant is in the best interest of the City of Manvel, and that all grant covenants can be met.

Section 3. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. This Resolution shall irrevocably take effect immediately upon its first and final reading and the passage and approval.

Signed this _____ day of _____, 2026.

_____
Dan Davis
Mayor

ATTEST:

_____
Tammy Bell
City Secretary

APPROVED AS TO FORM:

_____
Robert Gervais, City Attorney

CITY COUNCIL DATA SHEET

MEETING DATE:

Agenda: **Regular** ☑ **Consent** ☐

TOPIC:

Consideration of a Resolution Authorizing Submission of a Grant Application to the Office of the Governor – Public Safety Office under the State Homeland Security Program (SHSP) for the Manvel Operational Readiness Initiative (MORI).

BACKGROUND:

The Manvel Operational Readiness Initiative (MORI) is a proposed emergency management modernization effort to strengthen the City's ability to respond to active threat incidents, severe weather, and other large-scale emergencies.Currently, regional mobile command assets are located approximately 40–60 minutes away. This initiative would provide a rapidly deployable, climate-controlled mobile incident command and interoperable communications vehicle to support unified command during the critical first operational period of an incident.The grant would also fund a comprehensive rewrite of the City's Emergency Operations Plan (EOP) and Continuity of Operations Plan (COOP), associated communications and information technology equipment, and a functional exercise to validate updated plans and capabilities.This project aligns with regional preparedness priorities identified by the Houston-Galveston Area Council and enhances Manvel's ability to support mutual aid and coordinated regional response.

RECOMMENDATION:

Staff recommends approval of the Resolution authorizing submission of the grant application to the Office of the Governor – Public Safety Office under the State Homeland Security Program for the Manvel Operational Readiness Initiative.

ATTACHMENTS:

FUNDING ISSUES

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

The total grant request is anticipated to be approximately $450,000–$500,000.No local cash match is required for this grant program.If awarded, ongoing operational and maintenance costs for the vehicle and associated equipment will be absorbed within the City's existing operating budget.

SUBMITTING STAFF MEMBER Jamie Praslicka *Jamie Praslicka*	FINANCE DIRECTOR APPROVAL ☐ CITY MANAGER APPROVAL: ☐

RESOLUTION NO. 2026-R-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – PUBLIC SAFETY OFFICE (PSO) UNDER THE STATE HOMELAND SECURITY PROGRAM (SHSP) FOR THE REGIONAL OPERATIONAL COORDINATION, CONTINUITY, AND ACTIVE THREAT PREPAREDNESS MODERNIZATION INITIATIVE; DESIGNATING THE AUTHORIZED OFFICIAL ON BEHALF OF THE CITY TO SUBMIT AND ACCEPT THE GRANT AND EXECUTE ALL DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDING; DESIGNATING THE FINANCIAL OFFICER ON BEHALF OF THE CITY WITH THE AUTHORITY TO SUBMIT FINANCIAL AND/OR PROGRAMMATIC REPORTS ON BEHALF OF THE CITY; PROVIDING REQUIRED ASSURANCES; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Manvel finds it in the best interest of the citizens of Manvel, Texas, to enhance local and regional capabilities in operational coordination, interoperable communications, continuity of operations, and active threat preparedness; and

WHEREAS, the Houston-Galveston Area Council (H-GAC) region has identified planning, operational coordination, communications, and continuity capability gaps through the regional homeland security planning and Stakeholder Preparedness Review process; and

WHEREAS, the City of Manvel desires to submit an application to the Office of the Governor – Public Safety Office (PSO) under the State Homeland Security Program (SHSP) for funding to support the Regional Operational Coordination, Continuity, and Active Threat Preparedness Modernization Initiative, which includes a comprehensive Emergency Operations Plan (EOP) and Continuity of Operations Plan (COOP) rewrite, acquisition of a rapid deployable incident command and interoperable communications vehicle, associated information technology and communications equipment, and a functional exercise to validate updated plans and capabilities; and

WHEREAS, the City Council of the City of Manvel agrees that in the event of loss or misuse of the Office of the Governor funds, the City will return all such funds to the Office of the Governor in full; and

WHEREAS, no local cash match is required for this grant program, and the City agrees to comply with all applicable grant requirements, regulations, and assurances of the Office of the Governor.

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

Section 1. The City Council of the City hereby:

(a) Approves submission of the grant application for the Regional Operational Coordination, Continuity, and Active Threat Preparedness Modernization Initiative to the Office of the Governor – Public Safety Office under the State Homeland Security Program;

(b) Assures that in the event of misuse or loss of grant funds, all funds will be returned to the Office of the Governor – Public Safety Office in full; and

(c) Agrees to comply with all applicable grant conditions, requirements, and assurances.

Section 2. The City Council of the City of Manvel designates Dan Johnson, City Manager, as the Grantee's Authorized Official, with the authority to apply for, accept, reject, alter, or terminate the grant on behalf of the City, as well as execute any and all documentation necessary for the grant. Acceptance of the grant is approved, without further City Council approval, upon determination by the City Manager that the grant is in the best interest of the City of Manvel and that all grant covenants and requirements can be met. The City Council further designates the Finance Director as the Grantee's Financial Officer, with the authority to submit financial and/or programmatic reports and otherwise act on behalf of the City in matters related to the grant.

Section 3. It is hereby found, determined, and declared that sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at City Hall for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 4. This Resolution shall irrevocably take effect immediately upon its first and final reading and the passage and approval.

Signed this _____ day of _____, 2026.

_____
Dan Davis
Mayor

ATTEST:

_____
Tammy Bell
City Secretary

APPROVED AS TO FORM:

_____
Robert Gervais, City Attorney

MANVEL
CITY COUNCIL
DATA SHEET

MEETING DATE: March 2, 2026

TOPIC: Resolution 2026-R-05 – Amended Personnel Policy Manual

BACKGROUND: As a good practice measure, the City Personnel Policies should be reviewed and or revised at a minimum of every 2 years.

Changes for 2026 are as follows

1. P 29 50% Dependent Coverage for New Hires to 3 years of service
2. Pp 46-47 FMLA
3. P 82 Fraternization
4. Pp 96-108 Emergency Management
5. Pp 113-114 Grievance

STAFF RECOMMENDATION: Staff recommends approval.

FUNDING ISSUES

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

• **SUBMITTING STAFF MEMBER** **Chad Dumont, Personnel Director**	• **FINANCE DIRECTOR APPROVAL** • **CITY MANAGER APPROVAL: ✓**

RESOLUTION NO. 2026-R-05

A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED MARCH 2, 2026, FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City desires to have a formal personnel policy to set forth the policies, procedures, guidelines and practices of the City concerning employment relationship between each employee and the City; and

WHEREAS, adopting a formal Employee Personnel Policies and Procedures Handbook is intended to help employees read, understand and comply with all policies, procedures, guidelines and practices of the City; and

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

SECTION 1: That the "Employee Personnel Policies and Procedures Handbook" dated March 2, 2026, attached hereto as Exhibit A, is hereby adopted for all employees of the City of Manvel. The City Manager is authorized and directed to implement all personnel policy matters contained therein, consistent with the City Charter and City Code.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this _____, day of _____, 2026.

_____
Dan Davis, Mayor
City of Manvel, Texas

ATTEST:

_____
Tammy Bell
City Secretary

APPROVED AS TO FORM:

_____
Robert Gervais
City Attorney

Employee Personnel Policies and Procedures Handbook

of the City of Manvel, Texas

Adopted:
May 29, 2012

Amended:
October 9, 2012
June 10, 2013
April 27, 2015
September 14, 2015
March 14, 2016
September 3, 2019
April 6, 2020
February 7, 2022
August 22, 2023
June 3, 2024
March 2, 2026

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

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Acknowledgment Form
March 2, 2026

I have received a copy of the City of Manvel Personnel Policies and Procedures Handbook, and I understand that they govern the terms of my employment. I understand that I can direct any questions that I may have regarding these Personnel Regulations to my supervisor.

THIS HANDBOOK IS INTENDED AS A GUIDE AND ITS PROVISIONS **DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT AGREEMENT, A CONTRACT, OR A GUARANTEE OF CONTINUED EMPLOYMENT**.

THE CITY OF MANVEL RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME AND WITHOUT PRIOR NOTICE. THE PROVISIONS CONTAINED IN THIS POLICY HANDBOOK ARE APPLICABLE TO ALL CITY OF MANVEL EMPLOYEES.

ANY PROMISES THAT CONFLICT WITH PROVISIONS IN THIS HANDBOOK ARE EFFECTIVE ONLY IF IN WRITING, SIGNED BY THE CITY MANAGER, AND APPROVED BY CITY COUNCIL AS REFLECTED BY ITS OFFICIAL MINUTES.

Signature of Employee

Printed Name of Employee

Date

1. INTRODUCTION

The City of Manvel welcomes you to our staff. We want to make your first days on the job as pleasant and comfortable as possible. As a new employee you may have questions about City policies, procedures, and expectations of you as an employee. This handbook will answer most of those questions.

The information in this handbook is to provide a consistent guide to you on policies and other personnel matters. It is not intended to give specific guidelines for every conceivable personnel interaction. These guidelines are sufficiently broad to provide the latitude of discretion, which may be needed in individual situations. This policy should be referred to regularly when making decisions affecting you and City personnel. It will help ensure that decisions are fair, consistent, and in accordance with the desires of City Management. It is your responsibility to ask questions if you do not understand any policy or procedure. The more you know about Manvel, the easier it will be for you to understand your role in relation to other positions.

The City retains the right to change, modify, suspend, interpret, add to or cancel any of the benefits, policies and procedures at any time and at its sole discretion. Any employee who continues to work after a policy has been revised and implemented is deemed to have accepted the change in policy. This handbook is subject to the City Charter as well as the constitution and laws of the State of Texas and the United States. The City of Manvel is an At-Will employer (see Section 2.01). This handbook does not create, reflect or imply any contractual, legal, or vested rights. Either you or the City may terminate this relationship at any time with or without cause.

References to benefits, insurance coverage, leave accruals and holiday pay are applicable to regular full-time employees and may be applicable to part-time employees on a pro-rated basis.

The City Manager or his/her designee is authorized and directed to administer this handbook, including the right to establish whatever detailed regulations and procedures may be necessary to further explain and clarify the provisions of this handbook, except with respect to those employees appointed directly by the City Council, unless further delegated to do so by the City Council.

In addition to the policies outlined in this manual, it is the prerogative of each department director to develop and implement standard operating procedures, guidelines or general orders, which are separate from or in addition to the policies contained in this handbook. Department procedures must be consistent with City policies and in no case will departmental policies supersede those contained in this handbook. The City Manager or his/her designee will resolve any conflicts between department policies and citywide policies.

Many of the policies and descriptions in this handbook are summarized from laws, rules, plans, insurance policies and other official documents which actually control specific matters. These official documents take precedence over this handbook, although the handbook may be more restrictive. The Human Resource representative is responsible for providing access to the official documents during normal business hours.

It is your responsibility as an employee to read, understand and comply with all policies, procedures, guidelines and practices of both the City and individual departments.

This version of the City of Manvel Employee Personnel Policies and Procedures Handbook supersedes all prior versions issued by the City. This handbook was first approved by the City of Manvel City Council on May 29, 2012.

1.01 Purpose and Objectives

The purpose of this Handbook is to provide you with a better understanding of the City of Manvel, what we stand for, and what we expect of our employees. This Handbook cannot cover every situation that may arise during your employment but is designed to be a general guide to key policies. Flexibility is crucial to meeting the changing needs of our City and, if appropriate, the City may depart from the policies and procedures contained in this Handbook. The City Manager may, with approval of the City Council, unilaterally change, rescind, supplement, or supersede these rules at any time without notice. The provisions of these rules shall control over any contradictory statements made by any City supervisor.

The objectives of the personnel policies are as follows:

A. To promote good and uniform personnel practices and administration in the management of the City's human resources;

B. To develop sound practices of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employees' best services to the residents of the City;

C. To ensure that compensation is based upon individual merit and the relative duties and responsibilities of positions in the service of the City;

D. To promote high morale by the consistent administration of these policies; and

E. To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

1.02 Application of Policies

The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in this employee handbook.

The City Council reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

1.03 Management Authority

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

Management Authority. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations.

Departmental Policy and Procedural Requirements. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Personnel Director or other appropriate departments. All others, however, are subject to approval by the appropriate City department. All employment related department policies must be reviewed by the Personnel Director. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager or City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to the department head or to others as deemed appropriate in the City Manager’s sole discretion.

1.04 Amendment of Policies

This handbook has been approved by the City Council of the City of Manvel, Texas. The City Manager is responsible for the implementation of the personnel policies.

Amendments of substance require approval by the City Council. Minor amendments (formatting, updating per changes in federal or state law, changes due to re-organization, etc.) may be done by the City Manager, but must be reported to City Council.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter.

Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Manvel, Texas supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

2. DEFINITIONS

At-will employment. Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, and the City retains the right to terminate any employee at any time, for any or no reason.

City Manager. City Manager shall include the City Manager and his/her designee.

Controlled Substance. A controlled substance is a substance, including a drug or an immediate precursor, listed in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act, TEXAS HEALTH AND SAFETY CODE ch. 481.

Personnel Director. Personnel Director shall include the actual position, or, if there is no such designated employee, then the City Manager or his/her designee.

Director. The individual in charge of a department of the City, or the person authorized to act on his or her behalf.

Drug. A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

Illegal Drug. An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal; as well as any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally.

Regular employee. An employee whose position has a required work week equal to or exceeding the full-time established work week and budgeted for more than 1,000 hours work in a 12-month period.

Under the influence. For alcohol, a blood alcohol content (BAC) of .04 or above. A BAC of 0.04 means that 0.04% (four hundredths of one percent) of a person's blood, by volume, is alcohol. For illegal drugs, any detectable amount. For legal drugs taken according to a prescription or consistent with over-the-counter instructions, under the influence shall mean the state of not having the normal use of mental and physical faculties.

3. EMPLOYMENT STATUS

3.01 Employment Status

A. **Orientation Period Employee**. The status of a full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. Newly hired employees are not subject to progressive levels of discipline and are not eligible to use the City's employee appeals policy during the Orientation Period.

B. **Regular full-time**. An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

C. **Regular part-time**. An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 6 months of active service with the City. Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1,000 hours in a year, are eligible to participate in Texas Municipal Retirement System.

D. **Temporary/Seasonal**. An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Personnel Director. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage) but are not eligible for the City's other employment benefits.

E. **Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid, are not entitled to any benefits, and are not covered by workers' compensation.

F. **Police Reserves**. See TLGC 141.007 and 142.003.

3.02 Exempt/Non-Exempt Status

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the Personnel Director.

4. EQUAL EMPLOYMENT OPPORTUNITY AND COMPLIANCE WITH LAWS

4.01 Equal Employment Opportunity Policy

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, religion, sex, national origin, citizenship, disability, genetics, veteran's status or other unlawful basis, is prohibited.
See Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.; Texas Commission on Human Rights Act, TEXAS LABOR CODE ch. 21.

4.02 ADA Policy

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability. Any employee seeking reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

4.03 Job Descriptions

Job descriptions will be established for all positions.

4.04 Dissemination

The Personnel Director shall inform all employees of the existence of these rules, and each department shall keep a copy available for reference by its employees. Upon employment, The Personnel Director shall give each new employee a copy of these rules.

The Personnel Director shall place at City Hall, Public Works, and the Police Department bulletin boards for communications that Texas Law, federal law or these rules require, or that the Director approves. Postings on these boards should include this Handbook, notice of job vacancies, Age Discrimination Act notices (29 U.S.C. § 627), Disability § Act notices (42 U.S.C. § 12115), Civil Rights Act notices (42 U.S.C. § 2000e-10a), Family Leave and Medical Act notices (29 U.S.C. § 2619), as well as Workers Compensation Act notices (TEXAS LABOR CODE § 406.005), Whistleblower Act notices (TEXAS GOVERNMENT CODE § 554.009), hazardous chemical notices (TEXAS HEALTH & SAFETY CODE ch. 502), Unemployment Act notices (TEXAS LABOR CODE § 208.001(a)) and Fair Labor Standard Act notices (29 U.S.C. § 211(c)).

4.05 Employee Safety

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time-to-time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying the safety rules of their job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee shall immediately:

1 Stop the activity/behavior.
2 Notify the person in charge (supervisor) to address the issue.
3 Involve the right people (discuss concerns/correct the issue)
4 Resume work
5 Share lessons learned (i.e. potentially impacted employees & contractors).

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.

- Smoke only during designated times in authorized outside areas.

- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.

- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.

- Be aware of sharp tools. Use safety devises where provided, and do not alter or remove them in any way. Report hazards to management immediately.

- Material Safety Data Sheets (MSDS) - You will be shown the location of the City's MSDS. MSDS provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.

- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.

- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

4.06 Accident Reporting

A. All Accidents.

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Personnel Director. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

B. Accident Involving City Equipment or Vehicles.

Any employee involved in an accident while operating City equipment or City vehicle, whether during business hours or after hours, shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle and submit it to the supervisor and to the Personnel Director. The employee may be subject to a post-accident drug screen, as provided for by law and in this handbook.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. The wearing of seat belts for the driver and all passengers is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

5. CODE OF CONDUCT

5.01 Weapons Control and Violence Prevention Policy

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

A. **Zero Tolerance.** Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

B. **Weapons Control.** Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer or other person expressly authorized by law (judge, prosecutor, etc.), shall carry or possess a firearm or other weapon on City property.

Notwithstanding the above, an employee who is licensed by the State of Texas to carry a concealed weapon (LTC) may possess a weapon on city property under the following guidelines:

Guidelines:

1. Firearms shall be always concealed while conducting city business.
2. Firearms will be kept secure or always hidden. Secured is defined as within a locked/secure vehicle, in a secure lockbox in the employee's office or work area or concealed on the employee's person.
3. Firearms will not be openly displayed to the public for any reason unless it is in defense of the employee or other employees.

Employees are also prohibited from carrying a prohibited weapon while on duty or at any time while engaging in City-related business. Prohibited weapons are defined in the Texas Penal Code under Sec. 46.05 Prohibited Weapons, which include the following;

- an explosive weapon,
- a machine gun,
- a short-barrel firearm,
- armor piercing ammunition,
- a chemical dispensing device,
- a zip gun,
- tire deflation device,
- an improved explosive device,
- location restricted knives (with blades exceeding 5 ½ inches).

A firearm which is considered a curio firearm manufactured before 1899; or a replica of an antique or curio firearm is not considered a prohibited weapon.

Employees do not have an expectation of privacy and by continued employment an employee consents to any search for firearms or other weapons on City property by the City and/or law enforcement officials.

C. **Mandatory Reporting.** Each City employee must immediately notify his/her supervisor, Department Director, the Personnel Director and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior, and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Personnel Director.

D. **Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Personnel Director and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employee**s** must immediately advise their Department Director and the Personnel Director of any protective or restraining order issued against them.

E. **Confidentiality.** To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

F. **City Property**. For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

G. **Documentation.** All threats and incidents of violence will be documented. Documentation will be maintained by the Personnel Director and/or the Police Department.

H. **Policy Violations.** Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

5.02 Sexual and Workplace Harassment Policy

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

A. **Sexual Harassment.** One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

B. **Other Prohibited Harassment.** In addition to the City's prohibition against sexual harassment, harassment based on any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by state or federal law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone based on a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

C. **Applicability**. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

D. **Mandatory Reporting.**

1) Employees. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately in writing to:

- The Personnel Director; or
- the City Manager.

2) Supervisors. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the Personnel Director in writing, or through a complaint form available from the Personnel Director.

3) Under this policy, an employee or supervisor may report to and/or contact the City Manager directly, without regard to the employee's normal chain of command.

E. **Investigation.** All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

F. **Retaliation Prohibited.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

G. **Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action may be imposed in situations where employees are untruthful during an investigation.

5.03 Nepotism

An employee's relationship must not create a conflict between the employee's and the City's interests. To prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City to restrict the employment of certain applicants, based on their degree of relationship to current employees. This policy applies to all full-time employees of the City.

In the event of a promotion, reorganization, a marriage between two existing city employees, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position in another Department within the city for which the employee is qualified and that meets the requirements of this policy.

If a suitable transfer cannot be made within 30 calendar days of the event, giving rise to a relationship prohibited by this policy, one or both affected employees will be required to resign from employment. Nothing herein is intended to modify the employment-at-will relationship in any way.

A. Applicants

- The City Manager may not employ an applicant related to the City Manager by blood or marriage within the second degree according to common law. (City Code, Sec. 2-121(a))

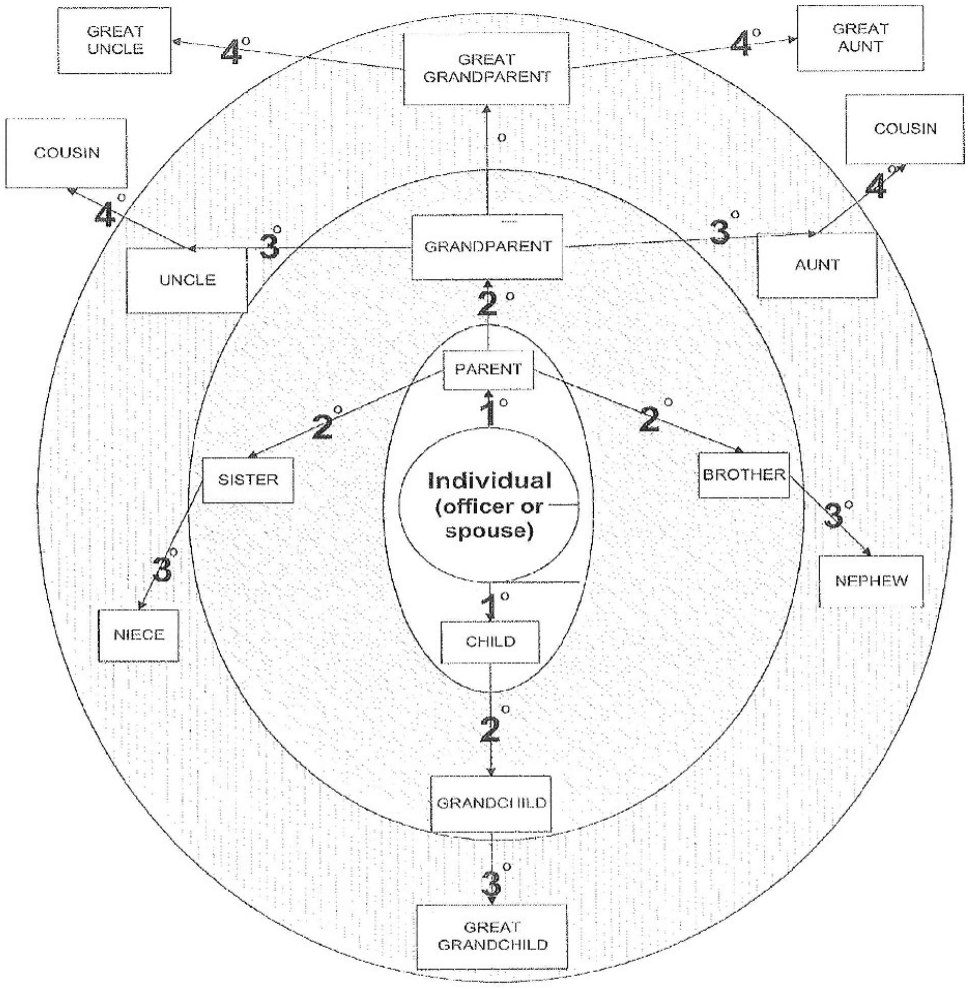
- An applicant related by blood or marriage within the second degree, according to common law to any member of the City Council shall not be employed by the City.

- An applicant related to another city employee by blood or marriage within the second degree by affinity or within the third degree by consanguinity to the person may be employed by the City, except that under no circumstances will the applicant be employed in a department in which the employee would directly or indirectly supervise, or be supervised by, a person related to that employee by blood or marriage, within the second degree. City Code, Sec. 2-121(b))

B. Periodic Review

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this policy.

This policy shall be applied by using the common law relationship chart as follows:



Degrees of Relationship Chart

When determining the degree of relationship by consanguinity, the individual in the center is the officer. For relationships by affinity, the officer's spouse is the individual in the center.

5.04 Political Activity

City employees will not be appointed or retained based on their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

a. Publicly endorse or campaign in any manner for any person seeking a City public office while in city uniform or on duty with the City.

b. Use the employee's position or office to coerce political support from employees or citizens.

c. Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.

d. Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.

e. Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.

f. Contribute money, labor, time or other valuable thing to any person for City election purposes.

g. For police officers, if there is any discrepancy between these rules and Texas Local Gov't Code Chapter 150, then Chapter 150 shall control.

Candidacy

No employee of the city shall be a candidate for a city elective office. If any employee of the city becomes a candidate for election to any public office of the city, that employee shall, immediately upon becoming a candidate, forfeit the employment held with the city.

Additionally, city employees may not hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* Alvin ISD and Brazoria County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or be dismissed upon failure to do so.

6. VACANCIES; EMPLOYMENT

6.01 Announcement of Vacancies; Job Postings

A. **Vacancies.** The City Manager, or a Director with notice to the City Manager, may limit the selection process to qualified City employees, and City employees may be given preference in application and/or consideration.

Directors may designate and appoint employees to serve temporarily in vacant positions of higher classifications; provided, if such appointment extends over a period of more than ninety (90) days, and in absence of extenuating circumstances, it will be the general policy to promote such employees to the advanced position. Step-up pay is at the discretion of the City Manager. Promotions, demotions and employee reassignments shall be made based on skills, abilities and demonstrated performance.

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

B. **Recruitment Requirements.** The recruitment process is initiated by a Department Director submitting a request of staffing to the Personnel Director. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during internal posting.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Personnel Director, along with the applicable form. Offers for City employment will be communicated by the Personnel Director [if applicable] upon receipt of the hiring recommendation and all related paperwork.

The recruitment method for vacant director level positions may be determined by the City Manager on a case-by-case basis.

C. **Applications.** Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the Personnel Director.

D. **Hiring Process**. Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to pre-employment testing and investigation.

E. **Disqualification.** Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and are not eligible for rehire, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement of 16;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City

6.02 General Requirements

Employment with the City shall be based on merit, ability and fitness for duty, as evidenced by:

1) training and experience as reflected by the application form plus other documentary evidence as to certification registration, etc. if required;
2) mental examination or performance test, if required; and
3) physical examination, if required.

Along with the required physical examination, all prospective employees will be required to undergo testing to be screened for substance abuse. The prospective employee will not be considered for employment should the test prove positive for controlled substances.

Background investigations may be conducted by the Personnel Director and/or the Director concerned. The applicant will not be considered for employment for a position for which the applicant is determined to be unsuitable based upon background information.

6.03 Application Process

All persons seeking employment or promotion will be required to complete, sign, and file an application with the Personnel Director. Supplies of application forms will be furnished by the City Hall to other departments upon request and are available for the use of individuals interested in applying for employment. The application shall include a release permitting the City free inquiry regarding the employee's background, and all information in the application shall be subject to verification.

To comply with the Immigration Reform and Control Act of 1986, all individuals selected for employment after November 6, 1986, must complete a Form I-9. (*4 U.S.C. § 1324a.*)

6.04 Physical Standards; Medical Examinations

A. **Exam**. Except as hereinafter provided, all applicants for employment with a conditional offer of employment may be required to undergo a medical and physical examination by one or more physicians designated by the City. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be done after a conditional offer of employment but prior to employment.

The Personnel Director shall make the appointments and arrangements for the examination, and matters concerning the initiating and completing of the requirements should be taken up with the Personnel Director. All medical and physical examinations required by the City shall be performed at the expense of the City.

The Personnel Director will advise the examining medical official regarding any special or unusual requirements of this nature. The examining medical official will complete and forward to the Personnel Director a complete report on the prescribed form indicating his or her specific recommendation as to the suitability of the person for the employment in the position indicated.

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

B. **Serious Health Condition/Disabilities.** The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees can perform the essential functions of their job, with or without reasonable accommodation, without creating undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

C. **Medical Exams for Current Employees-Fitness for Duty.** The Personnel Director, or an employee's Department Director (with the prior written approval of the Personnel Director) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws. The employee may be placed on administrative leave with pay pending the medical examination results.

Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, and/or other leave as circumstances warrant as determined by the City Manager or designee.

Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate the return to work through the Personnel Director. *Americans with Disabilities Act, 42 U.S.C. § 12132.*

6.05 Valid Driver's License

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. More than four (4) moving traffic violations in a twelve (12) month period is considered excessive and will result in failure to hire in the case of prospective employees and will likely result in removal from driving responsibilities which could result in loss of job, and/or disciplinary action, up to and including termination, of an active employee. In certain instances, two (2) or fewer moving traffic violations in a six (6) month period may also be considered excessive. The Police Department may have stricter standards imposed.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

6.06 Polygraphs

No City employee shall directly or indirectly request another City employee to take a polygraph examination; however, the City Manager may require or authorize a polygraph examination for:

1) an individual applying for employment, or employed by the City, in the design, installation, and/or maintenance of security systems, or uniformed or plain clothes police or security functions; or

2) an individual if there is reasonable suspicion that the individual was involved in an act involving economic loss or injury to the City, such as theft, embezzlement or sabotage.

This policy does not affect or limit the City Police Department's use of polygraphs in criminal investigations, including criminal investigations of City employees. *Employee Polygraph Protection Act, 29 U.S.C. § 2001.*

6.07 Minimum Age Requirements

Where an age limit is not otherwise specified by statutory requirements, the minimum age for initial employment may vary in accordance with the duties and responsibilities of the positions and conditions under which they are performed, subject to the following restrictions:

No person under eighteen (18) years of age shall be employed as a regular employee in a budgeted position.

No person under eighteen (18) years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned by the City.

The City may employ a person sixteen (16) years of age in a temporary position involving only casual non-hazardous employment if the person and the person's parents furnish the City with appropriate releases.

The City may employ a lifeguard at least sixteen (16) years of age.

6.08 Processing New Employees; Bonds; Oaths of Office

At the time of employment, all new employees (or previous employees who are being re-employed) will report to the City Hall for necessary processing and instructions.

Within one (1) week of employment, an employee must sign the acknowledgement form indicating that the employee has received this Handbook.

6.09 Confidentiality of Medical Information

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Personnel Director maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to request an absence;
- a note to request leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Personnel Director. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

6.10 Insurance

The City shall furnish medical, dental, vision, life insurance, and accidental death and dismemberment for each full-time employee, to the extent permitted by the City budget as adopted by the City Council. Employees are eligible to participate in a Cafeteria Benefit Plan. For details of coverage, see the City's current Benefits Summary. This insurance is effective 30 days after the full-time, regular employee begins employment with the city and continues so long as the employee remains on the full-time payroll.

Additional dependent medical insurance coverage is available and can be provided by the City based on the seniority of full-time employees:

≥3 years of service = 100% coverage
New Hire to 3 yrs of service = 50% coverage
~~≥1 to <3 years of service = 50% coverage~~
~~New Hire to 1 year of service = 0% coverage~~

Additional supplemental insurance coverage for employees and members of their families, beyond those types (and amounts) provided by the City, shall be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated.

6.11 Orientation Period

A. Except for Council appointees, all new employees or re-hires hired to fill regular full- time or part-time positions must satisfactorily complete an orientation period of twelve (12) continuous months. Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position must satisfactorily complete a performance orientation period of thirty (30) days. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees. The orientation period may be extended for additional training as determined by the supervisor. Employees are considered in the orientation period until they have performed their regular job duties for at least twelve (12) continuous months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the orientation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

B. **Seasonal/Temporary Employees**. Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated at any time.

C. **Change In Assignment of Employee serving in the Initial Orientation Period.** Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from the City Manager, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved**,** the employee will serve a thirty (30) day performance orientation period in the new position beginning with the date of the position change.

D. **Absences During Performance Orientation Period.** During the performance orientation period, an employee is eligible to use sick leave for qualifying absences and may use personal leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the performance orientation period may be used as approved per established City/departmental policy or practice. Transferred or promoted employees serving in the orientation period retain eligibility for all types of leave established by City policy.

E. **Orientation Performance Evaluations.** All employees serving in the orientation period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the "Performance Management Process" policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. Newly hired employees who successfully complete their performance orientation period may receive a salary increase, if budgeted for that position.

F. **Extensions to Orientation Period.** The performance orientation period may be extended under the following circumstances:

At the end of the twelve (12) month initial period, the performance orientation period may be extended for up to an additional thirty (30) days when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the Personnel Director.

An orientation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the orientation period will normally extend the orientation period by an additional day.

G. **Successful Completion of Orientation Period - "Regular" Status Granted.** An employee is granted "regular" status in the new position if the employee satisfactorily completes the performance orientation period.

H. **Failure of Orientation Period.** An employee is considered to have failed the orientation period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by the Personnel Director before an employee serving in the orientation period can be terminated.

I. **Termination of Employees Serving in the Orientation Period.** Employees serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who is terminated has no right of appeal. These employees are not entitled to progressive levels of discipline. Employees serving in the initial orientation period are otherwise subject to all policies and procedures of the City.

J. **Sexual and Other Unlawful Harassment.** Employees serving in the orientation period are subject in all respects to the City's Sexual and Other Unlawful Harassment Policy. Employees serving in the orientation period have no right of appeal. If it is believed that unlawful harassment or discrimination has occurred, such conduct must immediately be reported as set out in City Policy.

6.12 Promotions

Open positions may be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until an orientation period of one (1) month shall have been successfully completed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no other position is available for which the employee is qualified, the employee will be terminated.

6.13 Searches

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the Personnel Director and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

6.14 Dress and Appearance

A. **Appearance**. Employees must, always, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. Department Directors and supervisors are responsible for enforcing this policy in their respective departments to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

B. **Standards for Work Attire:**

- Ripped or torn jeans are not acceptable, unless a special day is declared or as specifically approved by the City Manager or Department Director as work assignments dictate.
- Office personnel are permitted to wear blue jeans only on Fridays, unless they are performing duties outside of their normal activities, in which case prior approval from the Department Director is required.
- Sweatshirts, sweatpants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City management or shorts have been approved as part of the standard uniform.
- Flip-flop sandals and "Croc" type shoes are not acceptable.
- T-shirts are not acceptable.
- Skirts and culottes shall be worn no shorter than 4 inches above the top of the knee.

- Ankle length dress slacks are appropriate. Dress shoes or sandals with a professional length heel are required. Stirrup pants are permitted (as long as not form-fitting). Leggings are not acceptable.
- Knit shirts with collar, banded collar shirts, short sleeve or dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers.

The following are inappropriate:

- provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- bare shoulders or tank tops;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos which could be deemed offensive; examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, nudity, profanity, or other obscene material.

C. **Hair.** Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times.

Uniforms. The City supplies many Police, Parks and Recreation, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final paycheck.

ID Cards. All employees must carry and wear a city issued ID card while on duty. Those employees who are required to wear city issued uniforms that include a name tag, must carry their city issued ID card with them while on duty. All city issued ID cards must be returned when an employee ceases to work for the city and before a final payroll payment is made.

Enforcement. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the Personnel Director.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up for the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

The Department Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

6.15 Residency Requirements

Employees who are likely to be called to work in cases of civil emergency may be required to reside within reasonable response commuting ranges of their places of work. A reasonable response time to a civil emergency is within one hour.

Subchapter B Residency Requirements
Sec 150.021 Residency Requirements for Municipal Employees:

A. A municipality may not require residency within the municipal limits as a condition of employment within the municipality. A municipality may require residency within the United States as a condition of employment.

B. The prohibition under subsection (a) does not apply to resident requirements for:
    1. candidates for or holders of a municipal office, including a position on the governing body of the municipality or
    2. municipal department heads appointed by the mayor or governing body of the municipality

C. The governing body of a municipality may prescribe reasonable standards with respect to the time within which municipal employees who reside outside the municipal limits must respond to a civil emergency. The standards may not be imposed retroactively on any person in the employment of the municipality at the time the standards are adopted.

7. ELECTRONIC EQUIPMENT, MEDIA, AND SERVICES POLICY

7.01 Scope of Policy

This policy applies to the use of computers, e-mail, telephones, cellular phones, voicemail, fax machines, radios and wireless devices, wire services, on-line services, and the Internet that are City property, accessed using City computer equipment, accessed via City-paid access methods, and/or used in a manner that identifies the individual as an employee or officer of the City.

7.02 Proper Use of Services

City electronic equipment, media, and services must not be used for knowingly transmitting, retrieving, or storing any communications that are: (1) discriminatory or harassing; (2) derogatory toward any individual or group; (3) obscene; (4) defamatory or threatening; (5) "chain letters"; or (6) for any other purpose that is illegal or against City policy.

The use of City electronic equipment, media, and services is presumed to be work-related. No e-mail or other electronic communication may be sent that attempts to hide the identity of the sender or represent the sender as someone else.

7.03 No Expectation of Privacy; Consent

Employees have no expectation of privacy in their work-related conduct or the use of City- owned or City-provided equipment or supplies. Employees should not expect privacy in the use or content of City electronic equipment, media, and services.

To the extent allowed by law, City officials may monitor usage patterns for voice and data communications (*e.g.* website accessed, length, and times of day), including, but not limited to, cost analysis, cost allocation, and the management of the City's gateway to the Internet.

To the extent allowed by law, City officials and others are permitted to review an employee's electronic files, messages, and usage to ensure that the City's electronic equipment, media, and services are being used in compliance with the law and this and other policies.

To the extent allowed by law, City officials consent to law enforcement-related searches involving city or city-related property, including physical property, and searches of content of City electronic equipment, media, and services.

7.04 Cell Phone Use in the Workplace

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use, including calls and data usage, to become disruptive or interfere with their own or co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Employees with city-issued cell phones are allowed to use city cell phones for reasonable personal phone calls. At the determination of the City Manager, the city may withdraw the privilege of a city-issued cell phone for any employee and instead provide a flat rate per month as a cell phone allowance to an employee. The employee would be required to obtain and maintain a personal cell phone to be used for city-related business. Any additional expenses would be the responsibility of the employee. Employees acknowledge that information on a personal cell phone may be subject to the **Texas Public Information Act**.

Except in emergency circumstances, employees may not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting, if the phone is equipped with a texting feature. All employees must, when asked by the City, consent to a request to provide the City with access to all cell phone and text message records. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, text messages, location, or other information contained or generated by these telephones.

7.05 Texas Public Information Act

Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

7.06 Monitoring of Cell Phone Calls

Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

By your continued employment with the City, you acknowledge you are aware of and you consent to monitoring of cell phone calls by the City.

7.07 Electronic Communications and Systems Access Use

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems" or "systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communications systems. The City's electronic communications systems' access must be used in a professional, responsible, efficient, ethical and legal manner.

Internet, Instant Message and E-mail Access. Users desiring Internet, instant messaging and/or email access must obtain written permission from their Department Director and provide it to the City Manager or his/her designee. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use. Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet**,** instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy if such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.

- Using the systems in such a manner as to create a security breach of the City network.
- Looking for or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Excessive use of bandwidth (such as by watching movies, downloads, etc.) not for city business

Filtering. The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

Responsibility. The person in whose name a City provided Internet, email or other electronic communications system account is issued is always responsible for its proper use, regardless of the user's location. Exchanges that occur while conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy regarding such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Misuse is subject to disciplinary action.

Copyright Restriction. Any software or other material, including music, downloaded onto a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Manager is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

7.08 Social Networking

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City not only reflects positively on the employee as an individual, but also on the City.

Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Electronic Communications policy. Violations of the City's Social Networking Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the City's Grievance policy without resorting to social media.

Employee Guidelines

- Any blogging or posting information on the Internet must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging, or posting information of a personal nature on the Internet, is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City regarding information sent through the Internet.
- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager or designee to update or post on behalf of the City, and all content must be approved prior to posting. In which case the employee must disclose their relationship to the City in accordance with FTC guidelines. All the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- Respect coworkers and the City. Do not put anything on your blog or post any information and /or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

8. ATTENDANCE, ABSENCES & COMPENSATION

8.01 Accounting and Timekeeping

A. **Responsibility.** Directors are responsible for maintaining records relative to all forms of leave, attendance and absence of their employees due to any cause and whether with or without pay. Proper indications using appropriate symbols, such as the cause of absence, will be made on department payroll and/or any other required records set up from time to time under special operating rules. Each department will be responsible for the designation of one or more capable employees who, as part of their regular duties, will keep and certify as to the accuracy of daily records covering all forms of attendance and absence of each of their employees. Such records constitute the basis for preparation of departmental payrolls (when the payroll form itself is not actually used as the basic record) and will be preserved by departments in accordance with the City's record retention policy.

Certification of records will be by means of signing or initialing individual timecards, departmental payrolls, or other such records. Directors must check attendance records and payrolls to ensure that salary and wage expenditures stay within budgetary limits.

The Personnel Director is responsible for certifying as to the compliance of departments with the requirements and policies established by the officials as to the conformity with the established policies governing personal leave, sick leave, retirement, etc.

B. **Attendance Records.** Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived at work, the time they left for and returned from lunch, the time(s) they left for and returned from any unpaid break during the workday, and the time they leave work each day. Exempt employees are required to document hours worked each day as well as any time off. This documentation is for reporting purposes only and not for compensation.

C. **Attendance and Punctuality.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to the supervisor the date and time of anticipated return. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

8.02 Wages and Hours

A. **Pay Plan**. Wages, salaries and working schedules for various positions shall be in general accordance with the provisions of the official pay plan currently in effect including amendments thereto and within the limitations of the financial provisions of each department as approved by the City Manager for each fiscal year. Salary is based on a total number of regular hours worked per year.

The city's pay period is bi-weekly. Timesheets indicating hours worked or leave taken over the past two weeks are due no later than Monday. Payroll is issued on the Friday after the two week pay period. If a payday falls on a city holiday or a weekend, payroll will be distributed on the previous workday.

B. **Direct Deposit**. The City Manager will determine an appropriate date after this personnel policy has been adopted when all payments to employees, including, but not limited to payroll and expense reimbursement payments, will be made by electronic (ACH) direct deposit. Employees will be required to furnish account information to the City so that these electronic payments can be processed. After the use of direct deposit for payments has begun, no payments by paper check to employees will be produced unless approved by the City Manager.

C. **Regular Work Hours**. Nonexempt employees of the City normally work 40 hours in a seven-day workweek. Exempt employees may be required to work more than 40 hours in certain weeks as necessary to properly perform the duties assigned. The salaries for exempt employees are determined and established in accordance with this assumption. Exempt employees are not eligible for overtime compensation. The work week begins at 12 PM on Friday and ends at 12 PM on Friday. The regular workday normally begins at 8 AM and ends at 5 PM, although employees in some departments may have different work hours, if approved by the City Manager. In times of disaster or emergency, working hours shall be determined by the City Manager.

D. **Adjustment to Work Hours.** To ensure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and indicates that the employee will be available to do such work.

E. **Overtime.** Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

F. **Non-Exempt Employees.** When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled workday and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours worked more than 40 in the City's workweek. An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc.

Time off on account of personal leave, paid holiday leave, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Employees are required to report to the City Manager, or his designee, any time they are improperly required to work "off the clock" without pay.

G. **Compensatory Time.** Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Public safety -- i.e., police officers are subject to a 480-hour cap on accrual of compensatory time. Other employees are subject to a cap of 240 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

H. **Payment of Compensatory Time.** All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or comp time. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current base hourly rate.

NOTE: Exempt employees are not eligible to accrue compensatory time.

I. **Flex-time Work Schedule.** In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle (if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

J. **Exempt Employees.** Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Personnel Director.

Absent accrued paid leave time, an exempt employee need not be paid for any work week in which no work was performed.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made must immediately notify the Personnel Director. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

8.03 Longevity Compensation

The City will pay a regular full-time employee annually for each year of service, in addition to other money paid for services rendered, longevity pay in an amount budgeted by City Council. Longevity pay will be based upon the number of years the employee has worked for the City and will be paid the last pay period in November. An employee will be eligible to receive longevity pay upon completing one year of service. Longevity will not be prorated upon the termination of employment with the City, whether termination is voluntary or non-voluntary.

8.04 Authority for Absences

No City employee shall be absent from his or her regularly scheduled duties except by authority of the employee's Director or other responsible supervisor. An employee who is absent from work due to any reason beyond his/her control is responsible for reporting his/her absence and its reason to the Director or other responsible supervisor as soon as possible after the beginning of the employee's assigned shift or regular schedule of duties. Whenever possible, the City Manager must approve all absences for periods in excess of two weeks.

8.05 Family and Medical Leaves of Absence

It is the policy of the City to grant employees extended leaves of absence under certain circumstances. Except under the limited circumstances expressly provided herein, employees will not receive compensation during a leave of absence:

A. The City will comply with the provisions of the Family and Medical Leave Act ("FMLA"). Eligible employees may take up to twelve (12) weeks of leave during a rolling twelve-month period for qualifying family and medical reasons, and up to twenty-six (26) weeks of leave during a single twelve-month period to care for a covered service member with a serious illness or injury. The applicable twelve-month period will be measured forward from the date an employee first uses FMLA leave. ~~The City will comply with the provisions of the Family and Medical Leave Act ("FMLA"), which provides eligible employees with up to twelve (12) weeks of leave in a single twelve-month period for various family and medical reasons and up to 26 weeks of leave in a single twelve-month period for leave to care for a seriously ill or injured military family member. The single twelve-month period is established as the calendar year beginning January 1 and ending December 31.~~

~~B. An employee is generally eligible for a leave of absence if the employee has completed at least twelve (12) months of service (which need not be consecutive months but generally must be within the past seven (7) years), and has worked 1,250 hours in the previous twelve-month period. Whether the City grants any leave, the length of any such leave, and the compensation received by the employee, if any, during the leave of absence, will be determined by the City in conjunction with applicable federal and state law.~~

B. Eligibility for FMLA Leave is determined in accordance with federal law. Generally, an employee must have completed at least twelve (12) months of service with the City, which need not to be consecutive but typically must have occurred within the preceding seven (7) years, and must have worked at least 1,250 hours during the twelve (12) months immediately preceding the start of the leave. Leave approval, duration, compensation, if any, will be administered by the City in accordance with applicable federal and state law and City policy.

C. FMLA leave is generally unpaid. However, an employee may elect, or the City may require, the substitution of accrued paid leave, including personal leave, sick leave, or other applicable paid leave, so that such paid leave runs concurrently with the FMLA leave, in accordance with applicable law and City policy.

D. During any period of unpaid leave, employees are responsible for making prior arrangements to pay any employee-funded benefit premiums or other deductions normally withheld through payroll, in accordance with City procedures. Failure to make such arrangements may result in interruption of coverage, subject to applicable law.

Medical Leave of Absence: An employee who is unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The City requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

Line of Duty or Injury Leave of Absence:

Reference Chapter 177A Local Government Code: A Police Officer as defined under chapter 1701, Occupations Code, and regularly serves in a professional law enforcement capacity in the Police Department of the city will receive a leave of absence for an illness or injury related to the officer's line of duty. The leave is with full pay for a period commensurate with the nature of the line of duty, illness or injury. If necessary, the city shall continue the leave for at least one year.

At the end of the leave of absence under this section the city may extend the leave of absence at full or reduced pay.

If the Police Officer is temporarily disabled by a line of duty injury or illness and the leave of absence and any extension granted by the city has expired, the officer may use accumulated sick leave, personal time, or other accrued benefits before the officer is placed on temporary leave.

If the leave of absence and any extension granted by the city has expired, the officer who requires additional leave shall be placed on temporary leave.

Light Duty: An officer may return to light duty while recovering from a temporary disability if medically necessary, the light duty assignment may continue for at least one year.

After the officer has recovered from the temporary disability the officer shall be reinstated at the same rank and seniority before going on temporary leave.

Parental Leave of Absence: In cases of leave related to the birth or adoption of a child, a parent shall be granted up to 4 weeks of paid leave for maternity or 2 weeks of paid leave for paternity. At the request of the employee, additional time may be granted for up to 12 weeks per FMLA guidelines. The employee will be required to use sick time or vacation time during these additional weeks. Paternity leave must be taken within six months of the birth or adoption of a child. The employee should work for the city for at least nine (9) consecutive months before becoming eligible for a Parental Leave of Absence.

Family Care Leave of Absence: An employee may be granted family care leave of absence for the purpose of caring for the employee's child, spouse or parent who has a serious health condition. The City requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave to Care for a Seriously Ill or Injured Family Member in Military Service: An employee who is the spouse, child, parent, or next of kin of a covered service member may be granted up to 26 weeks of leave in a "single" twelve-month period to care for a service member who has a serious injury or illness incurred while on active duty. The City requires certification of the family member's serious injury or illness, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave for a Qualifying Exigency Arising Out of Active Duty or a Call to Active Duty: Employees may be granted a leave of absence because of a qualifying exigency arising out of the active duty or call to active -duty status- of a parent, spouse, or child in the National Guard or Reserves in support of a contingency operation.

Any city employee who is a member of a reserve component of the armed forces who is called to active duty may be subject to any salary continuation as provided for under Section 173 of the Texas Local Gov't Code.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

1. If intermittent leave is requested, please notify your supervisor as soon as possible regarding medical or exigency required scheduling changes.

2. Requests for a leave of absence or any extension of leave ordinarily should be submitted in writing to the employee's supervisor with a copy to the City at least thirty (30) days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The final decision concerning the request will be made by the City Manager. All employees on approved leave are expected to report to his or her supervisor any change of status in their need for leave.

3. An employee who is on approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military service and the employee's reason for leave does not preclude the outside employment.

4. An employee who is on a **Medical Leave**, **Family Care Leave**, **or Leave to Care for a Seriously Ill or Injured Family Member in the Military** will be required to use all accrued personal, vacation, and sick days while on leave. An employee on **Parental Leave** or **Leave for a Qualifying Exigency of a Family Member in the Military** shall use all accrued personal and vacation days while on leave. Employees must meet the procedural requirements of the paid leave policies to use the paid time off during otherwise unpaid leave.

5. The City will continue to pay its share of existing health insurance coverage and provide other benefits to employees on leave as required by law. Failure of the employee to pay his/her share of any such dependent health insurance premium may result in loss of coverage. While on Family and Medical Leave, the employee must also pay life insurance premiums plus the deferred compensation costs if the employee desires to retain such benefits during the leave period. Benefits that accrue according to length of service (such as paid vacation, holiday, personal, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits.

6. An employee who returns from a leave of absence will be reinstated to the employee's same job or to an equivalent job with equivalent status and pay, to the extent required by law. An employee who returns from medical leave must provide certification of the employee's ability to perform the functions of the job.

7. If an employee elects not to return to work upon completion of an approved family and/or medical leave of absence, the City may recover from the employee the cost of any payments it incurred to maintain the employee's coverage, unless the failure to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid workday prior to the date of the unpaid leave of absence.

8. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

9. In the event of any conflict or inconsistency between these policies and the actual requirements of the FMLA, the actual requirements of the FMLA shall control.

8.06 Sick Leave

A. **Notification**. Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

B. **Eligibility.** All full-time employees begin accruing paid sick leave upon employment. Part-time, temporary, and seasonal employees do not accrue sick leave. Full-time employees who are in their initial orientation period may use accrued sick leave only if approved by their supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

C. **Accrual Rate.** Sick leave for employees shall be computed based on one (1) working day for each full month employed in a calendar year, to total twelve (12) working days to a full-time employee's credit each 12 months. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

D. **Maximum Accrual.** The maximum sick leave time which may be accumulated by any employee shall be 480 hours.

E. **Authorized Use of Sick Leave.**

For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise, use of sick leave for childbirth falls under the section below).

For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. An employee can initially use up to 40 hours of accrued sick leave to care for immediate family members. If additional time is needed, employees must first use all accrued compensatory time, accrued holiday leave and then accrued personal leave before any remaining accrued sick leave can be used. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use up to 24 hours of accrued sick leave. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

Minimum Increments. Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

F. **Failure to Report Absence/Abuse of Sick Leave.** Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness**,** injury**,** or doctor/dentist appointment may be disqualified from using sick leave for their absence.

G. **Use of Sick Leave Before/After a Holiday.** If an employee takes sick leave immediately prior to or after a holiday:

1) A doctor's excuse for each day taken may be required or an employee may not be paid for the time off. This requirement will be at the discretion of the Division Director.

2) Should this practice become a habit for an employee, prompt termination or disciplinary action will take place.

H. **Other Employment During Sick Leave.** Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director and the Personnel Director. See Outside Employment Policy.

I. **Use of Other Leave.** If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial orientation period may use accrued personal leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule **(“**flex time”**)** to attend to medical or dental appointments. This is acceptable if work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up for the missed time extend beyond the affected workweek, or work cycle.

J. **Documentation.** Employees requesting paid sick leave must complete a form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave for 3 or more consecutive workdays is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed, and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

K. **Payment For Unused Sick Leave.** No employee shall be entitled to payment in lieu of using sick leave time.

L. **Sick Leave at Separation.** At the time of separation, the City will not pay any accrued sick time. The City will not restore sick leave in the event of rehire.

8.07 Sick Leave Donation

To provide a method for the city manager to authorize voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. This donation may only be authorized in the event of an extended absence where the employee is unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.

Policy: The city manager is authorized to approve, on a case-~~-~~by-~~-~~case basis, specific voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. The approval is discretionary with the city manager. Nothing herein shall preclude the city manager from making an employment decision based on a medical separation, or disciplinary action.

A. **General Guidelines**

1) The Program and donated hours are strictly voluntary.
2) Absences due to a Workers Compensation injury are ineligible for the Program.

B. **Eligibility of Recipient**

1) Recipients must be a full-time employee.
2) Recipients must be unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.
3) Recipient shall conform to requirements of applicable policies, agreements, and statutes.
4) Recipients must exhaust all available accrued paid leave prior to utilizing donated time.
5) Recipients cannot receive more than 80 hours of donated leave per pay period.-
6) Recipients cannot receive more than a total of 480 ~~500~~ hours or 12 weeks per calendar year.

7) Recipients shall no longer be eligible for this Program if they are eligible for long- or short-term disability.

C. **Eligibility of Donor**

1) Donor must be a full-time employee.
2) Donor shall conform to requirements of applicable policies, agreements, and statutes.
3) Donor must maintain a minimum of 80 hours of sick leave on the books.
4) Donor cannot donate more than 80 hours of sick leave per pay period.

D. **Donation Parameters**

1) Donations will involve accrued sick leave only; no other forms of leave may be donated.
2) Donations are considered donated sick leave, not accrued leave
3) Donations do not count as an absence for the purpose of performance evaluations.
4) Donations must be made in hour increments.
5) Donations will be taken from donors on a first-come basis, up to the max 80 hours per pay period.
6) Assignment of donated hours to recipients shall be made in chronological order of the date and time stamp on the requests.

E. **Tax/IRS Issues**

1) Payments to the recipients shall be made at their normal rate of pay.
2) Deductions included on a recipient's paycheck prior to the use of donated leave shall be continued on the donated leave.
3) Amounts paid by the City pursuant to the Sick Leave Donation Program are included in the gross income of the recipient as compensation and are considered wages for employment tax purposes.

F. **Separation**

1) Recipients shall not be entitled to receive separation pay for unused donated hours at time of separation.

8.08 Personal Leave

A. **Accruals.** Regular full-time employees accrue personal leave monthly. Personal leave accrues at the end of the first full month of employment at a rate as detailed below:

Years of service	Accruals rate per month	Total number of days per year
0 to 3 years	6.67 hours per month	10 days of personal time
3 to 5 years	8 hours per month	12 days of personal time
5 to 8 years	10 hours per month	15 days of personal time
8 to 10 years	12 hours per month	18 days of personal time
10 to 15 years	13.33 hours per month	20 days of personal time
15 to 20 years	14.67 hours per month	22 days of personal time
20 or more	16.67 hours per month	25 days of personal time

Employees may not "borrow" unearned personal leave; employees shall not receive payment of personal leave in lieu of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn personal leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect personal leave balances. Paid personal leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as personal days.

B. **Use and Scheduling of Personal Leave.** Personal leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Personal leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in four (4) hour increments. Employees must schedule their annual personal leave in accordance with their Department's guidelines governing employees scheduling and utilizing the personal leave form. Whenever possible, personal leave time will be scheduled at the convenience of employees. However, Department Directors must be certain that personal leave does not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred personal leave schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of personal leave pay, employees must make sure they have an approved personal leave request on file before leaving on personal leave. No more than ten (10) consecutive days of personal leave time may be taken off, unless the City Manager grants an exception.

C. **Maximum Accruals.** All employees must take a minimum of ½ of their accrual time of personal leave each year. The maximum number of personal leave days that may be accumulated is 500 hours. All days in excess of the maximum are lost on the employee's next anniversary date **(**except as otherwise provided for in this policy**)**. Employees will not be paid for personal leave in excess of the maximum accrual or for personal leave that is lost. If the needs of the City and/or Department preclude the taking of a scheduled personal leave, the Department Director may defer an employee's scheduled personal leave. In such cases, the Department Director shall grant the employee's deferred personal leave within thirty (30) days, or payment will be made to the affected employee for the deferred personal leave hours. All personal leave carryover granted by Directors must be forwarded to Payroll before the employee's anniversary date.

D. **Compensation for Personal Leave.** Personal leave is paid at the employee's base rate at the time of use. It does not include overtime or any special forms of compensation. Personal leave time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused personal leave, except upon separation of employment, or if an employee is precluded from taking a scheduled personal leave due to City and/or department needs as set out above.

Upon termination, retirement, resignation, or death, an employee in good standing shall be paid for accrued personal leave up to 500 hours the rate of pay the employee was receiving at the time of separation. For purposes of this policy, an employee is not in "Good Standing" if the employee is under threat of disciplinary action due to a sustained violation of City policy or other illegal or improper activities that adversely affect the employee's ability to perform their job.

Only employees who have successfully completed their initial orientation period of employment with the City are entitled to this payout provision upon separation.

E. **Definitions**

Compensable Hours - The hours worked or taken in a month must equal 160 for full-time employees.

Workday – A "workday" is defined for personal leave as a regularly scheduled 8-hour, 9- hour, or 12-hour period for all employees.

8.09 Military Leave.

A. **Laws.** The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Any city employee who is a member of a reserve component of the armed forces who is called to active duty may be subject to any salary continuation as provided for under Section 173 of the Texas Local Gov't Code. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

B. **Notice to City of Need for Leave.** Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a military leave form along with the official documents setting forth the purpose of the leave and, if known, its duration. The military leave form must be turned into the Department Director and the Personnel Director as far in advance of the leave as possible.

C. **Paid and Unpaid Leave for Training and Duty.**

Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., personal leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

Benefits. The City will continue to provide employees on paid military leave with most City benefits.

Medical, Dental, and Vision Insurance. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

D. **Other Benefits.** While on *paid* military leave, employees continue to accrue personal, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City- provided benefits. Benefits, such as personal and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as personal accrual and longevity pay.

E. **TMRS.** Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. To receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

F. **Returning from Leave.**

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the T.LG.C. before being reinstated.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasts:

A) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.

B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.

C) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

8.10 Holiday Leave

The City provides paid holidays to employees serving in the initial orientation period and regular full-time. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day (January 1)
Martin Luther King Day (third Monday in January)
Presidents' Day (third Monday in February)
Good Friday
Memorial Day (last Monday in May)
Juneteenth (June 19th)
Independence Day (July 4)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veterans' Day (November 11)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving (Friday after Thanksgiving)
Christmas Eve (December 24)
Christmas Day (December 25)

If one of the designated holidays occurs on Saturday, then the City shall observe the preceding Friday as such holiday. When any designated holiday occurs on Sunday, then the City shall observe the following Monday as such holiday

Holidays. A holiday is a period of 8 hours, 9 hours, or 12 hours, depending on the employee's regular schedule, and paid at the employee's regular rate.

Scheduling of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Temporary and Seasonal Employees. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

Employees required to work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours, 9 hours, or 12 hours, depending on the employee's regular schedule for the holiday at their regular rate of pay, in addition to the hours worked at the employee's request.

The City Manager will permit as many employees as possible to observe each holiday, consistent with the maintenance of essential City functions. No employee shall work more than one regularly scheduled shift on a holiday without approval of the City Manager.

Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave to be taken later, but no later than the end of the fiscal year.

Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday at the employee's request.

Ineligibility for Holiday Pay. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

Holiday Occurring During Personal Leave. A holiday that falls within an employee's personal period will be counted as holiday in lieu of a day of personal leave.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to personal, compensatory time, or an excused absence without pay.

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay.

8.11 Bereavement Leave

In addition to personal leave, the City provides employees serving their initial orientation period and regular full-time employees paid time off, up to a maximum of three (3) workdays in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave, "family" is defined as brother, sister, grandparent, aunt, uncle, or grandchild, by blood or marriage. In the event of a death(s) within the employee's immediate family (spouse, child, or parent), the City provides employees up to five (5) workdays for bereavement leave.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as personal leave, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. All bereavement leave time taken must be requested on the City's appropriate form.

Employees who wish to attend funerals for other than immediate family must use personal leave, compensatory time, or unpaid leave.

8.12 Job-Related Injury Leave

When an employee is injured on the job, the employee shall immediately report such injury to his or her supervisor, who shall take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor shall also complete within forty-eight (48) hours an accident report and forward copies to the Personnel Director.

Injury leave is an absence from work arising from an on-the-job accidental injury. An employee injured on the job and in the line of duty shall be granted up to five days injury leave with pay within any 12-month period. Any employee injured on the job shall also be covered by and entitled to all benefits accruing under the Texas Workers' Compensation Act. Additionally, the City will permit the employee to make up the difference between the benefit payments made under the Act and the employee's regular pay from the employee's accrued leave entitlement (sick leave, personal leave and compensatory time), if any, for up to 180 consecutive calendar days from the date of injury. Under no circumstances, however, will the employee receive more than full regular pay while on injury leave. A doctor's written statement that the employee is unable to return to work shall be required for an employee to receive injury leave.

An employee may be requested to provide a "fitness for duty" certification before returning to work after the employee's workplace illness or injury. An employee may return to the employee's former position, if it is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any open job for which the employee is qualified. If there is no open job for which he or she is qualified, then the employee will remain on unpaid leave of absence after all accrued leave is exhausted. During this time, the employee shall periodically report to his or her supervisor to determine if there are new openings for which they may qualify. Under the City's automatic termination policy, employment will end automatically after an absence of six consecutive months, regardless of the reason for the absence. After an employee is terminated under the automatic termination policy, he or she may later reapply for any open position for which they are qualified.

An employee shall forfeit all rights to any injury leave benefits if the employee works, either part-time or full-time, for pay for any other person, including self-employment, while on city injury leave; the employee resigns for any reason while receiving injury leave; the employee is discharged for any reason; the employee retires or dies; the employee fails or refuses to comply with or follow, or disregards or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury; the employee refuses to perform light, partial or part-time duty when offered by the Division Director and which does not require the employee to perform activities that are restricted by their treating physician; the employee falsifies or misrepresents their physical condition or capacity; the employee refuses to return to duty on the working day that employee is released to duty by the treating physician; the employee fails to submit an acceptable physician's statement when requested by their supervisor; and/or the employee has been injured as a result of their failure to observe safety policies, procedures, or instructions as determined by the employee's Division Director.

8.13 Jury Leave

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued personal, holiday or compensatory leave; otherwise, a non-exempt employee's time off to testify will be considered leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance**,** etc., with the leave request. Employees must submit a copy of the jury duty summons, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence. An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

8.14 Voting Leave

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon ten (10) days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to personal leave, accrued compensatory time, or leave without pay for the period of time missed.

8.15 Catastrophic Leave

Upon the written recommendation of a Director, the City Manager may grant leave with pay to an employee when an illness or injury incapacitates the employee or his/her immediate family member and such incapacity requires that the employee take time off from work for an extended period of time. In no event shall any employee be entitled to more than 160 hours catastrophic leave for any one incident; further, in no event shall any employee be entitled to catastrophic leave for more than three separate incidents during their employment with the City.

8.16 Pandemic Event Leave; Administrative Leave

A. Notwithstanding other provisions contained in this "Employee Personnel Policies and Procedures Handbook," when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the "Pandemic Event Leave Policy," attached as Exhibit B, shall take effect. The goal of the "Pandemic Event Leave Policy" is to allow the City Manager the flexibility to adjust scheduling, pay, leave, working conditions, and telecommuting, in order to help sick employees recuperate from illness, allow employees to work from home for their safety, and allow employees to care for dependents or sick relatives, while maximizing the continuity and effectiveness of city government. The "Pandemic Event Leave Policy" shall remain in effect until the City Manager determines that the emergency or potential emergency is no longer a threat to the organization and the city employees, unless sooner terminated by the city council.

B. Directors may grant special leaves of absence without pay for periods not exceeding two (2) weeks subject to approval by the City Manager. The City Manager may grant special leaves of absence with or without pay for periods not exceeding two (2) weeks, for extenuating circumstances. No leave will be granted under this policy, however, for the purpose of enabling employees to accept outside employment. There shall be no accrual of benefits while on leave without pay.

C. Police and Detention Officers – in accordance of the Local Government Code Chapter 180; the following policy will be followed as it relates to Police Officers and Detention Officers

Definitions:

(1) "Detention Officers" means an individual appointed or employed by for the care and custody of individuals incarcerated in a county or municipal jail.

(2) "Health Authority" has the meaning assigned be section 121.021, Health and Safety Code.

(3) "Peace Officer" mans an individual described by Article 2.12, Code of Criminal of Procedure, who is elected for, employed by, or appointed by a City.

Conditions.

The paid leave and benefits provided by this policy are only available to an employee who is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty by his or her supervisor or the county health authority. Quarantine and isolation benefit periods shall follow the most current guidance from the Centers for Disease Control (CDC) or the county public health authority. The City reserves the right to require proof of such an order and deny paid leave or benefits if an employee fails to provide proof within a reasonable time.

If ordered to isolate or quarantine under this policy, the employee must remain in their home (isolation) or wear a mask (quarantine) as indicated by the CDC guidelines. Failure to follow those guidelines may result in disciplinary action, up to and including termination.

Benefits.

If an employee is ordered to quarantine or isolate under the conditions set above, the employee will receive all employment benefits and compensation for the duration of the leave, including paid leave accrual, pension benefits, and health benefit plan benefits that the employee would customarily be provided on paid leave.

Reimbursement for Expenses.

If an employee is ordered to quarantine under the conditions stated above, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation, as outlined below by submitting a reimbursement request to the department director within three (3) days after returning from the leave ordered under this policy. The City may require that receipts or proof of payment be submitted with the request and reserves the right to deny any request that it deems unreasonable or unrelated to quarantine.

Allowed reimbursements are as follows:

1. Lodging at a motel within 10 miles of the city limits at a rate not to exceed $75 per day for up to five days if ordered by the City to quarantine or isolate at a location other than the employee's own residence.

2. Transportation to a medical or testing facility up to $25 per appointment or mileage reimbursement at the IRS mileage reimbursement rate if ordered by the City to use transportation other than a city-owned vehicle and/or the employee's own personal vehicle.

3. Medical treatment is covered by the City's insurance for eligible employees and therefore will not be reimbursed.

Effect on Paid Leave Balances.
The City will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for quarantine under this policy.

8.17 Physical Incapacity

If the Department Director and the Personnel Director, based on the assessment of a medical doctor licensed to practice in the State of Texas, determines that an employee is not able to perform the required physical duties or tasks of his or her present position with or without reasonable accommodation (regardless of whether the incapacity is due to on the job injuries, off the job injuries, or illness), then that employee will not be returned to his or her full duty with the City until a medical doctor states in writing that the employee is able to perform all the required and essential physical tasks or duties of the position with or without reasonable accommodation.

If a job vacancy exists during the 180 calendar days that the employee is qualified for and can physically perform, the City Manager shall offer the employee that position. The employee has the choice to either accept or decline the offered position.

1) If the offer is accepted, it is recognized and understood that the employee may have to take a reduction in salary.

2) Any employee so reassigned will be compensated at a pay rate in the pay range of the position to which the employee has been reassigned.

8.18 Modified Duty; Absence Rule; Reinstatements; COBRA

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond sixty (60) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Personnel Director to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the approval of modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, administrative leave, or personal leave benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment. No employee on modified duty will work overtime.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the Personnel Director. The Personnel Director will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Personnel Director.

Absences. An employee who is unable to return to full duty status with or without reasonable accommodation within 180 days may be separated for incapacity.

If an employee does not perform actual work for the City for a period of 180 calendar days, the employee shall be deemed to have forfeited his or her position unless such termination is contrary to applicable federal or state law (e.g., military leave). A person in this status may apply for positions with the City for which they are qualified and physically able to perform. An employee who is unable to return to work in full duty status within six months of an injury may be separated for incapacity.

Reinstatements. In the event a former employee is rehired within 180 calendar days after their date of termination, the employee will retain the seniority the employee had achieved for purposes of longevity pay and leave accruals. The rate of pay will be determined based on the pay scale classification for the new position.

COBRA. To the extent not otherwise required by state of federal law, once an employee has exhausted his or her accrued leave benefits, the employee shall no longer be paid a salary or wages by the City, and the employee shall no longer accumulate sick leave or annual leave. The employee may continue to receive worker's compensation benefits and may retain the City's health insurance if he or she pays the rate as established by the City under the Consolidated Omnibus Budget Reconciliation Act (COBRA.). Such coverage shall be limited to the minimum lengths of time established by COBRA.

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at city hall.

8.19 Breaks

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each workday to prevent undue fatigue and comply with applicable laws.

Rest Break Conditions. As authorized, an employee is allowed a paid rest break of up to fifteen (15) minutes for each four (4) hours of work that is not interrupted by a meal period. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods. Full-time employees (excluding most Police Department employees) are normally provided with a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Employees are encouraged to take a meal break of at least 30 minutes every day.

Lactation Breaks. Non-exempt employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child if providing such break time does not unduly disrupt operations. Employees will not be retaliated against for exercising their rights under this policy.

Supervisor Responsibility: Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the workload and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted: The following practices are not permitted uses of rest or meal breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled workday; or
- requesting compensatory time off or overtime pay for work performed during rest or meal break.

8.20 Certification Pay

In additional to regular pay, certification pay is available to all certified police officers, dispatchers, and court staff as authorized by the City Council, as follows:

Certification	Annual Certification Pay
Intermediate	$ 600.00 per year ($25.00/paycheck for 24 pay periods
Advanced	$ 1200.00 per year ($50.00/paycheck for 24 pay periods
Masters	$ 1800.00 per year ($75.00/paycheck for 24 pay periods

An eligible employee should be paid only for the highest level of certification held.

In addition to regular pay, certification pay is available to employees who accomplish classification levels based on certain testing requirements and qualifications as approved by the Department Director and City Manager.

Annual certification pay amounts will be divided by 26 and paid during normal pay periods.

8.21 On-Call/Call Back Compensation

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee responds to a call back. On-call employees who are called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace, but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

8.22 Payroll Deductions

The following deductions are authorized for payroll deductions:

(1) Social security contributions;
(2) Income withholding taxes;
(3) Medicare contributions
(4) Contributions to the Texas Municipal Retirement System;
(5) Presently authorized medical insurance premiums;
(6) Presently authorized "other insurance" premiums;
(7) United States savings bonds;
(8) Contributions to an individual retirement annuity or deferred compensation plan;
(9) Association or Union dues; and
(10) Required child support payments

No other payroll deduction privileges are authorized at this time, and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law. A reasonable administrative fee may be collected as authorized by law.

8.23 Performance Management Process

The City uses a thorough performance management process for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance management process provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance management process as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

Schedule. Regular full and part-time employees hired are eligible for:

- A performance review after six (6) months of their initial orientation period; and
- Annual performance evaluation before the end of the fiscal year (September 30).

Newly transferred or promoted employees who are serving their initial orientation period shall also receive periodic evaluations during their orientation period.

Department Directors and Council appointees are not governed by the above schedule. The City Manager's office establishes a performance evaluation system for Director-level positions. The City Council establishes a performance evaluation system for Council appointees.

Supervisory Responsibilities. All performance evaluation information must be written where required and forwarded to the Personnel Director for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the Personnel Director for filing in the employee's official personnel file and provide the employee with a copy.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, to correct any obvious errors or rating bias.

Personnel Director Responsibilities. The Personnel Director will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Personnel Director is responsible for maintaining original evaluation documents in the official personnel files.

Employee Responsibilities. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address concerns.

8.24 Telephone Contact

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work related matters.

All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

8.25 Police Officer 7(k) Exemption

Notwithstanding the foregoing, the City has adopted the "7(k) exemption" of the Fair Labor Standards Act (FLSA) and provides for a maximum 80 hour pay period for police officers. All of the rules and regulations contained herein still apply where not in conflict with this section 8.23. If there is any conflict between this section and the general rules and regulation of this Handbook, this section 8.25 shall prevail.

FLSA: The FLSA requires that all covered nonexempt employees be paid overtime pay at no less than time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek. Section 7(k) of the FLSA provides that employees engaged in law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 171 (police) as the number of days in the work period bears to 28. For example, law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Work week: For most non-exempt employees, the City's work period is defined as the seven (7) days period beginning at 12:01 pm Friday and ending at 12:00 pm Friday. For non-exempt fulltime paid police officers, the work period shall be a 14-day period beginning Friday at 12:01 pm and ending at 12:00 pm Friday. Overtime worked will be paid the next pay period after being earned. Police officers shall receive overtime after 80 hours worked during a 14-day work period.

Holidays: Most non-exempt employees working on city holidays are compensated at straight time plus 8 hours, unless the employee has already worked 40 hours in that pay period. For purposes of administering the 14-day work period, police officers will be compensated for working city holidays at straight time, unless the hours worked result in more than 80 total hours in the work period. Holiday compensation will be provided through an hourly holiday bank system.

Holiday bank system: For most non-exempt employees, holidays are accumulated on a monthly basis but for purposes of administering the 14-day work period, police officers will be provided "front loaded" holiday hours allocated in advance, which must be taken as follows:

This holiday leave must be taken as follows:

- 32 hours between January 1 to April 30
- 32 hours between May 1 to September 30
- 40 hours between October 1 to December 31

If an employee fails to take the holiday leave between the above scheduled times, the employee will lose the right to take the leave.

Employees will start to accrue holiday leave after their initial hire date. Holidays prior to the initial hire date will not be counted as leave.

Benefit time use will be hour for hour (Example: 24-hours taken off would require 24-hours of vacation/holiday to be used).

8.26 Mental Health Leave

PURPOSE
The purpose of this policy is to provide guidance in accordance with Texas Government Code Chapter 614, Section 614.015 regarding the use of Mental Health Leave for authorized peace officers employed by the City of Manvel.

DEFINITIONS

"**Peace Officer**" means police officers licensed by the Texas Commission on Law Enforcement and employed by the City of Manvel.

"**Traumatic event**" – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.
Traumatic events may include, but are not limited to, the following:

1. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
2. Incidents involving multiple casualties which may include shootings or traffic accidents;
3. Line of duty death or suicide of a department member;
4. Death of a child resulting from violence or neglect;
5. Officer(s) involved shooting of a person.
6. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.

7. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

Requesting Mental Health Leave
An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that they seek mental health leave and the assistance of a mental health professional.

Confidentiality of request
Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to themself or others and department personnel must confer with mental health professionals.

Duration of Mental Health Leave
An officer directly involved in a traumatic event may request up to three (3) working days of mental health leave, which is equivalent to 36 hours.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three (3) working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explaining the need for the extension.

9. EDUCATION INCENTIVES AND OTHER BENEFITS

City employees who are interested in continuing their education in a job-related field may be eligible for tuition reimbursement payments in accordance with the following policies.

The employee must inform the City Manager, in advance, of the specific courses the employee will take and the specific school, college or university to be attended. Each “online” class must be expressly pre-approved.

It will be the employee's responsibility to register and successfully complete the course(s) with a grade of "B" or better on each course taken.

Tuition reimbursement payments for employees will be subject to the following limitations:

1) The City will not pay for more than twelve (12) semester hours per semester per employee;
2) Payments will be limited to tuition only;
3) The City will not make payments for any fees (e.g. student lab, etc.), I.D. cards, books, parking permits, travel expenses unless specifically authorized in writing by the City Manager;
4) No employee may receive both City tuition payments and G.I. Bill benefits for the same schooling;
5) No employee may receive City tuition benefits for courses not directly related to a major approved by the City Manager. The course must be for bona fide purpose of preparing the employee for advancement through upgrading the employee to a higher skill level and not directly related to the employee’s current job;
6) The tuition reimbursement will be paid to the student after the completion of the course with documentation that the course was successfully completed with a grade of “B” or better. No tuition reimbursement payment will be made to the student if the course was not successfully completed or a grade lower than “B” was received for the course;
7) No payments will be made for courses enrolled in by an employee who has worked for the City less than six months at the time of enrollment unless an exception is approved in writing by the City Manager; and
8) Any employee who resigns or retires within two years of receiving tuition reimbursement for a course or courses at the City's expense will be liable for repayment of the City payment(s).

10. CONDUCT; RATIONALE FOR DISCIPLINE; GROUNDS FOR DISMISSAL

10.01 General Rules for Conduct

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

Progressive Discipline: In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- letter of counseling
- written reprimand
- probation
- suspension (without pay)
- demotion
- last chance agreement
- discharge

Documentation: All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the Personnel Director for review, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by Personnel Director: Any proposed disciplinary action in excess of an oral warning must be reviewed by the Personnel Director prior to being given to the employee. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period.

Appeal Rights: Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Grievance Policy). However, positions classified as Director level and above are employed at the will and pleasure of the City Manager, with the concurrence of the City Council, and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial orientation period have no right of appeal for disciplinary action taken against them.

Prohibited Activities: Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Falsification of timekeeping or other records, including employment application
- Working under the influence of or a presence in the system of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment
- Violation of City's policy regarding sexual or other unlawful harassment
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, internet, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- Breaks in excess of the allotted time allowed
- Violation of tobacco use policy
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident
- Profanity, abusive language, or racial slurs
- Unauthorized disclosure of confidential information
- Harmful, negative, disgraceful, malicious, or manipulative gossip
- Violation of any provision of the City Charter
- Violation of City or departmental policies, codes of conduct, rules and procedures
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others
- Unsatisfactory performance or conduct
- Inefficiency, incompetence or neglect of duty
- Fighting, provoking or instigating a fight, or threatening violence

- Disruptive activity in the workplace
- Engaging in a work stoppage
- Conduct which results in waste or damage of a coworker's, City, or citizen-owned property
- Insubordination or other disrespectful or unprofessional conduct
- Discourteous treatment of the public
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle)
- Violation of local, state or federal law
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts or potentially conflicts with City interests
- Acceptance of payment of any kind for activities related to City Employment
- Failure or refusal to follow lawful orders
- Sleeping on the job
- Dishonesty, including misrepresentation during the hiring process
- An accumulation of minor infractions
- Surreptitious recording of a conversation of any other employee, unless authorized by the City Manager or Police Chief

Disciplinary Meeting: A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, the affected employee, the Personnel Director and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

Administrative Leave: During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager.

10.02 Outside Employment

City employees may engage in outside or self-employment provided they receive prior written approval from the City Manager.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform the job with the City are also prohibited.

By accepting and performing outside or self-employment, the employee waives all rights to sick leave, or any other time off, in the event such employee is unable to perform the duties as an employee of the City because of accident, injury, or illness resulting from travel to or from, or performance of another job. Further, an employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the Personnel Director.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith-based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

10.03 Incident Reports

An employee shall immediately report to his or her supervisor any incident that involves either (1) personal injury to any person, or (2) any damage or loss to City property or the property of others.

The employee's supervisor shall notify the Division Director or City Manager immediately of any incident that involves personal injury to the employee or any other person.

An employee and the employee's supervisor shall reduce the above reports of personal injury or damage of property to writing within one (1) working day of the incidents and send the reports to the Division Director and the Personnel Director.

10.04 Arrests, Confinements and Indictments

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be "detained." A detained employee, who fails to report to work at the employee's regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement or indictment and reason. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered, and that adversely affects their ability to perform their job, may result in disciplinary action, up to and including termination.

Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full workday.

Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Personnel Director. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense that may conflict with their ability to perform their job, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

10.05 Code of Conduct

A. Conflict of Interests - Without prior written approval by the City Manager no employee of the City may:

1) Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City and its related entities;

2) Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;

3) Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;

4) Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;

5) Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City, or

6) Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting approval, investigation, or determination from the City.

B. Bribery - No employee of the City may accept or agree to accept:

1) Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a city employee;
2) Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding;
3) Any benefit as consideration for a violation of a duty imposed by law on a city employee; or
4) Any benefit that is a political contribution in violation of state law.

C. Acceptance of Gifts – No employee of the City may:

1) solicit, accept, or agree to accept any benefit from a person the official or employee knows is subject to regulation, inspection or investigation by the official or the city.

2) solicit, accept, or agree to accept any benefit from a person with whom the official or employee knows litigation is pending or contemplated by the official or the city.

3) (for a city employee who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government) solicits, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.

4) (for a city official or employee who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision) solicit, accept, or agree to accept any benefit from a person the official or employee knows is interested in or likely to become interested in any matter before the official/employee or tribunal.

5) The above does not apply to:

   Fees prescribed by law to be received by the city employee or any other benefit to which the employee is lawfully entitled and for which he has given legitimate consideration;

   Gifts or other benefits conferred on account of kinship or personal, professional or business relationships independent of the employee's status with the city;

   Certain honorariums in consideration of legitimate services; or

   Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law;

D. **Tampering with governmental records** – No employee of the City may make a false entry in, or false alteration of, a governmental record, or to make, present or use any record, document or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

E. **Misuse of official information - No employee of the City may:**

1) in reliance on information to which an employee has access by virtue of their employment, and that has not been made public:
   a. acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
   b. speculate or aid another to speculate on the basis of the information; or
   c. coerce another into suppressing or failing to report that information to a law enforcement agency.
2) with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
   a. the employee has access to by means of his employment; and
   b. has not been made public.

F. **Official Oppression; Abuse of Official Capacity –**

1) It shall be a violation for a city employee, acting under color of his employment, to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment.
2) It shall be a violation for a city employee, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misuse government property, services, personnel, or anything of value belonging to the government that has come into his custody or possession by virtue of his office or employment.

G. **Political contributions to city campaigns**. City employees are prohibited from making any contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate to a city office.

H. **Gift in favor of appointment.** Persons seeking appointment to or promotion in the administrative service of the city are prohibited from directly or indirectly giving, rendering or paying any money, service or other valuable thing to another for or on account of or in connection with his appointment or promotion, or any examination conducted therefor.

I. Fraternization.

No employee may engage in a prohibited relationship with a fellow employee of the same department ("Fraternization"). Fraternization is problematic because it can compromise the chain of command, create the appearance of partiality and/or undermine the authority and discipline of the relevant department. For the purpose of this section, Fraternization is defined as: unduly familiar relationships between supervisors and subordinate personnel that could compromise the chain of command, undermine good order, or appear partial. Prohibited relationships include: (1) romantic, dating and intimate relationships; (2) business relationships; and (3) shared living arrangements (except for operational duty).

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

11. DRUG AND ALCOHOL POLICY; COMMERCIAL DRIVERS

11.01 Purpose and Scope of Drug and Alcohol Policy

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

A. Tobacco and Vaping Use Prohibited. The use of all tobacco and vaping products (including smokeless) inside city-owned or leased buildings and city-owned or leased vehicles or equipment is prohibited. Additionally, smoking and vaping are prohibited within 25 feet outside entrances, exits, wheelchair ramps (serving any entrance or exit), operable windows, and ventilation systems of enclosed areas where tobacco and vaping use is prohibited, so as to ensure that smoke and vapors do not enter those areas.

Any employee who violates this policy is subject to discipline, up to and including termination.

B. Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except possession under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

C. Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

D. Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

E. Police Department Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy only when in possession of confiscated alcohol and/or drugs while carrying out their official duties. Additional guidelines may be established by Police Department operating procedures.

F. Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

G. On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

H. Mandatory Reporting of Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

I. Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee’s off-duty use of or involvement with drugs or alcohol is damaging to the City’s reputation or business, is inconsistent with the employee’s job duties, or when such off-duty use or involvement adversely affects the employee’s job performance.

J. Rehabilitation/Treatment

1) It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.

2) Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

3) The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

4) During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

5) If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

   a) Initial negative test for drugs and/or alcohol before returning to work;
   b) A written release to return to work from the City-approved rehabilitation or treatment facility/program;
   c) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
   d) In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;

e) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Personnel Director. The employee must meet with the Personnel Director to discuss the terms of continued employment and sign a formal agreement before returning to work.

K. Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Personnel Director to receive assistance or referrals to appropriate resources in the community.

L. Testing

1) **Types of Tests**. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally accepted testing procedures.

2) **Testing of Applicants**. All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

3) **Testing of Employees**.

a) Employees may be tested for alcohol and/or illegal and unauthorized drugs: (1) after a workplace injury or accident or "near miss," when reasonable suspicion exists; (2) where reasonable suspicion exists even where no accident or injury occurred; or (3) in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.

b) Police Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.

c) For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

d) Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.

e) Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

f) A positive test result is a violation of the City's Drug and Alcohol Policy and may result in disciplinary action up to and including termination of employment.

g) The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for Commercial Drivers for additional information.

4) Testing Procedures

a) All testing must normally be authorized in advance by both the employee's Department Director and the Personnel Director. If the Department Director is unavailable within a reasonable period of time, the Personnel Director may, with sole discretion, authorize the testing of an employee. If the Personnel Director is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

b) If an employee's conduct resulted in a workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

c) All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

d) Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Personnel Director; supervisors and managers on a need-to-know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

11.02 Commercial Drivers

Employees/Applicants Subject To Testing. City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Personnel Director will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun.

All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT or City regulations in any way, the more stringent regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor or subcontractor engaged by the City or an employee of such contractor or subcontractor. Refer to the Personnel Director for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within 4 hours after using alcohol.

Use Following An Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use. Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

1. Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

2. Post-accident testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that they require and receive immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

a. **Post-Accident Alcohol Testing.** If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Personnel Director by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Personnel Director.

b. **Post Accident Drug Testing**. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Personnel Director.

3. **Reasonable suspicion testing.** Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Personnel Director. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Personnel Director.

a. **Reasonable Suspicion Alcohol Testing**. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Personnel Director. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test, and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Personnel Director.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

b. Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Personnel Director.

4. Random Testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

5. Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the

City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy, and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Additional Information About Alcohol Testing.

Consequences of a Positive Alcohol Test. An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave or other accrued leave during the treatment period.)

Alcohol Testing Procedures. A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a "negative" test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing.

Drug Testing Procedures. Drug testing is conducted by analyzing a driver's urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. "Split" urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City's Personnel Director. The second test will be at the driver's own expense.

Drugs Tested For. DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms "drug," "drugs" or "controlled substances" are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Policy.

Review of Drug Test Results. All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver's urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. A confirmed positive result for illegal drugs will result in termination of employment. The termination cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance.

Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Personnel Director. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

Information From Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant- driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre- employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed or not hired if applying for employment.

Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations.

Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with an MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, *i.e.,* an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site. With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions. Anyone with questions regarding this policy should contact the Personnel Director.

12. EMERGENCY OPERATIONS PROCEDURES

12.01 Emergency Operations

This section of the policy is documented within the Office of Emergency Management Policy Manual and is hereby incorporated by reference.

12.02 Personnel; Classification, Activation and Staffing Compliance

A. Purpose

The purpose of this policy is to define the roles and responsibilities of City of Manvel personnel before, during, and after an emergency or disaster. City personnel are essential to maintaining public safety, continuity of operations, and rapid restoration of services. This policy also provides a structure for classifying personnel into emergency response tiers and outlines procedures for tier assignments, waivers, and accountability during emergency conditions.

B. Policy Statement

The City of Manvel recognizes that public service must continue during emergencies, and that personnel participation in disaster operations is vital to community resilience. All personnel are expected to comply with the City's Emergency Operations Plan and this policy. Personnel will be classified into emergency response tiers, trained for their roles, and activated according to operational needs and legal mandates. Non-compliance may result in disciplinary action, unless a documented waiver or accommodation has been granted.

C. Scope

This policy applies to all City of Manvel personnel, elected officials, and contracted personnel assigned responsibilities under the City's Emergency Plan or Emergency Operations Center. It governs personnel classification, activation, and accountability before, during, and after emergency incidents.

D. Definitions:

- **Tier 1 Personnel:** Personnel designated as critical to life safety, incident stabilization, or continuity of government, who may be required to report and remain during hazardous or evacuation conditions.
- **Tier 2 Personnel:** Essential support staff needed for continuity of operations or recovery, who may be activated once conditions stabilize.
- **Tier 3 Personnel:** Non-Activated during emergency response but required for post-emergency restoration or normal operations.

- **Designated Location**: A specific place (city facility, shelter, staging site, or department location) where the personnel is required to report to or shelter during an emergency.

- **Emergency Response Tier:** A staffing designation based on personnel's role in preparedness, response, and recovery efforts. Tiers define expectations for reporting, availability, and responsibilities during declared emergencies.

- **Activation:** The process of initiating emergency roles, duties, and response functions in preparation for or in response to a real or imminent hazard.

- **Waiver:** A formally approved exemption from emergency activation duty based on medical, caregiving, or hardship documentation. Waivers are reviewed annually and may result in reassignment to non-deployable status.

- **Non-Deployable Status**: A designation given to personnel who are not expected to participate in field or direct emergency response roles due to an approved waiver or personnel limitation.

E. Authority

This policy is enacted under the authority granted by the Texas Disaster Act (Texas Government Code Chapter 418), City of Manvel Code of Ordinances Chapter 23, and relevant federal emergency management standards, including FEMA's NIMS guidelines. These authorities empower the City to designate emergency personnel roles, enforce activation, and maintain continuity of operations during declared emergencies. This policy is implemented under the governing authority established in Policy 12.01 Emergency Management Operations.

F. Emergency Response Tiers

All City of Manvel personnel shall be assigned to one of three Emergency Response Tiers to support continuity of operations, life safety, and disaster response and recovery activities. Emergency Response Tiers establish expectations for availability, reporting, and duty status during emergency conditions.

Tier assignments shall be made by Department Directors in coordination with the Emergency Management Coordinator (EMC). Tier assignments shall be reviewed at least annually and may be adjusted as necessary based on operational needs, personnel status, or emergency conditions. Temporary or permanent reclassification of personnel during an emergency may be authorized by the Emergency Management Coordinator or City Manager. All tier assignments and changes shall be documented and communicated to the affected personnel and Human Resources.

Tier 1 and Tier 2 personnel may be issued official City emergency credentials for identification and access during emergency operations in accordance with procedures established by the Office of Emergency Management.

Tier 1- Essential Response Personnel

Tier 1 personnel are designated as critical to life safety, incident stabilization, or continuity of government. These personnel are required to report for duty and remain available during emergency or disaster conditions as directed.

Tier 1 personnel may be required to:

- Report to a designated work location or assignment
- Remain on duty during emergency operations
- Perform response, coordination, or support functions essential to emergency operations

Personnel safety shall remain a priority, and assignments shall be made in accordance with operational conditions and applicable law.

Tier 2- Re-Entry Essential Personnel

Tier 2 personnel provide essential support for continuity of operations, relief of Tier 1 personnel, and transition from response to recovery. These personnel are not typically required to remain on duty during the initial impact phase but must be available to report when conditions permit.

Tier 2 personnel may be required to:

- Report for duty following the stabilization of emergency conditions
- Support recovery operations and restoration of City services
- Augment or relieve Tier 1 personnel as directed

Tier 3 – Recovery Personnel

Tier 3 personnel are not required for immediate emergency response operations but support recovery, restoration, and return to normal operations.

Tier 3 personnel may be required to:

- Assist with pre-event preparations as directed
- Return to duty when normal operations resume or when assigned during extended recovery operations
- Tier 3 personnel shall remain available for assignment once released from emergency status and directed to return to work.

G. Alternate Duty Location During Emergency Conditions

During emergency or disaster conditions, certain personnel may be directed to perform their assigned duties from an alternate duty location, including locations outside City limits, when required to maintain continuity of operations, protect personnel safety, or support emergency response and recovery functions.

Assignment to an alternate duty location during an emergency shall be considered an activated duty assignment and does not constitute voluntary telework or remote work under standard City personnel policies. Personnel assigned to alternate duty locations remain subject to supervisory direction, work hour requirements, accountability standards, and applicable emergency compensation policies.

Authorization, duration, and operational requirements for alternate duty locations shall be determined by the Emergency Management Coordinator, City Manager, or designee in accordance with the Emergency Operations Plan and supporting Standard Operating Guidelines.

H. Tier Assignment and Documentation

- All departments must submit a tier classification list for their personnel annually.
- Tier assignments must be communicated in writing to the employee and filed with Human Resources.
- Any changes to classification must be documented and approved by the Department Director and reviewed by the City Manager and Emergency Management Coordinator.

I. Personnel Responsibilities During Emergencies

1) All personnel, regardless of their tier assignment, have the following responsibilities:
   - Maintain current contact information with their department.
   - Remain reachable by phone, text, or email throughout the duration of the emergency.
   - Monitor official City communication channels, including emergency alerts, radio, and television for instructions.
   - Report to duty as directed, based on tier assignment and the City's declaration of safety for re-entry or operations.
   - Comply with all safety directives, including use of PPE, check-in protocols, and coordination with assigned supervisors or team leads.
   - Maintain required emergency management training as established by the Office of Emergency Management.

2) Departmental Responsibilities: Department Directors are responsible for implementing this policy within their areas of responsibility.

3) Supervisor Responsibilities - Supervisors shall:
   - Consistently and fairly implement this Policy.
   - Monitor staff compliance with emergency assignments, timekeeping, and safety requirements.
   - Initiate and document disciplinary action when violations of this policy occur.

Failure to fulfill these responsibilities without an approved waiver or justification may result in disciplinary action, as outlined in the City's Personnel Handbook and HR policies.

J. Annual Emergency Response Waiver Process

Personnel may request exemption from emergency duty through the Emergency Response Waiver process, designed for those with significant personal or medical obligations that prevent them from safely participating.

- Waiver Application Deadline: June 1 each year
- Waiver Validity Period: June 1 – May 31 of the following year, unless changes to circumstance
- Required Documentation: Must include sufficient justification (e.g., caregiver obligations, medical documentation)
- Review Process: Department Directors and Human Resources will review the request in coordination with the Emergency Management Coordinator
- All waiver reviews and assignments will be conducted in accordance with applicable federal and state non-discrimination laws, including the Americans with Disabilities Act (ADA) and EEOC guidance.
- Final Approval Authority: City Manager

An approved waiver removes the personnel from Tier 1 or Tier 2 assignments for that cycle. The personnel granted a waiver will be reassigned to Tier 3 or placed in a non-deployable status.

K. Compensation and Benefits

Personnel activated under this policy shall be compensated in accordance with Policy 12.04, Declared Disaster Event Compensation Policy.

L. Policy Enforcement

Supervisors and department heads are responsible for communicating expectations, confirming personnel understanding of their assigned tier, and ensuring personnel are available as required. Non-compliance, failure to report without an approved waiver, or abandonment of duty during an emergency may result in disciplinary action per City Personnel policy.

M. Review and Update

This policy shall be reviewed in accordance with the review and approval requirements established in Policy 12.01, Emergency Management Operations. The Emergency Management Coordinator shall coordinate policy review with Human Resources and affected departments to ensure continued alignment with personnel requirements, operational needs, and applicable laws.

12.03 Inclement Weather and Emergency Closing

A. Purpose

This policy outlines expectations and procedures for City of Manvel personnel during periods of inclement weather. While ensuring the continuity of City operations, the safety of personnel remains a top priority. This policy addresses attendance, reporting responsibilities, leave usage, and departmental obligations under weather-related disruptions.

B. Policy Statement

The City of Manvel prioritizes the safety of personnel while maintaining essential services during periods of inclement weather. Decisions regarding closures, delays, or modified operations will be made based on available information from the National Weather Service (NWS), Texas Division of Emergency Management (TDEM), and emergency management officials. The City recognizes the increasing frequency of severe weather events and will adapt inclement weather response policies based on hazard analysis, past incident reviews, and- recommended resilience practices. Departments shall follow this policy to ensure operational consistency, employee accountability, and clear communication.

C. Definitions:

- *Non-Activated Personnel:* Personnel not activated under Policy 12.02
- *Administrative Closure:* A declaration by the City Manager or designee that suspends non-essential operations due to safety or infrastructure concerns.

D. Department Responsibilities

- Department Directors and immediate supervisors are responsible for maintaining adequate staff to ensure the continuity of essential services during inclement weather.
- Any City service that cannot operate due to weather-related conditions must be reported immediately to the City Manager's Office.

E. Employee Responsibilities

Personnel who believe weather conditions pose a danger to life or property must:

- Immediately notify their immediate supervisor and/or Department Director.
- Stay in contact and report to work when conditions improve.
- Monitor City communication platforms for updates or instructions.
- All employees are encouraged to complete annual inclement weather safety training and ensure contact information is current with their department. Staff should know their activation status (per Policy 12.02) before the start of hurricane or winter weather seasons.
- Time worked during emergency conditions shall be documented in accordance with City timekeeping procedures and applicable emergency compensation policies.

Personnel unable to report to work due to hazardous weather may:

- Request to flex their hours within the same pay period (if operationally feasible).
- Use accrued vacation, compensatory time, or personal leave.
- If no leave is available and flexing is not permitted, unpaid leave will be recorded.

F. Alternate Duty Location During Inclement Weather

During inclement weather events, personnel may be directed to perform assigned duties from an alternate duty location when necessary to maintain continuity of operations or protect personnel safety. Assignment to an alternate duty location during an emergency does not constitute voluntary telework and remains subject to supervisory direction, accountability standards, and applicable personnel policies.

G. Official Closures and Administrative Leave

In the event the City Manager declares that City offices or departments are officially closed, or a mandatory evacuation order is issued:

- Non-activated personnel who were scheduled to work during the closure period will be granted Administrative Leave.
- Essential personnel are required to report to duty, regardless of office closures.
- Essential personnel required to work during a declared closure may be eligible for additional compensation or compensatory time, in accordance with City of Manvel personnel policies and FLSA requirements.
- Requests for accommodation due to disability or caregiver obligations during closures will be reviewed on a case-by-case basis in compliance with the Americans with Disabilities Act (ADA) and other applicable laws.

H. Enforcement

Failure to comply with this policy may result in corrective or disciplinary action in accordance with the City of Manvel's Personnel Policy Manual.

I. Update and Review

This policy shall be reviewed and updated in accordance with the review and approval requirements established in Policy 12.01, Emergency Management Operations. The Office of Emergency Management shall coordinate review of this policy with Human Resources and the City Manager's Office to ensure continued alignment with personnel requirements and operational needs.

12.04 Declared Disaster Event Compensation Policy

A. Purpose

To establish compensation protocols for City of Manvel personnel during a declared state of emergency or disaster. This policy ensures fair and consistent compensation practices for all personnel while maintaining essential public services and complying with federal and state labor standards.

B. Policy Statement

The City of Manvel is committed to maintaining essential services during emergency conditions while recognizing the dedication of its personnel. This policy outlines compensation for both exempt and non-exempt personnel, based on role classifications, work status, and the nature of the emergency event. Compensation is aligned with the City's Emergency Operations Plan (EOP), Fair Labor Standards Act (FLSA), and all applicable policies.

C. Scope

This policy applies to all exempt and non-exempt City personnel.

D. Definitions

- *On Call Assignment:* Hours when an employee is required to remain available for duty but is not actively performing job duties.
- *Workweek:* For overtime purposes, the City's defined workweek begins as defined by City payroll policy. Overtime is calculated based on hours worked within this period.
- *Administrative Leave:* Paid time off authorized by the City for personnel who are not required to work during emergency operations. These hours do not count towards overtime eligibility.
- *Actual Hours Worked:* Time during which a non-exempt employee is actively engaged in performing assigned job duties. This excludes meal breaks, paid leave, or time on standby unless otherwise deemed compensable under FLSA.
- *Disaster Compensation Pay:* Additional compensation authorized during a declared disaster to incentivize or recognize extended hazardous duty for eligible roles.
- *Catastrophic Event:* An incident that causes widespread disruption to City operations, critical infrastructure, and/or public safety, and exceeds the City's normal response capacity. These events require extended emergency response and recovery efforts, typically lasting 24 hours or more, and may involve external assistance or mutual aid. Catastrophic events include, but are not limited to:
- *Widespread damage or destruction of property or infrastructure*
- *Significant threat to life or public health*
- *Severe interruption of essential public services*
- *Events requiring activation of the Emergency Operation Center (EOC) and/or sheltering operations*
- *Situations triggering a federal, state, or local disaster declaration.*

E. Authority

This policy is enacted under the authority of the Texas Disaster Act and the City of Manvel Code of Ordinances. It is subject to City Manager oversight and operational discretion during emergencies. This policy also supports FEMA's reimbursement and equity policies, including guidance under 2 CFR 200, the Stafford Act, and FEMA PA Policy Guide Section C.

This policy is implemented under the governing authority established in Policy 12.01, Emergency Management Operations.

F. Policy Activation

This policy shall be activated in the event of certain catastrophic incidents, including but not limited to:

- Hurricanes, floods, tornadoes, wildfires, winter storms, earthquakes
- Pandemic illness or other widespread public health emergencies
- Nuclear, chemical, biological, or radiological emergencies
- Acts of terrorism or sabotage
- Any other large-scale emergency or disaster declared by federal, state, or local authorities

This Declared Disaster Event Compensation Policy will apply when an incident is officially declared by the Mayor and/or City Council as catastrophic in nature and expected to last twenty-four (24) hours or longer.

G. Compensation Guidelines

1) Non-Exempt Personnel (Hourly)

    - During the Emergency Phase:
        - Receive 1.5x pay (overtime rate) for all eligible hours worked beyond 40 actual hours in the designated workweek, including during continuous on-site assignment, in accordance with FLSA.
        - Only hours actually worked count toward the 40-hour threshold. Paid leave, administrative leave, and standby time do not count as hours worked under FLSA.
        - Receive 1.0x pay (regular rate) for non-work hours under continuous on-site assignment
    - If released from duty:
        - Receive administrative leave pay for their normally scheduled hours. These hours are not counted toward overtime.

2) Exempt Personnel (Salaried)

To support morale and equity across salaried and hourly classifications, exempt personnel assigned to mandatory EOC residency or extended hours will receive additional compensation as defined below.

- Receive their normal salary.
- If assigned to mandatory continuous on-site assignment or on-call assignment:
  - Paid 1.0x their calculated hourly rate for all hours under continuous on-site assignment or on-call assignment.
  - The additional compensation is a City-authorized benefit intended to recognize extended residency assignments during emergency operations and does not affect FLSA exemption status.

H. Disaster Compensation Pay/ Additional Stipends

- Any additional compensation such as hazard pay, disaster compensation pay or emergency stipends must be authorized by the City Manager and will comply with applicable local, state, and federal guidelines.
- Hazard pay may be considered during high-risk events (e.g., hurricanes, toxic releases, or long-duration disasters), and should be documented with justifying conditions for eligibility.

I. Administrative Leave and Absences

- Personnel who are on previously approved or unscheduled leave (e.g., sick, vacation, personal) at the time of activation will remain on their approved leave status and will not receive administrative leave pay for the duration of that absence.
- If the employee does not have sufficient accrued leave, the absence will be recorded as Leave Without Pay (LWOP).
- Unauthorized absences during emergency activation may result in corrective or disciplinary action, up to and including termination, in accordance with the Employee Handbook and Policy 12.02.
- Scheduled vacation or leave during a declared emergency or disaster will be reviewed on a case-by-case basis. Approval or denial will be based on the nature and severity of the event, the employee's assigned emergency response tier (as outlined in Policy 12.02), and the operational needs of the department. Final decisions will be made by the Department Director, in coordination with Human Resources and the Office of Emergency Management, to ensure the continuity of essential services and uphold personnel accountability.

J. Reassignment and Recall

- The Mayor and/or City Manager may reassign personnel to any duty necessary during an emergency, regardless of normal job function.
- Personnel may be reassigned to support other departments.
- Refusal to return to work or fulfill reassigned emergency duties may be subject to disciplinary action, in accordance with the City's HR policies and applicable due process procedures.

K. Timekeeping and Audit Requirements

Time worked during emergency conditions shall be documented in accordance with City timekeeping procedures and applicable emergency compensation and reimbursement requirements.

L. Policy Coordination and Enforcement

Supervisors and Department Directors shall enforce this policy consistently. See Policy 12.02 for employee compliance and waiver requirements.

M. Review and Update

This policy shall be reviewed in accordance with the review and approval requirements established in Policy 12.01, Emergency Management Operations. The Office of Emergency Management shall coordinate review of this policy with Finance, Human Resources, and other affected departments to ensure continued alignment with applicable laws, compensation requirements, and operational needs.

12.05 Emergency Food Procurement During Disaster Operations

This section of the policy is documented within the Office of Emergency Management Policy Manual and is hereby incorporated by reference.

12.06 Emergency Procurement During Disaster Operations

This section of the policy is documented within the Office of Emergency Management Policy Manual and is hereby incorporated by reference.

12.07 Emergency Operations Plan

This section of the policy is documented within the Office of Emergency Management Policy Manual and is hereby incorporated by reference.

12.08 Emergency Management Training and Exercise Policy

A. Purpose

The purpose of this policy is to establish expectations for emergency management training and exercises to ensure City of Manvel personnel are prepared to effectively carry out their assigned roles during emergency and disaster operations.

B. Policy Statement

It is the policy of the City of Manvel to provide and require appropriate emergency management training and to conduct exercises that support preparedness, coordination, and effective response and recovery operations. Emergency management training and exercises are essential to maintain operational readiness, supporting continuity of government, and implementing the City's Emergency Operations Plan (EOP).

Training and exercise activities conducted under this policy implement the authority established in Policy 12.01, Emergency Management Operations, and support the operational framework outlined in the Emergency Operations Plan.

C. Scope

This policy applies to all City of Manvel departments, elected officials, employees, volunteers, and contractors who have assigned roles or responsibilities related to emergency management, incident response, Emergency Operations Center (EOC) operations, or continuity of essential services.

D. Training Requirements

Emergency management training requirements shall be established and maintained by the Office of Emergency Management based on assigned roles, responsibilities, and operational needs. Training may include orientation, refresher training, position-specific instruction, and incident management training as appropriate.

Departments are responsible for ensuring personnel complete required training applicable to their assigned emergency management roles.

E. Exercises

The City of Manvel shall conduct emergency management exercises to evaluate plans, procedures, coordination, and personnel readiness. Exercises may include tabletop, functional, or full-scale formats and may involve internal departments, external partners, or regional agencies as appropriate.

Exercise objectives, scope, and participation shall be determined by the Office of Emergency Management in coordination with affected departments.

F. After-Action Review and Improvement

Following exercises or significant emergency incidents, the Office of Emergency Management may conduct after-action reviews to identify strengths, areas for improvement, and corrective actions. Improvement items shall be tracked and addressed through planning, training, or procedural updates as appropriate.

G. Compliance and Standards

Emergency management training and exercises shall be conducted in alignment with applicable local, state, and federal requirements, the National Incident Management System (NIMS), and Emergency Management Accreditation Program (EMAP) standards.

H. Review and Update

This policy shall be reviewed and updated in accordance with the review and approval requirements established in Policy 12.01, Emergency Management Operations. The Office of Emergency Management shall coordinate policy review with affected departments to ensure continued alignment with operational needs, training priorities, and best practices.

13. SEPARATIONS FROM SERVICE; REINSTATEMENTS

13.01 Separations

The City designates all employee separations as one of the following types:

A. Resignation. An employee who intends to resign is requested to notify the supervisor and/or the Personnel Director in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Personnel Director.

B. Retirement. An employee who intends to retire is requested to notify the Department Director, supervisor, and the Personnel Director**,** in writing at least 4 weeks prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date, to lock in the in-service-date.

C. Dismissal/Termination. The City may terminate an employee's employment consistent with this policy and state and federal law. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated. Additionally, if an employee walks off the job without approval of their supervisor this will be considered job abandonment, and the employee will be terminated.

Long-Term Absence. Any employee who is absent from work for more than 180 days in a year, for whatever reason, will be terminated. Brief appearances at work during an overall absence of 180 days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a modified duty capacity) but is unable to perform the essential functions, with or without reasonable accommodation, of the actual position after a period of 60 days will be returned to off duty status. The City may elect to end the employee's employment before the expiration of 180 days if it is unlikely that the employee will be able to return to full-time active duty at the end of the leave. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend the leave using any available paid leave balance, or be terminated and paid for accrued leave balances. This policy will be administered consistently with the City's reasonable accommodation obligations under the Americans with Disabilities Act.

Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control, and which do not reflect discredit upon the service of the employee.

Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

13.02 Layoffs/ Reorganizations

The City may lay off an employee, transfer an employee to another position, or demote an employee because of changes in duties or organization or lack of work or funds. The City will decide the order of layoff or reorganization among employees based on demonstrated job performance and efficiency and seniority. Layoffs, transfers and demotions resulting from reorganizations are not disciplinary actions.

13.03 Incapacity

An employee may be separated for incapacity or medical reasons when the employee no longer meets the standards of fitness required for the position.

13.04 Exit Interview; Return of City Property; Final Payments

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Personnel Director shall complete an Exit Interview Form, and the supervisor also completes a form. Exit interviews are conducted confidentially by the Personnel Director. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Personnel Director of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property (including city-issued ID cards), completion of necessary paperwork, and other requirements of separation.

13.05 Reinstatement

The City may recall to work a person whom it laid off. Employees who left City employment in good standing to enter duty with the armed forces of the United States shall be eligible for reinstatement according to applicable Texas and federal laws.

13.06 Retirement

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Manvel currently contributes matching funds pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system enacted by the City Council are continued in full force and effect and are incorporated herein by reference. Employees are provided with retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched with the required IRS rates for employers by the City for this benefit. Participation by every employee is a condition of employment.

Employees that retire from the City of Manvel are eligible for continued insurance coverage for themselves and dependents until the employee reaches the age of 65, provided:

EITHER:

1. The employee worked for the City of Manvel for at least 10 years prior to retirement, and
2. The employee is at least 60 years old at retirement.

OR

1. The employee worked for the City of Manvel for at least 20 years prior to retirement, and
2. The employee is at least 58 years old at retirement.

14. DISCIPLINARY POLICIES

14.01 Disciplinary Guidelines

The following disciplinary guidelines are advisory, and the City Manager may alter, combine, or bypass any or all of the listed procedures when the City Manager deems such action appropriate. The City Manager may use the methods described below to enforce and maintain proper standards of discipline and personal conduct among employees. The methods described below should be used in the manner deemed most effective for meeting the described management goals.

14.02 Disciplinary Process

Oral Reprimand or Warning. An oral reprimand or warning may be used by managers to identify violations and indicate needed improvement. A written record of this warning may be maintained within the employee's department.

Written Reprimand or Warning. A written reprimand, which is normally the second step in the disciplinary procedure, shall be signed by both the employee and the supervisor and may be maintained within the department. If an employee refuses to sign, the supervisor shall have a witness sign that a copy was given to the employee. The employee's signature indicates receipt of the document only, not acceptance of its contents. This document should include identification of the violation, indication of the necessary improvement, and information concerning further disciplinary action that may result.

Disciplinary Suspension. An employee may be suspended without pay. An employee who is suspended shall be given written notice of the reasons for the action. A copy shall be forwarded immediately to the Director of Personnel to be made a part of the employee's official personnel history record. Following completion of the suspension period, the employee will be automatically reinstated. However, an employee may be terminated without prior disciplinary action. Exempt employees may be issued disciplinary suspensions in accordance with the Fair Labor Standards Act and the appropriate regulations.

Administrative Suspension. During an investigation, hearing, or trial on any civil or criminal charge, an employee may be suspended upon recommendation by the Director with approval of the City Manager. The administrative suspension may be for the duration of the proceedings, or any appropriate portion thereof as would be in the best interest of the City. The employee may be administratively suspended with or without pay. The City may take further action including dismissal or reinstatement, at any point in the process, as determined by the City Manager.

15. GRIEVANCE POLICY

15.01 Grievance Eligibility

Except for Council appointees, an employee of the City who ~~has been employed by the City for more than six (6) months and~~ has completed their 12-month probationary period and who feels that disciplinary action has been improperly taken against them shall have the right to file a grievance. Disciplinary action shall mean demotion, suspension, or termination. Actions or results which occur that are beyond the control of the City, or that relate to policy matters (such job eliminations or reductions in force) shall not be considered grounds for a grievance.

15.02 Grievance Administrator

The Personnel Director will serve as the administrator of grievances and perform work incidental to the grievance policy.

15.03 Non-Termination Grievance Procedure

Step A

1) The employee informally discusses the grievance with his or her supervisor.
2) The supervisor decides what action, if any, will be taken in regard to the grievance.
3) If Step A does not result in a resolution of the grievance, the employee may proceed to Step B. Step B must be initiated within three working days after the informal discussion with his or her supervisor.

Step B

1) The employee prepares and gives to his or her supervisor a written statement giving the details of the grievance and stating the specific remedial action requested.
2) The supervisor reviews the facts of the grievance, makes a written decision as to what action, if any, is to be taken to resolve the grievance. The supervisor then communicates the decision to the employee within five working days after having received the grievance.

Step C

1) If the employee is not satisfied with the decision in Step B, or, if the supervisor fails to respond within five working days, the employee may submit a written copy of the grievance to the Director along with a copy of the decision made by the supervisor, or, a statement that the supervisor failed to provide a decision within the five-day limit if such is the case.
2) The Director reviews the details of the grievance and, within five working days, provides the employee with a written statement of what action, if any, is to be taken to resolve the grievance.
3) If the employee's immediate supervisor is the Director, Step C of the grievance procedure may be eliminated, and the employee may go immediately to Step D.

Step D

1) If the employee is not satisfied with the decision of the Director, or if the Director fails to respond within five working days, the employee may within three working days after the expiration of the five days submit a copy of the grievance to the City Manager. Copies of any decisions made in Steps B and C, or statements of a failure of the supervisor or Director to respond where such is the case, are presented at this time.
2) The City Manager gathers any additional information that may be pertinent to the grievance and determines what action, if any, is to be taken to resolve the grievance. The City Manager's decision is final in any non-termination grievance.

15.04 Termination Grievance; City Manager Action

~~The City Manager may terminate~~ A~~a~~n employee may be terminated for one or more of the grounds contained in this Handbook or for other reasons deemed sufficient by the City Manager to warrant such action. If ~~the City Manager discharges~~ an employee is terminated, the Personnel Director or City Manager shall, within five working days of the date of the termination, mail, deliver, or cause to be delivered, a written statement ("letter of termination") to the terminated employee

An employee who wishes to appeal the termination decision must appeal the decision in writing to the City Manager within five working days of receiving the letter of termination. The written appeal must include a short statement of the basis for the appeal. The City Manager may choose to meet with the appealing employee before rendering a decision on the appeal. The City Manager will respond to the employee in writing within five working days of the later of receipt of the appeal letter or the date of the meeting with the former employee. The City Manager's decision will state whether the termination is upheld, reversed, or modified. If the termination is reversed or modified, the City Manager will decide whether the employee is entitled to full back pay, partial back pay or no back pay. The City Manager will not hold any other type of hearing. The City Manager's decision is final in any termination grievance.

15.05 Stopping the Grievance Process

a. Only the employee who has filed the grievance shall be able to stop the grievance procedure by either action or inaction.

b. The grievance procedure shall be stopped if:

1) The employee indicates they are satisfied with the action to resolve the grievance at any level of the grievance procedure; or
2) The employee, for any reason, indicates that they no longer wish to continue the grievance procedure; or
3) The employee fails to take action to continue with the next step of the procedure within three working days of completion of the prior step; or
4) The employee has exhausted all available steps of the grievance procedure.

16. CITY PROPERTY

16.01 Issuance

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful**,** careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

16.02 Personal Use Prohibited

City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager or the Department Director.

16.03 Vehicle Allowance

An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

16.04 Take Home Vehicles

A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal workstation. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. or for any outside employment without prior written approval of the City Manager. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties or with approval of the City Manager. No smoking in city vehicles is permitted.

If approved by the City Manager, use of a City-owned vehicle may be included within a contract of employment and may be exempt from this policy but will be regulated within the terms of the contract.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

16.05 Use of City Vehicles

City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation and ensure permitted passenger wear seat belts.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the City Manager.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the City Manager.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a city vehicle or a personal vehicle while conducting city business.

- Employees involved in an accident while operating a city vehicle or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and /or City Manager. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Personnel Director.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

16.06 Personal Property

All employees shall be solely responsible for their personal property at all times. The City is not responsible for theft, loss, or damage to items of personal property.

17. TRAVEL

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

17.01 Transportation

The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile; equivalent to the current IRS rate at the time or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).

17.02 Travel Approval and Cash Advances

All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. In addition, any travel out of state must be approved by the City Manager as set out below.

17.03 Lodging

Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/ reimbursed by the City.

17.04 Meal Allowance

The City shall pay actual necessary food expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. In lieu of itemized receipts for meals for in state travel, a per diem allowance as outlined by the Texas Comptroller's office will be reimbursed. Even if supported by a receipt, reimbursement shall not exceed fifty ($50) dollars for any one meal.

17.05 Long Distance Phone Calls

Reasonable and necessary long-distance business phone calls and computer-related expenses for City business reasons only will be reimbursed.

17.06 Non-Allowable Expenses

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee**:**

In-hotel pay television and movies
Dry cleaning and laundry;
Health club and spas;
Expenses of a spouse;
Alcoholic beverages;
Personal long distance telephone calls; and
Other items of a personal nature.

17.07 Request for Reimbursement and Return of Unexpended Funds

Upon return to the City, a complete accounting of all expenditures of City funds is to be filed within ten (10) days on the City's expense form. Receipts for all expenses, including hotel bills and registration fees, must be attached to the statement. All unexpended advance funds must be returned with the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

17.08 Travel to Training

The current IRS rate mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

17.09 Expenses Not Covered in Policy

The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

17.10 Compliance

Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

APPENDIX A

Charter Positions

Appointive offices

In addition to the elected officers, the other officers of the city shall be the city manager, city secretary, municipal court judge, and city attorney, and such other officers as the council may from time to time establish. The council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the city and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of city manager, city secretary, municipal court judge, and city attorney.

Removal of officers appointed by the city council shall be at the discretion of the council, by vote of the majority of the entire council.

At-will Positions

a. The City Council appoints the City Manager, City Attorney, and the Judge of the Municipal Court to serve as at-will employees or officers of the City.

b. The City Manager appoints, suspends, and/or removes all or one of the directors of the city departments, including the City Secretary, with the concurrence of the City Council. The City Manager appoints, suspends, and/or removes all other employees of the City.

Term Position

The City Council appoints the City Judge, who serves a three-year term to run concurrent with the term of the mayor and may be removed or replaced at any time at the discretion of the City Council.

Outside Employment

The City's Officers shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or adversely affect the person's job performance unless the Officer discloses the conflict in writing to the City Council prior to, or as soon as practicable, the existence of the conflict.

APPENDIX B

Pandemic Event Leave Policy

Policy Summary

During the occurrence of a pandemic event, the City of Manvel must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent, protect the health of the employees and citizens of the community, and reduce the impact on the workplace and city operations.

For this to be accomplished the City will allow the City Manager the flexibility to adjust workplace schedules, grant paid administrative leave, allow for negative sick leave accruals, and permit telecommuting, under certain conditions.

Policy

Notwithstanding other provisions contained in this "Employee Personnel Policies and Procedures Handbook," when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the "Pandemic Event Leave Policy," this Policy shall take effect.

The Policy will remain in effect until the City Manager determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.

I. ADMINISTRATIVE LEAVE AND FLEXIBLE SCHEDULING

A. In the event of a pandemic, the City Manager is authorized to adjust normal policies regarding workplace schedules and administrative leave. Specifically, the City Manager may:

(1) Allow employees flexibility in their work schedule for work performed at the office;

(2) Allow employees to work from home, in whole or in part, subject to the telecommuting policy below;

(3) Provide for a minimal "skeleton crew" at city hall and/or city facilities, alternating employees where possible, to maximize the best possible city operations with due regard to safety of the employees and citizens;

(4) Provide for paid administrative leave for those employees who are ready and able to work, but due to the necessity of a "skeleton crew" order, or the closure of city hall or city work facilities, are unable to come to work and are unable to telecommute;

(5) Allow employees to use sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children's schools or childcare programs close, as a result of the pandemic;

(6) Grant negative sick leave, for those employees with no available accrued leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children's schools or childcare programs close, as a result of the pandemic but subject to the policy outlines below; and

(7) Make other reasonable accommodations for those employees with disabilities, as defined under the Americans with Disabilities Act (ADA).

B. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace.

C. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create "overtime" for any non-exempt employee, except where expressly approved by the employee's supervisor.

D. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agent are encouraged to notify the City Manager as soon as possible, in order to seek accommodation under the City of Manvel's disability policy or this policy.

II. NEGATIVE SICK LEAVE

A. The City of Manvel, in the event of a pandemic, will permit eligible employees who have no available sick leave (or other relevant personal leave) to realize a negative sick leave accrual balance under certain conditions. The goal is to enable employees who have no available sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children's schools or childcare programs close, as a result of the pandemic.

B. The policy shall apply to all full-time employees (exempt and non-exempt), who work a minimum of forty (40) hours per week on a regular basis.

C. If the leave qualifies as FMLA protected leave, the City of Manvel will require the employee to use paid sick leave, vacation leave or personal leave pursuant to its general policy for FMLA leave. Notwithstanding the foregoing, for leave taken in connection with the **Families First Coronavirus Response Act of 2020**, or other federal law mandating paid sick leave in certain instances, the negative sick leave may be used to compensate the employee

during an initial startup period that is unpaid leave, if the employee has no other available paid leave. The 80-hour accrual maximum still applies.

D. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave if a local pandemic event is determined by the City Manager or his/her designee. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the city either through future accruals or cash payment.

E. Before an employee shall be allowed to enter a negative sick leave balance, they shall have exhausted all accrual balances of sick, vacation, floating holiday, and personal leave in addition to any compensatory time available to the employee. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.

F. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval by the employee's supervisor and the City Manager.

G. After the employee's negative sick leave has accrued, payback shall be settled by applying all earned vacation, sick, floating holiday or personal leave accruals against the negative balance until the balance is satisfied.

H. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining. The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.

I. During a pandemic the City of Manvel may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.

III. TELECOMMUTING

A. Background.

(1) Telecommuting is intended to be one of the flexible conditions that will help employees accomplish their work effectively without disruption to City services, especially leading up to, during and immediately after a pandemic event. Telecommuting may be appropriate for some employees and jobs but not for others.

(2) Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with the City of Manvel.

(3) The City of Manvel realizes a need to develop a formal process to implement telecommuting to during a pandemic, to preserve a safe work environment and for the well-being of the City of Manvel employees and citizens of the community.

B. Definitions.

(1) Telecommuting – an arrangement in which an employee regularly performs work at an alternate work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Manvel business, does not constitute telecommuting and does not require the formal arrangement specified in this policy.

(2) Telecommuter – an employee who has an approved telecommuting work arrangement authorization on file and working from an approved alternate work site.

(3) Authorized Designee – a person who has been authorized by the City Manager to act in the City Manager capacity.

(4) Alternate Work Site – an employee will establish an appropriate work site within their home for work purposes. The City of Manvel will not be responsible for the costs associated with the initial setup of the employee's home office such as remodeling, furniture, etc.

C. Scope.

(1) Certain requirements for all telecommuting arrangements are set forth in this policy and are intended to ensure that such arrangements comply with all applicable laws, as well as to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy, the intent is to allow telecommuting arrangements as an alternative to working at the employee's normal worksite in the event that there is a wide scale catastrophic event, in order to maintain the City's essential services, or at any other time determined by the City Manager or an authorized designee.

(2) A telecommuting arrangement is not an entitlement and in no way changes the terms and conditions of employment with the City of Manvel. Telecommuting is not a formal, universal employee benefit or a condition of employment, but rather an alternate method of meeting the needs of both the City and the employee. The City of Manvel considers telecommuting to be a viable work arrangement in certain cases where job characteristics are best suited to such an arrangement.

(3) The duties, responsibilities, and conditions of employment remain the same as if the employee were working at the normal work site. The employee will continue to comply with City of Manvel policies and procedures while working at the alternate work site.

(4) The Employee understands that telecommuting is a mutually agreed upon work alternative between the City and the Employee and the Employee will be required to obtain a written authorization from the City Manager, or designee. The City, with or without cause, can revoke or modify the Employee's participation as a telecommuter at any time.

(5) Telecommuting by one employee should not negatively affect the workload or productivity of others either by shifting burdens or creating delays and additional steps in the workflow. Telecommuting will not affect an employee's compensation, benefits, work status or work responsibilities. A telecommuting arrangement shall not result in any additional cost to the City of Manvel.

D. Procedures.

(1) Pandemic Event

In the event of a pandemic or potential pandemic that could impact our community, the City Manager, or an authorized designee, can declare the City in an emergency event status and activate the ability to utilize this policy. All employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations.

(2) Eligibility

All telecommuting arrangements must be authorized by the City Manager or an authorized designee. Before entering into any telecommuting arrangement, the Employee, the Employee's immediate supervisor (if any), and the City Manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee, supervisor, and City Manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee, supervisor, and City Manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee, supervisor, and City Manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

(3) An appropriate level of communication between the telecommuting employee and supervisor will be agreed upon as part of the discussion process and will be at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Once all details are agreed to the City Manager may send written authorization.

(4) Determining positions that are appropriate for telecommuting

In making decisions about which positions are appropriate to designate or approve for telecommuting, department heads will analyze the duties of positions and how the work is performed. Generally, the following types of positions may be appropriate for telecommuting:

- Require independent work
- Require little face-to-face interaction with staff
- Require concentration
- Result in specific, measurable work products
- Can be monitored by output

(5) Guidelines of employee qualities that are appropriate for telecommuting

In making decisions about which employees are designated or approved for telecommuting, department heads will review the work qualities of employees, in addition to ensuring that their positions are appropriate for telecommuting. Generally, employees who are successful in telecommuting:

- Are able to work productively on their own
- Are self-motivated and flexible
- Are knowledgeable about the job
- Have a low need for social interaction
- Are dependable and trustworthy
- Have above average performance records
- Are organized
- Have good communication skills

(6) Equipment

On a case-by-case basis, City of Manvel will determine, with information supplied by the Employee and the Supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. City of Manvel accepts no responsibility for damage or repairs to employee-owned equipment. City of Manvel reserves the right to make determinations as to appropriate equipment and subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter may be required to sign an inventory of all City of Manvel property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City unless other arrangements have been made.

City of Manvel will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary and will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. City of Manvel will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

(7) Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of all City information accessible from their home office. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

(8) Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

(9) Time Worked; Overtime.

Telecommuting employees who are "non-exempt" (not exempt from the overtime requirements of the Fair Labor Standards Act) will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's Supervisor. Failure to comply with this requirement may result in the immediate termination of the Telecommuting work arrangement. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create "overtime" for any non-exempt employee, except where expressly approved by the employee's supervisor.

(10) Ad Hoc Arrangements

Nothing in the policy affects the normal temporary telecommuting arrangements that may be approved by the City Manager for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

IV. GENERAL

A. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to the City of Manvel disciplinary action in accordance with the City of Manvel policies and procedures up to and including termination.

B. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action.

C. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.