

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

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
January 3, 2022**

**NOTICE IS HEREBY GIVEN
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 regular meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

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

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 X6 for further information.

Regular Session

Call To Order

Inspirational Reading - Council Member Niccole Tyson

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.*

City Manager Update

Update on current events and city issues.

Update on COVID-19

Update on Capital Improvement Projects

Regular Agenda

1. Consideration and possible action to approve the Road & Bridge Interlocal Agreement FY 2022, between Brazoria County and the City of Manvel.
2. Consideration and possible action to approve a variance to the Subdivision Ordinance Section 62-3 (e) (1) (e), Section 62-41 (b) (13), Section 62-41 (b) (17), Section 62-41 (b) (19), 62-41 (b) (25), 62-41 (b) (28), Section 62-104 (11), Section 62-108 (a) (8), and Section 62-115 for 9.86 acres of property located at 6202 Bissell Road, and authorize the Mayor to execute the Development Agreement.
3. Consideration and possible action to approve a variance to the Subdivision Ordinance Section 62-111, *Additional Street Requirements* for property located at 6336 Del Bello Spur, and authorize the Mayor to execute the Development Agreement.
4. Consideration and possible action to appoint Niccole Tyson to the Events Task Force Board.
5. Discussion on Charter Amendment Election as requested by Council Member Hehn
6. Consideration and possible action to direct staff on the Noise Ordinance.

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. Approve Preliminary Plat for Meridiana Section 30B;
BEING A SUBDIVISION OF 11.25 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS. (FORWARDED WITH FAVORABLE RECOMMENDATION BY PD&Z)
2. Approve Final Plat for Meridiana Section 33B;
BEING A SUBDIVISION OF 10.12 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203; ALSO BEING A PARTIAL REPLAT OF A PORTION OF LOTS 1 AND 2, 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. 40 LOTS 1 BLOCK 2. (FORWARDED WITH FAVORABLE RECOMMENDATION BY PD&Z).
3. Acceptance of infrastructure improvements for Meridiana Section 31A to begin the one-year maintenance period.
4. Acceptance of infrastructure improvements for Meridiana Section 49 to begin the one-year maintenance period.
5. Acceptance of infrastructure improvements for Pomona Section 19 to begin the two-year maintenance period.
6. Final acceptance of infrastructure improvements for Pomona Water Plant No. 1 Phase 2 and release the associated maintenance bond.
7. 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.

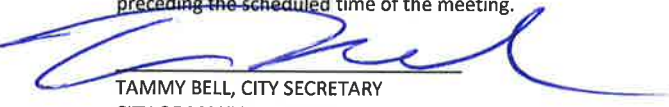
Items of community interest include:

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

Adjourn

CERTIFICATION

I, 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 December 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



THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT

This agreement is made at Angleton, Brazoria County, Texas between BRAZORIA COUNTY, TEXAS acting through its Commissioners' Court (hereinafter "COUNTY"), and the CITY OF MANVEL, acting through its Mayor (hereinafter "CITY").

NOW THEREFORE, THE COUNTY AND THE CITY agrees as follows:

1.0 The term of this agreement shall be from October 1, 2021, to September 30, 2022. The AGREEMENT may be renewed annually by the written approval of COUNTY and CITY.

1.1 Pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791 and the Texas Transportation Code, Section 251.012, the COUNTY agrees to provide personnel and equipment at its own expense to assist in the construction, improvement, maintenance and/or repair of a street or alley located within the corporate limits of the CITY OF MANVEL, subject to the approval of the County Engineer as set forth in Section 1.3, including sub grade preparation, base preparation, asphalt paving, culverts and ditch work, herbicide spraying, painting and striping roads, installation of permanent traffic signs, and other routine road maintenance operations. Any work performed on the City's streets and alleys which are not an integral part of, or a connecting link

to, other roads and highways is allowed if such work is determined to be a benefit to the County by Commissioners' Court. The CITY will provide materials, including fuel used by the equipment for these projects. All such materials shall be paid for by the CITY, and may be purchased through the County's suppliers. The CITY shall reimburse the cost of any work performed or obtained by the COUNTY, which is determined to be beyond the scope of this agreement, to the County.

1.2 The county work authorized by this AGREEMENT may be done:

- (1) By the COUNTY through use of county equipment;
- (2) By an independent contractor with whom the COUNTY has contracted for the provision of certain services and materials, conditioned on the CITY providing a purchase order to such independent contractor for the full amount of such services or materials.

1.3 During the term of this AGREEMENT when COUNTY work is requested, the Mayor of the City shall submit a request in writing to the County Engineer. The County Engineer and the Mayor of the City shall agree in writing as to the location and type of assistance to be provided pursuant to this AGREEMENT. It is expressly understood between the parties that the COUNTY shall have no authority or obligation to provide any service or work on any city street or alley not so agreed to in writing. The County Engineer is authorized to sign an acceptance statement for

each project at the appropriate time and authorize the work subject to be completed as the Road and Bridge Department schedules permit.

1.4 The parties intend that the COUNTY in performing such services shall act as an independent contractor and shall have control of the work and the manner in which it is performed. The COUNTY shall not be considered an agent, employee, or borrowed servant of the CITY.

1.5 For and in consideration of the above agreement by the County, the CITY agrees to provide all warning and safety signs and other safety protections as required when such work is being performed by the COUNTY.

1.6 The parties further agree that such work and materials are provided by the COUNTY without warranty of any kind to the CITY or any third party, and that the COUNTY has no obligation to provide any supplemental warranty work after a project's completion. The CITY agrees to provide any engineering or design work required for work done pursuant to this agreement.

II.

2.0 The Parties expressly acknowledge that the City's and the County's authority to indemnify and hold harmless any third party is governed by Article XI, Section 7 of the Texas Constitution, and any provision that purports to require indemnification by the City or the County is invalid. Nothing in this Agreement requires that either the City or County incur debt, assess or collect funds, or create a sinking fund.

2.1 Payment for services or materials under this agreement shall be payable from current revenues available to the paying party.

III.

3.0 Either party may terminate this agreement upon thirty (30) day's written notice to the other party.

3.1 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

3.2 Nothing herein shall be construed to create any rights in third parties.

BRAZORIA COUNTY, TEXAS

By: L.M. "Matt" Sebesta Jr.
Brazoria County Judge

By: Mayor

DATE: _____

ATTEST:

CITY SECRETARY



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: January 3, 2022

TOPIC: Subdivision variance request for 9.86 acres of property located at 6202 Bissell Road seeking to vary Section 62-3 (e) (1) (e), Section 62-41 (b) (13), Section 62-41 (b) (17), Section 62-41 (b) (19), 62-41 (b) (25), 62-41 (b) (28), Section 62-104 (11), Section 62-108 (a) (8), and Section 62-115.

BACKGROUND: The subject property is located at 6202 Bissell Road and takes access from a 30-foot wide access easement over the GCWA canal. It does not have direct road access to Bissell Road. The property is zoned Open-Single Family Residential (O-SFR) District and has never been platted. A demolition permit application was filed with the City on December 12, 2020, and a minor plat was submitted on July 12, 2021. The minor plat was not approved because a drainage plan was not submitted to the City and the property does not have frontage on a road.

The subject property has no direct access to the public street (Bissell Road). A right-of way and an irrigation easement beginning at the intersection of the south of Bissell Road to the east side of 6202 Bissell Road was granted by the past owners to a Briscoe Irrigation Company (Gulf Coast Water Authority, AKA GCWA) to construct, build and maintain a Canal, resulting in a 120 ft. Irrigation Canal Easement. As part of this transaction for the said easement, the Briscoe Irrigation Company agreed to construct and maintain for the period of this grant, the bridge over and across the Canal Easement for the said use of the subject property owner. This bridge is currently maintained by the GCWA. Past history of the subject property conveyance and transactions indicate that these activities were undertaken before the City adopted subdivision regulations. The situation is peculiar and unusual. Although there is the need to provide for the orderly safe and healthful development of the land within the city limits, the lack of public road access to the property makes this impossible.

While working on this subdivision variance request, staff has made inquiries regarding road construction to GCWA. GCWA has stated they do not want an asphalt or concrete surface on the access easement crossing the canal. GCWA also will not allow a widening of the access easement to 60-feet. Since GCWA will not allow an asphalt or concrete surface or a minimum right-of-way width, it makes it impossible for the property owner to construct a road to 6202 Bissell Road to comply with the City's subdivision ordinance.

The City staff recommends approval of variance requests to Section 62-41 (b) (13), Section 62-41 (b) (17), Section 62-41 (b) (19), 62-41 (b) (25), 62-41 (b) (28), Section 62-104 (11), Section 62-108 (a) (8), and Section 62-115 for property located at 6202 Bissell Road with two conditions. The conditions include:

1. The subdivision ordinance relief will expire upon change of use from single-family residential;
2. The subdivision ordinance relief will expire if the property is platting into more than one lot or replatted, or
3. Per Section 62-41 (b) (13), the plat layout shall include all items except those required for streets.

Staff recommends denial of a variance request to Section 62-3 (e) (1) (e). Platting is necessary for the accurate dimension of survey land, with requirements for approval and the recordation in the Brazoria County records, and platting further allows the City to obtain necessary right-of-way for drainage or roads. In this case, the property owner will have to dedicate additional right-of-way for Chocolate Bayou on the western portion of the property. Drainage channel right-of-way is necessary to keep drainage channels clear and provide maximum width in order to maintain regional drainage.

RECOMMENDATION: The City staff recommends approval of variance requests to Section 62-41 (b) (13), Section 62-41 (b) (17), Section 62-41 (b) (19), 62-41 (b) (25), 62-41 (b) (28), Section 62-104 (11), Section 62-108 (a) (8), and Section 62-115, and City staff recommends denial of a variance request to Section 62-3 (e) (1) (e).

ATTACHMENTS: Application, Proposed Plat, and Development Agreement

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 _____



City Council Subdivision Variance

Agenda of:	January 3, 2022	Initiated By:	Kwasi Bosompem City Planner
Department:	Development Services	Presented By:	Kwasi Bosompem City Planner

Requested Action A Subdivision Variance to forgo requirements in Section 62-3 (e) (1) (e), Section 62-41 (b) (13), Section 62-41 (b) (17), Section 62-41 (b) (19), Section 62-41 (b) (25), Section 62-41 (b) (28), Section 62-104 (11), Section 108 (a) (8), and Section 62-115.

Report prepared by the City Planner, Mr. Kwasi Bosompem, in accordance with the *City of Manvel Code of Ordinances*, Chapter 62, *Subdivisions*, Article I, *General Provisions*, Article II, *Subdivision and Development Process*, and Article IV, *Minimum Requirements for Subdivision and/or Resubdivision*.

Applicant Stiver Engineering

Owner Noah Martini

Ownership/Deed History

Year	Owner
2014 - Present	Noah Martini
2012	Wiseman Christopher Cole
2007	Moraw William Reed and Nicole
Past Owners	Stehle Heather & Patrick
Past Owners	Todd Furnace & Opal Furnace

Legal Description

A 9.86-acre subdivision of 1-Block, 1-Lot, and 0-Reserves out of a called 9.86-acre tract as recorded in C.C.F. #2014039476, O.R.B.C.T. situated in both the H.T. & B. Company Surveys, Abstract-493 & Abstract-285, Brazoria County, Texas, City of Manvel.

Subject Property

Subject property is located at 6202 Bissell Road (Property Identification Number 22858). The property takes access from the Gulf Coast Water Authority (GCWA) bridge over a GCWA canal. The property does not have access to a road since Bissell Road abuts the GCWA canal to the north. The GCWA bridge has a 30-ft. access easement whereby the property takes access from Bissell Road.

Prior Action and Background

The property has never been platted. A demolition permit application was filed with the City on December 12, 2020 (see Exhibit 3). A Minor Abbreviated Plat Application (ID SMAP-210712-1600) was submitted on July 12, 2021. The minor plat was not approved because a drainage plan was not submitted to the City and the property does not have frontage on a road.

The subject property had been conveyed from several owners since 1941 to the current owner. A right-of-way and an irrigation easement (see Exhibit 13) was granted by Todd Furnace and wife Opal Furnace to a Briscoe Irrigation Company (Gulf Coast Water Authority, GCWA) to construct, build, and maintain a Canal, resulting in a 120 ft. Irrigation Canal Easement. As part of this transaction, the Briscoe Irrigation Company agreed to construct and maintain for the period of this grant, a bridge over and across the Canal Easement for the said use of the subject property owner. This bridge, which is on a 30 ft. wide easement is currently maintained by the GCWA to provide access to the property (see Exhibits 10 & 11). It is noted that years after the granting of easement to Todd Furnace and wife Opal Furnace, in 1981, Todd Furnace and wife Opal Furnace granted an easement to Carroll Womack and wife Sally Womack to use the easement for road purposes across the same strip of land 30 ft. wide (see Exhibit 14).

While working on this subdivision variance request, staff has made inquiries regarding road construction to GCWA. GCWA has stated they do not want an asphalt or concrete surface on the access easement crossing the canal. GCWA also will not allow a widening of the access easement to 60-feet. Since GCWA will not allow an asphalt or concrete surface or a minimum right-of-way width, it makes it impossible for the property owner to construct a road to 6202 Bissell Road to comply with the City's subdivision ordinance.

Existing Land Use Vacant

Zoning Open-Single Family Residential (O-SFR) District

6202 Bissell Road Features and Surrounding Area

The subject property borders the GCWA Irrigation Canal and is connected to Bissell Road by a bridge constructed and maintained by the Gulf Coast Water Authority.

Location and Surrounding Use Classification

LOCATION	ZONING	LAND USE
Subject Property	O-SFR	Vacant
North	O-SFR/Light Commercial (LC)	GCWA Irrigation Canal
East	O-SFR	Rural Residential
South	O-SFR	Rural Residential
West	O-SFR	Rural Residential

General Platting, Subdivision Variance Criteria and Objectives

Platting is an important step in land development process and the initial compilation of platting law began with TEX. LOC. GOV'T CODE Chapters 212 (cities) and 232 (counties); these Chapters authorized cities and counties to regulate the division of real property. According to the City of Manvel Subdivision Ordinance, Chapter 62 *SUBDIVISIONS*, "Plat means an instrument prepared by a registered professional land surveyor in conformity with the provisions of this chapter used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with Texas Local Government Code § 212.023, and recorded in the Brazoria County Property Records." Platting is necessary for the accurate dimension of survey land, with requirements for approval and the recordation in the Brazoria County records. The subject property, after decades of transfers from past ownerships was never platted. The current owner, after demolishing the old structure is now about to develop vacant land, which sets the stage for the City's subdivision objectives. Platting further allows the City to obtain necessary right-of-way for drainage or roads. In this case, the property owner will have to dedicate additional right-of-way for Chocolate Bayou on the western portion of the property. Drainage

channel right-of-way is necessary to keep drainage channels clear and provide maximum width in order to maintain regional drainage.

The City of Manvel Subdivision Regulations aims at the following objectives:

1. To implement and give effect to the city's plans, including but not limited to: the comprehensive plan, master drainage plan, master water plan, master wastewater plan, master parks plan and master thoroughfare plan;
2. To provide for the orderly, safe and healthful development of land within the city limits;
3. To determine if natural or manmade conditions peculiar to a site creates a departure from requirements, without destroying the intent of the Subdivision Ordinance standards;
4. To regulate subdivision development and implement planning policies;
5. To ensure adequate provision for streets, alleys, parks and other facilities indispensable to the community;
6. To provide adequate fire and police protection to future land purchasers;
7. To require compliance with certain standards as a condition precedent to plat approval; and
8. To provide for the City and County land registration system.

Applicant requests to forgo sections of Chapter 62 subdivision ordinance as follows:

Item	Applicable Regulations	Requirements
1	Section 62-3 (e) (1) (e)	<i>Exception to platting.</i> <i>Greater than five acres.</i> An exception to platting may be granted under this section in accordance with Texas Local Government Code § 212.004. Where a division of land into parts greater than five acres, each part is five acres and larger, has access to a public street (as identified by profile in the design criteria manual), and no public improvement is required or being dedicated, the city may issue a certification of exception. A developer wanting to file for a certificate of exception to platting must submit. e. The survey shall be filed with the county clerk at the owner's expense prior to obtaining a building permit.
2	Section 62- 41 (b) (13)	The exact layout shall include the following: a. Streets and street names. b. The length of all arcs, internal angles, points of curvature, length and bearing of the tangents, and the length of tangent between curves. c. All easements or rights-of-way provided for drainage, public services, or utilities, and any limitations of such easements/rights-of-way. d. All lot and block numbers. e. All lot lines with accurate dimensions. f. All alleys. g. Location and description of monuments. h. Building setback lines from all adjacent streets. i. Point of beginning, including Northing and Eastings.
3	Section 62-41 (b) (17)	An original certificate obtained from the appropriate county taxing authority showing that all taxes have been paid on the tract to be

		subdivided and that there are no outstanding delinquent taxes against the property.
4	Section 62-41 (b) (19)	A certificate of approval on face of the plat, with signatures for the planning commission. Additionally, a certificate of approval, signed by the applicable drainage district, shall appear on the face of the plat for properties located in the city's extraterritorial jurisdiction.
5	Section 62-41 (b) (25)	Construction drawings of the proposed infrastructures improvements, which must be approved by the city engineer prior to planning commission approval of the final plat.
6	Section 62-41 (b) (28)	In the event the tract of land being subdivided is adjacent to a street or road that does not meet the city's design criteria manual specifications, the subdivider shall be required to improve all such streets or roads (frontage and perimeter) to meet those specifications from the point where such street or road does meet the city's requirements, to the farthestmost boundary of the subdivision.
7	Section 62-104 (11)	Rights-of-way widths. The minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time.
8	Section 108 (a) (8)	Any subdivision of land shall provide each lot with access to a public street as specified in the design criteria manual. The public street shall have a minimum width of 60 feet, or the proposed plat must dedicate the necessary additional rights-of-way to provide a minimum width of 30 feet from the centerline of the existing or original right-of-way.
9	Section 62-115	(a) The subdivider shall furnish and install all necessary drainage improvements in accordance with the "City of Manvel Design Criteria Manual" and the appropriate drainage district's drainage criteria; and (b)The subdivider must provide for maintenance of all improvements, in a form satisfactory to the city, prior to the filing of the final plat

Staff Analysis and Justification

Section 62-3 (e) (1) (e)

If a subject property is greater than five acres and has access to a public street (as identified by profile in the design criteria manual), then as per the latter DCM, a public improvement is required.

The property has been subdivided by metes and bounds through years of development. The previous single-family home was demolished in 2020. The property owner would like to construct a new home so plat is required since it is a substantial improvement. The property does not qualify for a platting exemption because it does not have access to a road. The property access Bissell Road from an access easement over the GCWA canal.

Since the current property owner now wants to develop the land, there is a need to provide for the orderly, safe and healthful development of the lands within the city limits. The necessity for platting to regulate subdivision development, implement planning policies, and to ensure the city's land recordation system,

cannot be over stated, provided there is a public access. For a future subdivision of the subject property with written depiction of lots, blocks, and reserves and which must be recorded in the Official Public Records of the City of Manvel after it has received the requisite approvals, the need for platting is justified if there will be a public access. GCWA maintains the 30 ft. wide easement to provide access to the subject property. GCWA has noted that it will require a new crossing agreement, if the owner intends to subdivide the property in the future. The owner intends to build only a new residence but there is requirement to plat the property in order to obtain a building permit for a new residence on the property since the property's legal description of land is by metes and bounds.

Section 62- 41 (b) (13)

The exact layout shall include the following: a. streets and street names; b. the length of all arcs, internal angles, points of curvature, length and bearing to the tangents, and the length of tangent between curves; c. all easements or rights-of-way provided for drainage, public services, or utilities, and any limitations of such easements/rights-of-way; d. all lot and block numbers; e. all lot lines with accurate dimensions; f. all alleys; g. location and description of monuments; h. building setback lines from all adjacent streets; and i. point of beginning, including Northing and Easting.

The need for a layout to show all the requirements in this section are necessary to promote certain standards requirements as a condition precedent to plat approval. A subdivision layout creates a permanent separation between lots. A request to vary this Section was presented because the property has no road access so Subsection 62-41 (b) (13) a. cannot be met. The property takes access from a 30-ft. wide GCWA canal access easement over a GCWA canal. GCWA maintains and constructs the access easement. GCWA has maintained a position that a hard surface and right-of-way dedication cannot be put on the 30-ft. access easement. GCWA has stated an asphalt or concrete surface will harm the longevity of the crossing. GCWA is also opposed to widening the crossing to 60-ft. in width so that right-of-way may be dedicated. Without GCWA's consent the property owner cannot abide by this Section of the subdivision ordinance.

Section 62-41 (b) (17)

An original certificate obtained from the appropriate county taxing authority showing that all taxes have been paid on the tract to be subdivided and that there are no outstanding delinquent taxes against the property.

The original, paid tax certificate has been provided, therefore, the applicant does not require a variance from this Section (see Exhibit 7).

Section 62-41 (b) (19)

A certificate of approval on face of the plat, with signature for the planning commission. Additionally, a certificate of approval, signed by the applicable drainage district, shall appear on the face of the plat for properties located in the city's extraterritorial jurisdiction.

Approval of a preliminary plat by the PD&Z will be a proof and determination that the subdivision conforms to the subdivision regulations of the City and that it has been approved for recordation in the County and City records.

Section 62-41 (b) (25)

Construction drawings of the proposed infrastructure improvements, which must be approved by the city engineer prior to planning commission approval of the final plat.

Since road access cannot be obtained by the property owner, construction plans for a road are not necessary to approve a plat. Also, a drainage plan is not required if less than 20% of the property is not covered by

impervious surface. Since the property development will not have more than 20% impervious cover and road access cannot be achieved, a variance is not required to this Section since it does not apply.

Section 62-41 (b) (28)

In the event the tract of land being subdivided is adjacent to a street or road that does not meet the city's design criteria manual specifications, the subdivider shall be required to improve all such streets or roads (frontage and perimeter) to meet those specifications from the point where such street or road does meet the city's requirements, to the farthestmost boundary of the subdivision.

The tract of land being subdivided is not adjacent to a street or road. The property takes access from a 30-ft. wide GCWA canal access easement over a GCWA canal. GCWA maintains and constructs the access easement. GCWA has maintained a position that a hard surface and right-of-way dedication cannot be put on the 30-ft. access easement. GCWA has stated an asphalt or concrete surface will harm the longevity of the crossing. GCWA is also opposed to widening the crossing to 60-ft. in width so that right-of-way may be dedicated. Without GCWA's consent the property owner cannot abide by this Section of the subdivision ordinance. The City of Manvel Design Criteria Manual specifications are not applicable and thus the applicant cannot be required to improve any frontage and perimeter to meet any specifications. There is no area to achieve the Bissell Road right of way.

Section 62-104 (11)

Rights-of-way widths. The minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time.

The tract of land being subdivided is not adjacent to a street or road. The property takes access from a 30-ft. wide GCWA canal access easement over a GCWA canal. GCWA maintains and constructs the access easement. GCWA has maintained a position that a hard surface and right-of-way dedication cannot be put on the 30-ft. access easement. GCWA has stated an asphalt or concrete surface will harm the longevity of the crossing. GCWA is also opposed to widening the crossing to 60-ft. in width so that right-of-way may be dedicated. Without GCWA's consent the property owner cannot abide by this Section of the subdivision ordinance. The City of Manvel Design Criteria Manual specifications are not applicable and thus the applicant cannot be required to improve any frontage and perimeter to meet any specifications. There is no street or road to achieve a minimum 60-foot Bissell Road right-of-way width.

Section 62-108 (a) (8)

Any subdivision of land shall provide each lot with access to a public street as specified in the design criteria manual. The public street shall have a minimum width of 60 feet, or the proposed plat must dedicate the necessary additional rights-of-way to provide a minimum width of 30 feet from the centerline of the existing or original right-of-way.

The tract of land being subdivided is not adjacent to a street or road. The property takes access from a 30-ft. wide GCWA canal access easement over a GCWA canal. GCWA maintains and constructs the access easement. GCWA has maintained a position that a hard surface and right-of-way dedication cannot be put on the 30-ft. access easement. GCWA has stated an asphalt or concrete surface will harm the longevity of the crossing. GCWA is also opposed to widening the crossing to 60-ft. in width so that right-of-way may be dedicated. Without GCWA's consent the property owner cannot abide by this Section of the subdivision ordinance. The subject property has no access to a public street to have a minimum width of 60 feet or to dedicate any necessary additional rights of way as specified in the Design Criteria Manual.

Section 62-115

(a) The subdivider shall furnish and install all necessary drainage improvements in accordance with the “City of Manvel Design Criteria Manual” and the appropriate drainage district’s drainage criteria; and (b) the subdivider must provide for maintenance of all improvements, in a form satisfactory to the city, prior to the filing of the final plat.

A drainage plan is not required if less than 20% of the property is not covered by impervious surface. Since the property development will not have more than 20% impervious cover and road access cannot be achieved, a variance is not required to this Section since it does not apply. However, the property is located in the floodplain and will require elevation that may trigger a drainage plan with the submittal of a fill dirt application. A drainage plan is not required with the plat but may be required with a building construction application.

Other Requirements affecting subject property and not noted by applicant

Section 62-103

Requires compliance with Section 62-104, Streets, before a subdivision of land within the city limits or within the extraterritorial jurisdiction and all major thoroughfare streets, perimeter streets, trails, and parks shall be constructed with the final plat.

The tract of land being subdivided is not adjacent to a street or road. The property takes access from a 30-ft. wide GCWA canal access easement over a GCWA canal. GCWA maintains and constructs the access easement. GCWA has maintained a position that a hard surface and right-of-way dedication cannot be put on the 30-ft. access easement. GCWA has stated an asphalt or concrete surface will harm the longevity of the crossing. GCWA is also opposed to widening the crossing to 60-ft. in width so that right-of-way may be dedicated. Without GCWA’s consent the property owner cannot abide by this Section of the subdivision ordinance. The City of Manvel Design Criteria Manual specifications are not applicable and thus the applicant cannot be required to improve any frontage and perimeter to meet any specifications. There is no street or road to achieve a minimum 60-foot Bissell Road right-of-way width per City specifications.

Conclusion

1. There is a peculiar and unusual situation created due to past actions by previous owners from metes and bounds subdivision before the City subdivision ordinance.
2. Due to the irrigation easement and the bridge access easement to the property, there are special circumstances or conditions applying to the subject property and do not apply generally to other land in the vicinity, necessitating a relief from requirements in the subdivision ordinance to the Design Criteria Manual.
3. The relief may be granted without substantially impairing the intent of Chapter 62, *Subdivisions*, Section 62-3., *Application and compliance with the chapter*, and the Design Criteria Manual (adopted June 7, 2021) as this will not alter the essential character of the locality.
4. There is hardship expressed, self-imposed, created and jointly imposed, created by the past and present and subject property owners and imposed by GCWA (Briscoe Irrigation Company) on the subject property.
5. The subdivision variance does not result in allowing a change of use of the property.
6. The past and existing situation regarding the 120 ft. irrigation easement and 30 ft. access easement with the bridge maintenance and construction, creates inconsistencies between the variance request, the subdivision ordinance and with the Design Criteria Manual.
7. The property owner proposes to build a new house only to replace the demolished home and will use the property in a reasonable manner.
8. GCWA continues to maintain the bridge and provides an access easement to the property, but will require a new crossing agreement, should the owner plans to subdivide the property into many lots.

9. Platting is required when a landowner is developing property to divide it into parcels while creating a subdivision and by improvement or substantial improvement.
10. Plats ensures property owners don't trespass on another's property, land for public use remains public, lots comply with zoning rules and restrictions, and all property owners have access to utilities. Plats also control the growth of cities.

Staff Recommendation

Staff recommends approval of the subdivision variance to Section 62- 41 (b) (13), Section 62-41 (b) (19), Section 62-41 (b) (25), Section 62-41 (b) (28), Section 62-103, Section 62-104 (11), Section 108 (a) (8), and Section 62-115 of the subdivision ordinance with three conditions. The conditions include:

1. Per Section 62-41 (b) (13), the plat layout shall include all items except those required for streets;
2. The subdivision ordinance relief will expire upon change of use from single-family residential; or
3. The subdivision ordinance relief will expire if the property is platting into more than one lot or replatted.

Staff recommends denial to a subdivision variance from Section 62-3 (e) (1) (e) of the subdivision ordinance.

Exhibits

Exhibit 1	Locality Plan
Exhibit 2	Subject Property and Zoning
Exhibit 3	Demolition Permit
Exhibit 4	Application Documents
Exhibit 5	Plat Submitted by Applicant
Exhibit 6	Letter of no Objection from Brazoria Conservation and Reclamation District
Exhibit 7	Tax Certificate
Exhibit 8	Bissell Road and Entrance to Property
Exhibit 9	Bissell Road
Exhibit 10	Drainage bridge over GCWA Canal and access to subject property
Exhibit 11	Access easement and bridge over GCWA Canal and subject property
Exhibit 12	Subject property adjoining GCWA Canal
Exhibit 13	Copy of 120 ft. Irrigation Canal Easement from ROW to subject property
Exhibit 14	Easement Transfer from Todd Furnace and Opal Furnace to Carrol Womack and Sally Womack

Exhibit 1
Locality Plan

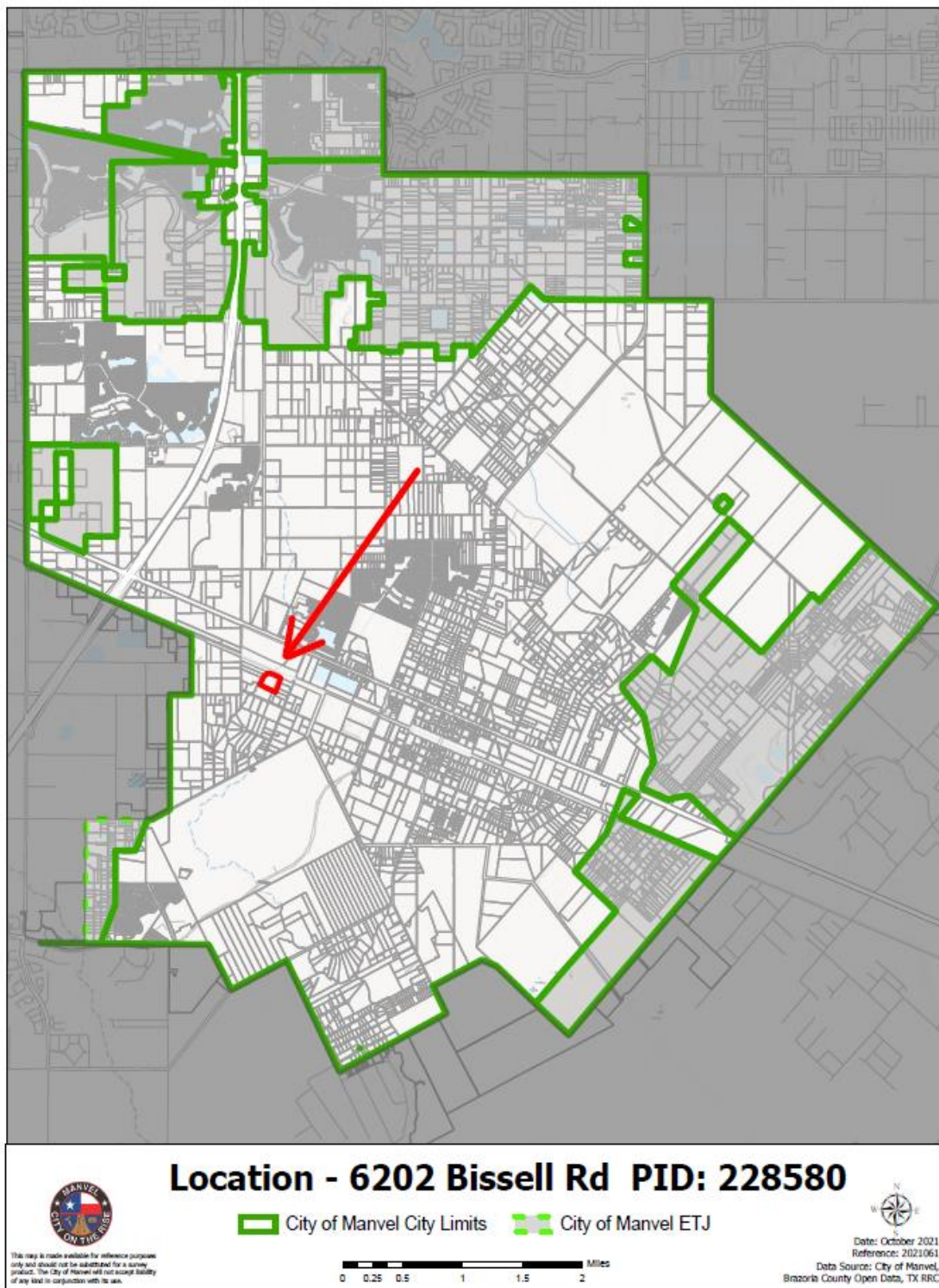


Exhibit 2 Subject Property and Zoning

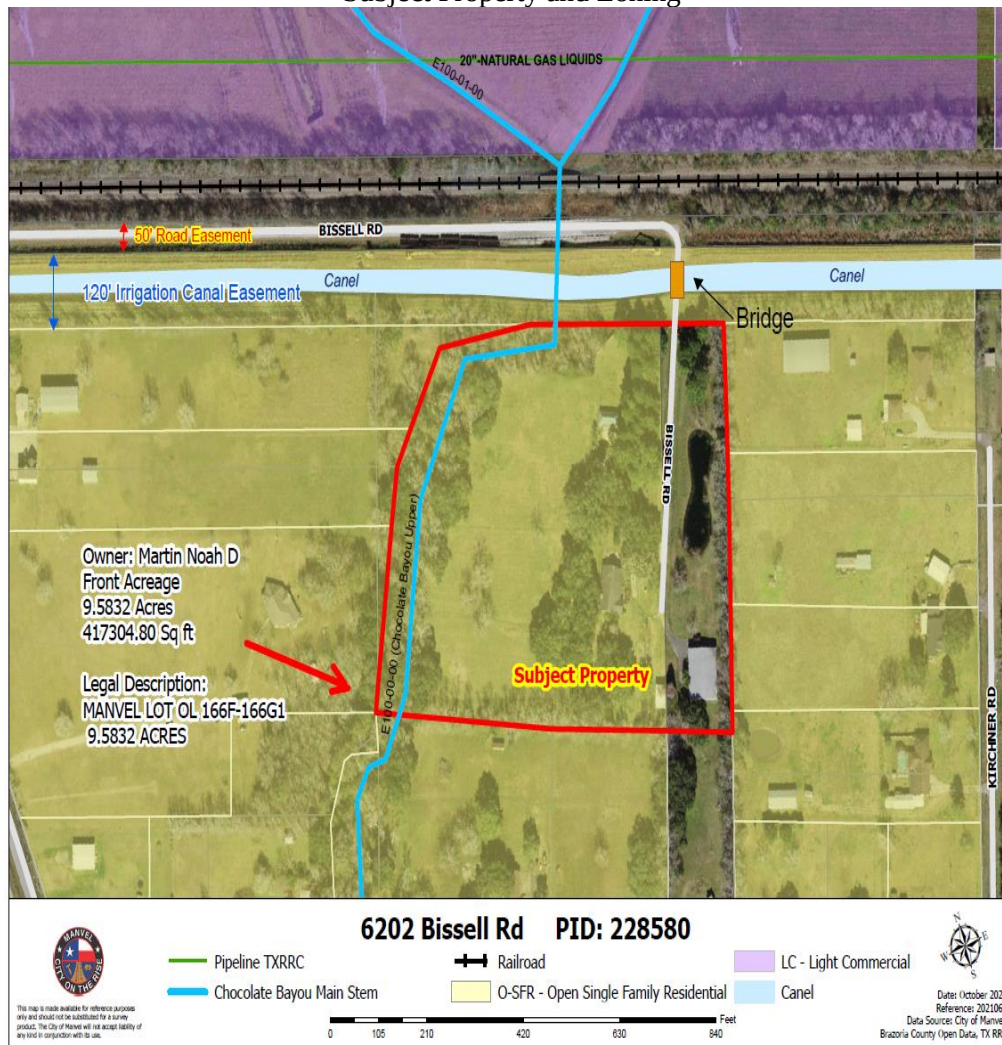


Exhibit 3
Demolition Permit



CITY OF MANVEL

20025 Highway 6
Phone: (281) 489-0630
Fax: (281) 489-0634

DEMOLITION PERMIT APPLICATION

Owner's Name:	<i>Noah Martini</i>	Phone No:	<i>832-473-3223</i>
Property Address:	<i>6202 Bassell</i>		
Demolition Company:	<i>Casco Hauling and Excavating</i>		
Address:	<i>1306 E. Anderson, 77047</i>	Phone No:	<i>713-433-4574</i>
Project Type:	<i>Residential Horse Demo</i>	Partial or total Demo:	<i>Total</i>
Dates of Demolition:	<i>12/15/20</i>	How will debris removed?*	<i>Excavator + Dump Trucks</i>
Pick which type of Building:		Hours of Work:	<i>8 AM - 5 PM</i>
Residential:	☒	A residential demolition permit is defined a tear down of a home or out building (i.e., garage, shed etc.) No asbestos survey is required for a residence.	
Commercial:	☐	Commercial demolition projects require an asbestos survey no matter what type of material the building is made out of, and is defined as a demolition or a renovation of a project.	
Asbestos Survey:	LOCATE ASBESTOS LICENSED COMPANIES: http://www.dshs.state.tx.us/asbestos Name of the company doing the asbestos survey:		

ACCORDING TO CHAPTER 295.34(c) OF THE TEXAS ADMINISTRATIVE CODE UNDER THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES THE FOLLOWING APPLIES:

(c) Conditions requiring a mandatory asbestos survey for ACBM. Prior to any renovation or dismantling within a public building, commercial building, or facility, including preparations for partial or complete demolition, as required by 40 CFR, §61.145, owners must have a thorough survey performed. The work area and all immediately surrounding areas which could foreseeably be disturbed by the actions necessary to perform the project must be inspected and sampled as applicable prior to renovations or demolition. A copy of the survey report must be produced upon request by the Texas Department of Health (department). If a survey cannot be performed before demolition or renovation is started due to the building being structurally unsound and unsafe to enter, all material must be presumed to contain asbestos and must be treated as ACBM.

*Note: Waste Connections is the approved vendor for trash services in Manvel. 281-331-0810. Owners is responsible for terminating utilities on property prior to demo.

[Signature]
APPLICANT SIGNATURE

12/3/20
Date

Exhibit 4
Application Documents

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): Stiver Engineering
Phone: 713-526-3478 e-mail: sei@stivereng.com
Owner: Noah Martini
Owner Address: 1306 E Anderson Rd. City Houston State TX Zip 77047
Phone: 713-825-8855 e-mail: ndmartini@actiontrucking.com

Property Information

Site Address: 6202 Bissell Rd. Manvel, TX 77578
Legal description (from deed): MANVEL LOT OL 166F-166G1 ACRES 9.5832
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 228580

Description of Subdivision Variance Request

Site needed to be replatted as the old property was torn down and a new one was to be built.

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?

Please see the attached document.

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

The owner cannot proceed with the construction of the home, therefore not being able to use the land. The property will be land locked and useless without the city acknowledging the existing access across the GWCA canal.

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.

A single family house has been on the property for decades and the owner has used the current access road since at least 1995. There will be no change in land use.

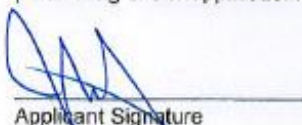
o Describe how the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the subdivision ordinance.

A single family house has been on the property for decades and the owner has used the current access road since at least 1995. There will be no change in land use.

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

10/27/21
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.



Detailed Explanation of Subdivision Variance Request

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

In regard to ordinances:

Section 62-3 (e) (1)- (e)

Exception to platting.

(1) *Greater than five acres.* An exception to platting may be granted under this section in accordance with Texas Local Government Code § 212.004. Where a division of land into parts greater than five acres, each part is five acres and larger, has access to a public street (as identified by profile in the design criteria manual), and no public improvement is required or being dedicated, the city may issue a certification of exception. A developer wanting to file for a certificate of exception to platting must submit:

- a. A letter requesting an exception under this section. (See comments below)
- b. A copy of the deed for the tract being divided. (See attached)
- c. A current survey (within one year of the application) by a registered land surveyor showing the division and description of each tract. (See attached)
- d. Upon approval by the planning commission, the city will supply the property owner with a certificate of exception. (Pending)
- e. The survey shall be filed with the county clerk at the owner's expense prior to obtaining a building permit. (Pending)

The City has had no objection to the property owner using the easement across the GCWA Canal along with the all-weather road in the Bissell Rd. ROW. The city cannot reasonably place the burden of constructing a city roadway and bridge on an individual homeowner trying to build a single-family residence.

Section 62-41 (b) (28)

In the event the tract of land being subdivided is adjacent to a street or road that does not meet the city's design criteria manual specifications, the subdivider shall be required to improve all such streets or roads (frontage and perimeter) to meet those specifications from the point where such street or road does meet the city's requirements, to the farthestmost boundary of the subdivision.

The city is asking the owner to construct a new road and bridge per gov. standards when an existing all-weather access road has been in place and in service since at least 1995.

Section 62-104 (11)

Rights-of-way widths. The minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time.

The Bissell Rd ROW is dictated by the UPRR ROW and the GCWA ROW. The homeowner has no control over this ROW.

Section 108 (a) (8))

Any subdivision of land shall provide each lot with access to a public street as specified in the design criteria manual. The public street shall have a minimum width of 60 feet, or the proposed plat must dedicate the necessary additional rights-of-way to provide a minimum width of 30 feet from the centerline of the existing or original right-of-way.

The home owner has no control over the Bissell Rd. ROW. This ROW is dictated by the UPRR ROW and GCWA ROW. The home owner is not proposing any changes to the current property access through an all-weather road in the Bissell Rd. ROW and across the GCWA easement which has been used for access to the property for decades.

Section 62- 41 (b) (13)

The exact layout shall include the following:

- a. Streets and street names.
- b. The length of all arcs, internal angles, points of curvature, length and bearing of the tangents, and the length of tangent between curves.
- c. All easements or rights-of-way provided for drainage, public services, or utilities, and any limitations of such easements/rights-of-way.
- d. All lot and block numbers.
- e. All lot lines with accurate dimensions.
- f. All alleys.
- g. Location and description of monuments.
- h. Building setback lines from all adjacent streets.
- i. Point of beginning, including Northing and Easting.

These items are included in the survey. (See attached)

Section 62-41 (b) (19)

A certificate of approval on face of the plat, with signatures for the planning commission. Additionally, a certificate of approval, signed by the applicable drainage district, shall appear on the face of the plat for properties located in the city's extraterritorial jurisdiction.

No variance request. We are seeking approval from planning commission to approve the plat or exempt the owner from the platting process since the property will not change use and the access will not change from existing conditions.

Section 62-115

- (a) The subdivider shall furnish and install all necessary drainage improvements in accordance with the "City of Manvel Design Criteria Manual" and the appropriate drainage district's drainage criteria; and
- (b) The subdivider must provide for maintenance of all improvements, in a form satisfactory to the city, prior to the filing of the final plat.

The property will not change and a Letter of No Objection (LONO) was received from the Brazoria County Drainage District. This letter has been previously submitted.

Section 62-41 (b) (25)

Construction drawings of the proposed infrastructures improvements, which must be approved by the city engineer prior to planning commission approval of the final plat.

A single family home will be built on the property. There will be no change in land use. The building plans will be submitted to the City Engineer for permitting.

Section 62-41 (b) (17)

An original certificate obtained from the appropriate county taxing authority showing that all taxes have been paid on the tract to be subdivided and that there are no outstanding delinquent taxes against the property.

This document has already been submitted.

Exhibit 6

Letter of No Objection from Brazoria County Conservation and Reclamation District No. 3

Brazoria County Conservation and Reclamation District No. Three

P. O. Box 789
Alvin, Texas 77512,,0789

Board of Commissioners FAX 281-331-6761
Ricky Kubeczka, Place #1 TELEPHONE 281-331-
3433
Alfred Froberg Jr. Place #2 1318 ROSHARON
ROAD Jody Schibi, Place #3

To: City Of Manvel
From Joshua Johnson
Date: August 31, 2021
Subject: LONO

Good Afternoon, we have no objections to the construction of (one) single family house located at 6202 Bissel Street, Manvel TX. The new house will replace the old house that was recently demolished.

Thank You,
Joshua Johnson
Development Coordinator
Brazoria County Conservation & Reclamation District #3

Exhibit 7
Tax Certificate

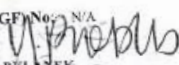
TAX CERTIFICATE	
	KRISTIN R. BULANEK BRAZORIA COUNTY TAX ASSESSOR-COLLECTOR 111 E. LOCUST ANGLETON, TEXAS 77515
	979.864.1320 979.388.1320 281.756.1320
Issued To: MCGINN JOSHUA 3221 S MAIN ST PEARLAND, TX 77581	Legal Description MANVEL LOT OL 166F-166G1 ACRES 9.5832
Fiduciary Number: 29912052	Parcel Address: 6202 BISSELL RD Legal Acres: 9.5832
Account Number: 6398-0333-160	Print Date: 07/09/2021 09:23:57 AM Paid Date: 07/09/2021 Issue Date: 07/09/2021 Operator ID: YSENIAR
Certificate No: 243587038 Certificate Fee: \$10.00	CREDIT
TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2020. TAXES THRU 2020 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2021. Exemptions:	
2020 Value: 613,980 2020 Levy: \$17,369.74 2020 Levy Balance: \$0.00 Prior Year Levy Balance: \$0.00 Total Levy Due: \$0.00 P&I + Attorney Fee: \$0.00 Total Amount Due: \$0.00	Certified Owner: MARTINI NOAH D 1306 E ANDERSON RD HOUSTON, TX 77047-5226 Certified Tax Unit(s): 1 BRAZORIA COUNTY 9 SPECIAL ROAD & BRIDGE 27 ALVIN ISD 44 BC EMERGENCY SERVICES #3 46 ALVIN COMMUNITY COLLEGE 53 BRAZORIA COUNTY C & R DISTRICT 82 CITY OF MANVEL
Reference (GF) No: N/A Issued By:  KRISTIN R. BULANEK BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR (979) 864-1320, (979) 388-1320, (281) 756-1320	
53.1.95	

Exhibit 8
Bissell Road and Entrance to Subject Property



Exhibit 9
Bissell Road



Exhibit 10
Drainage Bridge over GCWA Canal providing access to subject property



Exhibit 11
Access Easement and Bridge over GCWA Canal to subject property



Exhibit 12
Subject Property adjoining the GCWA Canal



\$ 482.⁰⁰/₁₀₀

~~1525~~

KNOW ALL MEN BY THESE PRESENTS:

3

of the sum of One Hundred Eighty-Two and No/100 DOLLARS

construction and maintenance of said canal, said land being situated in Brazoria County, Texas, and more particularly described as follows, to-wit: BEGINNING at the intersection of the South right-of-way line of the fifty foot public road along the South side of the G C & S F R ilway with the East line of Manvel Outlot 166, for the Northeast corner of the tract herein described:

THENCE S 22 50' W along the West line of said Outlot 166 a distance of 120.0 feet to a point for the Southwest corner of this tract;

THENCE S 67 10' E parallel to and 220 feet from the center of the said railroad track, at 660 feet across road grade, in all 1320 feet to the East line of the said Manvel Outlot 166;

Signed for identification.

Opal Furnace

It is understood that the person securing this right of way and easement and grant for said grantee is without authority to make an agreement, covenant or promise in its behalf, not herein specifically shown, and this instrument is delivered and accepted upon the distinct understanding that the consideration hereinabove stated is the sole consideration and inducement therefor.

IN WITNESS WHEREOF, the grantor has signed the same this 22 day of March A. D., 1941

Todd Furnace
Opal Furnace

Exhibit 13
Copy of Easement (continued)

EASEMENT

The State of Texas }
COUNTY OF BRAZORIA }

KNOW ALL MEN BY THESE PRESENTS:

That Todd Furnace and wife Opal Furnace

of Brazoria County, Texas, hereinafter called grantor (whether one or more) for and in consideration

of the sum of One Hundred Eighty-Two and No/100 DOLLARS cash to grantor in hand paid by Briscoe Irrigation Company, a corporation hereinafter called grantee, the receipt of which is hereby acknowledged, and confessed, have granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said grantee, its successors and assigns, the free and uninterrupted use, right and privilege to enter into and upon the following described tract of land owned by grantor and to construct, maintain and use a canal, with the privilege of excavating the earth for the bed of the canal proper and to construct, build and maintain levees in the

construction and maintenance of said canal, said land being situated in Brazoria County, Texas, and more particularly described as follows, to-wit: BEGINNING at the intersection of the South right-of-way line of the fifty foot public road along the South side of the C C & S F Railway with the East line of Marvel Outlot 166, for the Northeast corner of the tract herein described:

THENCE N 67 10' W parallel to and one hundred feet from the center of the said railroad track and along the said South road line, at 660 feet cross graded road, in all 1320 feet to an intersection with the West line of said Outlot 166, for the Northwest corner of this tract;

THENCE S 22 50' W along the West line of said Outlot 166 a distance of 120.0 feet to a point for the Southwest corner of this tract;

THENCE S 67 10' E parallel to and 220 feet from the center of the said railroad track, at 660 feet across road grade, in all 1320 feet to the East line of the said Marvel Outlot 166;

THENCE N 22 50' along said East line to the place of beginning; and CONTAINING 3.64 acres of land.

As a part of the consideration for this easement, grantee agrees to construct and maintain during the term of this grant, a bridge over and across the strip of land herein described, it being understood that said bridge shall be of such character and strength necessary for the use of grantor in the moving of farming equipment usually employed on the lands of the grantors. Grantee also agrees to maintain shell or gravel on the approaches to and from this bridge.

Whenever grantee, its successors or assigns, cease to use said premises for the purposes herein granted and said non-user shall continuously exist for the period of three years, the title thereto shall revert to grantor, his heirs or assigns and the grantee agrees upon the termination hereof to fill in said canal and level off said premises.

Grantee agrees to construct and maintain during the term hereof a cattle guard at a place to be designated by grantor, said cattle guard to be of such character and strength necessary for the use of grantors in the moving of farming equipment usually employed on the lands of grantor.

As part of the consideration hereof grantee agrees to construct a four string barbed wire fence along the South line of the easement herein granted.

Grantee agrees to pay any and all taxes assessed against the strip of land herein granted.

In the event of breach of any of the aforesaid conditions, or default in the performance thereof, and if said breach or default shall continue for thirty days after written notice of grantee, its successors or assigns, to remedy said breach or make good said default, then this grant shall terminate, and all of the rights, privileges and titles conveyed hereby shall revert to grantor, his heirs and assigns.

Signed for identification:

Todd Furnace

Opal Furnace

Exhibit 13
Copy of Easement (continued)

THE STATE OF TEXAS

COUNTY OF Brazoria

BEFORE ME, the undersigned authority, on this day personally appeared Todd Lunnace
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 consideration therein expressed.

Given under my hand and seal of office, this 22 day of March A. D. 1941

Reva M. Booth
Notary Public in and for Brazoria County, Texas

THE STATE OF TEXAS

COUNTY OF Brazoria

BEFORE ME, the undersigned authority, on this day personally appeared Opal Lunnace
wife of Todd Lunnace known to me to be the person whose name is subscribed to
the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully
explained to her, she, the said Opal Lunnace
acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes
and consideration therein expressed, and that she did not wish to retract it.

Given under my hand and seal of office, this 22 day of March A. D. 1941

Reva M. Booth
Notary Public in and for Brazoria County, Texas

EASEMENT

BRISCOE IRRIGATION COMPANY

FILED FOR RECORD
AT 1:00 O'CLOCK P. M.

APR 27 1955

H. R. STEVENS, JR.
Clerk County Court, Brazoria Co., Texas
BY W. R. Allen DEPUTY

TEXAS COURTESY, RICHMOND

THE STATE OF TEXAS

County of Brazoria

I, H. R. STEVENS, JR., Clerk of the County Court
in and for said County, do hereby certify that the foregoing instrument with
the certificate of authentication was duly recorded on 27th day
of April 1955 at 1:00 o'clock P. M., in
vol. 620 on page 353 of the deed
Records for said County.

Witness my hand and seal of office at Angleton, Texas, the day and year
last above written.

H. R. STEVENS, JR.
Clerk County Court, Brazoria Co., Texas
By W. R. Allen Deputy

Exhibit 14

DEED

VOL 1558 PAGE 431

6620

EASEMENT

THE STATE OF TEXAS)

COUNTY OF BRAZORIA)

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars in hand paid, the receipt of which is hereby acknowledged, the undersigned, TODD FURNACE and wife, OPAL FURNACE, of Brazoria County, Texas, and BRAVOS-RIVER-AUTHORITY, ~~successor in interest to Briscoe Irrigation Company~~, hereinafter referred to as "Grantors", do hereby grant unto CARROL WOMACK and wife, SALLY FURNACE DUBOSE WOMACK, of Brazoria County, Texas, hereinafter referred to as "Grantees", their heirs and assigns, the right to use a road and bridge over, upon and across the following described land in Brazoria County, State of Texas, to-wit:

An easement for road purposes across a strip of land 30 feet wide, being 15 feet on either side of the following described centerline, and being a part of Outlot 166 of the Dr. A. A. Luther Subdivision of the Town of Manvel, Brazoria County, Texas, according to the plat recorded in Volume 1, Pages 71 and 72, Plat Records, Brazoria County, Texas, said centerline being more particularly described as follows:

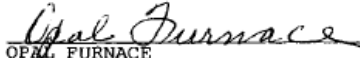
BEGIN at a point located N. 67° 29' 09" W. - 651.97 feet from the intersection of the Northeast line of Outlot 166 with the Southerly right-of-way line of a 120 foot irrigation canal easement;
THENCE N. 27° 25' E. across said canal easement a distance of 120.44 feet to the termination point of the herein described centerline, being on the Southerly right-of-way line of a 50 foot road easement.

Together with the right of ingress and egress to and from said road for the purpose aforesaid.

This agreement is binding upon and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

EXECUTED this 26th day of November, 1980.


TODD FURNACE


OPAL FURNACE

BRAVOS-RIVER-AUTHORITY-

BY: _____
--fts--

therein expressed, in the capacity as stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 1980.

Rectangular Stamp

Notary Public in and for
County, Texas

Single Acknowledgment

THE STATE OF TEXAS)
COUNTY OF BRAZORIA)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared

TODD FURNACE AND WIFE, OPAL FURNACE,
known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 2nd day of December, 1980.

Anna Mae Hinkle ANNA MAE HINKLE
Notary Public in and for
Brazoria County, Texas

NOTARY PUBLIC EXPIRES
10-31-84

FILED FOR RECORD
AT 10 O'CLOCK 2 M

MAR 10 1981

H.R. STEVENS, JR.
CLERK COUNTY COURT, BRAZORIA CO., TEX.
BY Helen Hinkle DEPUTY

DEVELOPMENT AGREEMENT (FOR VARIANCE)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the ____ day of _____, 2022, is by and between the City of Manvel, Texas, ("City") and Noah D. Martini, property owner of certain hereinafter described property located within the city, (together known as "Developer"), all collectively referred to as the "Parties." This Agreement is in regard to the platting of a 9.86-acre tract of land located at 6202 Bissell Road.

WHEREAS, Developer wishes to construct a new single-family structure on the 9.86-acre tract of land located within the city limits of the City of Manvel, said tract being located at 6202 Bissell Road; and,

WHEREAS, construction of a single-family structure will require approval of a plat and compliance with the city's subdivision ordinance; and

WHEREAS, Section 62- 41 (b) (13), of the City Code requires an exact layout of street and street names, lengths of all arcs, angles, points, and tangents, easements and rights-of-way, all lot and block numbers, all lot lines (with accurate dimensions), all alleys, location and description of monuments, building setbacks from all adjacent streets, and point of beginning for a Final Plat; and

WHEREAS Section 62-41 (b) (19), of the City Code requires certificate of approval on face of the plat with signatures for Planning Commission. Additionally, a certificate of approval, signed by the applicable drainage district on the face of the plat; and

WHEREAS, Section 62-41 (b) (25), of the City Code requires construction drawings of the proposed infrastructure improvements, which must be approved by the City Engineer prior to Planning Commission approval of the plat; and

WHEREAS, Section 62-41 (b) (28), of the City Code requires that in the event the tract of land being subdivided is adjacent to a street or road that does not meet the city's design criteria manual specifications, the subdivider shall be required to improve all such streets or roads (frontage and perimeter) to meet those specifications from the point where such street or road does meet the city's requirements, to the farthestmost boundary of the subdivision; and

WHEREAS, Section 62-103, of the City Code requires compliance with Section 62-104, Streets, before a subdivision of land within the city limits or within the extraterritorial jurisdiction and all major thoroughfare streets, perimeter streets, trails, and parks shall be constructed with the final plat; and

WHEREAS, Section 62-104 (11), of the City Code requires the minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time; and

WHEREAS, Section 108 (a) (8), of the City Code requires that any subdivision of land shall provide each lot with access to a public street as specified in the design criteria manual. The public street shall have a minimum width of 60 feet, or the proposed plat must dedicate the necessary additional rights-of-way to provide a minimum width of 30 feet from the centerline of the existing or original right-of-way; and

WHEREAS, Section 62-115 of the City Code requires that the applicant shall furnish and install all necessary drainage improvements in accordance with the “City of Manvel Design Criteria Manual” and the appropriate drainage district’s drainage criteria; and must provide for maintenance of all improvements, in a form satisfactory to the city, prior to the filing of the final plat.

WHEREAS, pursuant to Section 62-5 of the City Code, the Developer has applied for a variance to plat or and vary the requirements in Section 62- 41 (b) (13), Section 62-41 (b) (19), Section 62-41 (b) (25), Section 62-41 (b) (28), Section 62-103, Section 62-104 (11), Section 108 (a) (8), and Section 62-115;

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 9.86-acre subdivision of 1-Block, 1-Lot, and 0-Reserves out of a called 9.86-acre tract as recorded in C.C.F.# 2014039476, O.R.B.C.T. situated in both the H.T.& B. Company Surveys, Abstract-493 & Abstract-285, Brazoria County, Texas, City of Manvel (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 proposed single-family structure on the Property, owned by Developer.

1.03 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city’s subdivision ordinance. Section 62-41 (b) (13) of the city’s subdivision ordinance requires exact layout of street and street names, lengths of all arcs, angles, points, and tangents, easements and rights-of-way, all lot and block numbers, all lot lines (with accurate dimensions), all alleys, location and description of monuments, building setbacks from all adjacent streets, and point of beginning for a Final Plat. The Developer has applied to vary this requirement for his property.

1.04 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city’s subdivision ordinance. Section 62-41 (b) (19) of the city’s subdivision ordinance requires certificate of approval on face of the plat with signatures for Planning Commission. Additionally, a certificate of approval, signed by the applicable drainage district on the face of the plat. The Developer has applied to vary this requirement for his property.

1.05 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-41 (b) (25) of the city's subdivision ordinance requires construction drawings of the proposed infrastructure improvements, which must be approved by the City Engineer prior to Planning Commission approval of the plat. The Developer has applied to vary this requirement for his property.

1.06 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-41 (b) (28) of the city's subdivision ordinance requires that in the event the tract of land being subdivided is adjacent to a street or road that does not meet the city's design criteria manual specifications, the subdivider shall be required to improve all such streets or roads (frontage and perimeter) to meet those specifications from the point where such street or road does meet the city's requirements, to the farthestmost boundary of the subdivision. The Developer has applied to vary this requirement for his property.

1.07 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-103 of the city's subdivision ordinance requires compliance with Section 62-104, Streets, before a subdivision of land within the city limits or within the extraterritorial jurisdiction and all major thoroughfare streets, perimeter streets, trails, and parks shall be constructed with the final plat. The Developer has applied to vary this requirement for his property.

1.08 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-104 (11) of the city's subdivision ordinance requires the minimum right-of-way width for all streets in the city and its extraterritorial jurisdiction is 60 feet or otherwise specified in the city's thoroughfare plan, as amended from time to time. The Developer has applied to vary this requirement for his property.

1.09 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-108 (a) (8) of the city's subdivision ordinance requires that any subdivision of land shall provide each lot with access to a public street as specified in the design criteria manual. The public street shall have a minimum width of 60 feet, or the proposed plat must dedicate the necessary additional rights-of-way to provide a minimum width of 30 feet from the centerline of the existing or original right-of-way. The Developer has applied to vary this requirement for his property.

1.10 The Property has never been platted. To construct a single-family structure on the Property will require approval of a plat and compliance with the city's subdivision ordinance. Section 62-115 of the city's subdivision ordinance requires that the applicant shall furnish and install all necessary drainage improvements in accordance with the "City of Manvel Design Criteria Manual" and the appropriate drainage district's drainage criteria; and must provide for maintenance of all improvements, in a form satisfactory to the city, prior to the filing of the final plat. The Developer has applied to vary this requirement for his property.

2. CITY APPROVAL

2.01 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- 41 (b) (13), Section 62-41 (b) (19), Section 62-41 (b) (25), Section 62-41 (b) (28), Section 62-103, Section 62-104 (11), Section 108 (a) (8), and Section 62-115 of the city's subdivision ordinance, with conditions.

2.02 Conditions: The required conditions are as follows:

- (i) Per Section 62-41 (b) (13), the plat layout shall include all items except those required for streets;
- (ii) This Agreement will expire upon change of use from single-family residential; or
- (iii) This Agreement will expire upon replat and/or further subdivision of the Property.

2.03 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) Other than permits for the construction of one single-family structure and accessory residential structures, the city shall not issue any other construction permit or approve any further plat/re-plat of the Property;

(ii) Developer agrees to begin construction of the single-family structure, and diligently pursue to completion, within one-year of city council approval;

(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 the proposed single-family structure. Failure of the Developer to begin to construct the single-family structure, 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.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

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

If to Developer: Noah D. Martini
1306 E. Anderson Road
Houston, TX 77047-5226

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.

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

(NOTARY SEAL)

Noah D. Martini:

By: _____

Name: Noah D. Martini

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

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

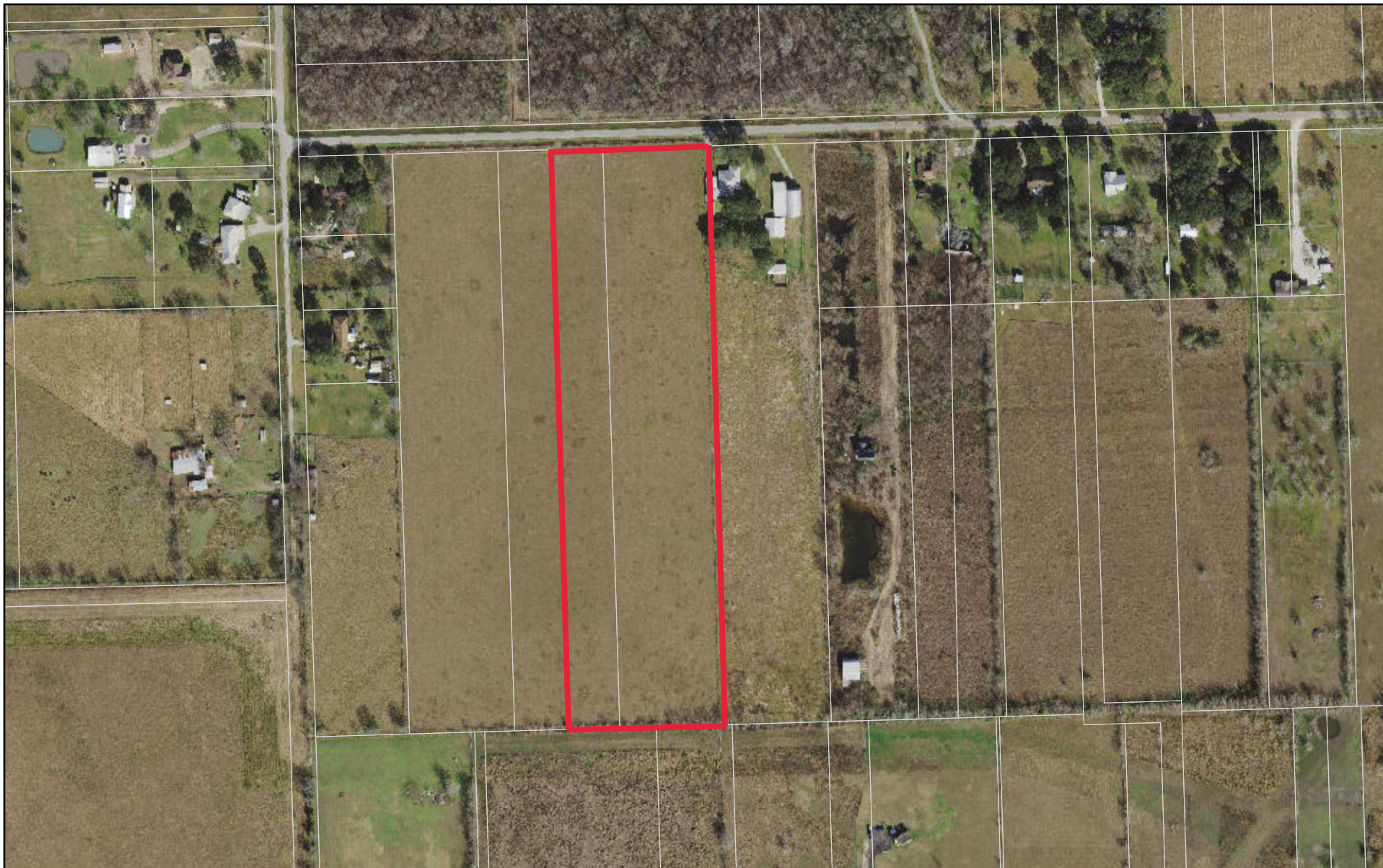
Notary, State of Texas

(NOTARY SEAL)

A 9.86-acre subdivision of 1-Block, 1-Lot, and 0-Reserves Out of a called 9.86 acre tract as recorded in C.C.F.# 2014039476, O.R.B.C.T. situated in both the H.T.& B. Company Surveys, Abstract-493 & Abstract-285, Brazoria County, Texas, City of Manvel.



City of Manvel GIS Map



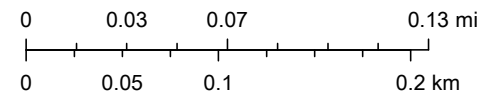
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Manvel2020.sid

Red: Band_1

Green: Band_2

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Esri Community Maps Contributors, Brazoria County, Texas Parks & Wildlife,

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.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: January 3, 2022

TOPIC: Subdivision variance request for property located at 6336 Del Bello Spur, seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements*.

BACKGROUND: The property owner is requesting a variance to Section 62-111, *Additional Street Requirements*, of the subdivision ordinance. Section 62-111 requires one-half of Del Bello Spur to be constructed as concrete curb and gutter. Del Bello Spur is currently an asphalt surface within a 60-foot right-of-way. The owner has prepared a plat and will submit a minor plat for approval. The property is 11.7221 acres and zoned Open-Single Family Residential (O-SFR) District. The property owner would like to construct a single-family residence and barn on the proposed lot.

RECOMMENDATION: The staff recommends approval of the variance request to Chapter 62, Section 62-111 with two conditions as specified in the development agreement: 1) the subdivision variance will expire upon change of use from one (1) single-family detached structure or 2) the subdivision variance will expire when the property is replatted into one or more lots/reserves.

ATTACHMENTS: Application, Development Agreement, Proposed 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 _____, 2022, is by and between the City of Manvel, Texas, (“City”) and Thomas R. Laird and Lisa P. Laird, property owners of certain hereinafter described property located within the city, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of a 11.7221-acre tract of land located at 6336 Del Bello Spur.

WHEREAS, Developer wishes to construct a new single-family structure on the 11.7221-acre tract of land located within the city limits of the City of Manvel, more fully described and depicted as “Lot 1, Thomas R. Laird Subdivision” in the proposed minor plat attached as Exhibit “A”, attached hereto; and,

WHEREAS, construction of a single-family structure will require approval of a plat and compliance with the city’s subdivision ordinance; and

WHEREAS, Section 62-111 of the city code requires construction of all streets in accordance with the city’s design criteria; construction of all roadways within the development in accordance with the city’s minor street standards; and construction of perimeter streets in conjunction with plat approval; and

WHEREAS, pursuant to Section 62-5 of the city code, the Developer has applied for a variance to construct this perimeter road 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 11.7221-acre tract as recorded in Clerk’s File No. 2020067280 of the Brazoria County Official Records also being a portion of Lot 12 of the Parker Subdivision of Section 74, H.T. & B.R.R. as recorded in Volume 2, Page 66, of the Brazoria County Plat Records out of the Charles O’Donnell Survey, Abstract 493 in Brazoria County, Texas (the “Property”). The Property is more fully described and depicted in the proposed minor plat attached as Exhibit “A”, attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of a proposed single-family structure on the Property, owned by Developer.

1.03 The Property has never been platted. To construct a single-family structure 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 requires construction of all streets in accordance with the city's design criteria; construction of all roadways within the development in accordance with the city's minor street standards; and construction of perimeter streets in conjunction with plat approval. The Developer has applied to vary this requirement for his property.

2. CITY APPROVAL

2.01 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 change of use from one (1) single-family detached structure; or
- (ii) This Agreement will expire when the Property is replatted into one or more lots/reserves.

2.03 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) Other than permits for the construction of one single-family structure and accessory residential structures, the city shall not issue any other construction permit or approve any further plat/re-plat of the Property;
- (ii) Developer agrees to begin construction of the single-family structure, and diligently pursue to completion, within one-year of city council approval;
- (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 the proposed single-family structure. Failure of the Developer to begin to construct the single-family structure, 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.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

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

If to Developer: Thomas R. Laird and Lisa P. Laird
P.O. Box 20364
Houston, TX 77225-0364

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.

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

(NOTARY SEAL)

Thomas R. Laird:

By: _____

Name: Thomas R. Laird

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)

Lisa P. Laird:

By: _____

Name: Lisa P. Laird

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)

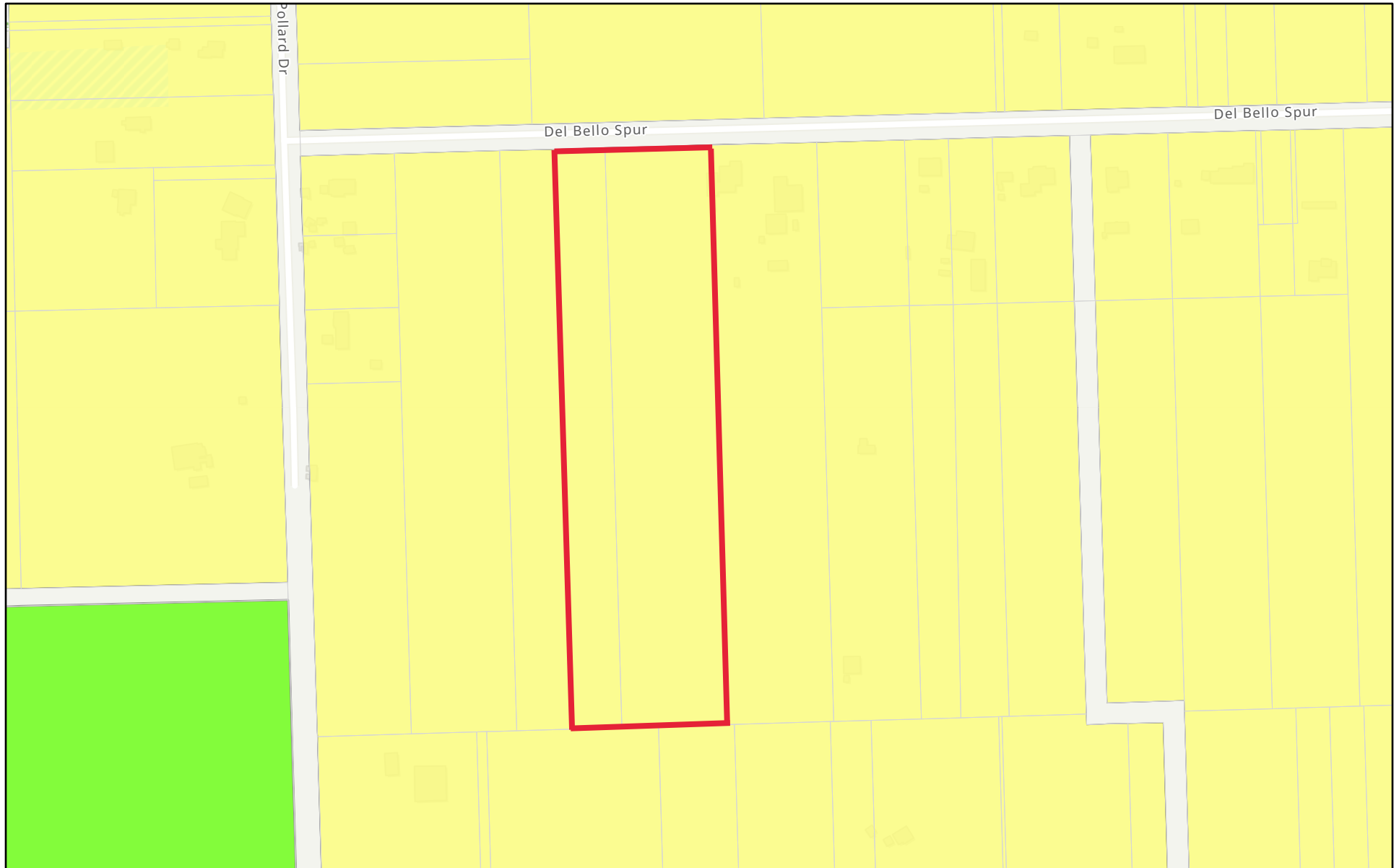
Being a 11.7221-acre tract as recorded in Clerk's File No. 2020067280 of the Brazoria County Official Records also being a portion of Lot 12 of the Parker Subdivision of Section 74, H.T. & B.R.R. as recorded in Volume 2, Page 66, of the Brazoria County Plat Records out of the Charles O'Donnell Survey, Abstract 493 in Brazoria County, Texas.





Doyle & Wachtsteller, Inc.
Surveying and Mapping GEORGES

City of Manvel GIS Map



12/28/2021, 9:44:54 AM

Parcels

Zoning - District

SFR - Single Family Residential

O-SFR - Open Single Family Residential

PUD - Planned Unit Development

1:4,514

0 0.03 0.07 0.13 mi
0 0.05 0.1 0.2 km

Esri Community Maps Contributors, Brazoria County, Texas Parks & Wildlife,

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.

ORDINANCE NO. ~~2021-O-XX~~2022-O-02

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY ONE PROPOSITION RELATING TO THE AMENDMENT OF THE CITY OF MANVEL'S HOME RULE CHARTER REGARDING THE COMPENSATION AND EXPENSES OF THE MAYOR AND COUNCILMEMBERS; ORDERING A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE GENERAL ELECTION FOR THE ELECTION OF THE REGULAR CITY OFFICERS; PROVIDING FOR THE WORDING AND FORM OF THE BALLOT AS TO THE PROPOSED AMENDMENT; PROVIDING THE MEANS AND METHODS OF CONDUCTING THE ELECTION; DESIGNATING FIVE (5) ELECTION PRECINCTS WITHIN THE CITY; DESIGNATING POLLING PLACES; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION WITH BRAZORIA COUNTY; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2011, the voters of the City of Manvel approved the adoption of a home rule charter in accordance with Chapter 9 of the Texas Local Government Code; and

WHEREAS, in accordance with section 10.18 of the City Charter, periodic review of the City Charter by a Charter Review Commission is mandated; and

WHEREAS, in accordance with section 10.18 of the City Charter, in 2021 a Charter Review Commission was appointed to review the Charter for possible changes and revisions; and

WHEREAS, based on that review, the Charter Review Commission recommended one proposed amendment to the City Charter regarding the compensation of elected municipal officers; and,

WHEREAS, based on the recommendation of the Charter Review Commission, the City Council seeks to call a special election so that this proposed amendment may be submitted to the qualified voters of the City at an election to be held at the same time as the City's general election on the 7th day of May, 2022; and

WHEREAS, this special election for the City of Manvel is being ordered not later than 62 days before the election day pursuant to §3.005(a), Texas Election Code; and,

WHEREAS, no election to consider a Charter amendment has been held in the two years preceding May 7, 2022, and the City Charter has not been altered, amended or repealed within the last two years; and,

WHEREAS, in accordance with the Texas Election Code and chapter 9 of the Texas Local Government Code, the City Council adopts this ordinance calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City Council finds that the proposed amendment is not inconsistent with the Constitution of the State, or of the general laws enacted by the Legislature of the State, which provide, in part, that the compensation for each officer of the City may be set by the City Council [Texas Local Government Code Sec. 141.004]; and

WHEREAS, the City of Manvel (the “City”) lies completely within the boundaries of Brazoria County; and

WHEREAS, the City approves and agrees to conducting special election as part of a joint election with other political subdivisions in Brazoria County in accordance with chapter 271 of the Texas Election Code; and

WHEREAS, the City and other political subdivisions in the area have made provision to contract with the Brazoria County Elections Officer to conduct the City's election, pursuant to chapter 31 of the Texas Election Code and chapter 791 of the Texas Government Code; and

WHEREAS, the City Council finds that the anticipated fiscal impact to the City if the proposed amendment is adopted will not exceed \$37,200 per year;

WHEREAS, the City Council has determined that, if adopted, the proposed charter amendment would cost the City less than \$372,2500 per year;

NOW THEREFORE,

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

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Special Election Ordered. In accordance with the general laws and Constitution of the State of Texas, it is ordered that a special election be held for the purpose of submitting to the qualified voters of the city for their approval or disapproval a proposed amendment to the Charter regarding the compensation of municipal officers. The special election shall be held concurrently with the City’s general municipal election on May 7, 2022. The proposed amendment to the City Charter is set forth below.

Section 3. Proposed Amendments; Notice. In accordance with Section 9.004(c) of the Texas Local Government Code, the City Secretary is directed to public notice of the election in a newspaper of general circulation published in the City. The notice shall 1) include a substantial copy of the proposed amendment, and 2) the estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election. The notice shall be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

PROPOSED AMENDMENT TO THE CITY OF MANVEL CITY CHARTER

PROPOSITION NO. ONE

(Relating to compensation of the Mayor and Councilmembers)

SHALL THE CITY CHARTER BE AMENDED TO PROVIDE FOR COMPENSATION OF THE MAYOR AND COUNCILMEMBERS FOR THEIR SERVICE IN MONTHLY AMOUNTS NOT TO EXCEED \$400.00 (COUNCILMEMBER), \$500.00 (MAYOR PRO TEM), AND \$600.00 (MAYOR)?

In the event of the approval of this proposition, Section 3.05 of Article III of **The City Charter** shall be amended to read as follows:

Sec. 3.05. - Compensation.

~~[Unless approved by the voters, city council shall not be compensated.]~~ The members of the city council shall be compensated at the amounts of \$400.00 (councilmember), \$500.00 (mayor pro tem), and \$600.00 (mayor), per month. Members of the city council may, ~~[however]~~ in addition, be reimbursed for approved expenses incurred during the course of their duties. Reimbursement guidelines and requirements for members of the city council shall be the same as for city employees.

Section 4. Ballot language. Each respective Proposition as detailed in Section 2 above, shall appear on the ballot of this election in the following form:

PROPOSITION NO. ONE

(Relating to the compensation of the Mayor and Councilmembers)

SHALL THE CITY CHARTER BE AMENDED TO PROVIDE FOR COMPENSATION OF THE MAYOR AND COUNCILMEMBERS FOR THEIR SERVICE IN MONTHLY AMOUNTS NOT TO EXCEED \$400.00 (COUNCILMEMBER), \$500.00 (MAYOR PRO TEM), AND \$600.00 (MAYOR)?

VOTE YES _____
VOTE NO _____

Section 5. Ballots and Printed Materials. The ballots used for the election shall comply with the *Texas Election Code* and be in the form provided by the city to the Brazoria County Election Officer (the “Election Officer”) for use on the voting devices and ballots used by Brazoria County. The official ballots, together with such other election materials as are required by the Texas Election shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 6. Joint Election. The City agrees to conduct a joint election with the political subdivisions designated by the Elections Officer, provided that such political subdivisions hold an election on May 7, 2022 in all or part of the same territory as the city. The joint election for political subdivisions in Brazoria County will be conducted in accordance with state law, this ordinance, and the contract for election services with Brazoria County (“Election Services Contract”), “**Exhibit A**” which is hereby approved and the Mayor is authorized to execute.

Section 7. Conduct of Election. The Election Officer and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Services Contract and the law governing the holding of general elections by general law cities of the State of Texas.

Section 8. Election Precinct and Polling Place. The present boundaries of the City of Manvel, Texas shall constitute five (5) precincts for the election, and the polls shall be open for voting from 7:00 a.m. until 7:00 p.m. at the following polling place:

POLLING PLACES, AND PRECINCTS
Precinct 11, Precinct 40, Precinct 53, Precinct 58 and Precinct 68

2022 Polling Places – Vote Centers, voting shall occur at locations shown in “**Exhibit B**”.

Any polling place may be changed by the Election Officer upon compliance with state and federal law.

Section 9. Early Voting. Early voting by personal appearance shall be conducted by Early Voting Clerks to be appointed by Brazoria County according to the Joint Election Agreement and Contract for Election Services entered into by and between the City of Manvel and Brazoria County, and, in accordance with Sections 83.032 and 83.034 of the Texas Election Code, the Early Voting Clerk may appoint one or more deputy early voting clerks who shall serve without additional compensation. Said clerks shall not permit anyone to vote early by personal appearance on any day that is not a regular working day for the Early Voting Clerk’s office, and, under no circumstances, shall they permit anyone to vote early by personal appearance at any time when such office is not open to the public.

Early voting shall occur at locations shown in “**Exhibit C**”, attached hereto and incorporated herein by reference, for the period early voting is permitted by law.

The Early Voting Clerk shall keep said office open for early voting by personal appearance from 8:00 a.m. until 5:00 p.m. Monday~~XXX~~, April 2~~25XXX~~, 2022 through Friday~~XXX~~, May 3~~XXX~~, 2022 and from 7:00 a.m. until 7:00 p.m. on April~~XXX~~, 2022 and May~~XXX~~, 2022 and May 3~~XXX~~, 2022. Early voting shall be conducted in accordance with the requirements of the Texas Election Code.

The Early Voting Clerk’s mailing address to which ballot applications and ballots voted by mail may be sent is:

~~XXXXXXXX~~ Joyce Hudman, County Clerk
111 E. Locust, Suite 200
Angleton, TX 77515-4664
Or emailed to: ClerkElections@brazoria-county.com

~~Applications for early~~Last day to receive Ballot by Mail ~~voting by mail shall be delivered to the Early Voting Clerk at the same address no later than~~ Saturday, May 7, 2022 (Election Day) at 7:00 p.m. if carrier envelope is **not** postmarked, **OR** Monday, May 9, 2022 (next business day after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply).

All ballots cast shall be counted by an Early Voting Ballot Board, and the Presiding Judge and her clerks are hereby appointed the Early Voting Ballot Board for said election.

All expenditures necessary for the conduct of the election, the purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

The city secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 10. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Brazoria County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Brazoria County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Brazoria County for the election.

The Presiding Judge and the Alternate Judge shall be compensated at a rate of \$12.00/hr. and the election clerks shall be compensated at a rate of \$10.00/hr, in accordance with Section 32.091 of the Texas Election Code. Further compensation shall be paid in accordance with Section 32.092 of the Texas Election Code.

Section 11. Notice of Election. In addition to the notice required by Section 3 above, the City Secretary is also hereby directed to provide notice of this election in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said Election Code. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 12. General. The Election Officer shall hold said election in accordance with the Texas Election Code and the Election Services Contract, and only resident qualified voters of the city shall be eligible to vote at said election. Returns of said election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the city council within the time period specified by law.

The City Secretary of the City of Manvel is hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 13. Election Code. This Ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Election Officer shall comply with the Texas Elections Code.

Section 14. Presiding Judges' Notice. A copy of this Ordinance shall be delivered to the presiding judges, along with the election judges' notice of appointment.

Section 15. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase,

clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 16. Ordinance calling an election. In accordance with the section 4.10(f) of **The City Charter**, the requirement of reading an ordinance at two (2) separate council meetings does not apply because this is an Ordinance calling an election.

Section 17. Effective Date. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Manvel.

PASSED AND APPROVED on first reading this _____ day of ~~December~~January, 2021.

Debra Davision, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Bobby Gervais, City Attorney

ARTICLE IX. NOISE REGULATION

Sec. 44-160. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Daytime hours means the hours between 7:00 a.m. on one day and 9:00 p.m. the same day.

dB(A) means the intensity of a sound expressed in decibels.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, or which is otherwise necessary to restore property to a safe condition following a fire, accident or natural disaster, or which is required to protect persons or property from exposure to danger, or which is required to restore public utilities.

Nighttime hours means the hours between 9:00 p.m. on one day and 7:00 a.m. the following day.

Person means any individual, association, partnership, or corporation, governmental unit, or other legal entity.

Property line means the line along the ground surface, and its vertical extension, which separates the real property owned, leased or occupied by one person from that owned, leased or occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, leases or otherwise occupies an apartment, condominium, hotel or motel room, office or any other type of occupancy.

Public right-of-way means any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property that is owned or controlled by a governmental entity.

(Ord. No. 2012-O-21, § 2, 8-13-2012)

Sec. 44-161. General prohibition.

It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued or permit the continuance of any sound which either exceeds the maximum permitted sound levels specified this article or which otherwise unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety or others within the limits of the city, after the person making the noise receives notice from a magistrate or peace officer that the noise is a public nuisance.

(Ord. No. 2012-O-21, § 2, 8-13-2012)

Sec. 44-162. Maximum permissible sound levels.

(a) No person shall conduct, permit or allow any activity or sound source to produce a noise that exceeds the following decibel levels:

(1) A decibel level of 65 dB(A) during daytime hours;

-
- (2) A decibel level of 58 dB(A) during nighttime hours.
- (b) The dB(A) levels set forth in this section apply to the property where the sound is being received. Any sound that when measured at the property where the sound is being received exceeds the dB(A) levels set forth in this section is a violation of this article.
- (c) Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section, when measured at the site where the sound is being received, if available, shall be prima facie evidence of a sound nuisance which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city in violation of this chapter.
- (Ord. No. 2012-O-21, § 2, 8-13-2012)

Sec. 44-163. General prohibitions.

In addition to the violation established by section 44-162, it shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued or permit the continuance of any sound that substantially disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

Any noise of such character, intensity and duration which substantially interferes with the peaceful and comfortable enjoyment of private homes or businesses by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive:

- (1) *Horns or other signaling devices.* The sounding of any horn or signaling device on any automobile or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.
- (2) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (3) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (4) *Defect in vehicle or load or load modification.* The use of any automobile or other vehicle so out of repair, so loaded, so modified, or used in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (5) *Loading and unloading vehicles, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (6) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than daytime hours on weekdays, except in case of an emergency or urgent necessity in the interest of public health and safety, and then only with permission from the City of Manvel Building Inspector, which shall be granted for a period of time not to exceed the period in which the emergency continues.
- (7) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, church or court while the same are in use, or adjacent to any hospital, which unlawfully interferes with the workings of such institution or which disturbs or unduly annoys the patients in the

hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, church, hospital or court street.

- (8) *Pile drivers, hammers and other machinery.* The operation between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick or other appliance or machinery, the use of which is attended by loud or unusual noise.
- (9) *Vehicular sound amplification systems.* A sound amplifier which is part of or connected to a radio, stereo receiver, compact disc player, cassette tape player or other similar device within a motor vehicle operated at such a volume that it causes material distress, discomfort or injury to persons of ordinary sensibilities in the vicinity thereof. If the sound is audible at a distance of 30 feet from the source or causes a person to be aware of or feel the vibration accompanying the sound at a distance of 30 feet from the source, a prima facie case shall be established that the radio, stereo receiver, compact disc player, cassette player or other similar device is being operated at a volume that causes material distress, discomfort or injury to persons of ordinary sensibilities.

(Ord. No. 2012-O-21, § 2, 8-13-2012)

Sec. 44-164. Defenses.

The following defenses shall apply to any offense established in this article:

- (1) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger or attempted crime.
- (2) The sound was produced by an authorized emergency vehicle.
- (3) The sound was produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.
- (4) The sound was generated:
 - a. At a lawfully scheduled stadium event;
 - b. By a parade and spectators and participants on the parade route during a permitted parade;
 - c. By spectators and participants at lawfully scheduled amphitheater event;
 - d. By patrons and participants using cannons and gunfire during historical battle reenactments for which a pyrotechnic permit was obtained and the explosives were inspected by the fire marshal;
 - e. By a pyrotechnic display that was inspected and approved by the fire marshal;
 - f. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert which was sponsored, cosponsored, or permitted by the city; or
 - g. By any other otherwise lawful activity that constitutes protected expression pursuant to the First Amendment of the United States Constitution.
- (5) The sound was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
- (6) The sound was produced by operating or permitting the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used between the hours of 7:00 a.m. and 9:00 p.m. and which device did not produce a sound exceeding 85 dB(A) when measured from the nearest residential property where the sound is being received and was used for the maintenance or upkeep of the property on which it was used.

-
- (7) The sound was generated as authorized under the terms of a permit issued under section 44-166.
 - (8) The sound was produced by the operation of any air conditioning unit which did not produce a sound exceeding 65 dB(A) when measured at or near 15 feet from the air conditioning unit producing the sound being measured.
 - (9) The sound was produced by church bells or church chimes when used as part of a religious observance or service during daytime hours and which did not exceed five continuous minutes in duration in any one-hour period.

(Ord. No. 2012-O-21, § 2, 8-13-2012)

Sec. 44-165. Methods of sound measurement.

- (a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement of said should shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (ANSI S1.4-1984/85A).
- (b) Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated as dB(A). Meters shall be maintained in calibration and good working order. Calibrations shall be employed which meet ANSI S1.40-1984 prior to and immediately after every sampling of sound. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of said meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for said microphone shall be used. Measurements shall be taken at or near the nearest property line of the property where the sound is being received.

(Ord. No. 2012-O-21, § 2, 8-13-2012)

Sec. 44-166. Permits.

- (a) No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier or any other machine or device which produces, reproduces, or amplifies sound outside of buildings or other enclosed structures in a manner which exceeds the levels specified in this article, when measured from the property where the sound is being received, without first obtaining a permit to do so. Such permit:
 - (1) May be obtained by making application to the director of the city department so designated by the city manager.
 - (2) Requires payment of a \$10.00 fee for the administrative costs of issuing the permit.
 - (3) Is valid for one 14-hour period between the hours of 7:00 a.m. and 9:00 p.m.
 - (4) Shall not be issued for the same location more than twice during any 30-day period.
 - (5) Shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound which exceeds 75 dB(A) when measured from the nearest receiving property.
- (b) The use of any loudspeaker, loudspeaker system, sound amplifier or any other similar machine or device which is permitted pursuant to this section is subject to the following regulations:
 - (1) The only sound permitted shall be either music or human speech or both.
 - (2) The volume of the sound amplified pursuant to this section shall not exceed 75 dB(A) when measured from the nearest receiving property.

-
- (3) No equipment permitted pursuant to this section shall be operated during the hours between 9:00 p.m. and 7:00 a.m.
- (c) The application for the permit required to be filed pursuant to this section shall contain the following information:
- (1) The date of the application and the date and hours for which the permit is requested.
 - (2) The name and address of the applicant.
 - (3) The name and address of the person who will have charge of the sound amplifying equipment.
 - (4) The purpose for which the sound equipment will be used.
 - (5) The address and a description of the location where the sound equipment will be used.
 - (6) A description of the type of sound amplifying equipment to be used.
- (d) If an applicant for a permit under this section is unable to pay the full amount of the permit fee pursuant to subsection (a) of this section, the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit containing the following information:
- (1) A statement that the applicant and the group or organization, on whose behalf the applicant is making the application, are unable to pay the full amount of the permit fee.
 - (2) A statement that the applicant and the group or organization, on whose behalf the applicant is making the application, have made diligent efforts to raise money to pay the permit fee.
 - (3) A statement of the exact amount the applicant and the group or organization, on whose behalf he is making the application, is able to pay for the permit fee.

(Ord. No. 2012-O-21, § 2, 8-13-2012)



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 7 CALENDAR DAYS PRIOR TO MEETING

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
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Date of Request: December 13, 2021 PDZ & January 3, 2022, City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE FIRST AND THIRD MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND SECOND AND FOURTH 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: Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: N/A

E-mail Address: bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve and forward with recommendation to City Council, Preliminary Plat for

for Meridiana Section 30B, A subdivision of 11.25 acres out of the Oliver Hall Survey, A-203, City of Manvel, Brazoria
County, Texas.

Plats:

Preliminary x

Final

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE TURNED IN 7 CALENDAR DAYS PRIOR TO THE MEETING. (PER OUR SUBDIVISION ORDINANCE **ALL** PLATS MUST BE RECEIVED 15 DAYS PRIOR TO THE MEETING **NO EXCEPTIONS**)

BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

SIGNATURE

Kwasi Bosompem

DATE December 8, 2021



DEVELOPMENT SERVICES DEPARTMENT

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

Planning, Development and Zoning Commission Plat Report

Plat Name	Meridiana Section 30B Preliminary Plat
Applicant	Brad Sweitzer
PD&Z Meeting Date	December 13, 2021
Recommendation	Approval
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

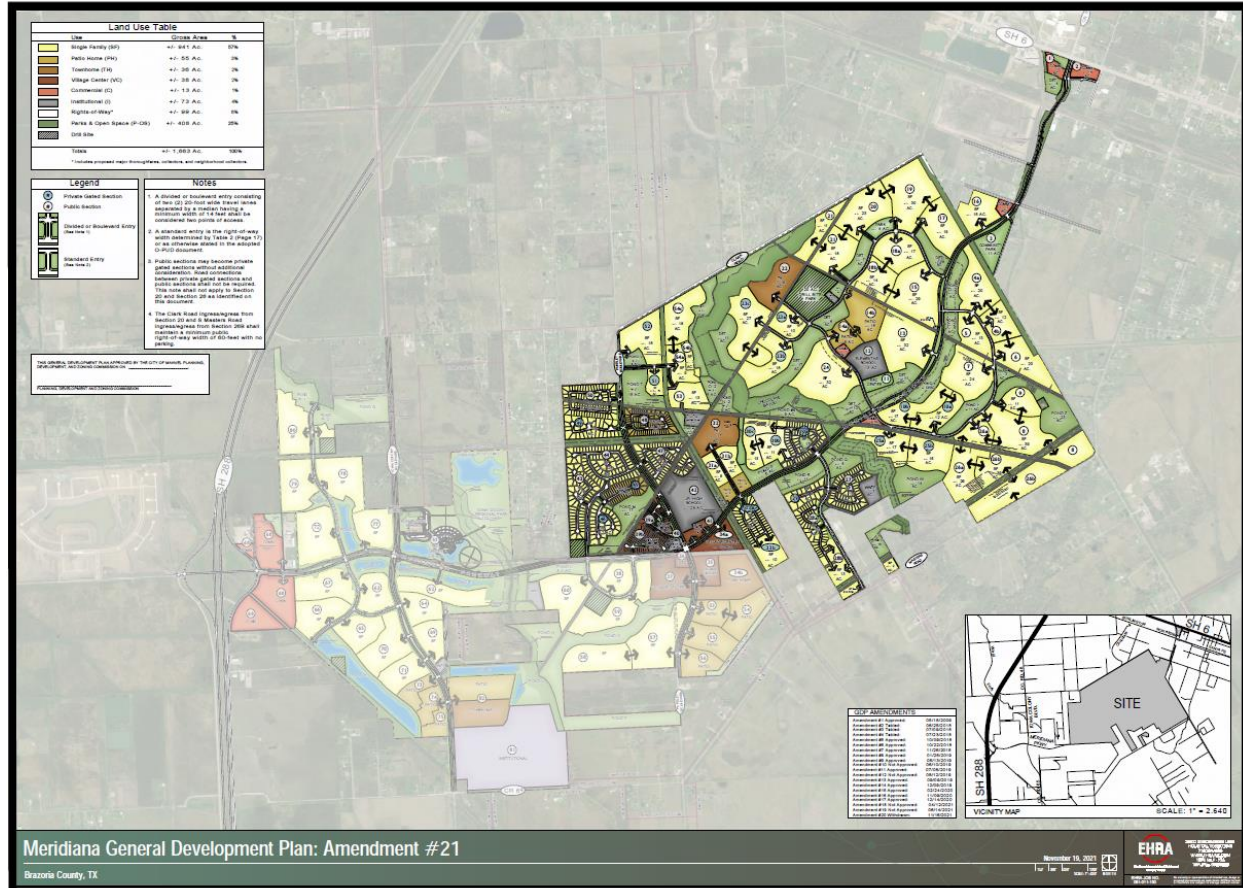
The City staff recommends approval of the Meridiana Section 30B Preliminary Plat.



DEVELOPMENT SERVICES DEPARTMENT

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

Meridiana General Development Plan Amendment No. 21 (dated November 19, 2021)



Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**
1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

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

PLANNING, DEVELOPMENT AND ZONING COMMISSION



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2018
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
Amendment #17 Approved:	12/14/2020
Amendment #18 Not Approved:	04/12/2021
Amendment #19 Not Approved:	06/14/2021
Amendment #20 Withdrawn:	11/16/2021



Meridiana General Development Plan: Amendment #21

Brazoria County, TX

November 19, 2021

SCALE: 1" = 600'



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

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.

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 (NAD 83) and may be brought to surface by applying the following combined scale factor: 0.99986742195.
- According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C010K, dated December 30, 2020, the subject property shown hereon lies partially within Shaded Zone "AE" (areas determined to be within the 100-year floodplain), partially within Shaded Zone "X" (areas determined to be within the 500-year floodplain), and partially within Unshaded Zone "X" (areas determined to be outside the 500-year floodplain).

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.

- B.C.C.F. indicates Brazoria County Clerk's File.
B.C.D.R. indicates Brazoria County Deed Records.
B.C.P.R. indicates Brazoria County Plat Records.
B.L. indicates Building Line.
D.E. indicates Drainage Easement.
F.H. indicates Fire Hydrant.
NO. indicates Number.
P.A.E. indicates Permanent Access Easement.
P.O.B. indicates Point of Beginning.
P.C. indicates Page.
P.U.E. indicates Public Utility Easement.
P.V.T. indicates Private.
R. indicates Radius.
R.O.W. indicates Right-Of-Way.
S.S.E. indicates Sanitary Sewer Easement.
S.M.S.E. indicates Storm Sewer Easement.
U.E. indicates Utility Easement.
VOL. indicates Volume.
W.L.E. indicates Water Line Easement.
X indicates change in street name.

- 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 fences, buildings, plantings, and other obstructions.
- The Developer/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.
- Contour lines shown hereon are based on the NGS Benchmark E 306 being noted hereon.
- 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.
- 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.
- Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat. Approval of the preliminary plat shall expire 12 months after council approval, unless the final plat has been submitted to council for final approval during that time. Upon written request of the subdivider, an extension of time may be given, at the discretion of the council, for a single extension period of six months, provided the subdivider has shown good faith in proceeding to complete the work necessary prior to filing the final plat.
- One foot reserve dedicated to the public in fee as a buffer separation between the side or ends of streets where such streets abut adjacent property, the condition of such dedication being that, when the adjacent property is subdivided or re-subdivided in a record plat the one foot reserve shall hereupon become vested in the public for right-of-way purposes and the fee title there shall revert to and re-vest in the dedicators, his heirs, assigns, or successors.
- Owners do hereby certify that they are the owners of all property immediately adjacent to the boundaries of the above and foregoing subdivision of Meridiana Section 30B where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing subdivision and do hereby make and establish all building setback lines and dedicate to the use of the public, all public utility easements shown in said adjacent acreage.

BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5 NOTES:

- 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 subdivision employs a natural drainage system, which is intended to provide drainage for the subdivision that is similar to that which existed under pre-development 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.
- 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 replot 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 plat.
- 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 "meta" 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 ditched storm water 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, in Brazoria County, Texas 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.

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS RECOMMENDED APPROVAL OF THIS PLAT OF MERIDIANA SECTION 30B IN CONFORMANCE WITH THE 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 MERIDIANA SECTION 30B IN CONFORMANCE WITH THE 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 _____, 2022.

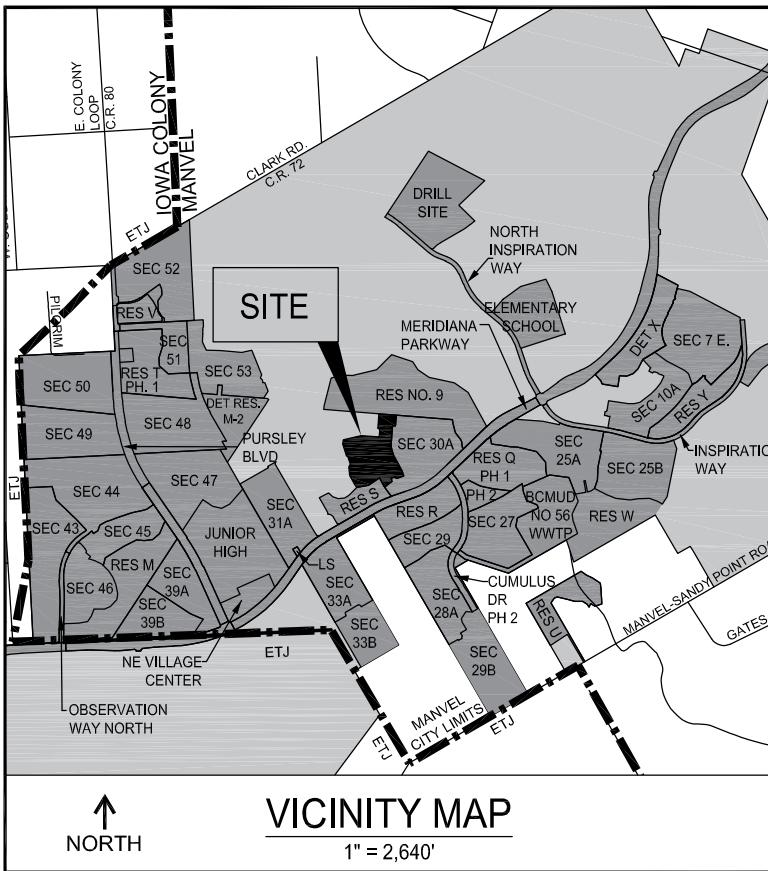
CITY COUNCIL

BENCHMARK(S):

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 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 WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	25.00'	38.40'	N 01°59'47" E	34.73'
C2	25.00'	13.89'	N 58°10'23" E	13.71'
C1	50.00'	31.25'	N 54°11'20" E	30.75'
C2	25.00'	39.61'	N 00°46'20" W	35.59'



LINE TABLE

LINE	ANGLE	DISTANCE
L1	N 85°26'29" W	240.00'
L2	S 04°32'48" E	148.60'
L3	S 85°27'12" E	39.97'
L4	S 04°32'48" E	176.91'
L5	S 03°37'40" E	59.68'
L6	S 03°01'19" W	57.96'
L7	S 11°10'09" W	57.84'
L8	S 19°51'37" E	57.91'
L9	S 27°18'51" E	128.54'
L10	S 27°06'14" W	122.01'
L11	S 21°28'09" W	69.55'
L12	S 70°36'56" W	95.33'
L13	N 89°21'20" E	5.91'
L14	S 52°27'14" W	128.69'
L15	N 29°25'16" E	145.12'
L16	S 56°08'24" W	176.28'
L17	N 78°35'22" W	168.55'
L18	N 33°39'31" W	55.47'
L19	N 28°11'01" W	131.13'
L20	N 06°37'38" E	120.00'
L21	N 28°51'18" E	41.17'
L22	N 17°51'52" W	120.00'
L23	S 72°08'08" W	12.97'
L24	N 17°51'52" W	176.43'
L25	N 06°34'55" E	60.52'
L26	S 85°27'12" E	245.00'
L27	N 04°32'43" E	94.66'
L28	S 85°27'12" W	3.99'
L29	N 04°32'48" E	198.65'

LOT SIZE TABLE

BLOCK NO.	LOT NO.	LOT AREA (SQ. FT.)	LOT WIDTH (LINEAR FT.)
1	1	8,918.35	60.00
	2	8,917.60	60.00
	3	8,916.84	60.00
	4	8,916.09	60.00
	5	7,984.02	56.91
	6	7,261.95	60.00
	7	7,455.51	68.50
	8	8,387.27	69.90
	9	8,424.23	69.85
	10	8,402.12	69.90
	11	7,611.21	69.94
2	1	8,300.91	56.50
	2	9,756.72	61.81
	3	9,267.51	66.19
	4	8,721.81	60.11
	5	8,232.45	60.00
	6	7,863.47	60.00
	7	7,847.56	60.00
	8	7,745.64	60.00
	9	9,144.04	57.16
	10	8,832.11	65.77
	11	8,268.08	67.64
3	1	8,322.87	67.64
	2	8,441.05	67.64
	3	15,720.00	63.48
	4	13,904.85	63.48
	5	16,648.04	69.17
	6	12,420.69	69.50
	7	10,858.33	69.50
	8	11,402.92	69.14
	9	8,205.87	59.50
	10	8,340.00	69.50
	11	11,836.01	69.50
4	1	11,685.26	67.00
	2	11,275.22	67.00
	3	11,616.24	67.00
	4	11,015.15	67.00
	5	9,014.36	67.00
	6	9,418.44	62.77
	7	9,418.44	62.77

* LOT WIDTH MEASURED AT THE FRONT BUILDING SETBACK LINE.

OWNER CONTACT INFORMATION

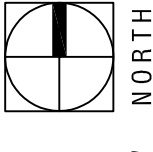
GR-M1, LTD.
1602 AVENUE D, STE. 100
KATY, TX 77493
832-916-2162

Meridiana Section 30B Preliminary Plat

A Subdivision of 11.25 acres out of the Oliver Hall Survey, A-203, City of Manvel, Brazoria County, Texas. December 3, 2021

42 Lots on 4 Blocks

Owner: GR-M1, LTD., a Texas Limited Partnership



1"=100'

10'

100'

100'

10'

100'

100'

100'

100'

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100'

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**
1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

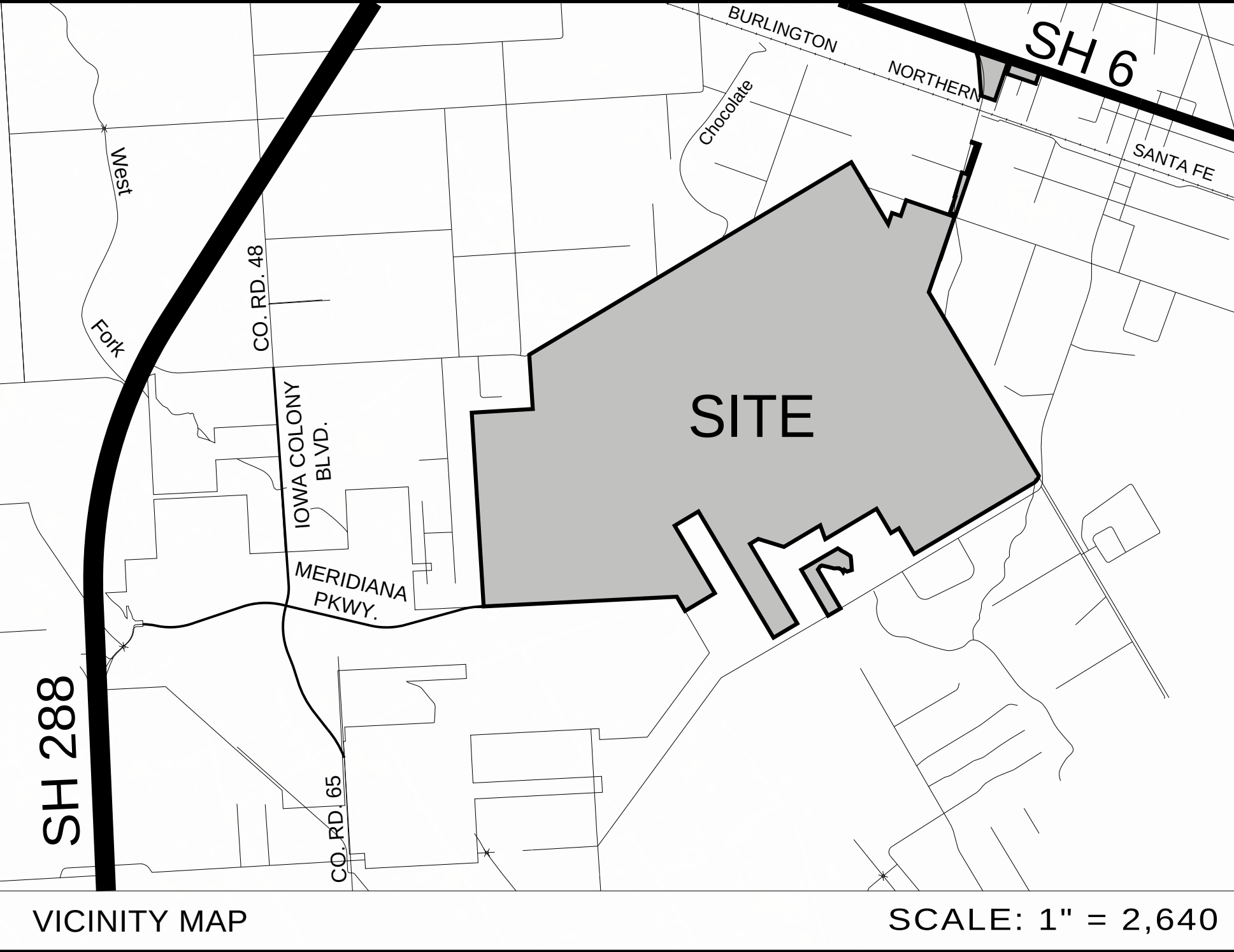
4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

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

PLANNING, DEVELOPMENT AND ZONING COMMISSION



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2018
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
Amendment #17 Approved:	12/14/2020
Amendment #18 Not Approved:	04/12/2021
Amendment #19 Not Approved:	06/14/2021
Amendment #20 Withdrawn:	11/16/2021



Meridiana General Development Plan: Amendment #21

Brazoria County, TX

November 19, 2021

SCALE: 1" = 600'



10011 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.368.4500
WWW.EHRAINC.COM
TYPE No. F-726
TBP/LS 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.



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: December 13, 2021 PDZ & January 3, 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: Lacey Bell

Daytime Phone: 713-784-4500 Fax Number: N/A

E-mail Address: lbell@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to forward with recommendation to City Council, Final Plat for Meridiana Section 33B,
being a subdivision of 10.12 acres out of the Oliver Hall Survey, Abstract 203; also being a partial replat
of a portion of Lots 1 and 2, 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. 40 Lots 1 Block 2

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.

KWASI BOSOMPEM Digitally signed by KWASI BOSOMPEM
Date: 2021.12.08 09:34:43 -06'00'

SIGNATURE

December 8, 2021

DATE



DEVELOPMENT SERVICES DEPARTMENT

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

Planning, Development and Zoning Commission Plat Report

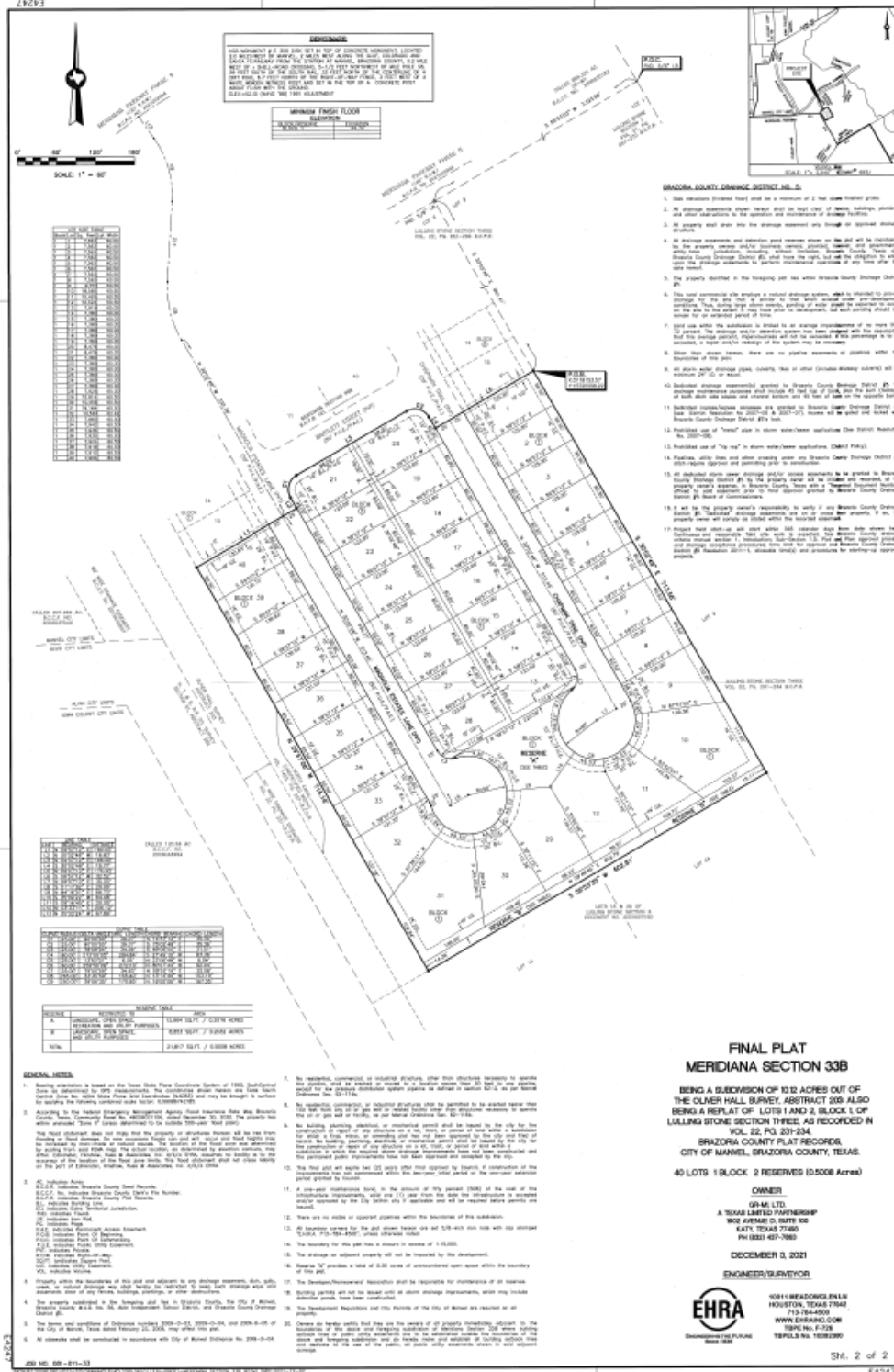
Plat Name	Meridiana Section 33B Final Plat
Applicant	Lacey Bell, EHRA
PD&Z Meeting Date	December 13, 2021
Recommendation	Approval
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

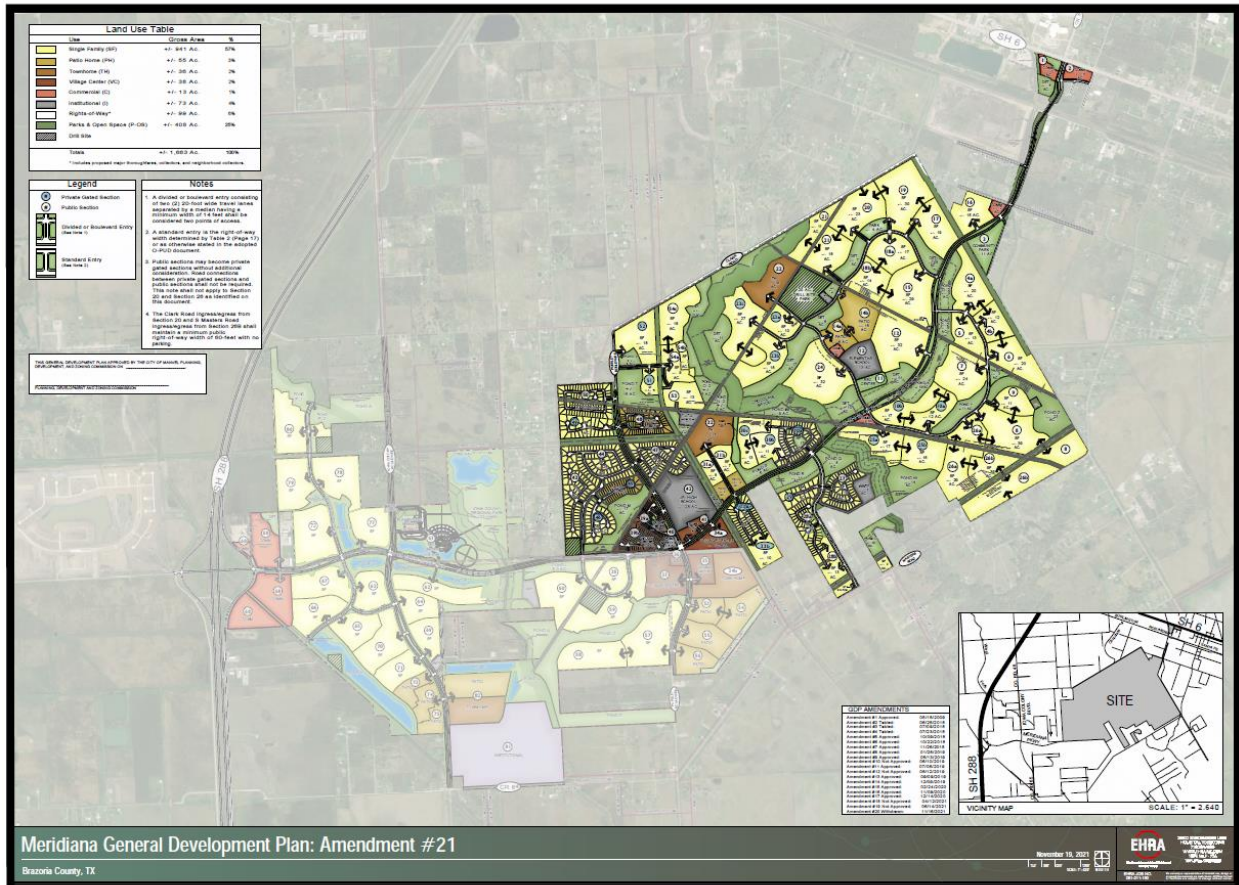
The City staff recommends approval of the Meridiana Section 33B Final Plat.



E4247



Meridiana General Development Plan Amendment No. 21 (dated November 19, 2021)



STATE OF TEXAS
COUNTY OF BRAZORIA

We, GR-MI, 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-MI, LTD., a Texas Limited Partnership, owner of the property subdivided in this plat, Meridiana Section 33B, do hereby make subdivision of said property for and on behalf of said GR-MI, LTD., a Texas Limited Partnership, according to the lines, lots, building lines, streets, alleys, parks and easements as shown and dedicated on the plat hereunto attached, and we hereby certify that the plat hereunto attached was 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.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility for the purpose of providing water and sewer service, a right-of-way easement, ten feet (10'-0") wide, containing an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground surface, extending to and adjoining said public utility easement that are designated with center lines and back-sight, fore-sight, and intersection points, and hereby certify that the easement is at least twenty feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, and shall extend vertically from the ground surface upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

FURTHER, we do hereby certify that we are the owners of all property immediately adjacent to and bordering the subdivision and do hereby make and establish and dedicate to the use of the public utilities forever unobstructed and do hereby make and establish and dedicate to the use of the public utilities forever all public utility easements shown in said adjacent acreage.

IN TESTIMONY WHEREOF, GR-MI, LTD., a Texas Limited Partnership, has caused these presents to be signed by its President, Matt Lawson, and its Authorized Agent, GR-MI, LTD., a Texas Limited Partnership, heretofore authorized by this day of October, 2021.

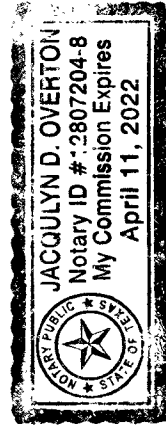
OWNER
GR-MI, LTD., a Texas Limited Partnership
a Nevada Limited Liability Company,
its Authorized Agent

BY: [Signature]
Print Name: Matt Lawson
Title: President

STATE OF TEXAS
COUNTY OF HARRIS

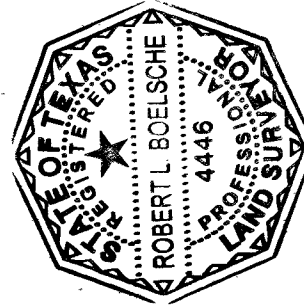
BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-MI, LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and 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 30 day of October, 2021.



[Signature]
Notary Public in and for the
State of Texas
Notary Commission Expires April 11, 2022

I, Robert Boelsche, 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 corners of the Meridiana Section 33B, Brazoria County, Texas, and that the plat boundary lines and interior corners of this subdivision were not set at the time this plat was signed by me and that these corners are to be set after construction of the public infrastructure and final lot boundaries are established. I hereby certify that the property shown on this plat is not a portion of any land described on this document as found and all set markers are a minimum of 5/8-inch diameter iron rod with surveyor's cap.



[Signature]
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	Jerrold 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 DJ# B210039

Planning, Development and Zoning Commission

This is to certify that the City Council of the City of Manvel, Texas, has approved this plat of Meridiana Section 33B 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

METES AND BOUNDS DESCRIPTION
MERIDIANA SECTION 33B
BEING 10.12 ACRES TRACT OF LAND SITUATED IN
THE OLIVER HALL SURVEY, ABSTRACT 203,
BRAZORIA COUNTY, TEXAS

A 10.12 ACRE TRACT OF LAND SITUATED IN THE OLIVER HALL SURVEY, ABSTRACT NO. 203, BRAZORIA COUNTY, TEXAS, BEING A PORTION OUT OF LOTS 1 AND 2, BLOCK 1, OF LULLING STONE SECTION THREE, A SUBDIVISION AS PER PLAT RECORDED IN VOLUME 22, PAGE 231-234 OF THE BRAZORIA COUNTY CLERK'S OFFICE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON GPS MEASUREMENTS):

COMMENCING at a 5/8-inch iron rod found at the original southeasterly corner of that certain corner of Lot 1 of Lulling Stone Section 1, a subdivision as per plat recorded in Volume 21, Page 267-270 (B.C.P.R.);

THENCE, South 59°53'03" West, along the southerly line of said 884.331 acre tract, for a distance of 7,323.86 feet to a 5/8-inch iron rod found marking the northerly common corner of said Lot 2 and Lot 3 of said Lulling Stone Section Three;

THENCE, South 30°02'48" East, along the common line of said Lots 2 and 3 for a distance of 891.41 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northeasterly corner and POINT OF BEGINNING of the herein described tract;

1) THENCE, South 30°02'48" East, continuing along the common line of said Lots 2 and 3 for a distance of 1,451.27 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the southeasterly corner of the herein described tract of land, some being the northeasterly corner of Lot 2A of Lulling Stone Section Three Document Number 200907020;

2) THENCE, South 59°53'36" West, along the southerly line of said Lot 2A for a distance of 602.81 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the southwesterly corner of the herein described tract of land;

3) THENCE, North 29°57'08" West, for a distance of 715.18 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northwesterly corner of the herein described tract of land;

4) THENCE, North 59°57'12" East, for a distance of 180.63 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

5) THENCE, North 30°02'48" West, for a distance of 18.80 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for curvature;

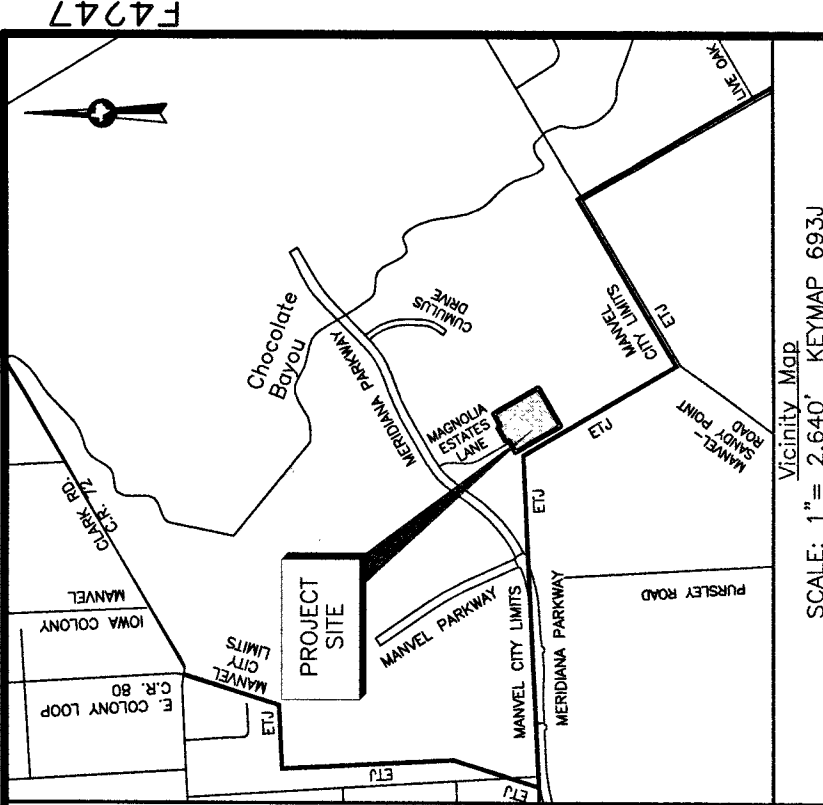
6) THENCE, in a northeasterly direction along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing of North 14°51'27" East, for a distance of 35.38 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking a point of tangency;

7) THENCE, North 59°57'12" East, for a distance of 196.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for curvature;

8) THENCE, in a southeasterly direction along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing of South 7°02'48" East, for a distance of 35.38 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking a point of tangency;

9) THENCE, South 30°02'48" East, for a distance of 19.77 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

10) THENCE, North 59°57'12" East, for a distance of 175.00 feet to the POINT OF BEGINNING and containing 10.12 acres of land.



SCALE: 1" = 2,640' KEYMAP 6931

BENCHMARK:

NCS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED AT THE INTERSECTION OF THE 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 WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAD '88) 1991 ADJUSTMENT

MINIMUM FINISH FLOOR	ELEVATION
BLOCK 1	52.00
BLOCK 2	52.00
BLOCK 3	52.00

FINAL PLAT MERIDIANA SECTION 33B

BEING A SUBDIVISION OF 10.12 ACRES OUT OF
THE OLIVER HALL SURVEY, ABSTRACT 203; ALSO
BEING A REPLAT OF LOTS 1 AND 2, 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.

40 LOTS 1 BLOCK 2 RESERVES (0.5008 Acres)

OWNER

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

DECEMBER 3, 2021

ENGINEER/SURVEYOR



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

From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#)
Subject: January 3 Consent Agenda
Date: Monday, December 13, 2021 9:06:40 AM
Attachments: [image001.png](#)

Kyle and Tammy,

In order to begin the **one-year** maintenance period, a final inspection walk-through has been conducted for:

Meridiana Section 31A

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the 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](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: City Council Agenda
Date: Thursday, December 30, 2021 10:16:12 AM
Attachments: [image002.png](#)
[image003.png](#)

Kyle and Tammy,

-
In order to begin the one-year maintenance period, a final inspection walk-through has been conducted for:

Meridiana Section 49

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the 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
Sent: Friday, December 10, 2021 9:22 AM
To: Kyle Jung <kjung@cityofmanvel.com>; Tammy Bell <tbell@cityofmanvel.com>
Cc: Gilbert Salas <gilbert.salas@cityofmanvel.com>; Jessica Rodriguez <jrodriguez@cityofmanvel.com>

Subject: Draft City Council Agenda

Tammy,

Can you add a placeholder for Meridiana Section 31A and Meridiana Section 49 to the January 3 Council Consent Agenda? If they've addressed all of the punchlist items, these would both be starting their 1-year maintenance period.

Stay tuned!

Thanks!
~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](#)
Cc: [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#)
Subject: January 3 Consent Agenda
Date: Monday, December 13, 2021 9:16:35 AM
Attachments: [image003.png](#)

Kyle and Tammy,

-
In order to **conclude** the one-year maintenance period which began on November 2, 2020, a final inspection walk-through has been conducted for:

Pomona Water Plant

All punch list items have 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: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#)
Subject: RE: January 3 Consent Agenda
Date: Monday, December 27, 2021 9:01:23 AM
Attachments: [image001.png](#)

As a follow-up, to better distinguish this project...it should be called "Pomona Water Plant No.1, Phase 2".

Thanks!
~Dan

Kyle and Tammy,

-
In order to **conclude** the one-year maintenance period which began on November 2, 2020, a final inspection walk-through has been conducted for:

Pomona Water Plant No.1, Phase 2

All punch list items have 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

From: Dan Johnson
Sent: Monday, December 13, 2021 9:17 AM
To: Kyle Jung <kjung@cityofmanvel.com>; Tammy Bell <tbell@cityofmanvel.com>
Cc: Jessica Rodriguez <jrodriguez@cityofmanvel.com>; Elaine Graham <egraham@cityofmanvel.com>; Gilbert Salas <gilbert.salas@cityofmanvel.com>
Subject: January 3 Consent Agenda

Kyle and Tammy,

-
In order to **conclude** the one-year maintenance period which began on November 2, 2020, a final inspection walk-through has been conducted for:

Pomona Water Plant

All punch list items have 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



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 12/6/2021

Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 6:41 p.m.
Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 6 Jerome Hudson
City Council Member Place 5 Jason Albert
City Council Member Place 4 Dan Davis
City Council Member Place 3 Niccole Tyson

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Asst City Manager/City Engineer
Robert Gervais, City Attorney
Chris Thomas, Finance Director
Tammy Bell, City Secretary

Update by PGAL on Market Feasibility Study for the Manvel City Center Complex.

Discussion on any subject addressed on the Agenda for December 6, 2021.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 7:02 p.m.

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 6 Jerome Hudson
City Council Member Place 4 Dan Davis
City Council Member Place 3 Niccole Tyson
City Council Member Place 5 Jason Albert

Absent: None

Also Present: Kyle Jung, City Manager
Dan Johnson, Asst City Manager/City Engineer
Robert Gervais, City Attorney
Chris Thomas, Finance Director
Tammy Bell, City Secretary

Inspirational Reading - Council Member Larry Akery

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.*

Emailed statement by Cheryl Stavins - Sedona Lakes is not covered by noise ordinance. Asking the City to extend the noise ordinance 5,000 ft to cover Sedona Lakes.

Michael Johnson - No response from the City in regards to Cameron Recycling . States that noise, burning smoke, fencing, and unsightly issues are continuing. SUP says they couldn't grow their business, but he estimates they've doubled or tripled in size.

Philip Howard - Speaking for 5,000 ft extension for noise ordinance to cover Sedona Lakes. Kelly Hopkins -

Speaking for 5,000 ft extension for noise ordinance to cover Sedona Lakes.

Jim Turpin - Planes flying too close to his house and the FAA isn't helping him. They told him it's TXDOT. Exhaust explosions rocking his whole house.

City Manager Update

Update on current events and city issues.

Hiring -

Records Clerk for the Police Department started today

Police Officer and Code Enforcement Starting 12/20

Maintenance Tech scheduled for physical

Interview for PIO on Thursday

Covid

11/15

3847 total in Manvel, up 65 from last meeting

68 confirmed, up 9

13 probable, down 7

3725 total recoveries

41 deaths

Regular Agenda

1. Consideration and possible action to approve participation in the State of Texas' settlement with litigants in opioid litigation, approve the adoption of the Texas Term Sheet and its intrastate allocation schedule and authorize the City Manager to execute the Subdivision Settlement Participation Forms and any other documents needed to participate in the settlement.

Council Member Albert discussed things Manvel would be able to use these funds for;

Training police staff on Narcan to be able to administer the medicine for an overdose if they are on a scene before an EMT arrives.

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

2. Consideration and possible action to approve Ordinance 2021-O-38;
AN ORDINANCE AMENDING ORDINANCE NO. 2020-O-30 AMENDING THE CITY FISCAL YEAR 2021 BUDGET ENDING SEPTEMBER 30, 2021, BY AMENDING VARIOUS BUDGETS TO ACCOUNT FOR YEAR-END 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.

Council discussed wanting more information during the year about when money is moved between line items and making sure that funds are fully utilized.

Council Member Larry Akery made the motion to approve. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote:

Vote: 5/2

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 6 Jerome Hudson

No: City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert Absent: None

Abstained: None

***The consent agenda was moved up.

Council Member Lorraine Hehn made the motion to approve the Consent Agenda. Council Member Jerome 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

***Mayor Davison moved up Agenda Item #8.

Council Member Dan Davis made the motion to approve agenda item #8. 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

3. Consideration and possible action to approve the License and Service Agreement between Tyler Technologies and the City of Manvel and authorize the City Manager to execute the 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

4. Consideration and possible action to approve Resolution 2021-R-31;
A RESOLUTION OF THE CITY OF MANVEL, DESIGNATING THE CASTING OF ITS VOTES FOR THE CANDIDATE AND/OR CANDIDATES FOR THE BOARD OF DIRECTORS OF THE BRAZORIA COUNTY APPRAISAL DISTRICT.

Council Member Dan Davis made the motion to approve splitting the city votes between Arnetta Murrey, Will Kennedy, Tommy King, George Sanders. Council Member Lorraine Hehn 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 Resolution 2021-R-32;
A RESOLUTION APPROVING AN INTERLOCAL PARTICIPATION AGREEMENT BY AND BETWEEN THE CITY OF MANVEL AND GOODBUY PURCHASING COOPERATIVE; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

Council Member Jason Albert 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

6. Consideration and possible action on the 2022/2023 TCAP Board of Directors Ballot.

Council Member Dan Davis made the motion to approve voting for incumbents. Council Member Lorraine Hehn 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

7. Update on *May 7, 2022, Special Election in regards to the proposition relating to the amendment of the Home Rule Charter.*

The last day to order the election is February 18th, 2022. Council Member Hehn requested an item on the next agenda for discussion on the proposition ballot language relating to the amendment of the Home Rule Charter.

8. Consideration and possible action to approve the Eighth Amendment to Development Agreement between the City of Manvel, Pomona Investment, LLC, Brazoria County Municipal Utility District 39, and Brazoria County Municipal District 40.

** See above for motion. Action taken after agenda item #2 on the agenda.

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 Quarterly Investment Report - 2021 Q4.
2. Approve Final Plat for Meridiana Section 39A;
Being a subdivision of 12.39 acres out of the H.T. & B.R.R. Co. Survey, Section 61, A-282, City of Manvel, Brazoria County, Texas.
3. Approve Preliminary Plat for Meridiana Elementary School Site No. 2;
Being a subdivision of 13.00 acres out of the Oliver Hall Survey, A-203, City of Manvel, Brazoria County, Texas.
4. Approve Preliminary Plat for Brazoria County Municipal District No. 57 Lift Station No.1; Being a subdivision of 0.19 acres out of the Oliver Hall Survey, A-203, City of Manvel, Brazoria County,

Texas.

5. Approve the second and final reading of Ordinance 2021-O-36;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF 1.612 ACRES OF LAND LOCATED AT 3806 FM 1128, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO HEAVY COMMERCIAL DISTRICT (HC) 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. (Motion to forward with favorable recommendation by PD&Z FAILED with a 0/5 vote).
6. Acceptance of infrastructure improvements for Meridiana Section 39A to begin the one-year Maintenance Period.
7. Acceptance of infrastructure improvements for Pomona Section 20 to begin the two-year maintenance period.
8. Acceptance of infrastructure improvements for Pomona Section 21 to begin the two-year maintenance period.
9. Acceptance of infrastructure improvements for Orchard Park Lane Phase 2 to begin the two- year maintenance period.
10. Acceptance of the meeting minutes to date.

****The consent agenda action was taken after agenda item #2 on the Agenda.**

Mayor and Council Comments

Christmas Parade Update

Council Member Albert stated that Lakeland is now completely developed. The homeowners now have control of the HOA.

Adjourn

Council Member Dan Davis made the motion to adjourn. 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

The meeting adjourned at 8:45 p.m.

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS