

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

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICOLE TYSON, COUNCIL PLACE 3
DAN DAVIS, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
August 2, 2021**

**NOTICE IS HEREBY GIVEN
5:30 P.M. WORKSHOP – 7:00 P.M. REGULAR SESSION**

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

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

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

Workshop Session

Discussion / Update on the Sowell Property

Discussion on the Fiscal Year 2021-2022 Proposed Budget

Discussion on any subject addressed on the agenda dated August 2, 2021

Executive Session

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

Discuss economic development incentives on the Sowell Property

Regular Session

Call To Order

Inspirational Reading - Council Member Jerome Hudson

Pledge

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

Citizen Comments: "Comment Card" Required

****Members of the public who wish to submit written comments on a listed agenda item can submit their comments via the Public Comment Request Form found on the city website www.cityofmanvel.com or by emailing tbelf@cityofmanvel.com or by calling 281-489-0630 x6 for staff assistance or in person prior to the meeting.*

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF 12.85 ACRES OF LAND LOCATED AT 7346 TAYLOR STREET, MANVEL, TEXAS FROM OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) DISTRICT TO LIGHT COMMERCIAL (LC) DISTRICT 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.

City Manager Update

Update on current events and city issues.

Regular Agenda

1. Consideration and possible action to approve Ordinance 2021-O-21;
AN ORDINANCE AMENDING ORDINANCE NO. 2020-O-30 AMENDING THE CITY FISCAL YEAR 2021 BUDGET ENDING SEPTEMBER 30, 2021, BY AMENDING THE VARIOUS BUDGETS TO ACCOUNT FOR APPROPRIATIONS FOR ADDITIONAL REVENUES AND EXPENDITURES, DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.
2. Consideration and possible action to approve the second and final reading of Ordinance 2021-O-20;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50, PLANNING AND DEVELOPMENT, ARTICLE III. COMPREHENSIVE PLAN, BY AMENDING SECTION 50-51. THOROUGHFARE PLAN; APPROVING THE CITY'S 2021 MASTER THOROUGHFARE PLAN; PROVIDING FOR CONFORMITY OF ALL SUBDIVISION AND STREET REGULATIONS TO THE MASTER THOROUGHFARE PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER

DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

3. Consideration and possible action to approve the second and final reading of Ordinance 2021-O-18;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF 437.869 ACRES GENERALLY BOUNDED BY DEL BELLO BOULEVARD RIGHT-OF-WAY (NORTH), POLLARD DRIVE RIGHT-OF-WAY (EAST), MANVEL PARKWAY/IOWA LANE RIGHTS-OF-WAY (WEST), AND STATE HIGHWAY 6 (SOUTH), MANVEL, TEXAS, FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD); SUCH TRACTS BEING SITUATED IN THE H.T. & B. RAILROAD COMPANY SURVEY SECTION 73 AND SECTION 64, DR. A.A. LUTHER SUBDIVISION OF MANVEL, BRAZORIA COUNTY TEXAS, THE MARY V. O'DONNELL SURVEY, DIVISION "O" OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS; 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.
4. Consideration and possible action to appoint Patrick Monks as an alternate Municipal Court Judge.
5. Consideration and possible action to approve Resolution 2021-R-15;
A RESOLUTION GRANTING CONSENT TO THE CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 79 WITHIN THE CITY LIMITS OF THE CITY OF MANVEL, TEXAS, SUBJECT TO CONDITIONS.
6. Consideration and possible action to approve Resolution 2021-R-16;
A RESOLUTION GRANTING CONSENT TO THE CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83 WITHIN THE CITY LIMITS OF THE CITY OF MANVEL, TEXAS, SUBJECT TO CONDITIONS.
7. Consideration and possible action to approve Resolution 2021-R-17;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AND DEVELOPMENT FINANCING AGREEMENT BETWEEN THE CITY AND FOUR FORTY-THREE, LTD., FOUR FORTY- THREE ANNEX NO. 1, LTD., 102929 BRAZORIA, INC., SOWELL FAMILY TRUST, WESTBANK BAYOU, L.P., AND EASTBANK BAYOU, L.P.; APPROVING ASSIGNMENT OF THE AGREEMENT TO HILLWOOD ENTERPRISES, L.P.; APPROVING A JOINDER AGREEMENT WITH BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE AGREEMENTS.
8. Consideration and possible action to approve Resolution 2021-R-18;
APPROVING AN INTERLOCAL AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MANVEL AND BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

9. Consideration and possible action to approve a Final Plat for Meridiana Detention Reserve T Phase 1;
 Being a subdivision of 14.11 acres out of the H.T. & B.R.R. Co. Survey, Section 61, A-282, and the Oliver Hall Survey, A-203; City of Manvel, Brazoria County, Texas.
 (Motion to forward with a favorable recommendation by PD&Z failed with an 0-6 Vote. Dorothy Wynne Abstained)
10. Consideration and possible action to approve a 30-day plat extension, Final Plat for Meridiana Section 28B;
 Being a subdivision of 14.35 acres out of the Oliver Hall Survey, Abstract 203; also being a partial replat of a portion of Lots 5 and 6, Block 1, of Lulling Stone Section Three, as recorded in Vol. 22, Pg. 231-234, Brazoria County Plat Records, City of Manvel, Brazoria County, Texas.
 (Forwarded with a favorable recommendation by PD&Z failed with an 0-6 vote. Dorothy Wynne abstained)
11. Consideration and possible action to approve the Final Plat for Meridiana Cumulus Drive Phase 3;
 Being a subdivision of 3.021 acres out of the Oliver Hall Survey, A-203; being a partial replat of a portion of Lot 6 of Lulling Stone Section Three, a subdivision per plat records in Volume 22, Pages 231-234 of the Brazoria County Plat Records, City of Manvel, Brazoria County, Texas.
 (Forwarded with a favorable recommendation by PD&Z 6-0. Dorothy Wynne Abstained)
12. Consideration and possible action to approve a Variance to Chapter 62, Section 62-11, *Additional Street Requirements* in the Subdivision Ordinance for 15.8101 acres of property located on CR 95 (AKA Mustang Bayou Road), generally bounded by Mustang Bayou (north), Pearland Sites Road (east), and Ridge Road (west) and authorize the Mayor to execute the Development Agreement.
13. Update and possible action to direct staff on the following as requested by Council Member Albert;
 - A) Open Fire Marshal and Deputy Fire Marshal positions
 - B) Budget amendment for police department staffing and related expenditures

Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Acceptance of infrastructure improvements for The Lakes Section 3 in the Rodeo Palms development to begin the two-year maintenance period.

2. Final acceptance of infrastructure improvements for Pomona Lake F Phase 2 and release of the associated maintenance bonds.
3. Approval of the 3/15/2021 revised/restated;
ROAD CONSTRUCTION AGREEMENT BETWEEN THE CITY OF MANVEL, TEXAS,
BRAZORIA COUNTY, TEXAS, GULF COAST WATER AUTHORITY, VDB PARTNERS
LTD., AND ASHTON HOUSTON RESIDENTIAL LLC.
4. Acceptance of the meeting minutes to date.

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.

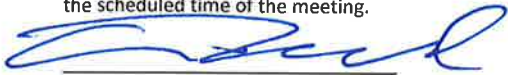
Items of community interest include:

- 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 City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on July 30, 2021 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

NOTICE TO THE PUBLIC OF POSSIBLE QUORUMS

A quorum of the Manvel Planning Development and Zoning Committee, Manvel Parks and Recreation Board, Manvel Events Task Force, Manvel Branding Task Force, and Manvel Economic Development Corporation may be in attendance at the August 2, 2021 meeting of the Manvel City Council. If such be the case, this notice shall serve as notice of meeting pursuant to the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. There will be no official City business or action of the aforementioned bodies taken during the meeting.



ORDINANCE NO. 2021-O-21

AN ORDINANCE AMENDING ORDINANCE NO. 2020-O-30 AMENDING THE CITY FISCAL YEAR 2021 BUDGET ENDING SEPTEMBER 30, 2021, BY AMENDING THE VARIOUS BUDGETS TO ACCOUNT FOR APPROPRIATIONS FOR ADDITIONAL REVENUES AND EXPENDITURES, DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 2020-O-30, the City Council of the City of Manvel, Texas, adopted its original budget for Fiscal Year ending September 2021; and

WHEREAS, by Ordinance No. 2021-O-05, 2021-O-14, AND 2021-O-19 the City Council of the City of Manvel, Texas, amended its budget for Fiscal Year ending September 2021; and

WHEREAS, Texas Local Government Code §102.010 provides that a municipality may make changes in the budget for municipal purposes; and

WHEREAS, throughout the general fund and capital projects fund, there is a need to adjust multiple line items within the departments for appropriations for additional revenues and expenditures; and

WHEREAS, the additional revenues will be used to fund a dispatch console for the Police Department, and a vac truck for the Community Development Department; and

WHEREAS, a transfer is needed from the parks fund to pay for the new playground equipment at the city park beside the Police Department; and

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

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct. The City Council deems the purpose for this budget amendment is a municipal purpose.

SECTION 2: That the budget for Fiscal Year ending September 30, 2021, of the City of Manvel, Texas, is hereby amended as follows;

Acct	Desc	Budget	Add/Sub	Amended
10-02-4030	Sales Tax Revenues	\$1,850,000	+\$150,000	\$2,000,000
10-04-4203	Permits & Licenses	\$3,226,754	+\$490,000	\$3,716,754
10-04-4208	Plan Reviews	\$ 575,000	+\$250,000	\$ 825,000
10-10-8592	Transfer To-Parks Fund	\$ 289,100	+\$140,000	\$ 429,100
10-50-6030	Capital Outlay-Vehicle	\$ 35,000	+\$400,000	\$ 435,000
10-90-6040	Capital Outlay – Furniture & Fixtures	\$ 0	+\$350,000	\$ 350,000

55-09-4950	Transfer In – General Fund	\$ 289,100	+\$140,000	\$ 429,100
55-55-6070	Capital Outlay – Improvements	\$ 250,000	+\$140,000	\$ 390,000

SECTION 3: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2021.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: July 19, 2021

TOPIC: Consideration and possible action regarding amending Chapter 50, *Planning and Development*, Article III. *Comprehensive Plan*, by amending Section 50-52. Thoroughfare Plan, for Pollard Boulevard, Charlotte Street, Dogwood Avenue, Kirby Drive, Rodeo Drive, Bissell Road, Clark Road/Jordan Road intersection, and Unimproved/Unnamed Right-of-Way (Bissell Road & Jordan Road).

BACKGROUND: Hillwood Residential, L.P. and the City are proposing an amendment to the Master Thoroughfare Plan. Hillwood is proposing changes within the proposed Valencia PUD. The changes include a westward shift of Pollard Blvd., a southward shift of Dogwood Ave., a right-of-way reduction from 80-feet to 60-feet for Charlotte St., and reductions in one sidewalk from 12-feet to 8-feet on Dogwood Ave. and Charlotte St. The City is proposing changes to: shifts of Kirby Dr., removal of Rodeo Dr., removal of a portion of Bissell Rd., reworking the Jordan Rd. and Clark Rd. intersection, and removal of an unimproved/unnamed ROW. A joint Public Hearing was held with City Council and the Planning, Development and Zoning Commission on July 12, 2021. There were two speakers who spoke against the proposed Master Thoroughfare Plan Amendment.

PD&Z RECOMMENDATION: The Planning, Development and Zoning Commission recommends approval of Ordinance No. 2021-O-20 as presented with two amendments to City Council.

STAFF RECOMMENDATION: City staff recommends tabling Ordinance No. 2021-O-20 (Master Thoroughfare Plan Amendment) as presented with two amendments until the Utility Agreement and 380 Financing Agreement are approved by City Council.

ATTACHMENTS: Staff Report, Master Thoroughfare Plan Map (2015), Master Thoroughfare Plan (2021)

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER Jessica Rodriguez	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
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City Council Master Thoroughfare Plan Amendment Request

Agenda of:	July 19, 2021	Initiated By:	Jessica Rodriguez Dir. Development Services
Department:	Development Services	Presented By:	Jessica Rodriguez Dir. Development Services

Subject/Proceeding

An amendment to Chapter 50, *Planning and Development*, Article III. *Comprehensive Plan*, by amending Section 50-52. Thoroughfare Plan for Pollard Boulevard, Charlotte Street, Dogwood Avenue, Kirby Drive, Bissell Road, and the Clark Road/Jordan Road intersection

Exhibits

- Staff Report
- City's Master Thoroughfare Plan Map
- Valencia PUD Master Thoroughfare Plan Amendment – Existing Conditions
- Valencia PUD Master Thoroughfare Plan Amendment – Proposed Changes
- City Initiated Master Thoroughfare Plan Map Amendment (2021) – Proposed Changes
- City Initiated Master Thoroughfare Plan Map Amendment – Kirby Drive and Rodeo Drive Proposed Changes
- City Initiated Master Thoroughfare Plan Map Amendment – Bissell Road Proposed Changes
- City Initiated Master Thoroughfare Plan Map Amendment – Clark Road/Jordan Road Intersection Proposed Changes
- City Initiated Master Thoroughfare Plan Map Amendment – Unnamed/Unimproved Right-of-Way (Bissell Road & Jordan Road)
- Master Thoroughfare Plan Map 2021
- Valencia PUD MTP Amendment Application
- Public Hearing Notice

Recommended Action

Consideration and Possible Action from City Council

Executive Summary

A request by the Hillwood Residential, L.P. (Developer) and the City to amend thoroughfare locations, remove thoroughfare locations, reduce thoroughfare right-of-way width, and reduce sidewalk width in the Master Thoroughfare Plan. Hillwood Residential, L.P. has proposed a Planned Unit Development (PUD) called Valencia. The Valencia PUD is 438 acres of land generally located east of the Del Bello Lakes Development, north of the Bluewater Lakes Development, and west of the Lakeland Development. The Valencia PUD requests a westward shift of Pollard Boulevard, a southward shift of Dogwood Avenue, a right-of-way reduced from 80-feet to 60-feet on Charlotte Street, and 12-foot sidewalk reduced to 8-feet along one side for Dogwood Avenue and Charlotte Street. City staff has

also made recommendations for a westward shift of Kirby Drive with its intersection at CR 58, an eastward shift of Kirby Drive between CR 58 and SH 6, removal of Rodeo Drive, removal of Bissell Road from Iowa Lane to Brazoria County Conservation and Reclamation District No. 3 drainage ditch, and a reconfiguration of the Clark Road and Jordan Road intersection. For more detailed information please refer to the attached Staff Report section.

Staff Report

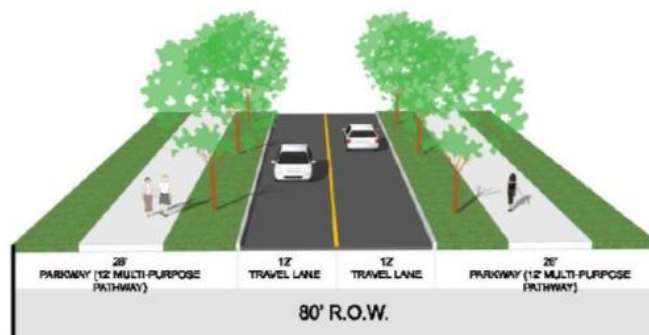
Valencia PUD Master Thoroughfare Plan Amendment

The Valencia Developer is requesting proposed amendments to the City's Master Thoroughfare Plan. The proposed changes to the Master Thoroughfare Plan include 1) westward movement of Pollard Boulevard, 2) southward movement of Dogwood Avenue, 3) Charlotte Street right-of-way width reduction from 80-feet to 60-feet, and 4) sidewalk reductions from 12-feet to 8-feet. The westward location of Pollard Boulevard provides the development a north-south connection through the heart of the City to access Del Bello Boulevard and SH6. Pollard also connects with collectors such as Charlotte Street and Dogwood Avenue. The proposed southward movement of Dogwood occurs from its intersection with Pollard Boulevard west. This enables the PUD to access a collector street for their single-family development and school site just south of the Manvel City Center site. Another Master Thoroughfare Plan amendment includes a reduction in right-of-way width for Charlotte Street. Charlotte Street is identified as an 80-foot collector road in the Master Thoroughfare Plan. The 80-foot right-of-way will remain from Charlotte Street and Pollard Boulevard intersection east. The proposed 60-foot right-of-way reduction is between Pollard Boulevard intersection to the west PUD property line. Even though the right-of-way width is reduced, the paving width remains the same at 25-feet, as identified in the Master Thoroughfare Plan Type "B1" roadway. The last item for the Master Thoroughfare Plan amendment includes a reduction of 12-foot sidewalks to 8-foot sidewalks. Both Charlotte Street and Dogwood Avenue are identified as a Type "B1" according to the Master Thoroughfare Plan (see Graphic A – Type "B1" Street). A Type "B1" Street has a cross section with two 12-foot multi-purpose pathways/shared use paths (sidewalks).

Graphic A – Type "B1" Street

Type "B1" Street

Type B collectors are two lanes undivided roadways with parkways and 12 foot-wide lanes within 80 feet of right-of-way.



Pollard Boulevard is identified as a Type “P1” Parkway according to the Master Thoroughfare Plan (see Graphic B – Type “P1” Parkway). A Type “P1” Parkway has a cross section with two 12-foot multi-purpose pathways/shared use paths (sidewalks).

Graphic B – Type “P1” Parkway

“P1” Parkway

P1 parkways are four (4) lane divided roadways with 12 feet-wide multi-purpose pathways within a 26 feet parkway, 12 feet-wide travel lanes, and a 14 feet-wide median within 120 feet of right-of-way.



According to the Master Thoroughfare Plan, a shared use path is defined as “an on or off-street facility separated by a barrier or open space that is designed to accommodate all non-motorized modes including pedestrians, bicyclists, skaters, and joggers”. The minimum standard for a shared use path is 8-feet to accommodate multi-modal uses as described above (AASHTO). The reduction in shared use path/sidewalk width from 12-feet to 8-feet still accomplishes the same function to move multi-modal users throughout the City.

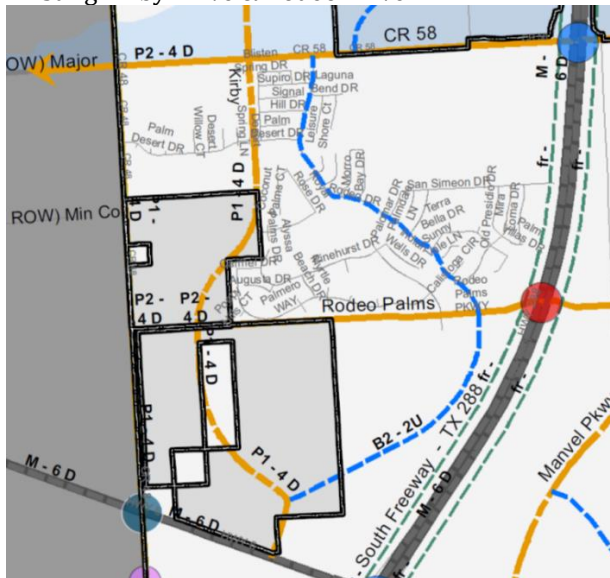
City Initiated Master Thoroughfare Plan Amendment

The City is proposing five amendments to the Master Thoroughfare Plan. The amendments include:

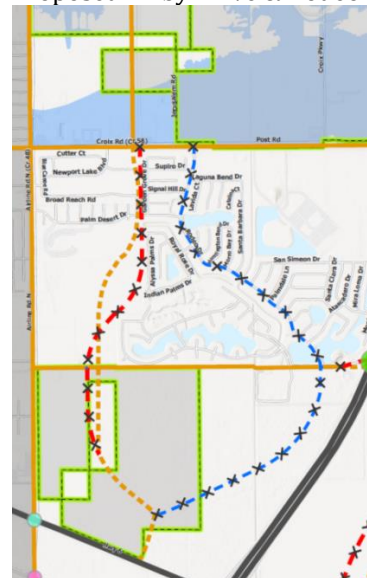
1. Kirby Drive – Kirby Drive is identified as a 120-foot right-of-way on the Master Thoroughfare Plan. Staff is proposing Kirby Drive to shift slightly westward from its intersection at CR 58 (Croix Road). The westward shift to Kirby Drive is necessary to avoid a GCWA canal that makes a 90 degree turn at the location identified on the 2015 Master Thoroughfare Plan Map (see Graphic C – Kirby Drive & Rodeo Drive). Kirby Drive has also shifted westward south of this above-mentioned location to match the existing Kirby Drive pavement in the Yanni Palms Development. The segment of Kirby Drive between Rodeo Palms Parkway and SH 6 shifted eastward to reflect a better alignment of Kirby Drive as it meets the planned location in the Manvel Town Center development (see Graphic C – Kirby Drive & Rodeo Drive).

Graphic C – Kirby Drive & Rodeo Drive

Existing Kirby Drive & Rodeo Drive

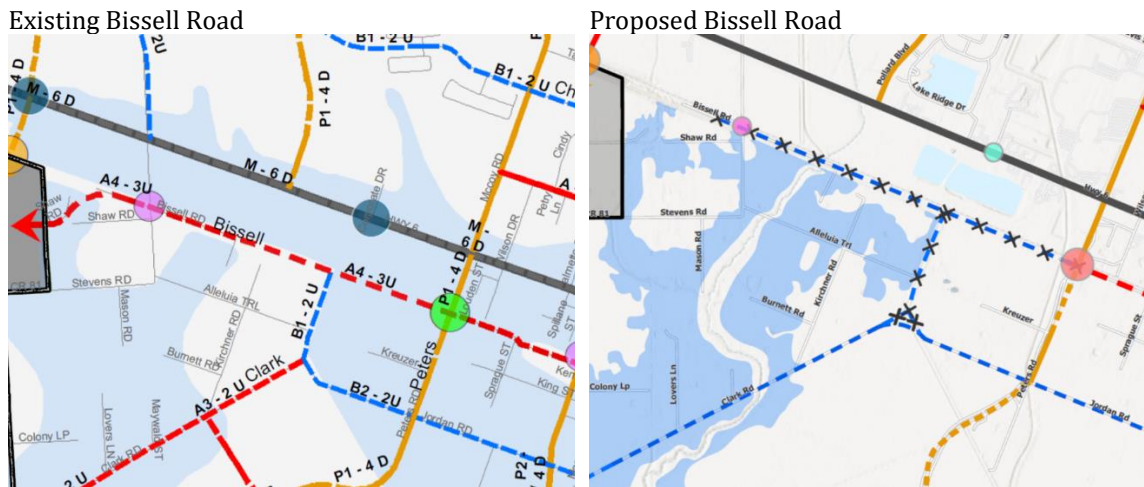


Proposed Kirby Drive & Rodeo Drive



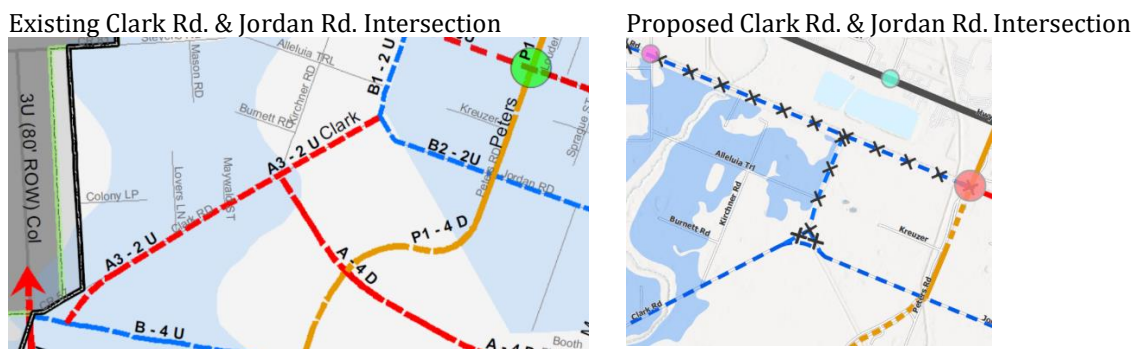
2. Rodeo Drive – Rodeo Drive is identified as an 80-foot-wide street right-of-way according to the Master Thoroughfare Plan. City Staff's recommendation removes Rodeo Drive from the Master Thoroughfare Plan because Rodeo Drive is an existing 60-foot-wide street right-of-way with houses fronting on it (see Graphic C – Kirby Drive & Rodeo Drive). Also, Rodeo Drive is in close proximity of Kirby Drive, which is another north-south corridor. Kirby Drive offers a larger right-of-way width at 120-feet to traverse north-south. Eventually, Kirby Drive will provide vehicular movement between Beltway 8 (north) to SH 6 (south).
3. Bissell Road – Bissell Road is identified as a 100-foot right-of-way that connects to Iowa Lane (west) and CR 99 (east). City Staff is proposing Bissell Road is taken off of the Master Thoroughfare Plan where it meets Iowa Lane (west) to Meridian Parkway (east). The City of Iowa Colony's Thoroughfare Plan (2020) does not illustrate a connection with Bissell Road west through their jurisdiction. Since Bissell Road will not connect westward into Iowa Colony, it is staff's recommendation to terminate Bissell Road on the Thoroughfare Plan at Meridiana Parkway (see Graphic D – Bissell Road).

Graphic D – Bissell Road



4. Clark Road and Jordan Road Intersection – The Master Thoroughfare Plan identifies Jordan Road as an 80-foot-wide right-of-way and Clark Road as a 100-foot-wide right-of-way. Clark Road and Jordan Road intersect at a 90 degree turn on the Master Thoroughfare Plan Map (see Graphic E – Clark Road & Jordan Road Intersection). The 90-degree turn occurs over Gulf Coast Water Authority’s (GCWA) drainage canal. The 90-degree intersection of two major thoroughfares is not conducive to safe and effective overall traffic circulation in this area. City staff is proposing a slight curvature in the radius of both roads through the Meridiana Development to remove the 90-degree intersection.

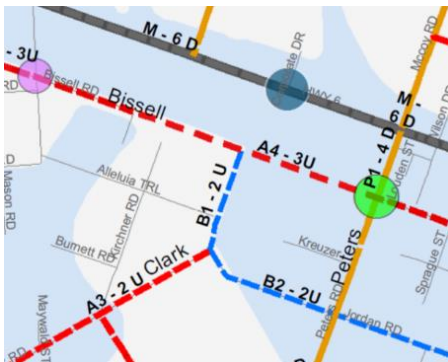
Graphic E – Clark Road & Jordan Road Intersection



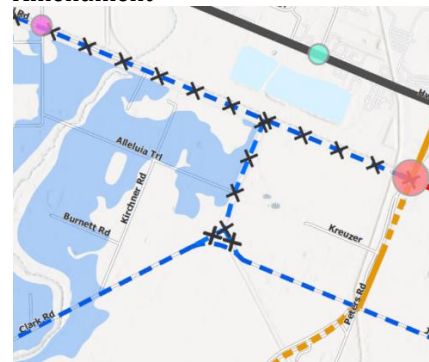
5. Unimproved/Unnamed Right-of-Way South of Bissell Road and North of the Jordan Road/Clark Road Intersection – The Master Thoroughfare Plan identifies an unimproved/unnamed right-of-way between Bissell Road (north) and Jordan Road (south) as an 80-foot-wide right-of-way (see Graphic F – Unimproved/Unnamed Right-of-Way Between Bissell Road & Jordan Road). City staff is recommending the termination of 100-foot-wide right-of-way for Bissell Road at Meridiana Parkway. Because of this recommendation, staff does not feel an 80-foot-wide collector road connection is necessary from Bissell Road and Jordan Road.

Graphic F – Unimproved/Unnamed Right-of-Way Between Bissell Road & Jordan Road

Existing Unimproved/Unnamed ROW



Proposed Master Thoroughfare Plan Amendment



Planning, Development and Zoning Commission Discussion

The Planning, Development and Zoning Commission discussed the Master Thoroughfare Plan amendment at their July 12, 2021, meeting. The Commission required further clarification as to the reasoning Charlotte Street right-of-way width was proposed from 80-feet to 60-feet. City staff and the Developer's representative informed the Commission the reduction in right-of-way width is due to a gas pipeline easement. While the pavement width will not change it permits one of the sidewalks to be constructed in the pipeline easement. The Commission also had questions regarding the approximate amount of land that would be affected by the Jordan Road/Clark Road intersection reconfiguration. Staff explained we are open to discussion with the developer to agree upon a roadway configuration. In the past, staff has proposed the change to the Meridiana Developer, but had not been presented with feedback.

Planning, Development and Zoning Commission Recommendation

At their July 12, 2021, meeting, the Planning, Development and Zoning Commission recommended approval of Ordinance No. 2021-O-20 as proposed by City staff with an amendment to 1) removal of the unopened/unnamed right-of-way between Bissell Road (north) and Jordan Road (south) and 2) removal of Bissell Road from the unnamed/unopened right-of-way (west) to Meridiana Parkway (east) to City Council.

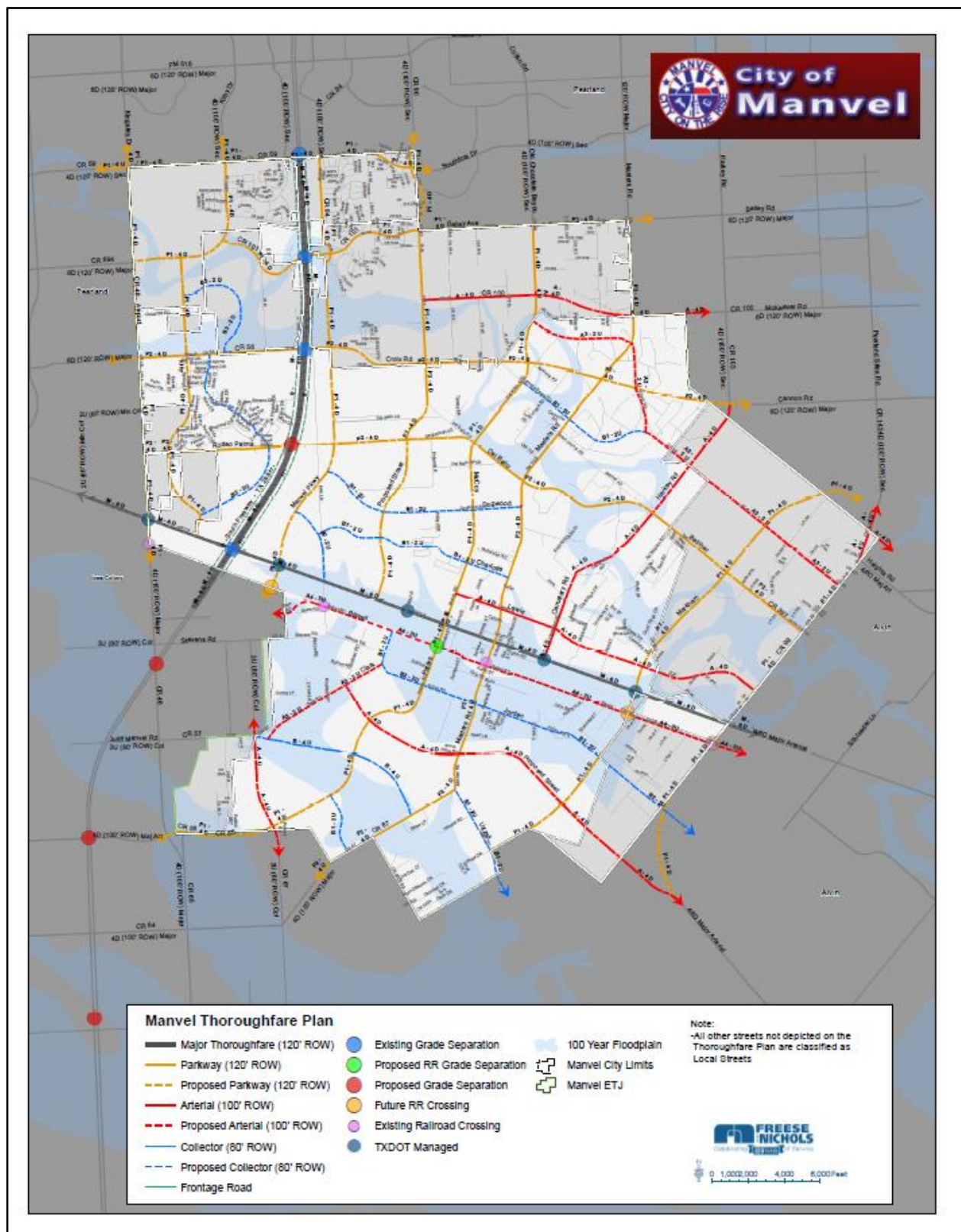
City Staff Recommendation

City Staff recommends tabling Ordinance No. 2021-O-20 as presented with proposed amendments by Planning, Development and Zoning Commission to City Council until the Utility Agreement and 380 Financing Agreement are approved.

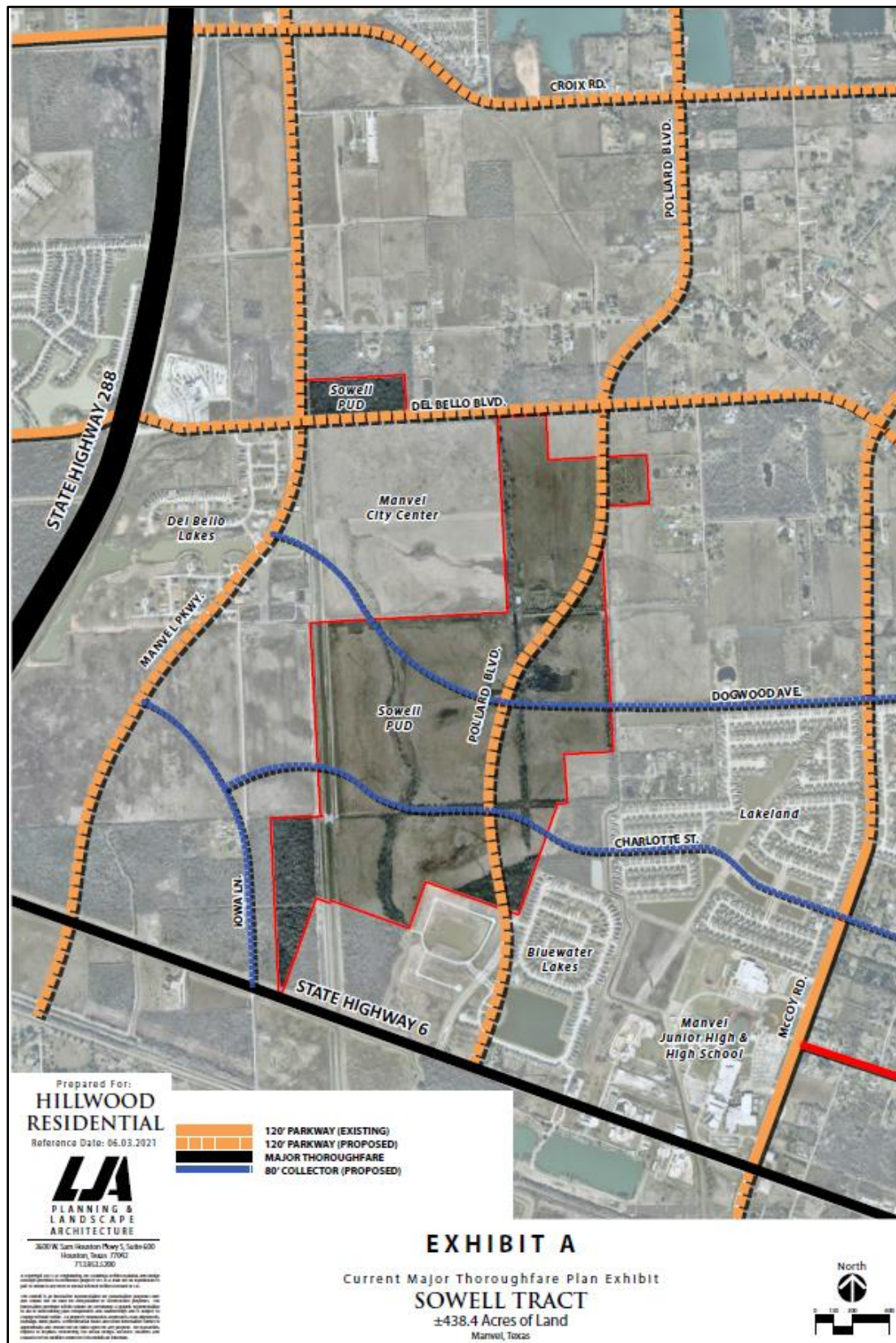
Joint City Council and Planning, Development and Zoning Commission Public Hearing

The Joint City Council and Planning, Development and Zoning Commission Public Hearing was held on July 12, 2021. During the Public Hearing there were two speakers who spoke against the proposed Master Thoroughfare Plan amendment. The first speaker was Hannah Ritchey, EHRA Inc. Ms. Ritchey spoke against the proposed intersection configuration of Clark Road and Jordan Road. She stated this proposed amendment would be detrimental to the Meridiana Developer and approved PUD plans do not illustrate the proposed configuration. Ms. Ritchey asked this proposed amendment be taken off from consideration. The second speaker was Mr. Adrian Gaspard. Mr. Gaspard spoke against the amendment because he believes developers should construct roads according the adopted plan (2015).

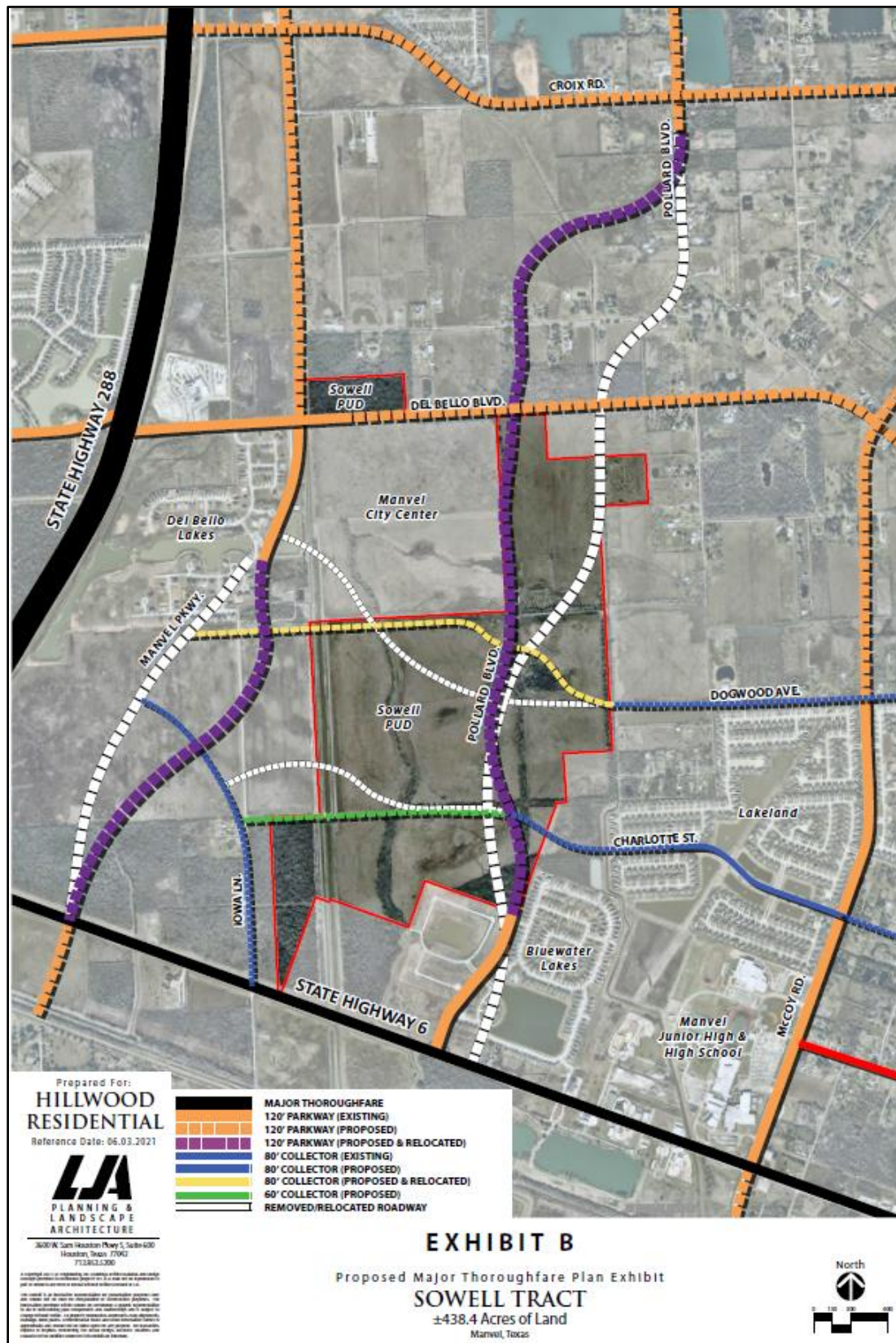
City's Master Thoroughfare Plan Map



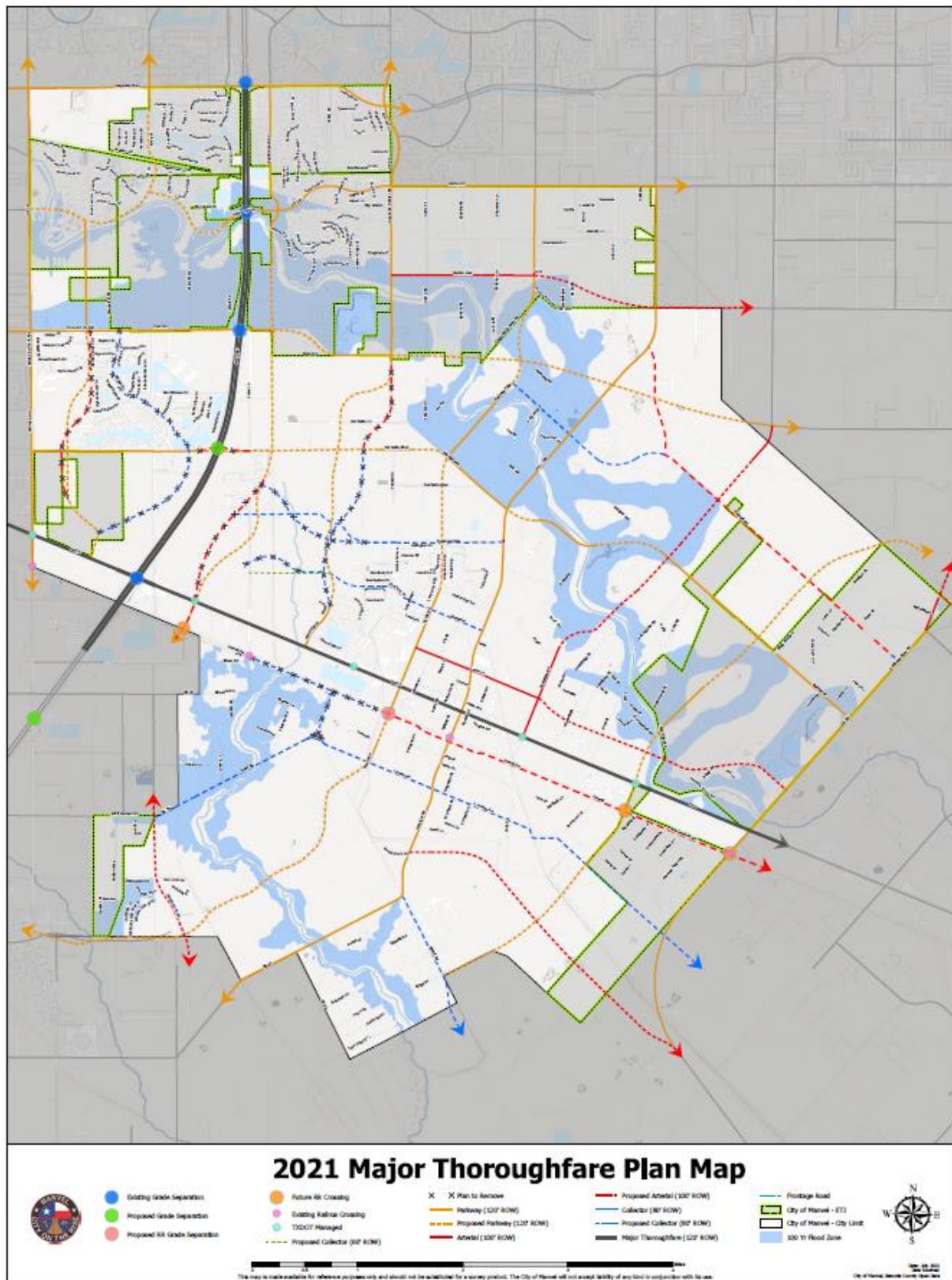
Valencia PUD Master Thoroughfare Plan Amendment – Existing Conditions



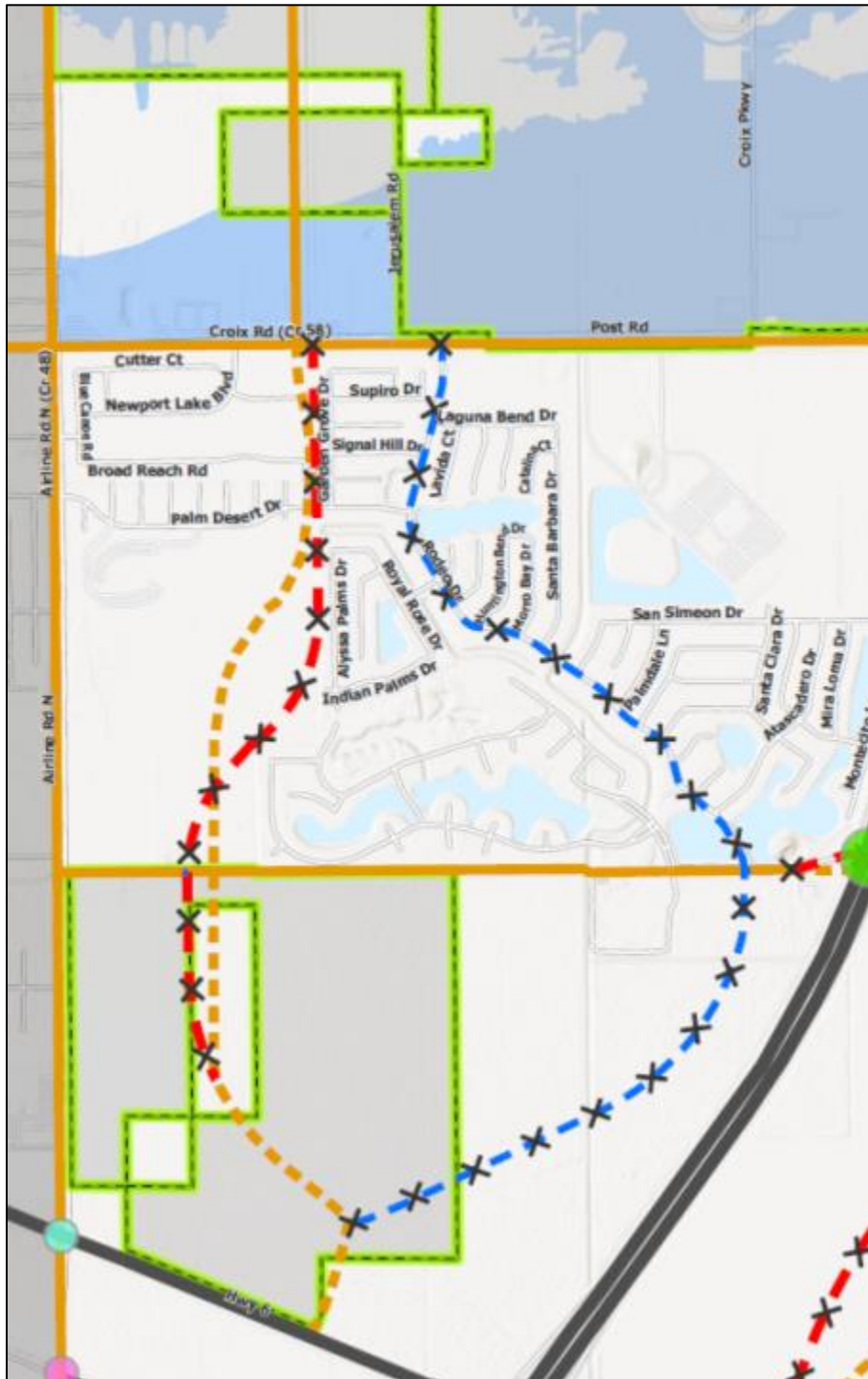
Valencia PUD Master Thoroughfare Plan Amendment – Proposed Changes



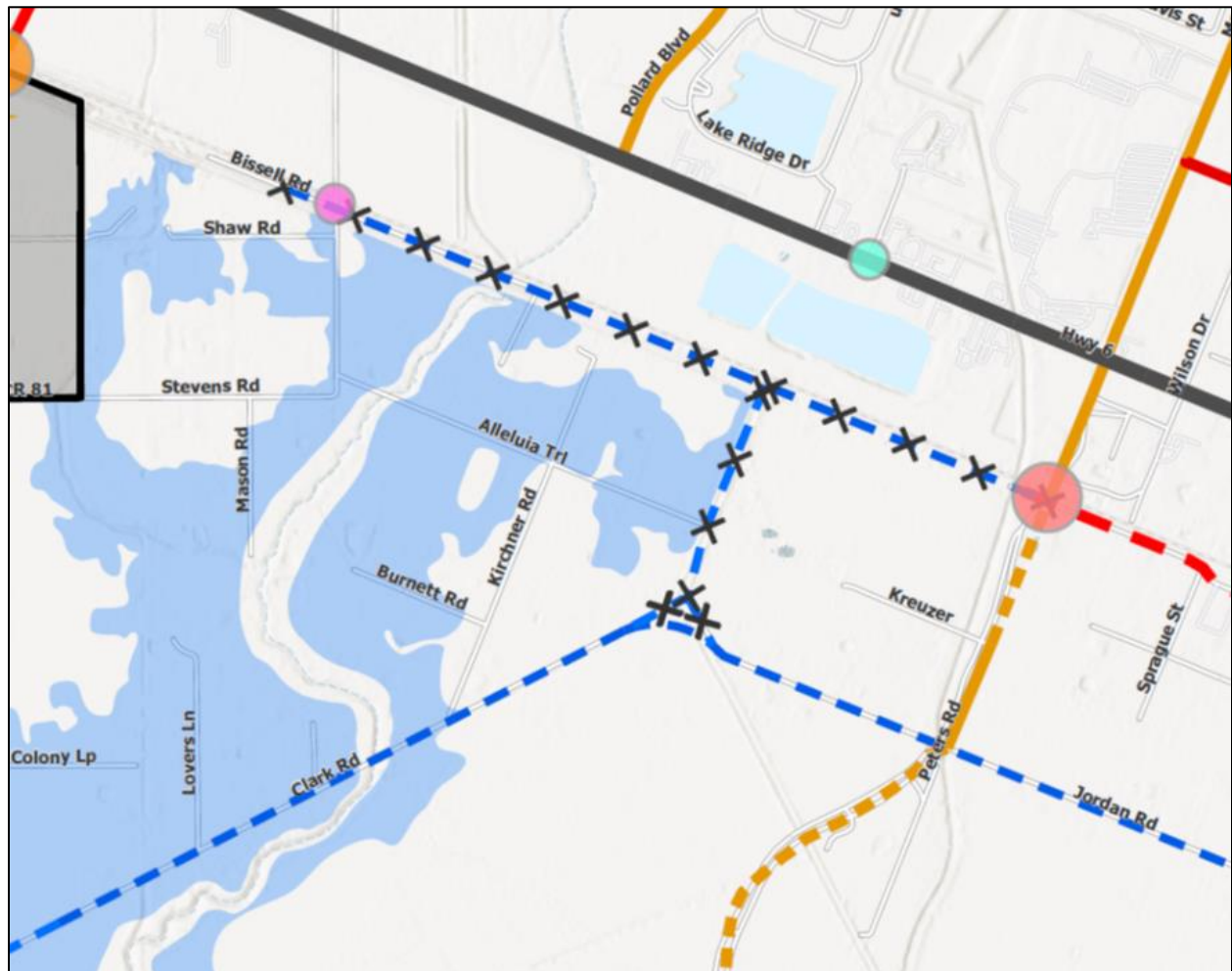
City Initiated Master Thoroughfare Plan Map 2021 – Proposed Changes



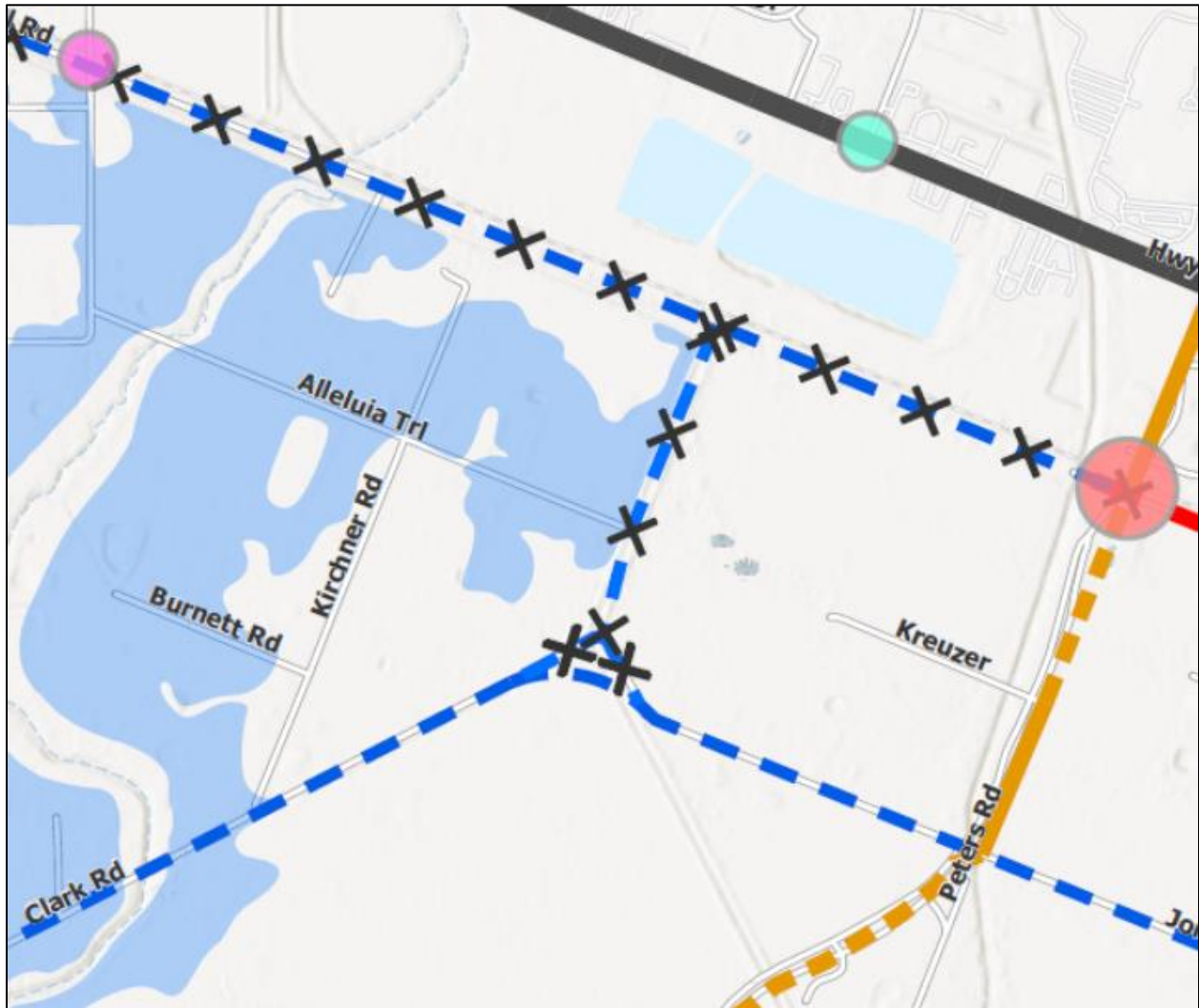
City Initiated Master Thoroughfare Plan Map Amendment – Kirby Drive & Rodeo Drive Proposed Changes



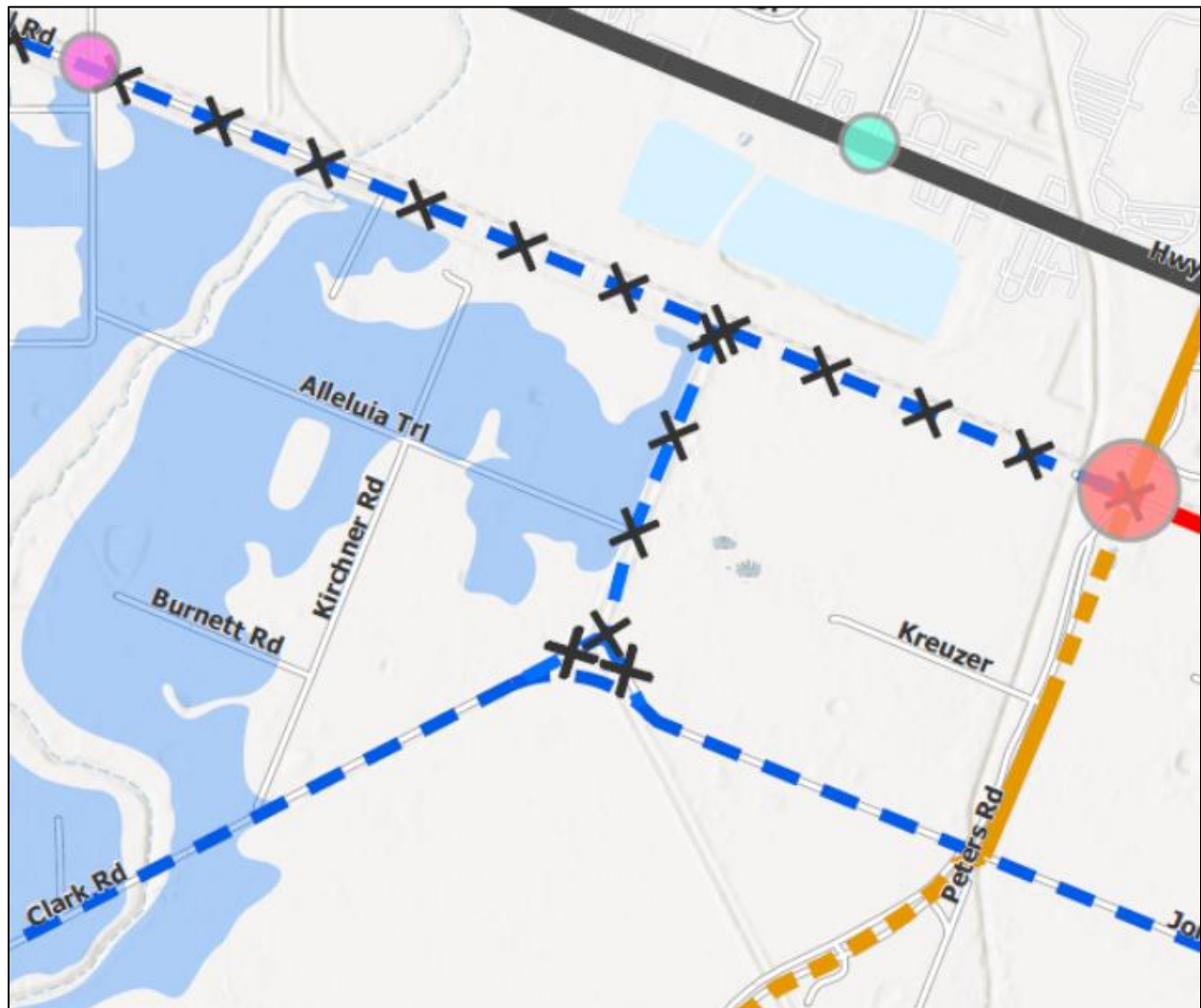
City Initiated Master Thoroughfare Plan Map Amendment – Bissell Road Proposed Changes



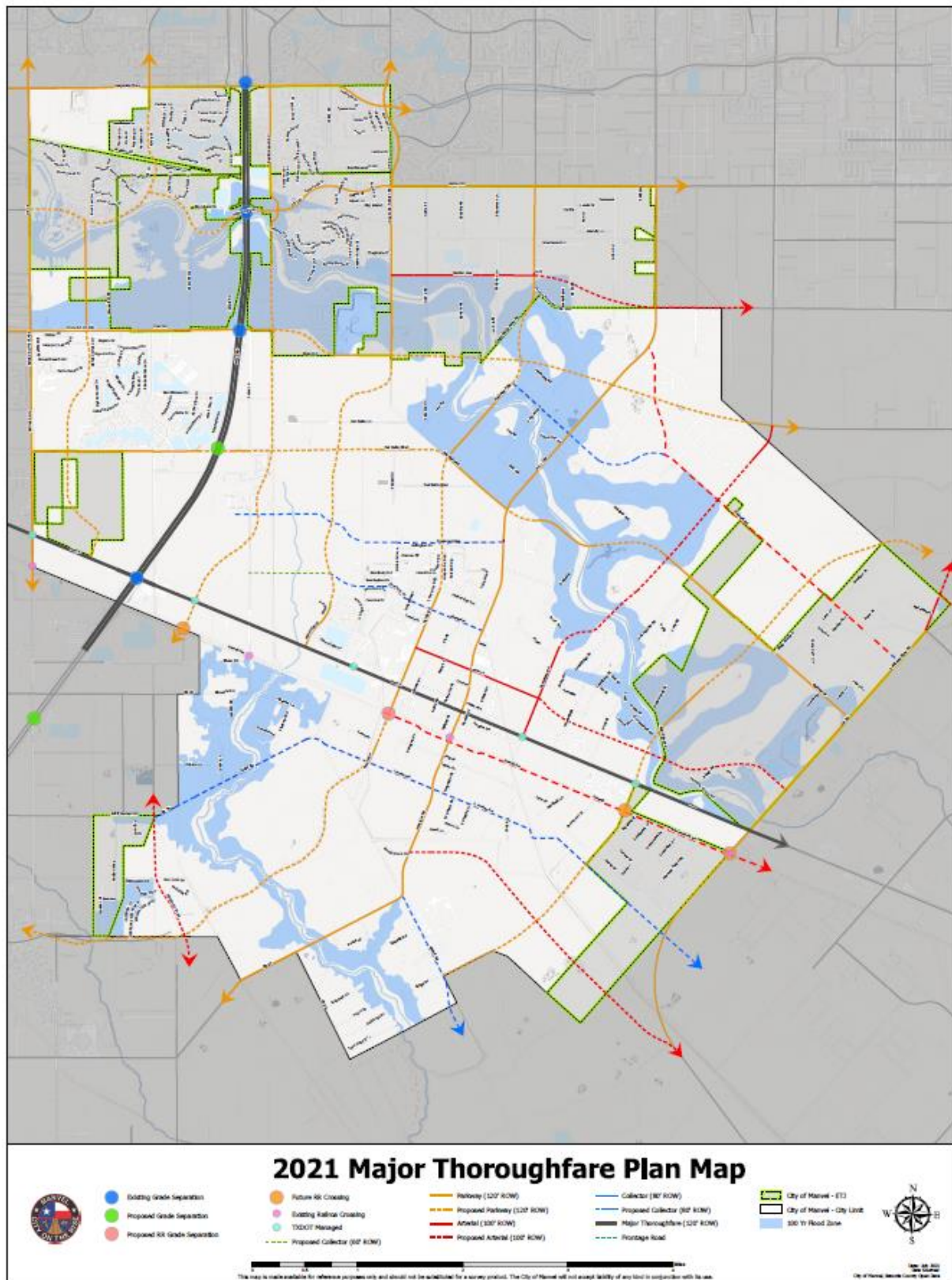
City Initiated Master Thoroughfare Plan Map Amendment – Clark Road/Jordan Road Intersection



City Initiated Master Thoroughfare Plan Map Amendment – Unnamed/Unimproved Right-of-Way (Bissell Road & Jordan Road)



Master Thoroughfare Plan Map 2021



Application



FOR CITY USE ONLY

Case No. _____

Date Submitted _____

Major Thoroughfare Amendment Application

(Check all Applicable) ☒ Change in Alignment/location ☒ Change in Classification

The following information must be completed before an application is accepted for review.

APPLICANT INFORMATION:

(if different from owner, complete attached property owner's authorization)

Name: Matt Stoops E-mail: mstoops@lja.com
Street Address: 3600 W Sam Houston Parkway S, Suite 600, Houston TX 77042
City: _____ State: _____ Zip Code: _____
Phone Number: 713-953-5200 Fax Number: _____

PROPERTY OWNER'S INFORMATION:

Name: 443 LTD (and related) Andrew W. Sowell, GP E-mail: ASowell@boydcommercial.net
Street Address: 2414 Ella Blvd, Hou. TX 77008
City: Houston State: TX Zip Code: 77008
Phone Number: 713 599 3440 Fax Number: 713 877 1017

The following is required for a **Major Thoroughfare Plan Amendment** request. Based on the nature and extent of the requested amendment, additional studies may be required. Attach additional sheets if necessary.

- One (1) copy of an 8 1/2" x 11" plan showing the following:
 - a. Existing thoroughfare alignment;
 - b. Proposed modification to the current alignment;
 - c. Length, in miles of the proposed modification.
- Signed agreement to pay for all associated City staff and City Consultant expenses in the review and presentation of proposed modification.
- Payment in the amount of **\$5,000.00** as a deposit for these expenses.
- Copies of property ownership names, addresses, and tract descriptions from the Brazoria County Appraisal District for all property owners directly adjacent to any proposed changes.
- Plain white envelopes with the same property owner information, with stamp postage on envelope.

Application

Attach additional sheets as necessary to provide a full response to each question.

Name of thoroughfare to be modified: Pollard Boulevard, Dogwood Avenue,
Manvel Parkway, and Charlotte Street

Description of proposed thoroughfare alignment or classification: The road classifications
of the above roads will remain as currently shown on the Manvel MTP, but will be
realigned to better serve the surrounding areas. This will match the MTP shown on the
Valencia PUD.

Explain the reason for this Thoroughfare Plan Amendment request: Realigning Pollard Blvd,
Dogwood Avenue, Manvel Parkway, & Charlotte street due to the Valencia PUD.

Identify what conditions have changed to warrant a change to the alignment and/or classification
as shown on the existing Major Thoroughfare Plan: The Valencia PUD warrants a
a change to the MTP for the alignment of the above roads.

How does the requested Thoroughfare Amendment further the goals and objectives of the City
of Manvel's Comprehensive and Major Thoroughfare Plans: The realignment of these roads
provides for better connectivity for the surrounding areas as they develop.

Explain why the requested Major Thoroughfare Plan change is better than the existing plan:
The realignment of these roads provides for better connectivity for the surrounding
areas as they develop.

Explain the differences in traffic impacts between the existing Major Thoroughfare Plan and the
requested change to the Major Thoroughfare Plan: There are no differences in traffic
impacts between the existing MTP & the requested changes.

*The applicant has prepared this application and certifies that the facts stated herein and
exhibits attached hereto are true and correct.*

Signature and Title

06/07/2021

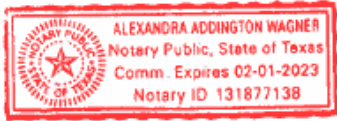
Date

Authorization Letter

PROPERTY OWNER'S AUTHORIZATION:

I, Andrew W. Seall, being duly sworn, attest that I am the property owner of the subject property and that Matt Stoops, is duly appointed and authorized to act as representative and agent on my behalf for the purpose of preparing and submitting this Major Thoroughfare Amendment Application to the City of Manvel. This authorization grants authority to Matt Stoops to engage in all communications with all City representatives and reviewing boards/commissions necessary to complete the application process.

Andrew W. Seall
Property Owner's Signature



(Notary Seal)

SUBSCRIBED AND SWORN TO ME THIS 7th
DAY OF June, 20 21

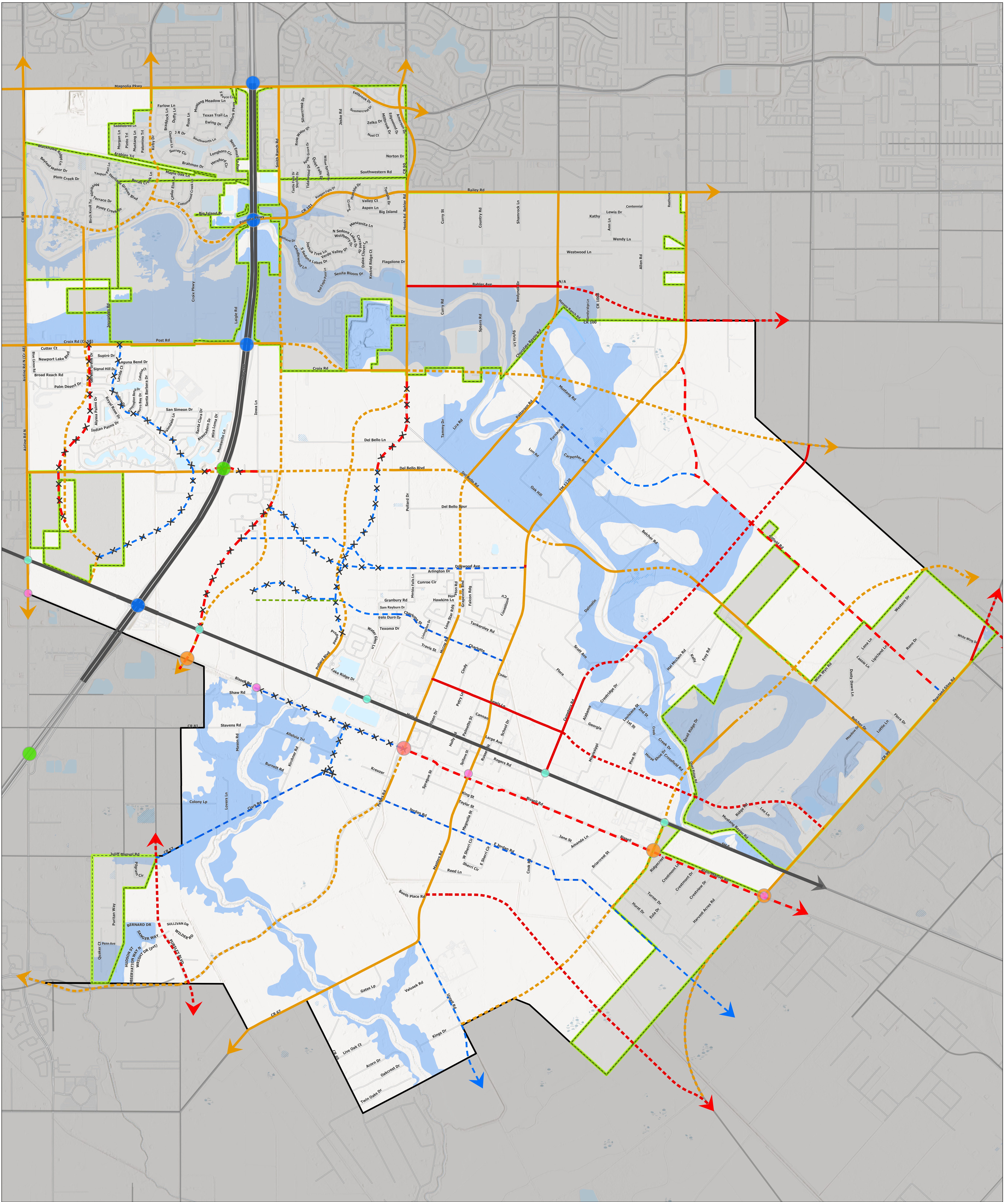
Alexandra Addington Wagner
Notary Public in and for the State of Texas

Public Hearing Notice

Public Hearing Notice to run on Sunday 06/27/2021

A JOINT PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 6:30 P.M. ON MONDAY, JULY 12, 2021, BEFORE THE MANVEL CITY COUNCIL AND MANVEL PLANNING, DEVELOPMENT AND ZONING COMMISSION TO HEAR INPUT FROM THE PUBLIC REGARDING AN AMENDMENT TO CHAPTER 50. *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY AMENDING SECTION 50-52. THOROUGHFARE PLAN; PROVIDING FOR CONFORMITY OF ALL SUBDIVISION AND STREET REGULATIONS TO THE MASTER THOROUGHFARE PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE. /S/ TAMMY BELL, CITY SECRETARY.





2021 Major Thoroughfare Plan Map



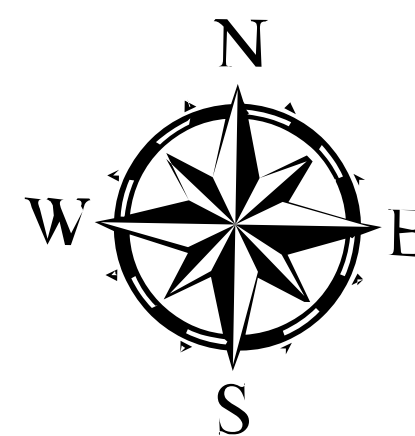
- Existing Grade Separation
- Proposed Grade Separation
- Proposed RR Grade Separation

- Future RR Crossing
- Existing Railroad Crossing
- TXDOT Managed
- Proposed Collector (60' ROW)

- Plan to Remove
- Parkway (120' ROW)
- Proposed Parkway (120' ROW)
- Arterial (100' ROW)

- Proposed Arterial (100' ROW)
- Collector (80' ROW)
- Proposed Collector (80' ROW)
- Major Thoroughfare (120' ROW)

- Frontage Road
- City of Manvel - ETJ
- City of Manvel - City Limit
- 100 Yr Flood Zone



0 0.5 1 2 3 4 Miles
This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

Date: July 2021
Data Sources:
City of Manvel, Brazoria County Open Data

ORDINANCE NO. 2021-O-20

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50, *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY AMENDING SECTION 50-51. *THOROUGHFARE PLAN*; APPROVING THE CITY'S 2021 MASTER THOROUGHFARE PLAN; PROVIDING FOR CONFORMITY OF ALL SUBDIVISION AND STREET REGULATIONS TO THE MASTER THOROUGHFARE PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Manvel has received an application for several amendments to the City's current 2015 Master Thoroughfare Plan; and

WHEREAS, City of Manvel in addition has proposed updates and changes to the 2015 Master Thoroughfare Plan; and

WHEREAS, after public hearing and review by the Planning, Development and Zoning Commission, the City Council of the City has determined that it is in the best interest of the health, safety and welfare of its citizens and the public to amend the Comprehensive Plan by approving the 2021 Master Thoroughfare Plan; and

WHEREAS, the City Council hereby adopts the 2021 Master Thoroughfare Plan and integrates it into Chapter 50 of The City Code as a plan and policy for the city; and now, therefore,

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

Section 1. Chapter 50 of the Code Ordinances of the City of Manvel is hereby amended by amending section 50-52 in Article III to read and provide as follows:

"CHAPTER 50. PLANNING AND DEVELOPMENT

...

ARTICLE III. COMPREHENSIVE PLAN

...

Sec. 50-51. – Master thoroughfare plan.

(a) Pursuant to the authority contained in Chapter 213 of the Texas Local Government Code, the city council hereby adopts the City of Manvel Transportation Corridor and Major Thoroughfare Plan (“2021 [~~2015~~] Master Thoroughfare Plan”), a true and correct copy of which shall remain on file with the city secretary’s office. The Master Thoroughfare Plan shall be the plan and policy for transportation and thoroughfare matters within the city and, to the extent permitted by law, the extra-territorial jurisdiction of the City of Manvel.

(b) All thoroughfare, street, and related regulations and requirements of the City Code, including, but not limited to, Chapter 62, Subdivision, shall conform to the Master Thoroughfare Plan. If there is any conflict between an ordinance, rule or regulation of the City Code and the Master Thoroughfare Plan, the Master Thoroughfare Plan shall control.”

Section 2. **Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter 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.

Section 3. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other

than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2021.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, 2021.

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: July 19, 2021

TOPIC: Consideration and action regarding amending the zoning ordinance by changing the zoning classification of 438 acres of land generally bounded by Del Bello Boulevard right-of-way (north), Pollard Drive right-of-way (east), Manvel Parkway/Iowa Lane rights-of-way (west), and State Highway 6 (south), Manvel, Texas, from Open-Single Family Residential (O-SFR) District to Planned Unit Development (PUD) District and adopt a PUD document.

BACKGROUND: On May 4, 2021, the developer submitted the PUD document to City staff for review. A public hearing was held by the Planning, Development and Zoning Commission meeting on May 24, 2021. There were three speakers during the PD&Z public hearing. All comments were informational with no opposition or in favor of the PUD. At the June 14, 2021, PD&Z meeting the item was tabled until consideration of the Master Thoroughfare Plan amendment, and City Council approval of the Utility Agreement and 380 Financing Agreement. The item was heard again at the July 12, 2021, PD&Z meeting.

PD&Z RECOMMENDATION: The Planning, Development and Zoning Commission recommended approval of Ordinance No. 2021-O-18 (Valencia PUD) to the City Council at their July 12, 2021, meeting.

STAFF RECOMMENDATION: City staff recommends tabling Ordinance No. 2021-O-18 (Valencia PUD) until City Council approves the Utility Agreement and 380 Financing Agreement.

ATTACHMENTS: Staff Report, Ordinance No. 2021-O-18, Proposed PUD Document, and Exhibits A - M

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER Jessica Rodriguez	FINANCE DIRECTOR APPROVAL _____ CITY MANAGER APPROVAL _____
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City Council Planned Unit Development (PUD) Request

Agenda of:	July 19, 2021	Initiated By:	Jessica Rodriguez Dir. Development Services
Department:	Development Services	Presented By:	Jessica Rodriguez Dir. Development Services

Subject/Proceeding

A rezoning from Open-Single Family Residential (O-SFR) District to Planned Unit Development (PUD) District and adoption of a PUD document for 438 acres generally bounded by Del Bello Boulevard right-of-way (north), Pollard Drive right-of-way (east), Manvel Parkway/Iowa Lane rights-of-way (west), and State Highway 6 (south)

Exhibits

Zoning Vicinity Map, Staff Report, Aerial Vicinity Map, City's Master Thoroughfare Plan Map, Property Survey, Valencia PUD Roadway Phasing Exhibit – Phase 1, Valencia PUD Roadway Phasing Exhibit – Phase 2, Application, Authorization Letter, and Public Hearing Notice

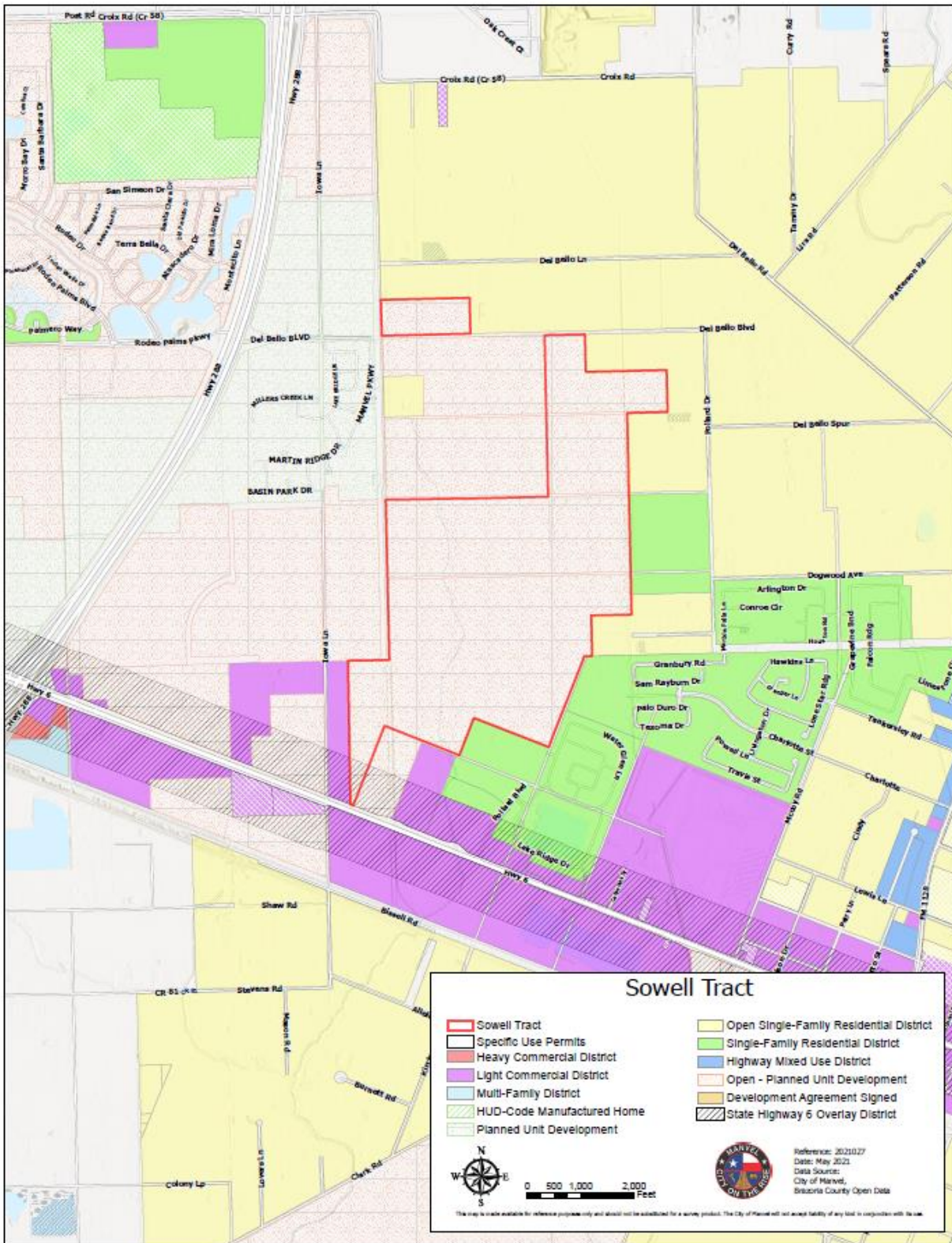
Recommended Action

Consideration and Possible Action by City Council

Executive Summary

A request by the Hillwood Residential, L.P. (Developer) to create the Valencia Planned Unit Development (PUD) on 438 acres of land. The proposed PUD development is generally located east of the Del Bello Lakes Development, north of the Bluewater Lakes Development, and west of the Lakeland Development. The Valencia PUD is proposed for development with a majority of single-family residences, neighborhood commercial uses, and parks, open space, and trails. Staff overview and analysis of the proposed Valencia PUD is contained in the attached Staff Report section.

Zoning Vicinity Map



Staff Report

Overview

The Valencia PUD proposes approximately 1,100 single-family lots, commercial development, and parks, open space and trails on 438 acres of land. The PUD will be accessed from Del Bello Boulevard (north) and Pollard (east) with east-west connections to Dogwood Avenue and Charlotte Street. In all the PUD will encompass a portion of four thoroughfares identified in the City's Master Thoroughfare Plan. The land use will total 236.2 acres of single-family residential, 27.5 acres of commercial, 30.1 acres of community elements, and 144.6 acres comprised of roads, detention lakes, easements, Chocolate Bayou, an elevated storage tank, and a drill site. The community elements include a recreation center, an elementary school, parks, landscaping, open space and trails. Within the permitted land uses, the PUD document proposes a 10% increase or decrease of total gross acreage. The 10% land use flexibility is the same allowance adopted in other City PUDs such as the Del Bello Lakes.

General Site Information

Surrounding Property Zoning	North: Open-Single Family Residential District (O-SFR) & Planned Unit Development District (PUD) South: Single-Family Residential District (SFR), Planned Unit Development District (PUD) & Light Commercial District (LC) East: Single-Family Residential District (SFR), Open-Single Family Residential District (O-SFR) & Light Commercial District (LC) West: Planned Unit Development District (PUD) & Light Commercial District (LC)
Surrounding Land Use	North: Vacant/Undeveloped (Manvel City Center Site) & Single-Family Residential South: Bluewater Lakes Subdivision East: Vacant/Undeveloped (Manvel City Center Site & Presidio Site) & Del Bello Lakes Subdivision West: Bluewater Lakes Subdivision, Lakeland Subdivision, Manvel High School, Manvel Junior High, Single-Family Residential

Lots

The PUD also allows for varying lot sizes for 'traditional' single-family lots and 'specialty product' single-family lots all with 60-foot rights-of-way. The 'traditional' single-family lot sizes include:

- 1) 50-ft. x 120-ft.;
- 2) 60-ft. x 120-ft.; and
- 3) 70-ft. x 130-ft.

The 'specialty product' single-family lots sizes include:

- 1) Front Loaded Detached Lots (*see Exhibit L1*)
 - a. 42-ft. x 120-ft.
- 2) Rear Loaded (Alley) Detached Lots (*see Exhibit L2*)
 - a. 35-ft. x 100-ft.
- 3) Rear Loaded (Alley) Attached Lots (*see Exhibit M3*)
 - a. 28-ft. x 90-ft.

- 4) Rear Loaded (Alley) Townhome Lots (*see* Exhibit M4)
 - a. 25-ft. x 90-ft.
- 5) Zipper Lots (*see* Exhibit N5)
 - a. 25-ft. x 120-ft.
- 6) Patio & Zero Lot Line Lots (*see* Exhibit N6)
 - a. 50-ft. x 120-ft.

Lots equal to or less than 50-feet in width (substandard lots) comprise a total of 58% of total lots, and lots equal to or greater than 60-feet in width comprise 42% of total lots in the PUD. The PUD does not allow the 'substandard' lots to make up more than 58% total lots whereas the lots 60-feet in width or greater may increase total lots by 10%. Also, in the 'specialty product' lots, the rear loaded (alley) detached lots, the rear loaded (alley) attached lots, and the rear loaded (alley) townhome lots permitted alleys. The alleys are only allowed with these above-mentioned lot types in the 'specialty product' lots. The alleys must be a minimum of 20-feet in width and require a turn around where a dead end occurs.

Roadway Phasing

The PUD also proposes a phasing schedule for roadway construction. The detailed exhibits are found in the proposed utility agreement and Valencia PUD Roadway Phasing Exhibit – Phase 1 and Valencia PUD Roadway Phasing Exhibit – Phase 2 sections of this report.

The first roadway construction phase will include:

- 1) Eastbound lanes of Del Bello Boulevard from its current location at the Manvel City Center site to Pollard Boulevard.
- 2) The northbound lanes of Pollard Boulevard and Del Bello Boulevard to Bluewater Lakes subdivision.
- 3) A portion of Charlotte Street to Section D-01 (west) from its intersection with Pollard Boulevard.

The second roadway construction phase will include:

- 1) The westbound lanes of Del Bello Boulevard from the 20-acre commercial site to the GCWA canal.
- 2) The eastbound lanes of Del Bello Boulevard from its intersection with Pollard Boulevard to the PUD property line.
- 3) Dogwood Avenue west from its intersection with Pollard Boulevard to Section B-10.
- 4) Dogwood Avenue from its intersection with Pollard Boulevard east to the PUD property line.
- 5) Charlotte Street from Section D-09 west to the PUD property line.
- 6) Charlotte Street from its intersection with Pollard Boulevard east to the PUD property line.
- 7) The southbound lanes of Pollard Boulevard and Del Bello Boulevard to Bluewater Lakes subdivision.

Master Thoroughfare Plan Amendment

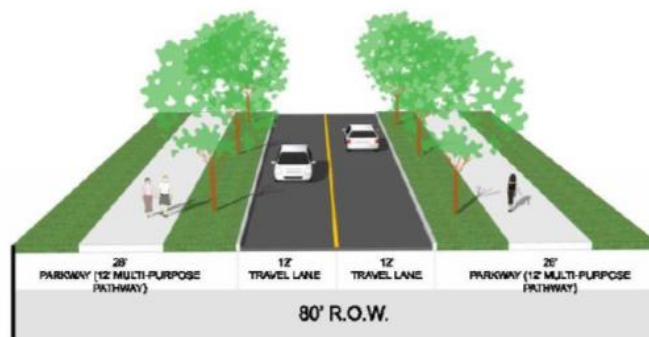
Along with the roadway construction phasing schedule, there are proposed amendments to the City's Master Thoroughfare Plan. The changes to the Master Thoroughfare Plan include 1) westward movement of Pollard Boulevard, 2) southward movement of Dogwood Avenue, 3) Charlotte Street right-of-way width reduction from 80-feet to 60-feet, and 4) sidewalk reductions from 12-feet to 8-

feet. The westward location of Pollard Boulevard provides the development a north-south connection through the heart of the City to access Del Bello Boulevard and SH6. Pollard also connects with collectors such as Charlotte Street and Dogwood Avenue. The proposed southward movement of Dogwood occurs from its intersection with Pollard Boulevard west. This enables the PUD to access a collector street for their single-family development and school site just south of the Manvel City Center site. Another Master Thoroughfare Plan amendment includes a reduction in right-of-way width for Charlotte Street. Charlotte Street is identified as an 80-foot collector road in the Master Thoroughfare Plan. The 80-foot right-of-way will remain from Charlotte Street and Pollard Boulevard intersection east. The proposed 60-foot right-of-way reduction is between Pollard Boulevard intersection to the west PUD property line. Even though the right-of-way width is reduced, the paving width remains the same at 25-feet, as identified in the Master Thoroughfare Plan Type “B1” roadway. The last item for the Master Thoroughfare Plan amendment includes a reduction of 12-foot sidewalks to 8-foot sidewalks. Both Charlotte Street and Dogwood Avenue are identified as a Type “B1” according to the Master Thoroughfare Plan (see Graphic A – Type “B1” Street). A Type “B1” Street has a cross section with two 12-foot multi-purpose pathways/shared use paths (sidewalks).

Graphic A – Type “B1” Street

Type “B1” Street

Type B collectors are two lanes undivided roadways with parkways and 12 feet-wide lanes within 80 feet of right-of-way.



Pollard Boulevard is identified as a Type “P1” Parkway according to the Master Thoroughfare Plan (see Graphic B – Type “P1” Parkway). A Type “P1” Parkway has a cross section with two 12-foot multi-purpose pathways/shared use paths (sidewalks).

Graphic B – Type “P1” Parkway

“P1” Parkway

P1 parkways are four (4) lane divided roadways with 12 feet-wide multi-purpose pathways within a 26 feet parkway, 12 feet-wide travel lanes, and a 14 feet-wide median within 120 feet of right-of-way.



According to the Master Thoroughfare Plan, a shared use path is defined as “an on or off-street facility separated by a barrier or open space that is designed to accommodate all non-motorized modes including pedestrians, bicyclists, skaters, and joggers”. The minimum standard for a shared use path

is 8-feet to accommodate multi-modal uses as described above (AASHTO). The reduction in shared use path/sidewalk width from 12-feet to 8-feet still accomplishes the same function to move multi-modal users throughout the City.

The Master Thoroughfare Plan amendment for this PUD will require public hearings with Planning, Development and Zoning Commission and City Council. The Master Thoroughfare Plan amendment is scheduled for a July 12, 2021, Planning, Development and Zoning Commission public hearing and a July 19, 2021, City Council public hearing. Even though staff can support the proposed Master Thoroughfare Plan amendment, staff does not recommend taking action on this PUD before action can be taken on amendment. The Planning, Development and Zoning Commission will have an opportunity to recommend action at their July 12, 2021, meeting; and City Council will have an opportunity to take action at their July 19, 2021, meeting upon first reading of the ordinance amendment.

Parks, Open Space, and Trails

In addition to the sidewalks/shared use paths/trails described above in the Master Thoroughfare Plan Amendment Section, the PUD is proposing other trails along lake/detention ponds and along Chocolate Bayou. The trails along lake/detention ponds will be a minimum of 6-feet in width. The trails along Chocolate Bayou will be 8-feet in width. The connectivity along the major streets and within the Valencia community will allow multi-modal ways of travel to Del Bello Lakes, Lakeland, Bluewater Lakes, and the Manvel City Center site.

The proposed Valencia PUD will also dedicate 11.6 acres of parkland. The parkland will consist of a private recreation center, public parks, a public lake, and public trails along Chocolate Bayou and the lakes/detention ponds. The public lake amenity will have active features such as a kayak launch and fishing, and the public parks will feature play areas for children, trails, picnic tables, and benches.

Proposed PUD Land Uses

The majority of land uses in the proposed Valencia PUD are single-family residential and some commercial development. The single-family residential uses are comprised of single-family detached (traditional), single-family attached, townhome, patio homes, and zipper homes. The commercial development will allow uses according to the list provided below. However, those uses listed as permitted, Specific Use Permit (SUP), and office function only are permitted in the same manner as Light Commercial (LC) District in the City's zoning ordinance land use table. The PUD commercial land use list has been proposed to exclude certain uses allowed in the LC district.

The following list is the proposed permitted uses in the Valencia PUD.

- Retail bakeries
- Furniture and home furnishing store
- 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

The following list is the proposed Specific Use Permit (SUP) uses in the Valencia PUD.

- Gasoline stations
- Ambulatory health care services
- Hospitals
- Beverage manufacturing
- Information
- 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
- 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

The following list is the proposed for “office functions only” uses in the Valencia PUD.

- 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

Commercial Architectural Standards

The Valencia PUD has proposed commercial architectural standards that where this PUD is silent the standards will revert to Section 77-51, *Manvel Code of Ordinances*. Specifically, the proposed architectural standards allow for some flexibility with masonry verses non-masonry façade materials. The PUD requires a minimum 75% masonry façade material on each façade wall (*i.e.*, stone, brick, concrete, CMU, true stucco, etc.). This standard exceeds Section 77-51 of the Manvel Code of Ordinances. Section 77-51 requires 90% masonry façade material but only on the front and principal side of a building. In the PUD, the remaining 25% of the building façade allows cementitious fiber and architectural metal panels such as R-Panels.

The PUD also requires more stringent landscaping compared to Section 77-51 and Section 77-36 of the Manvel Code of Ordinances. The street trees are required a 3-inch caliper compared to a 1.5-inch caliper in the City regulations. This ensures a more mature tree at planting that has a wider tree canopy. Secondly, the PUD’s parking lot landscaping requires that shrubs are planted a minimum 24-inches in height at planting. This ensures a mature plant material to screen the parking lot from public view.

Residential and Commercial Signage

The proposed Valencia PUD allows six residential sign types. Out of the six proposed, the City’s sign ordinance allows two types: a primary entry monument and a village entry monument sign type. The additional residential sign types in the PUD include: 1) Secondary Entry Monument, 2) Model Home Monument, 3) Temporary Construction Signs, and 4) Temporary Community Signs. The primary entry and village entry monument signs exceed the allowable square footage of that allowed in the City’s sign ordinance, however, the scale at which these sign types are proposed are comparable to other adopted PUD and Development Agreement entry monument signs such as Del Bello Lakes and Pomona. The locations of the primary and secondary entry monument signs are illustrated on Exhibit J in the PUD document. Exhibit J identifies one location for the primary entry monument sign at Del Bello Boulevard/Pollard Boulevard; and two locations for the secondary monument entry signs located on the north side of Del Bello Boulevard/Manvel Parkway and Pollard Boulevard/Bluewater Lakes subdivision.

Another sign type proposed in the PUD is a model home monument. This sign is permitted at a model home location. The sign must be removed from the site once the model home is purchased as a private home. The PUD also permits temporary construction signs. These signs are permitted during the duration of the construction project per parcel of land and removed when the building is occupied. The last PUD sign type is a temporary community sign. This sign type permits off-premise signs on Pollard Boulevard and Del Bello Boulevard; however, the signs must be removed after the first year a model home is constructed.

The PUD also permits monument signs, building signs, and electronic reader boards for commercial and school developments. These regulations are very similar to those found in the City's sign ordinance.

Staff Recommendation

City Staff recommends tabling the reclassification of the 438 acres from Open-Single Family Residential (O-SFR) District to Planned Unit Development (PUD) District to the Planning, Development and Zoning Commission by Ordinance No. 2021-O-18 until the Utility Agreement and 380 Financing Agreement is approved.

Public Comment and Inquiry

At the time of writing this report, one information inquiry was made prior to the Planning, Development and Zoning Commission public hearing.

During the PD&Z meeting, a person spoke outside the public hearing to ask if Pollard Boulevard would be extended north of Del Bello Boulevard. Staff made a statement during the meeting to call City Hall if citizens had questions. However, staff has not received calls from the public regarding the matter. Staff is not aware of opposition to the PUD request.

Planning, Development and Zoning Commission Public Hearing

A Public Hearing was held on May 24, 2021, at the Planning, Development and Zoning Commission meeting. There were three speakers during the public hearing. The speakers included Michael Casper (5500 Del Bello), Alfredo Roldan (6414 Pollard) and Kevin Ngo (27086 Bushfield Road, Katy, TX). All speakers had questions about the PUD and no stated opposition or in favor. Another person spoke outside the public hearing to ask if Pollard Boulevard would be extended north of Del Bello Boulevard.

City Council Public Hearing

A Public Hearing was held on June 7, 2021, at the City Council meeting. There were no speakers during the public hearing.

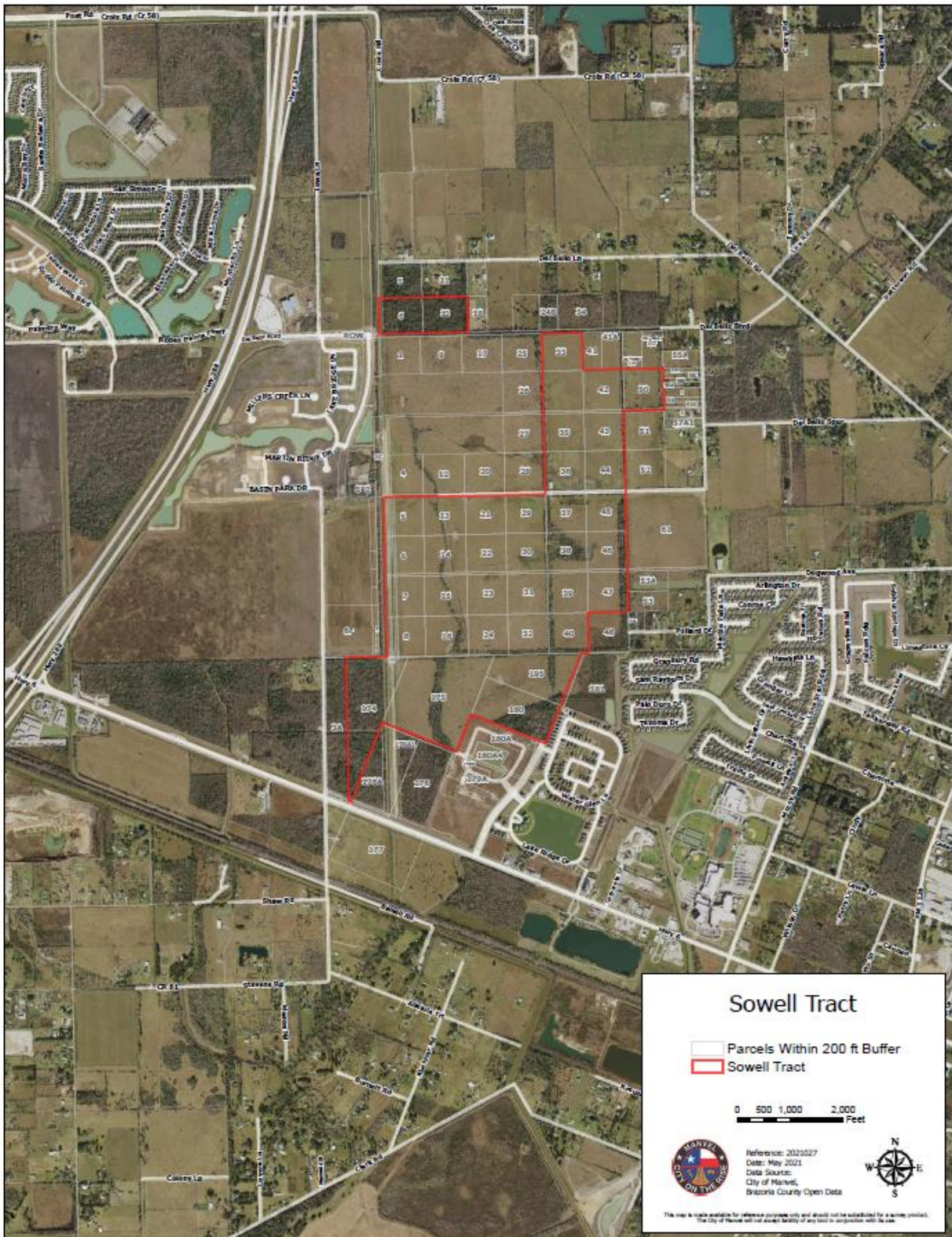
Planning, Development and Zoning Commission Discussion

At their June 14, 2021, Planning, Development and Zoning Commission meeting, the Commission discussed the proposed Valencia PUD. The discussion focused on zipper lots and amendments required to the Master Thoroughfare Plan. The Commission asked for clarification on what is a "zipper lot". The Developer's Land Planner provided an explanation stating that garages are off set and front building lines are closer to the street. Other discussion of the PUD regarding the Master Thoroughfare Plan amendment was the westward shift of Pollard Boulevard and the reduction in sidewalk widths from 12-feet to 8-feet. During the discussion, City staff informed the Commission that the Utility Agreement and 380 Financing Agreement were not approved by City Council yet. Staff informed the Commission that these two agreements were important to the survival of the proposed PUD since the development needs utility connections and sound financials to be constructed. At their July 12, 2021, meeting, the Planning, Development and Zoning Commission did not provide further discussion regarding the proposed Valencia PUD.

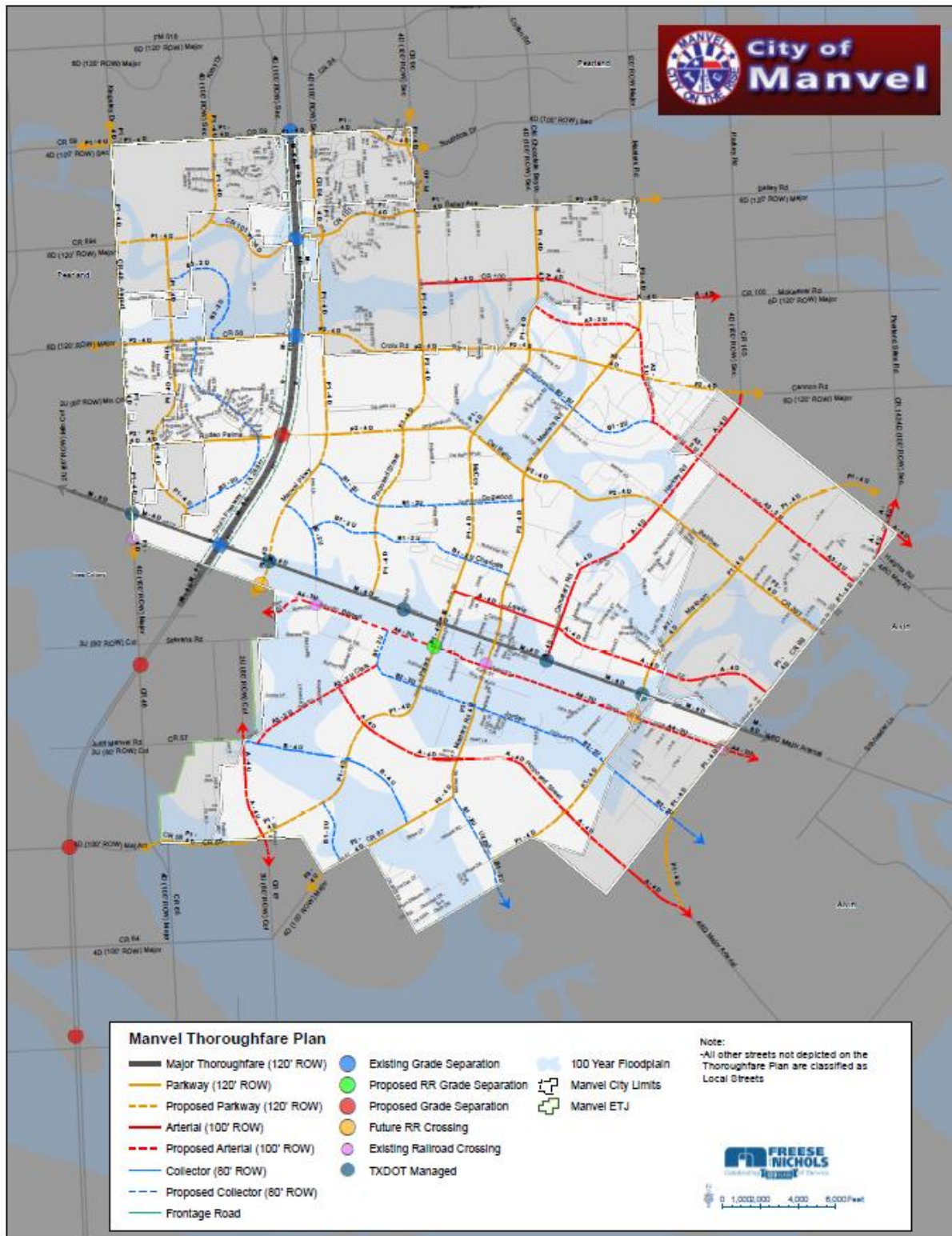
Planning, Development and Zoning Commission Recommendation

The Planning, Development and Zoning Commission recommended approval of Ordinance No. 2021-O-18 (Valencia PUD) to the City Council at their July 12, 2021, meeting.

Aerial Vicinity Map

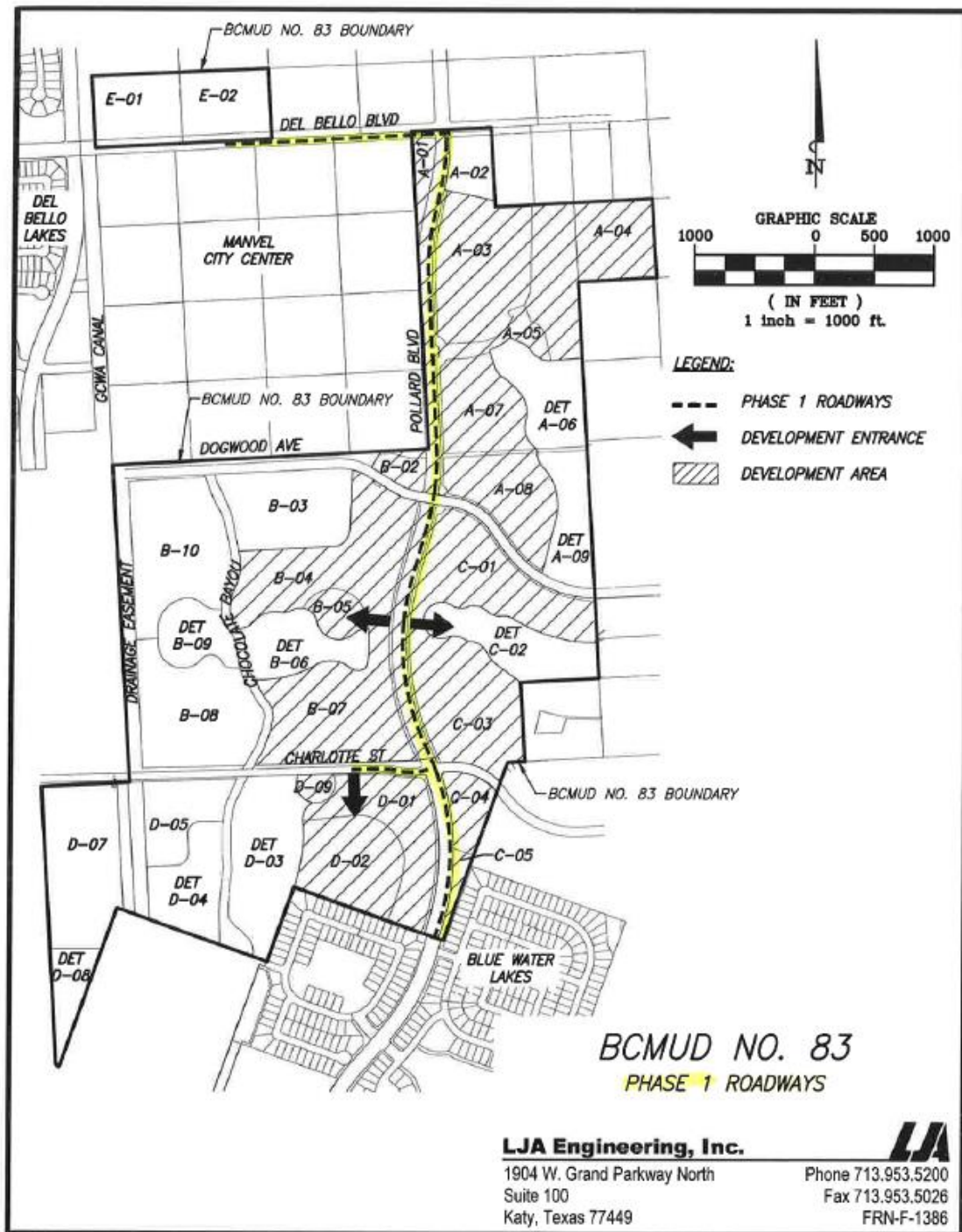


City's Master Thoroughfare Plan Map



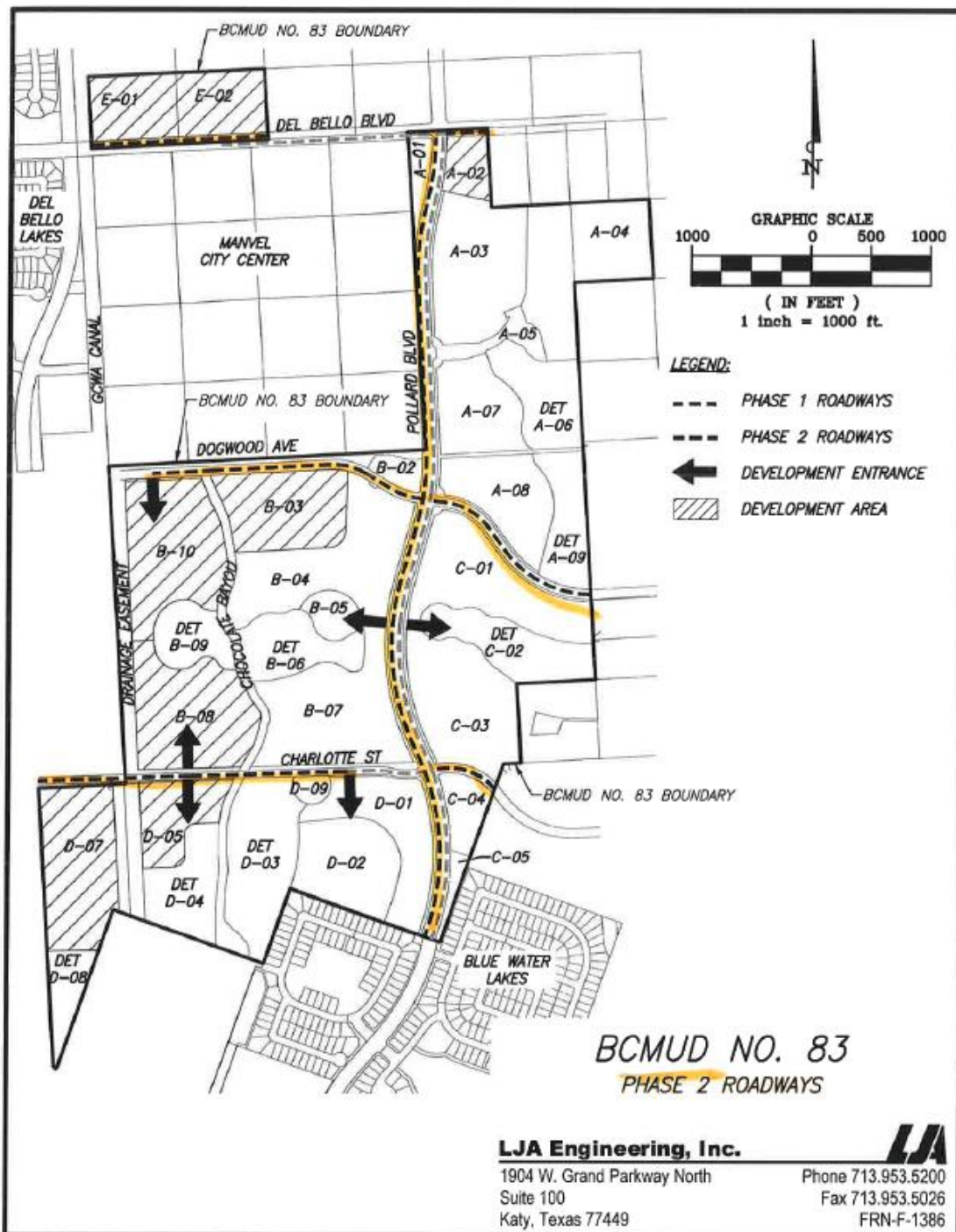
13 | Page

Valencia PUD Roadway Phasing Exhibit - Phase 1



Date\Time : Thu, 06 May 2021 - 11:49am User Name : rehokim
Path\Name : W:\LAND\2791\Sowell Tract\CAD\2021-04 Preliminary Cost Estimate\Overall Roadway Phases 05.06.dwg

Valencia PUD Roadway Phasing Exhibit - Phase 2



Date/Time : Tue, 04 May 2021 - 4:32pm User Name : rehokim
Path/Name : W:\LAND\2791\Sowell Tract\CAD\2021-04 Preliminary Cost Estimate\Overall Roadway Phases.dwg

Application



Staff Use Only:

Date Received: _____

Received by: _____

Date Complete: _____

Completeness Review by: _____

Planned Unit Development (PUD) Application

(Please Type or Print Clearly with Dark Ink)

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



Master Plan PUD



Small PUD



Site Plan Only

General Information

PUD Name: Sowell Tract PUD

Number of Units Proposed: 1,100 SF lots Current Zoning Designation: O-PUD

Zoning District under Which PUD Will Be Designed: SFR - Single-Family Residential

Address/Location: East of State Highway 288, north of Highway 6 and south of County Road 58

Brazoria County Parcel Number (s): See PUD document Acres: 438.393

Legal Description: See PUD document - Exhibit D

Applicant Information

Name: Matt Stoops Daytime Phone: 713-953-5200

Mailing Address: 3600 W Sam Houston Parkway S, Suite 600, Houston TX 77042

City/State/Zip: _____

Contact Person: Matt Stoops

Email Address: mstoops@lja.com

Property Owner Information (If different from applicant; attach additional signature page or appropriate letter of consent/agreement if more than one property owner)

Name: See signed authorization letters Daytime Phone: _____

Mailing Address: _____

City/State/Zip: _____

Email Address: _____

Application

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: See PUD document

2. Concept Statement- Brief description of the project including proposed the use or uses: See PUD document

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: See PUD document

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: See PUD document

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: See PUD document

05-10-21

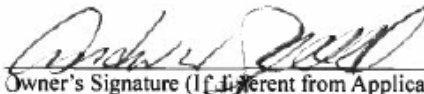
Date



Applicant's Signature

5/10/21

Date



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.

Authorization Letter



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

443 Limited
Owner Name

2414 Ellis Blvd
Owner Address

Houston TX 77008
Owner City, State Zip

5/4/21
Date

Development Services
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Development Services,

I, Andrew Sowell, certify that I am the owner of the project property located at HTE BRESNAY, Apts 301 and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Matt Stoops with the company LJA Engineering, Inc. (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and/or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 713 599-3440 if you have any questions.

Sincerely,

443 Limited
Owner Name Andrew Sowell - General Partner

Owner Signature Andrew Sowell - General Partner

Public Hearing Notice

Public Hearing Notice to run on Sunday 05/09/2021

A TELECONFERENCE PUBLIC HEARING WILL BE HELD BY TELEPHONE BEFORE THE MANVEL PLANNING, DEVELOPMENT & ZONING COMMISSION AT 7:00 P.M. ON MONDAY, MAY 24, 2021, FOR THE PURPOSE OF HEARING COMMENTS FOR OR AGAINST AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF 437.869 ACRES GENERALLY BOUNDED BY DEL BELLO BOULEVARD RIGHT-OF-WAY (NORTH), POLLARD DRIVE RIGHT-OF-WAY (EAST), MANVEL PARKWAY/IOWA LANE RIGHT-OF-WAYS (WEST), AND STATE HIGHWAY 6 (SOUTH), MANVEL, TEXAS, FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

The Planning, Development & Zoning Commission public hearing will be accessible by telephone for the purpose of hearing comments for or against granting a Specific Use Permit. This meeting may be accessed by calling; 210-469-0207 or toll-free at 877-257-2190 and entering conference ID 643 222 715#

A TELECONFERENCE PUBLIC HEARING WILL BE HELD BY TELEPHONE BEFORE THE MANVEL CITY COUNCIL MEETING AT 7:00 P.M. ON MONDAY, JUNE 7, 2021, FOR THE PURPOSE OF HEARING COMMENTS FOR OR AGAINST AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF 437.869 ACRES GENERALLY BOUNDED BY DEL BELLO BOULEVARD RIGHT-OF-WAY (NORTH), POLLARD DRIVE RIGHT-OF-WAY (EAST), MANVEL PARKWAY/IOWA LANE RIGHT-OF-WAYS (WEST), AND STATE HIGHWAY 6 (SOUTH), MANVEL, TEXAS, FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

The City Council public hearing will be accessible by telephone for the purpose of hearing comments for or against granting a Specific Use Permit. This meeting may be accessed by calling; 210-469-0207 or toll-free 877-257-2190 and entering conference ID 235 696 748#

THE PUBLIC HEARING WILL BE TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF APPROXIMATELY 437.869 ACRES GENERALLY BOUNDED BY DEL BELLO BOULEVARD RIGHT-OF-WAY (NORTH), POLLARD DRIVE RIGHT-OF-WAY (EAST), MANVEL PARKWAY/IOWA LANE RIGHT-OF-WAYS (WEST), AND STATE HIGHWAY 6 (SOUTH), MANVEL, TEXAS, FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD); 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.

A TEMPORARY SUSPENSION OF THE OPEN MEETINGS ACT TO ALLOW TELEPHONE OR VIDEOCONFERENCE PUBLIC MEETINGS HAS BEEN GRANTED BY GOVERNOR GREG ABBOTT. THESE ACTIONS ARE BEING TAKEN TO MITIGATE THE SPREAD OF

COVID-19 BY AVOIDING MEETINGS THAT BRING PEOPLE INTO A GROUP SETTING AND IN ACCORDANCE WITH SECTION 418.016 OF THE TEXAS GOVERNMENT CODE.

For further assistance, please contact Jessica Rodriguez at jrodriguez@cityofmanvel.com or 281-692-2703. The meeting agenda can be viewed on the City of Manvel website at www.cityofmanvel.com under “Boards Agendas & Minutes.”/s/ Tammy Bell, City Secretary.

ORDINANCE NO. 2021-O-18

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF 437.869 ACRES GENERALLY BOUNDED BY DEL BELLO BOULEVARD RIGHT-OF-WAY (NORTH), POLLARD DRIVE RIGHT-OF-WAY (EAST), MANVEL PARKWAY/IOWA LANE RIGHTS-OF-WAY (WEST), AND STATE HIGHWAY 6 (SOUTH), MANVEL, TEXAS, FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD); SUCH TRACTS BEING SITUATED IN THE H.T. & B. RAILROAD COMPANY SURVEY SECTION 73 AND SECTION 64, DR. A.A. LUTHER SUBDIVISION OF MANVEL, BRAZORIA COUNTY TEXAS, THE MARY V. O'DONNELL SURVEY, DIVISION "O" OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS; 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, Four Forty-Three LTD, Sowell Family Trust, Eastbank Bayou LP, and Westbank Bayou LP are the owners (the "Owner") of land in the area generally bounded by Del Bello Boulevard right-of-way (north), Pollard Drive right-of-way (east), Manvel Parkway/Iowa Lane rights-of-way (west), and State Highway 6 (south) comprising of 437.869 acres of land, which is presently zoned Open-Single Family Residential (O-SFR) District; and

WHEREAS, the tracts are currently used as vacant and undeveloped open space; and

WHEREAS, LJA Engineering, Inc., ("Applicant"), on behalf of Owner, has made application to the City to change the use of said 437.869 acres, same being more particularly described by Exhibit A – Area Map, Exhibit B – Survey and Exhibit C – Metes and bounds descriptions, attached hereto and for all things made a part hereof, from Open-Single Family Residential (O-SFR) District to Planned Unit Development (PUD) District; 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 such request; and

WHEREAS, the Planning, Development and Zoning Commission has made a positive recommendation on the application; and

WHEREAS, the City Council deems it appropriate to grant such request, subject to certain regulations, restrictions, and conditions; 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 zoning classification of 437.869 acres generally bounded by Del Bello Boulevard right-of-way (north), Pollard Drive right-of-way (east), Manvel Parkway/Iowa Lane rights-of-way (west), and State Highway 6 (south), is hereby changed from Open-Single Family Residential (O-SFR) District to Planned Unit Development (PUD) District for use as permitted within such zone classification, subject to the regulations, restrictions, and conditions hereinafter set forth. Said area is described as:

Being a 418.318 acre tract (Tract 1), 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, according to the map or plat thereof, recorded in Volume 2, Page 91 and 92, of the plat records of Brazoria County, Texas and being all of those certain tracts described in Volume 1177, Page 396, B.C.D.R. and B.C.C.F. No(s). 2007021508, 2007017868, 2007018701, 2007022032, 2008004369, 2008004367, 2006045403 and being a part of that certain tract recorded in Volume 1046, Page 760, B.C.D.R.; situated in the Allison Richey Gulf Coast Home Company Subdivision of the H.T. Y B. Railroad Company, Section 73, Abstract 301, the H.T. & B. Railroad Company Survey, Section 64, Abstract 483 and the Dr. A.A. Luther Subdivision of Manvel, Brazoria County, Texas, and a 19.551 acre tract (Tract 2) being all of Lots 6 and 12 in the Mary V. O'Donnell Survey, Division "O",

Abstract 469, according to the map or plat thereof, recorded in Volume 2, Page 91 and 92, of the plat records of Brazoria County, Texas and being a part of that certain tract recorded in Volume 1048, Page 760, B.C.D.R., more particularly described by Exhibit A – Area Map, Exhibit B – Survey and Exhibit C – Metes and Bounds Descriptions, attached hereto and for all things made a part hereof.

Section 3. Development of the Property shall strictly comply with the **Valencia PUD Document**, attached hereto as Exhibit “D” and made a part of hereof for all purposes.

Section 4. 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 5. 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 6. 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 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 7. 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 _____, 2021.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, 2021.

Debra Davison, Mayor

Attest:

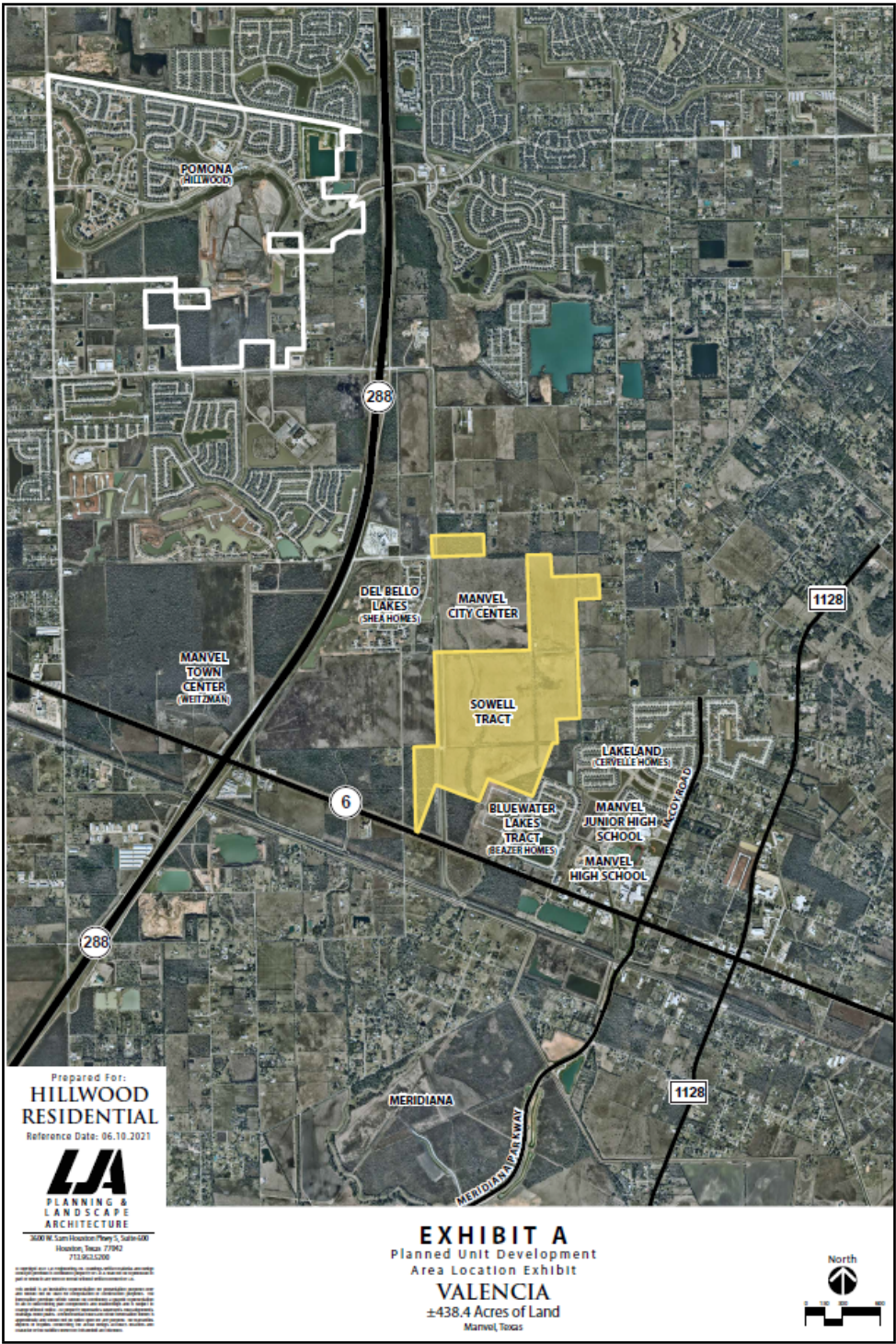
Tammy Bell, City Secretary

APPROVED AS TO FORM:

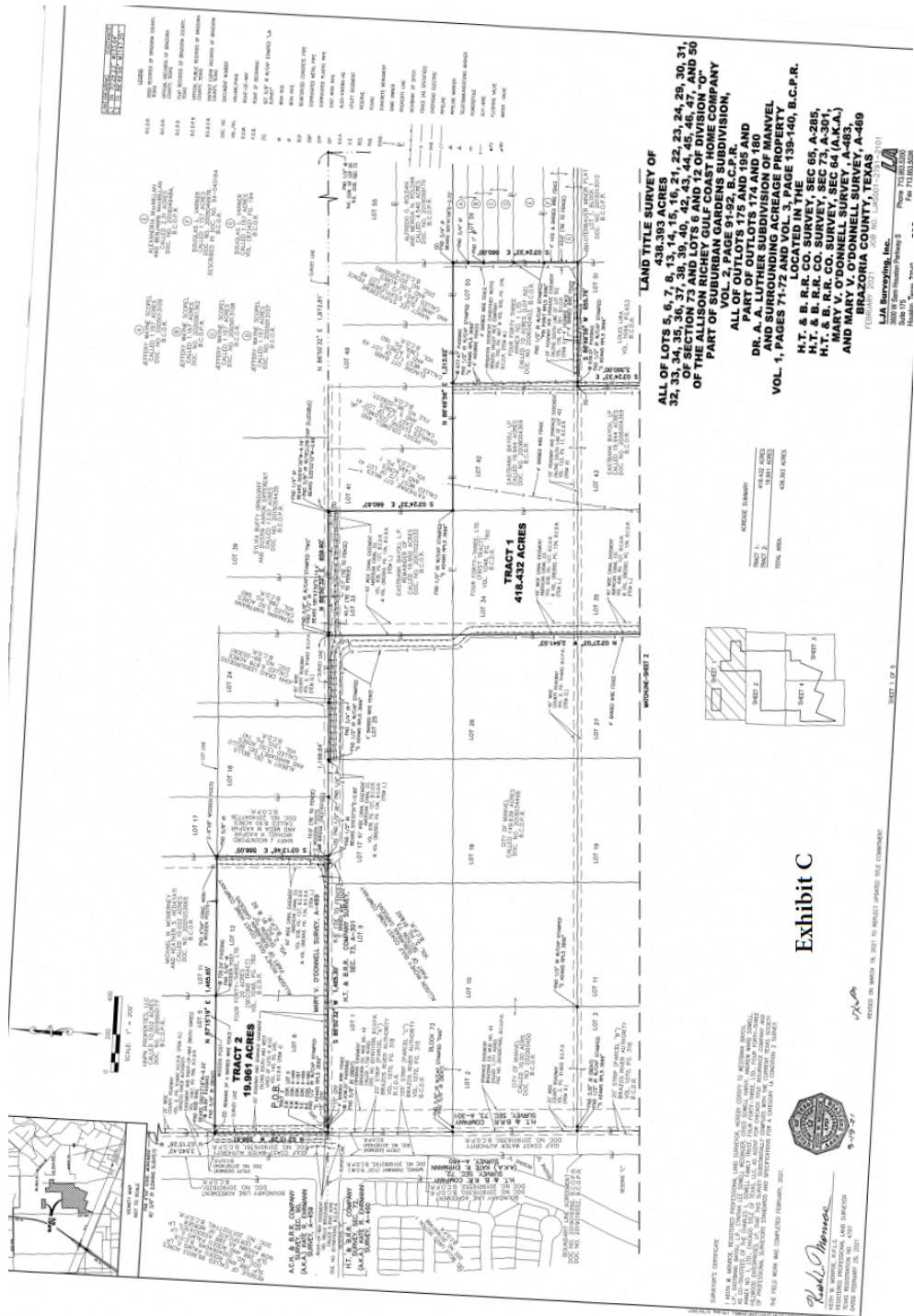
Robert Gervais, City Attorney

EXHIBIT A

AREA MAP



SURVEY



SURVEY

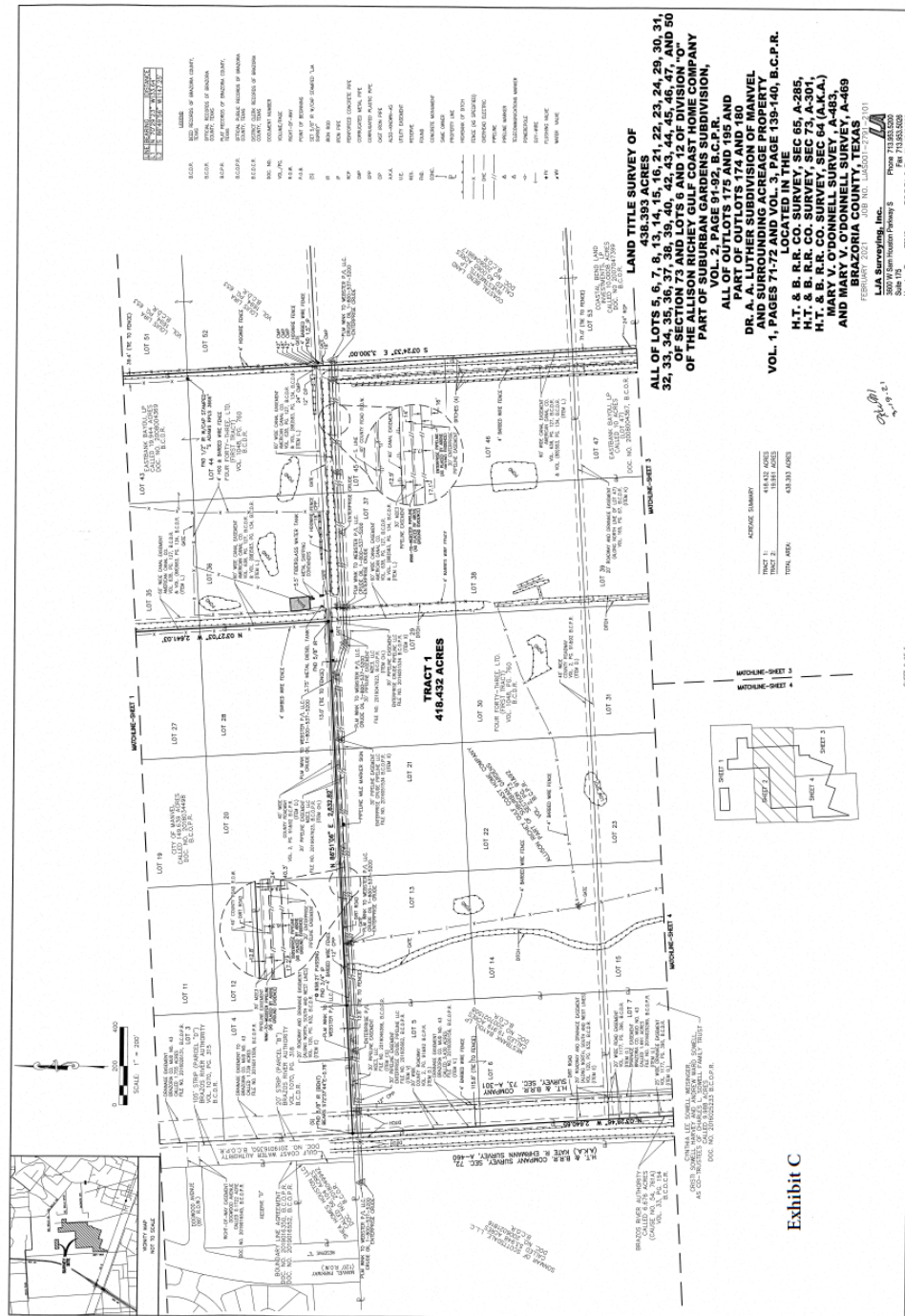
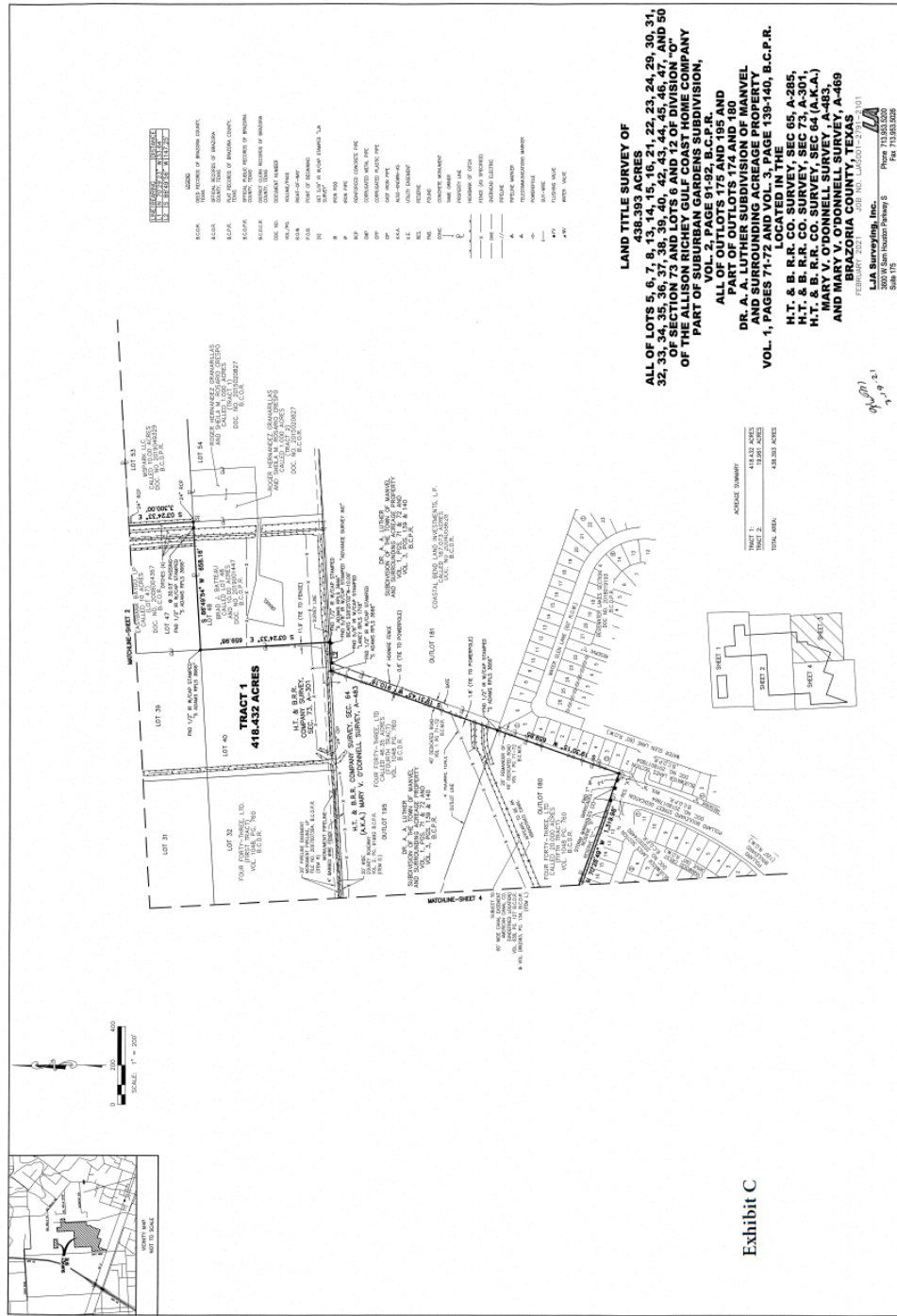
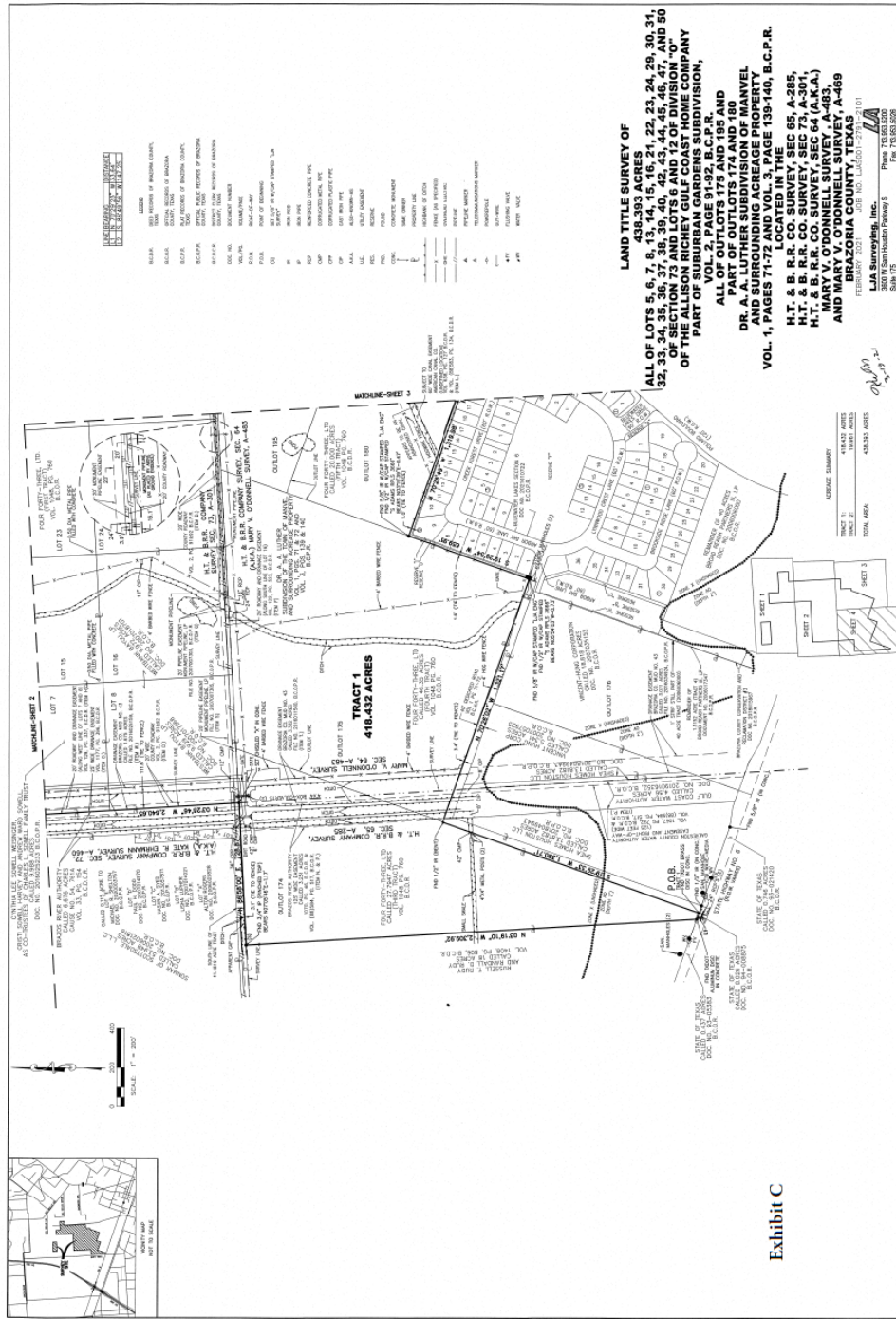


EXHIBIT B

SURVEY



SURVEY



METES AND BOUNDS

EXHIBIT D

METES AND BOUNDS DESCRIPTION OF TRACT 1

A 418.318 acre (38,321,949 square feet) tract, being all of Lots 5, 6, 7, 8, 11, 14, 15, 16, 21, 22, 23, 24, 25, 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 303, according to the map or plan thereof, recorded in Volume 2, Page 50 and 52, of the Plat Records of Brazos County, Texas (B.C.P.R.) and being all of those certain tracts conveyed to Westbank Bayou, LP, called 29.923 acres Lots 5-8, recorded in Brazos County Clerk's File Number (B.C.C.F. No.) 2007021508, called 9.923 acres (Lot 8), recorded in B.C.C.F. No. 2007027888 and called 9.972 acres (Lot 18), recorded in B.C.C.F. No. 2007038702 and being all of that certain tract conveyed to Charles L. Sovell called 9.988 acres (Lot 7), recorded in Volume 1177, Page 396, deed records of Brazos County, Texas (B.C.O.R.) and being all of that certain tract conveyed to Eastbank Bayou, LP, called 10 acres (Lot 33), recorded in B.C.C.F. No. 2007028332, called 19.944 acres (Lots 42-43), recorded in B.C.C.F. No. 2008040369 and called 10 acres (Lot 47), recorded in B.C.C.F. No. 2008043487 and being all of that certain tract conveyed to Four Forty-Three Annex No. 1, LTD., called 10.00 acres (Lot 53), recorded in B.C.C.F. No. 2008045403 and being a part of that certain tract conveyed to Four Forty-Three Ltd. (called 633.07 acres), recorded in Volume 3048, Page 788, B.C.D.R., with said 18,221,949 square foot tract of land being more particularly described by notes and bounds as follows:

COMMENCING at a 5/2 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 76, Abstract 488, recorded in Volume 2, Page 66, B.C.P.R. and being at the centerline intersection of 60 foot Roland Drive (as occupied) (Platted as 46 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 Mary D. Roland tract (called 5.46 acres), recorded in B.C.C.F. No. 2004872425 and 2007030134, the northwest corner of the Michael C. Black tract (called 4.30 acres), recorded in B.C.C.F. No. 98 015315 and the Northeast corner of said Section 73;

THENCE S 86°50'28" 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 O'Donnell Survey, Division "D", Abstract 469, recorded in Volume 1, Page 91 and 92, B.C.P.R., from which a 5/8 inch iron rod bears, S 86°48'32" W 1.08 feet, continuing along and with the common line of Section 73 and Division "D" and centerline of said 40 foot platted road, a total distance of 1574.35 feet (called 1080.00 feet) to a 5/8 inch iron rod with cap stamped "RMS" 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 "D", Abstract 469, the south line of the Sylvia Bully Orndorff and Dustin Aaron Different tract (called 13.93 acres), recorded in B.C.C.F. No. 2015554035, and the centerline of said 40' platted road, marking the northwest corner of the Katherine Ott Miles tract (called 1 acre), recorded in Volume 3495, 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 74 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 RP15 3666" found, marking the southeast corner of said Eastbank Bayou, LP tract (Lot 33), the southwest corner of said Miles tract, the northeast 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 S 86°48'54" E, along and with the common line of Lots 43, 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 "RMS" 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. 2009513089, the northwest corner of the Jeffery Wayne Scopes tract (called 1.157 acres), recorded in B.C.C.F. No. 2009513109, 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, 50, 56 and 50 of said Section 73;

THENCE S 86°35'51" E, along and with the common line of said Four Forty-Three Annex No. 1, LTD. tract, a distance of 660.87 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "RMS" set, marking the southwest corner of the Douglas Vanner Tract (called 1.157 acres), recorded in Volume 811 (606, Page 252), of the official records of Brazos County, Texas (B.C.D.R.), the northwest corner of the Laura Luterbauer tract (called minor part of L 2.26 acre) (Brazos Co., No. 2008045403), the northeast corner of the Louis Cole tract (called 10 acres), recorded in Volume 2006, Page 504, 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 657.34 feet (called 660.00 feet), to a 5/8 inch iron rod with cap stamped "RMS" 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 southwest corner of said Lira tract, an interior corner of herein described tract and being the common corner of Lots 36, 33, 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 60.0060 acres) (Lot 61), recorded in B.C.C.F. No. 2008049617 and being the common corner of Lots 44, 52, 61 and 45, continuing for a total distance of 2399.48 feet (called 2300.00 feet) to a 5/8 inch iron rod with cap stamped "RMS" set, marking the southwest corner of the Jose T. Villanueva and Trinidad Villanueva tract (called 5 acres), recorded in B.C.C.F. No. 2004046528, the northwest corner of the Rager/Orndorff/Gardner/Ras and Sheila M. Rager/Crispino tract (called 1.000 acre), recorded in B.C.C.F. No. 2015030827, the northeast corner of said Aspect Energy, LLC tract (called 10 acres), the southwest 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 inch rod with cap stamped "Adams RP15 3666" found in the east line of said 443.08 acre tract, marking the southwest corner of said Eastbank Bayou, LP tract and the northwest corner of said Aspect Energy, LLC tract, and being the common corner of Lots 48, 40, 30 and 47 of said Section 73;

THENCE S 03°24'48" 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 443.08 acre tract, a distance of 660.05 feet (called 660.00 feet) to a 5/8 inch iron rod with cap stamped "RMS" 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 488 and the north line of the Dr. A.A. Luther Subdivision of Marvel, recorded in Volume 3, Page 71 and 72 and Volume 3, Page 136 and 140, B.C.P.R. and the north line of Outlot 181 of said Dr. A.A. Luther Subdivision, marking the northeast corner of the Coastal Bend Land Investments, LP tract (remainder of a called 357.075 acres tract), recorded in B.C.C.F. No. 2004049628, the southwest corner of said Aspect Energy, LLC tract, an angle point in the east line of said 443.08 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, 3875.93 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 total distance of 141.56 feet to a 5/8 inch iron rod with cap stamped "Base Line" set in said common line, marking the northeast corner of the Four Forty-Three, LTD. Tract (called 24.50 acres) (Lot 18), recorded in Volume 404, Page 104, B.C.P.R. and an interior corner of herein described tract and being the easterly line of a 40 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 136 and 140, B.C.P.R.);

THENCE S 87°10'23" W, along and with the easterly line of said Outlot 181 and the westerly line of said 40 foot platted road, at 899.88 feet pass a 1/2 inch iron rod found, marking the southeasterly corner of said Outlot 181 and the southeasterly corner of the Four Forty-Three, LTD. Tract (called 20.66 acres) (Portion N of Outlot 181), continuing for a total distance of 1550.69 feet to a 1 inch iron pipe found, marking the southeasterly corner of said 20.66 acre tract, the northwesterly corner of the Beaumont/Texas, LP tract (called 19.99 acres) (South N of Outlot 181), recorded in B.C.C.F. No. 2016050422 and an angle point in the westerly line of the Beaver 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 S 70°27'42" W, along and with the common line of said North N of Outlot 181 and the South N of Outlot 181, a distance of 1319.95 feet (called 1320.00 feet) to a 1/2 inch iron rod with cap stamped "Adams RP15 3666" found in the easterly line of the Four Forty-Three, LTD. Tract (called 46.31 acres) (Outlot 173), marking the common corner of the South N and North N of Outlot 181 and an interior corner of herein described tract;

THENCE S 70°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 181 and 173, a distance of 660.47 feet to a 1/2 inch iron rod with cap stamped "LIA line" found, in the north line of a 10 foot platted road, recorded in Volume 1, Page 71 and 72 and Volume 3, Page 136 and 140, B.C.P.R., marking the most westerly northwest corner of said 8.45-acre tract, the southeasterly corner of said 46.35 acre tract and the southeasterly corner of said 19.99 acre tract and an interior corner of herein described tract;

THENCE S 70°26'26" 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 RP15 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 southeasterly corner of said 46.35 acre tract and an interior corner of herein described tract;

THENCE S 15°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 1558.63 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. 2016050558, marking the southeasterly corner of said 27.7947 acre tract and the most southerly southeast corner of herein described tract;

THENCE S 70°30'18" 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 southeasterly corner of said 27.7947 acre tract and the most southerly southeast 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. Inna Lane) (80' R.O.W. as occupied), recorded in B.C.C.F. No. 2008028208 and the northwesterly r.o.w. line of said State Highway No. 6, marking the southeasterly corner of a 9.217 acre tract, recorded in B.C.C.F. No. 2011661900 bears, N 70°30'32" W, 360.24 feet;

THENCE S 03°19'18" W, along and with the common line of said 27.7947 acre tract and said 18 acre tract, a distance of 2330.10 feet to a 1/2 inch iron rod with cap stamped "Adams RP15 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 jointed pipe, bears, S 09°27' W, 1.12 feet and from which iron rod with cap stamped "Callaway" 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, 328.34 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 41.4019 acre tract, recorded in B.C.C.F. No. 2009061748 bears, N 02°15'14" W, 58.87 feet;

THENCE N 86°51'38" E, along and with the north line of said 18 acre tract, a distance of 726.52 feet to a 5/8 inch iron rod with cap stamped "RMS" set, at the southwest corner of Section 78 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 469, marking the southeast corner of the Brazos River Authority tract (called 6.076 acres) (Case No. 54-781A), recorded in Volume 33, Page 154, district clerk records of Brazos County, Texas (B.C.D.C.R.), the southwest corner of the Brazos County MUD No. 43 Drainage Easement (called 3.676 acres), recorded in B.C.C.F. No. 2016028209, the southwest corner of said 9.923 acre tract and an interior corner of herein described tract;

THENCE S 03°28'32" W, along and with the common line of said Section 71 and Section 72 and centerline of said 40 foot platted road, at 48.00 feet pass a point marking the southwest corner of a 9.34 acre tract (Parcel 1) out of said called 41.4019 acre tract, continuing for a total distance of 40.00 feet (called 40.00 feet) to a 1 inch iron pipe found, marking the northwest corner of said 9.34 acre tract (Parcel 2), the northwest corner of said 9.34 acre tract, the northwest corner of a 3.428 acre drainage easement, recorded in B.C.C.F. No. 2016028209, the northeast corner of said Brazos River Authority tract (called 6.076 acres), the southeast corner of the Brazos River Authority Parcel "D" tract (called 1.18 acres), recorded in Volume 1070, Page 315, B.C.D.R., the southeast corner of the Brazos River Authority Parcel "F" tract (called 0.81 acres), recorded in Volume 1070, Page 315, B.C.D.R., the southwest corner of the Brazos County Municipal Utility District No. 43 Drainage Easement tract (called 1.759 acres), recorded in B.C.C.F. No. 2016011509 and the common corner of Lots 4 and 5, Section 75, from which a 1/2 inch iron rod found in the east r.o.w. line of County Road 82 (a.k.a. Inna Lane) (80' R.O.W. as occupied), recorded in B.C.C.F. No. 2008021836, marking the northwest corner of the Joan Bannister tract (called 1.367 acres), recorded in B.C.C.F. No. 2005062881 and the northwest corner of the Somner of Scottsdale, LLC tract (called 53.948 acres), bears S 80°39'46" 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 302929 Brazos River tract (called 34.90 acres), recorded in B.C.C.F. No. 2005083429 and being the common corner of Lots 4, 12, 13 and 31, and at 2975.99 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 30, 28, 29 and 21, continuing for a total distance of 2852.84 feet (called 2840.00 feet) to a 5/8 inch iron rod with cap stamped "RMS" found in the east line of a 60 foot American Canal Company Easement, recorded in Volume 618, Page 127, B.C.D.R., marking an interior corner of said remainder of a 420.00-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 S 03°27'08" W, along and with the common line of Lots 28, 36, 21, 35, 26, 34, 23 and 33 and the west line of said 60 foot American Canal Company Easement, a distance of 2043.05 feet (called 2040.00 feet) to a 5/8 inch iron rod with cap stamped "RMS" 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 "D", Abstract 468, recorded in Volume 2, Page 91 and 92, B.C.P.R., the south line of the John and Edith Laberge/Griffith tract (called 6.078 acres), recorded in B.C.C.F. No. 98 015303, the north line of the Eastbank Bayou, LP tract (called 19.955 acres), recorded in B.C.C.F. No. 2007021012 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 87°35" E, 14.9 feet;

THENCE N 86°50'28" E, along and with the common line of Section 73, Division "D", the centerline of said 40 foot platted road and the north line of said 60 foot American Canal Company Easement, a distance of 658.46' (called 660.00 feet) to the **POINT OF BEGINNING** and containing a calculated area of 418.318 acres of land.

EXHIBIT D

VALENCIA PUD DOCUMENT

Valencia
Planned Unit Development

Prepared for:

Hillwood Residential, L.P.

Prepared by:



June 2021

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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
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Exhibit L – Single-Family Residential Specialty Product
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Exhibit N – Single-Family Residential Specialty Product

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 438.4 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).

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 4.2-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 park land 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 28% 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 commercial sites located throughout the development; ± 4.5 acre and ± 2.6 acre commercial sites located at the southeast and southwest corners of Del Bello Boulevard and Pollard Boulevard, a ± 2.2 acre commercial site located at the northwest corner of Pollard Boulevard and Dogwood Avenue, and an ± 18.2 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

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.

1. Acreage per Land Use Summary

Land Use	Zoning District	Approximate Acreage	% Gross Acreage
Constraints			
Major Thoroughfare & Collector Roadways	PUD-SFR	34.9	
Existing Utility & Canal Easements	PUD-SFR	22.3	
Detention & Lakes	PUD-SFR	76.0	
Chocolate Bayou	PUD-SFR	7.2	
Drill Site	PUD-SFR	4.2	
Subtotal		144.6	33.0%
Community Elements			
Recreation Center & Parks	PUD-SFR	5.8	
Elementary School	PUD-SFR	15.1	
Landscape/Open Space	PUD-SFR	9.2	
Subtotal		30.1	10.0%
Commercial			
Commercial	PUD-LC	27.5	
Subtotal		27.5	3.1%
Single-Family Residential			
Single-Family Residential	PUD-SFR	236.2	
Subtotal		236.2	53.9%
Totals			
		438.4	100.0%

2. Single-Family Residential Lot Distribution Table

Lot Size	Allowable Percentage of Total Lots	Approximate Acreage
50' X 120' (Typical)	30%	70.9
60' X 120' (Typical)	32%	75.6
70' X 130' (Typical)	10%	23.6
Specialty Product	28%	66.1
Gross Residential Total	100%	236.2

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 IV.3

and Section IV.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.

3. Commercial Land Uses

The four 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
- c. Other residential care facilities **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.

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)	±3.0 acres
Parks (Public)	±2.8 acres
Lake D-03 (Public)	±3.8 acres (maximum 35% credit)
Trails adjacent to Chocolate Bayou or Lake/detention areas (Public)	±2.0 acres (maximum 50% credit)
Total	±11.6 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.

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; 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 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 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 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 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 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 D-05, as shown on the Conceptual Land Use Plan, Exhibit E.
- 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 subsection 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.

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 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).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: Thirty-five feet (35') tall with one, twenty-foot by twenty-foot (20'x20') tower footprint and an attached or isolated sign blade wall with a maximum size of ten feet tall by eighty feet in length (10'x80'). The sign area shall not be greater than 450 square feet. These signs will be placed at the major entry point to the project.
- ii. Secondary Entry Monument: Twelve feet (12') tall with a twelve-foot by twelve-foot (12'x12') tower footprint and an attached or isolated sign blade wall with a maximum size of eight feet tall by thirty-five feet in length (8'x35'). The sign area shall not be greater than 150 square feet. These signs will be placed at the secondary entry points to the project.
- iii. Village 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: 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 32 square feet in size and not to exceed eight feet (8') in height 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, four (4) offsite signs shall be permitted along these corridors: two (2) along Pollard Boulevard from State Highway 6 and the other two (2) along Del Bello Boulevard from State Highway 288 to Pollard Boulevard. 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 1 year after the completion of the first 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. 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.

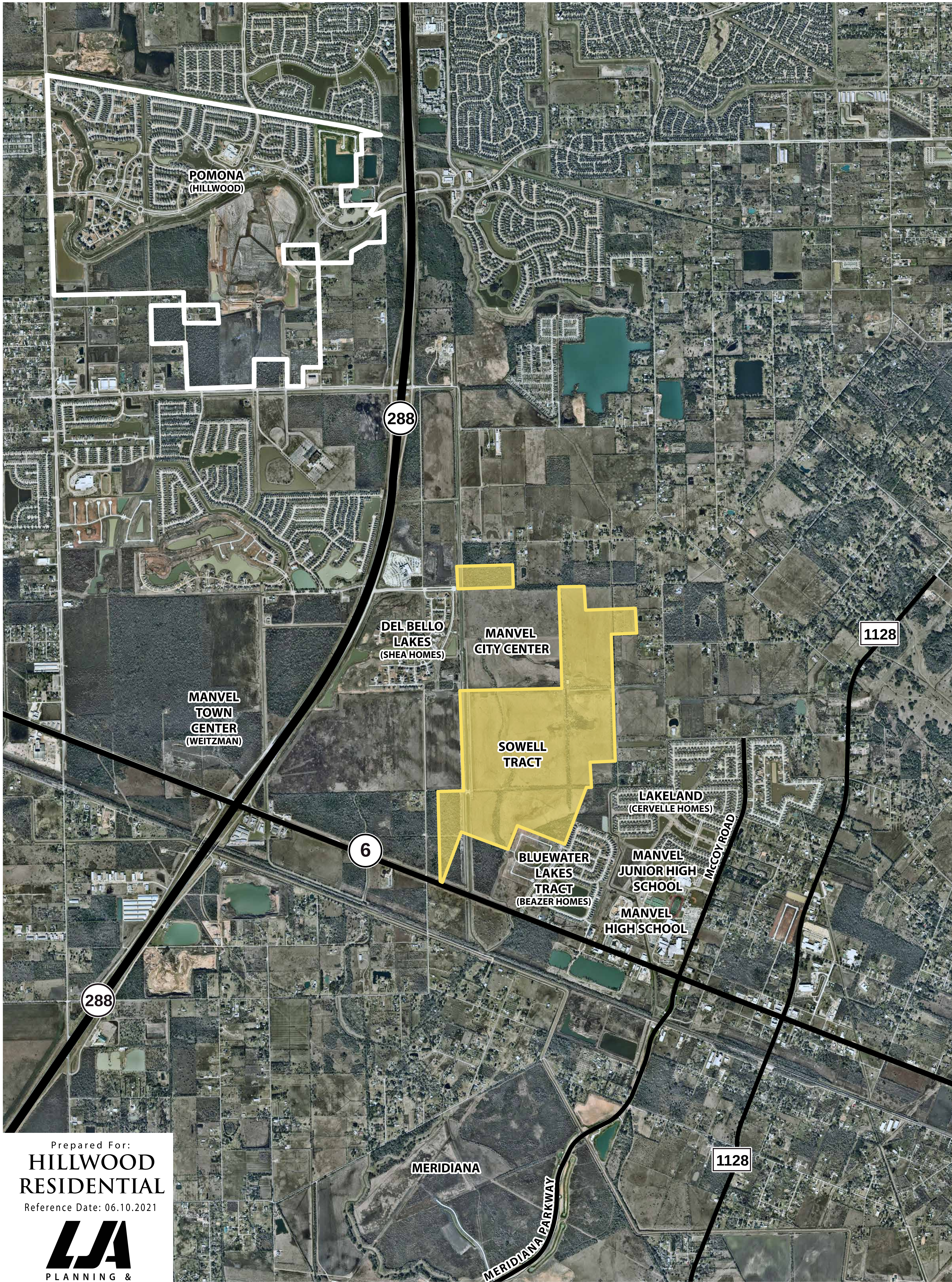
10. Other Regulations

- i. Fencing - Fences in any single-family residential district may not exceed seven (7') feet in height.
- ii. 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.
- iii. 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. 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.



Prepared For:
**HILLWOOD
RESIDENTIAL**
Reference Date: 06.10.2021

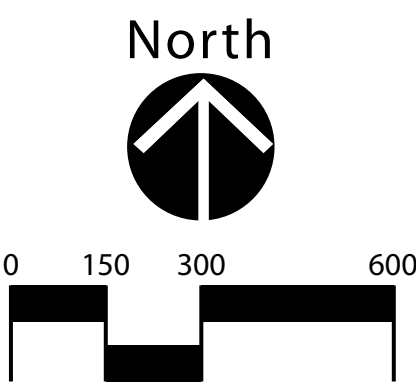


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713.953.5200

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EXHIBIT A
Planned Unit Development
Area Location Exhibit
VALENCIA
±438.4 Acres of Land
Manvel, Texas





Prepared For:
**HILLWOOD
RESIDENTIAL**
Reference Date: 06.10.2021

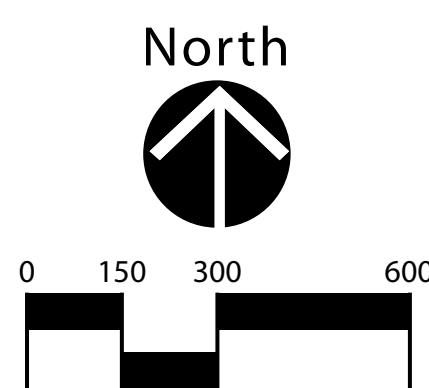


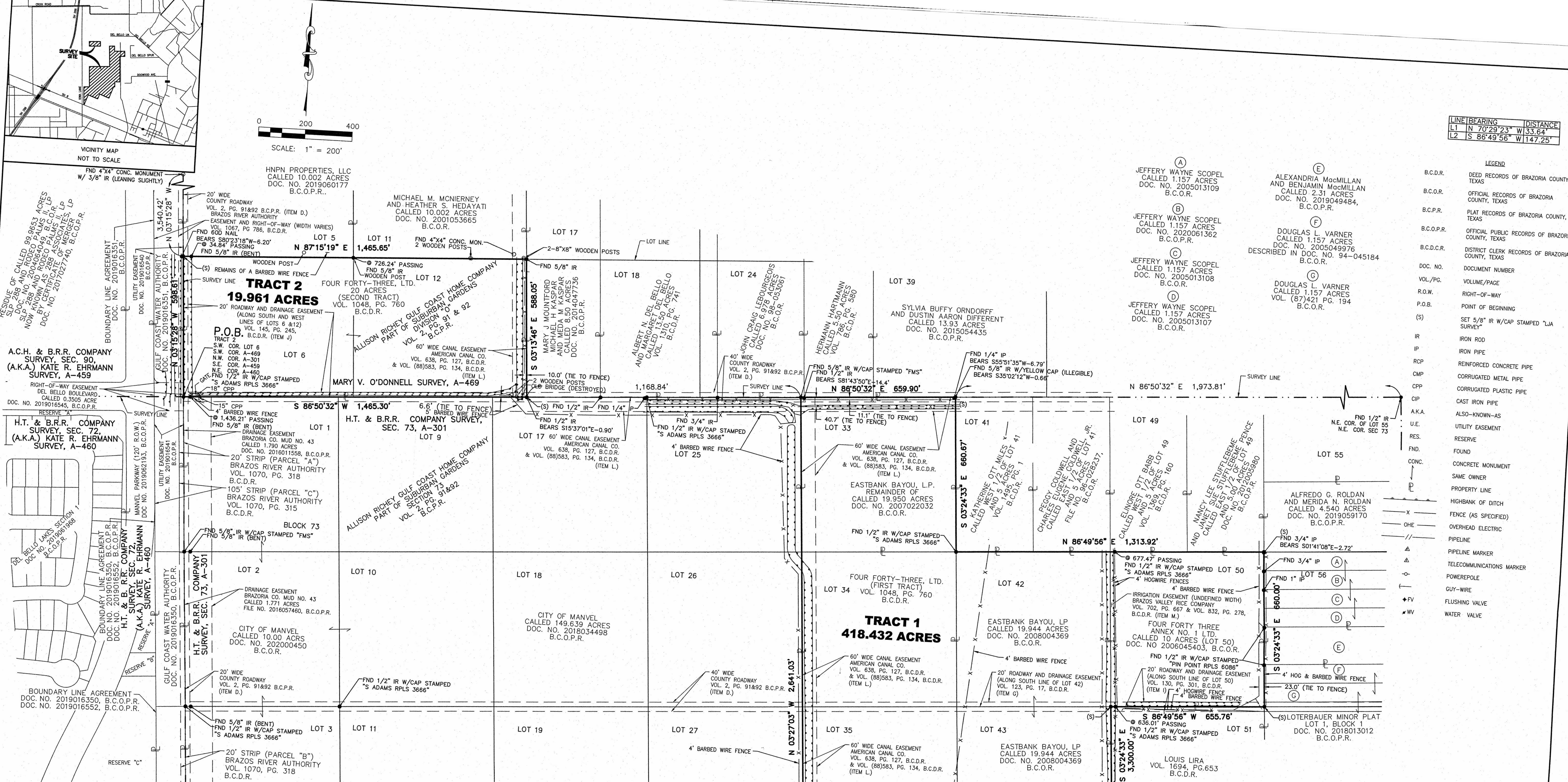
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713.953.5200

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EXHIBIT B

Planned Unit Development
Project Aerial Exhibit
VALENCIA
±438.4 Acres of Land
Manvel, Texas





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./PAGE VOLUME/PAGE
 - R.O.W. RIGHT-OF-WAY
 - P.O.B. POINT OF BEGINNING
 - (S) SET 5/8" IR W/CAP STAMPED "LIA 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
 - FENCE (AS SPECIFIED)
 - OHE OVERHEAD ELECTRIC
 - PIPELINE
 - PIPELINE MARKER
 - TELECOMMUNICATIONS MARKER
 - POWERSPOLE
 - GUY-WIRE
 - FLUSHING VALVE
 - WV WATER VALVE

MATCHLINE-SHEET 2

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

ACREAGE SUMMARY

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

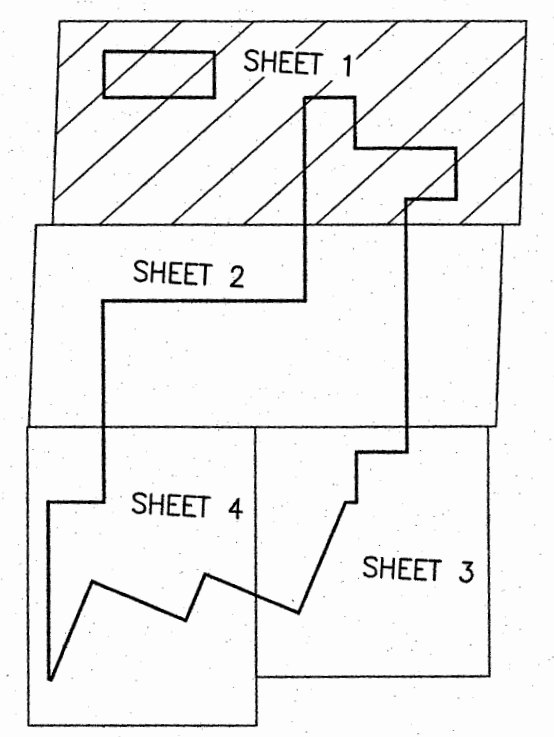


Exhibit C

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 HARVEY, ANDREW WARD SOWELL, AS CO-TRUSTEES OF THE CHARLES L. SOWELL FAMILY TRUST, FOUR FORTY-THREE, LTD., FOUR FORTY-THREE 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.

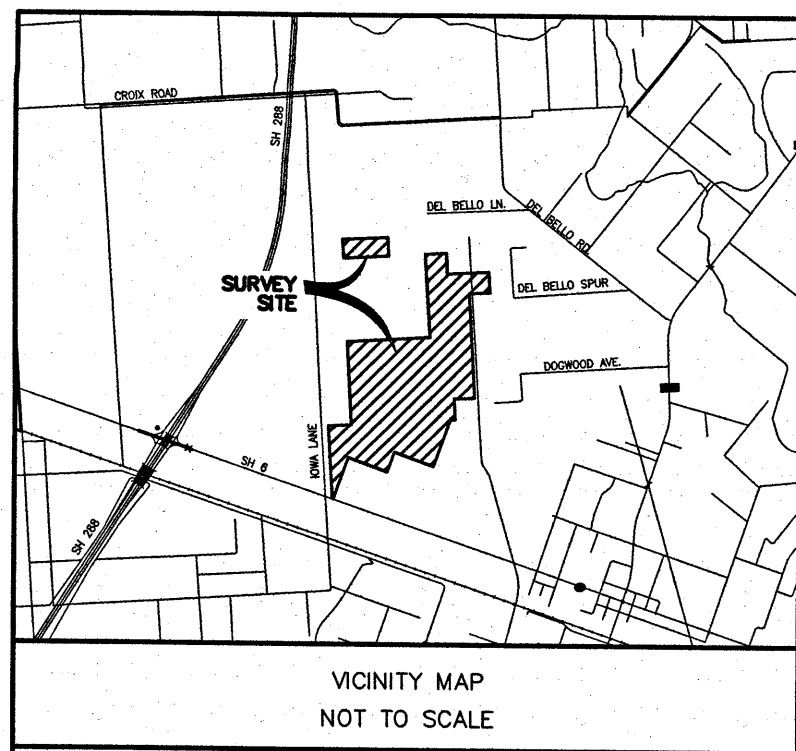
THE FIELD WORK WAS COMPLETED FEBRUARY, 2021.



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

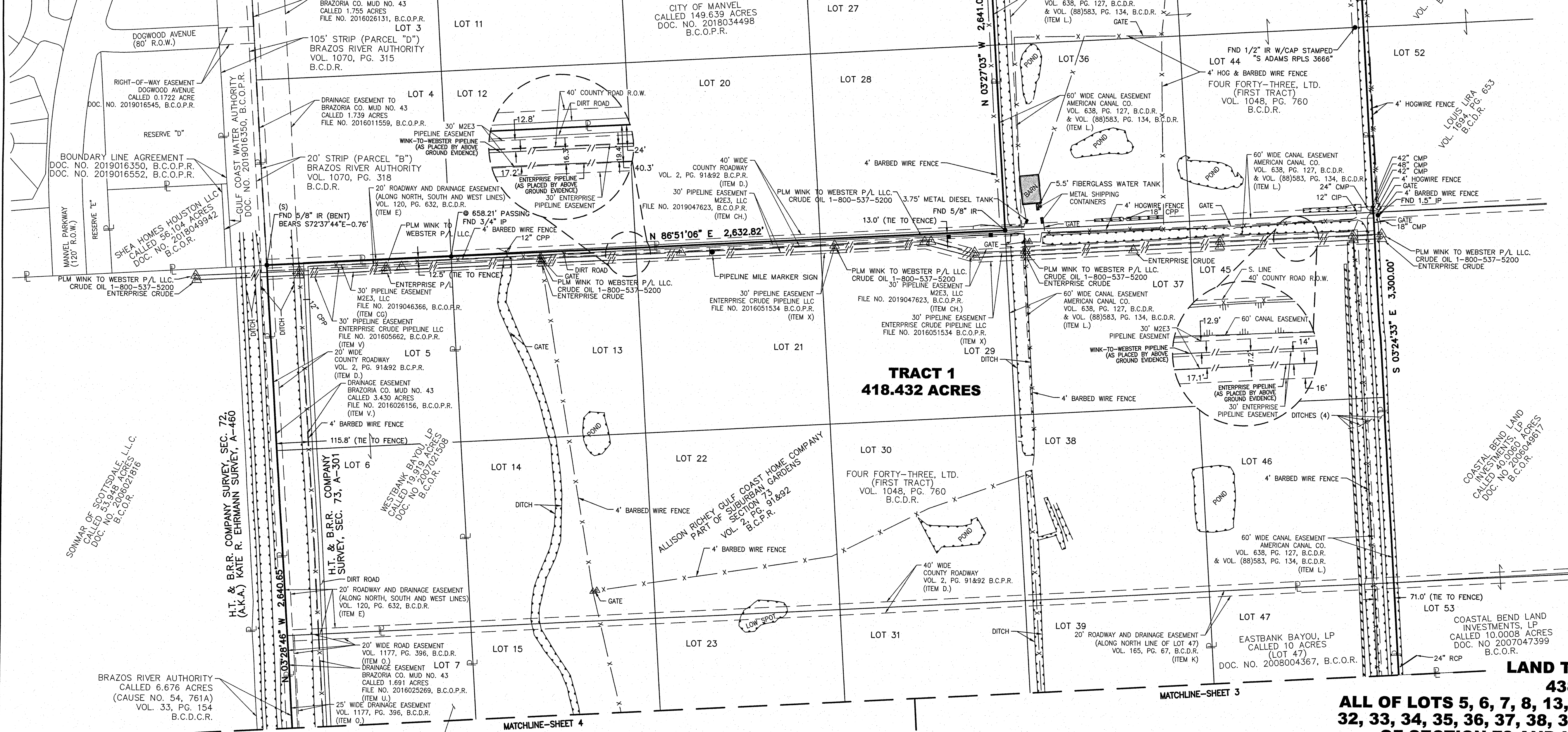
REVISED ON MARCH 19, 2021 TO REFLECT UPDATED TITLE COMMITMENT.

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



0 200 400
SCALE: 1" = 200'

VICINITY MAP
NOT TO SCALE



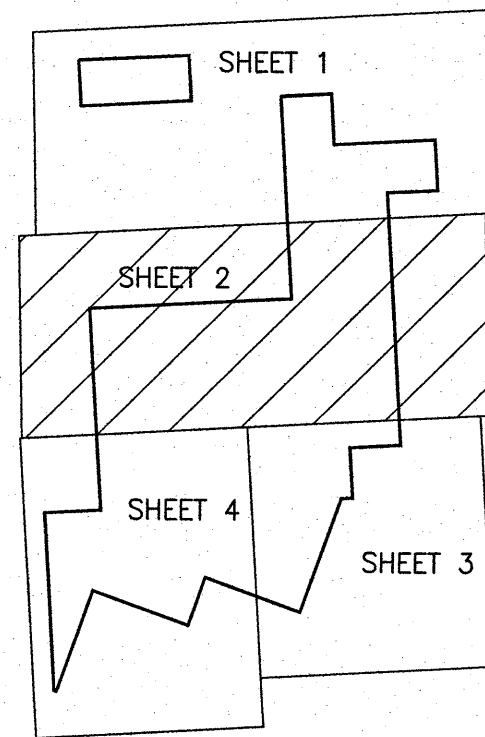
SOMMAR OF SCOTSDALE, LLC
CALLED 50.844 ACRES
DOC. NO. 2009021516
B.C.O.P.R.

BRAZOS RIVER AUTHORITY
CALLED 6.676 ACRES
(CAUSE NO. 54, 761A)
VOL. 33, PG. 154
B.C.D.C.R.

CYNTHIA LEE SOWELL WEISINGER,
CRISTI SOWELL HARVEY AND ANDREW WARD SOWELL,
AS CO-TRUSTEES OF CHARLES L. SOWELL FAMILY TRUST
CALLED 9.988 ACRES
DOC. NO. 2016025233 B.C.O.P.R.

S:\Sector Survey Projects\LAS001\2791\2101\CAD\SOWELL_LTS.dwg 3/19/2021

Exhibit C



MATCHLINE-SHEET 3
MATCHLINE-SHEET 4

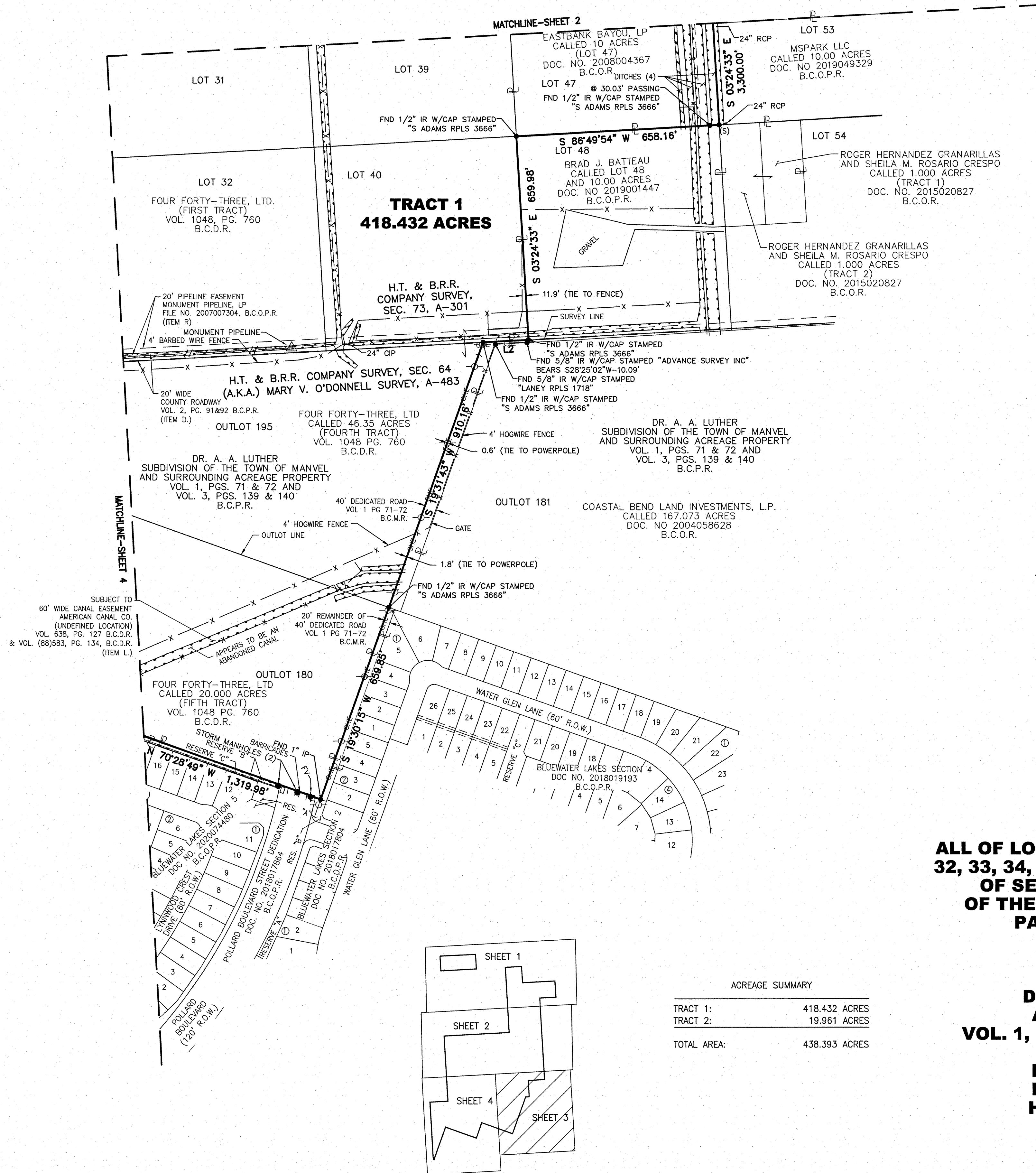
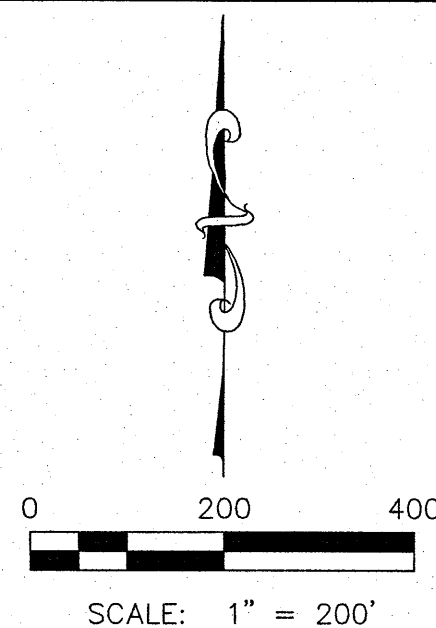
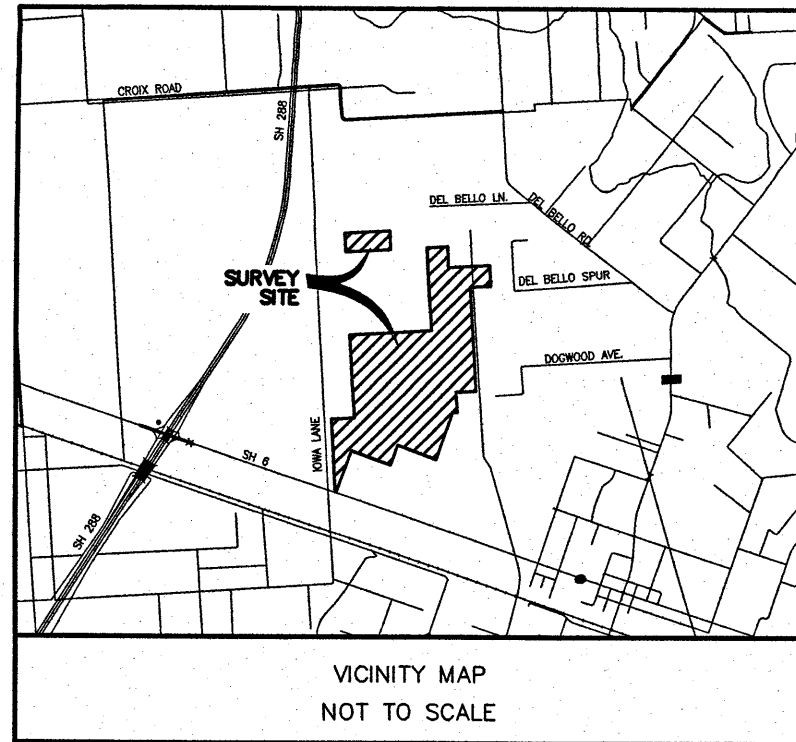
ACREAGE SUMMARY	
TRACT 1:	418.432 ACRES
TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

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
 - FENCE (AS SPECIFIED)
 - OHE OVERHEAD ELECTRIC
 - PIPELINE
 - PIPELINE MARKER
 - TELECOMMUNICATIONS MARKER
 - POWERPOLE
 - GUY-WIRE
 - FV FLUSHING VALVE
 - WV WATER VALVE

**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. LJA001-2791-2101
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



LINE	BEARING	DISTANCE
L1	N 70°29'23" W	133.64'
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
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P.O.B.	POINT OF BEGINNING
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A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
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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—	POWREPOLE
—G—	GUY-WIRE
+FV	FLUSHING VALVE
+WV	WATER VALVE

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
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FEBRUARY 2021 JOB NO. LJA5001-2791-2101

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Suite 175
Houston, Texas 77042

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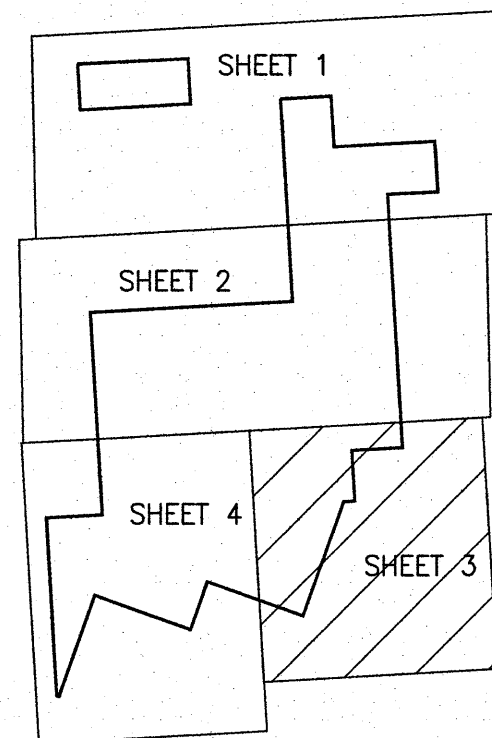
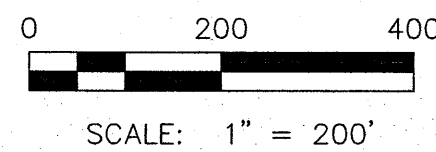
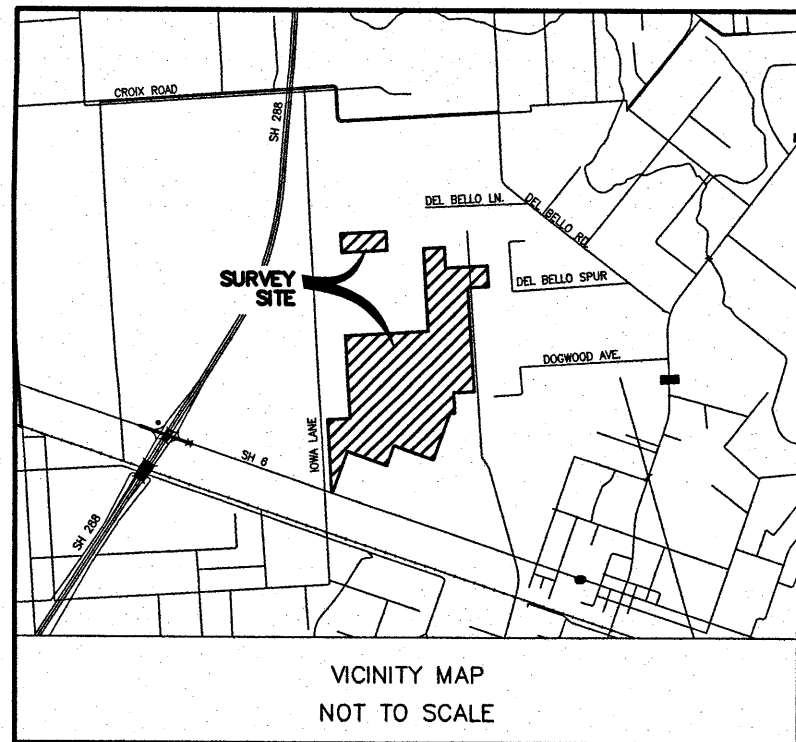
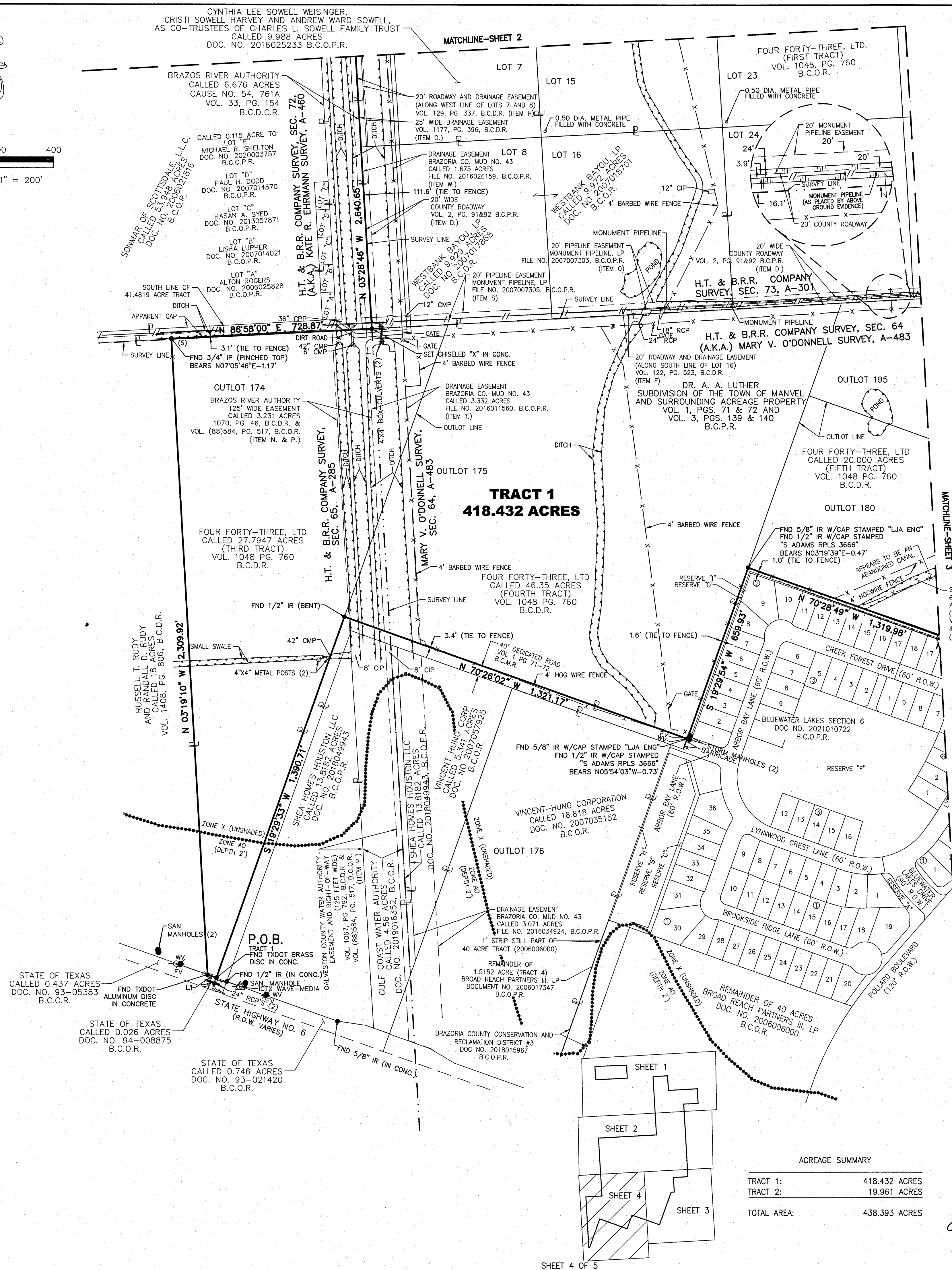


Exhibit C



SCALE: 1" = 200'



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↓	SAME OWNER
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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,
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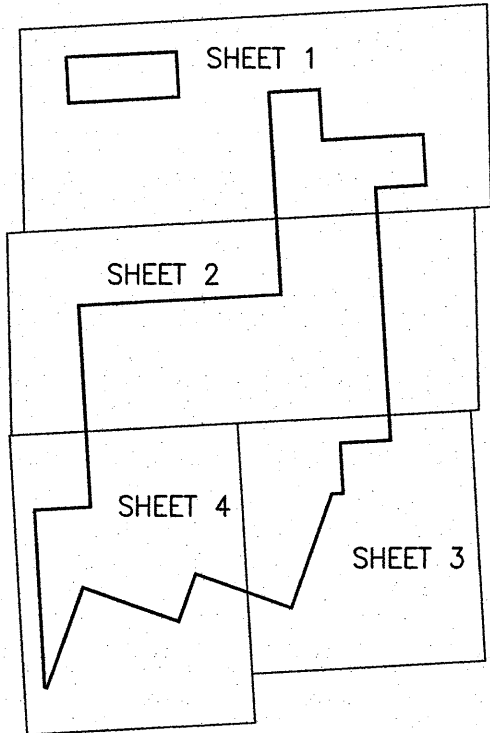
NOTES:

- 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, OF NO. CTH-COM-CIT20731337, 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 667, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AND INSTRUMENT RECORDED IN VOLUME 822, 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 QUOTLOTS 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: BRAZORIA 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.

S:\Sectoral Surveys\Projects\Landsect\2791\2101\COA\SWELL LJA.dwg 3/19/2021

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. LJA001-2791-2101

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

EXHBIIT 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;

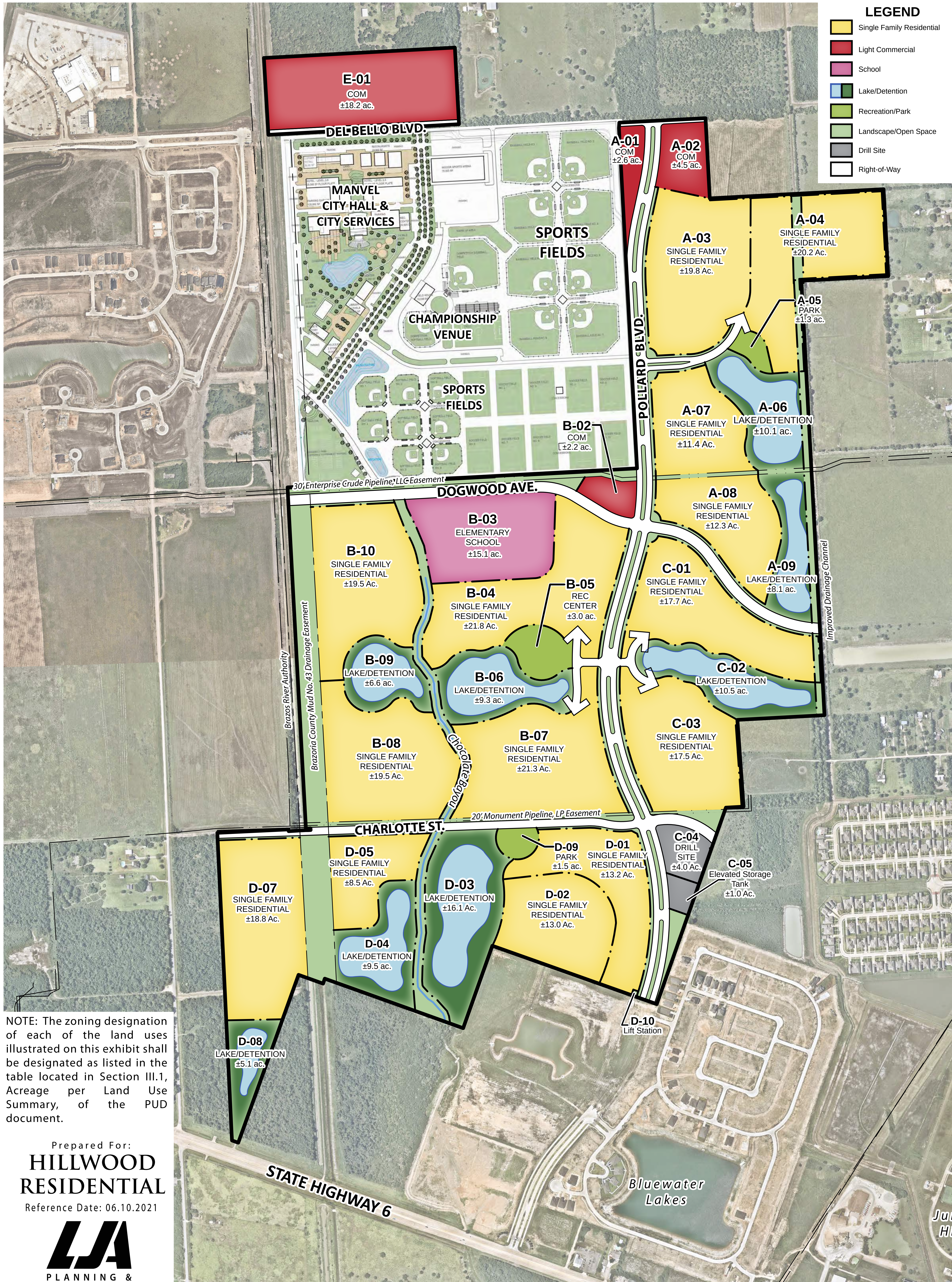
THENCE N 86°57'38” E, along and with the north line of said 18 acre tract, a distance of 729.52 feet to a 5/8 inch iron rod with cap stamped “FMS” set, at the southwest corner of Section 73 and being in the centerline intersection of two 40 foot platted roads and being the common corner of said Section 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.



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**

Reference Date: 06.10.2021

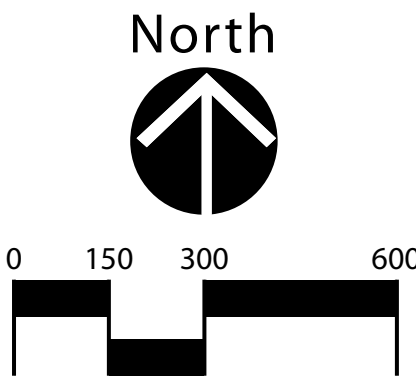


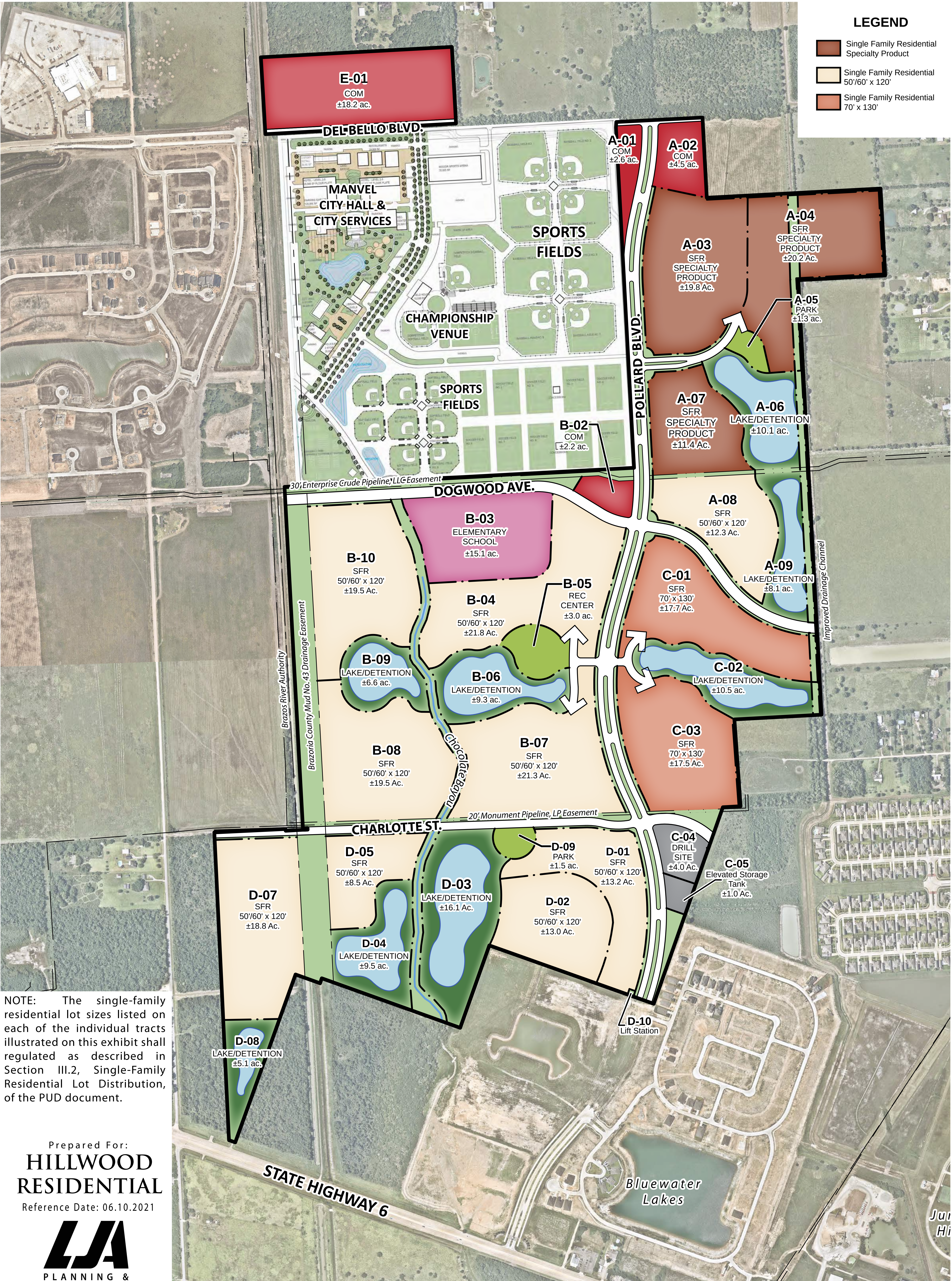
3600 W. Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
713.953.5200

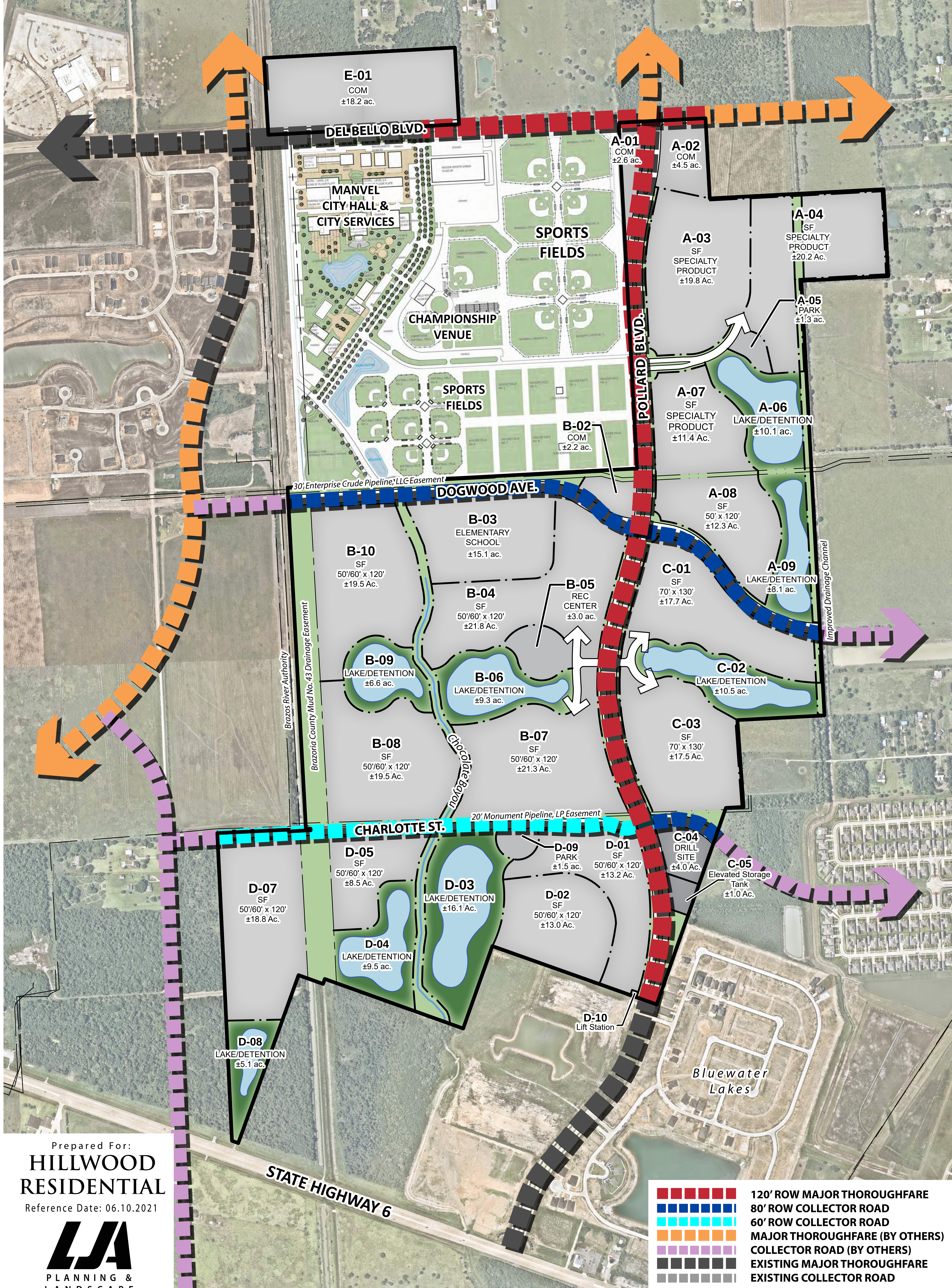
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EXHIBIT E
Planned Unit Development
Conceptual Land Use Exhibit
VALENCIA
±438.4 Acres of Land
Manvel, Texas







Prepared For:
**HILLWOOD
RESIDENTIAL**
Reference Date: 06.10.2021



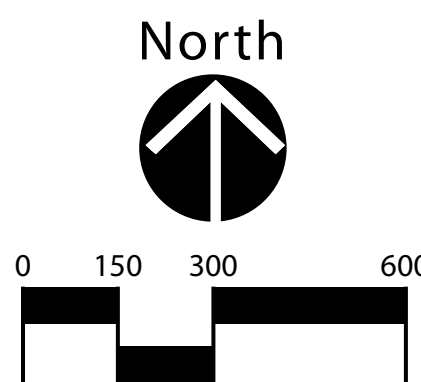
3600 W. Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
713.953.5200

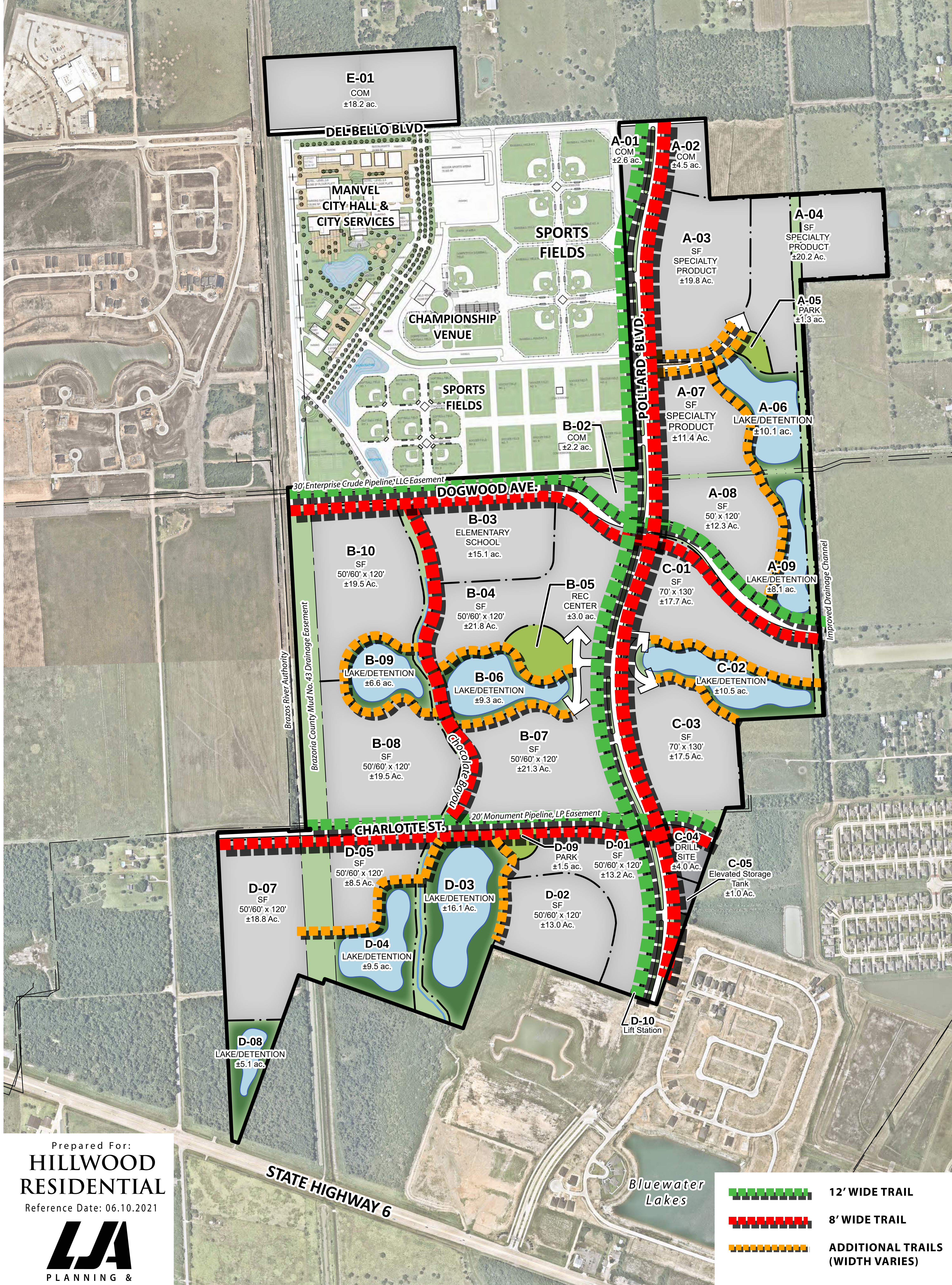
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EXHIBIT G

Planned Unit Development
Conceptual Roadway Exhibit
VALENCIA
±438.4 Acres of Land
Manvel, Texas





Prepared For:
**HILLWOOD
RESIDENTIAL**
Reference Date: 06.10.2021

LJA
PLANNING &
LANDSCAPE
ARCHITECTURE

3600 W. Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
713.953.5200

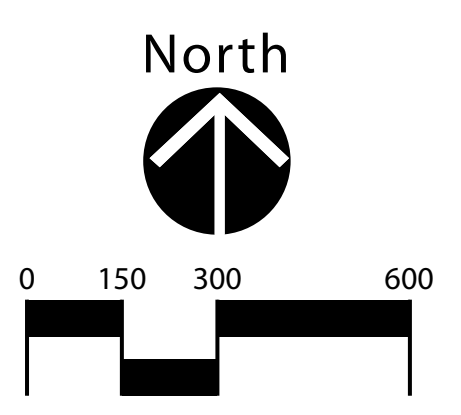
This exhibit is an illustrative representation for presentation purposes only and should not be used for computation or construction purposes. The information provided within should be considered a graphic representation to aid in determining plan components and relationships and is subject to change 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.

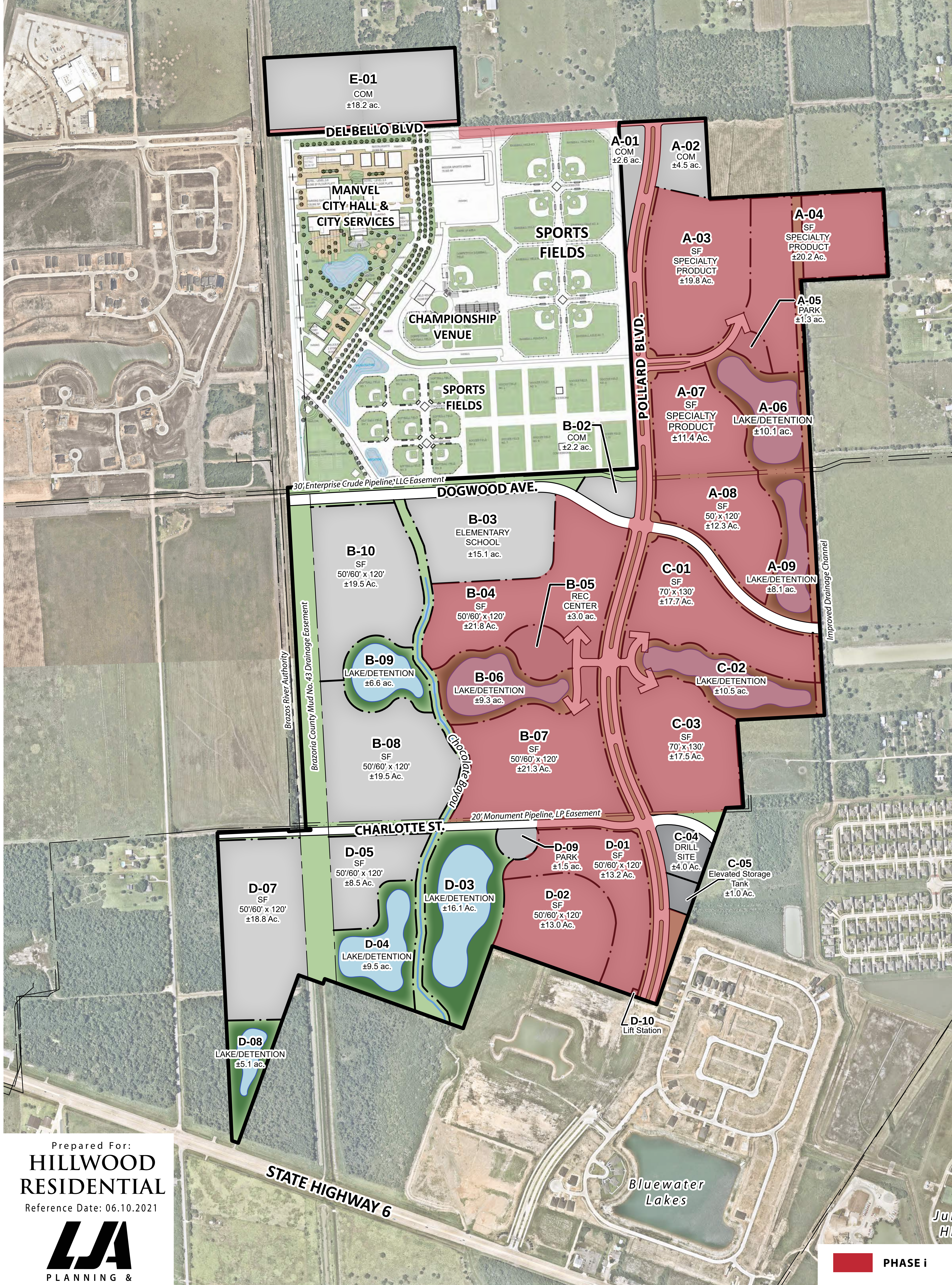
EXHIBIT H

Planned Unit Development
Conceptual Amenities and Open Space Exhibit

VALENCIA

±438.4 Acres of Land
Manvel, Texas





Prepared For:
**HILLWOOD
RESIDENTIAL**
Reference Date: 06.10.2021

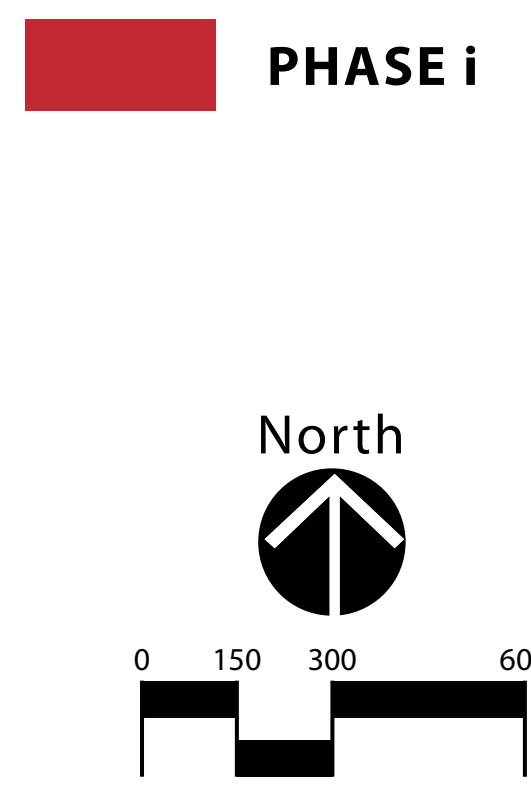
LJA
PLANNING &
LANDSCAPE
ARCHITECTURE

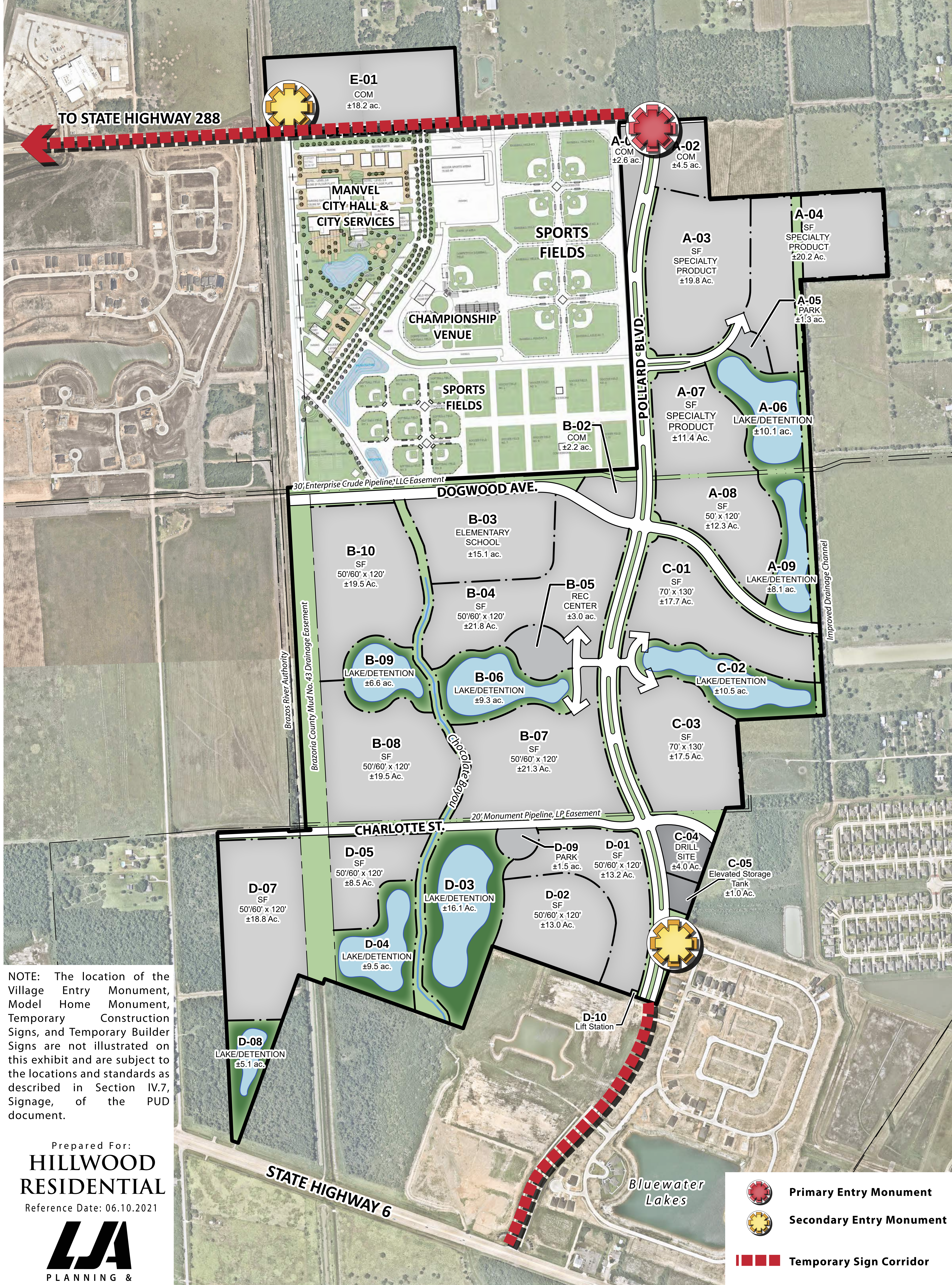
3600 W. Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
713.953.5200

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 I

Planned Unit Development
Phasing Exhibit
VALENCIA
±438.4 Acres of Land
Manvel, Texas





NOTE: The location of the Village Entry Monument, 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.

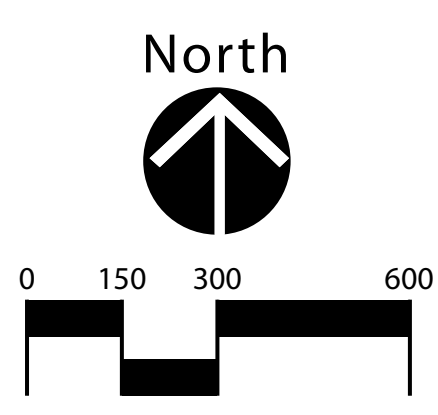
Prepared For:
**HILLWOOD
RESIDENTIAL**
Reference Date: 06.10.2021
LJA
PLANNING &
LANDSCAPE
ARCHITECTURE
3600 W. Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
713.953.5200

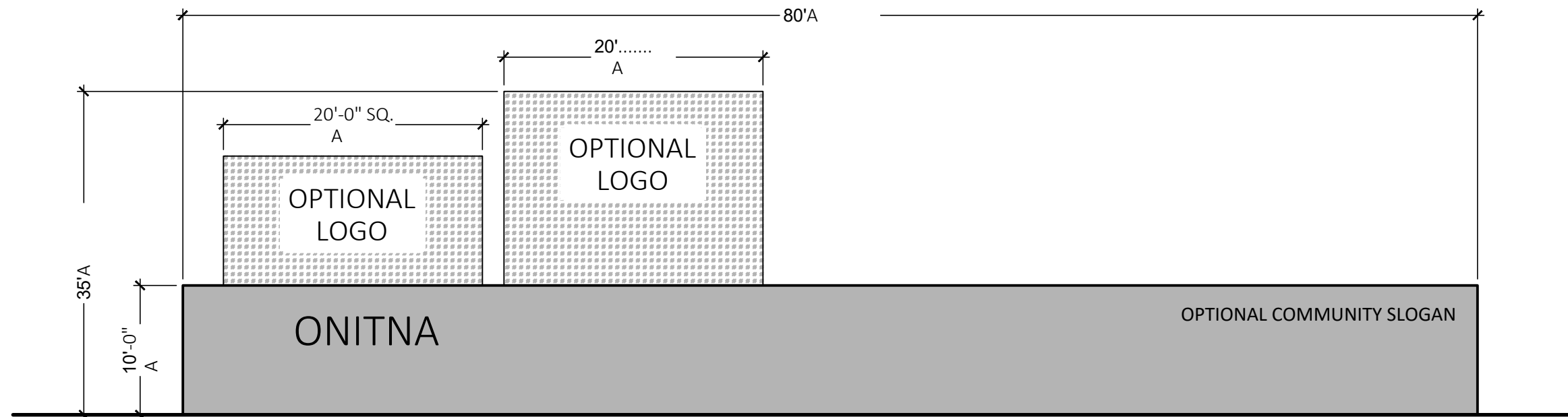
This exhibit is an illustrative representation for presentation purposes only and should not be used for computation or construction purposes. The information provided within should be considered a graphic representation to aid in determining plan components and relationships and is subject to change 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 J

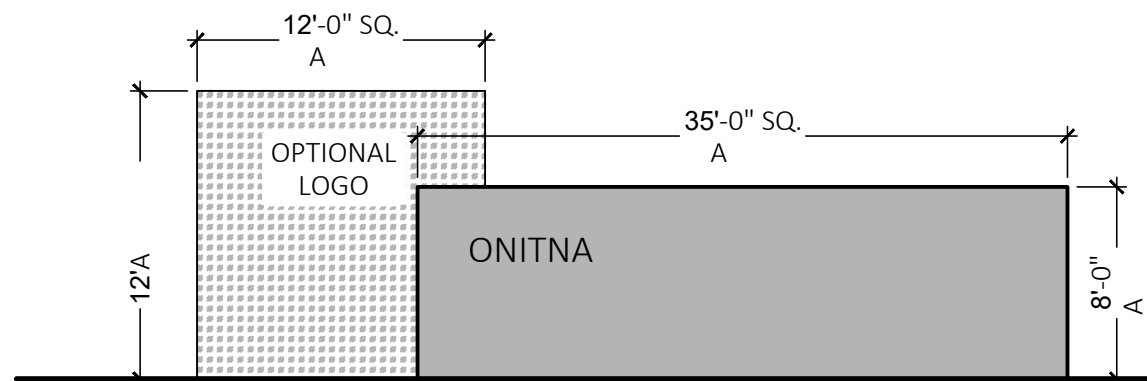
Planned Unit Development
Conceptual Project Signage Exhibit
VALENCIA
±438.4 Acres of Land
Manvel, Texas

-  Primary Entry Monument
-  Secondary Entry Monument
-  Temporary Sign Corridor

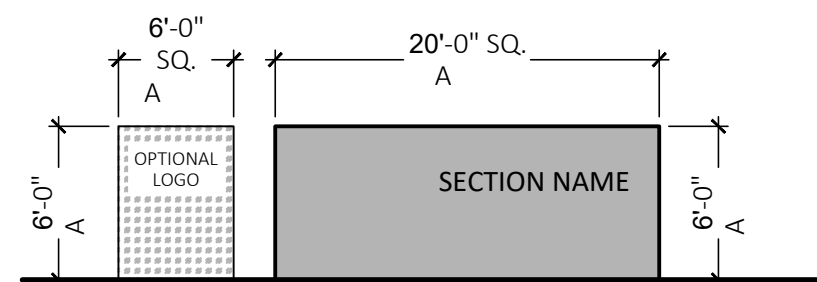




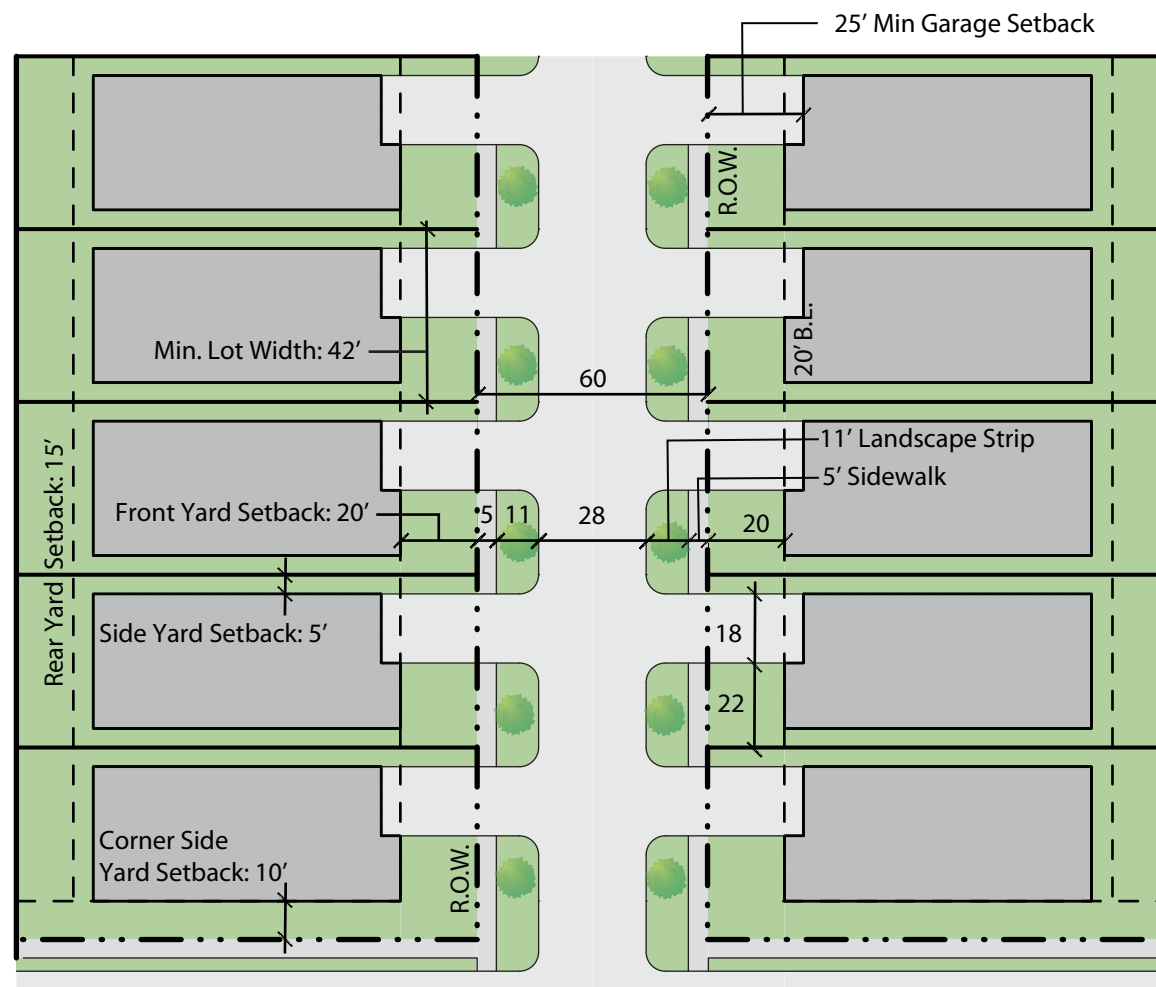
PRIMARY ENTRY MONUMENTS



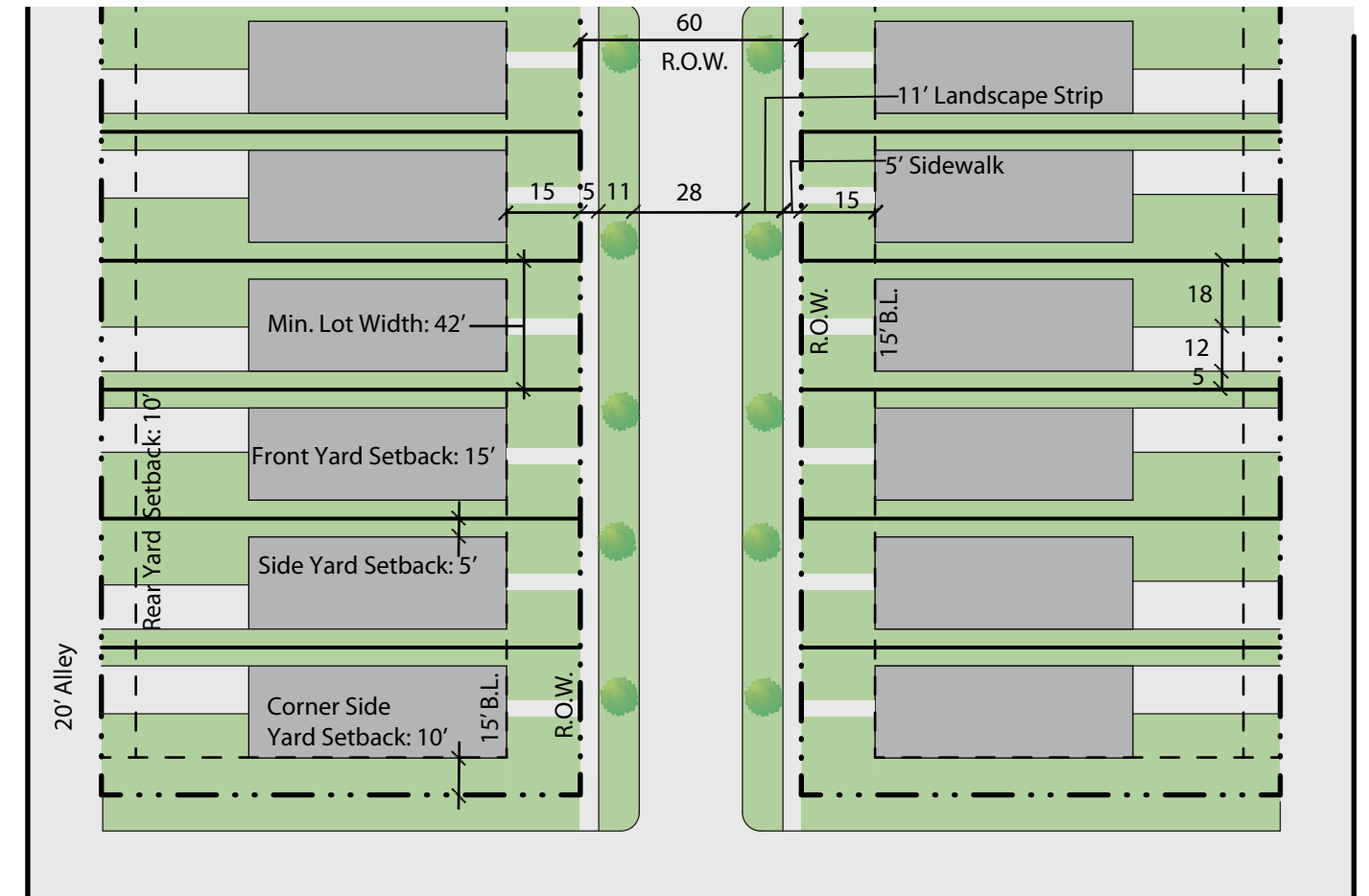
SECONDARY ENTRY MONUMENTS



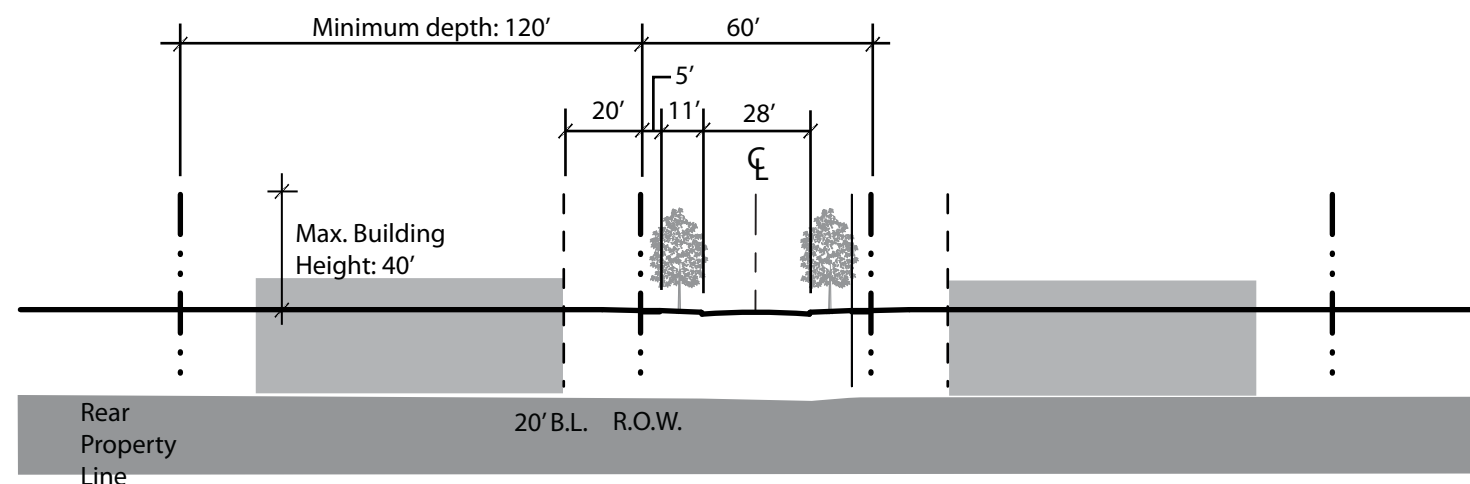
VILLAGE ENTRY MONUMENTS



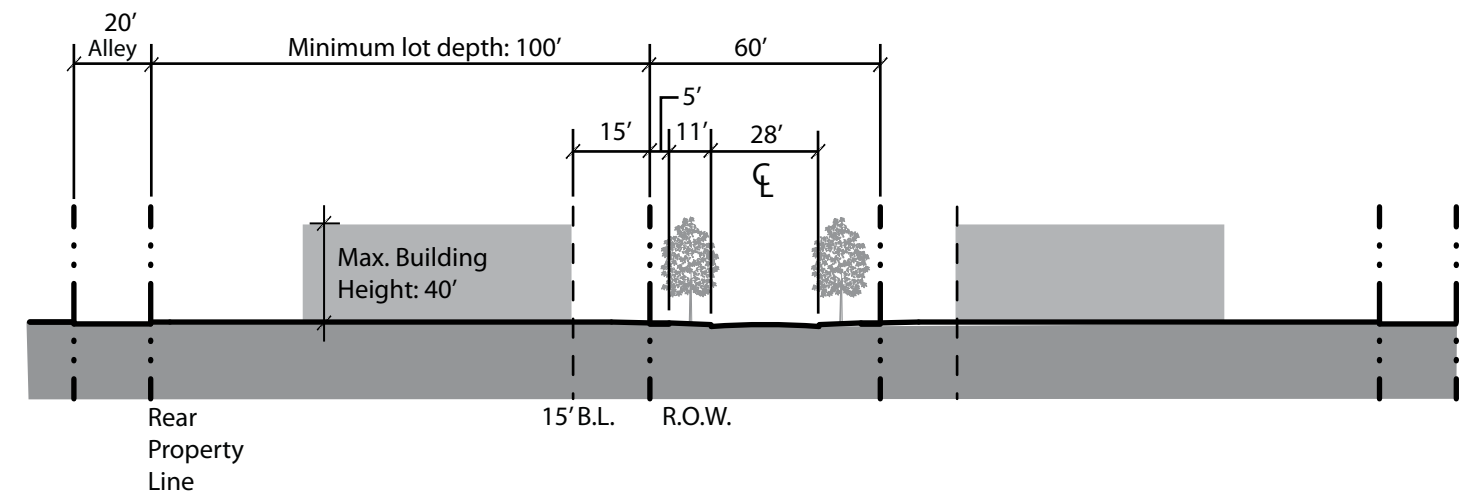
1. Plan Front Load 42' Product - 60' R.O.W.



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



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



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

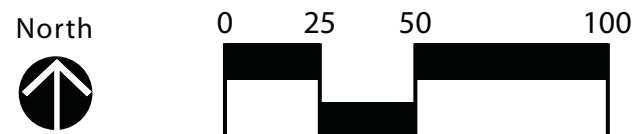
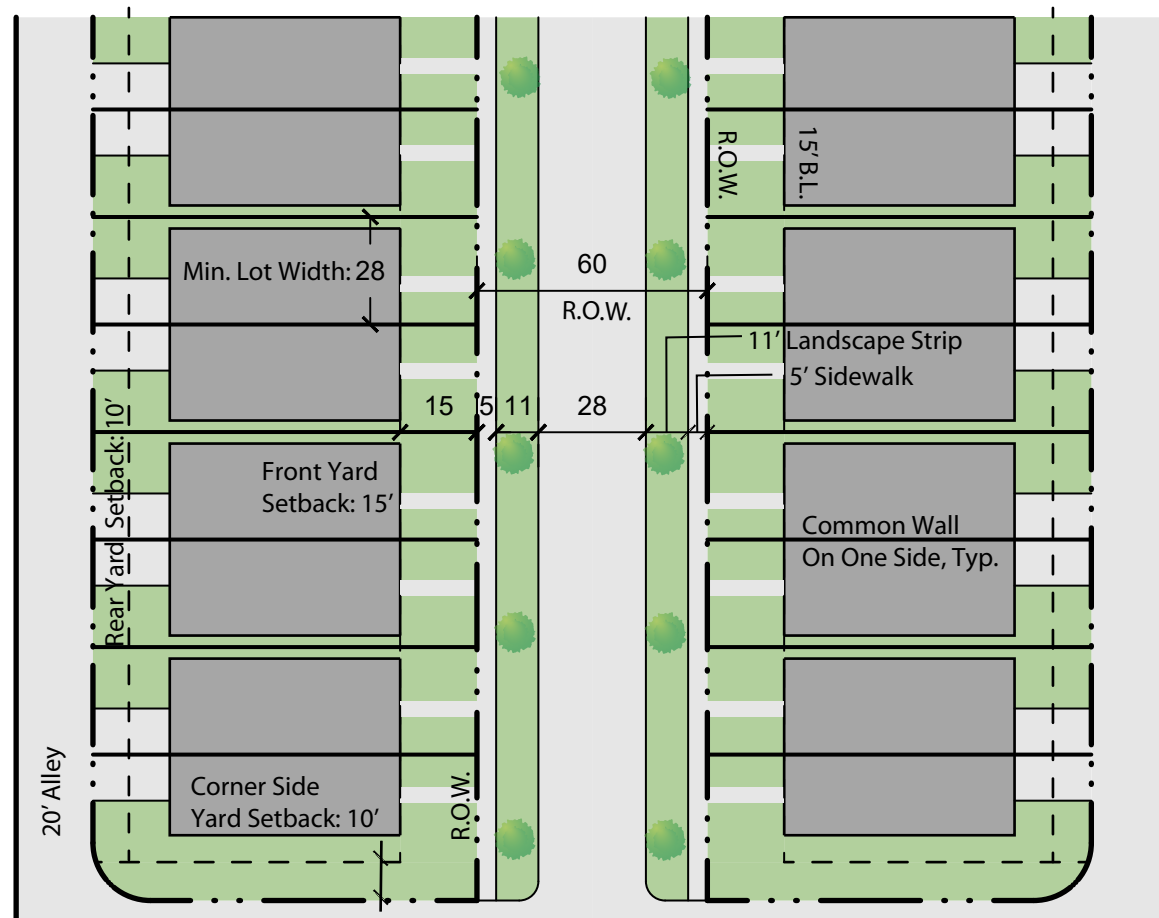


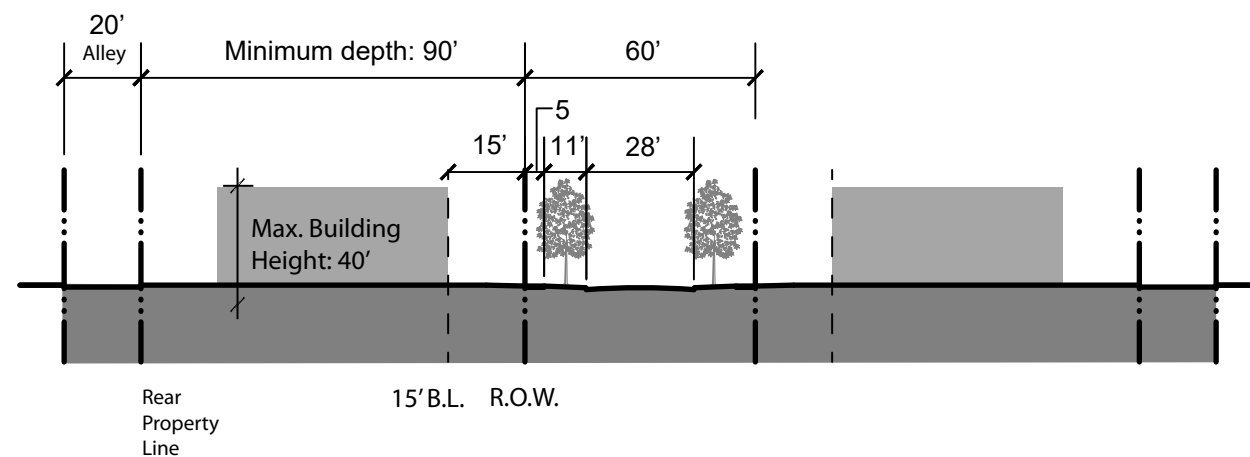
EXHIBIT L
 Planned Unit Development
 Specialty Product Exhibits for Front Load and Alley Products
VALENCIA
 ±438.4 Acres of Land
 Manvel, Texas

Prepared For:
HILLWOOD
 Reference Date: 01.13.2021





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

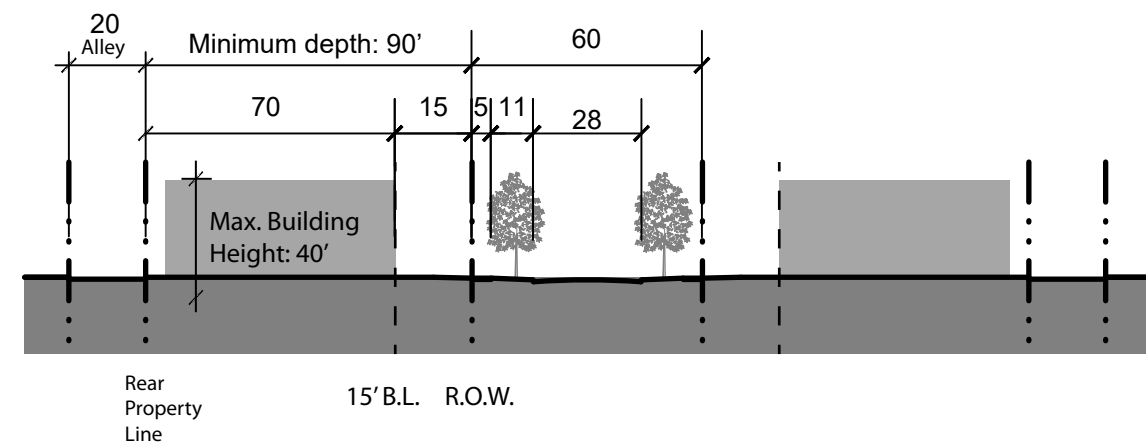


3 Section: Rear Load 28' Attached Product - 60' R.O.W.



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.

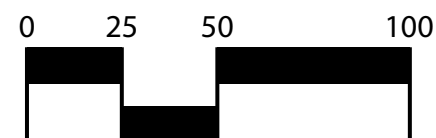


EXHIBIT M

Planned Unit Development
Specialty Product Exhibits for Rear Load Attached and Townhome Products

VALENCIA

±438.4 Acres of Land
Manvel, Texas

Prepared For:
HILLWOOD
Reference Date: 01.13.2021





Employment Application

20025 Hwy 6 • Manvel • Texas 77578

We are an equal opportunity employer. Discrimination against or preference for any person in recruitment, hiring, discharge, pay, fringe benefits, membership, training, examination, appointment, promotion, retention, discipline or any other aspect of employment because of race, color, sex, age, religion, national origin, marital status, physical disability or non-merit factor is prohibited.

You may attach a resume, but you must complete all questions and items on this application. Please print or type.

Referral Source

How did you learn about this employment opportunity?

- ☐ Advertisement; ☐ Friend/Relative; ☐ Walk-in; ☐ Employment Agency;
☐ Referred by current employee (If so, provide name of employee) _____
☒ Other **Karen Vannerson**

Personal Information

Position			Social Security Number
Associate Municipal Judge			
Last Name	First Name	Middle Name	Home Phone
Monks	Gerald	Patrick	
Address			Alternate Phone
13711 Robin Hill Ct.			
City	State	ZIP Code	E-Mail
Houston, ,	Texas	77059	

- Do you have the legal right to reside and work in the United States?
Proof of citizenship or immigration status will be required upon employment ☒ Yes ☐ No
- Have you ever been dismissed and/or allowed to resign in lieu of discharge? ☐ Yes ☒ No
- Have you ever been convicted of a violation or any criminal statute whether felony or misdemeanor (excluding parking violations)? ☐ Yes ☒ No
- Are you able to meet the schedule and attendance requirements of the position? ☒ Yes ☐ No
- Are you available to work? ☒ Full-time ☐ Part-time ☐ Shift work ☐ Temporary

Education

	Name and Address of School	Course of Study	Years/Hours Completed	Diploma/Degree
High School	Marian High School	High School	4	hs
College	University of Houston	Business	4	BBa
Graduate/Professional	South Texas College of Law	Law	3	JD
Other				

Training/Job Skills/Certifications and Other Qualifications

List any training programs or courses you have completed (including military training) and experience or skills which you believe qualify you for this position:

Associate Judge of the City of Arcola

City Prosecutor of Taylor Lake Village.

I have attached my resume

List any certifications you currently possess:

Law Degree

Please check those job skills that you bring to this position:

- ☐ Word Processing ☐ Spreadsheet ☐ Page Processing ☐ Database Management ☐ Calculator
☐ Key Station Terminal (CRT) ☐ Typewriter ☐ Construction Tools ☐ Tractors/Mowers ☐ Dump Trucks
☐ Backhoes/Frontloaders ☐ Bulldozers ☐ Other 713666

Indicate foreign languages you can speak, read, and/or write:

English

☒ Fluent ☐ Good ☐ Fair

☐ Fluent ☐ Good ☐ Fair

Employment History

Provide your employment history covering the past 10 years beginning with your present or most recent employer. If more space is needed, attach a separate sheet.

Name of Employer
Monks law firm

Supervisor's Name and Title
Lawyer

Employer's Address/City/State
4615 Southwest frwy Houston, texas 77027

Employer's Telephone Number
(713) 666-6657

Your Title
Attorney

Final Salary
\$ 125,000

Dates of Employment (month/year)
37 years

Briefly Describe the Nature and Duties of Your Position

I am a trial attorney. Managed cases and large dockets.

Reason for Leaving | **still work there**

Name of Employer
Malios and Assocaites

Supervisor's Name and Title
Associate

Employer's Address/City/State
5910 North Central Expressway Dallas, Texas

Employer's Telephone Number
(972) 938-1529

Your Title

Final Salary

Dates of Employment (month/year)
june 1989 to May 1990

Briefly Describe the Nature and Duties of Your Position

Associatie attorney, tried cases , managed large dockets and worked with clients.

Reason for Leaving **Move back to Houston**

Name of Employer

Supervisor's Name and Title

Employer's Address/City/State

Employer's Telephone Number

Your Title

Final Salary

Dates of Employment (month/year)

Briefly Describe the Nature and Duties of Your Position

Reason for Leaving

General Information

- Has a copy of the job description been provided to you for review? ☒ Yes ☐ No
- Have you read the job description and do you understand the essential functions of the job? ☒ Yes ☐ No
- Are you capable of performing in a reasonable manner, with or without a reasonable accommodation, the activities involved in the job for which you have applied as outlined in the job description? ☒ Yes ☐ No
- Do you have any questions concerning the requirements of the job?
If yes, have these questions been discussed with a representative of the City? ☐ Yes ☒ No
- If the position requires a driver's license, do you currently have a valid Texas Driver's License? ☒ Yes ☐ No
If yes, provide number and class of license _____
- Do you have a relative currently employed by the City? ☐ Yes ☒ No
If yes, what is the nature of the relationship? _____

Personal References

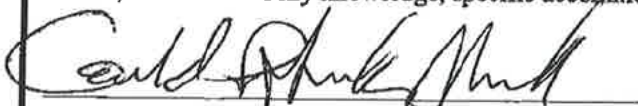
List three persons not related to you by blood or marriage who have not been listed in the Employment History section that can provide personal or professional references.

- | Name and address | Daytime Telephone |
|---|-------------------|
| 1. Mo Ghuniem Presiding Judge of Arcola Municipal Court | (832) 877-7265 |
| 2. Justice of the Peace Kelly Crow | (281) 908-2393 |
| 3. Judge Larry Rousseau Court 12 the city of Houston | (713) 371-7157 |

Acknowledgement

Read carefully before signing. By my signature below, I certify, authorize or acknowledge:

- That I have read and understand this application form, the job description, eligibility requirements, and that the information provided is true and complete to the best of my knowledge. In the event of employment, I understand that false or misleading information provided in my application or interview(s) may result in my separation or not being hired. I further understand that the City is a Drug Free Workplace and I will submit to a pre-employment substance abuse screen and any other applicable job related testing or screening that is required as a condition of employment.
- That all my current and former employers may furnish the City all documents and information relating to my current and former employment or reasons for leaving employment, past or present, and I release my current and former employers and all their officers, agents, and representatives from all claims, liability and causes of action I may have now or in the future relating to in anyway to the furnishing of such documents or information.
- That this application is property of the City and will not be returned to me and that I am required to abide by all rules, regulations, policies, and procedures of the City and that this application for employment is not to be construed as an employment agreement or contract.
- That if reasonable accommodation is required due to a disability, I must inform the Personnel Specialist and I will also state, to the best of my knowledge, specific accommodation(s) I will require.


Applicant Signature

July 8, 2021

Date

RESOLUTION NO. 2021-R-15

A RESOLUTION GRANTING CONSENT TO THE CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 79 WITHIN THE CITY LIMITS OF THE CITY OF MANVEL, TEXAS, SUBJECT TO CONDITIONS.

WHEREAS, Section 54.016 of the Texas Water Code, as amended, provides that “No land within the corporate limits of a City...shall be included in a district unless the City grants its written consent, by resolution or ordinance, to the inclusion of the land within the District in accordance with Section 42.042, Local Government Code and this section.”; and

WHEREAS, the City Council has heretofore found and determined, and hereby affirmatively finds and determines that here exists within the City of Manvel, Texas, an area wherein it is desired that a municipal utility district will be created; and

WHEREAS, it is contemplated that such conservation and reclamation district (more particularly a municipal utility district) by authority of Article XVI, Section 59, and Article III, Section 52, Texas Constitution in accordance with and having all the powers provided by any special enabling legislation, as well as Chapter 49 and 54, Texas Water Code, as amended; and

WHEREAS, it is proposed that said municipal utility district shall be known as Brazoria County Municipal Utility District No. 79; and

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

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The City Council hereby consents to the creation of Brazoria County Municipal Utility District No. 79 (“District”) and the inclusion of land described in **Exhibit A**, within the District’s boundaries, subject to the consent conditions attached to this Resolution as **Exhibit B**. Such consent conditions shall apply to the entirety of the District.

Section 3. If any provisions, section, subsection, paragraph, sentence or clause of this ordinance of the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance which are declared to be severable.

Section 4. This resolution shall be null and void if the owner of a majority of land in the District does not enter into a Development Agreement with the City or the District does not enter into a Utility Agreement with the City within 1 year of the date hereof.

[signatures follow]

PASSED AND APPROVED the ____ day of _____ 2021.

DEBRA DAVISON
Mayor

ATTEST:

Tammy Bell
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

EXHIBIT A

The Land

EXHIBIT B

Consent Conditions

- (a) The District may issue bonds, including refunding bonds, only for the purpose of purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, and fire, parks and recreational facilities, and streets and thoroughfares, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. No bonds will be issued with a final maturity date more than 30 years from the date of issuance, and the first principal maturity must occur within three years of the date of issuance. The Bonds shall have level debt service requirements consistent with the availability of expected sources of revenue to be applied toward payment of debt service on the Bonds. Level debt service shall mean that during the period beginning with the calendar year of the first principal payment on a bond issue and ending in the calendar year of the final payment of one expected source of revenue, which will thereafter no longer be available to the District, the spread from the greatest debt service on all District debt in a calendar year during said period to the least debt service in a calendar year during said period shall not be more than \$30,000. The intent may be demonstrated by submitting a proposed Notice of Sale and estimated bid using the proposed maturity pattern that shows coupons, interest and total debt service requirements that meets the required standard above to the City for prior approval. Having shown intent to comply by getting approval of the structure by the City in advance of advertising for sale will be sufficient in the event the actual results of a competitive sale return debt service payments that otherwise would not meet the standard of \$30,000 difference between maximum and minimum annual debt service payments. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the 10th anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 97 percent of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than 45 days after notice of sale of the bonds is given. No bonds of the District may be issued without specific City consent if the City has given notice to the District that it intends to dissolve the District in accordance with applicable law within 120 or fewer days after such notice. Following the issuance of any series of bonds, the average annual debt service requirement on the outstanding indebtedness of the District during the last five years of such indebtedness may not exceed the average annual debt service payment on the District's indebtedness during the period preceding the final five years of indebtedness by more than 25 percent. After the District has issued bonds to finance all the District's water,

wastewater, drainage, road and recreational facilities, no bonds of the District may be issued without specific City consent.

- (b) Any refunding bonds of the District must provide for a minimum of three percent present value savings, and no maturity beyond the latest maturity of the refunded bonds, unless approved by the City in writing prior to the sale thereof.
- (c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer, drainage facilities and thoroughfares to serve the District and obtain the approval of such plans and specifications. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the standard specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections, paid for by District. All roads and thoroughfares within the District will comply with the City's standard plans and specifications as amended from time to time.
- (d) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of recreational facilities, the District shall obtain and maintain on file, from a registered landscape architect, registered professional engineer, or a design professional allowed by law to engage in architecture, a certification that the recreational facilities, as constructed, conform to the applicable recreational facilities design standards and specifications of the City of Manvel and shall submit a copy of the certification for such recreational facilities to the City of Manvel for review and approval before construction and a copy of the "as built" plans and specifications to the City of Manvel after construction.
- (e) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of facilities for public safety services, the District shall obtain and maintain on file, from a registered architect, registered professional engineer or a design professional allowed by law to engage in facility -design and construction, a certification that the facilities for public safety services, as constructed, conform to the applicable public safety facilities design standards and specifications of the City of Manvel and shall submit a copy of the certification for such facilities for public safety services to the City of Manvel for review and approval before construction and a copy of the "as built" plans and specifications to the City of Manvel after construction.
- (f) The District, its board of directors, officers, developers, and/ or landowners will not permit the construction, or commit to any development within the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District's allocated capacity therein.

- (g) Prior to the sale of any lot or parcel of land, except for detention ponds and park greenspaces conveyed to the District and parcels conveyed to District directors, the owner or the developer of the land included within the limits of the District will obtain the approval of the City of Manvel of a plat which will be duly recorded in the Real Property Records of Brazoria County, Texas, and otherwise comply with the rules and regulations of the City of Manvel.
- (h) The District shall not exercise its power of eminent domain except upon prior approval by the City Council of the City of Manvel. Such approval may not be unreasonably withheld, except that any exercise of eminent domain over city property may be denied for any reason. Approval shall not be denied if the District's exercise of eminent domain is for the purpose of connecting District facilities to a City-owned facility.
- (i) Once created, the District may not annex any land into the District without prior approval by the City Council of the City of Manvel.
- (j) Except as may be otherwise allowed by the City, the District will obtain water supply and wastewater treatment from the City. The District may not construct its own water plant or wastewater treatment plant without the City's prior approval.

EXHIBIT "A"

November 30, 2008
Job No. 1078-2008-202

DESCRIPTION OF 79.905 ACRES

Being 79.905 acres of land located in the A. C. H. & B. R. R. Co. Survey, Section 90 also known as the Kate R. Ehrmann Survey, Abstract 459 of Brazoria County, Texas, more particularly being a portion of Block "O" of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 91 & 92, Plat Records, Brazoria County, Texas (B.C.P.R.) more particularly being all of those certain tracts called 2.2229 acres (referred to as Tract B), 16.6700 acres (referred to as Tract C), 46.8412 acres (referred to as Tract D), 14.1479 acres (referred to as Tract E) conveyed to VDB Partners, Ltd, by instrument of record in File Number 99-050835, Official Records of Brazoria County, Texas (B.C.O.R.), all of those certain tracts called 46.8412 acres (referred to as Tract D), and 14.1479 acres (referred to as Tract E) conveyed to VDB Partners, Ltd, by instrument of record in File Number 99-050834, B.C.O.R. and in an affidavit to correct legal description of record under File Number 2006000883, B.C.O.R., said 79.905 acres being more particularly described by metes and bounds in two parts, Part One being 16.447 acres and Part Two being 63.458 acres as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993 adjustment));

PART ONE

BEGINNING at a 5/8-inch iron rod found for a re-entrant corner on the north line of that certain called 99.9653 acre tract conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record in File No. 2004064049, B.C.O.R.;

Thence, North 03° 08' 38" West, along the west line of said 14.1479 acre tract and the most northerly east line of said 99.9653 acre tract, 333.68 feet to a 5/8-inch iron rod with cap stamped "LA THOMPSON 3987" found for the most northerly northeast corner of said 99.9653 acre tract, same being the southeast corner of Lot 19, Section 90 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, B.C.P.R.;

Thence, South 02° 27' 53" East, along said west right-of-way line and the east line of said 2.2229 acre tract, passing at 755.91 feet the common east corner of said 2.2229 and 14.1479 acre tracts, from which a found 5/8-inch iron rod bears North 81° 46' 31" West, 2.79 feet and a found 1/2-inch iron rod bears South 05° 03' 37" East, 6.31 feet, and continuing along said west right-of-way line and the east line of said 14.1479 acre tract, in all 2,903.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said west right-of-way line with the north line of said 99.9653 acre tract, from which a 5/8-Inch iron rod bears North 02° 27' 53" West, 1.68 feet;

Thence, South 86° 42' 53" West, along the north line of said 99.9653 acre tract, 284.45 feet the POINT OF BEGINNING and containing 16.447 acres of land.

PART TWO

BEGINNING at a 5/8-inch Iron rod found for the northeast corner of that certain called 99.9653 acre tract conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record in File No. 2004064049, B.C.O.R.;

Thence, South 86° 42' 53" West, along the most easterly north line of said 99.9653 acre tract, 964.95 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of the east right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa Lane) with the north line of said 99.9653 acre tract;

Thence, North 02° 27' 53" West, along said east right-of-way line, passing at 2,147.50 feet the common west corner of the aforementioned 46.8412 acre tract and the aforementioned 16.6700 acre tract, from which a found 5/8-inch iron rod bears North 71° 19' 55" West, 2.93 feet and a found 1/2-inch iron rod bears South 25° 18' 36" East, 6.82 feet, and continuing along said east right-of-way line and the west line of the aforementioned 16.6700 acre tract, in all 2,903.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said east right-of-way line and easterly right-of-way line of State Highway 288 (width varies);

SCHWARTZ, PAGE & HARDING, L.L.P.

ATTORNEYS AT LAW

1300 POST OAK BOULEVARD

SUITE 1400

HOUSTON, TEXAS 77056

WWW.SPHLLP.COM

TELEPHONE (713) 623-4531
TELECOPIER (713) 623-6143

JOSEPH M. SCHWARTZ
ABRAHAM I. RUBINSKY
HOWARD M. COHEN
SPENCER W. CREED
CHRISTOPHER T. SKINNER
DANIEL S. RINGOLD
MITCHELL G. PAGE
BRYAN T. YEATES
CHRISTINA J. COLE
MATTHEW R. REED

GINA FREE
JOHN H. EICHELBERGER
DIANA MILLER
RICK L. BARKER
KEVIN B. GIESEKE
KATE H. HENDERSON
GORDON C. CRANNER

May 26, 2021

***Via E-Mail (kjung@cityofmanvel.com)
and Federal Express***

Mr. Kyle J. Jung,
City Manager
City of Manvel
20025 Highway 6
Manvel, Texas 77578

Re: Brazoria County Municipal Utility District No. 79

Dear Kyle:

We are pleased to report that Senate Bill 2145, creating Brazoria County Municipal Utility District No. 79 (the "District"), has been passed by the 87th Texas Legislature and signed by the Governor of the State of Texas. The Act creating the District is codified as Chapter 8151 of the Texas Special District Local Laws Code. Pursuant to Section 8151.0104 of such Code, please find enclosed a Petition for Consent to the Creation of a Municipal Utility District executed by the owner of the property located within the District, VDB Partners, Ltd.. Per your request, also enclosed is an updated conceptual master plan for the proposed development of the land within the District prepared by BGE, Inc.

VDB Partners, Ltd. requests that an item be included on the earliest available City Council meeting agenda for the Council to consider the Petition and the adoption of an Ordinance consenting to the creation of the District. As we have previously discussed, the District is seeking to hold a confirmation, director, bond and maintenance tax election on November 2, 2021. In order to be able to timely call that election, the District needs to receive the City's consent as soon as possible, but in no event later than August 6, 2021. Please let us know if there is any further information that VDB Partners, Ltd. can provide to help expedite this request.

Very truly yours,

SCHWARTZ, PAGE & HARDING, L.L.P.

By: 

Daniel Ringold

Attorneys for the District

Mr. Kyle J. Jung

May 26, 2021

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cc: Mr. William Visinsky
VDB Partners, Ltd. (Via E-mail)

Mr. Bobby Gervais
City Attorney (Via E-mail)

PETITION FOR CONSENT TO CREATION
OF A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND
CITY COUNCIL OF THE CITY OF MANVEL:

The undersigned, hereinafter called "Petitioner" (whether one or more), being the holder of title to all and, therefore, a majority in value of the lands hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Brazoria County, Texas, acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petitions for consent to the creation of a municipal utility district, hereinafter called "District". In support of this petition for consent to creation of the District, Petitioner shows as follows:

I.

The name of the District will be BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 79.

II.

The area of the land to be included in the District contains 79.905 acres, more or less, and lies wholly within Brazoria County, Texas. All of said area is within the corporate limits of the City of Manvel and is not within the corporate limits or extraterritorial jurisdiction of any other city. Petitioner hereby certifies that there are no holders of liens against the land to be included in the District.

III.

The land sought to be included within the area of the District is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

IV.

The District will be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapter 49 and Chapter 54 of the Texas Water Code, as amended. The purposes of and the general nature of the work proposed to be done by the District shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal uses, domestic uses and commercial purposes;
- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;

(3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction and interest during construction;

(4) establish, finance, provide, operate and maintain a fire department and/or fire-fighting services ("firefighting facilities") within the District subject to approval of the Texas Commission on Environmental Quality pursuant to its rules and Chapter 49 of the Texas Water Code, as amended, as and if required;

(5) exercise road powers and authority ("Road Powers") pursuant to applicable law;

(6) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and

(7) to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created and permitted under state law.

V.

The area of the District is urban in nature, is within the growing environs of the City of Manvel, and is in close proximity to populous and developed sections of Brazoria County. The District's area will, within the immediate future, experience a substantial and sustained commercial growth. Therefore, there is a necessity for the improvements described above for the following reasons:

(1) The District's area is not supplied with adequate water and sanitary sewer facilities and services, or with adequate drainage facilities. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the area of the District.

(2) The future inhabitants of the area and of territories adjacent thereto require recreational facilities, as same are necessary and desirable for the health and well-being of such inhabitants. The District's area does not currently include adequate recreational facilities within its boundaries.

(3) The future inhabitants of the area and of territories adjacent thereto require adequate road facilities, as same are necessary and desirable for the health and welfare of such inhabitants, and for the orderly growth of residential and commercial development within the area and territories adjacent thereto. Road Powers are of necessity to the District and to the land within the District as such powers will allow the District to construct, acquire, improve, and provide financing for road facilities that may not otherwise be constructed in a manner that will proactively address safety, capacity, durability, economic feasibility, and regional mobility issues.

(4) The future inhabitants of the area and of territories adjacent thereto may require fire-fighting facilities in order to supplement or supplant fire-fighting services otherwise provided by governmental entities other than the District, as fire-fighting services are necessary and desirable for the health and welfare of such inhabitants.

A public necessity exists for the organization of such District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the purchase, construction, extension, improvement, maintenance and operation of a water supply and sanitary sewer system, drainage facilities, recreational facilities (if allowed by applicable law), road facilities, and, subject to the laws of the State of Texas and the rules of the Texas Commission on Environmental Quality, fire-fighting facilities.

VI.

The Petitioner agrees and hereby covenants that if the requested consent to the creation of the District is given, the Petitioner will adopt and abide by, and will cause the District upon its final creation to adopt and abide by, the conditions set forth in Exhibit "B", attached hereto and incorporated herein for all purposes.

VII.

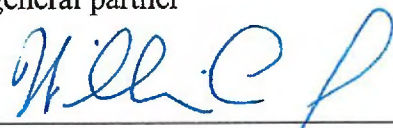
It is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$6,800,000 for water, sewer and drainage facilities, \$3,000,000 for recreational facilities, and \$4,800,000 for road facilities.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Manvel give its written consent to the creation of said District.

Dated this 25TH day of May, 2021.

VDB PARTNERS, LTD.,
a Texas limited partnership

By: VDB Management Company, LLC,
a Texas limited liability company
its general partner

By: 

William C. Visinsky
Vice President

EXHIBIT "A"

November 30, 2006
Job No. 1078-2008-202

DESCRIPTION OF 79.905 ACRES

Being 79.905 acres of land located in the A. C. H. & B. R. R. Co. Survey, Section 90 also known as the Kate R. Ehrmann Survey, Abstract 459 of Brazoria County, Texas, more particularly being a portion of Block "O" of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 91 & 92, Plat Records, Brazoria County, Texas (B.C.P.R.) more particularly being all of those certain tracts called 2.2229 acres (referred to as Tract B), 16.6700 acres (referred to as Tract C), 46.8412 acres (referred to as Tract D), 14.1479 acres (referred to as Tract E) conveyed to VDB Partners, Ltd, by instrument of record in File Number 99-050835, Official Records of Brazoria County, Texas (B.C.O.R.), all of those certain tracts called 46.8412 acres (referred to as Tract D), and 14.1479 acres (referred to as Tract E) conveyed to VDB Partners, Ltd, by instrument of record in File Number 99-050834, B.C.O.R. and in an affidavit to correct legal description of record under File Number 2006000883, B.C.O.R., said 79.905 acres being more particularly described by metes and bounds in two parts, Part One being 16.447 acres and Part Two being 63.458 acres as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993 adjustment));

PART ONE

BEGINNING at a 5/8-inch iron rod found for a re-entrant corner on the north line of that certain called 99.9653 acre tract conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record in File No. 2004064049, B.C.O.R.;

Thence, North 03° 08' 38" West, along the west line of said 14.1479 acre tract and the most northerly east line of said 99.9653 acre tract, 333.68 feet to a 5/8-inch iron rod with cap stamped "LA THOMPSON 3987" found for the most northerly northeast corner of said 99.9653 acre tract, same being the southeast corner of Lot 19, Section 90 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, B.C.P.R.;

Thence, South 02° 27' 53" East, along said west right-of-way line and the east line of said 2.2229 acre tract, passing at 755.91 feet the common east corner of said 2.2229 and 14.1479 acre tracts, from which a found 5/8-inch iron rod bears North 81° 46' 31" West, 2.79 feet and a found 1/2-inch iron rod bears South 05° 03' 37" East, 6.31 feet, and continuing along said west right-of-way line and the east line of said 14.1479 acre tract, in all 2,903.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said west right-of-way line with the north line of said 99.9653 acre tract, from which a 5/8-inch iron rod bears North 02° 27' 53" West, 1.68 feet;

Thence, South 86° 42' 53" West, along the north line of said 99.9653 acre tract, 284.45 feet the POINT OF BEGINNING and containing 16.447 acres of land.

PART TWO

BEGINNING at a 5/8-inch iron rod found for the northeast corner of that certain called 99.9653 acre tract conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record in File No. 2004064049, B.C.O.R.;

Thence, South 86° 42' 53" West, along the most easterly north line of said 99.9653 acre tract, 964.95 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of the east right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa Lane) with the north line of said 99.9653 acre tract;

Thence, North 02° 27' 53" West, along said east right-of-way line, passing at 2,147.50 feet the common west corner of the aforementioned 46.8412 acre tract and the aforementioned 16.6700 acre tract, from which a found 5/8-inch iron rod bears North 71° 19' 55" West, 2.93 feet and a found 1/2-inch iron rod bears South 25° 18' 36" East, 6.82 feet, and continuing along said east right-of-way line and the west line of the aforementioned 16.6700 acre tract, in all 2,903.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said east right-of-way line and easterly right-of-way line of State Highway 288 (width varies);

Exhibit "B"

- a. Bonds may be issued by the district only for the purpose of purchasing and constructing, or purchasing or constructing, or under contract with the city, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems and drainage facilities, road facilities, and recreational facilities, or parts of such systems or facilities, including such costs as are authorized by law, and to make any and all necessary purchases, construction, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, plants, structures and facilities therefor, and to operate and maintain the same, and to sell water, sanitary sewer and other services within or without boundaries of the district. Such bonds shall expressly provide that the district shall reserve the right to redeem such bonds on any interest payment date subsequent to the 15th anniversary of the date of issuance without premium, and, other than refunding bonds, shall only be sold after the taking of public bids therefor, and none of such bonds, other than refunding bonds, shall be sold for less than 95 percent of par, provided the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, shall not exceed two percent above the highest average interest rate reported by the "Daily Bond Buyer" in its weekly "Twenty Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and bids for the bonds will be received not more than 45 days after notice of sale of the bonds, if given. The order or resolution authorizing the issuance of the district's bonds will contain a provision that the pledge, if any, of the revenues from the operation of the district's water and sewer and/or drainage system to the payment of the district's bonds will terminate when and if the city dissolves the district, takes over the assets of the district and assumes all of the obligations of the district as provided by law;
- b. Before the purchase or the commencement of any construction of water, sanitary sewer and drainage facilities or road facilities within the district, the district, its directors, officers or the developers and landowners will submit to the city or its designated representative all plans and specifications for the purchase or construction of water, sanitary sewer and drainage facilities or road facilities to serve the district and obtain the approval of such plans and specifications;
- c. Prior to the construction of water, sanitary sewer and drainage facilities or road facilities within the district, the district or its agent shall give written notice by registered or certified mail to the city stating the date that such construction will be commenced;
- d. The construction of the district's water, sanitary sewer and drainage facilities and road facilities shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the city;
- e. During the progress of the construction and installation of such facilities, the city, through its designated representative, shall be allowed to make periodic on-the-ground inspections and if the construction does not conform to the plans and specifications, shall direct that work cease until conformance is achieved;

- f. All water, sanitary sewer, drainage facilities and appurtenances thereto installed or used within the district shall be entirely paid for by the district, and shall be without cost to the city, unless oversized at the request of the city to serve areas outside the district;
- g. The district shall not provide a water or a sanitary sewer system to serve areas outside the district without first securing a resolution or ordinance of the city granting consent for the district to serve the area outside the district;
- h. The city shall not be obligated to repay the district's bonded indebtedness unless the city dissolves the district and assumes said bonded indebtedness as provided by law;
- i. In the event the district and the city shall ever enter into a contract or contracts, in no event shall the district be considered as the arm or alter-ego of the city;
- j. The developers and landowners will provide the city council with true and correct copies of all instruments and documents filed with the Texas Commission on Environmental Quality with reference to the application to the agency for creation of the district, or, if created legislatively, a true and correct copy of the legislative act creating the district;
- k. The district will fully cooperate with the city with regard to its activities and its project of providing water, sanitary sewer and drainage facilities for the district. The district will provide the city with reasonable notice of all meetings of its governing board of directors by mailing to the city a copy of each notice and agenda of each board of director's meeting held by the district. In addition, the district shall provide the city with a true copy of all minutes of the district's board of directors' meetings;
- l. Within 30 days after the creation of the district and the appointment or election of officers and the board of directors, the district's officers will execute and deliver a document to the city council binding the district to the same conditions as are set forth herein. The provisions herein set out, when accepted by the district, cannot be transferred or assigned without the consent of the city council.

RESOLUTION NO. 2021-R-16

A RESOLUTION GRANTING CONSENT TO THE CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83 WITHIN THE CITY LIMITS OF THE CITY OF MANVEL, TEXAS, SUBJECT TO CONDITIONS.

WHEREAS, Section 54.016 of the Texas Water Code, as amended, provides that “No land within the corporate limits of a City...shall be included in a district unless the City grants its written consent, by resolution or ordinance, to the inclusion of the land within the District in accordance with Section 42.042, Local Government Code and this section.”; and

WHEREAS, the City Council has heretofore found and determined, and hereby affirmatively finds and determines that here exists within the City of Manvel, Texas, an area wherein it is desired that a municipal utility district will be created; and

WHEREAS, it is contemplated that such conservation and reclamation district (more particularly a municipal utility district) by authority of Article XVI, Section 59, and Article III, Section 52, Texas Constitution in accordance with and having all the powers provided by any special enabling legislation, as well as Chapter 49 and 54, Texas Water Code, as amended; and

WHEREAS, it is proposed that said municipal utility district shall be known as Brazoria County Municipal Utility District No. 83; and

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

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The City Council hereby consents to the creation of Brazoria County Municipal Utility District No. 83 (“District”) and the inclusion of land described in **Exhibit A**, within the District’s boundaries, subject to the consent conditions attached to this Resolution as **Exhibit B**. Such consent conditions shall apply to the entirety of the District.

Section 3. If any provisions, section, subsection, paragraph, sentence or clause of this ordinance of the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance which are declared to be severable.

Section 4. This resolution shall be null and void if the owner of a majority of land in the District does not enter into a Development Agreement with the City or the District does not enter into a Utility Agreement with the City within 1 year of the date hereof.

[signatures follow]

PASSED AND APPROVED the ____ day of _____ 2021.

DEBRA DAVISON
Mayor

ATTEST:

Tammy Bell
City Secretary

APPROVED AS TO FORM:

Robert Gervais
City Attorney

EXHIBIT A

The Land

EXHIBIT B

Consent Conditions

- (a) The District may issue bonds, including refunding bonds, only for the purpose of purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, and fire, parks and recreational facilities, and streets and thoroughfares, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. No bonds will be issued with a final maturity date more than 30 years from the date of issuance, and the first principal maturity must occur within three years of the date of issuance. The Bonds shall have level debt service requirements consistent with the availability of expected sources of revenue to be applied toward payment of debt service on the Bonds. Level debt service shall mean that during the period beginning with the calendar year of the first principal payment on a bond issue and ending in the calendar year of the final payment of one expected source of revenue, which will thereafter no longer be available to the District, the spread from the greatest debt service on all District debt in a calendar year during said period to the least debt service in a calendar year during said period shall not be more than \$30,000. The intent may be demonstrated by submitting a proposed Notice of Sale and estimated bid using the proposed maturity pattern that shows coupons, interest and total debt service requirements that meets the required standard above to the City for prior approval. Having shown intent to comply by getting approval of the structure by the City in advance of advertising for sale will be sufficient in the event the actual results of a competitive sale return debt service payments that otherwise would not meet the standard of \$30,000 difference between maximum and minimum annual debt service payments. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the 10th anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 97 percent of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than 45 days after notice of sale of the bonds is given. No bonds of the District may be issued without specific City consent if the City has given notice to the District that it intends to dissolve the District in accordance with applicable law within 120 or fewer days after such notice. Following the issuance of any series of bonds, the average annual debt service requirement on the outstanding indebtedness of the District during the last five years of such indebtedness may not exceed the average annual debt service payment on the District's indebtedness during the period preceding the final five years of indebtedness by more than 25 percent. After the District has issued bonds to finance all the District's water,

wastewater, drainage, road and recreational facilities, no bonds of the District may be issued without specific City consent.

- (b) Any refunding bonds of the District must provide for a minimum of three percent present value savings, and no maturity beyond the latest maturity of the refunded bonds, unless approved by the City in writing prior to the sale thereof.
- (c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer, drainage facilities and thoroughfares to serve the District and obtain the approval of such plans and specifications. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the standard specifications of the City. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the City's standard plans and specifications as amended from time to time. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the City; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections, paid for by District. All roads and thoroughfares within the District will comply with the City's standard plans and specifications as amended from time to time.
- (d) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of recreational facilities, the District shall obtain and maintain on file, from a registered landscape architect, registered professional engineer, or a design professional allowed by law to engage in architecture, a certification that the recreational facilities, as constructed, conform to the applicable recreational facilities design standards and specifications of the City of Manvel and shall submit a copy of the certification for such recreational facilities to the City of Manvel for review and approval before construction and a copy of the "as built" plans and specifications to the City of Manvel after construction.
- (e) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of facilities for public safety services, the District shall obtain and maintain on file, from a registered architect, registered professional engineer or a design professional allowed by law to engage in facility -design and construction, a certification that the facilities for public safety services, as constructed, conform to the applicable public safety facilities design standards and specifications of the City of Manvel and shall submit a copy of the certification for such facilities for public safety services to the City of Manvel for review and approval before construction and a copy of the "as built" plans and specifications to the City of Manvel after construction.
- (f) The District, its board of directors, officers, developers, and/ or landowners will not permit the construction, or commit to any development within the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District's allocated capacity therein.

- (g) Prior to the sale of any lot or parcel of land, except for detention ponds and park greenspaces conveyed to the District and parcels conveyed to District directors, the owner or the developer of the land included within the limits of the District will obtain the approval of the City of Manvel of a plat which will be duly recorded in the Real Property Records of Brazoria County, Texas, and otherwise comply with the rules and regulations of the City of Manvel.
- (h) The District shall not exercise its power of eminent domain except upon prior approval by the City Council of the City of Manvel. Such approval may not be unreasonably withheld, except that any exercise of eminent domain over city property may be denied for any reason. Approval shall not be denied if the District's exercise of eminent domain is for the purpose of connecting District facilities to a City-owned facility.
- (i) Once created, the District may not annex any land into the District without prior approval by the City Council of the City of Manvel.
- (j) The District will obtain water supply and wastewater treatment from the City. The District may not construct its own water plant or wastewater treatment plant without the City's prior approval.

DESCRIPTION OF
438.393 ACRES
(SOWELL TRACT)

TRACT 1:

Being 418.432 acres of land located in the H.T.& B. R.R. Company Survey, Section 65, Abstract 285, the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, and 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 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, 50 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, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and all of Outlots 175 and 195, and part of Outlots 174 and 180 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, B.C.P.R., a portion of those certain tracts conveyed to Four Forty Three, Ltd. (described as First Tract, Third Tract, Fourth Tract and Fifth Tract) by instrument of record in Volume 1048, Page 760, of the Deed Records of said Brazoria County, Texas (B.C.D.R.), being all of those certain tracts conveyed to Eastbank Bayou, LP, a portion of that certain called 19.950 acre tract (Lot 33), recorded under Document Number 2007022032, of the Official Records of said Brazoria County, Texas (B.C.O.R.), that certain called 19.944 acre tract (Lots 42 and 43), recorded under Document Number 200804369, B.C.O.R., and that certain called 10 acre tract (Lot 47), recorded under Document Number 2008004367, B.C.O.R., being all of those certain tracts conveyed to Westbank Bayou, LP, that certain called 19.919 acre tract (Lots 5 and 6), recorded under Document Number 2007021508, B.C.O.R., that certain called 9.929 acre tract (Lot 8), recorded under Document Number 2007017868, B.C.O.R., and that certain called 9.972 acre tract (Lot 16), recorded under Document Number 2007018701, B.C.O.R., being all of that certain called 9.988 acre tract (Lot 7) conveyed to Cynthia Lee Sowell Weisinger, Cristi Sowell Harvey and Andrew Ward Sowell, as Co-Trustees of Charles L. Sowell Family Trust by an instrument of record under Document Number 2016025233, of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.), being all of that certain called 10 Acre tract (Lot 50) conveyed to Four Forty-Three Annex No. 1, Ltd, by instrument of record

438.393 Acres

February 26, 2021
Job No. LJAS001-2791-2101

under File Number 2006045403, B.C.O.R., said 418.432 acres being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a TXDOT brass disc in concrete found at the northeast corner of that certain called 0.026 acre tract conveyed to the State of Texas by an instrument of record in Document Number 94-008875, B.C.O.R., said disc lying at intersection of the north right of way line of State Highway No. 6 (width varies) and the east lines of said Outlot 174, and that certain called 27.7947 acre tract, described as "Third Tract", in the deed to Four Forty Three, Ltd. by instrument of record in said Volume 1048, Page 760, B.C.D.R., same being the west right-of-way line of a 40 foot wide right-of-way as shown on said Dr. A. A. Luther Subdivision;

Thence, North 70° 29' 23" West, departing said common line, along the north line of said 0.026 acre tract and north right-of-way line of said State Highway No. 6, 33.64 feet to TXDOT aluminum disc in concrete found for the northwest corner of said 0.026 acre tract, same being the northeast corner of that certain called 0.437 acre tract conveyed to the State of Texas by an instrument of record under Document Number 93-05383, B.C.O.R., said disc lying on the west line of said 27.7947 acre tract, same being the east line of that certain called 18 acre tract conveyed to Russell T. Rudy and Randall D. Rudy, by an instrument of record in Volume 1408, Page 806, B.C.D.R.;

Thence, North 03° 19' 10" West, departing the north right-of-way line of said State Highway No. 6, along the west line of said 27.7947 acre tract, same being the east line of said 18 acre tract, 2,309.92 feet to a 5/8-inch iron rod with cap stamped, "LJA SURVEY" set for the northwest corner of said 27.7947 acre tract, same being the northeast corner of said 18 acre tract and on the north line of said Outlot 174, and the north line of the aforementioned H.T. & B. R.R. Company Survey, Section 65, same being the south line of the H.T. & B. R.R. Company Survey, Section 72 (A.K.A.) Kate R. Ehrmann Survey, Abstract 460, from which a 3/4-inch iron pinch-top pipe bears North 07° 05' 46" East, 1.17 feet;

Thence, North 86° 58' 00" East, along the common line of said Sections 65 and 72, same being the north line of said 27.7947 acre tract and the north line of said Outlot 174, 728.87 feet to a chiseled "X" set in concrete for the southeast corner of that certain called 6.676 acre tract conveyed to the Brazos River Authority (Cause No. 54, 761A) by an instrument of record in Volume 33, Page 154 of the District Clerk Records of Brazoria County (B.C.D.C.R.), and the southeast corner said Section 72, same being the southwest corner of the aforementioned Lot 8, the southwest corner of the aforementioned 9.929 acre tract, and the southwest corner of aforementioned H.T.& B. R.R. Company Survey Section 73, the northeast corner of said Section 65, and the northwest corner of aforementioned H.T.& B. R.R. Company Survey Section 64, (A.K.A.) Mary V. O'Donnell Survey;

Thence, North 03° 28' 46" West, departing the north lines of said Outlot 174 and said 27.7947 acre tract, along east lines of said 6.676 acre tract and said Section 72, same being the west lines of said 9.929 acre tract, the aforementioned 9.988 acre tract, the aforementioned 19.919 acre tract, and aforementioned Lot's 5, 6, 7, and 8 and said Section 73, 2,640.65 feet to a 5/8-inch iron rod with cap stamped "LJA SURVEY" set for the northwest corner of said Lot 5 and the northwest corner of said 19.919 acre tract, same being the northeast corner of said 6.676 acre tract, same being the southeast corner of that certain tract, described as "Parcel B", conveyed to Brazos River Authority by an instrument of record in Volume 1070, Page 318, B.C.D.R., same being the southwest corner of Lot 4 of said Section 73 and the southwest corner of that certain called 149.639 acre tract conveyed to the City of Manvel by an instrument of record under Document Number 2018034498, B.C.O.P.R., said point also being in the centerline of a 40 foot wide right-of-way as shown on the aforementioned Allison Richey Gulf Coast Home Company Part of Suburban Gardens subdivision, from which a 5/8-inch iron rod found bent, bears South 72° 37' 44" East, 0.76 feet;

Thence, North 86° 51' 06" East, departing said common line, along the south line of said 149.639 acre tract, the south line of said Lot 4, same being the north line of said Lot 5, the north line of said 19.919 acre tract, passing at 658.21 feet a 3/4-inch iron pipe found for the northeast corner of said 19.919 acre tract, same being the the common corner of said Lots 5 and 4 and aforementioned Lots 13 and 12, of said Section 73, continuing along the south line of said

149.639 acre tract and said Lot 12 and Lots 20 and 28 of said Section 73, same being the north lines of said Lot 13 and aforementioned Lots 21, and 29, same being the centerline of said 40 foot wide right-of-way, for a total distance of 2,632.82 feet to a 5/8-inch iron rod found for the southeast corner of said 149.639 acre tract, same being the common corner of said Lots 28, 29, and aforementioned Lots 36 and 37;

Thence, North 03° 27' 03" West, departing the centerline of said 40 foot wide right-of-way, along the east line of said 149.639 acre tract, the east lines of said Lot 28, and Lots 27, 26, and 25 of said Section 73, same being the west lines of said Lots 36 and aforementioned Lots 35, 34, and 33, 2,641.03 feet to a 5/8-inch iron rod with cap stamped, "FMS" found for the northeast corner of said 149.639 acre tract and said Lot 25, same being the northwest corner of said Lot 33 and on the north line of the aforementioned 19.950 acre tract and the north line of said Section 73, same being the south line of that certain called 6.978 acre tract conveyed to John Craig Lebourgeois by an instrument of record under Document Number 98-053061, B.C.O.R., the south line of Lot 24, of Division "O" of the aforementioned Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision and the south line of the Mary V. O'Donnell Survey, Abstract 469, from which a found 1/2-inch iron rod bears South 81° 43' 50" East, 14.4 feet;

Thence, North 86° 50' 32" East, along the north line of said 19.950 acre tract, the north line of said Lot 33, and said Section 73, same being the south lines of said Lot 24 and Lot 39 of said Division "O", the south line of said 6.978 acre tract, the south line of that certain called 5.50 acre tract conveyed to Hermann Hartmann by an instrument of record in Volume 786, Page 580, B.C.D.R., the south line of that certain called 13.93 acre tract conveyed to Sylvia Buffy Orndorff and Dustin Aaron Different by an instrument of record in Document Number 2015054435, B.C.O.P.R., and the south line of said Mary V. O'Donnell Survey, 659.90 feet to 5/8-inch iron rod with cap stamped, "LJA SURVEY" set for the northeast corner of said Lot 33 and said 19.950 acre tract, same being the northwest corner of Lot 41 and that certain called 5 acre tract conveyed to Katherine Ott Miles by an instrument of record in Volume 1495, Page 1, B.C.D.R., from which a found 1/4-inch iron pipe bears South 55° 51' 35" West, 6.79 feet, from which a found 5/8-inch iron rod with cap (illegible) bears South 35° 02' 12" West, 0.66 feet;

Thence, South 03° 24' 33" East, departing the south line of said 13.93 acre tract, said Lot 39 and said Division "O", same being the north line of said Section 73, along the east line of said 19.950 acre tract and said Lot 33, same being the west line said 5 acre Kathrine Ott Mile tract and Lot 41 of said Section 73, 660.67 feet to a 1/2-inch iron rod with cap stamped, "S ADAMS RPLS 3666" found for the southeast corner of said 19.950 acre tract and said Lot 33, same being the southwest corner of said 5 acre Kathrine Ott Mile tract and said Lot 41, same being the northeast corner of the aforementioned Lot 34, same being the northwest corner of the aforementioned 19.944 acre tract and aforementioned Lot 42;

Thence, North 86° 49' 56" East, along the south line of said Lot 41 and Lot 49 of said Section 73, the south line of said 5 acre Kathrine Ott Mile tract, the south line of that certain called 5 acre tract conveyed to Peggy Coldwell and Charles Eugene Coldwell, Jr. by an instrument of record under File Number 96-028237, B.C.O.R., the south line of that certain called 5 acre tract conveyed to Elinore Ott Babb by an instrument of record in Volume 1369, Page 160, B.C.D.R., the south line of that certain called 5.00 acre tract conveyed to Nancy Lee Suffleberne and Janet Sue Stuffleberne Pence by an instrument of record in Document Number 2012005980, B.C.O.P.R., same being the north line of said Lot 42, and aforementioned Lot 50, the north line of said 19.944 acre tract, and the north line of the aforementioned tract conveyed to Four Forty Three Annex No. 1 LTD., at 677.47 feet passing a 1/2-inch iron with cap stamped, "S ADAMS RPLS 3666" found for reference, continuing for a total distance of 1,313.92 feet to a 5/8-inch iron rod with cap stamped, "LJA SURVEY" set for the southeast corner of said 5.00 acre Stuffleberne tract and said Lot 49, same being the northeast corner of said Four Forty Three Annex No. 1 LTD. tract and said Lot 50, same being the southwest corner of that certain called 4.540 acre tract conveyed to Alfredo G. Roldan and Merida N. Roldan by an instrument of record under Document Number 2019059170, B.C.O.P.R. and Lot 55 of said Section 73, same being the northwest corner of that certain called 1.157 acre tract conveyed to Jeffery Wayne Scopel by an instrument of record under Document Number 2005013109, B.C.O.R., and Lot 56 of said Section 73, from which a 3/4-inch iron pipe, bears South 01° 41' 08" East, 2.72 feet;

Thence, South 03° 24' 33" East, along the east line of said Four Forty Three Annex No. 1 LTD. tract and said Lot 50, same being the west line of said Lot 56, 660.00 feet to a 5/8-inch iron rod with cap stamped, "LJA SURVEY" set for the southeast corner of said Four Forty Three Annex No. 1 LTD. tract, and said Lot 50, same being the southwest corner of that certain called 1.157 acre tract conveyed to Douglas L. Varner by an instrument of record in Volume (87)421, Page 194, B.C.O.R., same being the northwest corner of Lot 1, Block 1 of Loterbauer Minor Plat, a subdivision of record under Document Number 2018013012, B.C.O.P.R., same being the northeast corner of that certain tract conveyed to Louis Lira by an instrument of record in Volume 1694, Page 653, B.C.D.R. and Lot 51 of said Section 73, and in the centerline of a 40 foot wide right-of-way as shown on the aforementioned Allison Richey Gulf Coast Home Company Part of Suburban Gardens subdivision plat;

Thence, South 86° 49' 56" West, along the south line of said Four Forty Three Annex No. 1 LTD. tract and said Lot 50, same being the north line of said Louis Lira tract and said Lot 51, same being the centerline of said 40 foot wide right-of-way, at 636.01 feet passing a 1/2-inch iron with cap stamped, "S ADAMS RPLS 3666" found for reference, continuing for a total distance of 655.76 feet to a 5/8-inch iron rod with cap stamped, "LJA SURVEY" set for the southwest corner of said Four Forty Three Annex No. 1 LTD. tract and said Lot 5, same being the southeast corner of said Lot 42, same being the northwest corner of said Lot 51 and said Louis Lira Tract, same being the northeast corner of aforementioned Lot 43 and on the east line of the aforementioned 19.944 acre tract;

Thence, South 03° 24' 33" East, along the east line of said 19.944 acre tract, the east line of said Lot 43, and aforementioned Lots 44, 45, 46, and 47, same being the west line of said Louis Lira Tract, the west line of said Lot 51 and Lots 52, and 53 of said Section 73, the west line of that certain called 40.0060 acre tract conveyed to Coastal Bend Land Investments, LP by an instrument of record under Document Number 2006049617, B.C.O.P.R., the west line of that certain called 10.0008 acre tract conveyed to Coastal Bend Land Investments, LP by an instrument of record under Document Number 2007047399, B.C.O.R., and the west line of that certain called 10.00 acre tract conveyed to MSPARK LLC by an instrument of record under Document Number 2019049329, B.C.O.P.R., 3,300.00 feet to a 5/8-inch iron rod with cap

stamped, "LJA SURVEY" set for the southeast corner of said Lot 47, same being the southwest corner of said 10.00 acre tract and said Lot 53, same being the northeast corner of that certain tract conveyed to Brad J. Batteau by an instrument of record in Document Number 2019001447, B.C.O.P.R. and Lot 48 of said Section 73, same being the northwest corner of that certain called 1.000 acre tract (Tract 2) conveyed to Roger Hernandez Granarillas and Sheila M. Rosario Crespo by an instrument of record in Document Number 2015020827, B.C.O.R., and Lot 54 of said Section 73;

Thence, South 86° 49' 54" West, along the south line of said Lot 47 same being the north line of said Brad J. Batteau tract and said Lot 48, at 30.03 feet passing a 1/2-inch iron with cap stamped, "S ADAMS RPLS 3666" found for reference, continuing for a total distance of 658.16 feet to a 1/2-inch iron with cap stamped, "S ADAMS RPLS 3666" found for the northwest corner of said Brad J. Batteau tract, same being the common corner of said Lots 47 and 48 and Lots 39 and 40 of said Section 73;

Thence, South 03° 24' 33" East, along the west line of said Brad J. Batteau tract and said Lot 48, same being the east line of said Lot 40, 659.98 feet to a 1/2-inch iron with cap stamped, "S ADAMS RPLS 3666" found for southeast corner of said Lot 40, same being the southwest corner said Brad J. Batteau tract and said Lot 48, said point being on the south line of said Section 73, same being the north line of Outlot 181 of the aforementioned Dr. A. A. Luther Subdivision, and the north line of the aforementioned H.T.& B. R.R. Company Survey Section 64, (A.K.A.) Mary V. O'Donnell Survey, from which a found 5/8-inch iron rod with cap stamped, "ADVANCE SURVEY INC" bears South 28° 25' 02" West, 10.09 feet;

Thence, South 86° 49' 56" West, along the south line of said Lot 40 and said Section 73, same being the north line of said Outlot 181, and said Section 64, 147.25 feet to a 1/2-inch iron rod with cap stamped, "S ADAMS RPLS 3666" found for northwest corner of a 40 foot wide right-of-way as shown on said Dr. A. A. Luther Subdivision, same being the northeast corner of that certain called 46.35 acre tract (Fourth Tract) conveyed to Four Forty-Three, LTD by an instrument of record in Volume 1048, Page 760, B.C.D.R. and the aforementioned Outlot 195;

Thence, South 19° 31' 43" West, departing the south line of said Lot 40 and said Section 73, same being the north line of said Section 64, along the southeasterly line of said 46.35 acre tract and said Outlot 195, same being the northwesterly line of said 40 foot wide right-of-way, 910.16 feet to a 1/2-inch iron with cap stamped, "S ADAMS RPLS 3666" found for the southeast corner of said 46.35 acre tract and said Outlot 195, same being the northeast corner of that certain called 20.000 acre tract (Fifth Tract) conveyed to Four Forty-Three, LTD by an instrument of record in Volume 1048, Page 760, B.C.D.R. and aforementioned Outlot 180;

Thence, South 19° 30' 15" West, along the east line of said 20.000 acre tract and said Outlot 180, same being a westerly line of said 40 foot wide right-of-way, 659.85 feet to a 1-inch iron pipe found for the southeast corner said 20.000 acre tract, and on a northerly line of Reserve "B" of Bluewater Lakes Section 2, a subdivision of record in Document Number 2018017804, B.C.O.P.R.;

Thence, North 70° 28' 49" West, departing the east line of said Outlot 180, along the south line of said 20.000 acre tract, same being the northerly lines of said Bluewater Lakes Section 2, Pollard Boulevard Street Dedication, a subdivision of record under Document Number 2018017864, B.C.O.P.R., Bluewater Lakes Section 5, a subdivision of record under Document Number 2020074480, B.C.O.P.R., and Bluewater Lakes Section 6, a subdivision of record under Document Number 2021010722, B.C.O.P.R., 1,319.98 feet to a 5/8-inch iron rod with cap stamped, "LJA ENG" found for the southwest corner of said 20.000 acre tract, same being the northwest corner of said Bluewater Lakes Section 6, said point being on the west line of said Outlot 180, same being an easterly line of aforementioned Outlot 175, and the aforementioned 46.35 acre tract, from which a found 1/2-inch iron rod with cap stamped, "S ADAMS RPLS 3666" bears North 03° 19' 39" East, 0.47 feet;

Thence, South 19° 29' 54" West, along the east line of said 46.35 acre tract and said Outlot 175, same being the west line of said Bluewater Lakes Section 6, 659.93 feet to a 5/8-inch iron rod with cap stamped, "LJA ENG" found for the southeast corner of said 46.35 acre tract and said Outlot 175, and on the northerly line of a 40 foot wide right-of-way as shown on

438.393 Acres .

February 26, 2021
Job No. LJAS001-2791-2101

said Dr. A. A. Luther Subdivision, from which a found 1/2-inch iron rod with cap stamped, "S ADAMS RPLS 3666" bears North 05° 54' 03" West, 0.73 feet;

Thence, North 70° 26' 02" West, along a southerly line of said 46.35 acre tract and said Outlot 175, same being a northerly line of said 40 foot wide right-of-way, 1,321.17 feet to a 1/2-inch iron rod found bent for the southwest corner of said 46.35 acre tract and said Outlot 175, same being a northerly corner of said 40 foot wide right-of-way and in the east line of the aforementioned 27.7947 acre tract and aforementioned Outlot 174;

Thence, South 19° 29' 33" West, along the east line of said 27.7947 acre tract and said Outlot 174, along a west line of said 40 foot wide right-of-way, 1,390.71 feet to the POINT OF BEGINNING and containing 418.432 acres of land.

TRACT 2:

Being 19.961 acres of land located in the Mary V. O'Donnell Survey, Abstract 469, Brazoria County, Texas, and also being all of Lots 6 and 12 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Division "O", according to the plat recorded in Volume 2, Pages 91-92, Plat Records of said Brazoria County, Texas (B.C.P.R.), and more particularly being all of that certain called 20 acre tract (Second Tract) conveyed to Four Forty Three, Ltd. by instrument of recorded in Volume 1048, Page 760, Deed Records of said Brazoria County, Texas (B.C.D.R.), said 19.961 acres being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the southwest corner of said 20 acre tract, the southwest corner of said Lot 6 and Division "O", and the southwest corner of said Mary V. O'Donnell Survey, same being the northwest corner of that certain called 149.639 acre tract conveyed to the City of Manvel by an instrument of record under Document Number 2018034498, of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.), the northwest corner of Lot 1, Section 73 of said Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision and the northwest corner of the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, same being the northeast corner of that certain tract, described as "Parcel A", conveyed to Brazos River Authority by an instrument of record in Volume 1070, Page 318, B.C.D.R. and the northeast corner of the H.T. & B. R.R. Company Survey, Section 72 (A.K.A.) Kate R. Ehrmann Survey, Abstract 460, same being the southeast corner of A.C.H. & B. R.R. Company Survey, Section 90 (A.K.A.) Kate R. Ehrmann Survey, Abstract 459 and on the east line of that certain tract conveyed to Gulf Coast Water Authority by boundary line agreement in Document Numbers 2019016350, 2019016351 and 2019016552, B.C.O.P.R.,

Thence, North 03° 15' 28" West, along the west line of said 20 acre tract, said Lot 6 and said Mary V. O'Donnell Survey, same being the east line of said Gulf Coast Water Authority Tract and said Section 90, 598.61 feet to a 5/8-inch iron rod with cap stamped, "LJA SURVEY"

set for the northwest corner of said 20 acre tract and said Lot 6, same being the southwest corner of that certain called 10.002 acre tract conveyed to HNPN Properties, LLC by an instrument of record in Document Number 2019060177, B.C.O.P.R. and said Lot 5 of said Division "O", from which a found 60D nail bears South 80° 23' 18" West, 6.20 feet;

Thence, North 87° 15' 19" East, departing said common line, along the north line of said 20 acre tract and said Lot 6, same being the south line of said 10.002 acre tract and said Lot 5, passing at 34.84 feet a found 5/8-inch iron rod found bent for reference, at 726.24 feet a 5/8-inch iron rod found for the southeast corner of said 10.002 acre tract and said Lot 5, same being the southwest corner of that certain called 10.002 acre tract conveyed to Michael M. McNierney and Heather S. Hedayati by an instrument of record in Document Number 2001053665, B.C.O.R. and said Lot 11, continuing along the north line of said 20 acre tract and said Lot 12, same being the south line of said 10.002 acre McNierney/Hedayati tract and said Lot 11, for a total distance of 1,465.65 feet to a 5/8-inch iron rod found for the northeast corner of said 20 acre tract and said Lot 12, same being the southeast corner of said 10.002 acre McNierney/Hedayati tract and said Lot 11, same being common west corner of Lot 17 and 18 of said Division "O" and on the west line of that certain called 8.50 acre tract conveyed to Mary J Mountford, Michael H Kaspar, and Meda M Kaspar by an instrument of record in Document Number 2014047736, B.C.O.P.R.;

Thence, South 03° 13' 46" East, along the east line of said 20 acre tract and said Lot 12, same being the west line of said 8.50 acre tract and said Lot 18, 588.05 feet to a 5/8-inch iron rod with cap stamped, "LJA SURVEY" set for the southeast corner of said 20 acre tract and said Lot 12, same being the southwest corner of said 8.50 acre tract and said Lot 18, same being the in the south line of said Division "O" and aforementioned Mary V. O'Donnell Survey, same being the north line of the aforementioned 149.639 acre tract and Lot 17 of the aforementioned Section 73, from which a found 1/2-inch iron rod bears South 15° 37' 01" East, 0.90 feet;

438.393 Acres

February 26, 2021
Job No. LJAS001-2791-2101

Thence, South 86° 50' 32" West, along the south line of said 20 acre tract, the south line of said Lots 6 and 12, the south line of said Division "O" and said Mary V. O'Donnell Survey, same being the north line of said 149.639 acre tract, the north line of Lots 17, 9 and 1 of said Section 73, 1,465.30 feet to the POINT OF BEGINNING and containing 19.961 acres of land.

Said Tract 1 (418.432 acres) and Tract 2 (19.961 acres) containing a total of 438.393 acres of land.

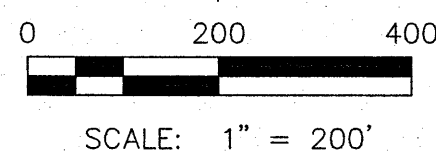
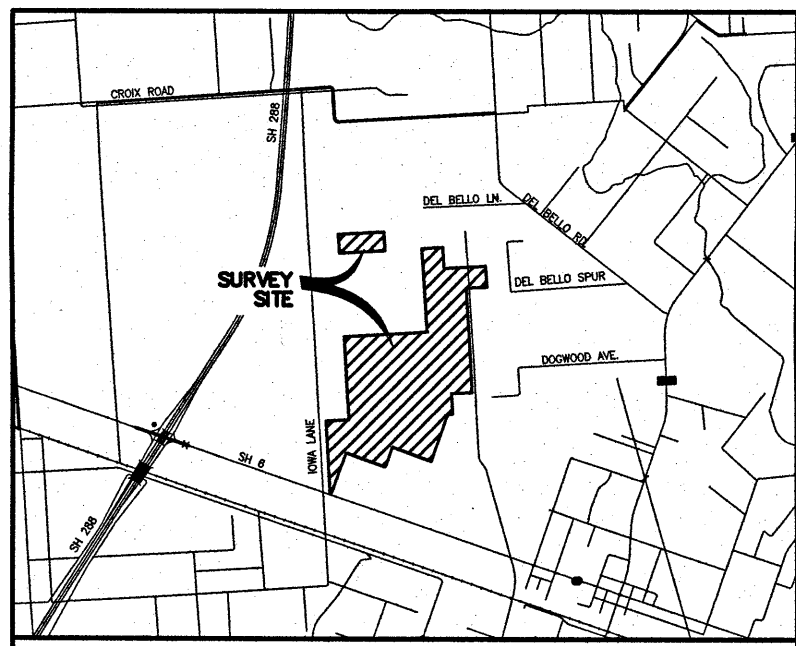
This description prepared in conjunction with a Land Title Survey prepared by the undersigned of even date. Hereby referenced as Part 1 of 2. This description is Part 2 of 2.



Keith W. Monroe
Registered Professional Land Surveyor
Texas Registration No. 4797



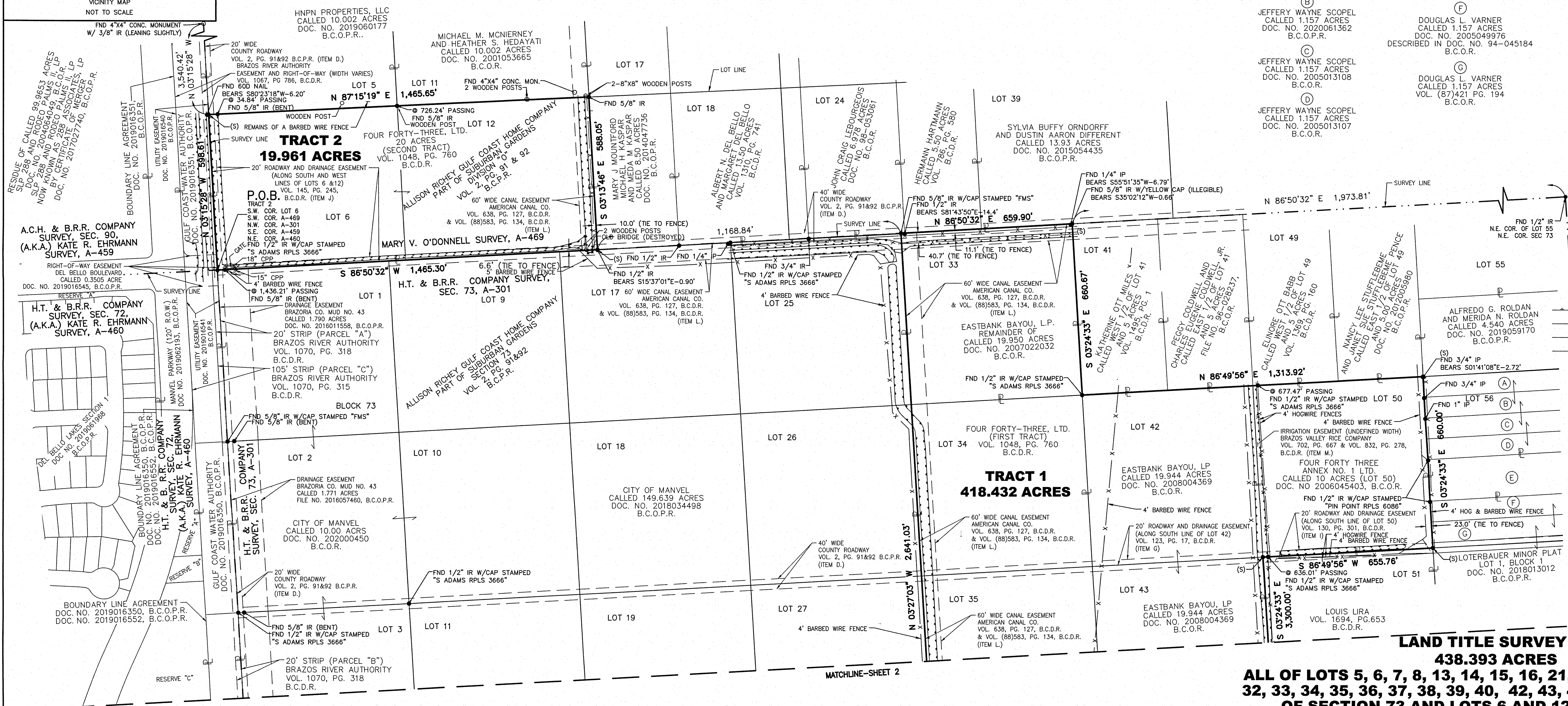
LJA Surveying, Inc.



LINE	BEARING	DISTANCE
L1	N 70°29'23" W	133.64'
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
X	HIGHBANK OF DITCH
—	FENCE (AS SPECIFIED)
—	OVERHEAD ELECTRIC
—	PIPELINE
Δ	PIPELINE MARKER
—	TELECOMMUNICATIONS MARKER
—	POWEROPOLE
—	GUY-WIRE
+FV	FLUSHING VALVE
+WV	WATER VALVE



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. LJA5001-2791-2101

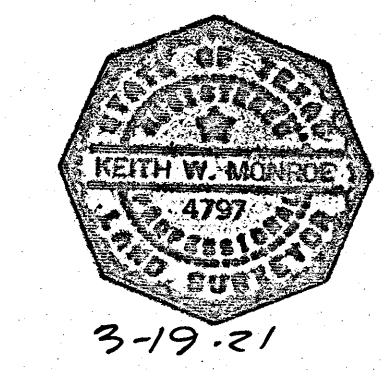
LJA Surveying, Inc.
3600 W Sam Houston Parkway S Phone 713.953.5200
Suite 175 Fax 713.953.5026
Houston, Texas 77042 T.B.P.E.L.S. Firm No. 10194382

SURVEYOR'S CERTIFICATE

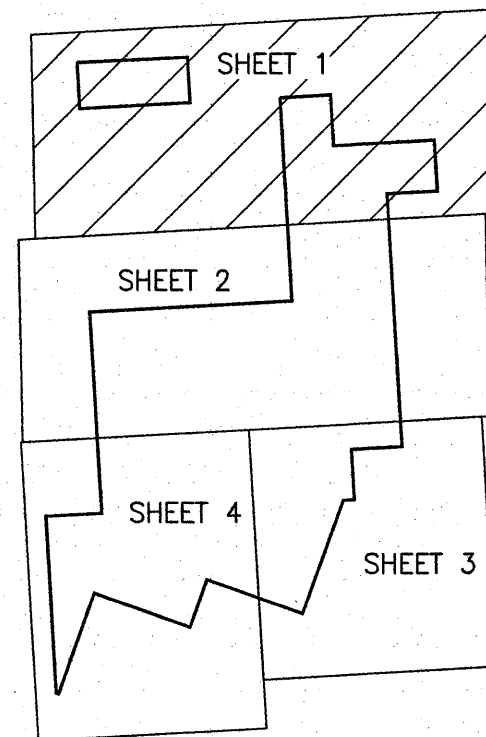
I KEITH W. MONROE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY TO WESTBANK BAYOU, L.P., EASTBANK BAYOU, L.P., CYNTHIA LEE SOWELL WEISINGER, CRISTI SOWELL HARVEY, ANDREW WARD SOWELL, AS CO-TRUSTEES OF THE CHARLES L. SOWELL FAMILY TRUST, FOUR FORTY-THREE, LTD., FOUR FORTY-THREE ANNEX NO. 1, LTD., CHICAGO TITLE OF TEXAS, LLC, AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY AND HILLWOOD ENTERPRISES, L.P. 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
KEITH W. MONROE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4797
DATED FEBRUARY 26, 2021

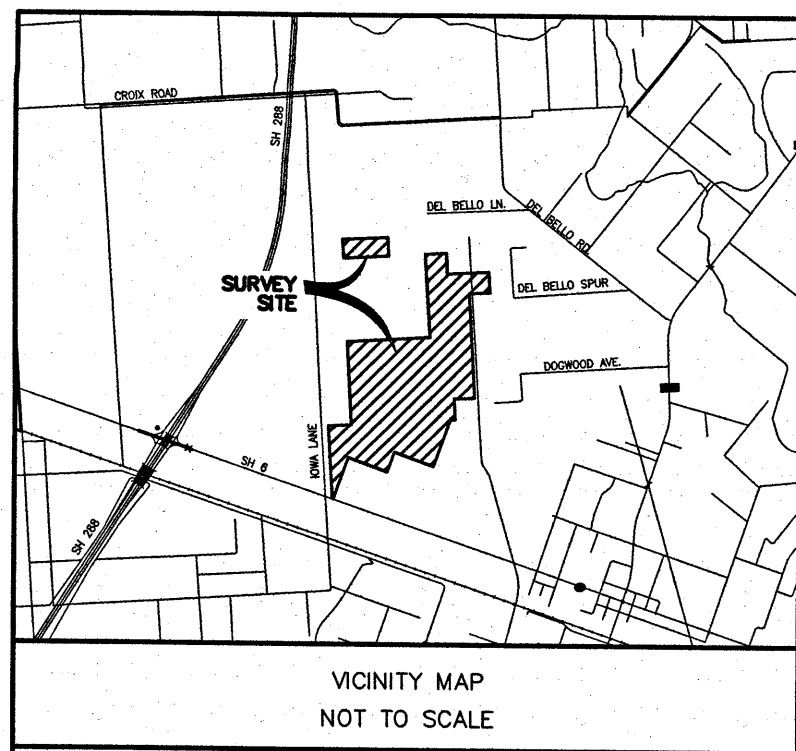


REVISED ON MARCH 19, 2021 TO REFLECT UPDATED TITLE COMMITMENT.



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

S:\Projects\Surveying\Projects\LJA5001-2791-2101\CAD\SWELL LJA.dwg 3/19/2021



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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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
—	FENCE (AS SPECIFIED)
—	OVERHEAD ELECTRIC
—	PIPELINE
△	PIPELINE MARKER
△	TELECOMMUNICATIONS MARKER
—	POWERSPOLE
—	GUY-WIRE
—	FLUSHING VALVE
—	WATER VALVE

TRACT 1
418.432 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

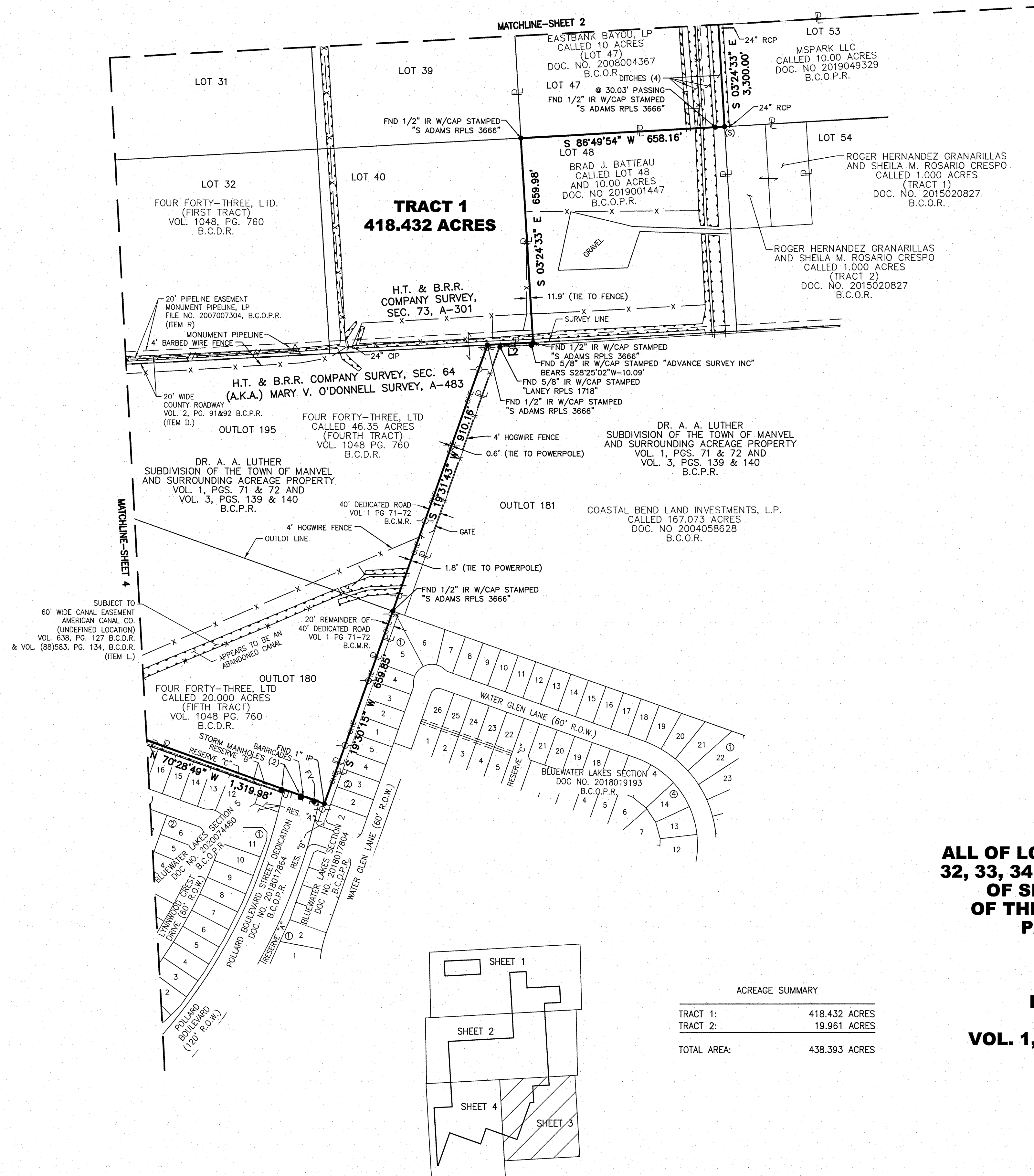
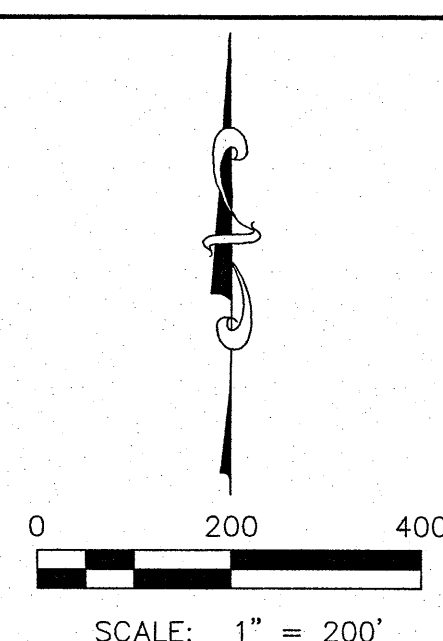
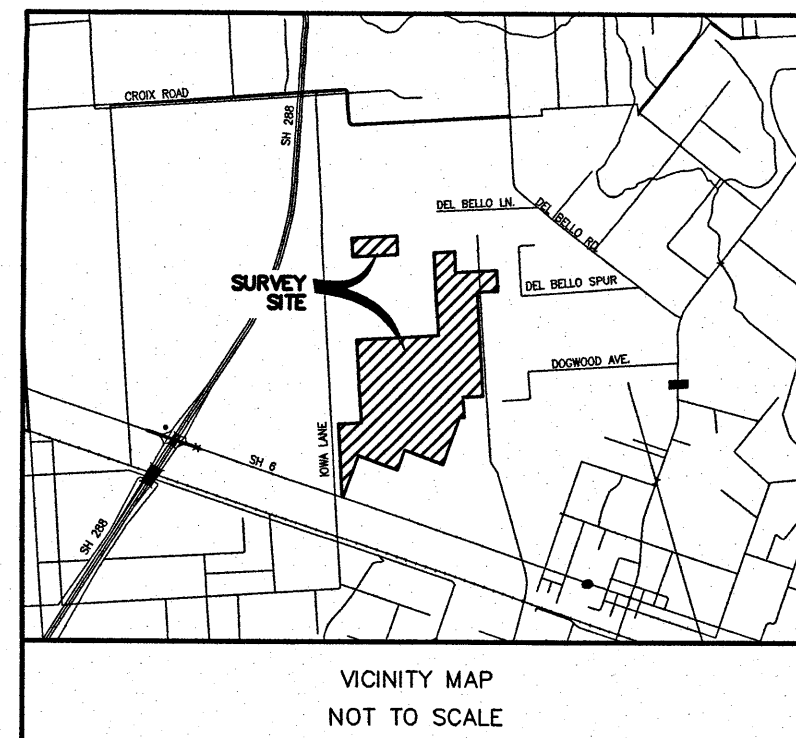
FEBRUARY 2021 JOB NO. LJA001-2791-2101

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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

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

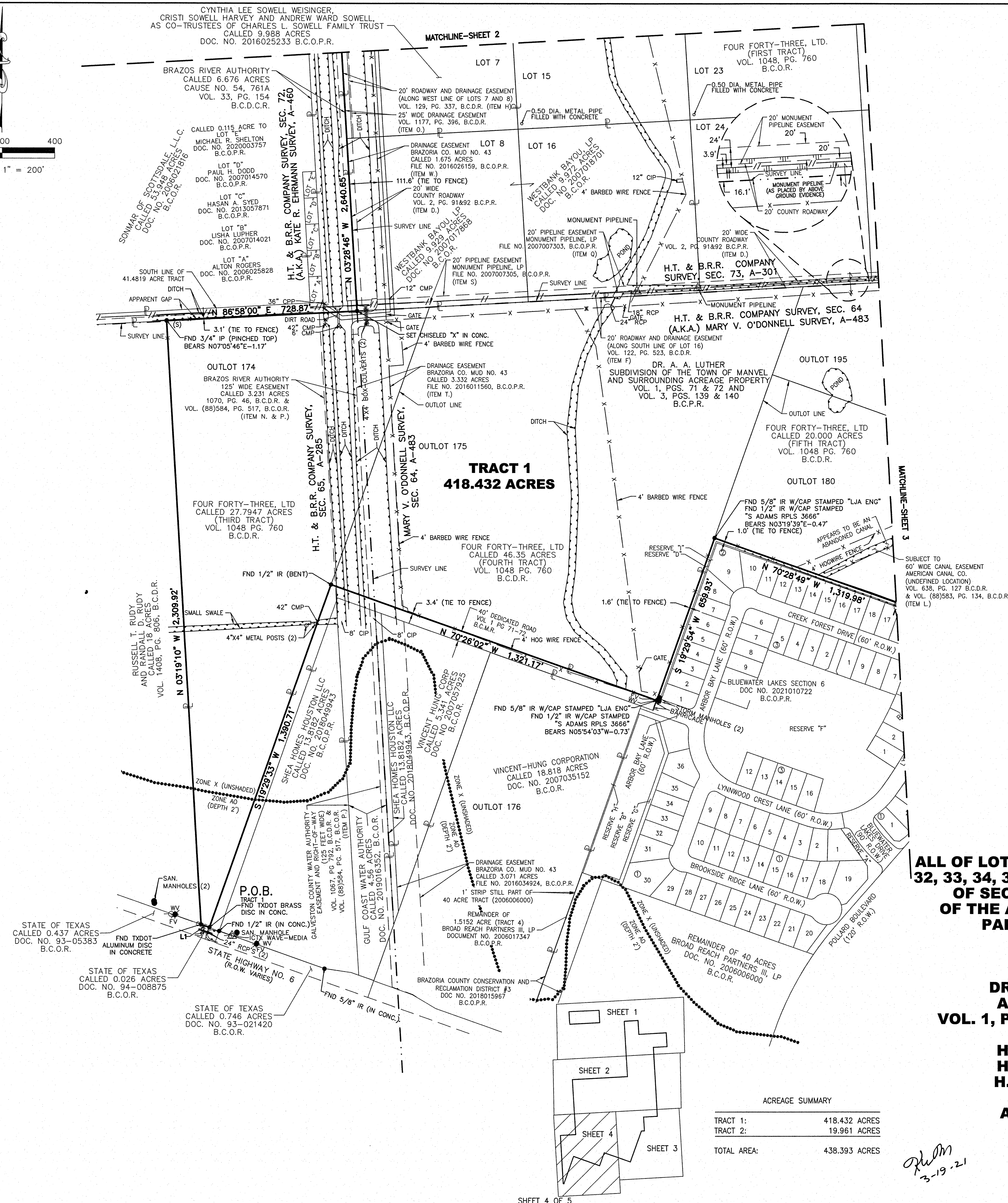
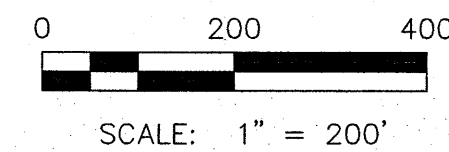
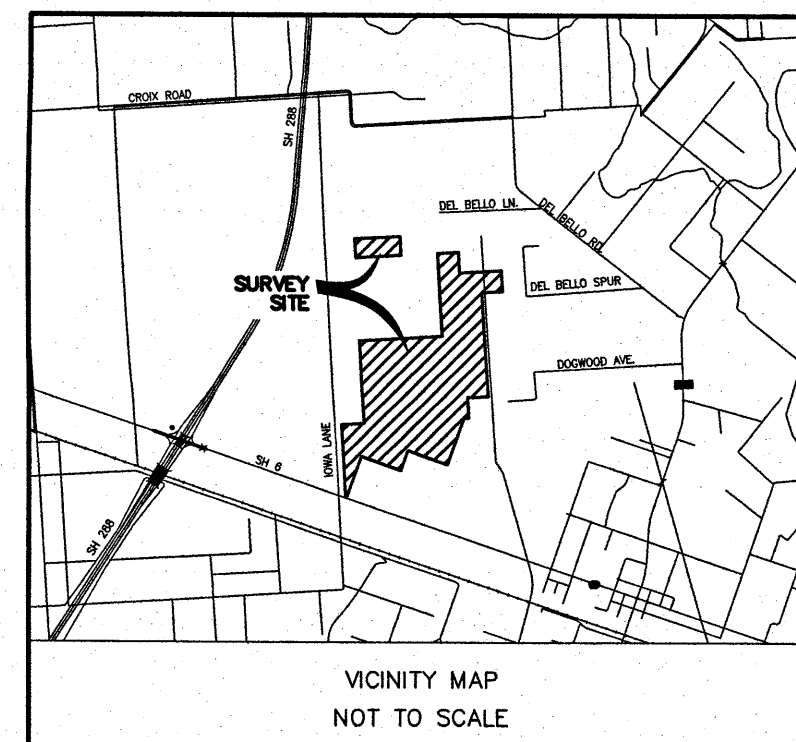


LINE	BEARING	DISTANCE
L1	N 70°29'23" W	33.64'
L2	S 86°49'56" W	147.25'

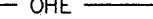
<u>LEGEND</u>	
B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.P.R.	PLAT RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.P.R.	OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.D.C.R.	DISTRICT CLERK RECORDS OF BRAZORIA COUNTY, TEXAS
DOC. NO.	DOCUMENT 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
CI	CAST IRON PIPE
A.K.A.	ALSO-KNOWN-AS
U.E.	UTILITY EASEMENT
RES.	RESERVE
FND.	FOUND
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	SAME OWNER
	PROPERTY LINE
	HIGHBANK OF DITCH
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 OHE	OVERHEAD ELECTRIC
 //	PIPELINE
	PIPELINE MARKER
	TELECOMMUNICATIONS MARKER
	POWERSPOLE
	GUY-WIRE
◆ FV	FLUSHING VALVE
◆ WV	WATER VALVE

**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
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MARY V. O'DONNELL SURVEY, A-483,
AND MARY V. O'DONNELL SURVEY, A-469
BRAZORIA COUNTY, TEXAS**

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TOTAL AREA:	438.393 ACRES



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	LEGEND
B.C.D.R.	DEED RECORDS OF BRAZORIA COUNTY, TEXAS
B.C.O.R.	OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS
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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, OF NO. CTH-COM-CIT20731337, 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 667, OF THE DEED RECORDS OF BRAZORIA, COUNTY, TEXAS AND AND INSTRUMENT RECORDED IN VOLUME 822, 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 QUOTLOTS 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: BRAZORIA 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.

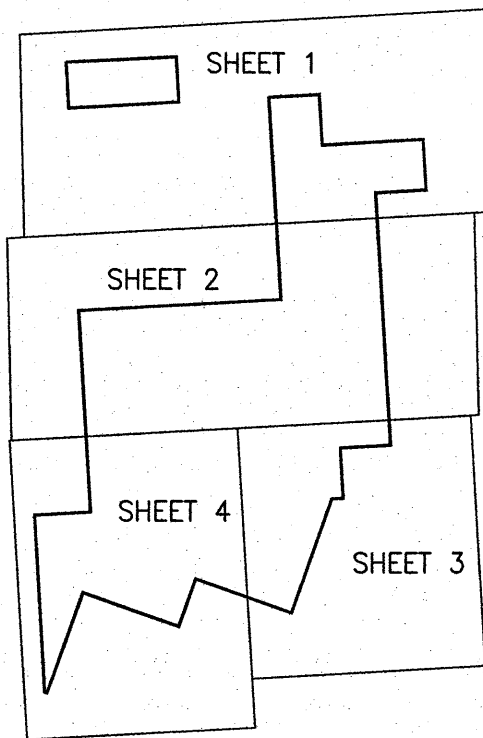
3) IN ACCORDANCE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAPS, MAP NO. 48039C0130K, AND MAP NO. 48039C0110K, WITH A REVISED DATE OF DECEMBER 30, 2020, BY GRAPHICAL PLOTTING, THE SUBJECT TRACT LIES WITHIN ZONE "AO" (DEPTH 2') AND ZONE "X"(UNSHADED). ZONE "X"(UNSHADED) IS DEFINED 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.



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TRACT 2:	19.961 ACRES
TOTAL AREA:	438.393 ACRES

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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



RESOLUTION NO. 2021-R-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AND DEVELOPMENT FINANCING AGREEMENT BETWEEN THE CITY AND FOUR FORTY-THREE, LTD., FOUR FORTY-THREE ANNEX NO. 1, LTD., 102929 BRAZORIA, INC., SOWELL FAMILY TRUST, WESTBANK BAYOU, L.P., AND EASTBANK BAYOU, L.P.; APPROVING ASSIGNMENT OF THE AGREEMENT TO HILLWOOD ENTERPRISES, L.P.; APPROVING A JOINDER AGREEMENT WITH BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 83; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE AGREEMENTS.

* * * * *

WHEREAS, in 2018 the City of Manvel entered into an Interlocal and Development Financing Agreement with Four Forty-Three, LTD., Four Forty-Three Annex No. 1, LTD., 102929 Brazoria, Inc., Sowell Family Trust, Westbank Bayou, L.P., and Eastbank Bayou, L.P. (collectively “Developer”) governing, among other things, the design, financing, and construction of certain public improvements within the property owned by Developer, commonly known as the “Sowell Tract” (“Property”); and

WHEREAS, Hillwood Enterprises, L.P. has contracted to purchase said Property and has requested amendment of the agreement to (i) further define the projects to be financed from the Improvement Fund and update the financing mechanism in relation thereto, (ii) replace MUD 75 with MUD 83, and (iii) assign Developer’s rights, obligations, and interests under the Agreement to Hillwood; and

WHEREAS, this agreement is authorized under Chapter 552 of the Texas Local Government Code and Chapter 791 of the Texas Government Code;

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

Section 1. That the First Amendment to the Interlocal and Development Financing Agreement by and between the City of Manvel, Four Forty-Three, LTD., Four Forty-Three Annex No. 1, LTD., 102929 Brazoria, Inc., Sowell Family Trust, Westbank Bayou, L.P., and Eastbank Bayou, L.P. (collectively, “Developer”), on behalf of themselves and on behalf of Brazoria County Municipal Utility District No. 75 (“MUD 75”) and Brazoria County Municipal Utility District No. 83 (“MUD 83,” together with MUD 75, “District”), and Hillwood Enterprises, L.P., a Texas limited partnership (“Hillwood”), is hereby approved in substantially the same form as the agreement attached as Exhibit A. Said agreement also includes the Joinder Agreement with MUD 83.

Section 2. That the City Manager is authorized to finalize negotiations and enter into the Agreement in substantially the same form as the agreement attached as Exhibit A, and upon approval by the City Attorney.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2021.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

First Amendment to the Interlocal and Development Agreement
(incl. Joinder Agreement with MUD 83)

RESOLUTION NO. 2021-R-18

**APPROVING AN INTERLOCAL AND DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF MANVEL AND BRAZORIA COUNTY
MUNICIPAL UTILITY DISTRICT NO. 83; AUTHORIZING THE CITY
MANAGER TO EXECUTE THE AGREEMENT.**

* * * * *

WHEREAS, the City Council by Resolution No. 2021-R-16 has consented to the creation of Brazoria County Municipal Utility District No. 83 (“District”); and

WHEREAS, the District is comprised of approximately 440 acres, located within the boundaries of the City, and the parties wish to provide for the design, financing, and construction of certain public improvements pursuant to Chapter 791.028 of the Texas Government Code and Chapter 552.014 of the Texas Local Government Code, as each may be amended, and the District is willing and able to construct the improvements or cause the improvements to be constructed, on behalf of the City and the District, subject to the terms of this Agreement; and

WHEREAS, the City has agreed to provide a financial mechanism for the rebate of costs of the construction of certain improvements to the District to induce the District to provide valuable goods and development services to the City and to finance the construction of valuable public improvements on behalf of the City and to encourage and promote the development of the District, and to satisfy rough proportionality for the proportional cost of improvements that serve those outside of the District; and

WHEREAS, the District is willing to construct or cause to be constructed certain additional public improvements on behalf of the City in exchange for the City’s participation in funding such improvements as described in this Agreement and the City Agreement; and

WHEREAS, the City anticipates that the District will develop the Property in the near future; and

WHEREAS, the City agrees that the provisions of this Agreement substantially advance legitimate interests of the City and the District;

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

Section 1. That the Interlocal and Development Agreement by and between the City of Manvel and Brazoria County Municipal Utility District No. 83 (“*District*”) is hereby approved in substantially the same form as the agreement attached as Exhibit A.

Section 2. That the City Manager is authorized to finalize negotiations and enter into the Agreement in substantially the same form as the agreement attached as Exhibit A, and upon approval by the City Attorney.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2021.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Interlocal and Development Agreement



City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
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Date of Request: July 26, 2021 PDZ & August 2, 2021 City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin

Daytime Phone: 713-784-4500 ext. 2306 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve and forward with recommendation to City Council,
Final Plat for Meridiana Detention Reserve T Phase 1, being a subdivision of 14.11 acres
out of the H.T. & B.R.R. Co. Survey, Section 61, A-282, and the Oliver Hall Survey,
A-203; City of Manvel, Brazoria County, Texas.

Plats:

Preliminary _____

Final x

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jessica Rodriguez Digitally signed by Jessica Rodriguez
Date: 2021.07.21 18:13:50 -05'00'

SIGNATURE

July 21, 2021

DATE

**DEVELOPMENT SERVICES DEPARTMENT**

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Planning, Development and Zoning Commission Plat Report

Plat Name	Meridiana Detention Reserve T Phase 1 Final Plat
Applicant	Lacey Bell, EHRA, Inc.
PD&Z Meeting Date	July 26, 2021
Recommendation	Denial
Submitted By	Jessica Rodriguez, Director of Development Services

Background

The Meridiana Detention Reserve T Phase 1 Final Plat was approved for a 30-day plat extension by City Council on April 19, 2021. The Commission recommended approval of the 30-day plat extension to City Council on April 12, 2021. The plat was re-submitted and approved by City Council on May 3, 2021. The Commission recommended approval of this plat to City Council on April 26, 2021. This final plat has been brought back for consideration to include portions of the Manvel Interim Park Site Minor Plat. The previously approved final plat did not include the Manvel Interim Park Site Minor Plat since that plat required vacation. The Manvel Interim Park Site Vacating Plat has been brought to you at this meeting for recommendation. The Manvel Interim Park Site Vacating Plat must be approved before the Meridiana Detention Reserve T Phase 1 Final Plat can be approved.

Staff Recommendation

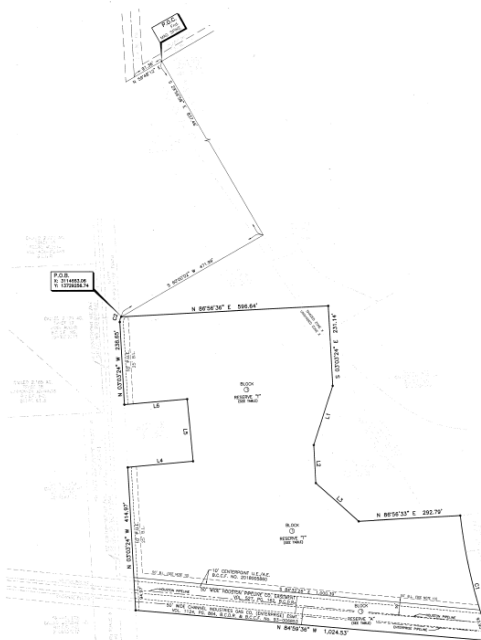
The City staff recommends denial of Meridiana Detention Reserve T Phase 1 Final Plat.

1. The configuration of this final plat has not been approved on the Meridiana GPD Amendment No. 17. The 56.69-acre tract abutting the eastern plat boundary (GR-M1, LTD called 56.69 ac. B.C.C.F. No. 2008047179) is included with this plat according to the Meridiana GDP. This final plat is not in compliance with the Meridiana GDP. (Ordinance No. 2009-O-4)
2. Remove General Note No. 7 because it can be combined with Note No. 21. (Section 62-41 and Section 62-44)
3. Add "Municipal Utility District" to General Note No. 21. (Section 62-41 and Section 62-44)



54170

- [illegible]



BRADLEY COUNTY, INDIANA, DISTRICT NO. 3

- [illegible]

FINAL PLAT
MERIDIANA
DETENTION RESERVE T
PHASE 1

BEING A SUBDIVISION OF 14.11 ACRES OUT OF
THE H. T. & B. R.R. CO. SURVEY, SECTION 61,
A-282, AND THE OLIVER HALL SURVEY, A-203;
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

1 BLOCK 2 RESERVES
OWNER
GR-MI, LTD.
A TEXAS LIMITED PARTNERSHIP
1502 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863
JULY 16, 2021



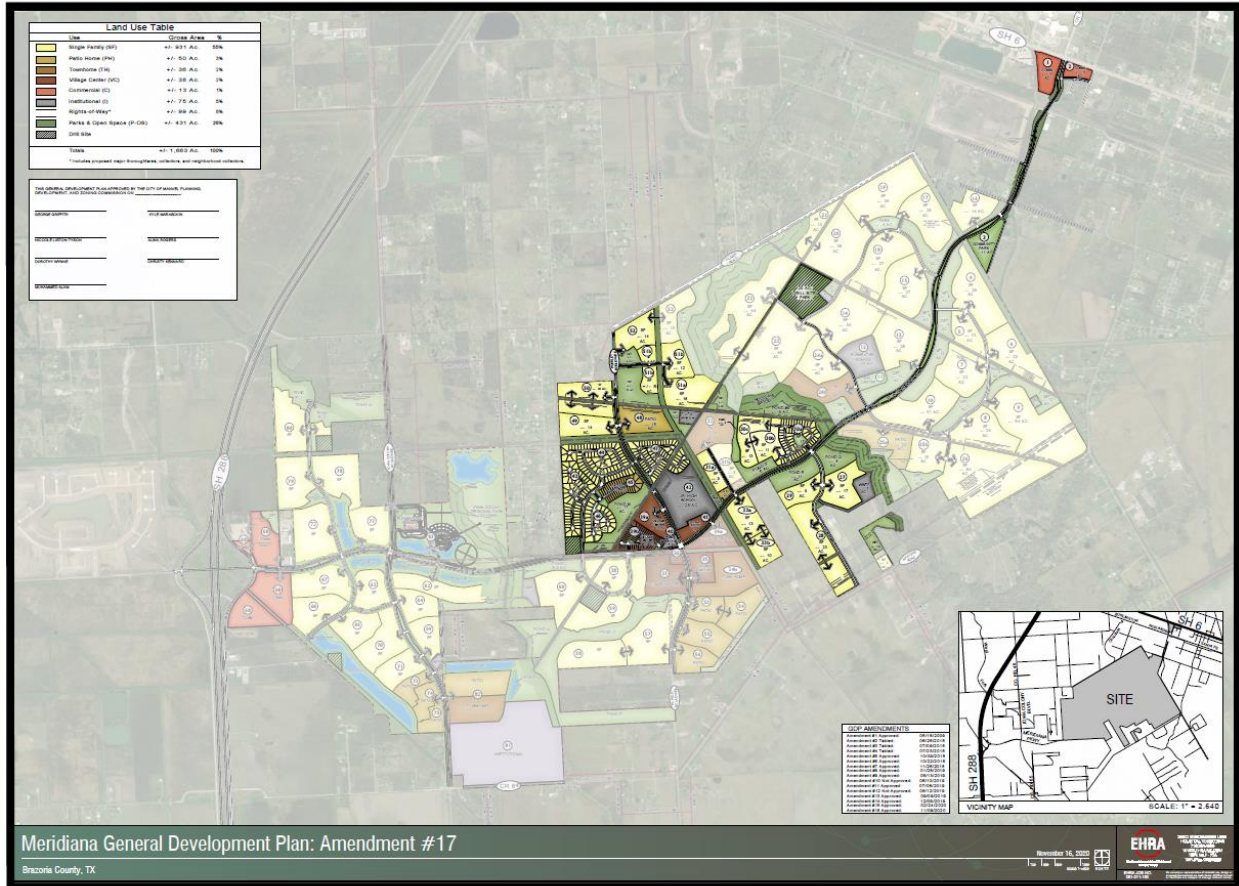
10011 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TSPE No. F-726
TSPELS No. 10092330



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Meridiana General Development Plan Amendment No. 17





CURVE TABLE					
CURVE	ENTER	DETA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH

N25 MONUMENT # C 305 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILROAD, 1/2 MILE WEST OF MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF THE GULF, COAST CROSSING, 5-1/2 FEET NORTHWEST OF MILE POST 38.30 NORTH, 6.0 FEET OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF THE WOODEN SIGN. DISK SET SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=32.00 (NAVD 785) 1991 ADJUSTMENT

BEING A SUBDIVISION OF 20.00 ACRES
OUT OF THE OLIVER HALL SURVEY, A-203
AND THE H.T. & B.R.R. CO. SURVEY,
SECTION 61, ABSTRACT NO. 282
IN THE CITY OF MANVEL,
BRAZORIA COUNTY, TEXAS.

1 BLOCK 1 RESERVE

OWNER
GR-MI, LTD
A TEXAS LIMITED PARTNERSHIP
901 NORTH GREEN VALLEY PARKWAY
SUITE ONE NINETY

JULY 5, 2011

Edminster · Hinshaw · Russell
and associates
civil engineers · surveyors · land planners
10555 westoffice drive houston, texas 77042
6-713-784-4510 6-713-784-4572 www.abraire.com

SHEET 2 OF 2

Doc# 2011032942
3 Pages 2
09/11/2011 1:40PM
Official Public Records in
DODGE COUNTY
JULIE MCGINN
COUNTY CLERK
Fees \$125.00
Julie McGinn

[illegible]

1. The terms and conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Waver, Texas dated February 23, 2009, are hereby cited in full.
2. All sidewalks shall be constructed in accordance with City of Waver Ordinance No. 2009-0-01.
3. This first plot will expire two (2) years after final approval by Council. If construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by Council, the permit shall expire.
4. No residential, commercial, or industrial structures, other structures necessary to operate the pipeline, shall be erected or moved to a location nearer than 50 feet to any pipeline, except for low pressure distribution pipelines as defined in Section 62-2, as per Waver Ordinance Book 82-116.
5. This plot is subject to that certain letter dated September 16, 2010 and signed October 27, 2010 by Debrae Murthi acting in her capacity as Mayor of Waver, Texas and to that certain letter dated September 16, 2010 signed October 27, 2010 by Debrae Murthi acting in her capacity as Mayor of Waver, Texas.

[illegible][illegible]

RESIDUE OF A
CALLED 884.331 ACRES
GR-WF, LTD.
B.C.C.F. NO. 200003518
O.R.D.R.

RESERVE OF A
CALLED 884,331 ACRES
GR-MT, LTD.
B.C.C.F. NO. 2008035182
C.P.R.O.R.P.

JOB NO. 081-011-00 (25)

(SAR) 001-011-0011 AT 00101100V-DLT WMMFIDWY RC----- DAT:2011-06-1

METES AND BOUNDS DESCRIPTION
MERIDIANA DETENTION RESERVE T PHASE 1
BEING A 14.11 ACRE TRACT OF LAND SITUATED IN
THE H. T. & B. R.R. COMPANY SURVEY, SECTION 61, ABSTRACT NO. 282
AND THE OLIVER HALL SURVEY, A-203
BRAZORIA COUNTY, TEXAS

A DESCRIPTION OF A 14.11 ACRE TRACT OF LAND IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 61, ABSTRACT 282 AND THE OLIVER HALL SURVEY, ABSTRACT 203, BRAZORIA COUNTY, TEXAS, BEING OUT OF A CALLED 56.69 ACRE TRACT OF LAND DESCRIBED IN DEED TO GR-M1, LTD. RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. NO.) 2008047179, OUT OF A CALLED 884.331 ACRE TRACT OF LAND DESCRIBED IN DEED TO GR-M1, LTD. RECORDED UNDER B.C.C.F. NO. 2006035182.

THE SAID 14.11 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a magnetized spike stamped "MAG SPIKE SURVEY MARK" found at the northerly common corner of said Oliver Hall Survey and the H. T. & B. R.R. Co. Survey, A-282, same being the northwest corner of the called 884.331 acre tract and the said Manvel Interim Park Site and the northeast corner of a called 56.69 acre tract of land;

THENCE, South 29°59'58" East, along the common line of said 884.331 acre tract and said 56.69 acre tract, same being the common line of the Oliver Hall Survey and the H.T. & B. R.R. Co. Survey, A-282, for a distance of 837.46 feet to a point for corner;

THENCE, South 60°00'02" West, a distance of 471.99 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northwesterly corner and the POINT OF BEGINNING of the herein described tract of land;

1) THENCE, North 86°56'36" East, for a distance of 596.64 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

2) THENCE, South 03°03'24" East, for a distance of 231.14 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking an angle point;

3) THENCE, South 17°52'48" West, for a distance of 179.07 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking an angle point;

4) THENCE, South 03°03'27" East, for a distance of 111.14 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking an angle point;

5) THENCE, South 48°03'27" East, for a distance of 165.99 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking an angle point;

6) THENCE, North 86°56'33" East, for a distance of 292.79 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set in the arc of a curve to the left;

7) THENCE, in a southeasterly direction along the arc of said curve to the left having a radius of 1,550.00 feet, a central angle of 13°48'18", an arc length of 373.46 feet, and a chord bearing of South 13°21'05" East, for a distance of 372.56 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

8) THENCE, North 84°59'36" West, for a distance of 1,024.53 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

9) THENCE, North 03°03'24" West, for a distance of 414.97 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

10) THENCE, North 84°35'55" East, for a distance of 188.60 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

11) THENCE, North 05°19'52" West, for a distance of 179.83 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

12) THENCE, South 84°57'33" West, for a distance of 181.41 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

13) THENCE, North 03°03'24" West, for a distance of 238.65 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking a point for curvature;

14) THENCE, in a northeasterly direction along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 36°52'12", an arc length of 16.09 feet, and a chord bearing of North 15°22'42" East, for a distance of 15.81 feet to the POINT OF BEGINNING and containing 14.11 acres of land.

STATE OF TEXAS:

COUNTY OF BRAZORIA:

We, GR-M1, LTD., a Texas Limited Partnership, acting by and through Matt Lawson, President of Rise Communities, LLC, A Nevada Limited Liability Company, its Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, owner of the property subdivided in this plat, Meridiana Detention Reserve T Phase 1, do hereby make subdivision of said property for and on behalf of said GR-M1, LTD., a Texas Limited Partnership, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

IN TESTIMONY WHEREOF, GR-M1, LTD., a Texas limited partnership, has caused these presents to be signed by Matt Lawson, President of Rise Communities, LLC, A Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, thereunto authorized by this 15th day of July, 2021.

OWNER

GR-M1, LTD., A Texas Limited Partnership
By: Rise Communities, LLC,
A Nevada Limited Liability Company,
Authorized Agent

BY:

Print Name: Matt Lawson

Title: President

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, President of Rise Communities, LLC, A Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 15th day of July, 2021.



Notary Public in and for the
State of Texas
My Notary Commission Expires 4-26-2024



Robert L. Boelsche
Robert Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

APPROVED BY BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5

Lee Walden, P.E.,
President

Date

Kerry L. Osburn
Vice President

Date

Brandon Middleton
Secretary/Treasurer

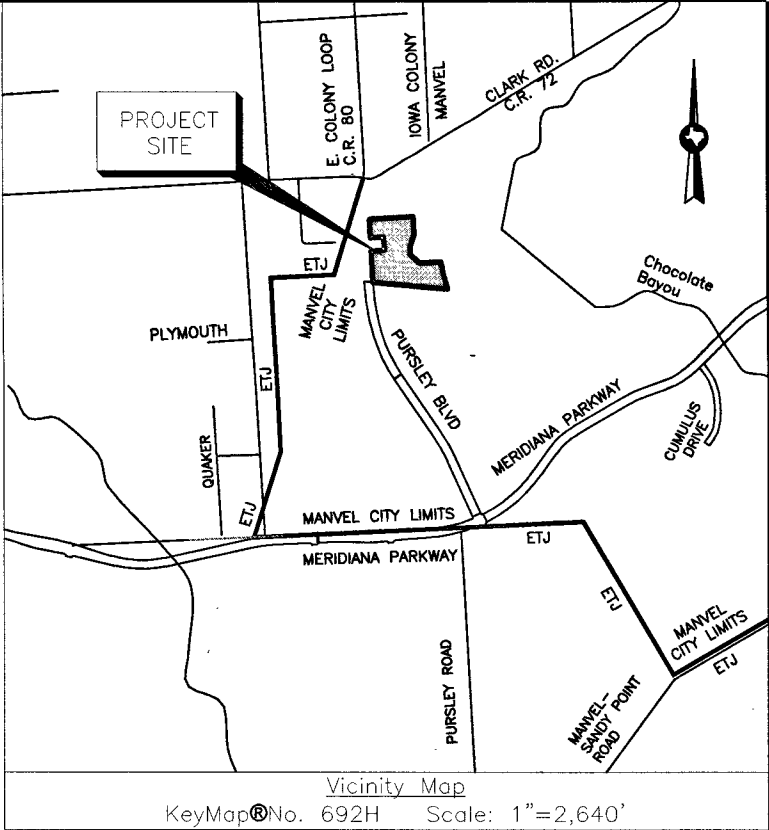
Date

Jarrod D. Aden, P.E., C.F.M.
District Engineer

Date

Note: Project field startup will start within 365 calendar days from date here shown. Continuous and reasonable field site work is expected.

BCDD #5 REF ID # B200055



FINAL PLAT
MERIDIANA
DETENTION RESERVE T
PHASE 1

BEING A SUBDIVISION OF 14.11 ACRES OUT OF
THE H. T. & B. R.R. CO. SURVEY, SECTION 61,
A-282, AND THE OLIVER HALL SURVEY, A-203;
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

1 BLOCK 2 RESERVES

OWNER

GR-M1, LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

JULY 16, 2021



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPELS No. 10092300

GENERAL NOTES:

- Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.99986742185.
- All boundary corners for the plat shown hereon are set 5/8-inch iron rods with cap stamped "E.H.R.A. 713-784-4500", unless otherwise noted.
- According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C0110K, dated December 30, 2020, The northeasterly portion of the property lies within "Zone AE" (areas determined to be within the 100-year floodplain with base flood elevation determined) and the remaining portion lies within Unshaded Zone "X" (areas determined to be outside of the 500-year flood plain) and the remaining portion of the property lies within Shaded Zone "X" (areas determined to be subject to the 500-year flood plain with depths determined less than 1 foot).

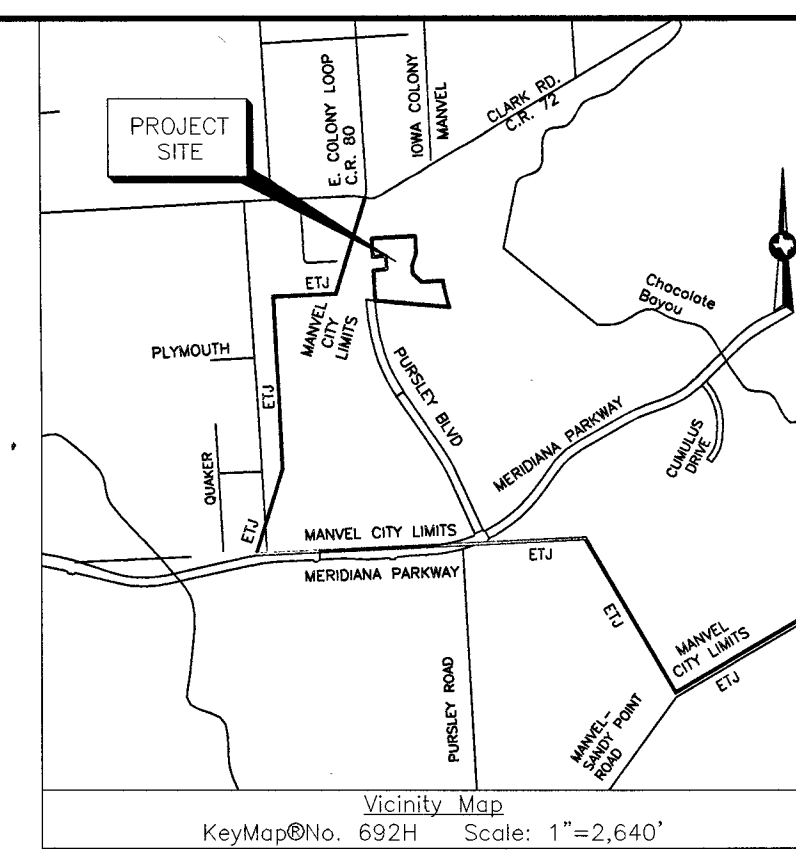
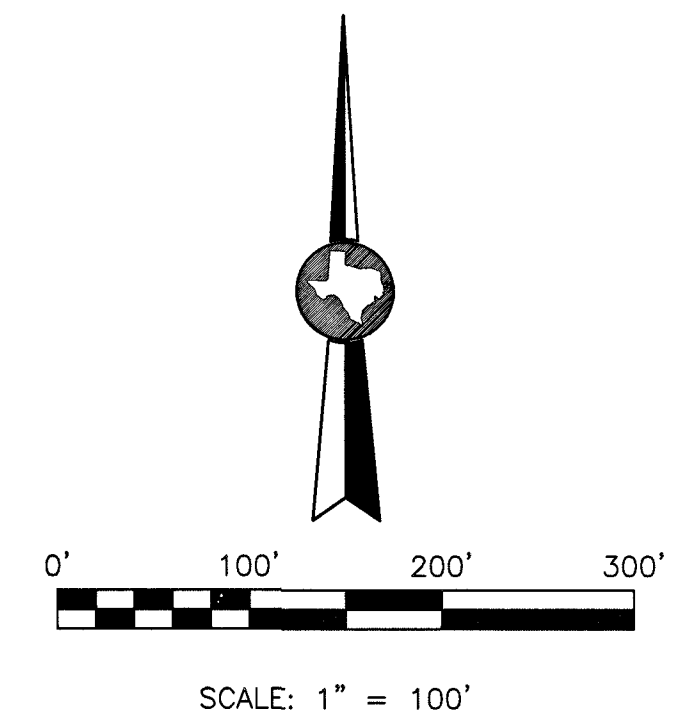
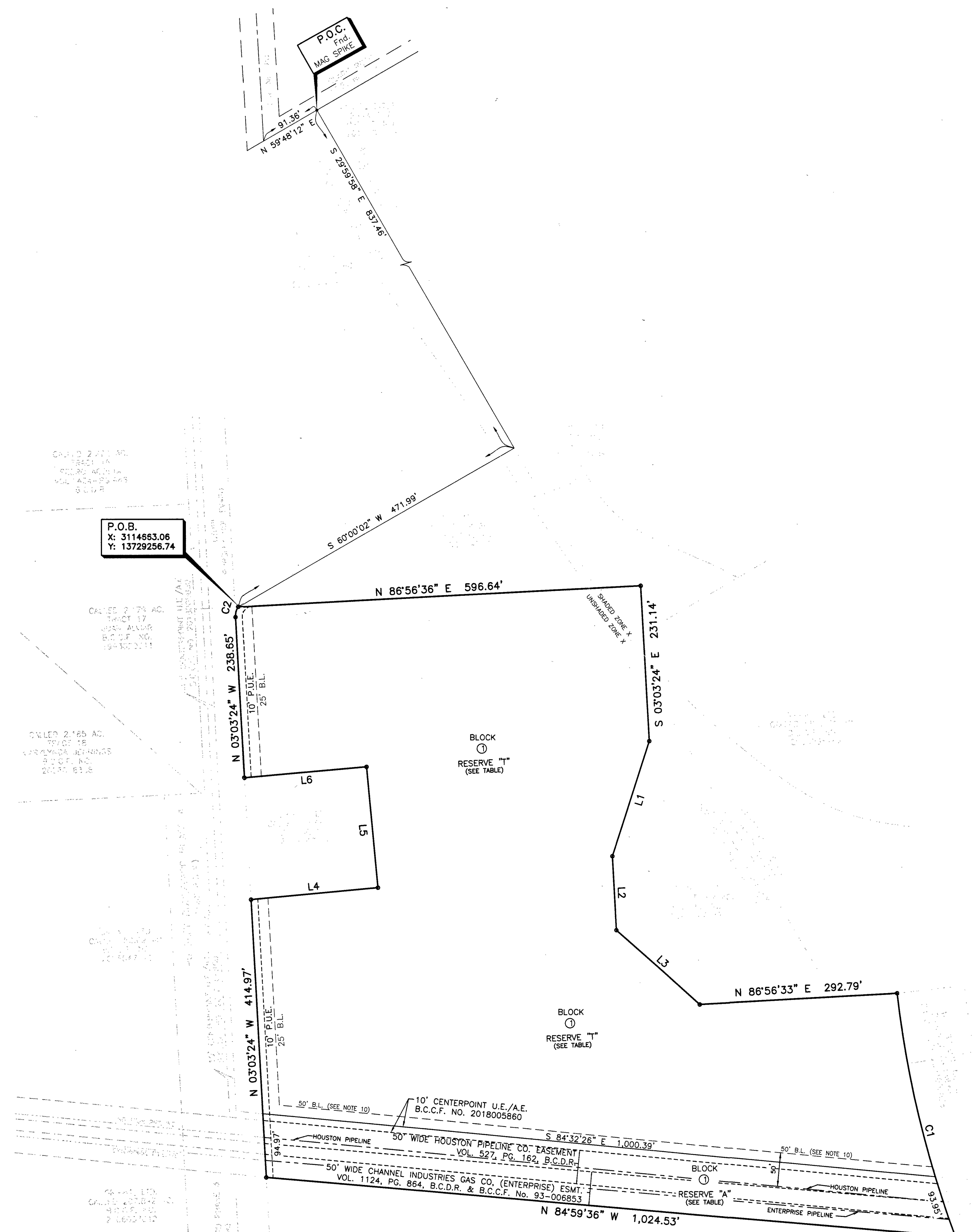
This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.

- A indicates Abstract.
AC. indicates Acres.
B.C.C.F. NO. indicates Brazoria County Clerk's File Number.
B.C.D.D. NO. indicates Brazoria County Drainage District Number.
B.C.D.R. indicates Brazoria County Deed Records.
B.C.P.R. indicates Brazoria County Plat Records.
B.L. indicates Building Line.
C.R. No. indicates County Road Number.
ESMT. indicates Easement.
Fnd. indicates Found.
I.R. indicates Iron Rod.
N.T.S. indicates Not To Scale.
PG. indicates Page.
P.O.B. indicates Point Of Beginning.
P.O.C. indicates Point Of Commencement.
P.U.E. indicates Public Utility Easement.
SQ. FT. indicates Square Feet.
R.O.W. indicates Right-Of-Way.
U.E./A.E. indicates Utility Easement/Aerial Easement.
VOL. indicates Volume.
- The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 56, Alvin Independent School District, and Brazoria County Drainage District #5.
- Property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of any fences, buildings, plantings, or other obstructions.
- The Municipal Utility District/Homeowners' Association shall be responsible for maintenance of all reserves.
- The terms and conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Manvel, Texas dated February 23, 2009, may affect this plat.
- All sidewalks shall be constructed in accordance with City of Manvel Ordinance No. 2009-0-04.
- No residential, commercial, or industrial structure, other than structures necessary to operate the pipeline, shall be erected or moved to a location nearer than 50 feet to any pipeline, except for low pressure distribution system pipeline as defined in section 62-2, as per Manvel Ordinance Sec. 62-116a.
- No residential, commercial, or industrial structures shall be permitted to be erected nearer than 150 feet from any oil or gas well or related facility other than structures necessary to operate the oil or gas well or facility, as per Manvel Ordinance Sec. 62-116b.
- No permit shall be issued by the city for the new construction or substantial improvement to any building, structure or improvement on a lot, tract, or parcel of land for which a plat has not been approved by the city and filed of record or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot, tract or parcel of land within a subdivision in which the required storm drainage improvements have not been constructed and the permanent public improvements have not been approved and accepted by the city. This Section applies to the placement or construction of a permitted structure, included manufactured homes as allowed in Chapter 38, Manufactured Housing, other city ordinances, or by State law.
- This final plat will expire two (2) years after final approval by City Council, if construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by Council.
- A one-year maintenance bond in the amount of 100 percent of the total cost of the infrastructure improvements or a one-year letter of credit in the amount of 50 percent of the total cost of the infrastructure improvements shall be required for the public improvements being dedicated to the city.
- Building permits will not be issued until all storm drainage improvements, which may include detention ponds, have been constructed.
- The Development Regulations and City Permits of the City of Manvel are required on all property.
- Reserve "T" provides a total of 2.55 acres of unencumbered open space within the boundary of this plat.
- The boundary for this plat has a closure in excess of 1:15,000.
- The drainage on adjacent property will not be impacted by this development.
- The Developer, Homeowners' Association and Drainage District shall be responsible for maintenance of all reserves.

LINE TABLE	
LINE/BEARING	DISTANCE
L1 S 17°52'48" W	179.07'
L2 S 03°03'27" E	111.14'
L3 S 48°03'27" E	165.99'
L4 N 84°35'52" E	198.60'
L5 N 05°19'52" W	179.83'
L6 S 84°57'33" W	181.41'

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	1550.00'	134°48'18"	373.46'	S 13°21'03" E	1372.56'
C2	25.00'	38°52'12"	16.09'	N 15°22'42" E	15.81'

RESERVE TABLE		
RESERVE	RESTRICTED TO	AREA
A	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	91,056 SQ.FT. / 2.09 ACRES
T	DETENTION, DRAINAGE, LANDSCAPE, OPEN SPACE, RECREATION, & UTILITY PURPOSES	523,574 SQ.FT. / 12.02 ACRES
TOTAL		614,630 SQ.FT. / 14.11 ACRES



- BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5:**
- Slab elevations (finished floor) shall be a minimum of 2 feet above finished grade.
 - All drainage easements shown hereon shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of drainage facilities.
 - All property shall drain into the drainage easement only through an approved drainage structure.
 - All drainage easements and detention pond reserves shown on this plat will be maintained by the property owners and/or business owners; provided, however, and governmental entity have jurisdiction, including, without limitation, Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
 - The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
 - This rural commercial site employs a natural drainage system, which is intended to provide drainage for the site that is similar to that which existed under pre-development conditions. Thus, during large storm events, ponding of water should be expected to occur on the site to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
 - Land use within the subdivision is limited to an average imperviousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, imperviousness will not be exceeded. If this percentage is to be exceeded, a replat and/or redesign of the system may be necessary.
 - Other than shown hereon, there are no pipeline easements or pipelines within the boundaries of this plan.
 - All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be minimum 24" I.D. or equal.
 - Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
 - Dedicated ingress/egress accesses are granted to Brazoria County Drainage District #5 (see District Resolution No 2007-06 & 2007-07). Access will be gated and locked with Brazoria County Drainage District #5's lock.
 - Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
 - Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
 - Pipelines, utility lines and other crossing under any Brazoria County Drainage District #5 ditch require approval and permitting prior to construction.
 - All dedicated storm sewer drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owner will be initiated and recorded, at the property owner's expense, with a "Recorded Document Number" affixed to said easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
 - It will be the property owner's responsibility to verify if any Brazoria County Drainage District #5 "Dedicated" drainage easements are on or cross their property. If so, the property owner will comply as stated within the recorded easement.
 - Project field start-up will start within 365 calendar days from date shown here. Continuous and reasonable field site work is expected. See Brazoria County drainage criteria manual section 1, Introduction; Sub-Section 1.5. Plat and Plan approval process, and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #5 Resolution 2011-1, allowable time(s) and procedures for starting-up approved projects.

FINAL PLAT MERIDIANA DETENTION RESERVE T PHASE 1

BEING A SUBDIVISION OF 14.11 ACRES OUT OF
THE H. T. & B. R. CO. SURVEY, SECTION 61,
A-282, AND THE OLIVER HALL SURVEY, A-203;
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

1 BLOCK 2 RESERVES

OWNER
GR-MI, LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

JULY 16, 2021



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPES No. 10092300

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 931 Ac.	55%
Patio Home (PH)	+/- 50 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 75 Ac.	5%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 431 Ac.	26%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

GEORGE GRIFFITH

NICOLE LISTON-TYSON

DOROTHY WYNNE

MUHAMMAD ALAM

KYLE MARASCKIN

ALINA ROGERS

CHRISTY KENNARD



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2019
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
Amendment #5 Approved:	10/09/2018
Amendment #6 Approved:	10/22/2018
Amendment #7 Approved:	11/26/2018
Amendment #8 Approved:	01/28/2019
Amendment #9 Approved:	05/13/2019
Amendment #10 Not Approved:	06/10/2019
Amendment #11 Approved:	07/08/2019
Amendment #12 Not Approved:	08/12/2019
Amendment #13 Approved:	09/09/2019
Amendment #14 Approved:	12/09/2019
Amendment #15 Approved:	02/24/2020
Amendment #16 Approved:	11/09/2020





City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☒	City Council	☐	Both	☐
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Date of Request: July 26, 2021 PDZ & August 2, 2021 City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin

Daytime Phone: 713-784-4500 ext. 2306 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to forward a 30-day plat extension to City Council, Final Plat for Meridiana Section 28B, being a subdivision of 14.35 acres out of the Oliver Hall Survey, Abstract 203; also being a partial replat of a portion of Lots 5 and 6, Block 1, of Lulling Stone Section Three, as recorded in Vol. 22, Pg. 231-234, Brazoria County Plat Records, City of Manvel, Brazoria County, Texas.

Plats:

Preliminary _____

Final x

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jessica Rodriguez Digitally signed by Jessica Rodriguez
Date: 2021.07.21 17:59:51 -05'00'

SIGNATURE

July 21, 2021

DATE

**DEVELOPMENT SERVICES DEPARTMENT**

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Planning, Development and Zoning Commission Plat Report

Plat Name	Meridiana Section 28B Final Plat
Applicant	Lacey Bell, EHRA, Inc.
PD&Z Meeting Date	July 26, 2021
Recommendation	Denial
Submitted By	Jessica Rodriguez, Director of Development Services

Background

The Meridiana Section 28B Final Plat was brought before to the Planning, Development and Zoning Commission on June 14, 2021. The Developer requested a 30-day plat extension. The 30-day plat extension was recommended approval by City staff to the Commission. The Commission made a recommendation of approval to the 30-day plat extension. Between the Commission meeting and the June 21, 2021, City Council meeting, the Developer requested a withdrawal of the plat. Since the plat had been heard before the Commission it had to be taken for action by City Council (per State law). At the June 21st City Council meeting, City staff did not recommend approval of the plat since it did not meet the requirements of the adopted Meridiana O-PUD and subdivision regulations. The City Council failed to approve the Meridiana Section 28B Final Plat.

Staff Recommendation

The City staff recommends denial of Meridiana Section 28B Final Plat.

1. The lift station located in the final plat is not identified as an "Institutional" land use on the Meridiana GPD Amendment No. 17. This final plat is not in compliance with the Meridiana GDP. (Ordinance No. 2009-O-4)



3420

WELL AND PUMP DESCRIPTION
 VETERANS SERVICE JOB
 BEING 14.20 ACRES OF LAND SITUATE IN THE
 SOUTHERN HILL GOLF COURSE, DISTRICT 222,
 BRADSHAW COUNTY, TEXAS

[illegible]

Foot, for a distance of 1587 feet to a 5/8-inch capped iron pipe
and for contact in the area of a mortgagee loan.

Foot, for a distance of 3000 feet to a 5/8-inch capped iron pipe
and for contact in the area of a mortgagee loan.

Foot, for a distance of 9600 feet to the right, being a hole of 10-
inch diameter, or less, in the ground, containing water, and having a depth
of 1/2 inch, or more, in the ground, and having a depth of 1/2 inch, or more,
to a 5/8-inch capped iron rod, stamped "S.A.R.A. 713-A-1000" and for
contact in the area of a mortgagee loan.

Foot, for a distance of 3000 feet to a 5/8-inch capped iron pipe
and for contact.

Foot, for a distance of 9600 feet to a 5/8-inch capped iron pipe
and for contact.

Foot, for a distance of 12000 feet to a 5/8-inch capped iron pipe
and for contact.

[illegible]

any alteration giving the area of most intense stress to the right being in bold type.

1. **Left**, for a distance of 20.00 feet to a point the center is marked with **W** for the first **20.00** feet. (Volume 21, Page 287-279, S.W. 1/4, Sec. 36, T. 36N., R. 96E., and Volume 24, Page 287-279, S.W. 1/4, Sec. 36, T. 36N., R. 96E.)

2. **Left**, along the southerly right-of-way line of said County Road 67 for a 3.00-foot type road being marked the southerly corner center of said 4.00' x 3.00' type road.

3. **Left**, along the common line of said Lot 4 and Lot 5 for a distance of the right-of-way boundaries and containing 10.00 acres of land.

[illegible]

and by these grants to devote to the use of the public for educational and research. The panel estimates that about half (10^{-5}) to ten tent (10^{-4}) lost-to-beach ecosystems, or about 10^{-5} to 10^{-4} lost-to-beach ecosystems or about half (10^{-5}) to 10^{-4} lost-to-beach ecosystems, from a given system had 10^{-5} to 10^{-4} more ground level lost than the adjacent and public utility ecosystems that are 10^{-5} to 10^{-4} in total and adjacent losses, thereby the panel 10^{-5} to 10^{-4} in total.

MADE DISTRICT NO. 5

the trapping just has within Seaside County (Seaside United #).

The trapline is a natural drainage system, which is intended to provide drainage to the site which existed under pre-development conditions. The trapping area at Seaside is located on the property to the east of the subject. It is held in fee simple and is intended to provide for an extended period of time.

The trapline is located in an average topography of no more than 72 percent slope. The trapline is located on the property to the east of the subject. It is held in fee simple and is intended to provide for an extended period of time.

There are no adverse impacts or impacts within the boundaries of the

[illegible]

owner's responsibility to verify if any Broward County Storage District (BSCSD) still exists on or in or on top their property. If so, the property owner will comply with all BSCSD rules and regulations.

15. Did you take approved process and storage management practices, and ensure County Storage Area #5 (Section 207-1, statewide landfilling or approved projects)?

[illegible][illegible][illegible][illegible]

LOTS 5 AND 6, BLOCK 1, OF LULLING STONE
SECTION THREE, AS RECORDED IN VOL. 22,
PG. 231-234, BRAZOSIA COUNTY PLAT RECORDS,
CITY OF MANVEL, BRAZOSIA COUNTY, TEXAS.

39 LOTS 2 BLOCKS 7 RESERVES (27003 Acres)

OWNER
GR-M, LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 00

Examination and PL/SQL
Since 1985

TEPOLS No. 1000290

Sht. 1 of 2

E4205



Land Use Table

Land Use	Area (Ac.)	%
Single Family (SF)	47- 347.0	100%
Multi-Family (MF)	47- 50.0	14%
Commercial (C)	47- 50.0	14%
Industrial (I)	47- 50.0	14%
Community (C)	47- 1.0	1%
Recreation (R)	47- 1.0	1%
Highway (H)	47- 1.0	1%
Parks & Open Space (P)	47- 1.0	1%
Water (W)	47- 1.0	1%
Other (O)	47- 1.0	1%
Total	47- 1,000.0	100%

Percentages are based on the total area of the project.

Legend

Single Family (SF) Multi-Family (MF)

Commercial (C) Industrial (I)

Community (C) Recreation (R)

Highway (H) Parks & Open Space (P)

Water (W) Other (O)

Scale: 1" = 2,640'

Vicinity Map: Shows the project location relative to surrounding areas, including SH 288 and the proposed rail line.

Map Title: Meridiana General Development Plan: Amendment #17

Date: November 16, 2020

Scale: 1" = 2,640'

Legend: Single Family (SF), Multi-Family (MF), Commercial (C), Industrial (I), Community (C), Recreation (R), Highway (H), Parks & Open Space (P), Water (W), Other (O)

Map: Aerial map showing the development plan with various colored zones and a proposed rail line.

Vicinity Map: A small map showing the project location relative to surrounding areas, including SH 288 and the proposed rail line.

Scale: 1" = 2,640'

Map Title: Meridiana General Development Plan: Amendment #17

Date: November 16, 2020

Scale: 1" = 2,640'

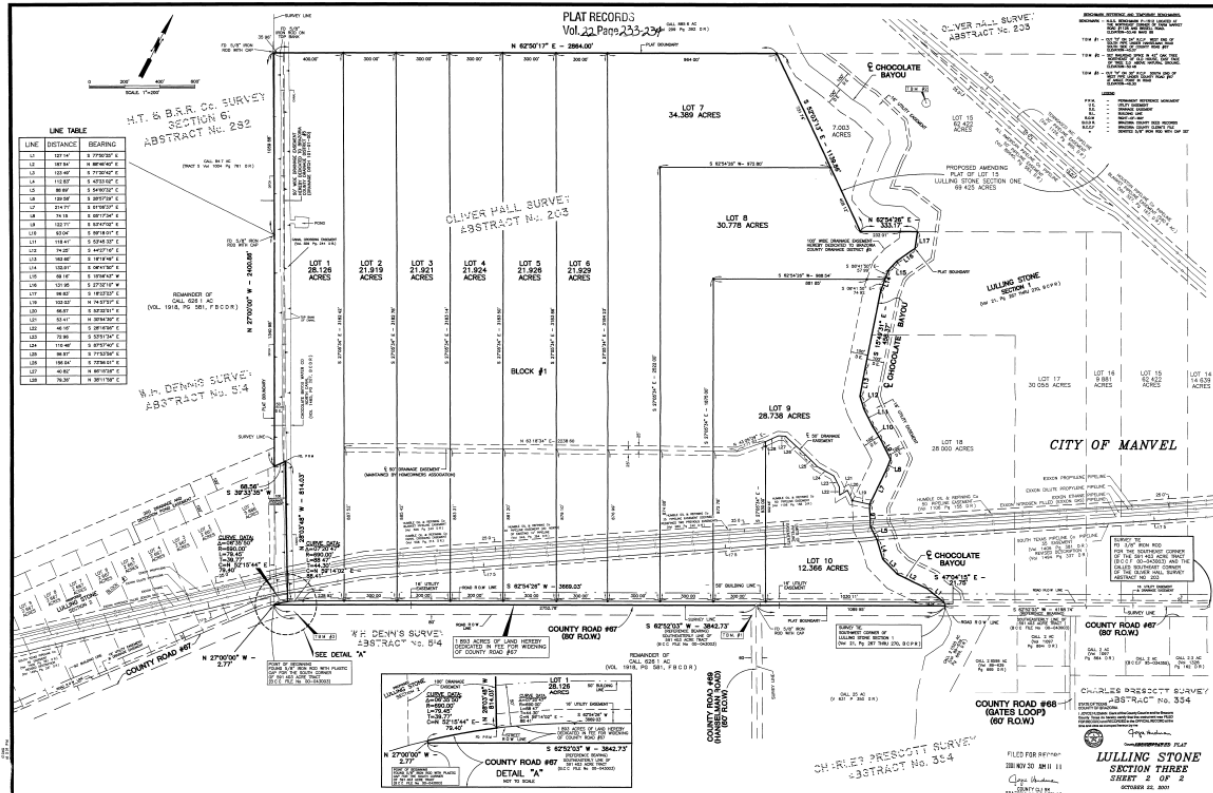
Legend: Single Family (SF), Multi-Family (MF), Commercial (C), Industrial (I), Community (C), Recreation (R), Highway (H), Parks & Open Space (P), Water (W), Other (O)

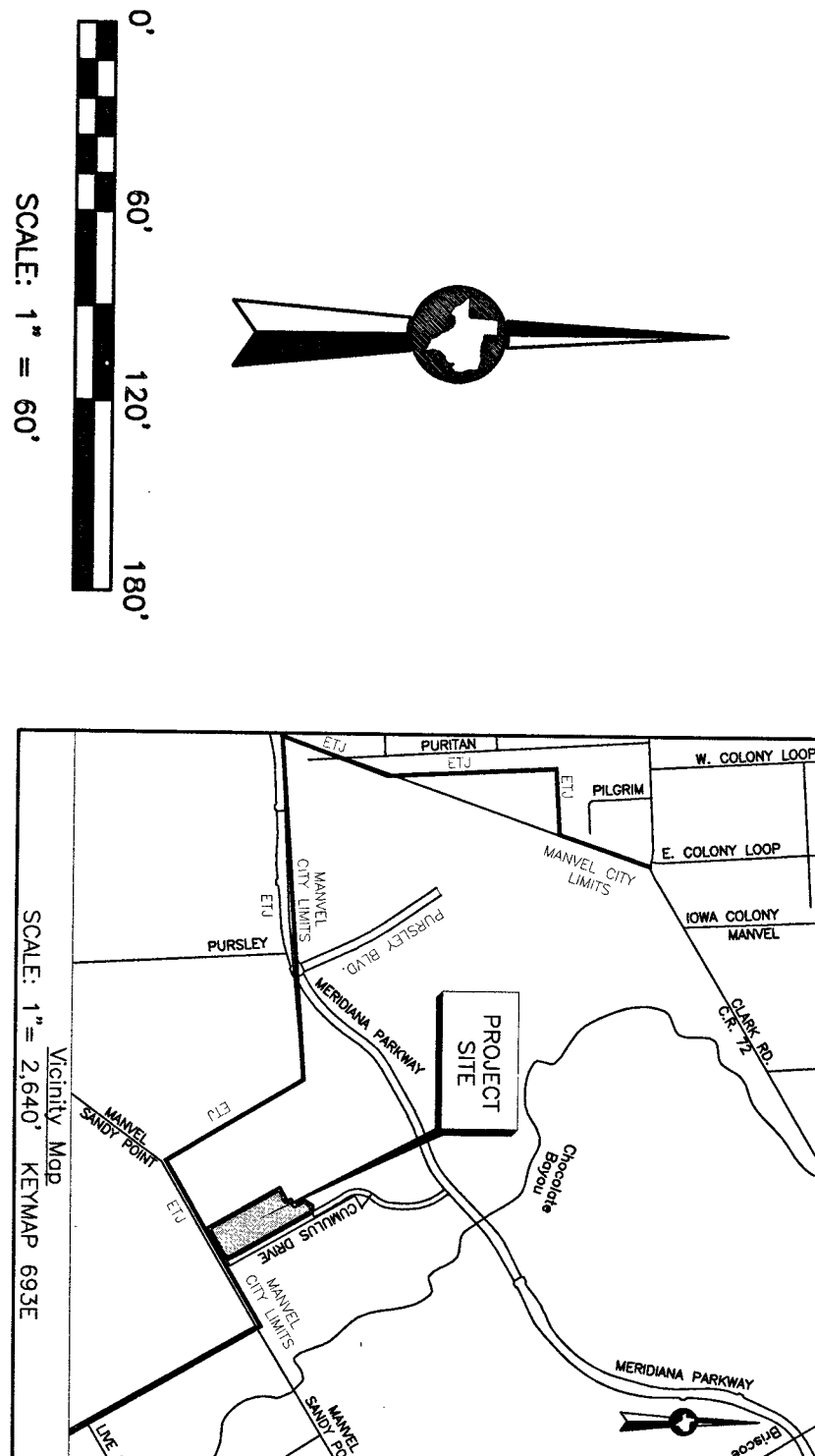
Map: Aerial map showing the development plan with various colored zones and a proposed rail line.

Vicinity Map: A small map showing the project location relative to surrounding areas, including SH 288 and the proposed rail line.

Scale: 1" = 2,640'

Lulling Stone Section Three





BENCHMARK:
NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND WEST OF SHELL-ROAD. STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF SHELL-ROAD. MONUMENT SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND. ELEVATION=52.00 (NAVD 88) 1991 ADJUSTMENT

MINIMUM FINISH FLOOR	
BLOCK/RESERVE	ELEVATION
BLOCK 1	47.00
BLOCK 2	47.00
BLOCK 3	47.00
BLOCK 4	47.00
BLOCK 5	47.00
BLOCK 6	47.00
BLOCK 7	47.00
BLOCK 8	47.00
BLOCK 9	47.00
BLOCK 10	47.00
BLOCK 11	47.00
BLOCK 12	47.00
BLOCK 13	47.00
BLOCK 14	47.00
BLOCK 15	47.00
BLOCK 16	47.00
BLOCK 17	47.00
BLOCK 18	47.00
BLOCK 19	47.00
BLOCK 20	47.00
BLOCK 21	47.00
BLOCK 22	47.00
BLOCK 23	47.00
BLOCK 24	47.00
BLOCK 25	47.00
BLOCK 26	47.00
BLOCK 27	47.00
BLOCK 28	47.00
BLOCK 29	47.00
BLOCK 30	47.00
BLOCK 31	47.00
BLOCK 32	47.00
BLOCK 33	47.00
BLOCK 34	47.00
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BLOCK 36	47.00
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BLOCK 41	47.00
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BLOCK 92	47.00
BLOCK 93	47.00
BLOCK 94	47.00
BLOCK 95	47.00
BLOCK 96	47.00
BLOCK 97	47.00
BLOCK 98	47.00
BLOCK 99	47.00
BLOCK 100	47.00

REMAINDER OF LOT 7
DOROTHY WINNE
B.C.C.F. NO. 2003015555
LULLING STONE SECTION THREE
VOL. 22, PG. 231-234 B.C.P.R.

LOT TABLE	
Block	Lot
1	1
1	2
1	3
1	4
1	5
1	6
1	7
1	8
1	9
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1	99
1	100

LINE TABLE	
LINE	DISTANCE
1	307.48 E 13.97
2	307.48 E 13.97
3	307.48 E 13.97
4	307.48 E 13.97
5	307.48 E 13.97
6	307.48 E 13.97
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30	307.48 E 13.97
31	307.48 E 13.97
32	307.48 E 13.97
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95	307.48 E 13.97
96	307.48 E 13.97
97	307.48 E 13.97
98	307.48 E 13.97
99	307.48 E 13.97
100	307.48 E 13.97

LINE TABLE	
LINE	DISTANCE
1	307.48 E 13.97
2	307.48 E 13.97
3	307.48 E 13.97
4	307.48 E 13.97
5	307.48 E 13.97
6	307.48 E 13.97
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92	307.48 E 13.97
93	307.48 E 13.97
94	307.48 E 13.97
95	307.48 E 13.97
96	307.48 E 13.97
97	307.48 E 13.97
98	307.48 E 13.97
99	307.48 E 13.97
100	307.48 E 13.97

RESTRICTION TABLE	
RESTRICTION TO	AREA
A LANDSCAPE, OPEN SPACE, 13,522 SQ. FT. / 0.3104 ACRES	
B LANDSCAPE, OPEN SPACE, 15,650 SQ. FT. / 0.3593 ACRES	
C LANDSCAPE, OPEN SPACE, 18,866 SQ. FT. / 0.4331 ACRES	
D LANDSCAPE, OPEN SPACE, 4,774 SQ. FT. / 0.1096 ACRES	
E LANDSCAPE, OPEN SPACE, 7,100 SQ. FT. / 0.1630 ACRES	
F LANDSCAPE, OPEN SPACE, 100,208 SQ. FT. / 2.3004 ACRES	
G LANDSCAPE, OPEN SPACE, 4,333 SQ. FT. / 0.0995 ACRES	
LIFT STATION	
TOTAL	164,450 SQ. FT. / 3.7753 ACRES

OWNER
GR-M, LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D SUITE 100
KATY, TEXAS 77483
PH (832) 487-7863

ENGINEER/SURVEYOR
JULY 16, 2021



10011 MEADOWCLEN LN
HOUSTON, TEXAS 77042
WWW.EHRAINC.COM
TBP NO. F-726
TBP NO. 10092300

FINAL PLAT
MERIDIANA SECTION 28B

BEING A SUBDIVISION OF 14.35 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203, ALSO BEING A PARTIAL REPLAT OF A PORTION OF LOTS 5 AND 6, BLOCK 1, OF LULLING STONE SECTION THREE, AS RECORDED IN VOL. 22, PG. 231-234, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

39 LOTS 2 BLOCKS 7 RESERVES (3.7753 Acres)

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 931 Ac.	55%
Patio Home (PH)	+/- 50 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 75 Ac.	5%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 431 Ac.	26%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

GEORGE GRIFFITH

KYLE MARASCKIN

NICOLE LISTON-TYSON

ALINA ROGERS

DOROTHY WYNNE

CHRISTY KENNARD

MUHAMMAD ALAM



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2010
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
Amendment #5 Approved:	10/09/2018
Amendment #6 Approved:	10/22/2018
Amendment #7 Approved:	11/26/2018
Amendment #8 Approved:	01/28/2019
Amendment #9 Approved:	05/13/2019
Amendment #10 Not Approved:	06/10/2019
Amendment #11 Approved:	07/08/2019
Amendment #12 Not Approved:	08/12/2019
Amendment #13 Approved:	09/09/2019
Amendment #14 Approved:	12/09/2019
Amendment #15 Approved:	02/24/2020
Amendment #16 Approved:	11/09/2020



01 054150

WE, Beau King and Vernon Young, President and Secretary respectively, of A & M Real Estate Development, Ltd., owner of the property subdivided in the plat of Lulling Stone Section Three, do hereby make subdivision of said property for and on behalf of said corporation, according to the laws, rules, building laws, streets, ditches, poles and easements as shown hereon and dedicated for public use, the streets, all alleys, poles and easements shown hereon forever, and do hereby warrant all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby land ourselves, our heirs successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, we have dedicated and by these presents do dedicate to the use of the public for public utility purposes former unobstructed canal easements. The canal easements shall extend horizontally in additional five feet, six inches (5' 6") for section feet (16' 0") perimeter ground easements, from a plane surface feet (16' 0") above ground level upward, located adjacent to and adjoining public utility easements that are designated with canal easements (U.E. and A.E.) as indicated and depicted hereon, whereby the canal easements total twenty one feet, six inches (21' 6") in width.

FURTHER, we do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road, or alley, or any drainage ditch, either directly or indirectly.

IN TESTIMONY, hereof, the A & M Real Estate Development, Ltd., has caused these presents to be signed by Beau King, its President, thereto authorized, attested by its Secretary, Vernon Young, and its common seal hereunto affixed, this 26th day of October, 2001.

A & M Real Estate Development, Ltd.

By

Beau King, President

Attest

Vernon Young, Secretary

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Beau King, President, and Vernon Young, Secretary of A & M Real Estate Development, Ltd., known to me to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 26th DAY OF OCTOBER, 2001

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

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Notary Public in and for the State of Texas

This is to certify that the City Engineer of the City of Manvel, Texas the 24th day of November, 2001, has approved this plat and subdivision of Lulling Stone Section Three as shown hereon

James D. Snowden
James D. Snowden, P.E., R.P.L.S.

This is to certify that the City Planning and Development Commission of the City of Manvel, Texas the 12th day of November, 2001, has approved this plat and subdivision of Lulling Stone Section Three as shown hereon

Steve Schenfeld
Steve Schenfeld, Chairman

Jack Thompson
Jack Thompson, Member

David Harrison
David Harrison, Member

Rich Koepfen
Rich Koepfen, Member

Tommy Peltier
Tommy Peltier, Member

Jackie Shaw
Jackie Shaw, Member

Larry Hoffman
Larry Hoffman, Member

Bill Williams
Bill Williams, Member

This is to certify that the City Council of the City of Manvel, Texas the 29 day of November, 2001, has approved this plat and subdivision of Lulling Stone Section Three as shown hereon

Steve M. Martin
Steve M. Martin, Mayor

Robert J. Bell
Robert J. Bell, Councilmember

Paul Jaggard
Paul Jaggard, Councilmember

Larry E. Ober
Larry E. Ober, Councilmember

Donna J. Gammeter
Donna J. Gammeter, Councilmember

Larry Farhnik
Larry Farhnik, Councilmember

A FIELD NOTE DESCRIPTION OF 245.909 Acres of Land being a portion of a 591.403 Acre Tract (Brazoria County Clerk's File No. 00-043003) being in the Oliver Hall Survey, Abstract No. 203, Brazoria County, Texas

BEGINNING at a 5/8 inch iron rod with plastic cap found for the South corner of said 591.403 Acre Tract; Said corner being in the right-of-way of Brazoria County Road No. 67 (80 feet wide), being an interior corner of a call 628.1 Acre Tract (First Tract, Volume 1916, Page 581, Deed Records of Brazoria County, Texas), being South 62 Degrees, 52 Minutes, 3 Seconds West (reference bearing) - 804.47 feet from a 5/8 inch iron rod in asphalt pavement found for the East corner of said 591.403 Acre Tract and being the South corner of the 245.909 Acre Tract;

THENCE, North 27 Degrees, 0 Minutes, 0 Seconds West - 2.77 feet along the Southeastly line of said 591.403 Acre Tract to a point for corner in the Northwesterly right-of-way line of said County Road No. 67;

THENCE, Northwesterly along the Northwesterly right-of-way line of said County Road No. 67 along a Southeastly line of proposed Lulling Stone Section Two Subdivision - 81.590 Acre Tract along a curve to the right with the following curve data:

Delta 6 Degrees, 35 Minutes, 0 Seconds
Radius 890.50 feet
Length 78.45 feet
Tangent 39.77 feet
Chord North 52 Degrees, 15 Minutes, 44 Seconds East - 79.40 feet to a 5/8 inch iron rod with aluminum cap in concrete found for the East corner of said 81.590 Acre Tract;

THENCE, North 28 Degrees, 3 Minutes, 48 Seconds West - 814.63 feet along the Northwesterly line of said 81.590 Acre Tract to a 5/8 inch iron rod with plastic cap found for the North corner of said 591.403 Acre Tract;

THENCE, South 39 Degrees, 33 Minutes, 35 Seconds East - 69.56 feet to a 5/8 inch iron rod with plastic cap set for re-entrant corner of the tract; Said corner being in the Southeastly line of said 591.403 Acre Tract and in a Northwesterly line of said call 628.1 Acre Tract;

THENCE, North 27 Degrees, 0 Minutes, 0 Seconds West, at 1340.98 feet pass a 5/8 inch iron rod with plastic cap found for the most Northerly Northeast corner of said 628.1 Acre Tract, in all 2400.66 feet to a 5/8 inch iron rod with plastic cap found for the West corner of the tract; Said corner being the West corner of said 591.403 Acre Tract;

THENCE, North 62 Degrees, 50 Minutes, 17 Seconds East, at 35.96 feet pass a 5/8 inch iron rod found for reference, in all 2854.00 feet along the Northwesterly line of said 591.403 Acre Tract to a 5/8 inch iron rod with plastic cap set for the North corner of the tract; Said corner being the West corner of a 69.425 Acre Tract;

THENCE, South 52 Degrees, 3 Minutes, 13 Seconds East - 1129.86 feet to a 5/8 inch iron rod with plastic cap set for re-entrant corner of said 69.425 Acre Tract;

THENCE, North 62 Degrees, 54 Minutes, 25 Seconds East, at 232.01 feet pass a 5/8 inch iron rod with plastic cap set for reference, in all 233.17 feet to a point for corner in the centerline of Chocolate Bayou; Said corner being the Southeast corner of Lot No. 10 of Lulling Stone Section One Subdivision (Volume 21, Pages 267, 268, 269 and 270 Plat Records of Brazoria County, Texas),

THENCE, Southeastly, along the Southeastly line of said Lulling Stone Section One Subdivision being along the centerline of said Chocolate Bayou with the following courses and distances:

South 18 Degrees, 23 Minutes, 23 Seconds East - 98.83 feet to a point for corner;

South 27 Degrees, 32 Minutes, 10 Seconds East - 131.95 feet to a point for corner;

South 15 Degrees, 58 Minutes, 43 Seconds East - 69.16 feet to a point for corner;

South 6 Degrees, 41 Minutes, 50 Seconds East - 132.81 feet to a point for corner;

South 15 Degrees, 49 Minutes, 31 Seconds East - 456.37 feet to a point for corner;

South 14 Degrees, 15 Minutes, 49 Seconds East - 143.60 feet to a point for corner;

South 44 Degrees, 27 Minutes, 16 Seconds East - 74.25 feet to a point for corner;

South 53 Degrees, 48 Minutes, 33 Seconds East - 118.41 feet to a point for corner;

South 58 Degrees, 15 Minutes, 1 Second East - 83.04 feet to a point for corner;

South 53 Degrees, 47 Minutes, 2 Seconds East - 122.71 feet to a point for corner;

South 55 Degrees, 17 Minutes, 34 Seconds East - 74.15 feet to a point for corner;

South 1 Degree, 6 Minutes, 37 Seconds East - 214.71 feet to a point for corner;

South 28 Degrees, 57 Minutes, 29 Seconds East - 129.58 feet to a point for corner;

South 54 Degrees, 0 Minutes, 32 Seconds East - 88.69 feet to a point for corner;

South 43 Degrees, 23 Minutes, 2 Seconds East - 112.83 feet to a point for corner;

South 71 Degrees, 20 Minutes, 42 Seconds East - 122.49 feet to a point for corner;

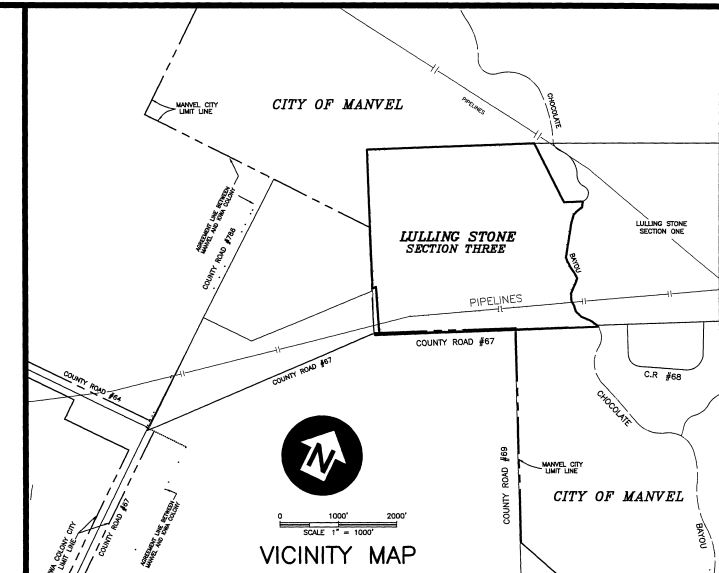
North 88 Degrees, 46 Minutes, 40 Seconds East - 101.54 feet to a point for corner;

South 77 Degrees, 0 Minutes, 25 Seconds East - 127.14 feet to a point for corner in the Northwesterly right-of-way line of said County Road No. 67;

THENCE, South 47 Degrees, 4 Minutes, 15 Seconds East - 21.75 feet to a point for the East corner of the tract, Said corner being in the Southeastly line of said 591.403 Acre Tract;

THENCE, South 62 Degrees, 52 Minutes, 3 Seconds West, at 1089.95 feet pass a 5/8 inch iron rod with plastic cap found for the most Easterly Northeast corner of said call 628.1 Acre Tract, in all 3842.73 feet along the Southeastly line of said 591.403 Acre Tract being along a line in the right-of-way of said County Road No. 67 to the PLACE OF BEGINNING and containing 245.909 Acres of Land

PLAT RECORDS
Vol. 22 Page 231-232



ABBREVIATED PLAT OF LULLING STONE SECTION THREE

A Subdivision of 245.909 Acres of Land being a portion of a 591.403 Acre Tract (Brazoria County Clerk's File No. 00-043003) being in the Oliver Hall Survey, Abstract No. 203, Brazoria County, Texas.

10 LOTS 1 BLOCK

OWNER
A & M REAL ESTATE DEVELOPMENT, LTD.
P.O. BOX 13172
HOUSTON, TEXAS 77019
(281) 357-8404

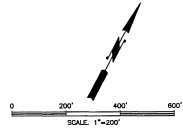
SURVEYOR AND ENGINEER
KELLY R. KALUZA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
101 SOUTHWESTERN BOULEVARD, SUITE NO. 202
SUGAR LAND, TEXAS 77478
PHONE (281) 491-1850

OCTOBER 22, 2001

- SUBDIVISION NOTES
- The property subdivided in the above and foregoing plat was within the city limit boundaries of the City of Manvel, Texas.
 - All utilities and poles are shown within the limits of the subdivision shown to the survey as shown on the plat.
 - As per the Department of Housing and Urban Development Federal Insurance Administration Flood Hazard Boundary Map for Brazoria County, Texas and Incorporated Areas (Map Number 48060C119 and 48060C120), Map Title Issued November 17, 1983, it appears that a portion of the subdivision lies within Zone X - Areas of Moderate to High Flood Hazard and a portion of the subdivision (in the vicinity of Chocolate Bayou) lies within Zone AE - Areas of Special Flood Hazard.
 - All drainage easements shown herein shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of the drainage facilities. All property shall drain into the drainage easement only through an approved drainage structure.
 - The 50' drainage easement delineated crossing lots 2 thru 10 shall be maintained by the Homeowner's Association and/or adjacent lot owners. However, the City of Manvel and/or Brazoria County District 65 shall maintain the drainage easement if necessary. Brazoria County District 65 shall maintain the drainage easement dedicated for Chocolate Bayou and drainage ditch 85' within Zone AE - Areas of Special Flood Hazard.
 - The new subdivision employs a natural drainage system which is intended to provide drainage for the subdivision that is similar to that which existed under predevelopment conditions. Thus, during large storm events, ponding of water should be expected to occur in the subdivision to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
 - Structures built on lots in the designated flood plain must be elevated above the base flood elevation. Contact the flood plain administrator for specific information. All site elevations outside the flood plain shall be a minimum of 2' above natural ground.
 - Individual lot owners are responsible for the permitting of On-Site Sewage Facility for sewage disposal. On-Site Sewage Facility system selection shall be made in conjunction with the site evaluation in accordance with the 20 Texas Administrative Code chapter 285 On-Site Sewage Facility rules.
 - Buildings shall be set back a minimum distance of 30 feet from any pipeline or 15 feet from any pipeline easement, whichever distance is greater.
 - This survey relies on A&M Title Company plat project dated October 4, 2001 for title information.

LULLING STONE
SECTION THREE
SHEET 1 OF 2

PLAT RECORDS
Vol. 22 Page 233-234



LINE TABLE

LINE	DISTANCE	BEARING
L1	127.14'	S 77°50'28" E
L2	187.54'	N 89°46'40" E
L3	123.49'	S 71°24'42" E
L4	113.83'	S 43°53'02" E
L5	88.69'	S 54°00'32" E
L6	129.58'	S 28°57'30" E
L7	214.71'	S 01°06'37" E
L8	74.15'	S 09°17'34" E
L9	122.71'	S 53°47'02" E
L10	93.04'	S 59°18'01" E
L11	118.41'	S 52°45'33" E
L12	74.25'	S 44°27'16" E
L13	183.60'	S 16°19'48" E
L14	132.91'	S 09°41'00" E
L15	80.16'	S 10°54'42" W
L16	131.85'	S 27°32'10" W
L17	96.83'	S 18°23'33" E
L18	103.03'	N 74°57'57" E
L19	66.57'	S 53°02'01" E
L20	53.41'	N 30°54'30" E
L21	48.15'	S 28°16'02" E
L22	73.96'	S 03°51'04" E
L23	110.48'	S 87°57'42" E
L24	96.97'	S 71°53'56" E
L25	158.04'	S 73°56'01" E
L26	40.82'	N 86°15'23" E
L27	79.36'	N 38°11'58" E

H.T. & B.R. CO. SURVEY
SECTION 6:
ABSTRACT No. 292

REMAINDER OF
CALL 626 1 AC
(VOL. 1916, PG. 581, F.B.C.D.R.)

W.H. DENNIS SURVEY
ABSTRACT No. 514

LULLING STONE SEC. 3
M2009/07020
22.592 AC
02-19-2009

OLIVER HALL SURVEY
ABSTRACT No. 203

OLIVER HALL SURVEY
ABSTRACT No. 203

REMARKS, REFERENCE AND TEMPORARY BENCHMARKS:
BENCHMARK - B.M. BENCHMARK P-1113 LOCATED AT
THE INTERSECTION OF LULLING STONE ROAD
AND COUNTY ROAD #67
ELEVATION 514.82 MGS
TBM #1 - COT 1" ON 8" C.P. SOUTH END OF
SOUTH SIDE OF COUNTY ROAD #67
ELEVATION 514.82
TBM #2 - SET BENCHMARK SPICE IN 4" ONE TREE
ELEVATION 514.82
TBM #3 - COT 1" ON 8" C.P. SOUTH END OF
WEST SIDE OF COUNTY ROAD #67
ELEVATION 514.82

LEGEND:
P.M. - PROPERTY BOUNDARY
U.E. - UTILITY EASEMENT
S.E. - SURVEY EASEMENT
B.L. - BUILDING LINE
R.L. - ROAD LINE
B.C.D. - BOUNDARY CORNER DEED RECORDS
B.C.P. - BOUNDARY CORNER PLAT RECORDS
S.E. - SET BACK LINE WITH CAP SET

REMARKS, REFERENCE AND TEMPORARY BENCHMARKS:
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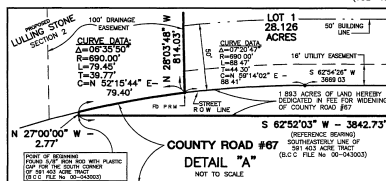
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BENCHMARK - B.M. BENCHMARK P-1113 LOCATED AT
THE INTERSECTION OF LULLING STONE ROAD
AND COUNTY ROAD #67
ELEVATION 514.82 MGS
TBM #1 - COT 1" ON 8" C.P. SOUTH END OF
SOUTH SIDE OF COUNTY ROAD #67
ELEVATION 514.82
TBM #2 - SET BENCHMARK SPICE IN 4" ONE TREE
ELEVATION 514.82
TBM #3 - COT 1" ON 8" C.P. SOUTH END OF
WEST SIDE OF COUNTY ROAD #67
ELEVATION 514.82



FILED FOR RECORD
2011 NOV 30 AM 11:11
COUNTY CLERK
JAYE ANDERSON

LULLING STONE
SECTION THREE
SHEET 2 OF 2
OCTOBER 22, 2001



City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
--------------------------------	--------------------------	--------------	--------------------------	------	-------------------------------------

Date of Request: July 26, 2021 PDZ & August 2, 2021 City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin

Daytime Phone: 713-784-4500 ext. 2306 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve and forward with recommendation to City Council,
Final Plat for Meridiana Cumulus Drive Phase 3, being a subdivision of 3.021 acres out of the Oliver Hall Survey, A-203;
being a partial replat of a portion of Lot 6 of Lulling Stone Section Three, a subdivision per plat records in
Volume 22, Pages 231-234 of the Brazoria County Plat Records, City of Manvel, Brazoria County, Texas.

Plats:

Preliminary _____

Final x

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jessica Rodriguez Digitally signed by Jessica Rodriguez
Date: 2021.07.21 18:10:11 -05'00'

SIGNATURE

July 21, 2021

DATE

**DEVELOPMENT SERVICES DEPARTMENT**

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Planning, Development and Zoning Commission Plat Report

Plat Name	Meridiana Cumulus Drive Phase 3 Final Plat
Applicant	Lacey Bell, EHRA, Inc.
PD&Z Meeting Date	July 26, 2021
Recommendation	Denial
Submitted By	Jessica Rodriguez, Director of Development Services

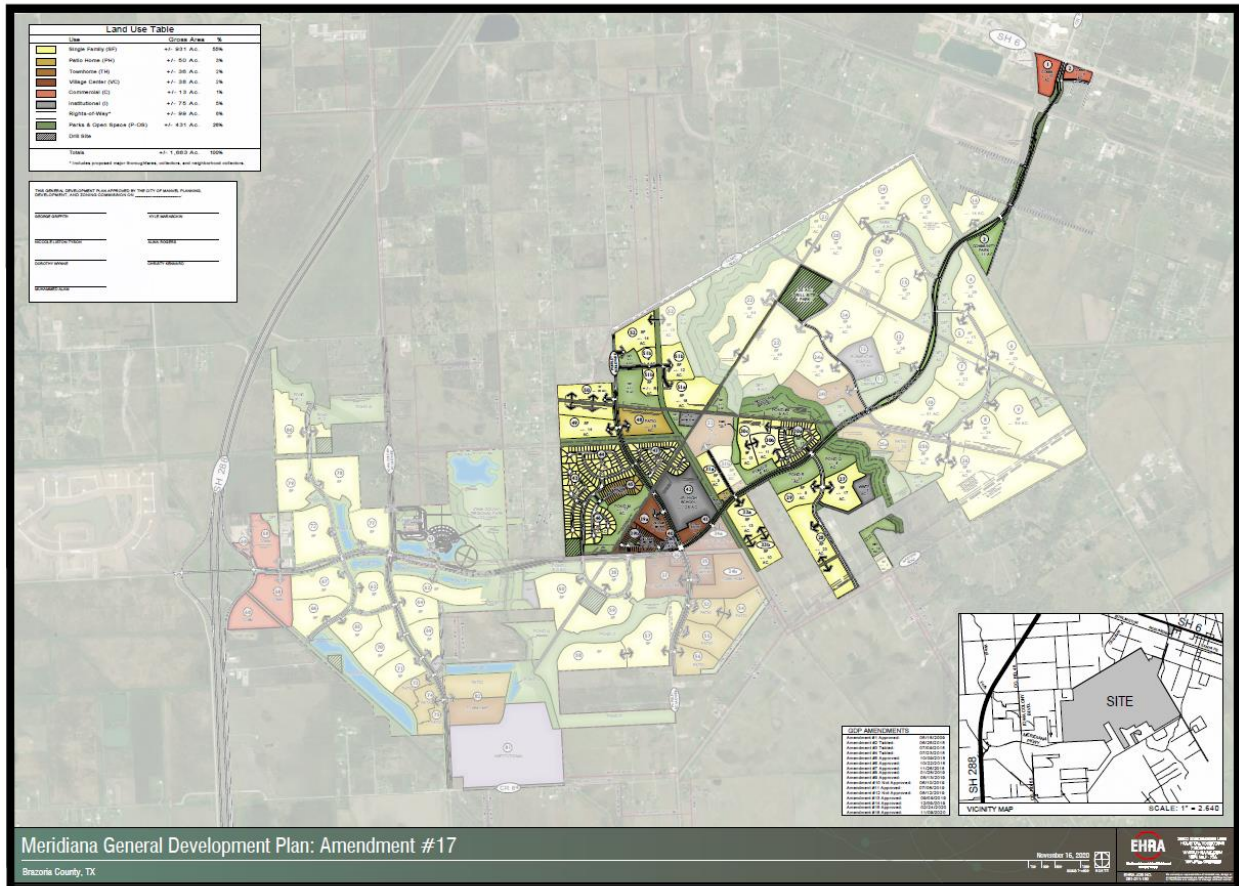
Background

The Meridiana Cumulus Drive Phase 3 Preliminary Plat was recommended approval to City Council with one condition at the February 22, 2021, meeting. The Commission requested a note whereby Reserve "A" provided road access to Residue Lot 7 to Cumulus Drive. The Commission recommendation was upheld by City Council at the March 1, 2021, meeting. The plat note stating "Access to Remainder of Lot 7 of Lulling Stone Section 3 is provided across Reserve "A" in alignment with existing streets platted in Meridiana Section 28A and Meridiana Section 28B. All road construction costs associated with the Remainder of Lot 7 to connect with Cumulus Drive will be the sole responsibility of said owner of Lot 7, Lulling Stone Section 3." Upon review of the Meridiana Cumulus Drive Phase 3 Final Plat, staff made comment to add "roadway" in the list of uses restricted to in Reserve A in the Reserve Table. Adding this use to Reserve A as a restriction, only further ensures roadway access will be granted to Residue Lot 7, Lulling Stone Section 3. The restriction has not been added to the Reserve Table for Reserve A. The Developer's response the restriction is not necessary because access is not being provided at this time but rather in the future. Further the Developer states, the public right-of-way will be dedicated by fee in a replat of the property whereby portions of Reserve A will become public right-of-way. In order to dedicate and construct new roads, a replat of a portion of this plat and the Residue of Lot 7, Lulling Stone Section 3 will be required. The owners of Residue Lot 7, Lulling Stone Section 3 and Reserve A will be required to sign off and agree even with a reserve restriction and a plat note.

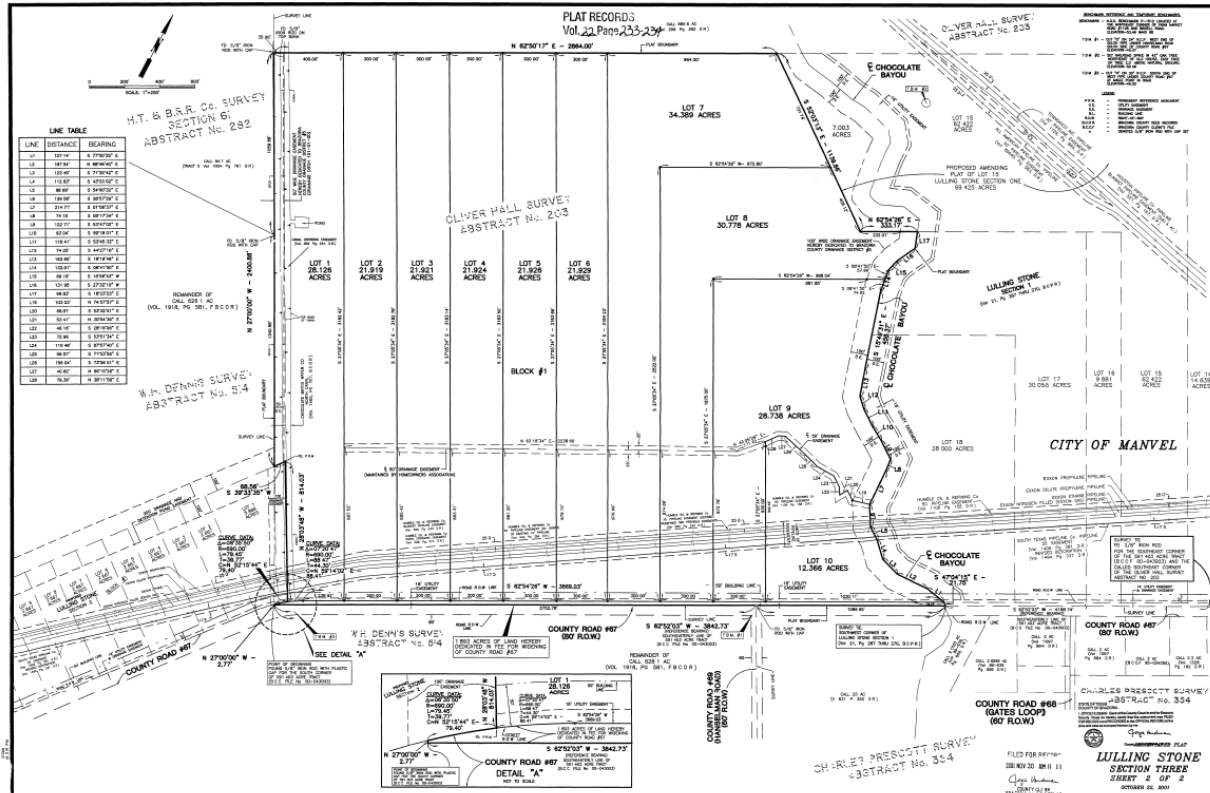
The Meridiana Cumulus Drive Phase 3 Final Plat was brought before to the Planning, Development and Zoning Commission on June 14, 2021. The Developer requested a 30-day plat extension. The 30-day plat extension was recommended approval by City staff to the Commission. The Commission made a recommendation of approval to the 30-day plat extension. Between the Commission meeting and the June 21, 2021, City Council meeting, the Developer requested a withdrawal of the plat. Since the plat had been heard before the Commission it had to be taken for action by City Council (per State law). At the June 21st City Council meeting, City staff did not recommend approval of the plat since it did not meet the requirements of the adopted Meridiana O-PUD and subdivision regulations. The City Council failed to approve the Meridiana Cumulus Drive Phase 3 Final Plat.

[illegible]

Meridiana General Development Plan Amendment No. 17



Lulling Stone Section Three



METES AND BOUNDS DESCRIPTION
MERIDIANA CUMULUS DRIVE PHASE 3
BEING 3.021 ACRES OF LAND SITUATED IN THE
OLIVER HALL SURVEY, ABSTRACT 203,
BRAZORIA COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF BRAZORIA

[illegible]

IN TESTIMONY WHEREOF, GR-M1, LTD., a Texas Limited Partnership, has caused these presents to be signed by Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, thereto authorized by this 14th day of June, 2021.

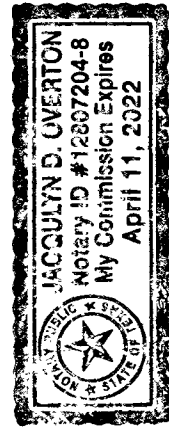
OWNER
GR-M1, LTD., a Texas Limited Partnership
By: Rise Communities, LLC,
a Nevada Limited Liability Company,
its Authorized Agent

BY:  _____
Print Name: Matt Lawson
Title: President

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this
14th day of June, 2021.



Naryleyn Ovelton
Notary Public in and for the
State of Texas
My Notary Commission Expires April 11, 2023

BENCHMARK:

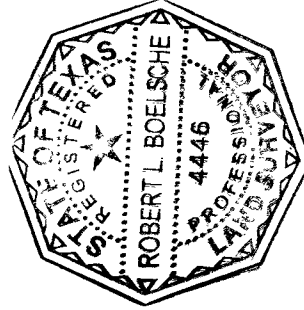
NOS MONUMENT # 1 306 DISK SET IN TOP OF CONCRETE MONUMENT LOCATED 250 FEET WEST OF MONUMENT # 1 305. MONUMENT # 1 306 IS LOCATED 1.5 MILES WEST OF THE GULF COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A CONCRETE POST AND 10 FEET WEST OF A CONCRETE POST SET IN THE TOP OF A CONCRETE POST. ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

This is to certify that the Planning, Development and Zoning Commission of the City of Manvel, Texas, has recommended approval of this plat of CUMULUS DRIVE PHASE 3 in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this _____ day of _____, 2021.

Planning, Development and Zoning Commission

This is to certify that the City Council of the City of Manvel, Texas, has approved this plat of CUMULUS DRIVE PHASE 3 in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this _____ day of _____, 2021.

City Council



Robert Boelsche
Robert Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

APPROVED BY BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5

Lee Walden, P.E., President	Date
<i>Bob Mills</i>	7-12-21
Brandon Middleton Secretary/Treasurer	
Kerry J. Osburn Vice President	Date
<i>[Signature]</i>	7/12/21
Jarrod D. Aden, P.E., C.F.M. District Engineer	Date

Note: Project field startup will start within 365 calendar days from date here shown. Continuous and reasonable field site work is expected.

BCCDD 5 ID# B210003

**FINAL PLAT
MERIDIANA
CUMULUS DRIVE PHASE 3**

BEING A SUBDIVISION OF 3.021 ACRES OUT OF
THE OLIVER HALL SURVEY, A-203;
BEING A PARTIAL REPLAT OF A PORTION OF LOT 6 OF
LULLING STONE SECTION THREE; A SUBDIVISION PER
PLAT RECORDED IN VOLUME 23, PAGES 231-234 OF THE
BRAZORIA COUNTY PLAT RECORDS;
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

PURPOSE FOR REPLAT:
TO RECONFIGURE PORTIONS OF ONE PLATTED LOT.
1 BLOCK 2 RESERVES (0.4812 ACRES)

OWNER

GR-MI, LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

JULY 16, 2021

ENGINEER/SURVEYOR



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPELS No. 10092300

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 931 Ac.	55%
Patio Home (PH)	+/- 50 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 75 Ac.	5%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 431 Ac.	26%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

GEORGE GRIFFITH

NICOLE LISTON-TYSON

DOROTHY WYNNE

MUHAMMED ALAM

KYLE MARASCKIN

ALINA ROGERS

CHRISTY KENNARD



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2010
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
Amendment #5 Approved:	10/09/2018
Amendment #6 Approved:	10/22/2018
Amendment #7 Approved:	11/26/2018
Amendment #8 Approved:	01/28/2019
Amendment #9 Approved:	05/13/2019
Amendment #10 Not Approved:	06/10/2019
Amendment #11 Approved:	07/08/2019
Amendment #12 Not Approved:	08/12/2019
Amendment #13 Approved:	09/09/2019
Amendment #14 Approved:	12/09/2019
Amendment #15 Approved:	02/24/2020
Amendment #16 Approved:	11/09/2020



Meridiana General Development Plan: Amendment #17

Brazoria County, TX

November 16, 2020

SCALE: 1" = 600'



10211 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.368.4500
WWW.EHRAINC.COM
TYPE No. F-726
TBP/L No. 10092300

ENGINEERING THE FUTURE

EHRA JOB NO.
081-011-150

No warranty or representation of intended use, design or proposed improvements are made herein. All Plans for land or facilities are subject to change without notice.

01 054150

WE, Beau King and Vernon Young, President and Secretary respectively, of A & M Real Estate Development, Ltd., owner of the property subdivided in the plat of Lulling Stone Section Three, do hereby make subdivision of said property for and on behalf of said corporation, according to the laws, rules, building laws, streets, ditches, poles and easements as shown hereon and dedicated for public use, the streets, all alleys, poles and easements shown hereon forever, and do hereby warrant all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby land ourselves, our heirs successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, we have dedicated and by these presents do dedicate to the use of the public for public utility purposes former unobstructed canal easements. The canal easements shall extend horizontally in additional five feet, six inches (5' 6") for section feet (16' 0") perimeter ground easements, from a plane surface feet (16' 0") above ground level upward, located adjacent to and adjoining public utility easements that are designated with canal easements (U.E. and A.E.) as indicated and depicted hereon, whereby the canal easements total twenty one feet, six inches (21' 6") in width.

FURTHER, we do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road, or alley, or any drainage ditch, either directly or indirectly.

IN TESTIMONY, hereof, the A & M Real Estate Development, Ltd., has caused these presents to be signed by Beau King, its President, thereto authorized, attested by its Secretary, Vernon Young, and its common seal hereunto affixed, this 26th day of October, 2001.

A & M Real Estate Development, Ltd.

By

Beau King, President

Attest

Vernon Young, Secretary

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Beau King, President, and Vernon Young, Secretary of A & M Real Estate Development, Ltd., known to me to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 26th DAY OF OCTOBER, 2001

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

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Notary Public in and for the State of Texas

This is to certify that the City Engineer of the City of Manvel, Texas the 24th day of November, 2001, has approved this plat and subdivision of Lulling Stone Section Three as shown hereon

James D. Snowden
James D. Snowden, P.E., R.P.L.S.

This is to certify that the City Planning and Development Commission of the City of Manvel, Texas the 12th day of November, 2001, has approved this plat and subdivision of Lulling Stone Section Three as shown hereon

Steve Schenfeld
Steve Schenfeld, Chairman

Jack Thompson
Jack Thompson, Member

David Harrison
David Harrison, Member

Rich Koepfen
Rich Koepfen, Member

This is to certify that the City Council of the City of Manvel, Texas the 29 day of November, 2001, has approved this plat and subdivision of Lulling Stone Section Three as shown hereon

Steve M. Martin
Steve M. Martin, Mayor

Robert J. Bell
Robert J. Bell, Councilmember

Paul J. Goggin
Paul J. Goggin, Councilmember

Larry Hoffman
Larry Hoffman, Councilmember

Larry Hoffman
Larry Hoffman, Councilmember

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Larry Hoffman, Councilmember

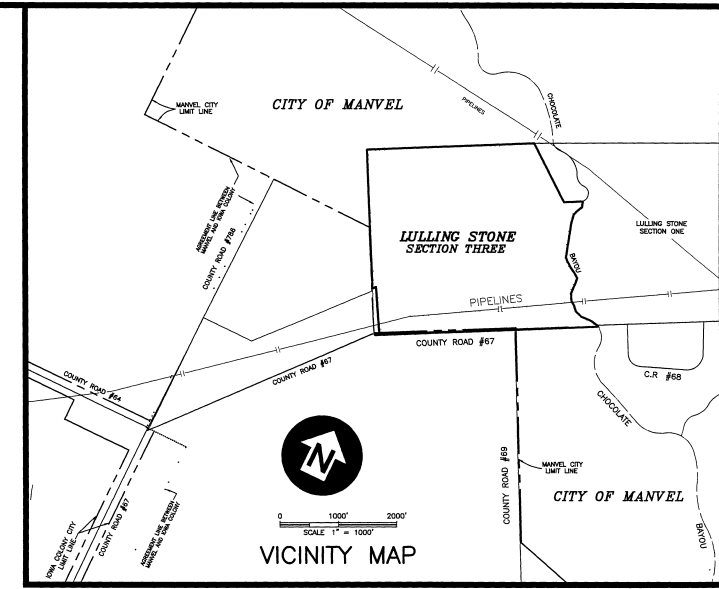
Larry Hoffman
Larry Hoffman, Councilmember

Larry Hoffman
Larry Hoffman, Councilmember

Larry Hoffman
Larry Hoffman, Councilmember

Larry Hoffman
Larry Hoffman, Councilmember

PLAT RECORDS
Vol. 22 Page 231-232



ABBREVIATED PLAT OF LULLING STONE SECTION THREE

A Subdivision of 245.909 Acres of Land being a portion of a 591.403 Acre Tract (Brazoria County Clerk's File No. 00-043003) being in the Oliver Hall Survey, Abstract No. 203, Brazoria County, Texas.

10 LOTS 1 BLOCK

OWNER
A & M REAL ESTATE DEVELOPMENT, LTD.
P.O. BOX 13172
HOUSTON, TEXAS 77019
(281) 357-8404

SURVEYOR AND ENGINEER
KELLY R. KALITA & ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
101 SOUTHWESTERN BOULEVARD, SUITE NO. 202
SUGAR LAND, TEXAS 77478
PHONE (281) 491-1850

OCTOBER 22, 2001

LULLING STONE
SECTION THREE
SHEET 1 OF 2

STATE OF TEXAS

COUNTY OF

BEFORE ME, the undersigned authority, on this day personally appeared Carol E. Aubush, Senior Vice President and Secretary of Memorial Hermann Hospital System, known to me to be the person whose name is subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 29th DAY OF November, 2001

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

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Vicki Coleman
Notary Public in and for the State of Texas

STATE OF TEXAS

COUNTY OF

BEFORE ME, the undersigned authority, on this day personally appeared V. Randolph Gleason, Senior Vice President and Secretary of Memorial Hermann Hospital System, known to me to be the person whose name is subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 29th DAY OF November, 2001

Notary Public in and for the State of Texas

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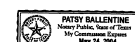
Notary Public in and for the State of Texas

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Notary Public in and for the State of Texas



Patsy Ballentine
Notary Public in and for the State of Texas

This is to state that I, C. Tim Griffith, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground made under my supervision and that unless otherwise noted all block corners and lot corners have been set with 5/8 inch diameter iron rods at least 2 feet long, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 12th DAY OF November, 2001

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

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Notary Public in and for the State of Texas

C. Tim Griffith
C. Tim Griffith
Registered Professional Land Surveyor
Texas Registration No. 4349



This is to certify that Brazoria County Drainage District #5 the 12th day of Nov, 2001, has approved this plat and subdivision of Lulling Stone Section Three as shown hereon

Andy Hogan
Andy Hogan, Chairman

John Galt
John Galt, Chairman

Don Schuerman, Secretary

PLAT RECORDS Vol. 22, Page 233-234

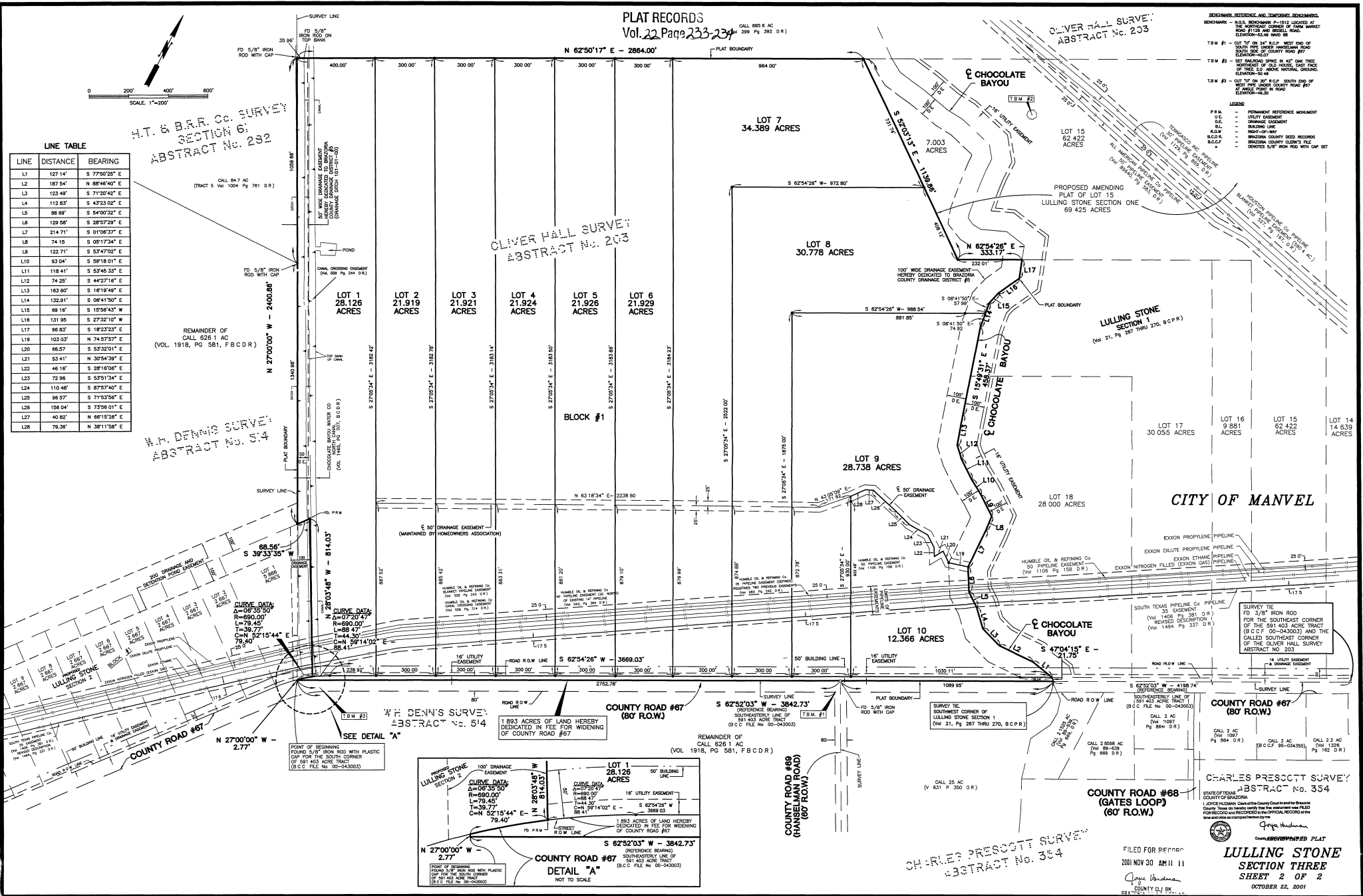
H.T. & B.R.R. CO. SURVEY
SECTION 6:
ABSTRACT No. 282

OLIVER HALL SURVEY
ABSTRACT No. 203

H.T. DENNIS SURVEY
ABSTRACT No. 514

LINE TABLE

LINE	DISTANCE	BEARING
L1	127.14'	S 77°50'25" E
L2	187.54'	N 88°46'40" E
L3	123.49'	S 71°20'42" E
L4	112.83'	S 43°23'02" E
L5	88.69'	S 54°00'32" E
L6	129.58'	S 28°57'29" E
L7	214.71'	S 01°06'37" E
L8	74.15'	S 09°17'34" E
L9	122.71'	S 53°47'02" E
L10	83.04'	S 59°18'01" E
L11	118.41'	S 57°45'33" E
L12	74.25'	S 44°27'16" E
L13	163.60'	S 16°16'48" E
L14	132.91'	S 06°41'50" E
L15	69.16'	S 15°56'43" W
L16	131.95'	S 27°32'10" W
L17	96.83'	S 18°23'23" E
L18	103.03'	N 74°57'57" E
L19	86.57'	S 53°32'01" E
L20	53.41'	N 30°54'39" E
L21	46.16'	S 28°18'06" E
L22	72.96'	S 53°51'04" E
L23	110.46'	S 87°04'40" E
L24	96.57'	S 71°52'36" E
L25	126.04'	S 73°56'01" E
L26	40.82'	N 86°15'28" E
L27	79.36'	N 36°11'58" E



RECORDING REFERENCE AND TEMPORARY RECORDING
BENCHMARK - N.G.S. BENCHMARK P-1812 LOCATED AT
ROAD 1125 AND BRIDGE ROAD
ELEVATION 42.48 MDS
TBM #1 - CUT 1/2" ON 1/4" R.C.P. WEST END OF
ROAD 1125 AND BRIDGE ROAD
ELEVATION 42.48 MDS
TBM #2 - SET IRON ROD IN 4" OAK TREE
NORTH END OF OLD HOUSE, EAST FACE
ELEVATION 42.48 MDS
TBM #3 - CUT 1/2" ON 1/4" R.C.P. SOUTH END OF
ROAD 1125 AND BRIDGE ROAD
ELEVATION 42.48 MDS

LEGEND
P.M. - PERMANENT REFERENCE MONUMENT
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
B.L. - BUILDING LINE
R.O.W. - RIGHT-OF-WAY
S.D.S. - BRAZOS COUNTY DEED RECORDS
S.D.S. - BRAZOS COUNTY CLERK'S FILE
S.D.S. - DEEDS 8/8" IRON ROD WITH CAP SET

CITY OF MANVEL

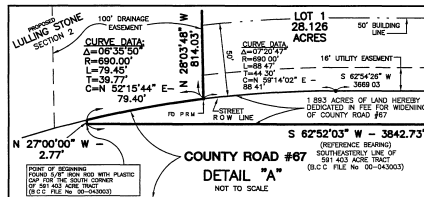
CHARLES PRESCOTT SURVEY
ABSTRACT No. 354

COUNTY ROAD #68
(GATES LOOP)
(60' ROW)

LULLING STONE
SECTION THREE
SHEET 2 OF 2

FILED FOR RECORDED
2001 NOV 30 AM 11:11
Jorge Hernandez
COUNTY CLERK

CHARLES PRESCOTT SURVEY
ABSTRACT No. 354



LINE	DISTANCE	BEARING
L1	127 14"	S 77°26'25" E
L2	181 54"	N 76°02'30" E
L3	123 49"	S 77°26'25" E
L4	112 83"	S 47°32'00" E
L5	86 69"	S 54°00'32" E
L6	126 58"	S 28°57'29" E
L7	214 71"	S 01°06'37" E
L8	74 15"	S 05°17'34" E
L9	122 71"	S 54°37'02" E
L10	93 84"	S 59°18'10" E
L11	118 01"	S 54°35'30" E
L12	74 25"	S 44°27'30" E
L13	183 60"	S 16°15'00" E
L14	132 91"	S 06°41'00" E
L15	69 16"	S 12°56'43" E
L16	131 95"	S 27°32'10" W
L17	96 03"	S 18°23'35" E
L18	103 83"	N 74 53'57" E
L19	66 57"	S 53°32'01" E
L21	53 41"	N 30°54'39" E
L22	46 46"	S 28°16'00" E
L23	72 96"	S 03°01'34" E
L24	116 46"	S 07°57'30" E
L25	96 57"	S 71°33'54" E
L26	158 04"	S 73°56'01" E
L27	40 82"	N 66°15'28" E
L28	79 36"	N 38°11'58" E

H.T. & B.R.M.
SECTION 6:
ABSTRACT No. 292

REMAINDER OF
CALL 626 1 AC
(VOL. 1918, PG 581, F B C D R)

W.H. DENNIS SURVEY:
ABSTRACT No. 5:4

LULLING STONE S
M2009/07020
22.592 AC
02-19-2009

CITY OF MANVEL

CHARLES PRESCOTT SURVEY
ABSTRACT No. 354

CHARLES PRESCOTT SURVEY
ABSTRACT No. 354

LULLING STONE
SECTION THREE
SHEET 2 OF 2
OCTOBER 22, 2001

FILED FOR RECORD
2001 NOV 30 AM 11 11

CH-RUE: PRESCOTT SURVEY
ABSTRACT No. 354

FILED FOR RECORD
2001 NOV 30 AM 11 11

CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

Phone: (281) 489-0630
Fax: (281) 489-0634

Subdivision Variance Application

Applicant Information

Applicant (if not owner): Brian Craft
Phone: 281-687-9762 e-mail: tropic10@sbcglobal.net
Owner: Brian Craft
Owner Address: 10210 Master Rd. City Manvel State TX Zip 77581
Phone: 281-687-9762 e-mail: tropic10@sbcglobal.net

Property Information

Site Address: 9425 CR 95, Manvel, TX 77578
Legal description (from deed): 15.81 Acres, Thomas Spraggins Survey, Abstract 366
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: _____

Description of Subdivision Variance Request

Concrete Open Ditch Instead of Concrete Curb and Gutter Section

Detailed Explanation of Subdivision Variance Request

Please answer, on a separate sheet of paper if necessary, the following questions:

o What are the special circumstances or conditions affecting the land involved such that the strict application of the provisions of the subdivision code would require a variance to the city's subdivision ordinance?

The owner cannot afford the cost for construction of Curb and Gutter

on CR 95 per requirements. The Brazoria County does not have any objection

to the construction of concrete open ditch on CR 95

- o How is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Construction of concrete open ditch will reduce the cost and time for

the development of proposed RV park

- o Describe how the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

There is no adverse impact on public health, safety or injurious to other

property

- o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

The granting of the variance will not have any adverse impact on orderly

subdivision of other land in the area.

Applicant Authorization

I authorize the City of Manvel to conduct any site visits necessary to evaluate this subdivision variance application.

I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply with any and all conditions of subdivision variance approval. I agree to provide any additional information requested by the City of Manvel as they deem necessary for the processing of this application.


Applicant Signature

June 30, 2021

Date

Submit variance request material to the Permit Department, City of Manvel, 20025 Highway 6 Manvel, Texas 77578 with the plat application. Failure to pay the required application fees or provide the information, drawings, or attachments in the form as requested by the City shall automatically mark the application as 'incomplete' and such application shall not be placed on the agenda for consideration until all information, fees, drawings, or attachments are deemed to be complete and in proper form by city staff.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: August 2, 2021

TOPIC: Subdivision variance request for 15.8101 acres of property located on County Road 95 (AKA Mustang Bayou Road), generally bounded by Mustang Bayou (north), Pearland Sites Road (east) and Ridge Road (west) seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements*.

BACKGROUND: The property is 15.8101 acres of land located on County Road 95 (Mustang Bayou Road). The property is located in the City's Extraterritorial Jurisdiction (ETJ). The property owner, Mr. Shane Dement, would like to construct a RV Park on this property. The development of the RV Park requires the property is platted. The owner submitted a minor plat for review by City staff. Subdivision Ordinance Section 62-111 requires all perimeter roads to be constructed to one-half concrete curb and gutter. In this instance, 749.48-feet of County Road 95 is required to be constructed per Section 62-111. In an email from Jorge Reyna, Brazoria County Engineering Department, the County does not require CR 95 road improvements (concrete curb and gutter) nor escrowed funds to improve the right-of-way. City staff is recommending approval of the variance request to Section 62-111 by Development Agreement because the County has provided a letter of no objection.

RECOMMENDATION: The staff recommends approval with a development agreement with two conditions. The conditions include:

1. The Agreement will expire upon replat and/or further subdivision of the property; and
2. City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on the plat of said Property. Developer shall be responsible for the cost of recordation.

ATTACHMENTS: Application, Development Agreement, Proposed Minor Plat, Vicinity Zoning Map, and Vicinity Aerial Map

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jessica Rodriguez

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2021, is by and between the City of Manvel, Texas, (“City”) and Shane Dement, property owner of certain hereinafter described property located within the City’s extraterritorial jurisdiction, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of 15.8101 acres of land located on County Road 95, generally bounded by Pearland Sites Road (east), Mustang Bayou (north), and Ridge Road (west).

WHEREAS, Developer wishes to construct a RV Park and plat 15.8101 acres (688,689 square feet) of land located within the City’s extraterritorial jurisdiction of the City of Manvel, said tract being located on County Road 95, generally bounded by Pearland Sites Road (east), Mustang Bayou (north), and Ridge Road (west); and,

WHEREAS, construction of a RV Park will require approval of a plat and compliance with the City’s subdivision ordinance; and

WHEREAS, Section 62-111 of the City Code requires one-half of all abutting perimeter streets be constructed in accordance with the City’s design criteria standards to concrete curb and gutter; and

WHEREAS, pursuant to Section 62-5 of The City Code, the Developer has applied for a variance to escrow this perimeter road construction requirement;

NOW THEREFORE, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, if said variance is granted by the City Council, the Parties agree to the conditions, as follows:

1. PROJECT

1.01 Location. The property that is the subject of this Agreement is all the property legally described as: being a subdivision of 15.8101 acres (688,689 square feet) in the Thomas Spraggins Survey, Pat. 187, Volume 5, Abstract 366, Brazoria County, Texas (the “Property”). The Property is more fully described and depicted in the survey attached as Exhibit “A”, attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of a RV Park and platting on the Property, owned by Developer.

1.03 The Property has never been platted. To construct the RV Park on the Property will require approval of a plat and compliance with the City’s subdivision ordinance. Section 62-111 of the City’s subdivision ordinance requires one-half of abutting perimeter streets be constructed

in accordance with the City's design criteria to concrete curb and gutter. The Developer has applied to vary this requirement for his property.

2. CITY APPROVAL

2.01 Approval of variance. Pursuant to its authority under Section 62-5 of The City Code, the City agrees to allow the Developer to vary the requirements of Section 62-111 of the City's subdivision ordinance, with conditions.

2.02 Conditions. The required conditions are as follows:

- (i) This Agreement will expire upon replat and/or further subdivision of the Property; and
- (ii) City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on the plat of said Property. Developer shall be responsible for the cost of recordation.

3. DEVELOPER COVENANTS

3.01 The Developer agrees to following:

- (i) Developer agrees that the City shall not approve any further plat/re-plat of the Property until the Developer complies with 2.02 of this Agreement;
- (ii) Developer agrees to begin construction the RV Park, and diligently pursue to completion, within one-year of City Council approval; and
- (iii) Developer agrees to pay the cost of recordation of this Agreement within thirty (30) days of invoice by the City.

3.02 Developer acknowledges that the City's covenants are contingent upon the Developer constructing a RV Park. Failure of the Developer to begin construction of the RV Park, and diligently pursue completion, within one-year of City Council approval shall constitute failure of this condition and the agreement shall automatically be null and void.

4. MISCELLANEOUS

4.01 Assignment. This Agreement evidencing said variance, with conditions, shall run with the land and shall bind and benefit the respective Parties and their legal successors in interest.

4.02 Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment, or modification only in writing, and by the signatures and mutual consent of the Parties.

- 4.03. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party. Developer shall not be a third-party beneficiary to any contract the City has with any other party for the engineering, design, or construction of said improvements.
- 4.04. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 4.05. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants, or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 4.06. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 4.07. Venue. This Agreement shall be performable and enforceable in Brazoria County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- 4.08. Severability. If any term or provision of this Agreement is held to be invalid, void, or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired, or affected.
- 4.09. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

If to City: City of Manvel
20031 Morris Avenue
Manvel, Texas 77578
ATTN:City Manager

4.10 Remedies. In addition to any remedy provided by law, including but not limited to breach of contract, the Developer stipulates and agrees that, upon default by Developer, City may revoke/withhold issuance of a certificate of occupancy for the Property, and Developer agrees to hold City harmless for any liability from said revocation/fail to issue.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

Executed on this the _____ day of _____, 2____.

CITY OF MANVEL:

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20__, by DEBRA DAVISON, as Mayor of the City of Manvel, Texas, on behalf of said City of Manvel.

Notary, State of Texas

Shane Dement:

By: _____

Name: Shane Dement

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

 This instrument was acknowledged before me on the ____ day of _____,
20__, by _____, as property owner.

Notary, State of Texas

(NOTARY SEAL)

Being a subdivision of 15.8101 (688,689 square feet) situated in the Thomas Spraggins Survey, Pat. 187, Volume 5, Abstract 366, Brazoria County, Texas.



STATE OF TEXAS
COUNTY OF BRAZORIA

I, SHANE DEMENT, OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED THERETO AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATED TO THE PUBLIC FOREVER, ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED. THE OWNER DOES HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED OR OCCASIONED BY US THE ALTERATION ON THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS, TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

WITNESS OUR HAND IN _____, BRAZORIA COUNTY, TEXAS, THIS _____DAY OF _____, 20_____.

SHANE DEMENT, OWNER

STATE OF _____
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED SHANE DEMENT, KNOWN TO ME TO BE THE PERSON, WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____DAY OF _____, 20_____

NOTARY PUBLIC IN AND FOR THE STATE OF _____
MY COMMISSION EXPIRES ON _____

I, RICHARD FUSSELL, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION IS TRUE AND CORRECT; WAS PREPARED FROM AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION ACCORDING TO THE STANDARDS OF PRACTICE OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS; THAT THE PLAT BOUNDARY CORNERS HAVE BEEN TIED TO THE NEAREST STREET INTERSECTION; THAT THE (OPTIONAL) PERIMETER BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE/TANGENCY AND OTHER POINTS OF REFERENCE WERE MARKED ON THE GROUND BEFORE I SIGNED AND SEALED THIS DOCUMENT; AND THAT ALL PREVIOUSLY EXISTING PROPERTY MARKERS ARE SUFFICIENTLY DESCRIBED ON THIS DOCUMENT AS FOUND AND ALL SET MARKERS ARE A MINIMUM 5/8-INCH DIAMETER IRON ROD WITHIN SURVEYOR'S CAP.

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

RICHARD FUSSELL
REGISTERED PROFESSIONAL LAND SURVEYOR #4148

THIS IS TO CERTIFY THAT THIS PLAT IS A MINOR PLAT UNDER THE PROVISIONS OF THE TEXAS LOCAL GOVERNMENT CODE SECTION 212.0065 AND MEETS ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL. THE CITY OF MANVEL HAS APPROVED AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____DAY OF _____, 20_____

KYLE JUNG, CITY MANAGER

BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 NOTES:

- DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR THE PURPOSES OF DRAINAGE WORK, PROVIDED BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 (B.C.C.R.D. #3) IS PROPERLY NOTIFIED.
- ALL DRAINAGE EASEMENTS SHOWN HEREON SHALL BE KEPT CLEAR OF FENCES, BUILDING, FOUNDATIONS, PLANTINGS AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF DRAINAGE FACILITIES. LANDSCAPING SHALL BE PERMITTED WITHIN THE DETENTION PONDS LOCATED WITHIN THIS SUBDIVISION.
- MAINTENANCE OF DETENTION FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER OF THE PROPERTY B.C.C.R.D. #3 SHALL PROVIDE MAINTENANCE OF REGIONAL FACILITIES OWNED AND CONSTRUCTED BY B.C.C.R.D. #3 OR SUB-REGIONAL FACILITIES CONSTRUCTED BY DEVELOPER(S) FOR WHICH OWNERSHIP HAS BEEN TRANSFERRED TO B.C.C.R.D. #3 WITH THEIR APPROVAL B.C.C.R.D. #3 SHALL BE RESPONSIBLE ONLY FOR THE MAINTENANCE OF FACILITIES OWNED BY THEM, UNLESS B.C.C.R.D. #3 SPECIFICALLY CONTACTS OR AGREES TO MAINTAIN OTHER FACILITIES.
- THE SIDES OF DRAINAGE CHANNELS AND DETENTION FACILITIES SHALL BE HYDROMULCH SEEDDED.
- OUTFALL STRUCTURES AND CULVERTS SHALL COMPLY WITH SECTION LLL S. 2 OF THE BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 REGULATIONS. BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 HAS ADOPTED THE BRAZORIA COUNTY DRAINAGE DISTRICT CRITERIA MANUAL AS ITS GUIDE. EROSION PROTECTION FOR OUTFALL STRUCTURES MUST BE REINFORCED CONCRETE. CONCRETE RUBBLE IS NOT ALLOWED.
- B.C.C.R.D. #3 APPROVAL OF THE FINAL DRAINAGE PLANS AND FINAL PLAT (IF REQUIRED) DOES NOT AFFECT THE PROPERTY RIGHTS OF THIRD PARTIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING AND MAINTAINING ANY AND ALL EASEMENTS, FEE STRIPS AND/OR ANY OTHER RIGHT-OF-WAY ACROSS THIRD PARTY DRAINAGE FACILITIES AS CONTEMPLATED BY THE FINAL DRAINAGE PLANS AND THE FINAL PLAT.
- B.C.C.R.D. #3 PERSONNEL SHALL HAVE THE RIGHT TO ENTER UPON THE PROPERTY FOR INSPECTION AT ANY TIME DURING CONSTRUCTION OR AS MAY BE WARRANTED TO ENSURE THE DETENTION FACILITIES OPERATING PROPERLY.

BRAZORIA COUNTY C & R DISTRICT NO. 3 DETENTION IS REQUIRED BY BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3 IN ORDER TO OFFSET THE INCREASED RAINFALL DISCHARGE BROUGHT ABOUT BY THE DEVELOPMENT OF THE HEREON SHOWN SUBDIVISION. THIS IS TO CERTIFY THAT BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NUMBER 3 HAS APPROVED THE PLAT OF "HOWDY Y'ALL RV RESORT" AS SHOWN HEREON.

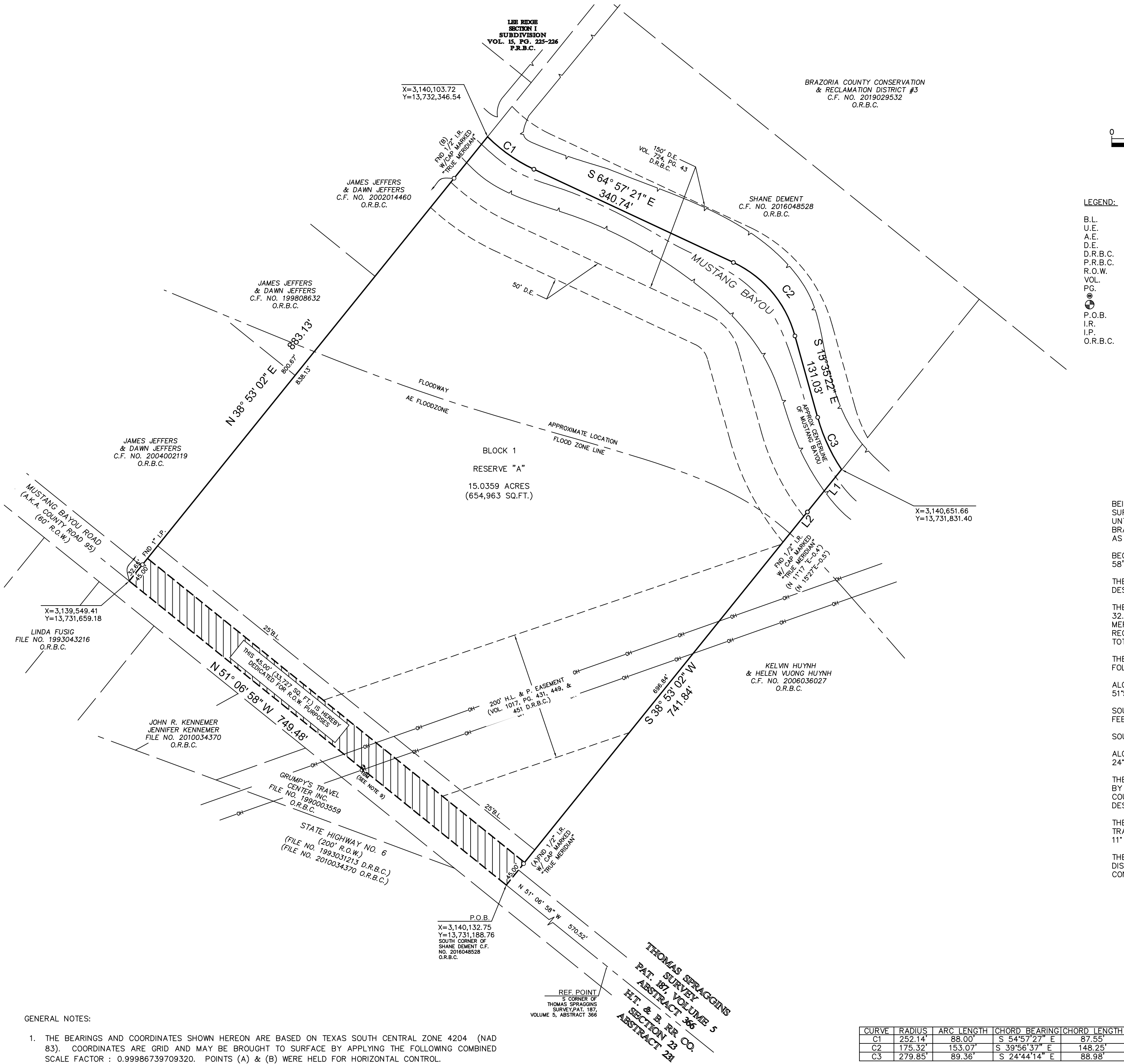
EXECUTED THIS _____DAY OF _____, 2021.

RICKY KUBECZKA
COMMISSIONER

JODY SCHIBI
COMMISSIONER

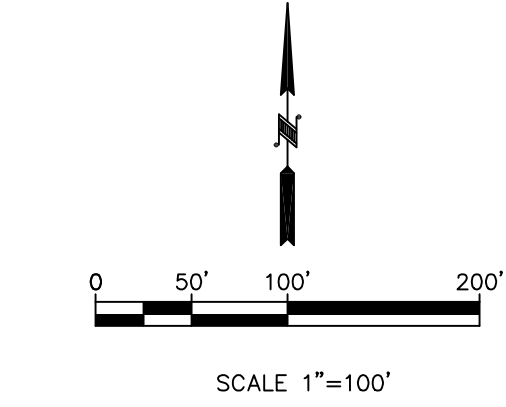
ALFRED FROBERG, JR.
COMMISSIONER

DONG NGUYEN, P.E., C.F.M.
DISTRICT ENGINEER



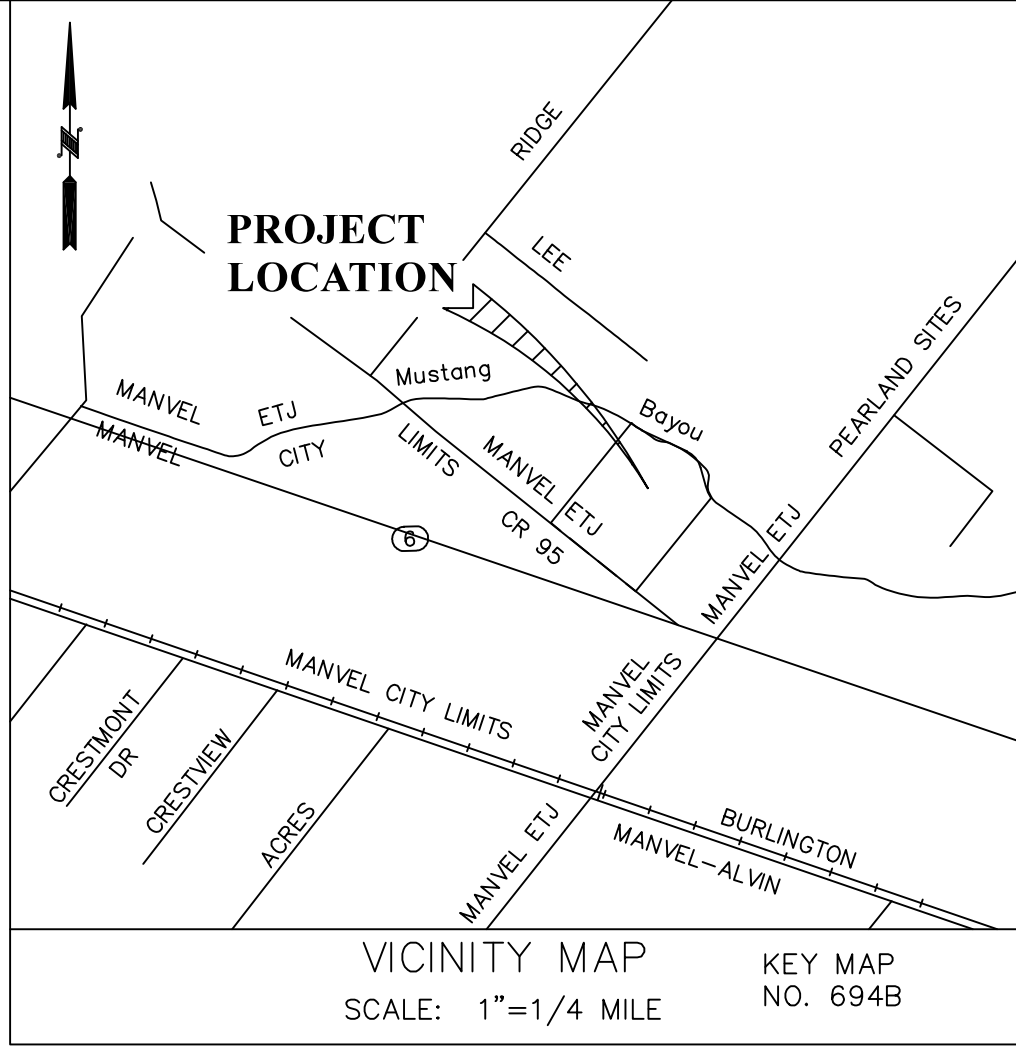
GENERAL NOTES:

- THE BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON TEXAS SOUTH CENTRAL ZONE 4204 (NAD 83). COORDINATES ARE GRID AND MAY BE BROUGHT TO SURFACE BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR : 0.99986739709320. POINTS (A) & (B) WERE HELD FOR HORIZONTAL CONTROL.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48039C 0130K, WITH THE EFFECTIVE DATE OF 12/30/2020, THE PROPERTY IS LOCATED IN ZONE "AE & FLOODWAY" (AREAS DETERMINED TO BE INSIDE OF THE 100 YEAR FLOODPLAIN).
- PERMANENT STRUCTURES, INCLUDING FENCES AND PERMANENT LANDSCAPING, SHALL NOT BE ERRECTED IN A DRAINAGE EASEMENT OF FEE STRIPS.
- THIS FINAL PLAT WILL EXPIRE TWO (2) YEARS AFTER FINAL ADMINISTRATIVE APPROVAL, IF CONSTRUCTION OF THE IMPROVEMENTS HAS NOT COMMENCED WITHIN THE TWO-YEAR INITIAL PERIOD OR THE ONE-YEAR EXTENSION PERIOD GRANTED BY PDZ.
- SIDEWALKS SHALL BE CONSTRUCTED AS PART OF THE ISSUANCE OF A BUILDING PERMIT FOR EACH TRACT, IF REQUIRED.
- THIS PLAT CLOSES WITHIN THE ALLOTTED AREA (1:15,000).
- THIS PROPERTY LIES IN THE CITY OF MANVEL, ALVIN ISD, AND BRAZORIA COUNTY CONSERVATION AND RECLAMATION DISTRICT NO. 3.
- THERE ARE NO PIPELINES LOCATED WITHIN THE BOUNDARY OF THIS PLAT.
- BENCHMARK: AW 5684 ELEVATION: 54.36'
DESCRIPTION: FLOODPLAIN REFERENCE MARK NUMBER 5684 IS A BRASS DISK LOCATED AT RAILROAD TRACKS AND MASTERS ROAD (FM1128) UNDER LOGO CAP WEST OF SMALL BUILDING, (NAVD 1929, 78 AD.)
TEMPORARY BENCHMARK: 60D NAIL ELEVATION: 56.61'
DESCRIPTION: MAG NAIL ALONG THE CENTERLINE OF MUSTANG BAYOU ROAD AND CENTER OF SUBJECT PROPERTY LINE.
- BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL STORM DRAINAGE IMPROVEMENTS, WHICH MAY INCLUDE PONDS, HAVE BEEN CONSTRUCTED.
- ALL DEVELOPMENT REGULATIONS AND CITY PERMITS ARE REQUIRED ON ALL PROPERTY.



LEGEND:

B.L. = BUILDING LINE
U.E. = UTILITY EASEMENT
A.E. = AERIAL EASEMENT
D.E. = DRAINAGE EASEMENT
D.R.B.C. = DEED RECORDS OF BRAZORIA COUNTY
P.R.B.C. = PLAT RECORDS OF BRAZORIA COUNTY
R.O.W. = RIGHT OF WAY
VOL. = VOLUME
PG. = PAGE
PG. = SET 1/2" IR W/CAP MARKED "SURVEY 1"
P.O.B. = POINT OF BEGINNING
I.R. = IRON ROD
I.P. = IRON PIPE
O.R.B.C. = OFFICIAL RECORDS OF BRAZORIA COUNTY



DESCRIPTION OF A TRACT OF LAND CONTAINING 15.8101 ACRES (688,689 SQUARE FEET) SITUATED IN THE THOMAS SPRAGGINS SURVEY, PAT. 187, VOLUME 5, ABSTRACT 366, BRAZORIA COUNTY, TEXAS

BEING A TRACT OF LAND CONTAINING 15.8101 ACRES (688,689 SQUARE FEET), BEING A PART OF THOMAS SPRAGGINS SURVEY, PAT. 187, VOLUME 5, ABSTRACT 366, BRAZORIA COUNTY, TEXAS, BEING THE SAME TRACT OF LAND CONVEYED UNTO SHANE DEMENT BY DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 2016048528 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS. SAID 15.8101-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR THE SOUTH CORNER OF THE SAID TRACT HEREIN DESCRIBED, BEING LOCATED NORTH 51° 06' 58" WEST, A DISTANCE OF 570.52 FEET FROM THE SOUTH CORNER OF SAID THOMAS SPRAGGINS SURVEY;

THENCE NORTH 51° 06' 58" WEST, A DISTANCE OF 749.48 FEET TO THE WEST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE NORTH 38° 53' 02" EAST, PASSING A FOUND 1-INCH IRON PIPE ON LINE FOR REFERENCE AT A DISTANCE OF 32.65 FEET, CONTINUING A DISTANCE OF 788.02 FEET PASSING A FOUND 1/2-INCH IRON ROD WITH CAP MARKED "TRUE MERIDIAN", ON THE WEST LINE OF MUSTANG BAYOU, GRANTED TO BRAZORIA COUNTY DRAINAGE DISTRICT NO. 3, AS RECORDED IN VOLUME 724, PAGE 43 OF THE DEED OF RECORDS OF BRAZORIA COUNTY, TEXAS, CONTINUING IN ALL A TOTAL DISTANCE OF 883.13 FEET TO THE NORTH CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE MEANDERS OF SAID CENTERLINE OF SAID MUSTANG BAYOU THE FOLLOWING COURSES AND DISTANCES:

ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 252.14 FEET, AN ARC LENGTH 88.00 FEET, CHORD BEARING SOUTH 51°50'29" EAST AND CHORD DISTANCE 87.55 FEET;

SOUTH 64° 57' 21" EAST, A DISTANCE OF 340.74 FEET; ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 175.32 FEET, AN ARC LENGTH 153.07 FEET, CHORD BEARING NORTH 39° 56' 37" WEST AND CHORD DISTANCE OF 148.25 FEET; SOUTH 15°35'22" EAST, A DISTANCE OF 131.03 FEET;

ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 279.85 FEET, AN ARC LENGTH 89.36 FEET, CHORD BEARING SOUTH 24°44'14" EAST AND CHORD DISTANCE OF 88.98 FEET TO THE EAST CORNER OF THE SAID TRACT HEREIN DESCRIBED;

THENCE SOUTH 38° 53' 02" WEST, ALONG THE NORTHERLY LINE OF A TRACT OF LAND CONVEYED UNTO KELVIN HUYNH BY DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 2006036027 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS A DISTANCE OF 84.26 FEET TO AN ANGLE POINT IN THE SOUTHEAST LINE OF THE SAID TRACT HEREIN DESCRIBED;

THENCE NORTH 51°14'24" WEST, A DISTANCE OF 0.52 FEET TO AN ANGLE POINT IN THE SOUTHEAST LINE OF THE SAID TRACT HEREIN DESCRIBED, FROM WHICH A FOUND 1/2-INCH IRON ROD WITH CAP MARKED "TRUE MERIDIAN" BEARS NORTH 11° 17' 12" EAST, A DISTANCE OF 0.4 FEET);

THENCE SOUTH 38° 53' 02" WEST, PASSING A FOUND 1/2-INCH IRON ROD WITH CAP MARKED "TRUE MERIDIAN" AT A DISTANCE OF 699.22 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 741.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 15.8101 ACRES (688,689 SQUARE FEET), MORE OR LESS.

MINOR PLAT OF

HOWDY Y'ALL RV RESORT

A SUBDIVISION OF 15.8101 ACRES (688,689 SQ FT)
IN THE THOMAS SPRAGGINS SURVEY, PAT. 187,
VOLUME 5, ABSTRACT 366,
BRAZORIA COUNTY, TEXAS

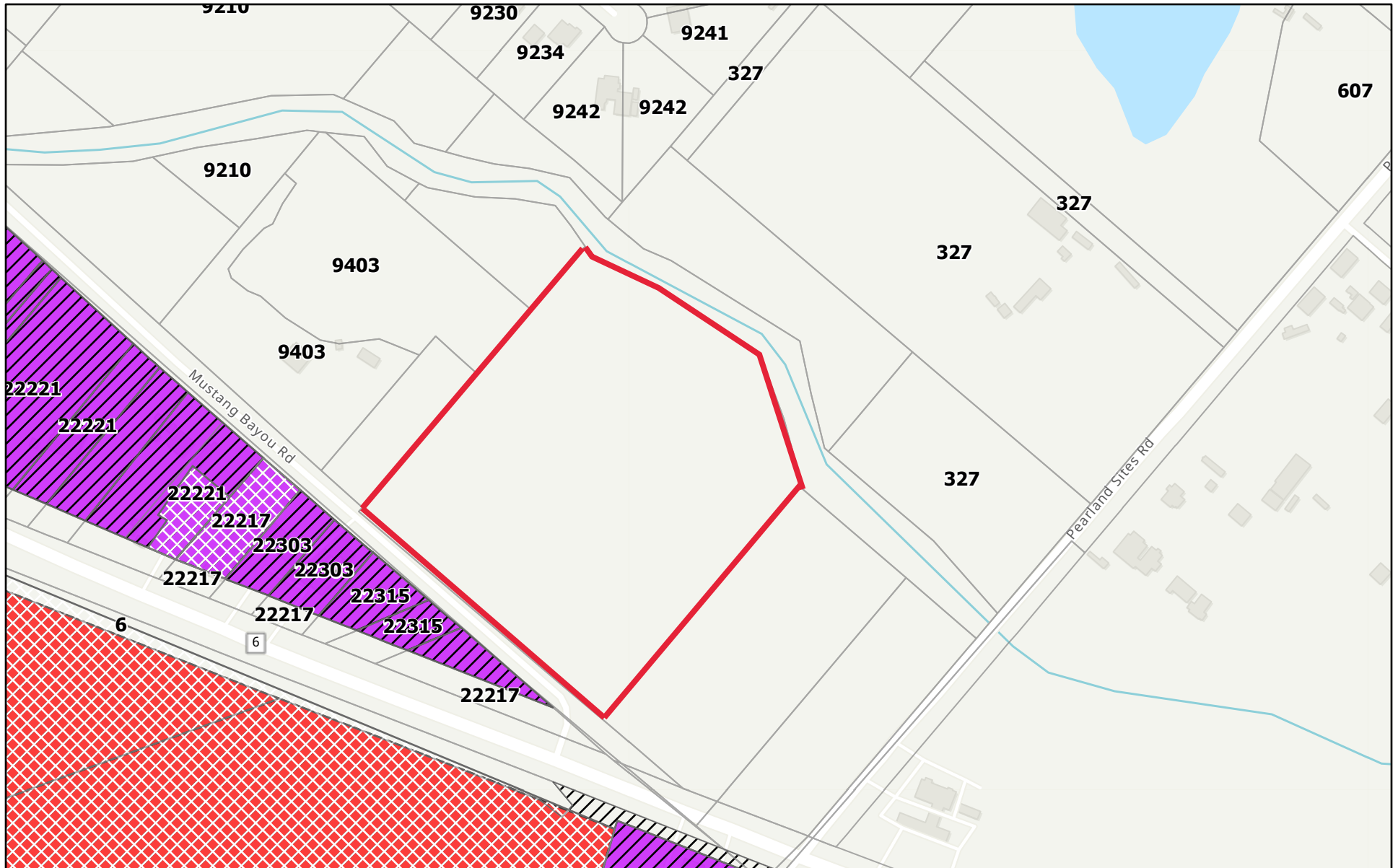
1 BLOCK 1 RESERVE

JUNE 25, 2021

OWNER:
SHANE DEMENT
2203 NEMES
PEARLAND, TEXAS 77581
281-686-0134

www.survey1inc.com
survey1@survey1inc.com
Survey 1, Inc.
Your Land Survey Company
Firm Registration No. 100758-00
P.O. Box 2543 | Alvin, TX 77512 | (281)393-1382
PROJECT NO. 4-95304-21

City of Manvel GIS Map



7/27/2021, 2:21:49 PM

Parcels

Zoning - Specific Use Permit

Zoning - State Highway 6 Overlay District

Zoning - District

Heavy Commercial District

Light Commercial District

1:4,514

0 0.03 0.07 0.13 mi
0 0.05 0.1 0.2 km

Esri Community Maps Contributors, City of Alvin, Brazoria County, Texas

City of Manvel

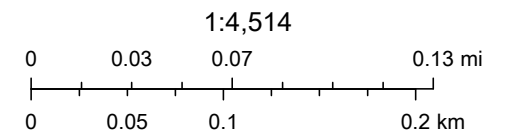
This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

City of Manvel GIS Map



7/27/2021, 2:24:24 PM

 Parcels



Esri Community Maps Contributors, City of Alvin, Brazoria County, Texas

City of Manvel

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

From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Jessica Rodriguez](#); [Gilbert Salas](#)
Subject: Rodeo Palms The Lakes Section 3
Date: Thursday, July 29, 2021 2:01:54 PM
Attachments: [image001.png](#)

Kyle and Tammy,

A final inspection walk-through was conducted for *The Lakes Section 3* in the Rodeo Palms development to begin the two-year maintenance period. The Maintenance Bond has been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the City Engineer's Office. As a reminder, this section has private roads.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

Please let me know if you need any further information.
~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager
City Engineer
20025 Highway 6
Manvel, Texas 77578
(281) 489-0630

www.cityofmanvel.com



From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Subject: Pomona Lake F Phase 2
Date: Tuesday, July 27, 2021 10:27:18 AM
Attachments: [image001.png](#)

Kyle and Tammy,

A final acceptance walk-through was conducted for *Pomona Lake F Phase 2* to conclude the maintenance period which began on July 20, 2020. All punch list items have now been addressed, and we recommend that City Council accept the infrastructure improvements for this project and release the associated maintenance bonds.

Please let me know if you need any further information.
~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager
City Engineer
20025 Highway 6
Manvel, Texas 77578
(281) 489-0630

www.cityofmanvel.com



From: Shima Jalalipour <shima@mullerlawgroup.com>
Sent: Friday, April 16, 2021 10:23 AM
To: Tammy Bell <tbell@cityofmanvel.com>; Bobby Gervais <bgervais@cityofmanvel.com>
Cc: Junious Williams (<junious.williams@ashtonwoods.com>) <junious.williams@ashtonwoods.com>; Richard Muller <richard@mullerlawgroup.com>
Subject: RE: Road Alignment Agreement- Ashton Woods

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Tammy,

As discussed, the County's attorney had a comment to some language (that doesn't impact the City), which I am ***this*** close to finalizing. Once I send that change over to Bobby for his blessing, we can compile the fully-executed version. Thanks for arranging for the Mayor's signature and holding on to that page for us!

Sincerely,
Shima

Shima Jalalipour
The Muller Law Group, PLLC
202 Century Square Blvd.
Sugar Land, Texas 77478
Direct: 281.500.9463
Main: 281.500.6050
shima@mullerlawgroup.com

**ROAD CONSTRUCTION AGREEMENT BETWEEN
THE CITY OF MANVEL, TEXAS, BRAZORIA COUNTY, TEXAS,
GULF COAST WATER AUTHORITY, VDB PARTNERS LTD., AND
ASHTON HOUSTON RESIDENTIAL LLC**

This Road Construction Agreement (this “*Agreement*”) is effective as of _____, 2021 (“*Effective Date*”), by and between the CITY OF MANVEL, TEXAS, a Texas home-rule city (the “*City*”), BRAZORIA COUNTY, TEXAS, a political subdivision of the State of Texas (the “*County*”), GULF COAST WATER AUTHORITY, a conservation and reclamation district (“*GCWA*”), VDB PARTNERS LTD., a Texas limited partnership (“*VDB*”), and ASHTON HOUSTON RESIDENTIAL LLC, a Texas limited liability company (“*Ashton*,” together with the City, the County, VDB, and GCWA, “*Parties*,” and each a “*Party*”).

RECITALS

WHEREAS, Ashton owns 132.908 acres, as described in **Exhibit A** attached hereto (“*Ashton Tract*”), located in the County and within the extraterritorial jurisdiction of the City;

WHEREAS, VDB owns 79.905 acres, as described in **Exhibit B** attached hereto (“*VDB Tract*”), located in the County and within the city limits of the City;

WHEREAS, the parties wish to provide for the design, financing, and construction of (i) a portion of Manvel Parkway south of County Road 58, (ii) a portion of County Road 94 north of County Road 58, (iii) relocation of County Road 58 east of County Road 94, and (iv) the intersection of County Road 58 and Manvel Parkway/County Road 94, each of (i) – (iv) as more specifically set forth in this Agreement;

WHEREAS, (i) County Road 58 west of its intersection with Manvel Parkway/County Road 94, and (ii) a portion of County Road 94 north of County Road 58, will be designed, financed, and constructed pursuant to the terms of that certain Developers Agreement, Transportation Improvements Project, Expansion of County Roads 58 and 94, between the County, WSLD SEDONA LAKES VI, L.P., and Sedona Lakes Municipal Utility District No. 1 (“*Sedona MUD 1*”), dated July 26, 2016 (“*2016 Agreement*”) and attached hereto as **Exhibit 5**.

WHEREAS, crossing of the existing canal (“*GCWA Canal*”) by Manvel Parkway (South) and the intersection of Manvel Parkway and County Road 58 is addressed in that certain ~~Memorandum of Understanding~~Purchase and Sale Agreement dated ~~June 4, 2020~~_____, 2021, between GCWA and VDB, attached hereto as **Exhibit 6** (“*GCWA MOUPSA*”).

WHEREAS the 2016 Agreement, GCWA ~~MOUPSA~~, and this Agreement encompass the full arrangement and allocation of rights, obligations, and responsibilities with respect to design, financing, and construction of portions of Manvel Parkway south of County Road 58, County Road 94 north of County Road 58, County Road 58 east and west of County Road 94/Manvel Parkway, and the intersection of Manvel Parkway/County Road 94.

WHEREAS, the City agrees that the provisions of this Agreement substantially advance legitimate interests of the City;

WHEREAS, the County agrees that the provisions of this Agreement, and the goods and services to be provided to the County by VDB and Ashton hereunder, substantially advance legitimate interests of the County; and

WHEREAS, GCWA agrees that the provisions of this Agreement, and the goods and services to be provided to the GCWA by VDB, Ashton, and the City hereunder, substantially advance legitimate interests of the GCWA;

NOW, THEREFORE, for and in consideration of the promises and the mutual agreements set forth herein, the Parties hereby agree as follows:

ARTICLE 1 **REGIONAL IMPROVEMENTS**

1.1. Regional Improvements

- (A) *Manvel Parkway South of County Road 58.* Manvel Parkway will be constructed (“*Manvel Parkway (South) Project*”) from County Road 58 to the southern boundary line of the VDB Tract (“*Manvel Parkway (South)*”), along the alignment shown in **Exhibit C** and **Exhibit 1** attached hereto (collectively, “*Manvel Parkway Road Alignment*”). Manvel Parkway (South) will be designed and constructed as a Type P1 roadway, as defined in the City’s Master Thoroughfare Plan. The Manvel Parkway (South) Project includes the GCWA Canal Crossing defined below.
- (B) *County Road 58 Relocation.* County Road 58 will be relocated to the alignment shown in **Exhibit C** and **Exhibit 3** attached hereto (“*County Road 58 Relocation Alignment*”) and will be constructed with a four-lane boulevard cross section. A portion of existing County Road 58 will be abandoned and released for development and a portion of existing County Road 58 will remain to provide access to existing structures and will tie into new County Road 58 as shown on **Exhibit 3**.

- (C) *County Road 94 Extension.* County Road 94 will be constructed as a four-lane boulevard from its current terminus south of Mustang Bayou to County Road 58 as shown in **Exhibit C**.
- (D) *Manvel Parkway/County Road 58 Intersection.* The intersection of County Road 58 and Manvel Parkway/County Road 94 at ultimate buildout is shown in **Exhibit 4**. All phases of the various road projects described herein will be consistent with that ultimate configuration.
- (E) *GCWA Canal Crossing.* Crossing of the GCWA Canal by Manvel Parkway (South) and the Manvel Parkway/County Road 58 Intersection shall comply with the Manvel Parkway Road Alignment and has been addressed by GCWA and VDB in the GCWA ~~MOU~~PSA.
- (F) The regional improvements described in this Section will be constructed in phases as further described below. The phases described below satisfy the phasing schedule requirement included in Section 62-39 of the City Code of Ordinances.
- (G) All regional improvements described in this Section will be constructed in accordance with all City or County criteria, as applicable, in effect at the time of the execution of the permit application.

1.2. Ashton's Rights and Obligations

- (A) *Manvel Parkway ROW Dedication.* Ashton shall dedicate to the County any road right-of-way necessary for the Manvel Parkway Road Alignment located on the Ashton Tract. Ashton shall execute all documents necessary to make this dedication within 90 days of the execution of this Agreement.
- (B) *County Road 58 ROW Dedication.* Ashton shall dedicate to the County the full 120-feet of road right-of-way required for the complete relocation of County Road 58 with the plat for lot development of its Phase I ("*Phase I*") as shown on **Exhibit C**.
- (C) *Construction of the County Road 58 Relocation.*
 - a. *Design of Manvel Parkway/County Road 58 Intersection.* Ashton shall design the ultimate configuration of the Manvel Parkway/County Road 58 Intersection ("*Intersection Design*"), with Ashton's design of the Phase 1 improvements. The Intersection Design shall require City and County approval.

- b. During Ashton's construction of lots for Phase I, Ashton shall design, finance, and construct the northern two lanes of the cross section and drainage facilities for that portion of the County Road 58 Relocation shown in red on **Exhibit 1**.
 - c. During Ashton's construction of lots for Phase II as shown on **Exhibit C**, Ashton shall (i) design, finance, and construct the northern two lanes of the cross section and drainage facilities for that portion of the County Road 58 Relocation shown in purple on **Exhibit 2**, (ii) design, finance, and construct a 30-foot 2-lane road in a 60' right-of-way connecting existing County Road 58 along the southern border of the Ashton Tract to the newly-relocated County Road 58, and (iii) provide water and sewer stub-outs to the 1.54-acre Emergency Services Tract. Drainage requirements for the Emergency Services Tract will be included in the overall Ashton Tract drainage plan at no cost to the City, all as shown on **Exhibit C**. [Note: This is a clean-up revision.]
 - d. During Ashton's construction of lots for Phase III as shown on **Exhibit C**, Ashton shall design, finance, and construct the southern two lanes of the cross section and drainage facilities for the portion of County Road 58 Relocation shown in blue on **Exhibit 3**.
 - e. Ashton shall complete the design, financing, and construction of Ashton's portion of the County Road 58 Relocation no later than April 2, 2029. Except as provided herein, Ashton shall have no further obligation for the development of the County Road 58 Relocation.
 - f. Ashton shall dedicate and transfer the 1.54-acre Emergency Services Tract to the City at the earlier of (i) the plat for lot development of its Phase II, or (ii) December 31, 2023.
- (D) *County Road 94 ROW Dedication.* Ashton shall dedicate any road right-of-way required for the County Road 94 AlignmentExtension located on the Ashton Tract within 90 days of the execution of this Agreement. [Note: This is a clean-up revision.]
- (E) *County Road 94 Extension.* Ashton shall design, finance, and construct the eastern 2 lanes of the County Road 94 Extension up to (but not across) Mustang Bayou, during the development of Ashton's Phase III lots as shown in **Exhibit C** and **Exhibit 3**. ~~Ashton shall dedicate to the County the right-of-way owned by Ashton and required for Ashton's portion of the County Road 94 Extension with the plat for lot development of its Phase II.~~ Upon completion of Ashton's portion of the County Road 94 Extension as

provided in this Section 1.2(E), which only includes the eastern two lanes along Ashton's property and does not include a bridge over Mustang Bayou, Ashton shall have no further obligation for the development of the County Road 94 Extension. [Note: This was redundant - see (D) immediately above.]

- (F) *Development of Phase I lots.* Ashton may plat and begin development of the Phase I lots upon execution of this Agreement by all Parties and approval of an amendment to the Master Plat/Sedona Lakes Development Agreement. Ashton's only off-site road construction obligation necessary for its Phase I lot development is the Phase I construction of County Road 58 as described in subsection 1.2 (C)b. above.

1.3. VDB's Rights and Obligations

- (A) *Manvel Parkway (South) ROW Dedication.* VDB shall dedicate to the City any road right-of-way necessary for the Manvel Parkway Road Alignment located on or adjacent to the VDB Tract from County Road 58 to the Manvel Parkway right-of-way located at the northern edge of the Del Bello Lakes development. VDB shall execute all documents necessary to make this dedication within 90 days of execution of this Agreement.
- (B) *Manvel Parkway (South) Construction.* VDB shall design, finance, and construct, pursuant to the Manvel Parkway Road Alignment, and, as and when required, under the City's Development regulations, but not later than April 2, 2025, the four lanes of the cross section in the City's Thoroughfare Plan and drainage facilities for Manvel Parkway (South) from County Road 58 to the Manvel Parkway right-of-way located at the northern edge of the Del Bello Lakes development, pursuant to the Manvel Parkway Road Alignment, as illustrated on **Exhibit C**. VDB may design, finance, and construct this portion of Manvel Parkway (South) in two phases, as shown on **Exhibit C**.
- (C) *GCWA Canal Crossing.* Manvel Parkway (South) and the Manvel Parkway/County Road 58 Intersection shall cross the GCWA Canal pursuant to the Manvel Parkway Road Alignment and the terms of the GCWA ~~MOUPSA~~.
- (D) *County Road 58 ROW Dedication.* VDB shall dedicate any road right-of-way necessary for the County Road 58 Relocation Alignment located on or adjacent to the VDB Tract. VDB shall execute all documents necessary to make this dedication within 90 days of execution of this Agreement.

- (E) *County Road 58 Relocation and County Road 94 Extension.* VDB shall pay for one-half (1/2) of the costs of Ashton's portion of the County Road 58 Relocation, as described in Section 1.2(C), including Intersection Design, and one-half (1/2) of the costs of Ashton's portion of the County Road 94 Extension, as described in Section 1.2(E).

1.4. County's Rights and Obligations

- (A) *Approval of Road Alignments.* The County ~~shall~~will approve the roadway alignments, cross sections, and preliminary design as described and depicted in this Agreement. Approval shall not be unreasonably withheld.
[Note: County changes.]
- (B) *County Road 94 Extension.* The County shall acquire any right-of-way not owned by Ashton and required for Ashton's portion of the County Road 94 Extension.
- (C) *Abandonment of ROW.* The County agrees to abandon the portion of current County Road 58 along the western boundary of the Ashton Tract, upon completion of the relocation of County Road 58, pursuant to the County Road 58 Relocation Alignment illustrated in **Exhibit 2**.
- (D) *Plan approval.* The County shall promptly approve all plans and specifications for the road improvements described herein that are consistent with this Agreement and County standards.
- (E) *2016 Agreement.* The County shall comply with and take all commercially reasonable action to enforce the terms of the 2016 Agreement to ensure the construction of the road improvements within the time periods required therein.

1.5. City's Rights and Obligations

- (A) *Approval of Road Alignments.* The City approves the Manvel Parkway Road Alignment and the County Road 58 Relocation Alignment shown in **Exhibit C** and **Exhibits 1 through 4**.
- (B) *Approval of Phasing Plan.* The City approves the phasing plan for the Ashton Tract as shown in **Exhibit C** and **Exhibits 1 through 3**. The phases described below satisfy the street phasing schedule requirement included in Section 62-39 of the City Code of Ordinances.

- (C) *Plan approval.* The City shall promptly approve all layout and phasing in the plans and specifications for the road improvements described herein that are consistent with this Agreement.
- (D) *Creation of District.* The City will work with VDB on the creation of a municipal utility district or municipal management district within the bounds of the VDB Tract, subject to the approval of an ordinance or resolution by the Manvel City Council consenting to creation of the District.
- (E) *Abandonment of Iowa Lane.* After construction of the Manvel Parkway (South) Project, including the GCWA Canal Crossing, is complete, the City shall consider the abandonment of the portion of Iowa Lane on the VDB Tract to determine if any other tracts use Iowa Lane for access and any abandonment will create land-locked tracts. The process to abandon the right-of-way outlined in the City's abandonment policy shall still have to be followed.
- (F) *Plat Approval.* The City shall notify the County upon final plat approval of the initial plat submittal for the residential property associated with any phase referenced in this Agreement.

1.6. GCWA's Rights and Obligations

- (A) *GCWA Canal Crossing.* Subject to the terms of the GCWA PSA and GCWA's applicable requirements and standards, including crossing and access standards, GCWA shall permit Manvel Parkway (South) and the Manvel Parkway/County Road 58 Intersection to cross the GCWA Canal pursuant to the Manvel Parkway Road Alignment and the terms of the GCWA MOUPSA. [Note: GCWA changes. PSA is being finalized and will be attached as an Exhibit.]

ARTICLE 2 DEFAULT

2.1 Default.

(A) If any Party ("*Non-Performing Party*") does not perform its obligations hereunder in substantial compliance with this Agreement, in addition to the other rights given the other Parties ("*Performing Parties*") under this Agreement, the Performing Parties may enforce specific performance of this Agreement or seek actual damages incurred by the Performing Parties for any such default.

(B) Before any failure of any Party to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the Party claiming such failure shall

notify, in writing, the Party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced within 30 days of the receipt of such notice. Upon a breach of this Agreement, the non-defaulting Party, in any court of competent jurisdiction, by an action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, may be awarded damages for failure of performance, or both. Except as otherwise set forth herein, no action taken by a Party pursuant to the provisions of this Section or pursuant to the provisions of any other section of this Agreement shall be deemed to constitute an election of remedies, and all remedies set forth in this Agreement shall be cumulative and nonexclusive of any other remedy either set forth herein or available to any Party at law or in equity. Each of the Parties shall have the affirmative obligation to mitigate its damages in the event of a default by the other Party.

(C) Notwithstanding anything in this Agreement which is or may appear to be to the contrary, if the performance of any covenant or obligation to be performed hereunder by any Party, except payment obligations, is delayed as a result of circumstances which are beyond the reasonable control of such Party, including, but not limited to pending or threatened litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [including, but not limited to severe rain storms or below freezing temperatures, hurricanes, or tornados], labor action, strikes, or similar acts), the time for such performance shall be extended by the amount of time of such delay. The Party claiming delay of performance as a result of any of the foregoing "*force majeure*" events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven days after the claiming Party becomes aware of the same, and if the claiming party fails to so notify the other Party of the occurrence of a "*force majeure*" event causing such delay, the claiming Party shall not be entitled to avail itself of the provisions for the extension of performance contained in this Section. Force majeure does not excuse payment obligations.

ARTICLE 3

MISCELLANEOUS PROVISIONS

3.1 Separate Status. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in their respective businesses or otherwise, nor shall it cause them to be considered joint ventures or members of any joint enterprise.

3.2 Construction and Interpretation.

(A) Whenever required by the context of this Agreement, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neuter genders, and vice versa.

(B) The captions preceding the text of each article and section of this Agreement are included only for convenience of reference. Captions shall be disregarded in the construction and interpretation of this Agreement. Capitalized terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context outside of this Agreement.

(C) This Agreement may be executed in several counterparts; each of which shall be deemed an original. The signatures to this Agreement may be executed on separate pages, and when attached to this Agreement shall constitute one complete document.

3.3. Miscellaneous Provisions.

(A) Actions Performable. The Parties agree that all actions to be performed under this Agreement are performable solely in Brazoria County.

(B) Severability. If any provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void; but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the Parties.

(C) Amendment. Any amendment to this Agreement must be in writing and signed by all Parties hereto or their assignees.

(D) Exhibits. **Exhibits 1 through 4** attached to this Agreement are incorporated herein by reference and expressly made part of this Agreement as if copied verbatim. **Exhibit C** and **Exhibits 1 through 4** show the Manvel Parkway Road Alignment, the County Road 58 Relocation Alignment, and the phasing plan for construction thereof. **Exhibit C** and **Exhibits 1 through 4** do not amend the current, approved Master Plat for the Property, which the parties acknowledge will require separate, additional approval by the City, Ashton, and Sedona MUD No.1 prior to development by Ashton.

(E) Notice. Any notice or demand, which the Parties are required to or may desire to serve upon the other, must be in writing, and shall be sufficiently served if (i) personally delivered, (ii) sent by registered or certified mail, postage prepaid, or (iii) sent by commercial overnight carrier, and addressed to:

If to the City:

City of Manvel, Texas
P.O. Box 187
Manvel, Texas 77578

Attention: City Manager

If to the County:

Brazoria County, Texas
111 E. Locust Street
Angleton, Texas 77515
Attention: County Engineer

If to Ashton:

Ashton Houston Residential LLC
c/o Ashton Woods – Houston Division
10110 W. Sam Houston Pkwy North, Suite A-100
Houston, TX 77064
Attention: Greg McKenzie

With a copy to:

The Muller Law Group, PLLC
202 Century Square Boulevard
Sugar Land, Texas 77478
Attention: Richard L. Muller, Jr.

If to VDB:

VDB Partners, Ltd.
5151 San Felipe St, STE 1385
Houston, TX 77056
Attention: William C. Visinsky

With a copy to:

Fizer Beck Webster Bentley & Scroggins
5718 Westheimer, Suite 1750
Houston, Texas 77019
Attention: Barton R. Bentley

If to GCWA:

Gulf Coast Water Authority
~~1500 West Highway 6~~
~~Alvin, 3630 FM 1765~~

Texas ~~77511~~City, Texas 77591
 Attention: ~~David Sauer~~General Manager
 [Note: David Sauer changes.]

or such other address or addresses any Party may be notified about in writing by any other Party to this Agreement. Such notice shall be deemed to have been served (a) four business days after the date such notice is deposited and stamped by the U.S. Postal Service, except when lost, destroyed, improperly addressed, or delayed by the U.S. Postal Service, or (b) upon receipt in the event of personal service, or (c) the first business day after the date of deposit with an overnight courier, except when lost, destroyed, improperly addressed, or delayed by the courier; provided that should such notice pertain to the change of address to either of the Parties hereto, such notice shall be deemed to have been served upon receipt thereof by the Party to whom such notice is given.

(F) Forum Selection. This Agreement and the relationship between the Parties shall be governed and interpreted under the laws of the State of Texas without regard to any conflict of laws provision. Venue for any suit arising out of any relationship between the Parties shall exclusively be the appropriate court in Brazoria County.

(G) 2016 Agreement; GCWA MOUPSA. Nothing in this Agreement modifies the obligations of the parties to the 2016 Agreement ~~with respect to (i) design, financing, and/or construction of the western 2 lanes of the County Road 94 Extension and (ii) design, financing, and/or construction of County Road 58 west of its intersection with Manvel Parkway/County Road 94; and neither the City nor the County shall require Ashton to be responsible for items (i) or (ii) described above.~~ Compliance with the terms, rights, and obligations under the 2016 Agreement and GCWA MOUPSA (collectively, "Related Agreements") is necessary to provide the full benefits of the improvements to be constructed under this Agreement, and the Parties to this Agreement that are also parties to the Related Agreements shall take all commercially reasonable efforts to comply with their obligations and responsibilities and enforce their rights and compel compliance and performance thereunder. [Note: County changes.]

3.4. Preamble. The findings of fact, recitations, and provisions set forth in the preamble to this Agreement are true and are adopted and made a part of the body of this Agreement, binding the Parties hereto, as if the same were fully set forth herein.

3.5. Legal Contest. This Agreement is entered into in accordance with applicable law as understood by the Parties. In the event any part, provision, or paragraph thereof shall become unenforceable by reason of legislative change, judicial decree, or determination, the Parties hereto mutually agree to the extent possible to ensure that all other provisions of the Agreement, including the intent of the Agreement, be honored and performed.

3.6. Term and Termination. This Agreement shall terminate upon completion of all Parties' obligations.

3.7. Assignment. This Agreement shall not be assigned by any Party without the prior written consent of the other Parties, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, Ashton and/or VDB may assign its rights and obligations under this Agreement to a Municipal Utility District for reimbursement purposes only, without the consent of the Parties, which assignment shall not relieve Ashton and/or VDB, as applicable, of its obligations under this Agreement.

[EXECUTION PAGE FOLLOWS]

Approved and executed as of the Effective Date.

CITY OF MANVEL

Debra Davison, Mayor

ATTEST:

City Secretary

BRAZORIA COUNTY

L.M. "Matt" Sebesta, Jr., County Judge

ATTEST:

**ASHTON HOUSTON RESIDENTIAL
LLC, a Texas limited liability company**

By: _____
Name: _____
Title: _____

**VDB PARTNERS, LTD., a Texas
limited partnership**

VDB Management Company, LLC, its
General Partner

By: _____
Name: William C. Visinsky
Title: Vice President

**GULF COAST WATER AUTHORITY,
a conservation and reclamation district**

By: _____

Name: _____

Title: _____

Exhibit List

Exhibit A – Ashton Tract

Exhibit B – VDB Tract

Exhibit C – Manvel Parkway Road Alignment, Overall Layout, Master Plan, Phasing Plan

Exhibit 1 – County Road 58 Relocation Phase I

Exhibit 2 – County Road 58 Relocation Phase II

Exhibit 3 – County Road 58 Relocation Phase III

Exhibit 4 – Ultimate Intersection Configuration

Exhibit 5 – 2016 Agreement

Exhibit 6 – GCWA ~~MOU~~PSA

**ROAD CONSTRUCTION AGREEMENT BETWEEN
THE CITY OF MANVEL, TEXAS, BRAZORIA COUNTY, TEXAS,
GULF COAST WATER AUTHORITY, VDB PARTNERS LTD., AND
ASHTON HOUSTON RESIDENTIAL LLC**

This Road Construction Agreement (this “*Agreement*”) is effective as of _____, 2021 (“*Effective Date*”), by and between the CITY OF MANVEL, TEXAS, a Texas home-rule city (the “*City*”), BRAZORIA COUNTY, TEXAS, a political subdivision of the State of Texas (the “*County*”), GULF COAST WATER AUTHORITY, a conservation and reclamation district (“*GCWA*”), VDB PARTNERS LTD., a Texas limited partnership (“*VDB*”), and ASHTON HOUSTON RESIDENTIAL LLC, a Texas limited liability company (“*Ashton*,” together with the City, the County, VDB, and GCWA, “*Parties*,” and each a “*Party*”).

RECITALS

WHEREAS, Ashton owns 132.908 acres, as described in **Exhibit A** attached hereto (“*Ashton Tract*”), located in the County and within the extraterritorial jurisdiction of the City;

WHEREAS, VDB owns 79.905 acres, as described in **Exhibit B** attached hereto (“*VDB Tract*”), located in the County and within the city limits of the City;

WHEREAS, the parties wish to provide for the design, financing, and construction of (i) a portion of Manvel Parkway south of County Road 58, (ii) a portion of County Road 94 north of County Road 58, (iii) relocation of County Road 58 east of County Road 94, and (iv) the intersection of County Road 58 and Manvel Parkway/County Road 94, each of (i) – (iv) as more specifically set forth in this Agreement;

WHEREAS, (i) County Road 58 west of its intersection with Manvel Parkway/County Road 94, and (ii) a portion of County Road 94 north of County Road 58, will be designed, financed, and constructed pursuant to the terms of that certain Developers Agreement, Transportation Improvements Project, Expansion of County Roads 58 and 94, between the County, WSLD SEDONA LAKES VI, L.P., and Sedona Lakes Municipal Utility District No. 1, dated July 26, 2016 (“*2016 Agreement*”) and attached hereto as **Exhibit 5**.

WHEREAS, crossing of the existing canal (“*GCWA Canal*”) by Manvel Parkway (South) and the intersection of Manvel Parkway and County Road 58 is addressed in that certain Memorandum of Understanding dated June 4, 2020, between GCWA and VDB, attached hereto as **Exhibit 6** (“*GCWA MOU*”).

WHEREAS the 2016 Agreement, GCWA MOU, and this Agreement encompass the full arrangement and allocation of rights, obligations, and responsibilities with respect to design, financing, and construction of portions of Manvel Parkway south of County Road 58, County Road 94 north of County Road 58, County Road 58 east and west of County Road 94/Manvel Parkway, and the intersection of Manvel Parkway/County Road 94.

WHEREAS, the City agrees that the provisions of this Agreement substantially advance legitimate interests of the City;

WHEREAS, the County agrees that the provisions of this Agreement, and the goods and services to be provided to the County by VDB and Ashton hereunder, substantially advance legitimate interests of the County; and

WHEREAS, GCWA agrees that the provisions of this Agreement, and the goods and services to be provided to the GCWA by VDB, Ashton, and the City hereunder, substantially advance legitimate interests of the GCWA;

NOW, THEREFORE, for and in consideration of the promises and the mutual agreements set forth herein, the Parties hereby agree as follows:

ARTICLE 1

REGIONAL IMPROVEMENTS

1.1. Regional Improvements

- (A) *Manvel Parkway South of County Road 58.* Manvel Parkway will be constructed (“*Manvel Parkway (South) Project*”) from County Road 58 to the southern boundary line of the VDB Tract (“*Manvel Parkway (South)*”), along the alignment shown in **Exhibit C** and **Exhibit 1** attached hereto (collectively, “*Manvel Parkway Road Alignment*”). Manvel Parkway (South) will be designed and constructed as a Type P1 roadway, as defined in the City’s Master Thoroughfare Plan. The Manvel Parkway (South) Project includes the GCWA Canal Crossing defined below.
- (B) *County Road 58 Relocation.* County Road 58 will be relocated to the alignment shown in **Exhibit C** and **Exhibit 3** attached hereto (“*County Road 58 Relocation Alignment*”) and will be constructed with a four-lane boulevard cross section. A portion of existing County Road 58 will be abandoned and released for development and a portion of existing County Road 58 will remain to provide access to existing structures and will tie into new County Road 58 as shown on **Exhibit 3**.
- (C) *County Road 94 Extension.* County Road 94 will be constructed as a four-lane boulevard from its current terminus south of Mustang Bayou to County Road 58 as shown in **Exhibit C**.
- (D) *Manvel Parkway/County Road 58 Intersection.* The intersection of County Road 58 and Manvel Parkway/County Road 94 at ultimate buildout is shown in **Exhibit 4**. All phases of the various road projects described herein will be consistent with that ultimate configuration.
- (E) *GCWA Canal Crossing.* Crossing of the GCWA Canal by Manvel Parkway (South) and the Manvel Parkway/County Road 58 Intersection shall comply with the Manvel Parkway Road Alignment and has been addressed by GCWA and VDB in the GCWA MOU.

- (F) The regional improvements described in this Section will be constructed in phases as further described below. The phases described below satisfy the phasing schedule requirement included in Section 62-39 of the City Code of Ordinances.
- (G) All regional improvements described in this Section will be constructed in accordance with all City or County criteria, as applicable, in effect at the time of the execution of the permit application.

1.2. Ashton's Rights and Obligations

- (A) *Manvel Parkway ROW Dedication.* Ashton shall dedicate to the County any road right-of-way necessary for the Manvel Parkway Road Alignment located on the Ashton Tract. Ashton shall execute all documents necessary to make this dedication within 90 days of the execution of this Agreement.
- (B) *County Road 58 ROW Dedication.* Ashton shall dedicate to the County the full 120-feet of road right-of-way required for the complete relocation of County Road 58 with the plat for lot development of its Phase I ("*Phase I*") as shown on **Exhibit C**.
- (C) *Construction of the County Road 58 Relocation.*
 - a. *Design of Manvel Parkway/County Road 58 Intersection.* Ashton shall design the ultimate configuration of the Manvel Parkway/County Road 58 Intersection ("*Intersection Design*"), with Ashton's design of the Phase 1 improvements. The Intersection Design shall require City and County approval.
 - b. During Ashton's construction of lots for Phase I, Ashton shall design, finance, and construct the northern two lanes of the cross section and drainage facilities for that portion of the County Road 58 Relocation shown in red on **Exhibit 1**.
 - c. During Ashton's construction of lots for Phase II as shown on **Exhibit C**, Ashton shall (i) design, finance, and construct the northern two lanes of the cross section and drainage facilities for that portion of the County Road 58 Relocation shown in purple on **Exhibit 2**, (ii) a 30-foot 2-lane road in a 60' right-of-way connecting existing County Road 58 along the southern border of the Ashton Tract to the newly-relocated County Road 58, and (iii) provide water and sewer stub-outs to the 1.54-acre Emergency Services Tract. Drainage requirements for the Emergency Services Tract will be included in the overall Ashton Tract drainage plan at no cost to the City, all as shown on **Exhibit C**.
 - d. During Ashton's construction of lots for Phase III as shown on **Exhibit C**, Ashton shall design, finance, and construct the southern two lanes of the cross section and drainage facilities for the portion of County Road 58 Relocation shown in blue on **Exhibit 3**.

- e. Ashton shall complete the design, financing, and construction of Ashton's portion of the County Road 58 Relocation no later than April 2, 2029. Except as provided herein, Ashton shall have no further obligation for the development of the County Road 58 Relocation.
 - f. Ashton shall dedicate and transfer the 1.54-acre Emergency Services Tract to the City at the earlier of (i) the plat for lot development of its Phase II, or (ii) December 31, 2023.
- (D) *County Road 94 ROW Dedication.* Ashton shall dedicate any road right-of-way required for the County Road 94 Alignment located on the Ashton Tract within 90 days of the execution of this Agreement.
- (E) *County Road 94 Extension.* Ashton shall design, finance, and construct the eastern 2 lanes of the County Road 94 Extension up to (but not across) Mustang Bayou, during the development of Ashton's Phase III lots as shown in **Exhibit C** and **Exhibit 3**. Ashton shall dedicate to the County the right-of-way owned by Ashton and required for Ashton's portion of the County Road 94 Extension with the plat for lot development of its Phase II. Upon completion of Ashton's portion of the County Road 94 Extension as provided in this Section 1.2(E), which only includes the eastern two lanes along Ashton's property and does not include a bridge over Mustang Bayou, Ashton shall have no further obligation for the development of the County Road 94 Extension.
- (F) *Development of Phase I lots.* Ashton may plat and begin development of the Phase I lots upon execution of this Agreement by all Parties and approval of an amendment to the Master Plat/Sedona Lakes Development Agreement. Ashton's only off-site road construction obligation necessary for its Phase I lot development is the Phase I construction of County Road 58 as described in subsection 1.2 (C)b. above.

1.3. VDB's Rights and Obligations

- (A) *Manvel Parkway (South) ROW Dedication.* VDB shall dedicate to the City any road right-of-way necessary for the Manvel Parkway Road Alignment located on or adjacent to the VDB Tract from County Road 58 to the Manvel Parkway right-of-way located at the northern edge of the Del Bello Lakes development. VDB shall execute all documents necessary to make this dedication within 90 days of execution of this Agreement.
- (B) *Manvel Parkway (South) Construction.* VDB shall design, finance, and construct, pursuant to the Manvel Parkway Road Alignment, and, as and when required, under the City's Development regulations, but not later than April 2, 2025, the four lanes of the cross section in the City's Thoroughfare Plan and drainage facilities for Manvel Parkway (South) from County Road 58 to the Manvel Parkway right-of-

way located at the northern edge of the Del Bello Lakes development, pursuant to the Manvel Parkway Road Alignment, as illustrated on **Exhibit C**. VDB may design, finance, and construct this portion of Manvel Parkway (South) in two phases, as shown on **Exhibit C**.

- (C) *GCWA Canal Crossing*. Manvel Parkway (South) and the Manvel Parkway/County Road 58 Intersection shall cross the GCWA Canal pursuant to the Manvel Parkway Road Alignment and the terms of the GCWA MOU.
- (D) *County Road 58 ROW Dedication*. VDB shall dedicate any road right-of-way necessary for the County Road 58 Relocation Alignment located on or adjacent to the VDB Tract. VDB shall execute all documents necessary to make this dedication within 90 days of execution of this Agreement.
- (E) *County Road 58 Relocation and County Road 94 Extension*. VDB shall pay for one-half (1/2) of the costs of Ashton's portion of the County Road 58 Relocation, as described in Section 1.2(C), including Intersection Design, and one-half (1/2) of the costs of Ashton's portion of the County Road 94 Extension, as described in Section 1.2(E).

1.4. County's Rights and Obligations

- (A) *Approval of Road Alignments*. The County shall approve the roadway alignments, cross sections, and preliminary design as described and depicted in this Agreement.
- (B) *County Road 94 Extension*. The County shall acquire any right-of-way not owned by Ashton and required for Ashton's portion of the County Road 94 Extension.
- (C) *Abandonment of ROW*. The County agrees to abandon the portion of current County Road 58 along the western boundary of the Ashton Tract, upon completion of the relocation of County Road 58, pursuant to the County Road 58 Relocation Alignment illustrated in **Exhibit 2**.
- (D) *Plan approval*. The County shall promptly approve all plans and specifications for the road improvements described herein that are consistent with this Agreement and County standards.
- (E) *2016 Agreement*. The County shall comply with and take all commercially reasonable action to enforce the terms of the 2016 Agreement to ensure the construction of the road improvements within the time periods required therein.

1.5. City's Rights and Obligations

- (A) *Approval of Road Alignments*. The City approves the Manvel Parkway Road Alignment and the County Road 58 Relocation Alignment shown in **Exhibit C** and **Exhibits 1 through 4**.

- (B) *Approval of Phasing Plan.* The City approves the phasing plan for the Ashton Tract as shown in **Exhibit C** and **Exhibits 1 through 3**. The phases described below satisfy the street phasing schedule requirement included in Section 62-39 of the City Code of Ordinances.
- (C) *Plan approval.* The City shall promptly approve all layout and phasing in the plans and specifications for the road improvements described herein that are consistent with this Agreement.
- (D) *Creation of District.* The City will work with VDB on the creation of a municipal utility district or municipal management district within the bounds of the VDB Tract, subject to the approval of an ordinance or resolution by the Manvel City Council consenting to creation of the District.
- (E) *Abandonment of Iowa Lane.* After construction of the Manvel Parkway (South) Project, including the GCWA Canal Crossing, is complete, the City shall consider the abandonment of the portion of Iowa Lane on the VDB Tract to determine if any other tracts use Iowa Lane for access and any abandonment will created land-locked tracts. ~~[The City's right-of-way abandonment policy requires the City receive sufficient consideration to abandon any street within the city limits, and the City agrees that this Agreement is sufficient consideration, and that no other consideration shall be required, to abandon the portion of Iowa Lane within the boundaries of the VDB Tract].~~ The process to abandon the right-of-way outlined in the City's abandonment policy shall still have to be followed.
- (F) *Plat Approval.* The City shall notify the County upon final plat approval of the initial plat submittal for the residential property associated with any phase referenced in this Agreement.

1.6. GCWA's Rights and Obligations

- (A) *GCWA Canal Crossing.* GCWA shall permit Manvel Parkway (South) and the Manvel Parkway/County Road 58 Intersection to cross the GCWA Canal pursuant to the Manvel Parkway Road Alignment and the terms of the GCWA MOU.

ARTICLE 2 **DEFAULT**

2.1 Default.

(A) If any Party ("*Non-Performing Party*") does not perform its obligations hereunder in substantial compliance with this Agreement, in addition to the other rights given the other Parties ("*Performing Parties*") under this Agreement, the Performing Parties may enforce specific performance of this Agreement or seek actual damages incurred by the Performing Parties for any such default.

(B) Before any failure of any Party to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the Party claiming such failure shall notify, in writing, the Party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced within 30 days of the receipt of such notice. Upon a breach of this Agreement, the non-defaulting Party, in any court of competent jurisdiction, by an action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, may be awarded damages for failure of performance, or both. Except as otherwise set forth herein, no action taken by a Party pursuant to the provisions of this Section or pursuant to the provisions of any other section of this Agreement shall be deemed to constitute an election of remedies, and all remedies set forth in this Agreement shall be cumulative and nonexclusive of any other remedy either set forth herein or available to any Party at law or in equity. Each of the Parties shall have the affirmative obligation to mitigate its damages in the event of a default by the other Party.

(C) Notwithstanding anything in this Agreement which is or may appear to be to the contrary, if the performance of any covenant or obligation to be performed hereunder by any Party, except payment obligations, is delayed as a result of circumstances which are beyond the reasonable control of such Party, including, but not limited to pending or threatened litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [including, but not limited to severe rain storms or below freezing temperatures, hurricanes, or tornados], labor action, strikes, or similar acts), the time for such performance shall be extended by the amount of time of such delay. The Party claiming delay of performance as a result of any of the foregoing "*force majeure*" events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven days after the claiming Party becomes aware of the same, and if the claiming party fails to so notify the other Party of the occurrence of a "*force majeure*" event causing such delay, the claiming Party shall not be entitled to avail itself of the provisions for the extension of performance contained in this Section. Force majeure does not excuse payment obligations.

ARTICLE 3 **MISCELLANEOUS PROVISIONS**

3.1 Separate Status. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in their respective businesses or otherwise, nor shall it cause them to be considered joint ventures or members of any joint enterprise.

3.2 Construction and Interpretation.

(A) Whenever required by the context of this Agreement, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neuter genders, and vice versa.

(B) The captions preceding the text of each article and section of this Agreement are included only for convenience of reference. Captions shall be disregarded in the construction and interpretation of this Agreement. Capitalized terms are also selected only for convenience of

reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context outside of this Agreement.

(C) This Agreement may be executed in several counterparts; each of which shall be deemed an original. The signatures to this Agreement may be executed on separate pages, and when attached to this Agreement shall constitute one complete document.

3.3. Miscellaneous Provisions.

(A) Actions Performable. The Parties agree that all actions to be performed under this Agreement are performable solely in Brazoria County.

(B) Severability. If any provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Agreement shall not be void; but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the Parties.

(C) Amendment. Any amendment to this Agreement must be in writing and signed by all Parties hereto or their assignees.

(D) Exhibits. **Exhibits 1 through 4** attached to this Agreement are incorporated herein by reference and expressly made part of this Agreement as if copied verbatim.

~~[Exhibit C and Exhibits 1 through 4 are only illustrative of the Manvel Parkway Road Alignment and the County Road 58 Relocation Alignment and the phasing plan for construction thereof, and does not modify the Master Plat for the Property]~~

Exhibit C and Exhibits 1 through 4 show the Manvel Parkway Road Alignment, the County Road 58 Relocation Alignment, and the phasing plan for construction thereof. Exhibit C and Exhibits 1 through 4 do not amend the current, approved Master Plat for the Property, which the parties acknowledge will require separate, additional approval by the City, Ashton, and Sedona MUD No.1 prior to development by Ashton.

(E) Notice. Any notice or demand, which the Parties are required to or may desire to serve upon the other, must be in writing, and shall be sufficiently served if (i) personally delivered, (ii) sent by registered or certified mail, postage prepaid, or (iii) sent by commercial overnight carrier, and addressed to:

If to the City:

City of Manvel, Texas
P.O. Box 187
Manvel, Texas 77578
Attention: City Manager

If to the County:

Brazoria County, Texas
111 E. Locust Street
Angleton, Texas 77515
Attention: County Engineer

If to Ashton:

Ashton Houston Residential LLC
c/o Ashton Woods – Houston Division
10110 W. Sam Houston Pkwy North, Suite A-100
Houston, TX 77064
Attention: Greg McKenzie

With a copy to:

The Muller Law Group, PLLC
202 Century Square Boulevard
Sugar Land, Texas 77478
Attention: Richard L. Muller, Jr.

If to VDB:

VDB Partners, Ltd.
5151 San Felipe St, STE 1385
Houston, TX 77056
Attention: William C. Visinsky

With a copy to:

Fizer Beck Webster Bentley & Scroggins
5718 Westheimer, Suite 1750
Houston, Texas 77019
Attention: Barton R. Bentley

If to GCWA:

Gulf Coast Water Authority
1500 West Highway 6
Alvin, Texas 77511
Attention: David Sauer

or such other address or addresses any Party may be notified about in writing by any other Party to this Agreement. Such notice shall be deemed to have been served (a) four business days after the date such notice is deposited and stamped by the U.S. Postal Service, except when lost, destroyed, improperly addressed, or delayed by the U.S. Postal Service, or (b) upon receipt in the

event of personal service, or (c) the first business day after the date of deposit with an overnight courier, except when lost, destroyed, improperly addressed, or delayed by the courier; provided that should such notice pertain to the change of address to either of the Parties hereto, such notice shall be deemed to have been served upon receipt thereof by the Party to whom such notice is given.

(F) Forum Selection. This Agreement and the relationship between the Parties shall be governed and interpreted under the laws of the State of Texas without regard to any conflict of laws provision. Venue for any suit arising out of any relationship between the Parties shall exclusively be the appropriate court in Brazoria County.

(G) 2016 Agreement: [GCWA] BRAZORIA COUNTY MOU. Nothing in this Agreement modifies the obligations of the parties to the 2016 Agreement with respect to (i) design, financing, and/or construction of the western 2 lanes of the County Road 94 Extension and (ii) design, financing, and/or construction of County Road 58 west of its intersection with Manvel Parkway/County Road 94; and neither the City nor the County shall require Ashton to be responsible for items (i) or (ii) described above. Compliance with the terms, rights, and obligations under the 2016 Agreement and [GCWA] BRAZORIA MOU (collectively, “Related Agreements”) is necessary to provide the full benefits of the improvements to be constructed under this Agreement, and the Parties to this Agreement that are also parties to the Related Agreements shall take all commercially reasonable efforts to comply with their obligations and responsibilities and enforce their rights and compel compliance and performance thereunder.

3.4. Preamble. The findings of fact, recitations, and provisions set forth in the preamble to this Agreement are true and are adopted and made a part of the body of this Agreement, binding the Parties hereto, as if the same were fully set forth herein.

3.5. Legal Contest. This Agreement is entered into in accordance with applicable law as understood by the Parties. In the event any part, provision, or paragraph thereof shall become unenforceable by reason of legislative change, judicial decree, or determination, the Parties hereto mutually agree to the extent possible to ensure that all other provisions of the Agreement, including the intent of the Agreement, be honored and performed.

3.6. Term and Termination. This Agreement shall terminate upon completion of all Parties’ obligations.

3.7. Assignment. This Agreement shall not be assigned by any Party without the prior written consent of the other Parties, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, Ashton and/or VDB may assign its rights and obligations under this Agreement to a Municipal Utility District for reimbursement purposes only, without the consent of the Parties, which assignment shall not relieve Ashton and/or VDB, as applicable, of its obligations under this Agreement.

[EXECUTION PAGE FOLLOWS]

Approved and executed as of the Effective Date.

CITY OF MANVEL

Debra Davison, Mayor

ATTEST:

City Secretary

BRAZORIA COUNTY

L.M. "Matt" Sebesta, Jr., County Judge

ATTEST:

**ASHTON HOUSTON RESIDENTIAL
LLC, a Texas limited liability company**

By: _____
Name: _____
Title: _____

**VDB PARTNERS, LTD., a Texas limited
partnership**

VDB Management Company, LLC, its
General Partner

By: _____
Name: William C. Visinsky
Title: Vice President

**GULF COAST WATER AUTHORITY, a
conservation and reclamation district**

By: _____
Name: _____
Title: _____

Exhibit List

Exhibit A – Ashton Tract

Exhibit B – VDB Tract

Exhibit C – Manvel Parkway Road Alignment, Overall Layout, Master Plan, Phasing Plan

Exhibit 1 – County Road 58 Relocation Phase I

Exhibit 2 – County Road 58 Relocation Phase II

Exhibit 3 – County Road 58 Relocation Phase III

Exhibit 4 – Ultimate Intersection Configuration

Exhibit 5 – 2016 Agreement

Exhibit 6 – GCWA MOU

Exhibit A

EXHIBIT A, PAGE 1 OF 4 PAGES

County: Brazoria
Project: Sedona Lakes
M&B No: 16-136
CS Job No: 16104

METES AND BOUNDS DESCRIPTION OF 132.908 ACRES

Being a tract of land containing 132.908 acres, located in the R.B. Lyle Section 92 Survey, Abstract 541, and the M. O'Donnell Survey, Abstract 469, in Brazoria County, Texas; Said 132.908 acre tract being out of a called 174.74 acre tract of land recorded in the name of WSLD Sedona Lakes VI, LP, in Brazoria County Clerk's File Number (B.C.C.F. No.) 2013023258; Said 132.908 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a concrete monument found at the southerly southwest corner of said 174.74 acre tract, same being on the north line of Section "O" of the Allison Richey Gulf Coast Home Company subdivision as recorded in Volume 2, Page 91, of the Brazoria County Plat Records (B.C.P.R.) and on the east line of Section 90 of the Allison Richey Gulf Coast Home Company subdivision as recorded in Volume 2, Page 98, of the B.C.P.R.;

THENCE, North 03° 16' 51" West, with the west lines of and through and across said 174.74 acre tract and with the east lines of Sections 90 and 89, respectively, of said Allison Richey Gulf Coast Homes Company subdivision, at a distance of 2,460.60 feet pass a point for the northeast corner of Lot 59 of said Section 89 and the southeast corner of Lot 58 of said Section 89, from which a 5/8-inch capped iron rod found bears South 00° West, a distance of 4.3 feet, at a distance of 3,945.60 feet pass a 5/8-inch iron rod found at the northeast corner of Lot 56 of said Section 89 and the southeast corner of Lot 55 of said Section 89, continuing in all a distance of 5,078.43 feet to a point for the most northerly corner of said 174.74 acre tract and the herein described tract, same being the southerly west corner of a called 29.52 acre tract of land recorded in the name of Brazoria Drainage District No. 4 in B.C.C.F. No. 2012057993, also known as Mustang Gully, from which a 5/8-inch capped iron rod found bears North 28° West, a distance of 2.8 feet and from which a 5/8-inch capped iron rod found bears South 76° West, a distance of 1.2 feet;

THENCE, with the lines common to said 174.74 acre tract and said Mustang Gully, the following seventeen (17) courses:

1. South 40° 55' 33" East, a distance of 102.74 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 80° West, a distance of 1.2 feet and from which a 5/8-inch capped iron rod found bears North 12° West, a distance of 1.6 feet;
2. South 34° 44' 06" East, a distance of 114.80 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 80° West, a distance of 1.1 feet and

EXHIBIT A, PAGE 2 OF 4 PAGES

from which a 5/8-inch capped iron rod found bears North 15° West, a distance of 2.0 feet;

3. South 30° 37' 00" East, a distance of 75.48 feet to an angle point, from which a 5/8-inch capped iron rod found bears North 17° West, a distance of 1.9 feet;
4. South 15° 01' 27" East, a distance of 199.72 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 76° West, a distance of 1.0 feet and from which a 5/8-inch capped iron rod found bears North 13° West, a distance of 1.7 feet;
5. South 27° 24' 21" East, a distance of 223.53 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 80° West, a distance of 0.9 feet and from which a 5/8-inch capped iron rod found bears North 13° West, a distance of 1.5 feet;
6. South 07° 03' 36" West, a distance of 238.23 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 89° West, a distance of 0.8 feet and from which a 5/8-inch capped iron rod found bears North 10° West, a distance of 1.7 feet;
7. South 28° 01' 51" East, a distance of 323.68 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 87° West, a distance of 0.9 feet;
8. South 11° 45' 47" West, a distance of 193.74 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 47° West, a distance of 0.5 feet and from which a 5/8-inch capped iron rod found bears North 12° West, a distance of 1.9 feet;
9. South 01° 47' 51" West, a distance of 203.74 feet to an angle point, from which a 5/8-inch capped iron rod found bears South 33° East, a distance of 0.8 feet;
10. South 36° 14' 32" East, a distance of 490.05 feet to a 5/8-inch capped iron rod found at an angle point, from which a 5/8-inch capped iron rod found bears North 12° West, a distance of 1.6 feet;
11. South 38° 02' 54" East, a distance of 218.66 feet to a 5/8-inch capped iron rod found at an angle point, from which a 5/8-inch capped iron rod found bears North 02° West, a distance of 1.9 feet;
12. South 69° 15' 16" East, a distance of 592.10 feet to a 5/8-inch capped iron rod found at an angle point, from which a 5/8-inch capped iron rod found bears North 03° East, a distance of 2.2 feet;

EXHIBIT A, PAGE 3 OF 4 PAGES

13. South 78° 42' 21" East, a distance of 125.38 feet to an angle point, from which a 5/8-inch capped iron rod found bears North 00° East, a distance of 2.1 feet;
14. South 84° 17' 28" East, a distance of 117.75 feet to an angle point, from which a 5/8-inch capped iron rod found bears North 03° West, a distance of 2.3 feet;
15. South 85° 33' 13" East, a distance of 117.32 feet to an angle point, from which a 5/8-inch capped iron rod found bears North 01° West, a distance of 2.4 feet;
16. South 88° 02' 55" East, a distance of 264.06 feet to an angle point, from which a 5/8-inch capped iron rod found bears North 49° East, a distance of 0.7 feet;
17. North 30° 24' 43" East, a distance of 470.60 feet to a point for the northeast corner of said 174.74 acre tract and the herein described tract, on the northerly west line of the Abbreviated Replat of Oak Crest of Manvel, a subdivision of record in B.C.C.F. No. 2002066882, from which a 5/8-inch capped iron rod found bears South 29° East, a distance of 0.4 feet;

THENCE, with the lines common to said 174.74 acre tract and said Abbreviated Replat of Oak Crest of Manvel, the following five (5) courses:

1. South 02° 40' 11" East, a distance of 758.20 feet to a 5/8-inch capped iron rod set for an angle point, from which a 5/8-inch capped iron rod found bears North 69° West, a distance of 0.8 feet;
2. South 86° 49' 44" West, a distance of 560.37 feet to a 5/8-inch capped iron rod set for an angle point, from which a 5/8-inch capped iron rod found bears South 13° West, a distance of 1.1 feet;
3. South 03° 30' 14" East, a distance of 614.44 feet to a 5/8-inch capped iron rod and a concrete monument found at an angle point;
4. South 38° 51' 48" West, a distance of 476.70 feet to a 5/8-inch capped iron rod found at an angle point;
5. South 51° 08' 14" East, a distance of 1,898.02 feet to a "PK" nail in asphalt set for the southeast corner of said 174.74 acre tract and the herein described tract, same being the southerly southwest corner of said Abbreviated Replat of Oak Crest of Manvel, on the north line of said Section "O" and in County Road 58 (a forty feet wide Right-of-Way of record in Volume 2, Page 91, of the B.C.P.R.), from which a 5/8-inch capped iron rod found bears North 46° West, a distance of 48.2 feet;

EXHIBIT A, PAGE 4 OF 4 PAGES

THENCE, South 87° 01' 56" West, with the south line of said 174.74 acre tract and the north line of said Section "O", with a line in said County Road 58, a distance of 2,645.22 feet to the **POINT OF BEGINNING** and containing 132.908 acres of land.

A Land Title Survey of the herein described tract was prepared in conjunction with and accompanies this description.



Michael Hall, R.P.L.S.
Texas Registration Number 5765



CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
March 9, 2017

November 30, 2006
Job No. 1078-2008-202

DESCRIPTION OF
79.905 ACRES

Being 79.905 acres of land located in the A. C. H. & B. R. R. Co. Survey, Section 90 also known as the Kate R. Ehrmann Survey, Abstract 459 of Brazoria County, Texas, more particularly being a portion of Block "O" of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 91 & 92, Plat Records, Brazoria County, Texas (B.C.P.R.) more particularly being all of those certain tracts called 2.2229 acres (referred to as Tract B), 16.6700 acres (referred to as Tract C), 46.8412 acres (referred to as Tract D), 14.1479 acres (referred to as Tract E) conveyed to VDB Partners, Ltd, by instrument of record in File Number 99-050835, Official Records of Brazoria County, Texas (B.C.O.R.), all of those certain tracts called 46.8412 acres (referred to as Tract D), and 14.1479 acres (referred to as Tract E) conveyed to VDB Partners, Ltd, by instrument of record in File Number 99-050834, B.C.O.R. and in an affidavit to correct legal description of record under File Number 2006000883, B.C.O.R., said 79.905 acres being more particularly described by metes and bounds in two parts, Part One being 16.447 acres and Part Two being 63.458 acres as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993 adjustment));

PART ONE

BEGINNING at a 5/8-inch iron rod found for a re-entrant corner on the north line of that certain called 99.9653 acre tract conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record in File No. 2004064049, B.C.O.R.;

Thence, North 03° 08' 38" West, along the west line of said 14.1479 acre tract and the most northerly east line of said 99.9653 acre tract, 333.68 feet to a 5/8-inch iron rod with cap stamped "LA THOMPSON 3987" found for the most northerly northeast corner of said 99.9653 acre tract, same being the southeast corner of Lot 19, Section 90 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, B.C.P.R.;

79.905 Acres

November 30, 2006
Job No. 1078-2008-202

Thence, North 03° 19' 05" West, continuing along the west line of said 14.1479 acre tract and along the east line of said Lot 19 and Lot 18 of said subdivision, passing at 1,318.43 feet a TXDOT concrete right-of-way monument found for the northeast corner of said Lot 18 and for an angle point on the easterly right-of-way line of State Highway 288 (width varies), from which a found TXDOT concrete right-of-way monument bears South 85° 24' 57" West, 7.42 feet for an angle point on said easterly right-of-way line, and continuing along said easterly right-of-way line and said west line in all 1,354.07 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for an angle point on said easterly right-of-way line;

Thence, North 09° 45' 18" East, continuing along said 14.1479 acre tract and said easterly right-of-way line, passing at 472.50 feet a 5/8-inch iron rod found for the common west corner of said 14.1479 acre tract and the aforementioned 2.2229 acre tract, and continuing along the common line of said easterly right-of-way line and the westerly line of said 2.2229 acre tract, in all 865.71 feet to a TXDOT concrete right-of-way monument found for an angle point on said easterly right-of-way line, the beginning of a curve;

Thence, continuing along said common line, 251.31 feet along the arc of a non-tangent curve to the left having a radius of 1,195.92 feet, a central angle of 12° 02' 25", and a chord that bears North 03° 59' 19" East, 250.85 feet to a TXDOT concrete right-of-way monument found for the point of tangency of said easterly right-of-way line;

Thence, North 02° 01' 53" West, continuing along said common line, 23.81 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for an angle point on said easterly right-of-way line;

Thence, North 41° 22' 51" East, continuing along said common line, 139.94 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for an angle point on said easterly right-of-way line, said point being the north corner of said 2.2229 acre tract and located at the intersection of said easterly right-of-way line and the west right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa Lane);

Thence, South 02° 27' 53" East, along said west right-of-way line and the east line of said 2.2229 acre tract, passing at 755.91 feet the common east corner of said 2.2229 and 14.1479 acre tracts, from which a found 5/8-inch iron rod bears North 81° 46' 31" West, 2.79 feet and a found 1/2-inch iron rod bears South 05° 03' 37" East, 6.31 feet, and continuing along said west right-of-way line and the east line of said 14.1479 acre tract, in all 2,903.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said west right-of-way line with the north line of said 99.9653 acre tract, from which a 5/8-inch iron rod bears North 02° 27' 53" West, 1.68 feet;

Thence, South 86° 42' 53" West, along the north line of said 99.9653 acre tract, 284.45 feet the POINT OF BEGINNING and containing 16.447 acres of land.

PART TWO

BEGINNING at a 5/8-inch iron rod found for the northeast corner of that certain called 99.9653 acre tract conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record in File No. 2004064049, B.C.O.R.;

Thence, South 86° 42' 53" West, along the most easterly north line of said 99.9653 acre tract, 964.95 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of the east right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa Lane) with the north line of said 99.9653 acre tract;

Thence, North 02° 27' 53" West, along said east right-of-way line, passing at 2,147.50 feet the common west corner of the aforementioned 46.8412 acre tract and the aforementioned 16.6700 acre tract, from which a found 5/8-inch iron rod bears North 71° 19' 55" West, 2.93 feet and a found 1/2-inch iron rod bears South 25° 18' 36" East, 6.82 feet, and continuing along said east right-of-way line and the west line of the aforementioned 16.6700 acre tract, in all 2,903.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the intersection of said east right-of-way line and easterly right-of-way line of State Highway 288 (width varies);

79.905 Acres

November 30, 2006
Job No. 1078-2008-202

Thence, North 86° 38' 43" East, along said easterly right-of-way line and along a north line of said 16.6700 acre tract, 139.51 feet to a 5/8-inch iron rod found for an angle point on said easterly right-of-way line and a re-entrant corner on said north line;

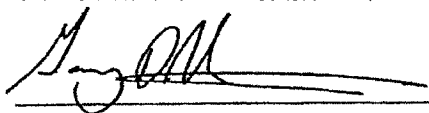
Thence, North 04° 30' 35" West, continuing along said easterly right-of-way line and said north line, 29.58 feet to a 5/8-inch iron rod found at the intersection of said easterly right-of-way line and the south right-of-way line of County Road 58 (called 60 feet wide);

Thence, North 86° 44' 06" East, along said south right-of-way line and said north line, passing at 754.62 feet the common survey line of said A. C. H. & B. R. R. Co. Survey, Section 90 and the Mary V. O'Donnell Survey, Abstract 469, of said Brazoria County, continuing in all 784.31 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the northeast corner of said 16.6700 acre tract as described in File Number 99-050835, B.C.O.R.;

Thence, South 03° 17' 19" East, along the record east line of said 16.6700 acre tract, passing at 785.03 feet the common east corner of said 16.6700 and 46.8412 acre tracts, and continuing along the record east line of said 46.8412 acre tract in all 2,932.86 feet to the POINT OF BEGINNING and containing 63.458 acres of land.

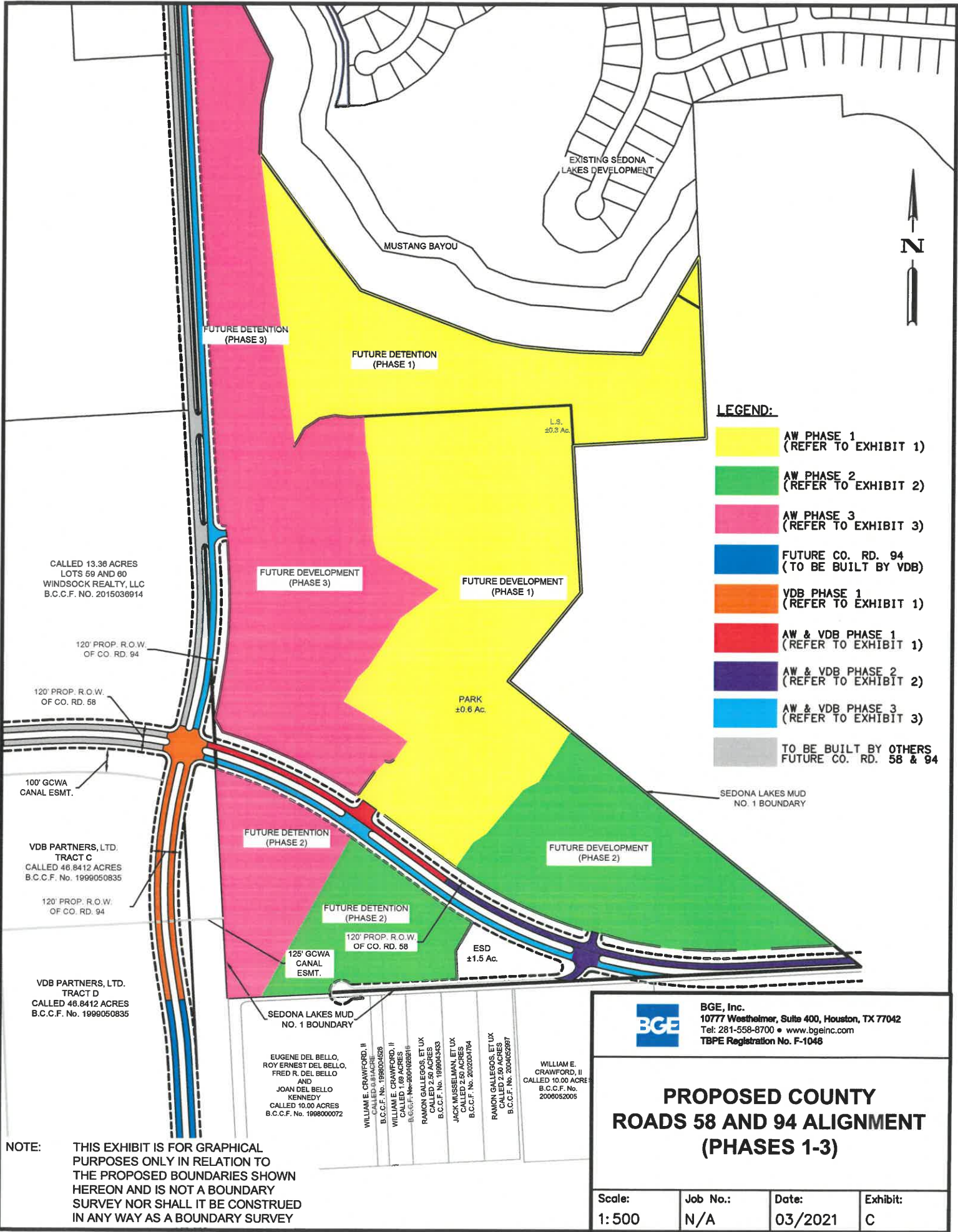
Said Part One and Two containing a total of 79.905 acres.

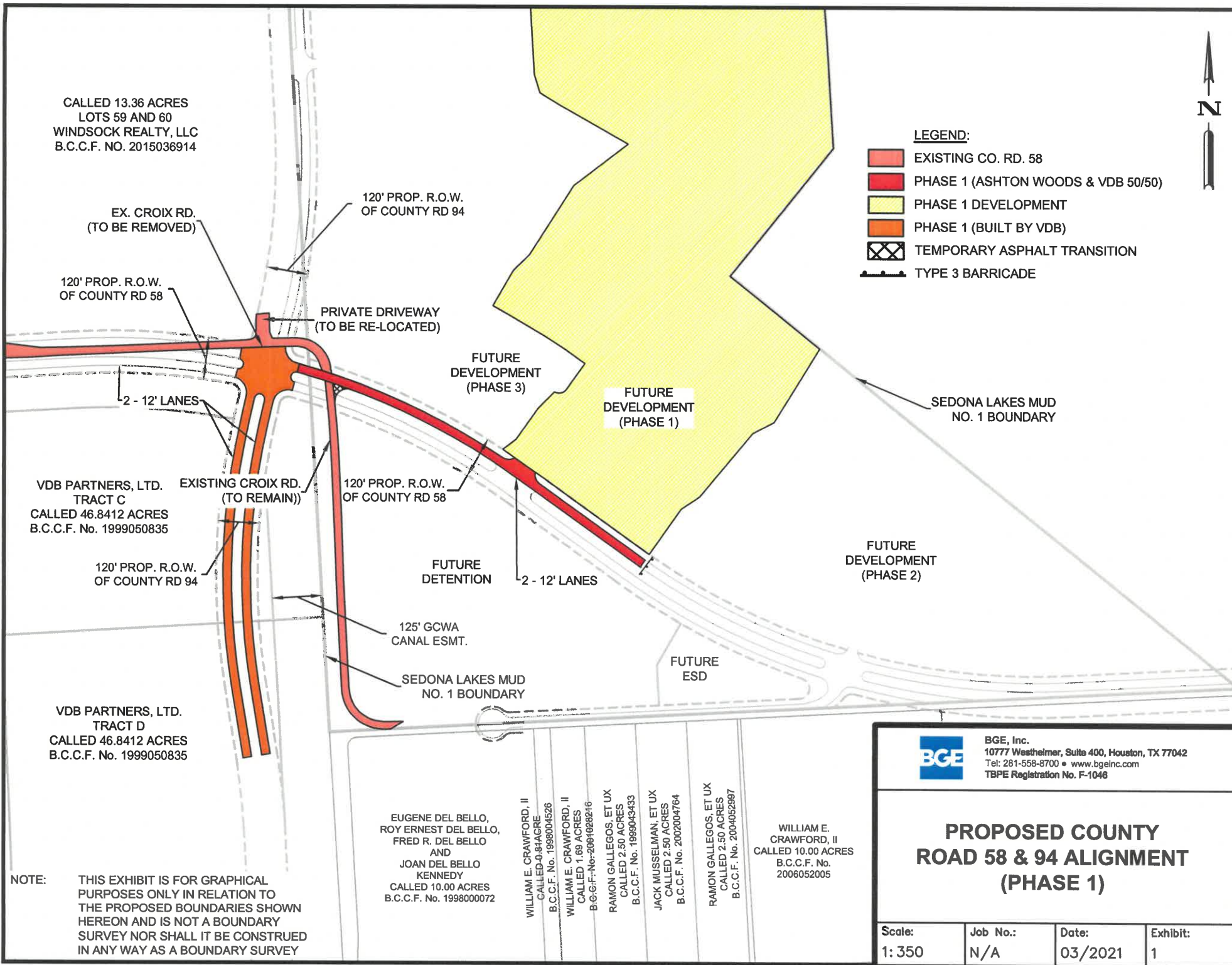
This description prepared from a survey and plat prepared by the undersigned dated November 30, 2006.

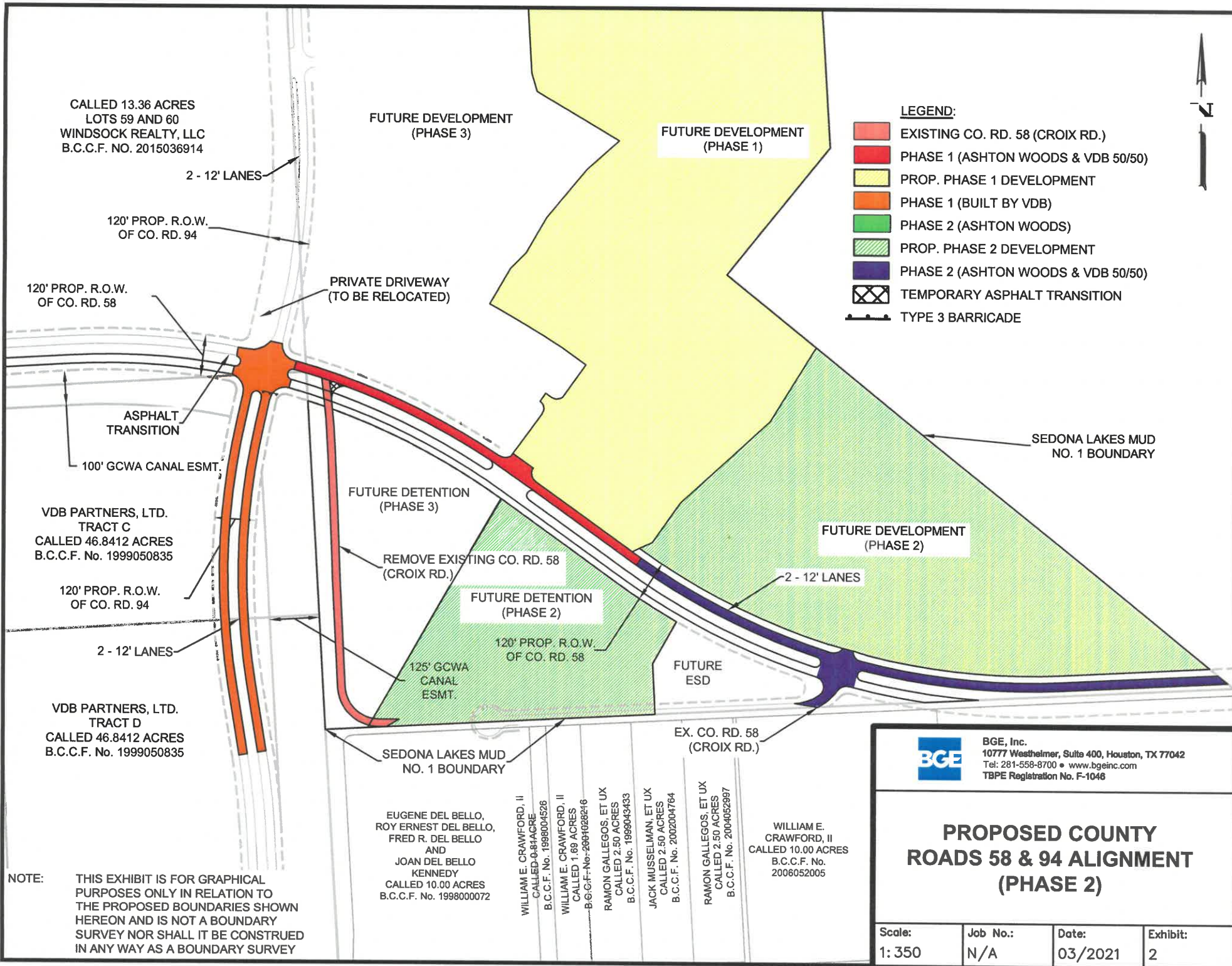


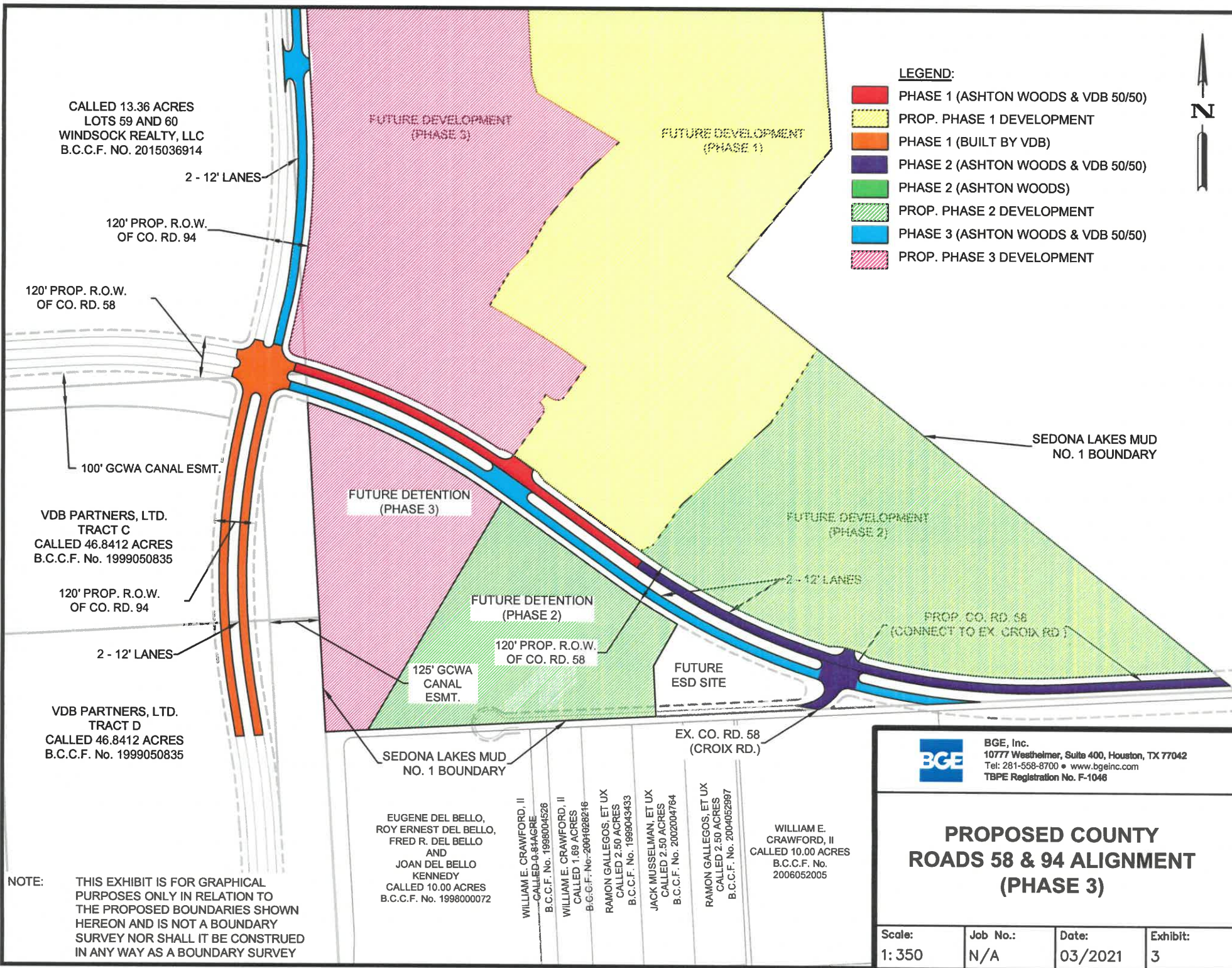
Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration No. 5659
LJA Engineering & Surveying, Inc.











THE LAYOUT OF COUNTY ROADS 58 AND 94 AS DEPICTED
IN THIS EXHIBIT IS CONFORMANCE WITH THE CRITERIA
OF THE 2015 CITY OF MANVEL THOROUGHFARE PLAN.

CALLED 13.36 ACRES
LOTS 59 AND 60
WINDSOCK REALTY, LLC
B.C.C.F. NO. 2015036914

120' PROP. R.O.W.
OF CO. RD. 94

120' PROP. R.O.W.
OF CO. RD. 58

100' GCWA CANAL ESMT.

VDB PARTNERS, LTD.
TRACT C
CALLED 46.8412 ACRES
B.C.C.F. No. 1999050835

120' PROP. R.O.W.
OF CO. RD. 94

120' PROP. R.O.W.
OF CO. RD. 58

125' GCWA CANAL ESMT.

FUTURE DETENTION

NOTE: THIS EXHIBIT IS FOR GRAPHICAL
PURPOSES ONLY IN RELATION TO
THE PROPOSED BOUNDARIES SHOWN
HEREON AND IS NOT A BOUNDARY
SURVEY NOR SHALL IT BE CONSTRUED
IN ANY WAY AS A BOUNDARY SURVEY



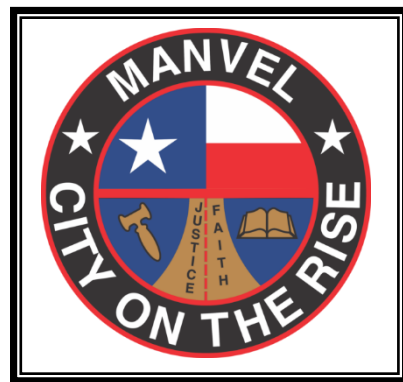
BGE, Inc.
10777 Westheimer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 • www.bgeinc.com
TBPE Registration No. F-1046

PROPOSED COUNTY ROADS 58 AND 94 ALIGNMENT (ULTIMATE)

Scale:	Job No.:	Date:	Exhibit:
1:100	N/A	12/2020	4

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

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
DAN DAVIS, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 7/19/2021

Workshop Session

Discussion / Update on the Sowell Property

Executive Session

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

Mayor Davison recessed the meeting at 6:10 p.m. for executive session.

Mayor Davison reconvened the meeting from executive session at 7:02 p.m.

No action was taken in executive session.

Regular Session

Call To Order

Mayor Davison called the meeting to order at 7:08 p.m.

Inspirational Reading - Council Member Jason Albert

Pledge

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

Citizen Comments: "Comment Card" Required

****Members of the public who wish to submit written comments on a listed agenda item must submit their comments via the Public Comment Request Form found on the city website www.cityofmanvel.com or by emailing tbell@cityofmanvel.com or by calling 281-489-0630 x6 for staff assistance.*

April VanTassel - Manvel Police Association

Talks about the need for additional dispatcher positions for Manvel PD.

States that the high turnover rate is due to employees working too much overtime and they are getting burnt out.

She suggest one additional full-time dispatcher and one part-time dispatcher.

Clayton Kriewaldt - President of Manvel Police Association

MPA requesting additional officers, additional benefits, higher pay.

Current pay scale is designed to encourage high turnover rate. Current scale offers no way to increase salary.

Surrounding agencies pay for experience and sign on bonus. The pay scale they've recommended is not only standard but what officers expect when they're looking for long-term employment.

If Manvel PD doesn't adapt, it can expect to continue to lose officers.

Mr. Valdermero Garza - 7211 Mississippi

Concerns about Cameron Recycling

Noise and fumes nuisance. Hoping this can become an agenda item so that we can come to some sort of resolution.

Michael Johnson - 7023 Louisiana St

Complaints on Cameron Recycling - Heavy Commercial is only on the front portion of Cameron's. Cameron's has expanded as heavy commercial to the back portion of the property. Decibels daily in the 90s and shakes his home.

EPA has sited Cameron's twice for not complying with the air requirements. Working as late as 7:00 p.m. and later.

Concerns over storm water now - burning oil getting into ground system.

Kimberly Shaw - 7023 Louisiana St

Believes fumes are cause of lung/breathing issues in herself and neighbors. Her horse had to be put down six months after they moved there because of COPD, which she also attributes to the fumes.

Greg Rencon - Self introduction as a Candidate for County Court at Law Position #2

City Manager Update

Update on current events and city issues.

Several of the staff took the drone training last week.

Numbers related to covid on the county website from 6/7 to today;

up from 2365 at the beginning of June to 2469

12 confirmed now up to 41

2314 recovered in June, now 2387

22 deaths at the beginning of June now up to 24

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2021-O-20; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50, PLANNING AND DEVELOPMENT, ARTICLE III. COMPREHENSIVE PLAN, BY AMENDING SECTION 50-51. THOROUGHFARE PLAN; APPROVING THE CITY'S 2021 MASTER THOROUGHFARE PLAN; PROVIDING FOR CONFORMITY OF ALL SUBDIVISION AND STREET REGULATIONS TO THE MASTER THOROUGHFARE PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

Council Member Albert - Asked what issues this change will have on Meridiana. There will be a small portion of land that will be lost from development. Staff recommendation was not an attempt as a land grab but a safety factor.

Council Member Davis - Concerns with funds that will be spent in the budget for the transportation thoroughfare plan that these updates might be premature.

Council Member Albert made the motion to approve. Council Member Hudson seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

2. Consideration and possible action to approve the first of two readings of Ordinance 2021-O-18; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF 437.869 ACRES GENERALLY BOUNDED BY DEL BELLO BOULEVARD RIGHT-OF-WAY (NORTH), POLLARD DRIVE RIGHT-OF-WAY (EAST), MANVEL PARKWAY/IOWA LANE RIGHTS-OF-WAY (WEST), AND STATE HIGHWAY 6 (SOUTH), MANVEL, TEXAS, FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD); SUCH TRACTS BEING SITUATED IN THE H.T. & B. RAILROAD COMPANY SURVEY SECTION 73 AND SECTION 64, DR. A.A. LUTHER SUBDIVISION OF MANVEL, BRAZORIA COUNTY TEXAS, THE MARY V. O'DONNELL SURVEY, DIVISION "O" OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS; 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.

Jessica Rodriguez, Director of Development Services

PUD for Valencia

1100 single family homes, 24 acres of parks/open space/trails

42% Traditional homes - 50ft to 70ft lots

58% Specialty homes - less than 50ft lots - rear loaded alley homes, townhomes, zipper homes

PUD states lots that are substandard (<50ft) will never take up more than 58% of the development

Trails 6-8ft in width, kayak launch

Will provide a lot of connectivity with other developments and the future Manvel Town Center

Council Member Albert made the motion to approve. Council Member Hudson seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

3. Consideration and possible action to approve Resolution 2021-R-13;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, APPROVING AS A PROJECT OF THE MANVEL ECONOMIC DEVELOPMENT CORPORATION CERTAIN PROJECT NUMBER 2020-02 APPROVING AN EXPENDITURE OF UP TO \$96,351.58 FOR THE AISD J.B. HENSLER DENTAL ASSISTANT JOB TRAINING PROJECT TO PROVIDE FOR EQUIPMENT AND MATERIALS FOR THE DENTAL ASSISTANT JOB TRAINING FACILITY, TO FURTHER JOB TRAINING AND ECONOMIC DEVELOPMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION. (Tabled on 7/6/2021)

Council Member Davis does not see the correlation to the economic growth.

1) Three other cities will benefit from the program - language that states within 1 year the ISD gets commitments with other cities to match what the city is contributing.

2) Prioritization - if equipment has not been purchased, purchase in city or county

3) Internship - 1 year time frame that internship relationship is formed within in the city.

Lorraine - How could we enforce the internship requirements? Purchasing equipment standards the school has to follow already for best pricing or bidding?

Council Member Hehn made the motion to approve. Council Member Tyson seconded the motion.

The motion carried with a vote:

Vote: 4-3

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 6 Jerome Hudson

No: City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert

Absent: None

Abstained: None

4. Consideration and possible action to approve Resolution 2021-R-14;
A RESOLUTION APPROVING THE CONVEYANCE OF A 0.2879 ACRE TRACT OF RIGHT-OF-WAY TO BRAZORIA COUNTY IN CONNECTION WITH THE COUNTY ROAD 90 BRIDGE PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE DEDICATION OF RIGHT-OF-WAY DEED AND ANY DOCUMENTS NEEDED FOR THE CONVEYANCE; APPROVING THE PROJECT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Council Member Davis made the motion to approve. Council Member Akery seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None
Absent: None
Abstained: None

5. Consideration and possible action to approve a Subdivision Variance request to Chapter 62, Section 62-111, *Additional Street Requirements* for property located at 8801 Amanda Lane and authorize the Mayor to execute the Development Agreement.

Council Member Davis made the motion to approve. Council Member Albert seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson
No: None
Absent: None
Abstained: None

6. Consideration and possible action to approve a Preliminary Plat for Meridiana Inspiration Way Phase 3, a subdivision of 2.68 acres out of the Oliver Hall Survey, A-203; also being a partial replat of Lot 5 and Lot 6, Block 1, of Lulling Stone Section 1, a plat recorded at Volume 21, Pages 267- 270, Brazoria County Plat Records, City of Manvel, Brazoria County, Texas. Favorable recommendation by PD&Z failed with a vote 0-6. Dorothy Wynne abstained (Abstention Affidavit on file)

Action taken on agenda item #6, #7, and #8 as one motion.

7. Consideration and possible action to approve a Preliminary Plat for Meridiana Section 7 East, a subdivision of 23.36 acres, being a partial replat of Lots 11-16, Block 1, of Lulling Stone Section 1, a plat recorded at Volume 21, Pages 267-270, Brazoria County Plat Records, City of Manvel, Brazoria County, Texas. Favorable recommendation by PD&Z failed with a vote 0-6. Dorothy Wynne abstained (Abstention Affidavit on file)

Action taken on agenda item #6, #7, and #8 as one action item.

8. Consideration and possible action to approve a Preliminary Plat for Meridiana Detention Reserve 'X', a subdivision of 12.44 acres out of the Oliver Hall Survey, A-203 ; also being a partial replat of Amending Plat of Lot No. 15 - Lulling Stone Section 1, a plat recorded at Volume 22, Page 165, Brazoria County Plat Records; also being a partial replat of Lot 13 and Lot 14, Block 1, of Lulling Stone Section 1, a plat recorded at Volume 21, Pages 267-270, Brazoria County Plat Records , City of Manvel, Brazoria County, Texas. Favorable recommendation by PD&Z failed with a vote 0-6. Dorothy Wynne abstained (Abstention Affidavit on file)

Council Member Davis made the motion to approve items 6, 7, and 8. Council Member Tyson seconded the motion.

The motion failed with a vote:

Vote: 0-7

Yes: None

No: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

Absent: None

Abstained: None

9. Consideration and possible action on a request by Meridiana to approve an appeal to the City's Designated Official's interpretation that the Meridiana General Development Plan Amendment #19 (as submitted to City Staff on June 15, 2021) does not meet the criteria adopted in Ordinance No. 2009-O-04, the 2007 Manvel Comprehensive Plan, the 2001 Manvel Zoning Ordinance, the Seven Oaks Ranch (Meridiana) Open-Planned Unit Development District Plan (O-PUD Plan), Ordinance No. 2009-O-05, and the Tax Increment Investment Zone 3 (TIRZ 3) – Final Project Plan.

Dan - agrees in regards to Clark and Jordan. Feels this is a safety issue and would like to see the developer put forth some effort to say what they are willing to provide.
Supports staff in regards to the ingress and egress.

Lorraine - appreciates that the language may not say the developer has to provide ingress and egress but it is a safety issue.
The city needs the connectivity.

Brad - agrees in regards to Clark and Jordan. Part of appeal - realign and improve Clark Rd bridge area and providing additional points of access. Developer is willing to engage in conversation with the city staff to come up with a solution to fix this. The GDP meets all codes today and should not be held up for this.

Dan Johnson - the GDP does include the Jordan extension into Clark. The city has been in conversation with the GCWA they are working with tx dot on replacing the bridge. The city is requesting it not be replaced now to get the alignment of Jordan fixed now so the bridge is replaced in the correct place.

Council Member Davis made the motion to approve. Council Member Tyson seconded the motion.

The motion FAILED with a vote:

Vote: 2-5

Yes: City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert

No: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 6 Jerome Hudson

Absent: None

Abstained: None

10. Update by the City Manager on the GLO Grant.

No action to be taken tonight. This update is to provide a draft of the documents that will be coming before city council for approval dealing with a list of required policies.

Dan - What time frame?

Kyle - Within in the next meeting or two

11. Update by Chief Traylor on gun crimes, violent crimes, open cases, closed cases, and plans to curtail violence and action by City Council to direct staff if needed. (Requested by Council

Member Albert). (Agenda item discussed and tabled at the 6/21/2021 City Council meeting and further discussed at the 7/6/2021 City Council Meeting).

See attached presentation as provided by Chief Traylor.

Build a new police dept.

Look at officer pay - starting pay comparative but long range does not compete

Look at other incentives

Looking to train more officers to be FTO

Jason - Complimented the Chief for his presentation.

How do we accomplish what the PD needs? Feels that Council gives the tools but let the Chief and City Manager figure out the plan. What are the next steps so that we can get them what they need?

Dan - Echoed Jason's compliment.

Asked for current positions update.

Chief

Current positions -

Dispatch full

Officers - 1 open and another open next week

Recent testing - 17 scheduled - 3 showed up - 1 passed but was not selected

Tomorrow have 10 scheduled - will be looking for 2

Dan - What do we do to recruit and keep officers to curtail violence in the city? How do we keep those officers?

Lorraine - Hoping that the Chief brings something during the budget discussions to keep the current staff. Growing pains are hard, appreciates the staff that have stuck it out with the city. Reward to keep and incentivize the staff we have.

Mayor - Requested the Chief share the status of the recent violent cases.

Chief - Staff is investigating, have problems getting cooperation from all sides involved.

12. Update and possible action to direct staff on the following as requested by Council Member Albert;
 - A) Technology Implementation
 - B) COVID Contingency Preparedness Plan
 - C) Open Fire Marshal and Deputy Fire Marshal positions including discussion about applicants

Council Member Albert asked for an update on technology-
Voting, screens, live view meetings

Kyle Jung - Most technology items from COVID funds are on back order but should be coming up in the next few months.

Off-site backup location in the works.

Design of fiber line from city hall to PD in the works - 4 to 5 months

Jason Albert - COVID contingency plans - where are we with having plans in place?

Kyle Jung - Staff is continuing to track numbers. Watching variant. Unfortunately it is a wait and see, watching numbers through the county and proactively react if or when needed. Social media notices if something is happening. Emergency order if necessary.

Jason - Important to be vigilant and remind staff to wash hands, don't touch face.

Kyle - Remote work is an option if needed.

Dan - resources - COVID funds - is there a possibility of delay in funds?

Kyle - City is looking at using the funds for water, sewer and broadband. Long lasting infrastructure. This would be the best use of the funds. In the meantime, there is funding in the current budget and could do a budget amendment if needed.

Jason Albert - Open Position Fire Marshal - Why 7 months without a FM?

Kyle Jung - City has been advertising, rec'd 8 applications, did 2 interviews had a 3rd one scheduled but they declined the day before. Has a few others that have shown interest.

Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Acceptance of the infrastructure improvements for Del Bello Lakes Section 6 to begin the Two Year Maintenance Period
2. Acceptance of the infrastructure improvements for the Del Bello Lakes Lift Station and release the associated maintenance bonds.
3. Acceptance of the infrastructure improvements for the Del Bello Lakes Offsite Utilities and release the associated maintenance bonds.
4. Acceptance of the minutes to date.

Council Member Tyson made the motion to approve. Mayor Davison seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

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:

Lorraine - wants to schedule an emergency management planning meeting to educate council on what the city's role is in the event of an emergency.

Adjourn

Council Member Davis made the motion to approve. Council Member Albert seconded the motion.

The motion carried with a vote:

Vote: 7-0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS