

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  
ED PERRY, 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  
March 20, 2023**

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

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

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

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

**Regular Session**

**Call To Order**

**Inspirational Reading - Council Member 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.

**Presentations**

Proclamation - Fair Housing Month, April 2023

Recognition of Elaine Graham - 20-Year Work Anniversary

### **Public Hearing**

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE "C1" OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 "OFFICES OF DENTISTS"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

### **Public Comments: "Comment Card" Required**

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

### **City Manager Update**

Update on current events and city issues.

### **Consent Agenda**

1. Approve the second and final reading of Ordinance 2023-O-10;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF TWO RIGHTS-OF-WAY BEING: (1) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.3022 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE SOUTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 47, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.6044 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT- OF-WAY DEDICATION CROSSING LOTS 42, AND 43 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

2. Approve the second and final reading of Ordinance 2023-O-11;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A RIGHT-OF-WAY KNOWN AS 0.3011 ACRES (13,115 SQUARE FEET) OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE NORTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 50 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
  
3. Approve the second and final reading of Ordinance 2023-O-12;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF THE FOLLOWING RIGHTS-OF- WAY: (1) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.6051 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 34, AND 35 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (2) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.9066 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 24, 32, AND 40 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (3) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.1152 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 13, 21, 29, 36, 37, 44, AND 45 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (4) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.7197 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 14, 15, 22, 23, 30, 31, 38, 39, AND 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2,

PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (5) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.7228 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483 BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE WEST HALF OF A 40 FOOT WIDE RIGHT-OF- WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139- 140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (6) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.2359 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, A/K/A THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, AND H.T. & B.R.R. COMPANY SURVEY, SECTION 65, ABSTRACT 285, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71- 72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS- OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

4. Approve the second and final reading of Ordinance 2023-O-13;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PORTION OF A 20' RIGHT OF WAY AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.5953 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT- OF-WAY AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 7, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
5. Approve the second and final reading of Ordinance 2023-O-14;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF (1) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.8967 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT- OF-WAY DEDICATION CROSSING LOTS 8, AND 16 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A PORTION OF A 20' RIGHT-OF-WAY DEDICATION AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.1916



ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 5 AND 6, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS- OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

6. Approve Resolution 2023-R-06;  
A RESOLUTION BY THE CITY OF MANVEL TEXAS SUSPENDING THE MAY 1, 2023 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – TEXAS COAST DIVISION, TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2022 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.
7. Accept the infrastructure improvements for Meridiana Section 32A to begin the two-year maintenance period.
8. Accept the infrastructure improvements for Meridiana Section 53 to begin the two-year maintenance period.
9. Approve the meeting minutes to date.

#### **Regular Agenda**

1. Consideration and possible action to approve the City Audit for the year ended September 30, 2022.
2. Consideration and possible action to direct staff on the amount of debt to be posted for sale for the building of a new Police Department, Community Services Building, and City Hall.
3. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-15;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE “C1” OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6- SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 “OFFICES OF DENTISTS”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.  
(Forwarded with a favorable recommendation by PD&Z 4-0).

4. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-16; AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X "MOBILE FOOD VENDORS" TO CHANGE THE MINIMUM DISTANCE REQUIREMENT BETWEEN A MOBILE FOOD UNIT/TEMPORARY FOOD ESTABLISHMENT FROM 300 TO 100 YARDS AND ADD TWO REQUIREMENTS TO FOOD TRUCK OPERATIONS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
5. Consideration and possible action to approve a Subdivision Variance request seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements* and Section 62-113, *Sidewalks* for an approximate 3.9284-acres of land located at the western corner of Cemetery Rd and Scott Street intersection and authorize the Mayor to execute the Development Agreement.
6. Consideration and possible action to appoint Derek Dalmolin to fill the unexpired term on the Zoning Board of Adjustments (ZBOA).

### **Mayor and Council Comments**

Update on current events and city issues.

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

Items of community interest include:

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

### **Adjourn**

#### **CERTIFICATION**

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on March 17, 2023 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



# PROCLAMATION

**WHEREAS**, the Department of Housing and Urban Development has initiated the sponsorship of activities during the month of April of each year designed to reinforce the Department's commitment to the concept of Fair Housing; and

**WHEREAS**, the City of Manvel supports equal access to all Americans to homeownership opportunities; and

**WHEREAS**, the City of Manvel supports equal housing for all our citizens without regard to race, color, religion, sex, disability, or national origin; and

**WHEREAS**, the City of Manvel supports programs that will educate the public concerning their rights to fair housing opportunities; and

**WHEREAS**, the City of Manvel is honored to join the Federal Government, the State of Texas, and local jurisdictions across America in celebrating the rich diversity of our people to live where they choose.

**NOW, THEREFORE**, be it resolved, I, Debra Davison, Mayor of the City of Manvel, do hereby proclaim April, 2023 as:

## **“FAIR HOUSING MONTH”**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of

\_\_\_\_\_ to be affixed this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Debra Davison, Mayor

**ORDINANCE NO. 2023-O-XX**

**AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF TWO RIGHTS-OF-WAY BEING: (1) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.3022 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE SOUTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 47, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.6044 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 42, AND 43 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

**WHEREAS**, Eastbank Bayou, L.P. has petitioned the City of Manvel, Texas, to vacate, abandon, and close rights-of-way known as: (1) approximately 0.3022 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of the south half of a 40 foot wide right-of-way dedication crossing lot 47, of the Allison Richey Gulf Coast Home Company part of Suburban Gardens Subdivision, Section 73, according to



the plat recorded in volume 2, pages 91-92, of the plat records of said Brazoria County, Texas; and (2) being approximately 0.6044 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing lots 42, and 43 of the Allison Richey Gulf Coast Home Company part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in volume 2, pages 91-92, of the plat records of said Brazoria County, Texas; and

**WHEREAS,** Applicant has submitted the necessary application and information to the City to review the request for abandonment, said application attached hereto as Exhibit A;

**WHEREAS,** the City Council has determined that such public rights-of-way are no longer necessary for public convenience and necessity and should be vacated, abandoned, and closed, and any interest in said rights-of-way released; now, therefore;

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

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

**Section 2.** The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of city rights-of-way consisting of: (1) approximately 0.3022 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of the south half of a 40 foot wide right-of-way dedication crossing lot 47, of the Allison Richey Gulf Coast Home Company part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in volume 2, pages 91-92, of the plat records of said Brazoria County, Texas; and (2) approximately 0.6044 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing

lots 42, and 43 of the Allison Richey Gulf Coast Home Company part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in volume 2, pages 91-92, of the plat records of said Brazoria County, Texas, and being more particularly described by metes and bounds, and shown by map, in the application attached as Exhibit A, attached hereto and incorporated herein.

**Section 3.** The rights-of-way are hereby vacated, abandoned, and closed, and any public right of way interest therein is released.

**Section 4.** This abandonment is subject to, and contingent upon, fulfillment of all requirements of state law, city ordinances, and the City's abandonment policy.

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

**Section 6.** Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 7.** Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Debra Davison, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Gervais, City Attorney

**City of Manvel**  
20025 Hwy 6 \* Manvel, TX 77578  
Phone 281-489-0630 Fax 281-489-0634

**Application for Abandonment, Vacation, Closing and Relocation  
of Streets, Alleys, Rights-of-Way and Easements**

**Fees: \$1000.00 (to be paid after staff determines if the request is feasible)**

Date June 11, 2021

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

Eastbank Bayou, L.P.

Address: 2414 Ella Blvd, Houston, TX 77008 Phone# \_\_\_\_\_

Reason and intent for requested action:

The reason for this request is to abandon the existing 40' wide rights-of-way within the planned development of the area known as the Sowell Tract. The intent is to allow flexibility in the location of the arterial roadways passing through the development while still adhering to the City of Manvel's Master Thoroughfare Plan. North/south circulation will be provided through Pollard Boulevard (120' R.O.W.) and east/west circulation will be provided through Del Bello Boulevard (120' R.O.W.), Dogwood Avenue (80' R.O.W.) and Charlotte Street (60' R.O.W.).

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

This request is to abandon certain rights-of-way within the properties owned by Eastbank Bayou, L.P. within the Sowell Tract. This proposed right-of-way abandonment is approximately 1,316.32 feet in total length and 0.9066 acres in total area. Attached are the legal descriptions and surveys.



Signature of Applicant

Procedures:

Date of Action \_\_\_\_\_

FEES PAID \_\_\_\_\_

Check Number \_\_\_\_\_

*Collect the following documents*

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

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

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

*Staff procedures:*

\_\_\_\_\_ Commission a title report of the area to be abandoned.

\_\_\_\_\_ Commission an independent appraisal of the area to be abandoned;

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

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

\_\_\_\_\_ Scheduled Public Hearing Date for Planning Development and Zoning

\_\_\_\_\_ Scheduled Public Hearing Date for City Council (1<sup>st</sup> reading of the ordinance)

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

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

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



DESCRIPTION OF  
0.3022 ACRE  
(13,163 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 0.3022 acre (13,163 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of the south half of a 40 foot wide right-of-way dedication crossing Lot 47, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and being a portion of that certain called 10 acre tract (Lot 47) conveyed to Eastbank Bayou, LP, by instrument of record in Document Number 2008004367, of the Official Records of said Brazoria County, Texas (B.C.O.R.), said 0.3022 acres (13,163 square feet) being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the common corner of said Lot 47, Lot 39, Lot 40, and Lot 48 of said Section 73, same being the southwest corner of said 10 acre tract, same being the northwest corner of that certain tract conveyed to Brad J. Batteau by an instrument of record in Document Number 2019001447, of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.) and in the east line of that certain tract described as "First Tract", conveyed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760 of the Deed Records of said Brazoria County, Texas (B.C.D.R.), from which a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for reference, bears North 86° 49' 54" East, 628.13 feet;

Thence, North 03° 24' 33" West, along the east line of said Lot 39, and said "First Tract", same being the west line of said Lot 47 and said 10 acre, 640.01 feet to the southwest corner and POINT OF BEGINNING of the herein described tract;

0.3022 Acre

June 11, 2021  
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Thence, North 03° 24' 33" West, continuing along said common line, 20.00 feet to the common corner of Lot 38, said Lot 39, Lot 46 and said 47 of said Section 73, same being the northwest corner of said 10 acre tract and an easterly interior corner of said "First Tract";

Thence, North 86° 49' 56" East, along the north line of said Lot 47 and said 10 acre tract, same being the south line of said Lot 46 and an interior line of said "First Tract", 658.16 feet to the common corner of said Lot 46, said Lot 47, Lot 53 of said Section 73, same being the northeast corner said 10 acre tract, an easterly corner of said "First Tract", the northwest corner of that certain called 10.0008 acre tract conveyed to Coastal Bend Land Investments, LP by an instrument of record in Document Number 2007047399, B.C.O.R., and the southwest corner of that certain called 40.0060 acre tract conveyed to Coastal Bend Land Investments, LP by an instrument of record in Document Number 2006049617, B.C.O.R.;

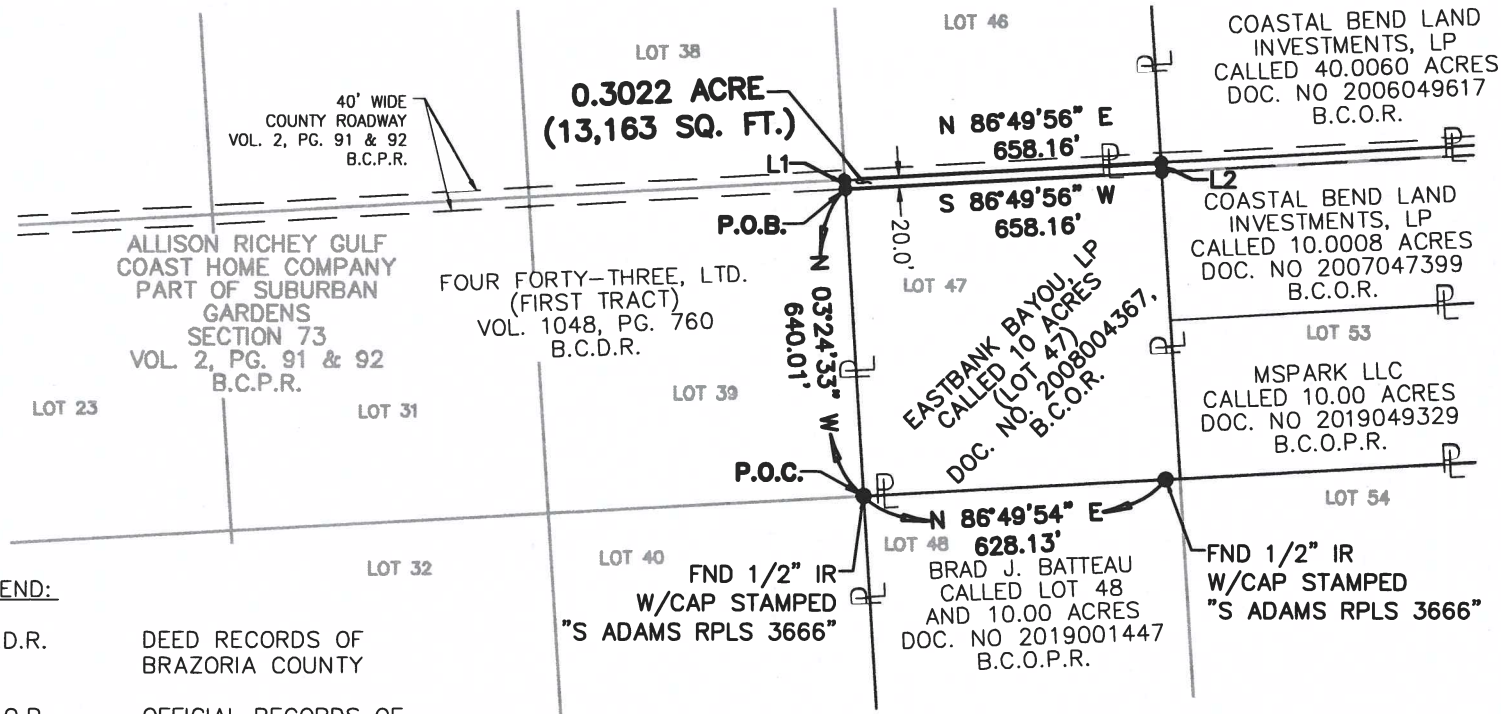
Thence, South 03° 24' 33" East, along the east line of said Lot 47, and said 10 acre tract, same being the west line of said Lot 53 and said 10.0008 acre tract, 20.00 feet to a point for corner;

Thence, South 86° 49' 56" West, departing said common line, 658.16 feet to the POINT OF BEGINNING and containing 0.3022 acre (13,163 square feet) of land.

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



LJA Surveying, Inc.



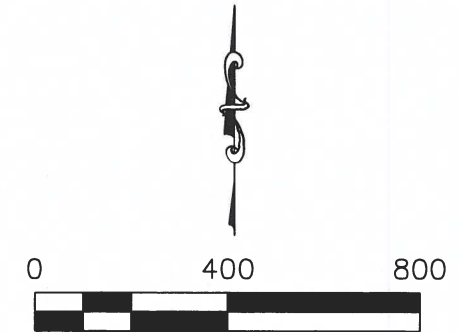
**LEGEND:**

- B.C.D.R. DEED RECORDS OF BRAZORIA COUNTY
- B.C.O.R. OFFICIAL RECORDS OF BRAZORIA COUNTY
- B.C.O.P.R. OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
- B.C.P.R. PLAT RECORDS OF BRAZORIA COUNTY
- PROPERTY LINE
- LAND HOOK
- VOL./PG. VOLUME/PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- FND FOUND

**NOTES:**

- 1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- 2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.

| Line Table |               |        |
|------------|---------------|--------|
| Line #     | Direction     | Length |
| L1         | N03° 24' 33"W | 20.00' |
| L2         | S03° 24' 33"E | 20.00' |



SCALE 1" = 400'

**EXHIBIT OF  
0.3022 ACRES  
(13,163 SQ. FT.)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)**

**IN THE  
H.T. & B.R.R. COMPANY SURVEY,  
SECTION 73, A-301  
BRAZORIA COUNTY, TEXAS**

JUNE 2021 JOB NO. LJA001-2791-2103

**LJA Surveying, Inc.**

3600 W Sam Houston Parkway S  
Suite 175  
Houston, Texas 77042

Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382



DESCRIPTION OF  
0.6044 ACRE  
(26,326 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(40 FEET WIDE)

Being 0.6044 acre (26,326 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 42, and 43 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and being a portion of that certain called 19.944 acre tract conveyed Eastbank Bayou, LP by instrument of record in Document Number 2008004369 of the Official Records of said Brazoria County, Texas (B.C.O.R.), said 0.6044 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING at a 1/2-inch iron rod with a cap stamped "S ADAMS RPLS 3666" found for the common corner of said Lot 42, Lot 33, Lot 34, and Lot 41 of said Section 73, same being the northwest corner of said 19.944 acre tract, a northeast corner of that certain tract described as "First Tract", conveyed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760 of the Deed Records of said Brazoria County, Texas (B.C.D.R.), the southeast corner of that certain called 19.950 acre tract conveyed to Eastbank Bayou, L.P. by instrument of record in Document Number 2007022032, B.C.O.R. and the southwest corner of a called 5 acre tract conveyed to Katherine Ott Miles described in Volume 1495, Page 1, B.C.D.R from which a 1/2-inch iron rod with a cap stamped "S ADAMS RPLS 3666" found for reference bears North 86° 49' 56" East, 677.47 feet;

Thence, South 03° 24' 33" East, along the east line of said Lot 34, an interior northeasterly line of said "First Tract", same being the west line of said Lot 42 and said 19.944 acre tract, 640.00 feet to the northwest corner POINT OF BEGINNING of herein described tract;

0.6044 Acre

June 11, 2021  
Job No. LJAS001-2791-2103

Thence, North  $86^{\circ} 49' 56''$  East, departing said common line, 658.16 feet to a point for corner on the east line of said Lot 42 and said 19.944 acre tract, same being the west line of Lot 50 of aforementioned Section 73, and that certain called 10 acre tract (Lot 47) conveyed to Eastbank Bayou, LP, by instrument of record in Document Number 2008004367, B.C.O.R.;

Thence, South  $03^{\circ} 24' 33''$  East, along said common line, passing at 20.00 feet the common corner of said Lot 42, said Lot 50, Lot 51 and aforementioned Lot 43 of said Section 73, same being the southwest corner of said 10 acre tract and the northwest corner of that certain tract conveyed to Louis Lira by an instrument of record in Volume 1694, Page 653, B.C.D.R., continuing along the east line of said Lot 43 and said 19.944 acre tract, same being the west line of said Lot 51 and said Louis Lira tract, for a total distance of 40.00 feet to a point for corner;

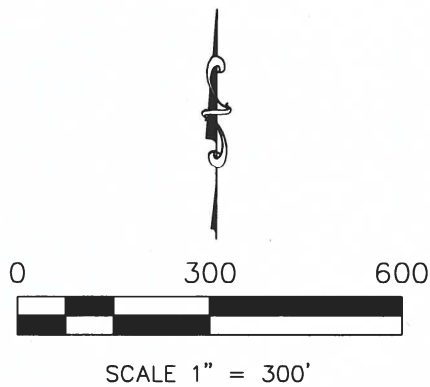
Thence, South  $86^{\circ} 49' 56''$  West, departing said common line, 658.16 feet to a point for corner, on the west line of line of said Lot 43 and said 19.944 acre tract, same being the east line east line of Lot 35 of said section 73 and said "First Tract";

Thence, North  $03^{\circ} 24' 33''$  West, along the west line of said Lot 43 and said 19.944 acre tract, same being the east line of said of said Lot 35 and said "First Tract", passing at 20.00 feet the common corner of said Lot 35, said Lot 43, said Lot 42 and aforementioned Lot 34, continuing along the west line of said Lot 42 and said 19.944 acre tract, same being east line of said Lot 43 and said "First Tract" for a total distance of, 40.00 feet to the POINT OF BEGINNING and containing 0.6044 acres (26,326 square feet) of land.

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



LJA Surveying, Inc.

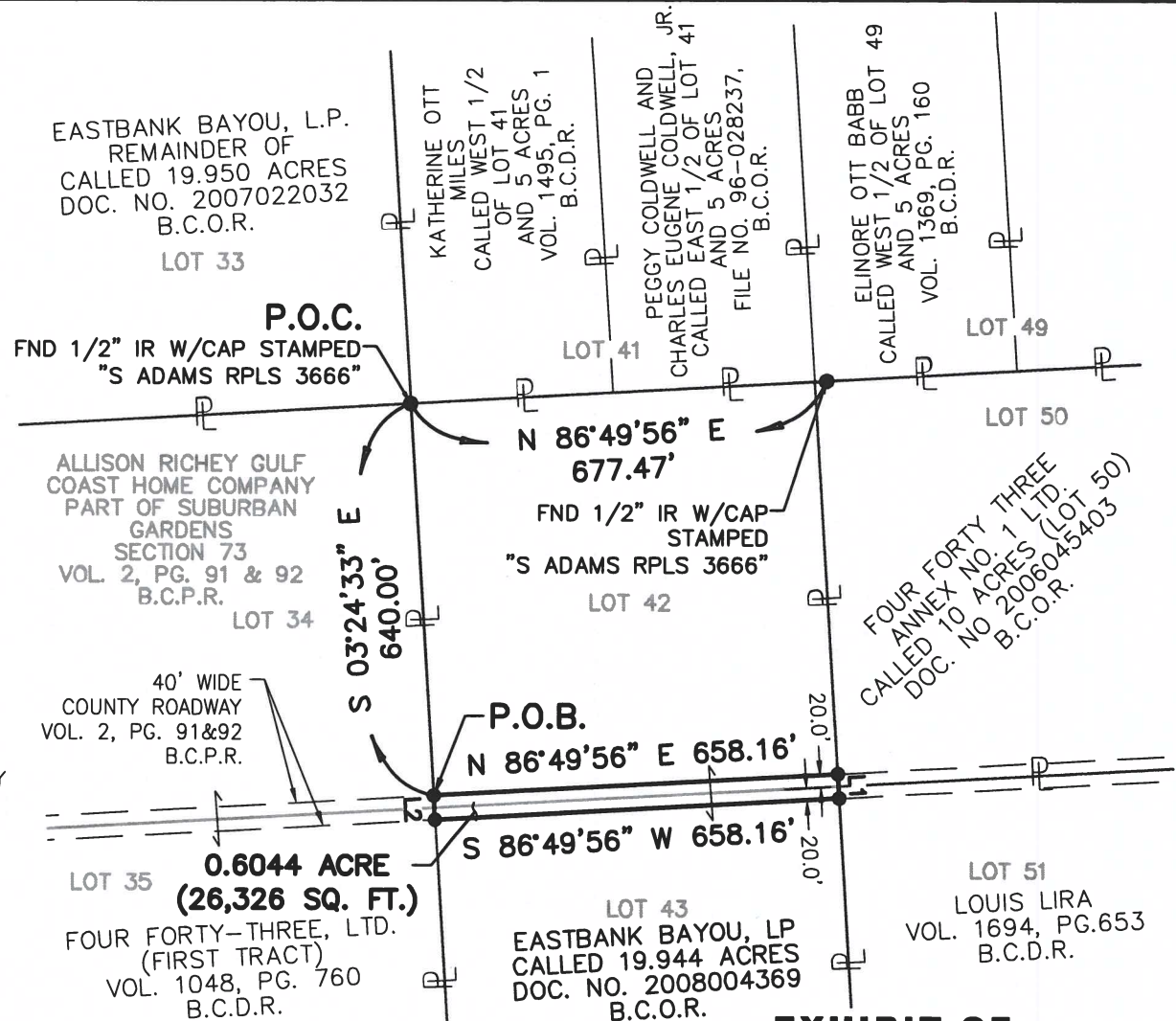
**LEGEND:**

|            |                                            |
|------------|--------------------------------------------|
| B.C.D.R.   | DEED RECORDS OF BRAZORIA COUNTY            |
| B.C.O.R.   | OFFICIAL RECORDS OF BRAZORIA COUNTY        |
| B.C.O.P.R. | OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY |
| B.C.P.R.   | PLAT RECORDS OF BRAZORIA COUNTY            |
|            | PROPERTY LINE                              |
|            | LAND HOOK                                  |
| VOL./PG.   | VOLUME/PAGE                                |
| P.O.B.     | POINT OF BEGINNING                         |
| P.O.C.     | POINT OF COMMENCEMENT                      |
| FND        | FOUND                                      |

**NOTES:**

1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)

2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 03°24'33" E | 40.00'   |
| L2   | N 03°24'33" W | 40.00'   |

**EXHIBIT OF  
0.6044 ACRE  
(26,326 SQ. FT.)  
RIGHT-OF-WAY ABANDONMENT  
(40 FEET WIDE)**

**IN THE  
H.T. & B.R.R. COMPANY SURVEY,  
SECTION 73, A-301  
BRAZORIA COUNTY, TEXAS**

JUNE 2021 JOB NO. LJAS001-2791-2103

**LJA Surveying, Inc.**

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Suite 175  
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**ORDINANCE NO. 2023-O-11**

**AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A RIGHT-OF-WAY KNOWN AS 0.3011 ACRES (13,115 SQUARE FEET) OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE NORTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 50 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

**WHEREAS**, Four Forty-Three Annex No. 1, Ltd. has petitioned the City of Manvel, Texas, to vacate, abandon, and close right of way known as 0.3011 acres (13,115 square feet) of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of the north half of a 40 foot wide right-of-way dedication crossing Lot 50 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

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

**WHEREAS**, the City Council has determined that such public right-of-way is no longer necessary for public convenience and necessity and should be vacated, abandoned, and closed, and any interest in said right of way released; now, therefore;

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

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

**Section 2.** The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of city right-of-way consisting of 0.3011 acres (13,115 square feet) of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of the north half of a 40 foot wide right-of-way dedication crossing Lot 50 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas, and being more particularly described by metes and bounds, and shown by map, in the application attached as Exhibit A, attached hereto and incorporated herein.

**Section 3.** The right-of-way is hereby vacated, abandoned, and closed, and any public right of way interest therein is released.

**Section 4.** This abandonment is subject to, and contingent upon, fulfillment of all other requirements of state law, city ordinances, and the City's abandonment policy.

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



**Section 6.** Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 7.** Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Debra Davison, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Gervais, City Attorney

**City of Manvel**  
20025 Hwy 6 \* Manvel, TX 77578  
Phone 281-489-0630 Fax 281-489-0634

**Application for Abandonment, Vacation, Closing and Relocation  
of Streets, Alleys, Rights-of-Way and Easements**

**Fees: \$1000.00 (to be paid after staff determines if the request is feasible)**

Date June 11, 2021

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

Four Forty-Three Annex No. 1, Ltd.

Address: 2414 Ella Blvd, Houston, TX 77008 Phone# \_\_\_\_\_

Reason and intent for requested action:

The reason for this request is to abandon the existing 40' wide rights-of-way within the planned development of the area known as the Sowell Tract. The intent is to allow flexibility in the location of the arterial roadways passing through the development while still adhering to the City of Manvel's Master Thoroughfare Plan. North/south circulation will be provided through Pollard Boulevard (120' R.O.W.) and east/west circulation will be provided through Del Bello Boulevard (120' R.O.W.), Dogwood Avenue (80' R.O.W.) and Charlotte Street (60' R.O.W.).

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

This request is to abandon the right-of-way within the property owned by Four Forty-Three Annex No. 1, Ltd. within the Sowell Tract. This proposed right-of-way abandonment is approximately 655.76 feet in total length and 0.3011 acres in total area. Attached are the legal description and survey.

Lend Management Company, G P  
Signature of Applicant Andrew Sowell, Vice President

Procedures:

Date of Action \_\_\_\_\_

FEES PAID \_\_\_\_\_

Check Number \_\_\_\_\_

*Collect the following documents*

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

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

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

*Staff procedures:*

\_\_\_\_\_ Commission a title report of the area to be abandoned.

\_\_\_\_\_ Commission an independent appraisal of the area to be abandoned;

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

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

\_\_\_\_\_ Scheduled Public Hearing Date for Planning Development and Zoning

\_\_\_\_\_ Scheduled Public Hearing Date for City Council (1<sup>st</sup> reading of the ordinance)

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

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

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

DESCRIPTION OF  
0.3011 ACRE  
(13,115 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 0.3011 acre (13,115 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of the north half of a 40 foot wide right-of-way dedication crossing Lot 50 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and also a portion of that certain called 10 acre tract described as "Lot 50" conveyed to Four Forty Three Annex No. 1 LTD. by an instrument of record in Document Number 2006045403 of the Official Records of said Brazoria County, Texas (B.C.O.R.), said 0.3011 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA SURVEY" previously set for a the common corner of said Lot 50, Lot 51, Lot 42, and Lot 43 of said Section 73, same being the southwest corner of said 10 acre tract, the northwest corner of that certain tract conveyed to Louis Lira in Volume 1694, Page 653 of the Deed Records of said Brazoria County, Texas (B.C.D.R.), and on the east line of a called 19.944 acre tract conveyed to Eastbank Bayou, LP by an instrument of record in Document Number 2008004369, (B.C.O.R.);

Thence, North 03° 24' 33" West, along the west line of said Lot 50 and said 10 acre tract, same being the east line of said Lot 42 and said 19.944 acre tract, 20.00 feet to a point for corner;

Thence, North 86° 49' 56" East, departing said common line, 655.76 feet to a point for corner on the east line of said Lot 50 and said 10 acre tract, same being the west line of Lot 56 of Section 73, and a called 1.157 acre tract conveyed to Douglas L. Varner by an instrument of record Volume (87)421, Page 194, B.C.O.R.;

0.3011 Acre

June 11, 2021  
Job No. LJA001-2791-2103

Thence, South 03° 24' 33" East, along said common line, 20.00 feet to 5/8-inch iron rod with cap stamped "LJA SURVEY" previously set for the common corner of said Lot 50, said Lot 56, aforementioned Lot 51 and Lot 57 of said Section 73, same being the southeast corner of said 10 acre tract, the northeast corner of said Louis Lira tract, the southeast corner of said Douglas L. Varner tract, and the northwest corner of Lot 1, Block 1 of the Loterbauer Minor Plat, a subdivision of record in Document Number 2018013012 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.);

Thence, South 86° 49' 56" West, along the south line of said Lot 50 and said 10 acre tract, same being the north line of said Lot 51 and said Louis Lira Tract, passing at 636.01 feet a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for reference, and continuing along said common line for a total distance of 655.76 feet to the POINT OF BEGINNING and containing 0.3011 acre (13,115 square feet) of land.

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



LJA Surveying, Inc.



SCALE 1" = 100'

LEGEND:

- B.C.D.R. DEED RECORDS OF BRAZORIA COUNTY
- B.C.O.R. OFFICIAL RECORDS OF BRAZORIA COUNTY
- B.C.O.P.R. OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
- B.C.P.R. PLAT RECORDS OF BRAZORIA COUNTY
- (S)● PREVIOUSLY SET 5/8" I.R. W/CAP STAMPED "LJA SURVEY"
- P PROPERTY LINE
- ← LAND HOOK
- VOL./PG. VOLUME/PAGE
- P.O.B. POINT OF BEGINNING
- FND FOUND

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

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

## LOT 56

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

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

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

## LOT 57

LOTTERBAUER MINOR PLAT  
LOT 1, BLOCK 1  
DOC. NO. 2018013012  
B.C.O.P.R.

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

## LOT 42

P.O.B.  
(S)

## LOT 43

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

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

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

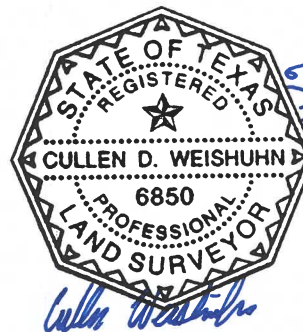
## LOT 51

0.3011 ACRE  
(13,115 SQUARE FEET)

N 86°49'56" E 655.76'

S 86°49'56" W 655.76'

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 03°24'33" W | 20.00'   |
| L2   | S 03°24'33" E | 20.00'   |



## NOTES:

- 1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- 2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.

**EXHIBIT OF  
0.3011 ACRES  
(13,115 SQ. FT.)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)**

**IN THE  
H.T. & B.R.R. COMPANY SURVEY,  
SECTION 73, A-301  
BRAZORIA COUNTY, TEXAS**

JUNE 2021 JOB NO. LJA001-2791-2103

**LJA Surveying, Inc.**

3600 W Sam Houston Parkway S  
Suite 175  
Houston, Texas 77042

Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382



**ORDINANCE NO. 2023-O-12**

**AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF THE FOLLOWING RIGHTS-OF-WAY: (1) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.6051 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 34, AND 35 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (2) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.9066 ACRES OF LAND LOCATED IN THE H.T.& B. R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 24, 32, AND 40 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (3) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.1152 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 13, 21, 29, 36, 37, 44, AND 45 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (4) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.7197 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 14, 15, 22, 23, 30, 31, 38, 39, AND 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (5) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.7228 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483 BRAZORIA**



**COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE WEST HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (6) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.2359 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, A/K/A THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, AND H.T. & B.R.R. COMPANY SURVEY, SECTION 65, ABSTRACT 285, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

**WHEREAS**, Four Forty-Three, Ltd. has petitioned the City of Manvel, Texas, to vacate, abandon, and close rights-of-way known as: (1) 0.6051 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 34, and 35 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

(2) 0.9066 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 20 foot wide right-of-way dedication crossing Lots 24, 32, and 40 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens

Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

(3) 2.1152 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 13, 21, 29, 36, 37, 44, and 45 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

(4) 2.7197 acres of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 14, 15, 22, 23, 30, 31, 38, 39, and 46 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

(5) 0.7228 acres of land located in the H.T. & B.R.R. Company Survey, Section 64, also known as the Mary V. O'Donnell Survey, Abstract 483 Brazoria County, Texas, and also being a portion of the west half of a 40 foot wide right-of-way dedication as shown on the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, of the Plat Records of said Brazoria County, Texas; and

(6) 1.2359 acres of land located in the H.T. & B.R.R. Company Survey, Section 64, A/K/A the Mary V. O'Donnell Survey, Abstract 483, and H.T. & B.R.R. Company Survey, Section 65, Abstract 285, and also being a portion of a 40 foot wide right-of-way dedication as shown on the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat

recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, of the Plat Records of said Brazoria County, Texas; and

**WHEREAS**, Applicant has submitted the necessary application and information to the City to review the request for abandonment, said application attached hereto as Exhibit A;

**WHEREAS**, the City Council has determined that such public rights-of-way are no longer necessary for public convenience and necessity and should be vacated, abandoned, and closed, and any interest in said rights-of-way released; now, therefore;

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

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

**Section 2.** The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of the following city rights-of-way: (1) 0.6051 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 34, and 35 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

(2) 0.9066 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 20 foot wide right-of-way dedication crossing Lots 24, 32, and 40 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

- (3) 2.1152 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 13, 21, 29, 36, 37, 44, and 45 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and
- (4) 2.7197 acres of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 14, 15, 22, 23, 30, 31, 38, 39, and 46 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and
- (5) 0.7228 acres of land located in the H.T. & B.R.R. Company Survey, Section 64, also known as the Mary V. O'Donnell Survey, Abstract 483 Brazoria County, Texas, and also being a portion of the west half of a 40 foot wide right-of-way dedication as shown on the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, of the Plat Records of said Brazoria County, Texas; and
- (6) 1.2359 acres of land located in the H.T. & B.R.R. Company Survey, Section 64, A/K/A the Mary V. O'Donnell Survey, Abstract 483, and H.T. & B.R.R. Company Survey, Section 65, Abstract 285, and also being a portion of a 40 foot wide right-of-way dedication as shown on the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, of the Plat Records of said Brazoria County, Texas; and being more particularly described by metes and bounds, and shown by map, in the application attached as Exhibit A, attached hereto and incorporated herein.

**Section 3.** The rights-of-way are hereby vacated, abandoned, and closed, and any public right of way interest therein is released.

**Section 4.** This abandonment is subject to, and contingent upon, fulfillment of all other requirements of state law, city ordinances, and the City's abandonment policy.

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

**Section 6.** Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 7.** Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Debra Davison, Mayor

ATTEST:

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Tammy Bell, City Secretary

APPROVED AS TO FORM:

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Robert Gervais, City Attorney

City of Manvel  
20025 Hwy 6 \* Manvel, TX 77578  
Phone 281-489-0630 Fax 281-489-0634

Application for Abandonment, Vacation, Closing and Relocation  
of Streets, Alleys, Rights-of-Way and Easements

Fees: \$1000.00 (to be paid after staff determines if the request is feasible)

Date June 11, 2021

*updated 3/2/2023*

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

Four Forty-Three, Ltd.

Address: 2414 Ella Blvd, Houston, TX 77008 Phone# \_\_\_\_\_

Reason and intent for requested action:

The reason for this request is to abandon the existing 40' wide rights-of-way within the planned development of the area known as the Sowell Tract. The intent is to allow flexibility in the location of the arterial roadways passing through the development while still adhering to the City of Manvel's Master Thoroughfare Plan. North/south circulation will be provided through Pollard Boulevard (120' R.O.W.) and east/west circulation will be provided through Del Bello Boulevard (120' R.O.W.), Dogwood Avenue (80' R.O.W.) and Charlotte Street (60' R.O.W.).

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

This request is to abandon the rights-of-way within the properties owned by Four Forty-Three, Ltd. within the Sowell Tract. This proposed right-of-way abandonment is approximately 15,520.05 feet in total length and 9.2437 acres in total area. Attached are the legal descriptions and surveys.

Lend Management Company, GP  
Signature of Applicant

*Andrew Sowell, Vice President*

Procedures:

Date of Action \_\_\_\_\_

FEEES PAID \_\_\_\_\_

Check Number \_\_\_\_\_

*Collect the following documents*

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

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

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

*Staff procedures:*

\_\_\_\_\_ Commission a title report of the area to be abandoned.

\_\_\_\_\_ Commission an independent appraisal of the area to be abandoned;

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

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

\_\_\_\_\_ Scheduled Public Hearing Date for Planning Development and Zoning

\_\_\_\_\_ Scheduled Public Hearing Date for City Council (1<sup>st</sup> reading of the ordinance)

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

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

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



①

June 11, 2021  
Job No. LJAS001-2791-2103

DESCRIPTION OF  
0.6051 ACRE  
(26,357 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(40 FEET WIDE)

Being 0.6051 acre (26,357 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 34, and 35 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and a portion of that certain called "First Tract" conveyed to Four Forty-Three, LTD., by instrument of record in Volume 1048, Page 760, of the Deed Records of said Brazoria County, Texas (B.C.D.R.), said 0.6051 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING at a 1/2-inch iron rod with a cap stamped "S ADAMS RPLS 3666" found for the common corner of said Lot 34, said Lot 35, Lot 33, and Lot 41 of said Section 73, same being the northwest corner of that certain called 19.944 acre tract conveyed Eastbank Bayou, LP by instrument of record in Document Number 2008004369 of the Official Records of said Brazoria County, Texas (B.C.O.R), a northeast corner of said "First Tract", the southeast corner of that certain called 19.950 acre tract conveyed to Eastbank Bayou, L.P. by instrument of record in Document Number 2007022032, B.C.O.R. and the southwest corner of a called 5 acre tract conveyed to Katherine Ott Miles described in Volume 1495, Page 1, B.C.D.R from which a 1/2-inch iron rod with a cap stamped "S ADAMS RPLS 3666" found for reference bears North 86° 49' 56" East, 677.47 feet;

Thence, South 03° 24' 33" East, along the east line of said Lot 34, an interior northeasterly line of said "First Tract", same being the west line of said Lot 42 and said 19.944 acre tract, 640.00 feet to the northeast corner and POINT OF BEGINNING of herein described tract;

0.6051 Acre

June 11, 2021  
Job No. LJAS001-2791-2103

Thence, South 03° 24' 33" East, along said common line, passing at 20.00 feet the common corner of said Lot 34, said Lot 42, Lot 43 and Lot 35 of said Section 73, continuing along the east line of said Lot 35 and said "First Tract", same being the west line said Lot 43 and said 19.944 acre tract, 40.00 feet to a point for corner;

Thence, South 86° 49' 56" West, departing said common line, 658.92 feet to a point for corner being on the west line of said Lot 35, and said "First Tract", same being the east line of Lot 27 of said Section 73, and that certain called 149.639 acre tract conveyed to the City of Manvel by instrument of record in Document Number 2018034498 of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.);

Thence, North 03° 27' 03" West, along said common line, passing at 20.00 feet, the common corner of said Lot 35, said Lot 27, Lot 26 and aforementioned Lot 34 of said Section 73, continuing along the west line of said Lot 34 and said "First Tract", same being the east line of said Lot 26 and said 149.639 acre tract, 40.00 feet to a point for corner;

Thence, North 86° 49' 56" East, departing said common line, 658.95 feet to the POINT OF BEGINNING and containing 0.6051 acre (26,357 square feet) of land.

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



LJA Surveying, Inc.



SCALE 1" = 300'

**LEGEND:**

- B.C.D.R. DEED RECORDS OF BRAZORIA COUNTY
- B.C.O.R. OFFICIAL RECORDS OF BRAZORIA COUNTY
- B.C.O.P.R. OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
- B.C.P.R. PLAT RECORDS OF BRAZORIA COUNTY
- P PROPERTY LINE
- LAND HOOK
- VOL./PG. VOLUME/PAGE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- FND FOUND

**NOTES:**

- 1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- 2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 03°24'33" E | 40.00'   |
| L2   | N 03°27'03" W | 40.00'   |

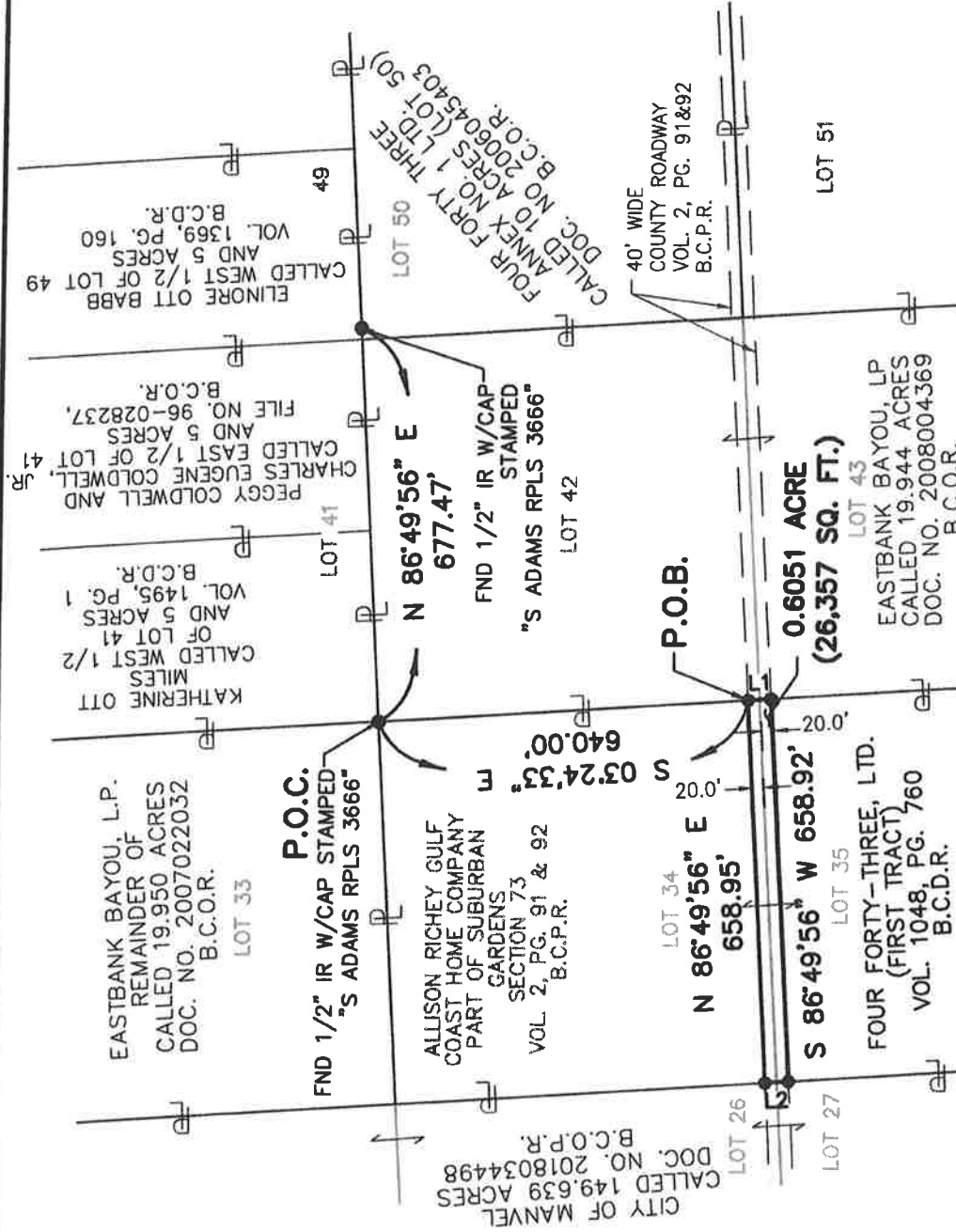
**EXHIBIT OF  
0.6051 ACRE  
(26,357 SQ. FT.)  
RIGHT-OF-WAY ABANDONMENT  
(40 FEET WIDE)  
IN THE**

**H.T. & B.R.R. COMPANY SURVEY,  
SECTION 73, A-301  
BRAZORIA COUNTY, TEXAS**

JUNE 2021 JOB NO. LJA5001-2791-2103

**LJA Surveying, Inc.**

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



7

June 11, 2021  
Job No. LJAS001-2791-2103

DESCRIPTION OF  
0.9066 ACRE  
(39,489 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 0.9066 acre (39,489 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 20 foot wide right-of-way dedication crossing Lots 24, 32, and 40 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and also a portion of that certain tract described as "First Tract", conveyed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760 of the Deed Records of said Brazoria County, Texas (B.C.D.R.), said 0.9066 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the southeast corner said Lot 40, same being a southeast corner of said "First Tract", the southwest corner of Lot 48 of said Section 73, said Lot 48 being described as 10.00 acres in the deed to Brad J. Batteau by an instrument of record in Document Number 2019001447 of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.), on the south line of said H.T.& B. R.R. Company Survey, Section 73, same being the north line of the H.T. & B.R.R. Company Survey, Section 64, A/K/A the Mary V. O'Donnell Survey, Abstract 483, and the north line of Outlot 181 of the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, B.C.P.R.,

Thence, South 86° 49' 56" West, along the south line of said Lot 40, and said "First Tract" same being the north line of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, and said common survey line, passing at 147.25 feet a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found the for the northeast corner of Outlot 195 of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property and the northeast

0.9066 Acre

June 11, 2021  
Job No. LJAS001-2791-2103

corner of that certain called 46.35 acre tract, described as "Fourth Tract" in the deed to Four Forty Three, LTD. by an instrument of record in Volume 1048, Page 760, B.C.D.R., continuing along the south line of said Lot 40, aforementioned Lot 32 and aforementioned Lot 24 of said Section 73, and said "First Tract", same being the north line of said Outlot 195, and Outlot 175 of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property and said "Fourth Tract", and said common survey line, for a total distance of 1,974.47 feet to the southwest corner of said Lot 24 and said "First Tract", same being the southeast corner of Lot 16 of said Section 73, and that certain called 9.972 acre tract conveyed to Westbank Bayou, L.P. by an instrument of record in Document Number 2007018701 of the Official Records of Brazoria County, Texas (B.C.O.R.);

Thence, North 03° 24' 33" West, departing the south line of Section 73 and said "First Tract", same being the north line of said Outlot 175 of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, and said common survey line, along the east line of said Lot 16 and said 9.972 acre tract, same being the west line of said Lot 24 and said "First Tract", 20.00 feet to a point for corner;

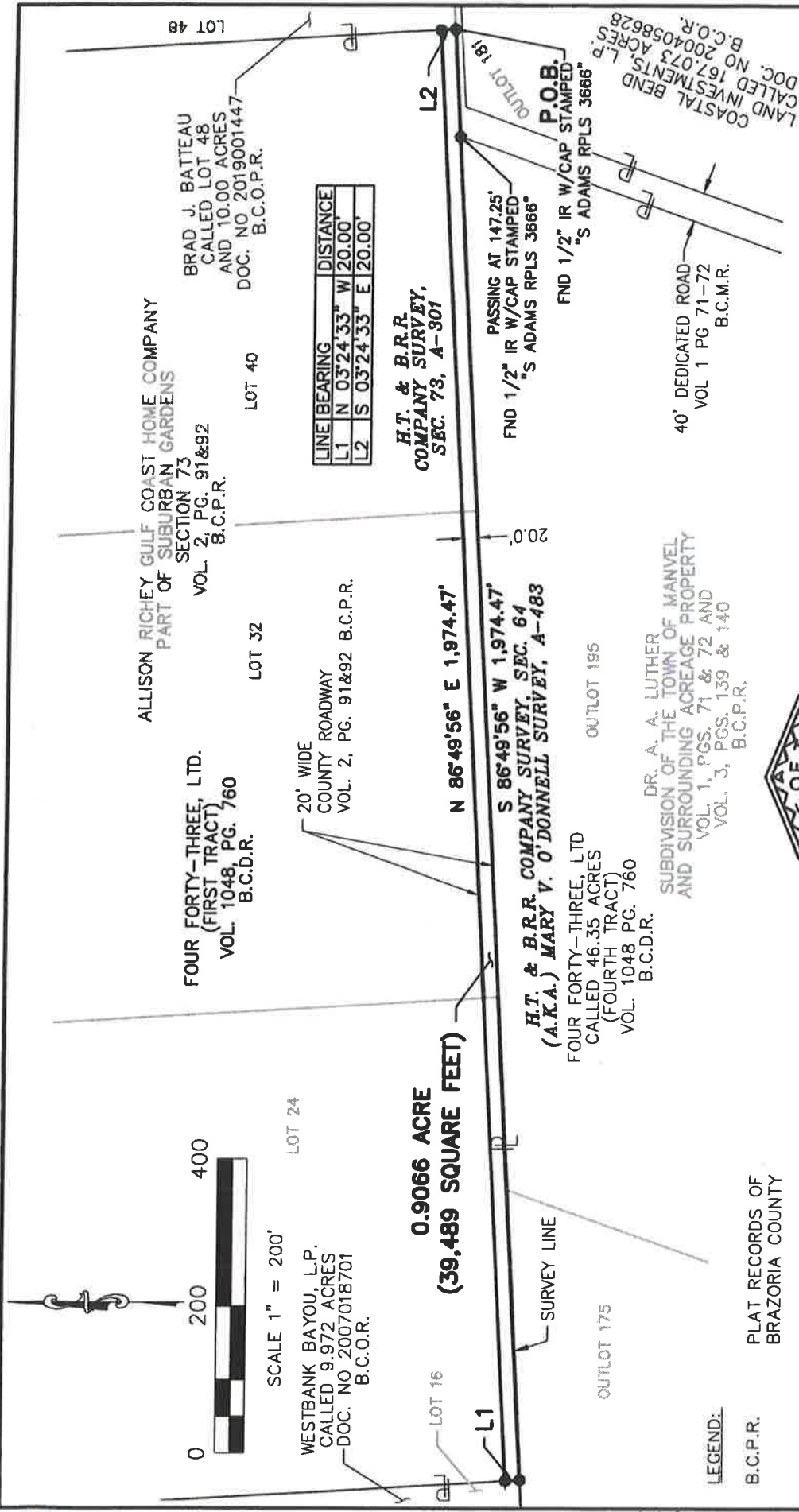
Thence, North 86° 49' 56" East, departing said common line, 1,974.47 feet to a point for corner on the east line of said Lot 40 and said "First Tract" common to the west line of aforementioned Lot 48 and aforementioned 10.00 acre tract;

Thence, South 03° 24' 33" East, along said common line, 20.00 feet to the POINT OF BEGINNING and containing 0.9066 acre (39,489 square feet) of land.

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







**EXHIBIT OF  
0.9066 ACRE  
(39,489 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)  
IN THE**

**H.T. & B. R.R. SURVEY, SECTION 73,  
ABSTRACT 301**

**HARRIS COUNTY, TEXAS**  
JUNE 2021 JOB NO. 2791-2103

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



**LEGEND:**

- B.C.P.R. PLAT RECORDS OF BRAZORIA COUNTY
- B.C.D.R. DEED RECORDS OF BRAZORIA COUNTY
- B.C.O.R. OFFICIAL RECORDS OF BRAZORIA COUNTY
- B.C.O.P.R. OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
- B.C.P.R. PLAT RECORDS OF BRAZORIA COUNTY
- P PROPERTY LINE
- VOL./PG. VOLUME/PAGE
- P.O.B. POINT OF BEGINNING
- FND FOUND

**NOTES:**

- 1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- 2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.

②

June 11, 2021  
Job No. LJAS001-2791-2103

DESCRIPTION OF  
2.1152 ACRE  
(92,139 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(WIDTH VARIES)

Being 2.1152 acre (92,139 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 13, 21, 29, 36, 37, 44, and 45 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and being a portion of that certain called "First Tract" conveyed to Four Forty-Three, LTD, by instrument of record in Volume 1048, Page 760, of the Deed Records of said Brazoria County, Texas (B.C.D.R.), said 2.1152 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a 5/8-inch iron rod found for the common corner of Lot 28, said Lot 29, and said Lot 36 and said Lot 37 of said Section 73, same being the southeast corner of a called 149.639 acre tract conveyed to the City of Manvel by instrument of record in Document Number 2018034498 of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.);

Thence, North 03° 27' 03" West, along the east line said Lot 28 and said 149.639 acre tract, same being the west line of said Lot 36, 20.00 feet to a point for corner;

Thence, North 86° 51' 06" East, departing said common line, 1,316.15 feet to a point for corner on the east line of said Lot 44 and said "First Tract", same being on the west line of Lot 52 of said Section 73, and that certain tract conveyed to Louis Lira by an instrument of record in Volume 1694, Page 653, B.C.D.R.;

2.1152 Acre

June 11, 2021  
Job No. LJAS001-2791-2103

Thence, South 03° 24' 33" East, along the east line of said Lot 44 and said "First Tract", same being the west line of said Lot 52 and Louis Lira Tract, passing at 20.00 feet the common corner of said Lot 44, said Lot 52, aforementioned Lot 45 and Lot 53 of said Section 73, same being the southwest corner of said Louis Lira Tract, the northwest corner of that certain called 40.0060 acre tract conveyed to Coastal Bend Land Investments, LP by an instrument of record in Document Number 2006049617, B.C.O.R., continuing along the east line of said Lot 45 and said "First Tract", same being the west line of said Lot 53 and said 40.0060 acre tract for a total distance of 40.00 feet to a point for corner;

Thence, South 86° 51' 06" West, departing said common line, 3,290.80 feet to a point for corner on a west line of aforementioned Lot 13 and said "First Tract", same being the east line of Lot 5 of said Section 73 and that certain called 19.919 acre tract conveyed to Westbank Bayou, L.P. by instrument of record in Document Number 2007021508, B.C.O.R.;

Thence, North 03° 24' 33" West, along said common line, 20.00 feet to the common corner of said Lot 13, said Lot 5, Lot 4 and Lot 12 of said Section 73, same being the northeast corner of said 19.919 acre tract on the south line of aforementioned 149.639 acre tract, from which a found 3/4-inch iron pipe bears S 10° 53' 33" East, 0.39 feet;

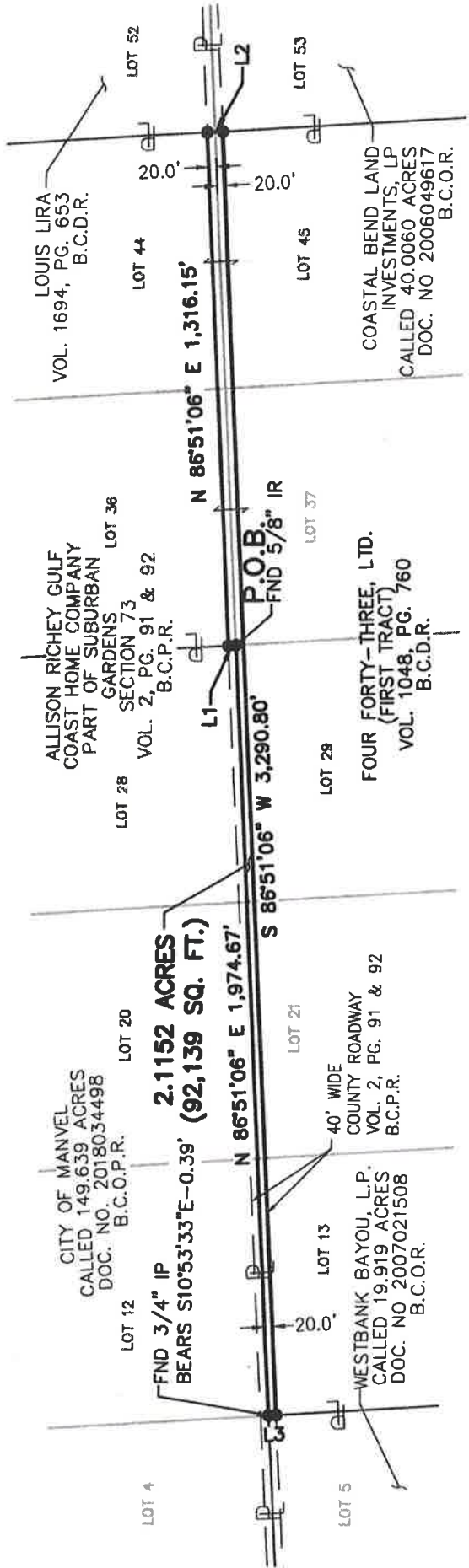
Thence, North 86° 51' 06" East, along the north line of said Lot 13, aforementioned Lots 21 and 29, same being the south line of said Lot 12, Lot 20, and Lot 28 of said Section 73, and said 149.639 acre tract, 1,974.67 feet to the POINT OF BEGINNING and containing 2.1152 acres (92,139 square feet) of land.

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



LJA Surveying, Inc.





| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 03°27'03" W | 20.00'   |
| L2   | S 03°24'33" E | 40.00'   |
| L3   | N 03°24'33" W | 20.00'   |

LEGEND:

- B.C.D.R. DEED RECORDS OF BRAZORIA COUNTY
- B.C.O.R. OFFICIAL RECORDS OF BRAZORIA COUNTY
- B.C.O.P.R. OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
- B.C.P.R. PLAT RECORDS OF BRAZORIA COUNTY
- P PROPERTY LINE
- LAND HOOK
- VOL./PG. VOLUME/PAGE
- P.O.B. POINT OF BEGINNING
- FND FOUND

NOTES:

- 1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- 2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.



SCALE 1" = 400'

EXHIBIT OF  
2.1152 ACRES  
(92,139 SQ. FT.)  
RIGHT-OF-WAY ABANDONMENT  
(WIDTH VARIES)  
IN THE

H.T. & B.R.R. COMPANY SURVEY,  
SECTION 73, A-301  
BRAZORIA COUNTY, TEXAS

JUNE 2021 JOB NO. LJA5001-2791-2103

LJA Surveying, Inc.

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

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June 11, 2021  
Job No. LJAS001-2791-2103

DESCRIPTION OF  
2.7197 ACRES  
(118,469 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(WIDTH VARIES)

Being 2.7197 acre (118,469 square feet) of land located in the H.T. & B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 40 foot wide right-of-way dedication crossing Lots 14, 15, 22, 23, 30, 31, 38, 39, and 46 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and being a portion of that certain tract described as "First Tract" conveyed to Four Forty-Three, LTD., by instrument of record in Volume 1048, Page 760, of the Deed Records of said Brazoria County, Texas (B.C.D.R.), said 2.7197 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the common corner of said Lot 39, Lot 40, Lot 47 and Lot 48 of said Section 73, same being the southwest corner of that certain called 10 acre tract (Lot 47) conveyed to Eastbank Bayou, LP, by instrument of record in Document Number 2008004367, of the Official Records of said Brazoria County, Texas (B.C.O.R.), same being the northwest corner of that certain tract conveyed to Brad J. Batteau by an instrument of record in Document Number 2019001447, of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.) and in the east line of said "First Tract", from which a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for reference, bears North 86° 49' 54" East, 628.13 feet;

Thence, North 03° 24' 33" West, along the east line of said Lot 39, and said "First Tract", same being the west line of said Lot 47 and said 10 acre, 640.01 feet to the POINT OF BEGINNING of the herein described tract;

2.7197 Acres

June 11, 2021  
Job No. LJAS001-2791-2103

Thence, South  $86^{\circ} 49' 56''$  West, departing said common line 2,632.63 feet to a point for corner on the west line of aforementioned Lot 15 and said "First Tract", same being on the east line of Lot 7 of said Section 73 and that that certain called 9.988 acre tract conveyed to Cynthia Lee Sowell Weisinger, Cristi Sowell Harvey and Andrew Ward Sowell, as Co-Trustees of Charles L. Sowell Family Trust, by instrument of record in Document Number 2016025233, of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.);

Thence, North  $03^{\circ} 24' 33''$  West, along the west line of said Lot 15 and said "First Tract", same being the east line of said Lot 7 and said 9.988 acre tract, passing at 20.00 feet the common corner of said Lot 15, said Lot 7, Lot 6 and aforementioned Lot 14 of said Section 73, same being the northeast corner of said 9.988 acre tract and the southeast corner of that certain called 19.919 acre tract conveyed to Westbank Bayou, L.P., by instrument of record in Document Number 2007021508, B.C.O.R., continuing along the west line of said Lot 14 and said "First Tract", same being the east line of said Lot 6 and said 19.919 acre tract for a total distance of 40.00 feet to a point for corner;

Thence, North  $86^{\circ} 49' 56''$  East, departing said common line, 3,290.80 feet to a point for corner on the east line of the aforementioned Lot 46, and said "First Tract", same being the west line of that certain called 40.0060 acre tract conveyed to Coastal Bend Land Investments, LP by an instrument of record in Document Number 2006049617, B.C.O.R.;

Thence, South  $03^{\circ} 24' 33''$  East, along said common line, 20.00 feet to the common corner of said Lot 46, aforementioned Lot 47 and Lot 53 of said Section 73, same being the northeast corner of the aforementioned 10 acre tract, an easterly corner of said "First Tract", the northwest corner of that certain called 10.0008 acre tract conveyed to Coastal Bend Land Investments, LP by an instrument of record in Document Number 2007047399, B.C.O.R., and the southwest corner of said 40.0060 acre tract;

2.7197 Acres

June 11, 2021  
Job No. LJA001-2791-2103

Thence, South 86° 49' 56" West, along the north line of said Lot 47 and said 10 acre tract, same being the south line of said Lot 46 and an interior line of said "First Tract", 658.16 feet to a point for corner, to the common corner of said Lot 46, said Lot 47, aforementioned Lot 39 and aforementioned Lot 38, same being the northwest corner of said 10 acre tract and interior easterly corner of said "First Tract";

Thence, South 03° 24' 33" East, along the west line of said Lot 47 and said 10 acre tract, same being the east line of said Lot 39 and said "First Tract", 20.00 feet to the POINT OF BEGINNING and containing 2.7197 acres (118,469 square feet) of land.

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



LJA Surveying, Inc.

LOT 22  
FOUR FORTY-THREE, LTD.  
(FIRST TRACT)  
VOL. 1048, PG. 760  
B.C.D.R.

WESTBANK BAYOU, L.P.  
CALLED 19.919 ACRES  
DOC. NO. 2007021508  
B.C.O.R.

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

2.7197 ACRES  
(118,469 SQ. FT.)  
N86°49'56"E 2632.63'  
S86°49'56"W 658.16'

P.O.B.

LOT 48

LOT 47

LOT 52

LOT 54

LOT 55

LOT 56

LOT 57

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June 14, 2021  
Job No. LJAS001-2791-2103

DESCRIPTION OF  
0.7228 ACRE  
(31,484 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 0.7228 acre (31,484 square feet) of land located in the H.T. & B.R.R. Company Survey, Section 64, also known as the Mary V. O'Donnell Survey, Abstract 483 Brazoria County, Texas, and also being a portion of the west half of a 40 foot wide right-of-way dedication as shown on the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, of the Plat Records of said Brazoria County, Texas, (B.C.P.R.), said 0.7228 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the northeast corner of Outlot 195 of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property and the northeast corner of a certain called 46.35 acre tract, described as "Fourth Tract" conveyed to Four Forty-Three, LTD., by instrument of record in Volume 1048, Page 760 of the Deed Records of said Brazoria County, Texas (B.C.D.R), same being the northwest corner of said 40 foot wide right-of-way, on the north survey line of said Mary V. O'Donnell Survey, same being the south line of Lot 40 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, B.C.P.R, and also being on the south line of certain tract described as "First Tract", conveyed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760, B.C.D.R., and the south survey line of H.T.& B. R.R. Company Survey, Section 73, Abstract 301;

0.7228 Acre

June 14, 2021  
Job No. LJAS001-2791-2103

Thence, North 86° 49' 56" East along the north line of said 40 foot wide right-of-way, the north line of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, same being the south line of said Lot 40 of said Section 73, said "First Tract" and along said common survey line, 21.68 feet to a point for corner;

Thence, South 19° 31' 43" West , departing said common line, 918.53 feet to northwest corner of Lot 6, Block 1 as shown on Bluewater Lakes Section 4 a subdivision of record in Document Number 2018019193 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.);

Thence, South 19° 30' 15" West, along a west line of said Bluewater Lakes Section 4 and Bluewater Lakes Section 2, a subdivision of record in Document Number 2018017804, B.C.O.P.R., 659.85 feet to the northeast corner of Reserve "B" as shown on said Bluewater Lakes Section 2 and in the west line of Lot 1, Block 2 of said Bluewater Lakes Section 2;

Thence, North 70° 28' 49" West, along a north line of said Reserve "B", 20.00 feet to a 1-inch Iron Pipe found for the southeast corner of that certain called 20.000 acre tract, described as "Fifth Tract" conveyed to Four Forty-Three, LTD., by instrument of record in Volume 1048, Page 760, B.C.D.R., and the southeast corner of Outlot 180 of the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property and on the west line of said 40 foot wide right-of-way;

Thence, North 19° 30' 15" East, departing the north line of said Reserve "B", along the east line of said 20.000 acre tract and said Outlot 180, same being the west line of said 40 foot wide right-of-way, 659.85 feet to a 1/2-inch iron rod with cap stamped "S ADAMS RPLS 3666" found for the northeast corner of said Outlot 180 and said 20.000 acre tract, same being the southeast corner of aforementioned Outlot 195 and aforementioned 46.35 acre tract, and same being an angle point on west line of said 40 foot wide right-of-way dedication;



0.7228 Acre

June 14, 2021  
Job No. LJA001-2791-2103

Thence, North 19° 31' 43" East, along the east line of said Outlot 195 and said 46.35 acre tract, same being the west line of said 40 foot wide right-of-way dedication, 910.16 feet to the POINT OF BEGINNING and containing 0.7228 acre (31,484 square feet) of land.

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



LJA Surveying, Inc.



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

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

LOT 40

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

BRAD J. BATTEAU  
CALLED LOT 48  
AND 10.00 ACRES  
DOC. NO 2019001447  
B.C.O.P.R.



SCALE 1" = 300'

LOT 32

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

LOT 48

SURVEY LINE

H.T. & B.R.R. COMPANY SURVEY,  
SEC. 64  
(A.K.A.) MARY V. O'DONNELL SURVEY,  
A-483

FOUR FORTY-THREE, LTD  
CALLED 46.35 ACRES  
(FOURTH TRACT)  
VOL. 1048 PG. 760  
B.C.D.R.

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 86°49'56" E | 21.68'   |
| L2   | N 70°28'49" W | 20.00'   |

OUTLOT 181

COASTAL BEND LAND INVESTMENTS, L.P.  
CALLED 167.073 ACRES  
DOC. NO 2004058628  
B.C.O.R.

DR. A. A. LUTHER  
SUBDIVISION OF THE TOWN OF MANVEL  
AND SURROUNDING ACREAGE PROPERTY  
VOL. 1, PGS. 71 & 72 AND  
VOL. 3, PGS. 139 & 140  
B.C.P.R.

OUTLOT LINE

OUTLOT 195

40' DEDICATED ROAD  
VOL 1 PG 71-72  
B.C.P.R.

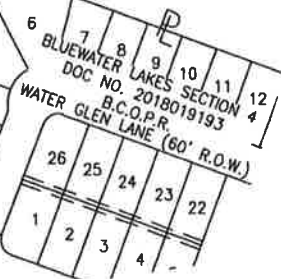
FND 1/2" IR W/CAP STAMPED  
"S ADAMS RPLS 3666"

0.7228 ACRE  
(31,484 SQ. FT.)

OUTLOT 180

20' REMAINDER OF  
40' DEDICATED ROAD  
VOL 1 PG 71-72  
B.C.P.R.

FOUR FORTY-THREE, LTD  
CALLED 20.000 ACRES  
(FIFTH TRACT)  
VOL. 1048 PG. 760  
B.C.D.R.



LEGEND:

B.C.P.R. PLAT RECORDS OF  
B.C.D.R. BRAZORIA COUNTY  
B.C.O.R. DEED RECORDS OF  
B.C.O.P.R. BRAZORIA COUNTY  
OFFICIAL RECORDS OF  
BRAZORIA COUNTY  
OFFICIAL PUBLIC RECORDS  
OF BRAZORIA COUNTY  
PROPERTY LINE  
VOL./PG. VOLUME/PAGE  
P.O.B. POINT OF BEGINNING  
FND FOUND

**EXHIBIT OF  
0.7228 ACRE  
(31,484 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)  
IN THE  
H.T. & B.R.R. CO. SURVEY, SECTION 64,  
(A.K.A.) MARY V. O'DONNELL SURVEY,  
ABSTRACT 483  
HARRIS COUNTY, TEXAS**

JUNE 2021 JOB NO. 2791-2103

LJA Surveying, Inc.

3600 W Sam Houston Parkway S  
Suite 175  
Houston, Texas 77042

Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382



NOTES:

- ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.

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June 14, 2021  
Job No. LJAS001-2791-2103

DESCRIPTION OF  
1.2359 ACRE  
(53,837 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 1.2359 acres (53,837 square feet) of land located in the H.T. & B.R.R. Company Survey, Section 64, A/K/A the Mary V. O'Donnell Survey, Abstract 483, and H.T. & B.R.R. Company Survey, Section 65, Abstract 285, and also being a portion of a 40 foot wide right-of-way dedication as shown on the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), said 1.2359 acres being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a TXDOT brass disc in concrete found at the northeast corner of that certain called 0.026 acre tract conveyed to the State of Texas by an instrument of record in Document Number 94-008875, of the Official Records of said Brazoria County, Texas (B.C.O.R.), said disc lying at intersection of the north right of way line of State Highway No. 6 (width varies) and the east lines of Outlot 174 of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, and that certain called 27.7947 acre tract, described as "Third Tract", in the deed to Four Forty Three, LTD. by instrument of record in Volume 1048, Page 760, B.C.D.R., same being the west right-of-way line of said 40 foot wide right-of-way, from which a TXDOT aluminum disc in concrete found for the northwest corner of said 0.026 acre tract, same being the northeast corner of that certain called 0.437 acre tract conveyed to the State of Texas by an instrument of record under Document Number 93-05383, B.C.O.R., said disc lying on the west line of said 27.7947 acre tract, same being on the east line of that certain called 18 acre tract conveyed to Russell T. Rudy and Randall D. Rudy, by an instrument of record in Volume 1408, Page 806, B.C.D.R. bears North 70° 29' 23" West, 33.64 feet;

1.2359 Acre

June 14, 2021  
Job No. LJAS001-2791-2103

Thence, North 19° 29' 33" East, departing the north right-of-way line of said State Highway No. 6, along the east line of said 27.7947 acre tract and said Outlot 174, along a west line of said 40 foot wide right-of-way, 1,390.71 feet to a 1/2-inch iron rod found (bent) for the southwest corner of that certain called 46.35 acre tract, described as "Fourth Tract", conveyed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760, B.C.D.R. and Outlot 175 of said Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, same being a northerly corner of said 40 foot wide right-of-way;

Thence, South 70° 26' 02" East, departing the east line of said 27.7947 acre tract and said Outlot 174, along the south line of said 46.35 acre tract and said Outlot 175, same being a northerly line of said 40 foot wide right-of-way, 1,321.17 feet to the southeast corner of said 46.35 acre tract and said Outlot 175 and in the west right-of-way line of Allen Brook Drive (60 feet wide) as shown on Bluewater Lakes Section 6, a subdivision of record under Document Number 2021010722, of the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.);

Thence, South 19° 29' 54" West, departing the north line of said 40 foot wide right-of-way, along the west right-of-way line of said Allen Brook Drive, 20.00 feet to a point for corner;

Thence, North 70° 26' 02" West, departing the west right-of-way line of said Allen Brook Drive, 1,301.17 feet to a point for corner;

Thence, South 19° 29' 33" West, 1,370.69 feet to a point for corner on the north right of way line of aforementioned State Highway No. 6;

1.2359 Acre

June 14, 2021  
Job No. LJAS001-2791-2103

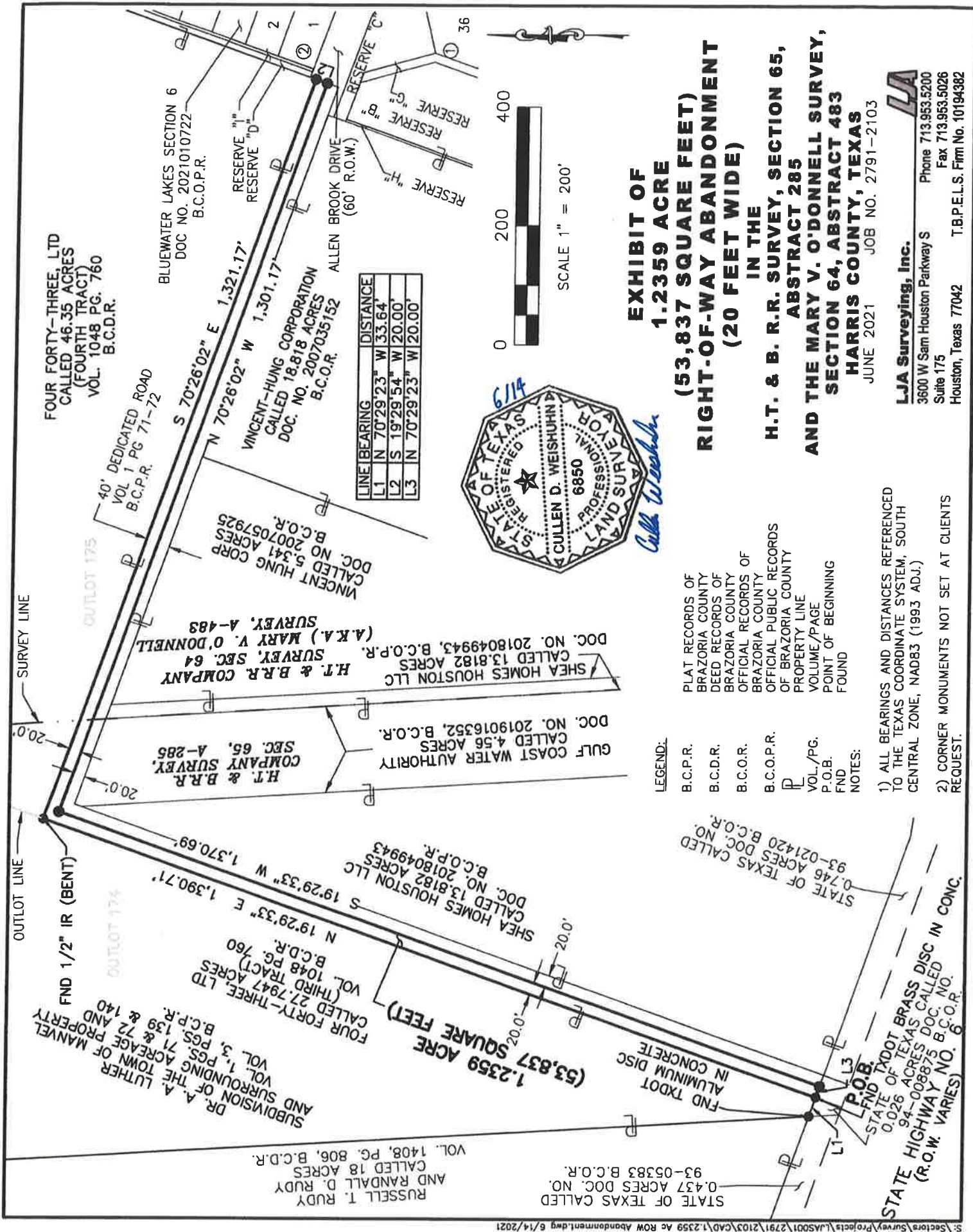
Thence, North 70° 29' 23" West, along the north right-of-way line of said State Highway No. 6, 20.00 feet to the POINT OF BEGINNING and containing 1.2359 acres (53,837 square feet) of land.

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



LJA Surveying, Inc.





**ORDINANCE NO. 2023-O-13**

**AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PORTION OF A 20' RIGHT OF WAY AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.5953 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 7, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

**WHEREAS,** Cynthia Lee Sowell Weisinger, Cristi Sowell Harvey and Andrew Ward Sowell, as Co-Trustees of Charles L. Sowell Family Trust has petitioned the City of Manvel, Texas, to vacate, abandon, and close right of way known as 0.5953 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, and also being a portion of a 20 foot wide right-of-way and a 40 foot wide right-of-way dedication crossing Lot 7, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

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

**WHEREAS**, the City Council has determined that such public right-of-way is no longer necessary for public convenience and necessity and should be vacated, abandoned, and closed, and any interest in said right of way released; now, therefore;

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

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

**Section 2.** The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of city right-of-way consisting of 0.5953 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, and also being a portion of a 20 foot wide right-of-way and a 40 foot wide right-of-way dedication crossing Lot 7, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and being more particularly described by metes and bounds, and shown by map, in the application attached as Exhibit A, attached hereto and incorporated herein.

**Section 3.** The right-of-way is hereby vacated, abandoned, and closed, and any public right of way interest therein is released.

**Section 4.** This abandonment is subject to, and contingent upon, fulfillment of all other requirements of state law, city ordinances, and the City's abandonment policy.

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

**Section 6.** Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 7.** Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Debra Davison, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Gervais, City Attorney



City of Manvel  
20025 Hwy 6 \* Manvel, TX 77578  
Phone 281-489-0630 Fax 281-489-0634

Application for Abandonment, Vacation, Closing and Relocation  
of Streets, Alleys, Rights-of-Way and Easements

**Fees: \$1000.00 (to be paid after staff determines if the request is feasible)**

Date June 11, 2021

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

Cynthia Lee Sowell Weisinger, Cristi Sowell Harvey and Andrew Ward Sowell,  
as Co-Trustees of Charles L. Sowell Family Trust

Address: 2414 Ella Blvd, Houston, TX 77008 Phone# \_\_\_\_\_

Reason and intent for requested action:

The reason for this request is to abandon the existing 40' wide rights-of-way  
within the planned development of the area known as the Sowell Tract. The  
intent is to allow flexibility in the location of the arterial roadways passing through  
the development while still adhering to the City of Manvel's Master Thoroughfare  
Plan. North/south circulation will be provided through Pollard Boulevard (120'  
R.O.W.) and east/west circulation will be provided through Del Bello Boulevard  
(120' R.O.W.), Dogwood Avenue (80' R.O.W.) and Charlotte Street (60' R.O.W.).

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

This request is to abandon the right-of-way within the property owned by the  
Sowell Family Trust within the Sowell Tract. This proposed right-of-way  
abandonment is approximately 1,316.53 feet in total length and 0.5953 acres  
in total area. Attached are the legal description and survey.

  
Signature of Applicant

Procedures:

Date of Action \_\_\_\_\_

FEES PAID \_\_\_\_\_

Check Number \_\_\_\_\_

*Collect the following documents*

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

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

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

*Staff procedures:*

\_\_\_\_\_ Commission a title report of the area to be abandoned.

\_\_\_\_\_ Commission an independent appraisal of the area to be abandoned;

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

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

\_\_\_\_\_ Scheduled Public Hearing Date for Planning Development and Zoning

\_\_\_\_\_ Scheduled Public Hearing Date for City Council (1<sup>st</sup> reading of the ordinance)

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

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

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

DESCRIPTION OF  
0.5953 ACRE  
(25,930 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 0.5953 acre (25,930 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, and also being a portion of a 20 foot wide right-of-way and a 40 foot wide right-of-way dedication crossing Lot 7, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and a portion of that certain called 9.988 acre tract conveyed to Cynthia Lee Sowell Weisinger, Christi Sowell Harvey and Andrew Ward Sowell as Co-Trustees of Charles L. Sowell Family Trust, by an instrument for record in Document Number 2016025233, in the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.), said 0.5953 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

COMMENCING for reference at an "X" chiseled in concrete previously set marking the common south corner of that certain called 6.676 acre tract conveyed to Brazos River Authority by Cause No. 54. 761A and by Volume 33, Page 154, of the District Clerk Records of said Brazoria County, Texas (B.C.D.C.R.), and that certain called 9.929 acre tract conveyed to Westbank Bayou, L.P. by an instrument of record in Document Number 2007017868, of the Official Records of said Brazoria County, Texas (B.C.O.R.), said point being the southwest corner of Lot 8 of said, Section 73, lying on north line of Outlot 174 of the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, B.C.P.R., and that certain called 27.7947 acre tract, described as "Third Tract", conveyed to Four Forty-Three, LTD by an instrument of record in Volume 1048, Page 760 of the Deed Records of Brazoria County, Texas (B.C.D.R.), and the common survey corner of said H.T.& B. R.R. Company Survey, Section 73, Abstract 301, the H.T. & B.R.R. Company Survey, Section 64, A/K/A the Mary V. O'Donnell Survey, Abstract 483, the H.T.& B. R.R. Company Survey, Section 65, Abstract 285, the H.T.&

B. R.R. Company Survey, Section 72, A/K/A the Kate R. Ehrmann Survey, Abstract 460, from which a 5/8-inch iron rod with cap stamped "LJA SURVEY" previously set marking the northwest corner of said 27.7947 acre tract, bears South 86° 58' 00" West, 728.87 feet, from said 5/8-inch iron rod with cap stamped "LJA SURVEY", a found 3/4-inch iron pipe (pinched top) bears North 07° 05' 46" East, 1.17 feet;

Thence, North 03° 28' 46" West, along the west line of said Lot 8, said 9.929 acre tract, and said Section 73, same being the east line of said 6.676 acre tract and said Section 72, 1,320.64 feet to the common west corner of said Lot 8 and Lot 7 of said Section 73, same being the northwest corner of said 9.929 acre tract and the southwest corner said 9.988 acre tract, said point also being the southwest corner and the POINT OF BEGINNING of the herein described tract;

Thence, North 03° 28' 46" West, along the west line of said Lot 7, said 9.988 acre tract, same being the east line of said 6.676 acre tract, and said common survey line, 660.00 feet to the common west corner of said Lot 7 and Lot 6 of said Section 73, said point also being the northwest corner of said 9.988 acre tract, same being the southwest corner of that certain called 19.919 acre tract conveyed to Westbank Bayou, L.P., by an instrument of record under Document Number 2007021508, B.C.O.R.;

Thence, North 86° 49' 56" East, departing said common survey line, along the north line of said Lot 7 and said 9.988 acre tract, same being the south line of said Lot 6 and said 19.919 acre tract, 656.53 feet to the common corner of said Lot 6, said Lot 7, Lot 15 and Lot 14 of said Section 73, said point also being the northeast corner of said 9.988 acre tract, same being the southeast corner of said 19.919 acre tract and in the west line of that of that certain tract described as "First Tract", conveyed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760 of the Deed Records of Brazoria County, Texas (B.C.D.R.);

Thence, South 03° 24' 33" East, along the east line of said Lot 7 and said 9.988 acre tract, same being the west line of said Lot 15 and said "First Tract", 20.00 feet to a point for corner;

0.5953 Acres

June 11, 2021  
Job No. LJAS001-2791-2103

Thence, South 86° 49' 56" West, departing said common line, 636.51 feet to a point for corner;

Thence, South 03° 28' 46" East, 640.00 feet to a point for corner in the south line of said Lot 7 and said 9.988 acre tract, same being the north line of aforementioned Lot 8 and aforementioned 9.929 acre tract;

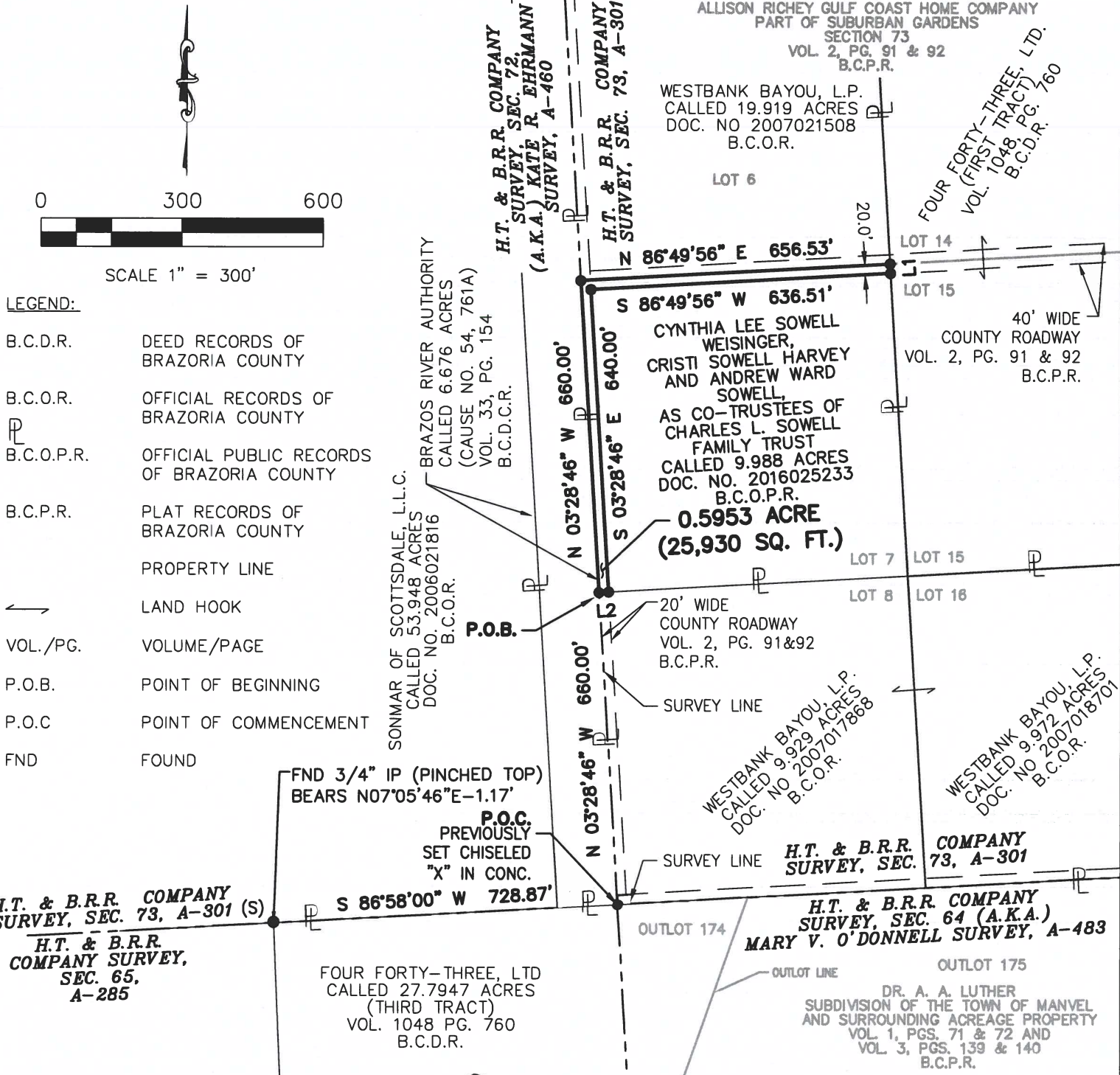
Thence, South 86° 49' 56" West, along said common line, 20.00 feet to the POINT OF BEGINNING and containing 0.5953 acres (25,930 square feet) of land.

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



LJA Surveying, Inc.

S:\Sectors\Survey\Projects\LJA5001\2791\2103\CAD\0.5953 Ac ROW Abandonment.dwg 6/11/2021



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 03°24'33" E | 20.00'   |
| L2   | S 86°49'56" W | 20.00'   |



NOTES:

1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)

2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.

**EXHIBIT OF**  
**0.5953 ACRE**  
**(25,930 SQ. FT.)**  
**RIGHT-OF-WAY ABANDONMENT**  
**(20 FEET WIDE)**  
**IN THE**  
**H.T. & B.R.R. COMPANY SURVEY,**  
**SECTION 73, A-301**  
**BRAZORIA COUNTY, TEXAS**

JUNE 2021      JOB NO. LJA5001-2791-2103

**LJA Surveying, Inc.**

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

**ORDINANCE NO. 2023-O-14**

**AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF (1) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.8967 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 8, AND 16 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A PORTION OF A 20' RIGHT-OF-WAY DEDICATION AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.1916 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 5 AND 6, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

**WHEREAS**, Westbank Bayou, L.P. has petitioned the City of Manvel, Texas, to vacate, abandon, and close rights-of-way known as: (1) 0.8967 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 20 foot wide right-of-way dedication crossing Lots 8, and 16 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas, and

(2) 1.1916 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, and also being a portion of a 20 foot wide and a 40 foot wide right-of-way dedication crossing Lots 5 and 6, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and

**WHEREAS**, Applicant has submitted the necessary application and information to the City to review the request for abandonment, said application attached hereto as Exhibit A;

**WHEREAS**, the City Council has determined that such public rights-of-way are no longer necessary for public convenience and necessity and should be vacated, abandoned, and closed, and any interest in said rights-of-way released; now, therefore;

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

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

**Section 2.** The City Council of the City of Manvel, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of the following city rights-of-way: (1) 0.8967 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 20 foot wide right-of-way dedication crossing Lots 8, and 16 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas, and

(2) 1.1916 acres of land located in the H.T. & B.R.R. Company Survey, Section 73, Abstract 301, and also being a portion of a 20 foot wide and a 40 foot wide right-of-way dedication crossing Lots 5 and 6, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens



Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas; and being more particularly described by metes and bounds, and shown by map, in the application attached as Exhibit A, attached hereto and incorporated herein.

**Section 3.** The rights-of-way are hereby vacated, abandoned, and closed, and any public right of way interest therein is released.

**Section 4.** This abandonment is subject to, and contingent upon, fulfillment of all other requirements of state law, city ordinances, and the City's abandonment policy.

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

**Section 6.** Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 7.** Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Debra Davison, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Gervais, City Attorney

City of Manvel  
20025 Hwy 6 \* Manvel, TX 77578  
Phone 281-489-0630 Fax 281-489-0634

**Application for Abandonment, Vacation, Closing and Relocation  
of Streets, Alleys, Rights-of-Way and Easements**

**Fees: \$1000.00 (to be paid after staff determines if the request is feasible)**

Date June 11, 2021

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

Westbank Bayou, LP

Address: 2414 Ella Blvd, Houston, TX 77008 Phone# \_\_\_\_\_

Reason and intent for requested action:

The reason for this request is to abandon the existing 40' wide rights-of-way within the planned development of the area known as the Sowell Tract. The intent is to allow flexibility in the location of the arterial roadways passing through the development while still adhering to the City of Manvel's Master Thoroughfare Plan. North/south circulation will be provided through Pollard Boulevard (120' R.O.W.) and east/west circulation will be provided through Del Bello Boulevard (120' R.O.W.), Dogwood Avenue (80' R.O.W.) and Charlotte Street (60' R.O.W.).

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

This request is to abandon the rights-of-way within the properties owned by Westbank Bayou, LP within the Sowell Tract. This proposed right-of-way abandonment is approximately 4,608.40 feet in total length and 2.0883 acres in total area. Attached are the legal descriptions and surveys.

  
\_\_\_\_\_  
Signature of Applicant

Procedures:

Date of Action \_\_\_\_\_

FEES PAID \_\_\_\_\_

Check Number \_\_\_\_\_

*Collect the following documents*

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

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

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

*Staff procedures:*

\_\_\_\_\_ Commission a title report of the area to be abandoned.

\_\_\_\_\_ Commission an independent appraisal of the area to be abandoned;

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

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

\_\_\_\_\_ Scheduled Public Hearing Date for Planning Development and Zoning

\_\_\_\_\_ Scheduled Public Hearing Date for City Council (1<sup>st</sup> reading of the ordinance)

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

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

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

DESCRIPTION OF  
0.8967 ACRE  
(39,062 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 0.8967 acre (39,062 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, Brazoria County, Texas, and also being a portion of a 20 foot wide right-of-way dedication crossing Lots 8, and 16 of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and also a portion of that certain called 9.972 acre tract conveyed to Westbank Bayou, L.P. by an instrument of record in Document Number 2007018701 of the Official Records of said Brazoria County, Texas (B.C.O.R.), and that certain called 9.929 acre tract conveyed to Westbank Bayou, L.P. by an instrument of record in Document Number 2007017868, B.C.O.R., said 0.8967 acre being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a chiseled "X" previously set for the southwest corner of said Lot 8 and said 9.929 acre tract, same being the southeast corner of a called 6.676 acre tract described to Brazos River Authority in Cause Number 54, 761A, Volume 33, Page 154 of the District Court Records of said Brazoria County, Texas (B.C.D.C.R.), on the north line of Outlot 174 of the Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, according to the plat recorded in Volume 1, Pages 71-72, and Volume 3, Pages 139-140, B.C.P.R., and that certain called 27.7947 acre tract, described as "Third Tract", conveyed to Four Forty-Three, LTD by an instrument of record in Volume 1048, Page 760 of the Deed Records of said Brazoria County, Texas (B.C.D.R.), and the common survey corner of said H.T.& B. R.R. Company Survey, Section 73, Abstract 301, the H.T. & B.R.R. Company Survey, Section 64, A/K/A the Mary V. O'Donnell Survey, Abstract 483, the H.T.& B. R.R. Company Survey, Section 65, Abstract 285, the H.T.& B. R.R. Company Survey, Section 72, A/K/A the Kate R. Ehrmann Survey, Abstract 460;

Thence, North 03° 28' 46" West, along the west line of said Lot 8, said 9.929 acre tract, and said H.T. & B.R.R. Company Survey, Sec 73, Abstract 301, common to the east line of said 6.676 acre tract and said Kate R. Ehrmann Survey, Abstract 460, 660.00 feet to the northwest corner of said Lot 8 and said 9.929 acre tract, same being the southwest corner of Lot 7 of said Section 73 and the southwest corner of a called 9.988 acre tract conveyed to Cynthia Lee Sowell Weisinger, Cristi Sowell Harvey and Andrew Ward Sowell, as Cos-Trustees of Charles L. Sowell Family Trust by an instrument of record in Document Number 2016025233 of the Official Public Records of said Brazoria County, Texas, (B.C.O.P.R.);

Thence, North 86° 49' 56" East, along the north line of said Lot 8 and said 9.929 acre tract common to the south line of said Lot 7 and said 9.988 acre tract, 20.00 feet to a point for corner;

Thence, South 03° 28' 46" East, departing said common line, 640.00 feet to a point for corner;

Thence, North 86° 49' 56" East, 1,293.09 feet to a point for corner on the east line of said Lot 16 and said 9.972 acre tract common to the west line of Lot 24 of said Section 73 and the west line of that certain tract described as "First Tract" in the deed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760, B.C.D.R.;

Thence, South 03° 24' 33" East, along said common line, 20.00 feet to the southeast corner of said Lot 16 and said 9.972 acre tract, same being the southwest corner of said Lot 24 and said "First Tract", on the north line of Outlot 175 of aforementioned Dr. A. A. Luther Subdivision of Manvel and Surrounding Acreage Property, the north line of that certain called 46.35 acre tract described "Fourth Tract" in the deed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760, B.C.D.R. and the north survey line of said Mary V. O'Donnell Survey, same being the south line of said H.T. & B.R.R. Company Survey, Section 73, Abstract 301, from which a 1/2-inch iron rod with cap stamped "S Adams RPLS 3666" found for a southeast corner of Lot 40 of said Section 73 and said "First Tract", same being the southwest corner of Lot 48 of said Section 73, and that certain called 10.00 acre tract conveyed

0.8967 Acre

June 11, 2021  
Job No. LJAS001-2791-2103

to Brad J. Batteau by an instrument of record in Document Number 2019001447, B.C.O.P.R. bears North 86° 49' 56" East, 1,974.47 feet;

Thence, South 86° 49' 56" West, along the south lines of said Lot 8 and aforementioned Lot 16, said 9.972 acre tract, said 9.929 acre tract and said H.T. & B.R.R. Company Survey, Section 73, Abstract 301, common to the north lines of said Outlot 175, aforementioned Outlot 174, said "Fourth Tract", the aforementioned "Third Tract", and said Mary V. O'Donnell Survey, 1,313.07 feet to the POINT OF BEGINNING and containing 0.8967 acre (39,062 square feet) of land.

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



LJA Surveying, Inc.

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

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

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

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

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

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 86°49'56" E | 20.00'   |
| L2   | S 03°24'33" E | 20.00'   |

WESTBANK BAYOU, L.P.  
CALLED 9.972 ACRES  
DOC. NO 2007018701  
B.C.O.R.

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

BRAD J. BATTEAU  
CALLED LOT 48  
AND 10.00 ACRES  
DOC. NO 2019001447  
B.C.O.P.R.

**0.8967 ACRE  
(39,062 SQUARE FEET)**

WESTBANK BAYOU, L.P.  
CALLED 9.929 ACRES  
DOC. NO 2007017868  
B.C.O.R.

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

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

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

N 86°49'56" E 1,293.09'

S 86°49'56" W 1,313.07'

S 86°49'56" W  
1,974.47'

P.O.B.  
PREVIOUSLY SET CHISELED "X" IN CONC.

H.T. & B.R.R. COMPANY SURVEY, SEC. 64  
(A.K.A.) MARY V. O'DONNELL SURVEY,  
A-483

FOUR FORTY-THREE, LTD  
CALLED 46.35 ACRES  
(FOURTH TRACT)  
VOL. 1048 PG. 760  
B.C.D.R.

DR. A. A. LUTHER  
SUBDIVISION OF THE TOWN OF MANVEL  
AND SURROUNDING ACREAGE PROPERTY  
VOL. 1, PGS. 71 & 72 AND  
VOL. 3, PGS. 139 & 140  
B.C.P.R.

OUTLOT 175  
OUTLOT LINE



SCALE 1" = 200'

**LEGEND:**

B.C.D.C.R.

B.C.P.R.

B.C.D.R.

B.C.O.R.

B.C.O.P.R.

PROPERTY LINE

VOLUME/PAGE

P.O.B.

FND

DISTRICT CLERK RECORDS OF  
BRAZORIA COUNTY, TEXAS  
PLAT RECORDS OF BRAZORIA COUNTY  
DEED RECORDS OF BRAZORIA COUNTY  
OFFICIAL RECORDS OF BRAZORIA COUNTY  
OFFICIAL PUBLIC RECORDS OF  
BRAZORIA COUNTY  
PROPERTY LINE  
VOLUME/PAGE  
POINT OF BEGINNING  
FOUND

**EXHIBIT OF  
0.8967 ACRE  
(39,062 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)  
IN THE  
H.T. & B. R.R. SURVEY, SECTION 73,  
ABSTRACT 301  
HARRIS COUNTY, TEXAS  
JUNE 2021 JOB NO. 2791-2103**

**LJA Surveying, Inc.**

3600 W Sam Houston Parkway S  
Suite 175  
Houston, Texas 77042

Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382

**NOTES:**

- ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.



DESCRIPTION OF  
1.1916 ACRES  
(51,907 SQUARE FEET)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)

Being 1.1916 acres (51,907 square feet) of land located in the H.T.& B. R.R. Company Survey, Section 73, Abstract 301, and also being a portion of a 20 foot wide and a 40 foot wide right-of-way dedication crossing Lots 5 and 6, of the Allison Richey Gulf Coast Home Company Part of Suburban Gardens Subdivision, Section 73, according to the plat recorded in Volume 2, Pages 91-92, of the Plat Records of said Brazoria County, Texas (B.C.P.R.), and a portion that certain called 19.919 acre tract conveyed to Westbank Bayou, L.P., by an instrument of record under Document Number 2007021508, of the Official Records of said Brazoria County, Texas (B.C.O.R.), said 1.1916 acres being more particularly described as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA SURVEY" previously set marking the common west corner of said Lot 5 and Lot 4 of said Section 73, same being the northwest corner of said 19.919 acre tract, the southwest corner of that certain called 149.639 acre tract conveyed to the City of Manvel by an instrument of record in Document Number 2018034498, in the Official Public Records of said Brazoria County, Texas (B.C.O.P.R.), the northeast corner of that certain called 6.676 acre tract conveyed to the Brazos River Authority (Cause No. 54, 761A) by an instrument of record in Volume 33, Page 154 of the District Clerk Records of said Brazoria County (B.C.D.C.R.), the southeast corner of that certain tract, described as "Parcel B", conveyed to Brazos River Authority by an instrument of record in Volume 1070, Page 318, B.C.D.R., and on the west line of said, H.T.& B. R.R. Company Survey, Section 73, same being the east line of the H.T. & B.R.R. Company Survey, Section 72, (A.K.A.) Kate R. Ehrmann Survey, Abstract 460, from which a 5/8-inch iron rod (bent) bears South 72° 37' 44" East, 0.76 feet;

Thence, North 86° 51' 06" East, departing said common survey line, along the north line of said Lot 5 and said 19.919 acre tract, same being the south line of said Lot 4 and said 149.639 acre tract, 658.16 feet to the common corner of said Lot 5, said Lot 4, Lot 12 and Lot 13 of said Section 73, same being the northeast corner of said 19.919 acre tract and a westerly corner of that certain tract described as "First Tract", conveyed to Four Forty-Three, LTD. by an instrument of record in Volume 1048, Page 760 of the Deed Records of said Brazoria County, Texas (B.C.D.R.), from which a found 3/4-inch iron pipe bears S 10° 53' 33" East, 0.39 feet;

Thence, South 03° 24' 33" East, departing the south line of said 149.639 acre tract, along the east line of said Lot 5 and said 19.919 acre tract, same being the west line of said Lot 13 and said "First Tract", 20.00 feet to a point for corner;

Thence, South 86° 51' 06" West, departing said common line, 638.13 feet to a point for corner;

Thence, South 03° 28' 46" East, 1,280.64 feet to a point for corner;

Thence, North 86° 49' 56" East, 636.56 feet to a point for corner on the east line of aforementioned Lot 6 and aforementioned 19.919 acre tract, same being the west line of Lot 14 of aforementioned Section 73 and the aforementioned "First Tract";

Thence, South 03° 24' 33" East, along said common line, 20.00 feet to the common corner of said Lot 6, Lot 7, Lot 14 and Lot 15 of said Section 73, same being the southeast corner of said 19.919 acre tract, the northeast corner of that certain called 9.988 acre tract conveyed to Cynthia Lee Sowell Weisinger, Christi Sowell Harvey and Andrew Ward Sowell as Co-Trustees of Charles L. Sowell Family Trust, by an instrument for record in Document Number 2016025233, B.C.O.P.R.;

1.1916 Acres

June 11, 2021  
Job No. LJA001-2791-2103

Thence, South 86° 49' 56" West, departing the west line of said "First Tract", along the south line of said Lot 6 and said 19.919 acre tract, same being the north line of said Lot 7 and said 9.988 acre tract, 656.53 feet to the common west corner of said Lot 6 and said Lot 7, same being the southwest corner of said 19.919 tract and the northwest corner of said 9.988 acre tract and being the on the east line of the aforementioned 6.676 acre tract, and the aforementioned Kate R. Ehrmann Survey, same being the west line of the aforementioned H.T.& B. R.R. Company Survey, Section 73;

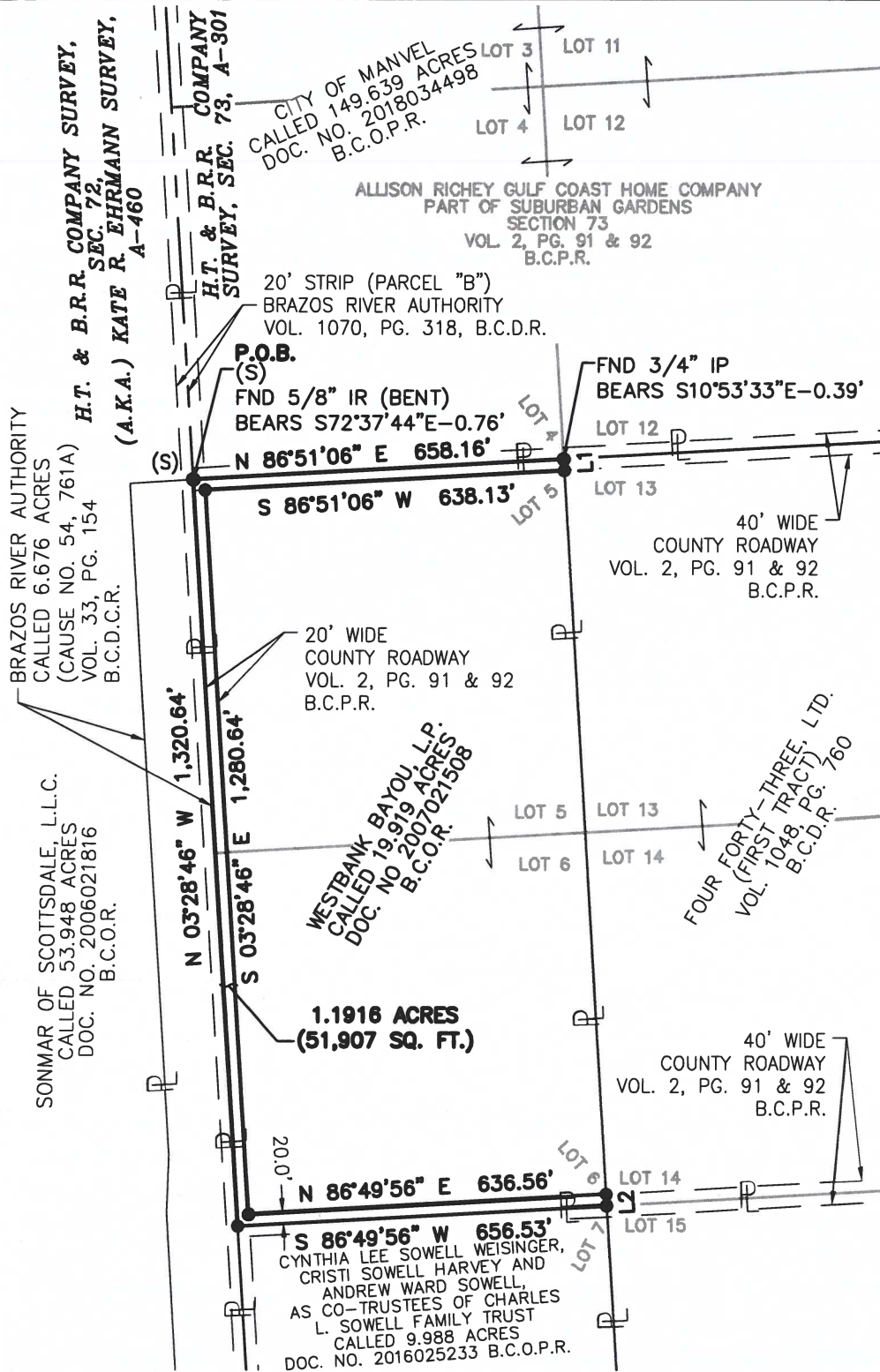
Thence, North 03° 28' 46" West, along the west line of said Lot 6, aforementioned Lot 5 and said 19.919 acre tract, same being the east line of said 6.676 acre tract, and said common survey line, 1,320.64 feet to the POINT OF BEGINNING and containing 1.1916 acres (51,907 square feet) of land.

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



LJA Surveying, Inc.

S:\Sectors\Survey\Projects\LJA5001\2791\2103\CAD\1-1916 Ac ROW Abandonment.dwg 6/11/2021



**LEGEND:**

- B.C.D.R. DEED RECORDS OF BRAZORIA COUNTY
- B.C.O.R. OFFICIAL RECORDS OF BRAZORIA COUNTY
- B.C.O.P.R. OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY
- B.C.D.C.R. DISTRICT CLERK RECORDS OF BRAZORIA COUNTY
- B.C.P.R. PLAT RECORDS OF BRAZORIA COUNTY
- (S) ● PREVIOUSLY SET 5/8" I.R. W/CAP STAMPED "LJA SURVEY"
- P — PROPERTY LINE
- LAND HOOK
- VOL./PG. VOLUME/PAGE
- P.O.B. POINT OF BEGINNING
- FND FOUND

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 03°24'33" E | 20.00'   |
| L2   | S 03°24'33" E | 20.00'   |

**NOTES:**

- 1) ALL BEARINGS AND DISTANCES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83 (1993 ADJ.)
- 2) CORNER MONUMENTS NOT SET AT CLIENTS REQUEST.



**EXHIBIT OF  
1.1916 ACRES  
(51,907 SQ. FT.)  
RIGHT-OF-WAY ABANDONMENT  
(20 FEET WIDE)**

**IN THE  
H.T. & B.R.R. COMPANY SURVEY,  
SECTION 73, A-301  
BRAZORIA COUNTY, TEXAS**

JUNE 2021 JOB NO. LJA5001-2791-2103

**LJA Surveying, Inc.**

3600 W Sam Houston Parkway S  
Suite 175  
Houston, Texas 77042

Phone 713.953.5200  
Fax 713.953.5026  
T.B.P.E.L.S. Firm No. 10194382



## **RESOLUTION NO. 2023-R-06**

A RESOLUTION BY THE CITY OF MANVEL TEXAS SUSPENDING THE MAY 1, 2023 EFFECTIVE DATE OF THE PROPOSAL BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS – TEXAS COAST DIVISION, TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2022 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Manvel, Texas (“City”) is a gas utility customer of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – Texas Coast Division, (“CenterPoint” or “the Company”) and a regulatory authority with an interest in the rates and charges of CenterPoint; and

WHEREAS, CenterPoint made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) on March 2, 2023, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by CenterPoint, effective May 1, 2023; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

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

1. The May 1, 2023, effective date of the GRIP Rate Increases proposed by CenterPoint is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

2. A copy of this Resolution shall be sent to CenterPoint, care of Keith L. Wall at 1111 Louisiana Street, CNP Tower 19<sup>th</sup> Floor, Houston, Texas 77002, and to Thomas Brocato,

legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_

**From:** [Dan Johnson](#)  
**To:** [Kyle Jung](#); [Tammy Bell](#)  
**Cc:** [Kyle Jung](#); [Jessica Rodriguez](#)  
**Subject:** Meridiana Section 32A  
**Date:** Monday, March 13, 2023 5:10:50 PM  
**Attachments:** [image001.png](#)

---

Kyle and Tammy,

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

### **Meridiana Section 32A**

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

(832) 336-4049

[www.cityofmanvel.com](http://www.cityofmanvel.com)



**From:** [Dan Johnson](#)  
**To:** [Kyle Jung](#); [Tammy Bell](#)  
**Cc:** [Gilbert Salas](#); [Jessica Rodriguez](#)  
**Subject:** Meridiana Section 53  
**Date:** Monday, March 13, 2023 5:18:33 PM  
**Attachments:** [image003.png](#)

---

Kyle and Tammy,

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

### **Meridiana Section 53**

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

(832) 336-4049

[www.cityofmanvel.com](http://www.cityofmanvel.com)





BRAZORIA COUNTY  
MUNICIPAL UTILITY DISTRICT NO. 57

**MAINTENANCE BOND**

**MAINTENANCE BOND**

STATE OF TEXAS

Contract Date \_\_\_\_\_

COUNTY OF BRAZORIA

Date Bond Executed \_\_\_\_\_

PRINCIPAL GM Vera's Construction

SURETY SureTec Insurance Company

OWNER Brazoria County Municipal Utility District No. 57 and City of Manvel

PENAL SUM OF BOND (in words and figures) Five Hundred Seventy Three Thousand, Two Hundred Sixty Dollars and Eighty Two Cents (\$573,260.82), being 100 percent of the Contract Price.

CONTRACT for Wastewater Collection and Storm Water Facilities to serve Meridiana Commercial, Section Fourteen for Brazoria County Municipal Utility District No. 57, Brazoria County, Texas (the "Contract").

KNOW ALL PERSONS BY THESE PRESENTS, that we, Principal and Surety above named, are held and firmly bound unto Owner, its successors and assigns, in the penal sum of the amount stated above, for the payment of which sum well and truly to be made, we bind ourselves and our respective heirs, executors, administrators, officers, directors, shareholders, partners, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal entered into that certain Contract with Owner, which Contract is expressly incorporated herein for all purposes.

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH, that if Principal well and truly repair any and all defects in the work occasioned by or resulting from defects in materials furnished by, or workmanship of, the Principal in performing the work covered by the Contract, including any guaranty or warranty required under the Contract, then this obligation is void; otherwise it is to remain in full force and effect. Should the Principal fail to well and truly repair any and all defects in the work occasioned by or resulting from defects in materials furnished by, or workmanship of, the Principal in performing the work as required by the Contract in all its terms, the Surety will be liable for all damages, losses, expenses and liabilities that the Owner may suffer in consequence thereof. The conditions of this obligation is such, that if the said Principal shall repair any and all defects in said work occasioned by or resulting from defects in materials furnished by, or workmanship of the Principals in performing the work covered by the contract, occurring within period of two (2) beginning on the date of acceptance by Manvel City Council, then this obligation shall be void, otherwise to remain in full force and effect.

The parties intend this maintenance bond to be a common law bond to be constructed in accordance with Texas law.

Surety hereby agrees, for value received, that no change, extension of time, alteration or addition to the terms of the Contract or to work performed under the Contract, or to the plans,

specifications or drawings accompanying the Contract, will in any way affect its obligations on this Bond and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the work to be performed thereunder.

The bound parties have executed this instrument pursuant to authority of their respective governing body, to be effective on the same date of the Contract.

**GM Vera's Construction**

PRINCIPAL

By

*Maria Vera*

Name

**Maria Vera**

Title

**President**

Address

**6623 Laughlin Drive**

**Missour City, Texas 77489**

**832-655-3793**

ATTEST

By

*Ivan Vera*

Name

**Ivan Vera**

Title

**Project Manager**

(SEAL)

**SureTec Insurance Company**

SURETY

By

*Mireli Stanford*

Name

**Mireli Stanford**

Title

**Attorney-In-Fact**

ATTEST

By

*MS*

Name

**Mireli Stanford**

Title

**Surety Witness**

(SEAL)

Physical Address:

**SureTec Insurance Company**

**9737 Great Hills Trail, Suite 320**

**Austin, Tx 78759**

Mailing Address:

**SureTec Insurance Company**

**9737 Great Hills Trail, Suite 320**

**Austin, Tx 78759**

Telephone: **1-866-732-0099**

Local Recording Agent Personal Identification Number:

**TX-2570446**

Agency Name: **M Surety Services**

Agency Address **5728 Root Road, Spring, TX 77389**

Agency Telephone **281-602-8892**

**Surety must attach its original Power of Attorney to this Bond.**

CERTIFICATE AS TO CORPORATE PRINCIPAL

I, Jose M. Vera, certify that I am the secretary of the corporation named as Principal in the Bond; that Maria Vera, who signed the Bond on behalf of Principal, was then President of the corporation; that I know his or her signature, and his or her signature is genuine; and that the Bond was duly signed for and on behalf of the corporation by authority of its governing body.

Jose M. Vera (Corporate Seal)  
Signature of Corporate Secretary

ATTACH POWER OF ATTORNEY

## JOINT LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That SureTec Insurance Company, a Corporation duly organized and existing under the laws of the State of Texas and having its principal office in the County of Harris, Texas and Markel Insurance Company (the "Company"), a corporation duly organized and existing under the laws of the state of Illinois, and having its principal administrative office in Glen Allen, Virginia, does by these presents make, constitute and appoint:

Justin McQuain, Brian P. Herrera, Megan Liescheski, Jacob Strader

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on their own behalf, individually as a surety or jointly, as co-sureties, and as their act and deed any and all bonds and other undertaking in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:

Five Million and 00/100 Dollars (\$5,000,000.00)

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolutions adopted by the Board of Directors of SureTec Insurance Company and Markel Insurance Company:

"RESOLVED, That the President, Senior Vice President, Vice President, Assistant Vice President, Secretary, Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the SureTec Insurance Company and Markel Insurance Company, as the case may be, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

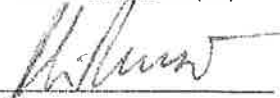
IN WITNESS WHEREOF, Markel Insurance Company and SureTec Insurance Company have caused their official seal to be hereunto affixed and these presents to be signed by their duly authorized officers on the 25th day of January, 2021.

SureTec Insurance Company

By:   
Michael C. Keimig, President



Markel Insurance Company

By:   
Robin Russo, Senior Vice President

Commonwealth of Virginia  
County of Henrico SS:

On this 25th day of January, 2021 A. D., before me, a Notary Public of the Commonwealth of Virginia, in and for the County of Henrico, duly commissioned and qualified, came THE ABOVE OFFICERS OF THE COMPANIES, to me personally known to be the individuals and officers described in, who executed the preceding instrument, and they acknowledged the execution of same, and being by me duly sworn, disposed and said that they are the officers of the said companies aforesaid, and that the seals affixed to the proceeding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and their signatures as officers were duly affixed and subscribed to the said Instrument by the authority and direction of the said companies, and that Resolutions adopted by the Board of Directors of said Companies referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Henrico, the day and year first above written.



By:   
Donna Donavant, Notary Public  
My commission expires 1/31/2023

We, the undersigned Officers of SureTec Insurance Company and Markel Insurance Company do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, we have hereunto set our hands, and affixed the Seals of said Companies, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SureTec Insurance Company

By:   
M. Brent Beaty, Assistant Secretary

Markel Insurance Company

By:   
Richard R. Grinnan, Vice President and Secretary

# **SureTec Insurance Company**

## **THIS BOND RIDER CONTAINS IMPORTANT COVERAGE INFORMATION**

### **Statutory Complaint Notice/Filing of Claims**

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint or file a claim at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company  
9737 Great Hills Trail, Suite 320  
Austin, Tx 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252- 3439. You may write the Texas Department of Insurance at:

PO Box 149104  
Austin, TX 78714-9104  
Fax#: 512-490-1007  
Web: <http://www.tdi.state.tx.us>  
Email: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**PREMIUM OR CLAIMS DISPUTES:** Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

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**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  
ED PERRY, 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 3/6/2023

### Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 5:00 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 3 Niccole Tyson  
City Council Member Place 4 Ed Perry  
City Council Member Place 5 Jason Albert City  
Council Member Place 6 Jerome Hudson

**Absent:** None

**Also Present:** Kyle Jung, City Manager  
Dan Johnson, Assistant City Manager/City Engineer  
Robert Gervais, City Attorney  
Tammy Bell, City Secretary  
Keith Traylor, Chief of Police  
Jessica Rodriguez, Director of Development Services  
Gilbert Salas, Director of Community Services  
Jose Abraham, City Planner  
Joe Murray, Fire Marshal

Discussion on the Sign Ordinance.

Kyle Jung, City Manager - currently the sign ordinance says certain ones are allowed for religious holidays and celebrations and that is the term that the City Attorney is having a difficult time defining. One of the things we can talk about is further identity or removal. Another option would be putting in a due process appeal over a denial, revocation, or interpretation of the sign ordinance. Third, there is another petition that is going to be coming forward concerning the sign ordinance. This is the Council's opportunity to discuss taking action on this.

Robert Gervais, City Attorney - Waving signs. In one case in particular regarding these, they ruled in the city's favor. It's a public safety/ distraction. Not to say some good points weren't raised against this. An appellate process is something we could discuss; this could help in cases where something is vague.

Jessica Rodriguez, Director of Development Services - asks Council about what they would like to see in regard to the attention-getting signs.

Council Member Albert - likes the idea of the appellate process.

Mayor Davison - the problem she has is "what's good for one is good for all". Is worried about what making big allowances because of issues with one business will do overall for the whole city.

Lorraine Hehn - the waving inflatable is not a big deal to her, but she can't find a group of people that want their city to look like another city where they allow all these kinds of signs. Can't find anyone that would want that.

Jason Albert - I would echo that. I don't want us to look like 1960, but I also would not like our hand to be forced with an ordinance that comes through via petition. So he thinks we need to come up with reasonable language that we can pinpoint and then add the appeals process, versus getting a haphazard voter initiative that comes together that inexperienced people don't see the effect. To me, it's a liability.

Mayor Davison - besides that, Willy is truly a distraction. It's in a school zone.

Ed Perry - my concern is that we don't set a precedent, or set a preference for one area. If that's really what the citizens want and they drive it to a vote, then that's what it is. That will be the consequence of it.

Kyle Jung - asking in advance of the agenda, does Council want staff to come up with any changes, or leave as is and move on?

Jason Albert - suggests that staff bring up what they think works to present to Council.

Discussion on any subject listed on the agenda dated March 6, 2023.

Items discussed:

Agenda Item - Consent #11 Library, we need to start discussing what we want to do as far as library expansion in the future goes.

Agenda Item - #7 McCoy Street Parking

Public Hearings - Update by Kyle

Agenda Item #4 - Kyle explained what the item was.

Agenda Item #3 - If this is approved without condition, then no action on #4.

Adjourned at 5:53 p.m.

## **Regular Session**

### **Call To Order**

Mayor Davison called the meeting of the Manvel City Council to order at 6:05 p.m.

Those in attendance were:

## **March 6, 2023 MANVEL CITY COUNCIL MEETING MINUTES**

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

**Absent:** None

**Also Present:** Kyle Jung, City Manager  
Dan Johnson, Assistant City Manager/City Engineer  
Robert Gervais, City Attorney  
Tammy Bell, City Secretary  
Keith Traylor, Chief of Police  
Jessica Rodriguez, Director of Development Services  
Gilbert Salas, Director of Community Services  
Jose Abraham, City Planner  
Joe Murray, Fire Marshal

### **Inspirational Reading - Council Member Hudson**

#### **Pledge**

#### **Presentations**

Proclamation - Flood Safety Awareness Week - March 6 - March 10, 2023.

#### **Public Hearing**

##### **Hearing #1**

TO HEAR COMMENTS FOR OR AGAINST AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF TWO RIGHTS-OF-WAY BEING: (1) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.3022 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE SOUTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 47, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.6044 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 42, AND 43 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Open at 6:09 p.m.

1st call for comments – None. 2nd call for comments – None. 3rd call for comments – None.

Closed at 6:12 p.m.



Hearing #2

TO HEAR COMMENTS FOR OR AGAINST AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A RIGHT-OF-WAY KNOWN AS 0.3011 ACRES (13,115 SQUARE FEET) OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE NORTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 50 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Open at 6:12 p.m.

1st call for comments – None. 2nd call for comments – None. 3rd call for comments – None.

Closed at 6:14 p.m.

Hearing #3

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF THE FOLLOWING RIGHTS-OF-WAY: (1) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.6051 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 34, AND 35 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (2) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.9066 ACRES OF LAND LOCATED IN THE H.T. & B. R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 24, 32, AND 40 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (3) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.1152 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 13, 21, 29, 36, 37, 44, AND 45 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (4) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.7197 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 14, 15, 22, 23, 30, 31, 38, 39, AND 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (5) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.7228 ACRES OF LAND LOCATED IN THE H.T. &

B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483 BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE WEST HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (6) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.2359 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, A/K/A THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, AND H.T. & B.R.R. COMPANY SURVEY, SECTION 65, ABSTRACT 285, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Open at 6:14 p.m.

1st call for comments – None. 2nd call for comments – None. 3rd call for comments – None.

Closed at 6:19 p.m.

#### Hearing #4

TO HEAR INPUT FOR OT AGAINST AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PORTION OF A 20' RIGHT OF WAY AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.5953 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 7, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Open at 6:19 p.m.

1st call for comments – None. 2nd call for comments – None. 3rd call for comments – None.

Closed at 6:21 p.m.

#### Hearing #5

TO HEAR INPUT FOR OR AGAINST AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF (1) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.8967 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY

DEDICATION CROSSING LOTS 8, AND 16 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A PORTION OF A 20' RIGHT-OF-WAY DEDICATION AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.1916 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 5 AND 6, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

Open at 6:21 p.m.

1st call for comments – None. 2nd call for comments – None. 3rd call for comments – None.

Closed at 6:25 p.m.

**Public Comments: "Comment Card" Required**

Mayor Davison welcomed Coach Martin back as the Manvel HS Head Football Coach.

Crystal Sarmiento - Introduced herself as a candidate for City Council Place 5.

**City Manager Update**

\*Recognition of staff that achieved the Certified Water Professional (CWP) Designation.

\*Update on Superior Water Status

Atanacio Mares, Ray Word, and Gilbert Salas were granted the Certified Water Professionals. Only 285 CWP designations in the State of Texas.

The City of Manvel applied for the Superior Water Designation. TCEQ came out and reviewed the City and we have received a letter from TCEQ granting that status.

**Consent Agenda**

1. Acceptance of infrastructure improvements for **Del Bello Lakes Phase 3 Detention** and begin the two-year maintenance period.
2. Acceptance of infrastructure improvements for **Manvel Town Center Wastewater Treatment Plant** and begin the one-year maintenance Period.
3. Acceptance of infrastructure improvements for **Meridiana Detention Basin X, Basin C-2, and Basin D2** and begin the two-year maintenance period.
4. Approve the meeting minutes to date.
5. Approve the second and final reading of Ordinance 2023-O-09;  
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 1.641 ACRE TRACT OF LAND LOCATED AT THE SOUTHWESTERN CORNER OF STATE HIGHWAY 6 / MORRIS AVE AND BLUEWATER STREET INTERSECTION, MANVEL, TEXAS (ACROSS THE STREET FROM STARBUCKS AT 7326 BLUEWATER ST, MANVEL, TX), FROM LIGHT COMMERCIAL DISTRICT / STATE

HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 811192 "CAR WASHES"; 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.

6. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-10; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF TWO RIGHTS-OF-WAY BEING: (1) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.3022 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE SOUTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 47, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A 40' RIGHT-OF-WAY CONSISTING OF APPROXIMATELY 0.6044 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 42, AND 43 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS, VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
7. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-11; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A RIGHT-OF-WAY KNOWN AS 0.3011 ACRES (13,115 SQUARE FEET) OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE NORTH HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 50 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.
8. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-12; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF THE FOLLOWING RIGHTS-OF-WAY: (1) A 40' RIGHT-OF-

WAY DEDICATION CONSISTING OF 0.6051 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 34, AND 35 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (2) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.9066 ACRES OF LAND LOCATED IN THE H.T. & B. R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 24, 32, AND 40 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (3) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.1152 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 13, 21, 29, 36, 37, 44, AND 45 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (4) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 2.7197 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 14, 15, 22, 23, 30, 31, 38, 39, AND 46 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; (5) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.7228 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, ALSO KNOWN AS THE MARY V. O'DONNELL SURVEY, ABSTRACT 483 BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF THE WEST HALF OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (6) A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.2359 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 64, A/K/A THE MARY V. O'DONNELL SURVEY, ABSTRACT 483, AND H.T. & B.R.R. COMPANY SURVEY, SECTION 65, ABSTRACT 285, AND ALSO BEING A PORTION OF A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION AS SHOWN ON THE DR. A. A. LUTHER SUBDIVISION OF MANVEL AND SURROUNDING ACREAGE PROPERTY, ACCORDING TO THE PLAT RECORDED IN VOLUME 1, PAGES 71-72, AND VOLUME 3, PAGES 139-140, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

9. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-13; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A PORTION OF A 20' RIGHT OF WAY AND A 40' RIGHT-



OF-WAY DEDICATION CONSISTING OF 0.5953 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOT 7, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHT-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHT-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

10. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-14; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF (1) A 20' RIGHT-OF-WAY DEDICATION CONSISTING OF 0.8967 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 20 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 8, AND 16 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; AND (2) A PORTION OF A 20' RIGHT-OF-WAY DEDICATION AND A 40' RIGHT-OF-WAY DEDICATION CONSISTING OF 1.1916 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. COMPANY SURVEY, SECTION 73, ABSTRACT 301, AND ALSO BEING A PORTION OF A 20 FOOT WIDE AND A 40 FOOT WIDE RIGHT-OF-WAY DEDICATION CROSSING LOTS 5 AND 6, OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS SUBDIVISION, SECTION 73, ACCORDING TO THE PLAT RECORDED IN VOLUME 2, PAGES 91-92, OF THE PLAT RECORDS OF SAID BRAZORIA COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID PUBLIC RIGHTS-OF-WAY; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST, RESPECTIVELY, QUITCLAIM DEEDS CONVEYING RESPECTIVE INTERESTS IN SAID ABANDONED RIGHTS-OF-WAY TO THE ABUTTING PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

11. Authorize the City Manager to negotiate and execute the Commercial Lease Agreement between AMAENS Investments, LLC, and the City of Manvel for the Manvel Library.

Mayor Debra Davison made the motion to approve the Consent Agenda. Council Member Lorraine Hehn seconded the motion.

**The motion carried with a 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 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

**Regular Agenda**

1. Update on the Alvin Manvel Area Chamber of Commerce by Cary Perin, President/CEO.

Cary and 7 board members of the Chamber were in attendance.

Grew by 25% in the past year.

Growth in attendance and activities. The City of Manvel holds the record for the largest luncheon.

Will continue to organize candidate forums.

Four big events, one of which being the Business Expo 5/4 at Knights of Columbus.

2. Consideration and possible action to direct staff on amendments to the Sign Ordinance.

Council Member Jason Albert made the motion to direct staff to make the necessary changes to bring back to Council for consideration. Council Member Lorraine Hehn seconded the motion.

**The motion carried with a 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 Ed Perry, 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 Master Plan for Manvel Palms; BEING A SUBDIVISION OF 125.58 ACRES OUT OF THE H.T. & B.R.R. CO. SURVEY, SECTION 75, A-299, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS. (FORWARDED WITH FAVORABLE RECOMMENDATION BY PD&Z)

Council Member Jason Albert made the motion to approve. Council Member Jerome Hudson seconded the motion.

**The motion carried with a 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 Ed Perry, 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 direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

No action.

5. Consideration and possible action on the appointments of the Manvel Economic Development Corporation Board Position #2 with a term (1 year) to expire March 2024 and Board Position #4, #5, #6, and #7 with a term (2 years) to expire March 2025.

Mayor Debra Davison made the motion to appoint Karen Kinlaw, Robina Spruill, Damon Collins, and Jason Black, for the two-year terms; and for Rigoberto Juarez to fill the 1-year term for Ed Perry's vacated seat. Council Member Jason Albert seconded the motion.

**The motion carried with a 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 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

## **March 6, 2023 MANVEL CITY COUNCIL MEETING MINUTES**

No: None  
Absent: None  
Abstained: None

6. Consideration and possible action on the appointments of the Planning Development and Zoning Board positions #1, #2, #3, and #4 with a term to expire in March 2023.

Council Member Larry Akery made the motion to appoint Kyle Marasckin, Ryan Miller, Mary Ann Atkinson and Kenneth Haynes. Council Member Lorraine Hehn seconded the motion.

**The motion carried with a vote: 6/0, 1 abstain**

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 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None  
Absent: None  
Abstained: Jason Albert

7. Consideration and possible action to direct staff concerning street parking on McCoy. (Requested by Council Member Albert and Mayor Davison).

Staff will bring back recommendations on this for Council to consider.

No action.

### **Mayor and Council Comments**

None.

### **Adjourn**

Council Member Lorraine Hehn made the motion to adjourn the meeting at 6:50 p.m. Council Member Jerome Hudson seconded the motion.

**The motion carried with a 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 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None  
Absent: None  
Abstained: None

### **CERTIFICATION**

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TAMMY BELL, CITY SECRETARY  
CITY OF MANVEL, TEXAS

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DEBRA DAVISON, MAYOR  
CITY OF MANVEL, TEXAS





# MANVEL CITY COUNCIL DATA SHEET

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**MEETING DATE:** March 20, 2023

**TOPIC:** Public hearing regarding amending the zoning ordinance by changing the zoning classification of 0.5727-acre tract of land located at 17205 Highway 6 / Morris Ave, Manvel, Texas (described as Reserve "C1" of Manvel Town Center Section 1 Partial Replat No 1), from Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6) to Planned Unit Development District / State Highway 6 Overlay District With Specific Use Permit (PUD/SH6-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of property for NAICS use 621210 "offices of dentists".

**BACKGROUND:** The subject site is located at 17205 Highway 6 / Morris Ave, Manvel, Texas (Described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1). The subject site is an approximate, 0.5727-acre reserve within Manvel Town Center development and is currently zoned Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6). According to the adopted PUD document (Ordinance No. 2017-O-33), any land use that requires a Specific Use Permit (SUP) in Light Commercial (LC) zoning district will require SUP approval by the Manvel City Council.

The subject site is proposed to be developed for a dental office, which is permitted upon approval of a SUP. Plans for a shell building at the subject site is under review. Therefore, applicant, Zoltan Wilson, CDA Architects, with permission from property owner, Weitzman Group/Manvel Town Center, is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. In 2020, Zoning ordinance was amended to include SUP requirement for all land uses under NAICS use Category No. 621, *Ambulatory health care services*. Manvel Town Center is under construction and is proposed to include a wide range of general retail, commercial, and office type uses. The subject site which is currently vacant is proposed to be developed as a dental office. Therefore, the applicant is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. Please note that plans for a shell building at the subject site is currently under review for conformance to the standards of PUD and other adopted City codes and ordinances.

The proposed use being a low intensity medical office type use is not anticipated to have any negative impact on the overall development or the general area. The proposed dental office use will be similar to other general office or retail sales and service use in terms of its operation and traffic patterns. Additionally, adjoining properties are under common ownership and is proposed to be developed for general retail and commercial uses. The proposed use meets all the criteria of approval

provided in Section 77-50. (e) of the code of ordinances, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact to the general area. Section 77-50 (g) (4) of the zoning ordinance provides the following predetermined conditions for NAICS use Category No. 621, *Ambulatory health care services* upon approval of the SUP.

1. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

At the March 13, 2023, Planning, Development and Zoning Commission generally discussed the need for the SUP and staff clarified that it is requirement of the adopted PUD document for Manvel Town Center. The Commission also asked about the exact location of the subject site and staff clarified that the site is a pad site within the development proposed to have a standalone building. Staff indicated that the applicant has requested to adjust the hours of operation to be 7:00 am to 10:00 pm.

**PD&Z RECOMMENDATION:** The Planning, Development, and Zoning Commission recommended approval of Ordinance No. 2023-O-015 with an amendment to the predetermined conditions to the City Council with a vote of four "Yeas" to zero "Nays" at their March 13, 2023, meeting. The amendment to a predetermined Condition was made to adjust the hours of operation to 7:00 am to 10:00 pm.



**ATTACHMENTS:** Staff Report and Ordinance No. 2023-O-15

**RECOMMENDATION:** City staff recommends approval with conditions as proposed by staff and listed in the Staff Report.

#### **FUNDING ISSUES**

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

**SUBMITTING STAFF MEMBER**  
Jose Abraham

**FINANCE DIRECTOR APPROVAL** \_\_\_\_\_

**CITY MANAGER APPROVAL** \_\_\_\_\_



## City Council Specific Use Permit Request

|                    |                      |                      |                                                |
|--------------------|----------------------|----------------------|------------------------------------------------|
| <b>Agenda of:</b>  | March 20, 2023       | <b>Initiated By:</b> | Jose Abraham<br>City Planner                   |
| <b>Department:</b> | Development Services | <b>Presented By:</b> | Jessica Rodriguez<br>Dir. Development Services |

### Subject/Proceeding

Specific Use Permit (SUP) request to establish a dental office on an approximate 0.5727-acre tract of land located at 17205 Highway 6 / Morris Ave, Manvel, Texas (Described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1), in the Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6).

### Exhibits

Zoning Vicinity Map, Aerial Vicinity & Surrounding Land Uses Map, Major Thoroughfare Plan Map, Recorded Plat, Application, Letter of Authorization, and Public Hearing Notice.

### Recommended Action

A Public Hearing followed by Consideration and Action from the Commission to provide a recommendation to the City Council

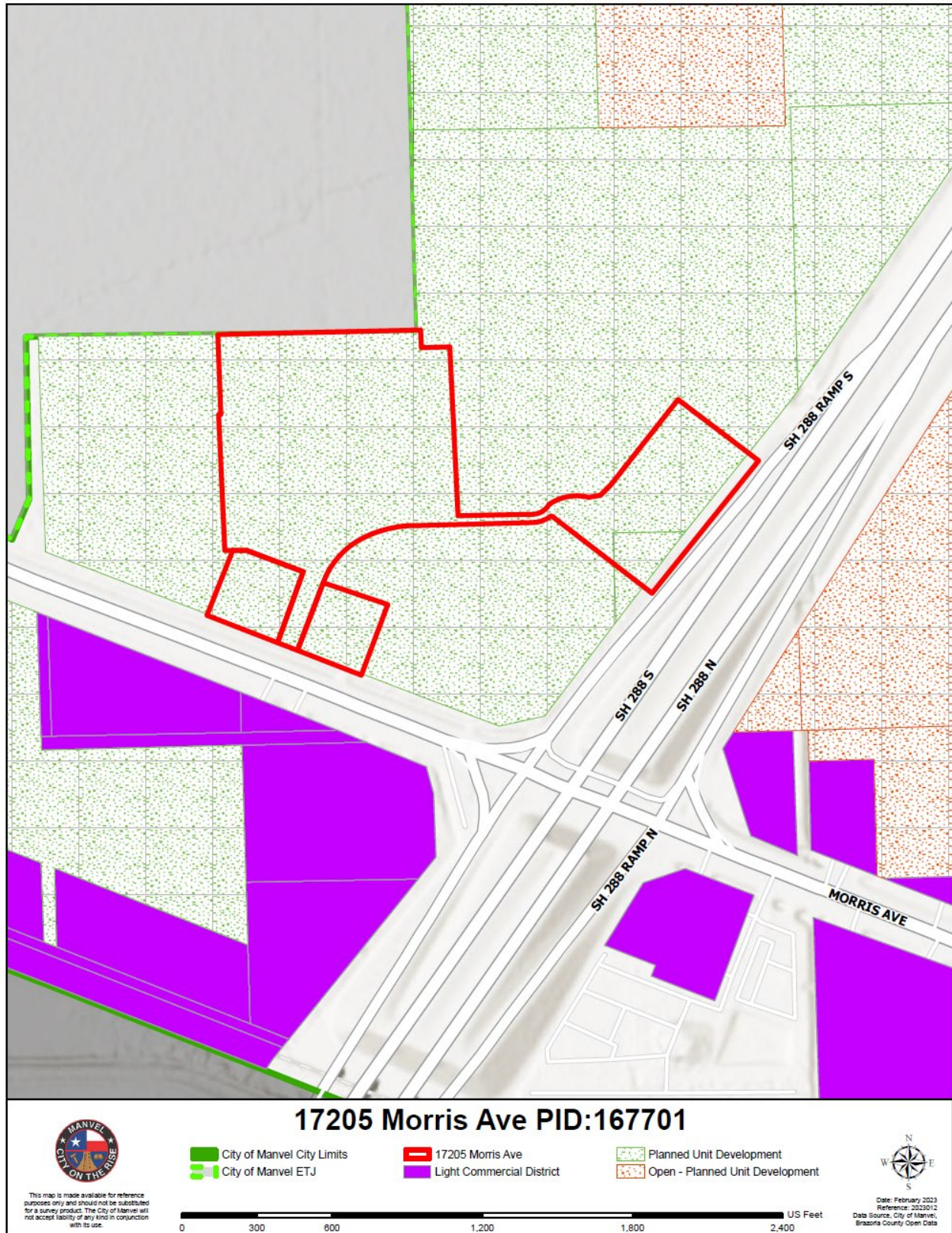
### Executive Summary

The subject site is located at 17205 Highway 6 / Morris Ave, Manvel, Texas (Described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1). The subject site is an approximate, 0.5727-acre reserve within Manvel Town Center development and is currently zoned Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6). According to the adopted PUD document (Ordinance No. 2017-O-33), any land use that requires a Specific Use Permit (SUP) in Light Commercial (LC) zoning district will require SUP approval by the Manvel City Council.

The subject site is proposed to be developed for a dental office, which is permitted upon approval of a SUP. Plans for a shell building at the subject site is under review. Therefore, applicant, Zoltan Wilson, CDA Architects, with permission from property owner, Weitzman Group/Manvel Town Center, is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. Staff overview of the proposed SUP is contained in the attached Staff Report section.



## Zoning Vicinity Map



## Staff Report

### **Zoning Ordinance Provisions for Specific Use Permits**

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states “certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides City Council and Planning, Development and Zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of use, the importance of the use’s relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required.”

In Section 77-50 (b) of the Zoning Ordinance it further states, “the city council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.”

### **General Site Information**

The following is a summary of general site information.

|                                    |                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Surrounding Property Zoning</b> | <b>North:</b> Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6)<br><b>South:</b> Light Commercial District /State Highway 6 Overlay District (LC/SH6)<br><b>East:</b> Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6)<br><b>West:</b> Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6) |
| <b>Surrounding Land Use</b>        | <b>North:</b> Manvel Town Center development / Proposed HEB & Retail Shops<br><b>South:</b> Gas Station with Convenience Store (Chevron) & Vacant/Undeveloped<br><b>East:</b> Manvel Town Center development / Proposed McDonald’s<br><b>West:</b> Manvel Town Center development / Proposed Fuel Station                                                                        |

### **Overview**

The subject site is an approximate 0.5727-acre tract located at 17205 Highway 6 / Morris Ave, Manvel, Texas. The subject site is a commercial reserve within Manvel Town Center development which is generally located at the northwestern corner of State Highway 6 and State Highway 288

intersection. The Manvel Town Center property was rezoned to Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6) on November 6, 2017 (Ordinance No. 2017-O-33). The subject site is described as Reserve "C1" Of Manvel Town Center Section 1 Partial Replat No. 1.

The adopted PUD document for Manvel Town Center allows all uses that are permitted within Light Commercial (LC) zoning district and certain other additional specific commercial uses. However, according to the adopted PUD document (Ordinance No. 2017-O-33), any land use that requires a Specific Use Permit (SUP) in Light Commercial (LC) zoning district will require SUP approval by the Manvel City Council. In 2020, Zoning ordinance was amended to include SUP requirement for all land uses under NAICS use Category No. 621, *Ambulatory health care services*. Manvel Town Center is under construction and is proposed to include a wide range of general retail, commercial, and office type uses. The subject site which is currently vacant is proposed to be developed as a dental office. Therefore, the applicant is requesting a SUP to allow NAICS Use No. 621210 "Offices of Dentists" at the subject site. Please note that plans for a shell building at the subject site is currently under review for conformance to the standards of PUD and other adopted City codes and ordinances.

The proposed use being a low intensity medical office type use is not anticipated to have any negative impact on the overall development or the general area. The proposed dental office use will be similar to other general office or retail sales and service use in terms of its operation and traffic patterns. Additionally, adjoining properties are under common ownership and is proposed to be developed for general retail and commercial uses. The proposed use meets all the criteria of approval provided in Section 77-50. (e) of the code of ordinances, which focus on ensuring that the proposed use will be in harmony with the adjacent property and will not have a detrimental impact to the general area. Section 77-50 (g) (4) of the zoning ordinance provides the following predetermined conditions for NAICS use Category No. 621, *Ambulatory health care services* upon approval of the SUP.

1. The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

The applicant has requested to allow the hours of operation to start at 7:00 am.

### **Comprehensive Plan**

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The proposed use is part of a larger commercial development located along a major thoroughfare, and therefore, aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

### **Staff Recommendation**

Based on the above discussion, staff recommends approval of this SUP request for the subject site to allow NAICS Use No. 621210 "Offices of Dentists" with the following conditions:

1. The facility is only permitted to operate during the hours of 7:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and

3. All doors shall remain unlocked and accessible during normal business hours.

#### **Planning, Development and Zoning Commission Public Hearing**

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. No one spoke in favor or opposition of the proposed SUP at the Public Hearing held on March 13, 2023 at the Planning, Development and Zoning Commission regular meeting.

#### **Planning, Development and Zoning Commission Discussion**

At the March 13, 2023, Planning, Development and Zoning Commission generally discussed the need for the SUP and staff clarified that it is requirement of the adopted PUD document for Manvel Town Center. The Commission also asked about the exact location of the subject site and staff clarified that the site is a pad site within the development proposed to have a standalone building. Staff indicated that the applicant has requested to adjust the hours of operation to be 7:00 am to 10:00 pm.

#### **Planning, Development and Zoning Commission Recommendation**

The Planning, Development, and Zoning Commission recommended approval of Ordinance No. 2023-O-015 with an amendment to the predetermined conditions to the City Council with a vote of four "Yeas" to zero "Nays" at their March 13, 2023, meeting. The amendment to a predetermined Condition was made to adjust the hours of operation to be 7:00 am to 10:00 pm.

#### **City Council Public Hearing**

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, no information inquiries have been received and staff is not aware of opposition.



## Site Photographs



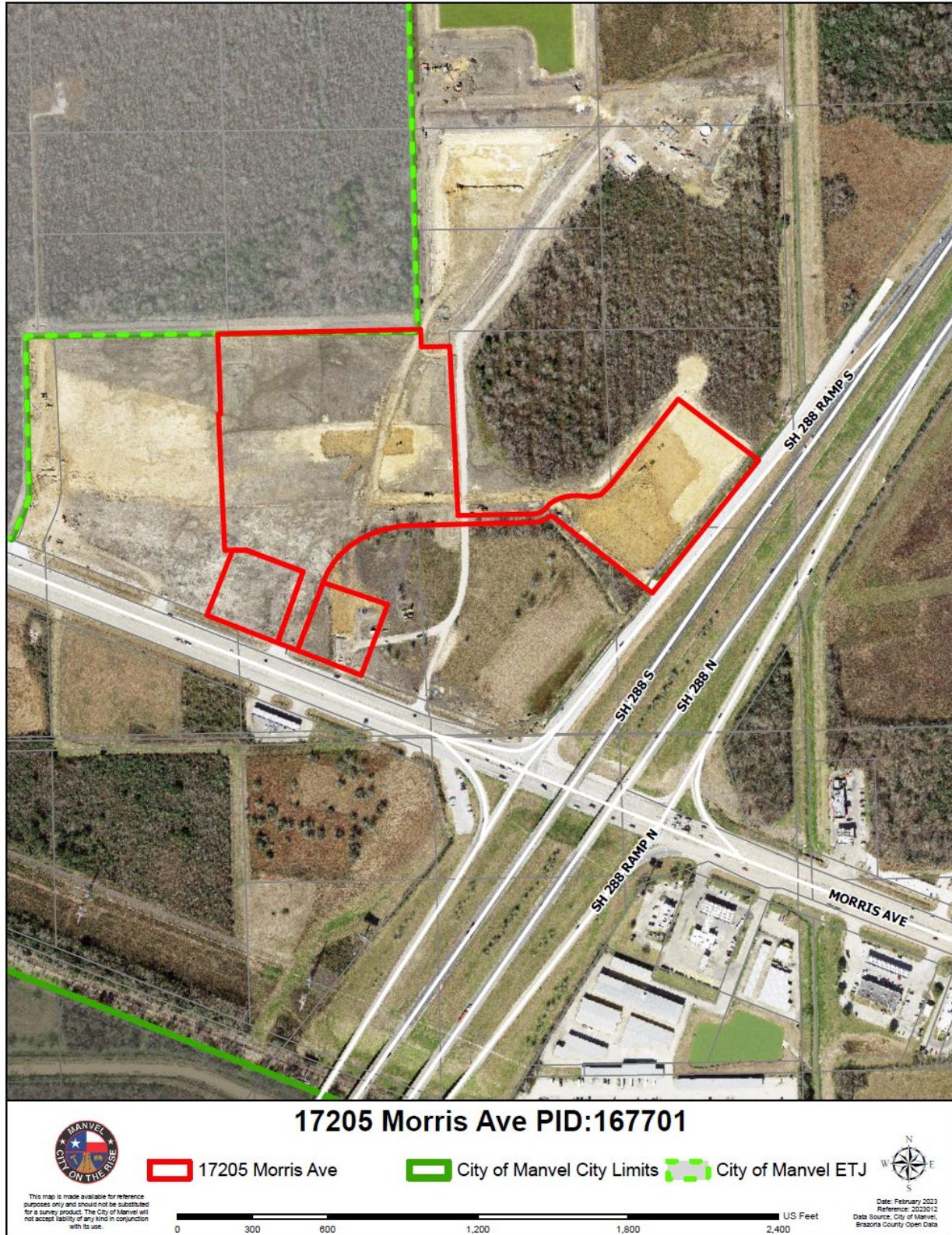
*Aerial view (viewing South) of Manvel Town Center Site*



*Aerial view (viewing East) of Manvel Town Center Site*

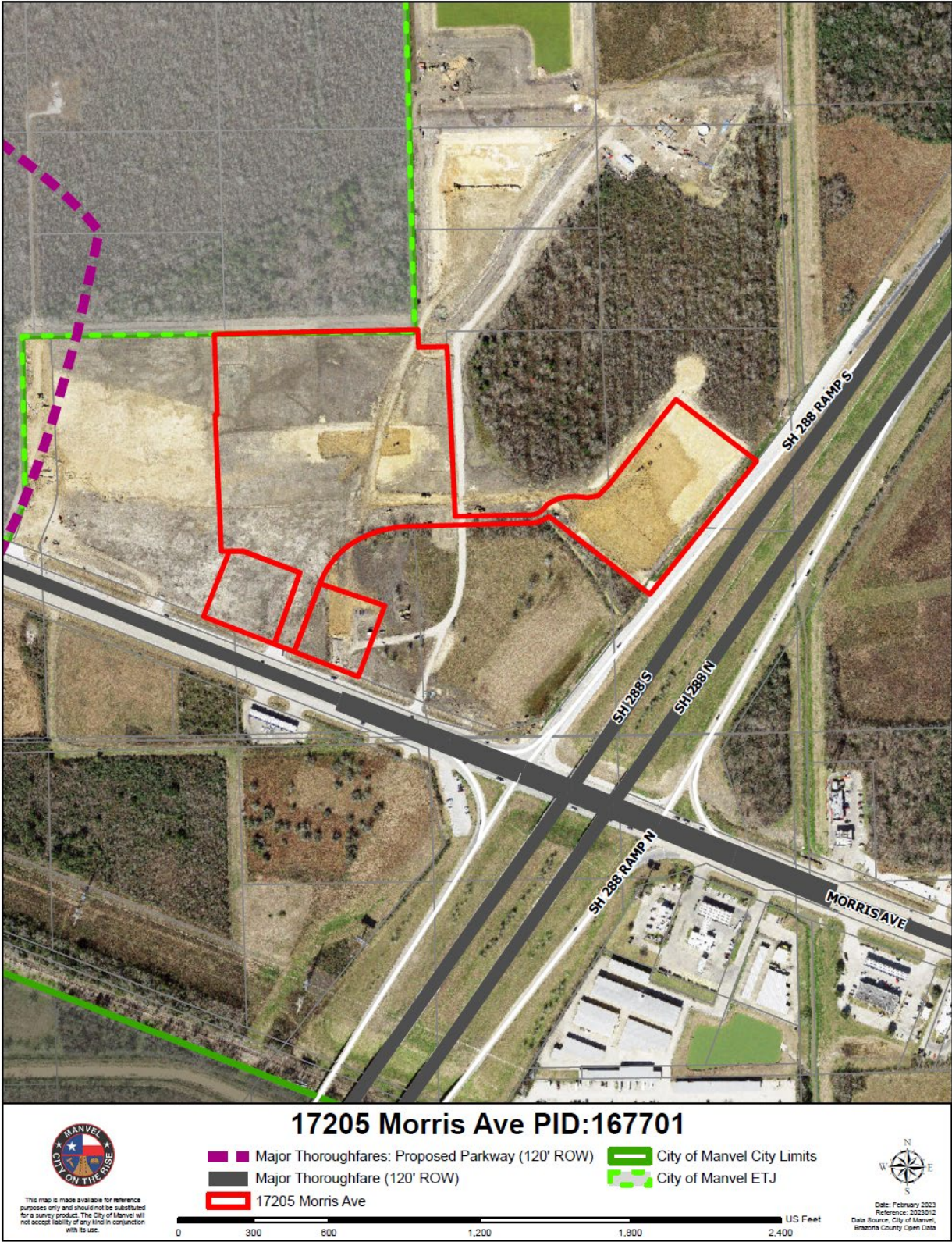


## Aerial Vicinity & Surrounding Land Uses Map





Major Thoroughfare Plan Map







## Application



### DEVELOPMENT SERVICES

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

## SPECIFIC USE PERMIT APPLICATION

### PROJECT INFORMATION

Project Name: Heartland Dental - Manvel Town Center  
Project Location/Address: 17205 Highway 06  
Legal Description: Manvel Town Center, LTD. ABST-291 SUBD-Emigration Land Co S/D, A-291 Lot-50  
Current Zoning: Planned Unit Dev. Proposed Land Use: Commercial-Retail NAICS No.: 621210  
Parcel/Tax ID# (s): 167701 Total Acreage: 0.573

### APPLICANT INFORMATION

Applicant Name: Zoltan Wilson  
Company Name: CDA Architects  
Address: 20445 S.H. 249, Suite 200 City: Houston State: TX Zip: 77070  
Phone #: 832-678-9232 Email: zoltanw@cdaarchitects.com

*This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.*

Applicant Signature (REQUIRED)

Date

### PROPERTY OWNER INFORMATION

Owner(s) Name: Weitzman Group  
Address: 1800 Bering, Suite 500 City: Houston State: TX Zip: 77070  
Phone #: 713-781-7111 Email: bbloomfield@weitzmangroup.com

PROPERTY OWNER'S AUTHORIZATION (Required – If owner is also the applicant, must sign as both):

*I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.*

1/27/2023

Owner's Signature (REQUIRED)

Date

## Application



### DEVELOPMENT SERVICES

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

### SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

| SPECIFIC USE PERMIT SUBMITTAL<br>CHECKLIST ITEMS                                     | REQUIRED<br>(PLEASE<br>CHECK)       |
|--------------------------------------------------------------------------------------|-------------------------------------|
| Completed Specific Use Permit Application (with all signatures)                      | <input checked="" type="checkbox"/> |
| Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations) | <input checked="" type="checkbox"/> |
| Two (2) Legal Descriptions of Property (metes & bounds description if not platted)   | <input checked="" type="checkbox"/> |
| Two (2) Copies of Recorded Plat (if platted)                                         | <input checked="" type="checkbox"/> |
| Two (2) Applicant Letters of Request                                                 | <input type="checkbox"/>            |
| Traffic Impact Analysis, (if applicable)                                             | <input type="checkbox"/>            |
| Paid Application Fee                                                                 | <input checked="" type="checkbox"/> |

### APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

  
Applicant Signature

01/30/2023  
Date

## Letter Of Authorization



### DEVELOPMENT SERVICES

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

### LETTER OF AUTHORIZATION

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

Manvel Town Center, Ltd.  
\_\_\_\_\_  
Owner Name  
  
1800 Bering Drive, Suite 550  
\_\_\_\_\_  
Owner Address  
  
Houston, TX 77057  
\_\_\_\_\_  
Owner City, State                      Zip  
  
01.27.2023  
\_\_\_\_\_  
Date

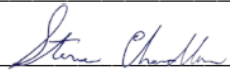
Building and Inspections  
20025 Highway 6  
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, Steve Chandler, certify that I am the owner of the project property located at 17205 Highway 06, Manvel, TX and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Zoltan Wilson with the company CDA Architects (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 713-781-7111 if you have any questions.

Sincerely,

Owner Name Steve Chandler  
\_\_\_\_\_  
Owner Signature   
\_\_\_\_\_

## **Public Hearing Notice**

Public Hearing Notice to run on Sunday 02/26/2023

**A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX, 77578 AT 6:00 P.M. ON MONDAY, MARCH 13, 2023, BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M. ON MONDAY, MARCH 20, 2023, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE “C1” OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 “OFFICES OF DENTISTS”; 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. /S/ TAMMY BELL, CITY SECRETARY.**



**ORDINANCE NO. 2023-O-15**

**AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 0.5727 ACRE TRACT OF LAND LOCATED AT 17205 HIGHWAY 6 / MORRIS AVE, MANVEL, TEXAS (DESCRIBED AS RESERVE “C1” OF MANVEL TOWN CENTER SECTION 1 PARTIAL REPLAT NO 1), FROM PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT (PUD/SH6) TO PLANNED UNIT DEVELOPMENT DISTRICT / STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621210 “OFFICES OF DENTISTS”; 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. /S/ TAMMY BELL, CITY SECRETARY.**

\* \* \* \* \*

**WHEREAS**, Manvel Town Center Ltd, is the owner (the “Owner”) of a certain 0.5727-acre tract of land located at 17205 Highway 6 / Morris Ave, Manvel, Texas, such tract located in the H.T. & B.R.R. CO. Survey, section 71, Abstract No. 291 City of Manvel, Brazoria County, Texas, also being Reserve “C1” of Manvel Town Center Section 1 Partial Replat No 1, recorded in Plat No. 2022068054, Brazoria County Plat Records (B.C.P.R.) a map and description of which is attached hereto as Exhibit “A”; and

**WHEREAS**, the 0.5727-acre tract is currently zoned Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6); and

**WHEREAS**, the applicant, Zoltan Wilson, CDA Architects, with permission from the owner, filed an application to change the zoning classification of

the 0.5727-acre tract to Planned Unit Development District / State Highway 6 Overlay District, with a Specific Use Permit (PUD/SH6-SUP) allowing the existing use of the property for NAICS use 621210 “Offices of Dentists”; and

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

**WHEREAS**, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; now, therefore,

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

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

**Section 2.** The zoning classification of a certain 0.5727-acre tract of land located at 7205 Highway 6 / Morris Ave, Manvel, Texas, such tract located in the H.T. & B.R.R. CO. Survey, section 71, Abstract No. 291 City of Manvel, Brazoria County, Texas, also being Reserve “C1” of Manvel Town Center Section 1 Partial Replat No 1, recorded in Plat No. 2022068054, B.C.P.R., as more particularly described in Exhibit “A” attached hereto, shall be changed from Planned Unit Development District / State Highway 6 Overlay District (PUD/SH6), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Offices of Dentists – (NAICS 621210)

**Section 3.** The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the additional NAICS use listed in Section 2, above.

**Section 4.** The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. Use and Development of the Property shall comply with the conditions and with the general site layout as shown in Exhibit “C”, attached hereto. The uses and site may not be changed or expanded except by amendment of this Specific Use Permit.

**Section 5.** The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

**Section 6.** The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 7.** The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

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

**Section 9.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 10.** Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**PASSED, APPROVED, AND ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

\_\_\_\_\_

\_\_\_\_\_

Debra Davison, Mayor

ATTEST:

\_\_\_\_\_  
Tammy Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Gervais, City Attorney

Being a Lot located in the H.T. & B.R.R. CO. Survey, section 71, Abstract No. 291 City of Manvel, Brazoria County, Texas, also being a partial replat of unrestricted reserve "C" of Manvel Town Center Section One, Recorded in Plat No. 2022042761, B.C.P.R.

MANVEL TOWN CENTER  
SECTION ONE  
PARTIAL REPLAT NO 1

A SUBDIVISION OF 1.640 ACRES OF LAND  
LOCATED IN THE  
H.T.& B.J.R. CO. SURVEY, SECTION 71,  
ABSTRACT NO. 291  
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS  
ALSO BEING A PARTIAL REPLAT OF  
UNRESTRICTED RESERVE "C" OF MANVEL TOWN CENTER  
SECTION ONE,  
RECORDED IN PLAT NO. 2022042761, B.C.P.R.

REASON FOR REPEAT:  
TO CREATE TWO UNRESTRICTED RESERVES

PAGES: 2 BLOCK: 1

1\*-1007 DATE: NOVEMBER 15, 2022



page 1 of 2

MANVEL TOWN CENTER  
SECTION ONE  
PARTIAL REPLAT NO 1

A SUBDIVISION OF 1.640 ACRES OF LAND  
LOCATED IN THE  
H.T. & B.R.R. CO. SURVEY, SECTION 71,  
ABSTRACT NO. 291  
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS  
ALSO BEING A PARTIAL REPLAT OF  
UNRESTRICTED RESERVE "C" OF MANVEL TOWN CENTER  
SECTION ONE,  
RECORDED IN PLAT NO. 2022042761, B.C.P.R.

REASON FOR REPEAT:  
TO CREATE TWO UNRESTRICTED RESERVES

RESERVES: 2 BLOCK: 1  
1"=100' DATE: NOVEMBER 15, 2002



Page 2 of 2

## **Exhibit B**

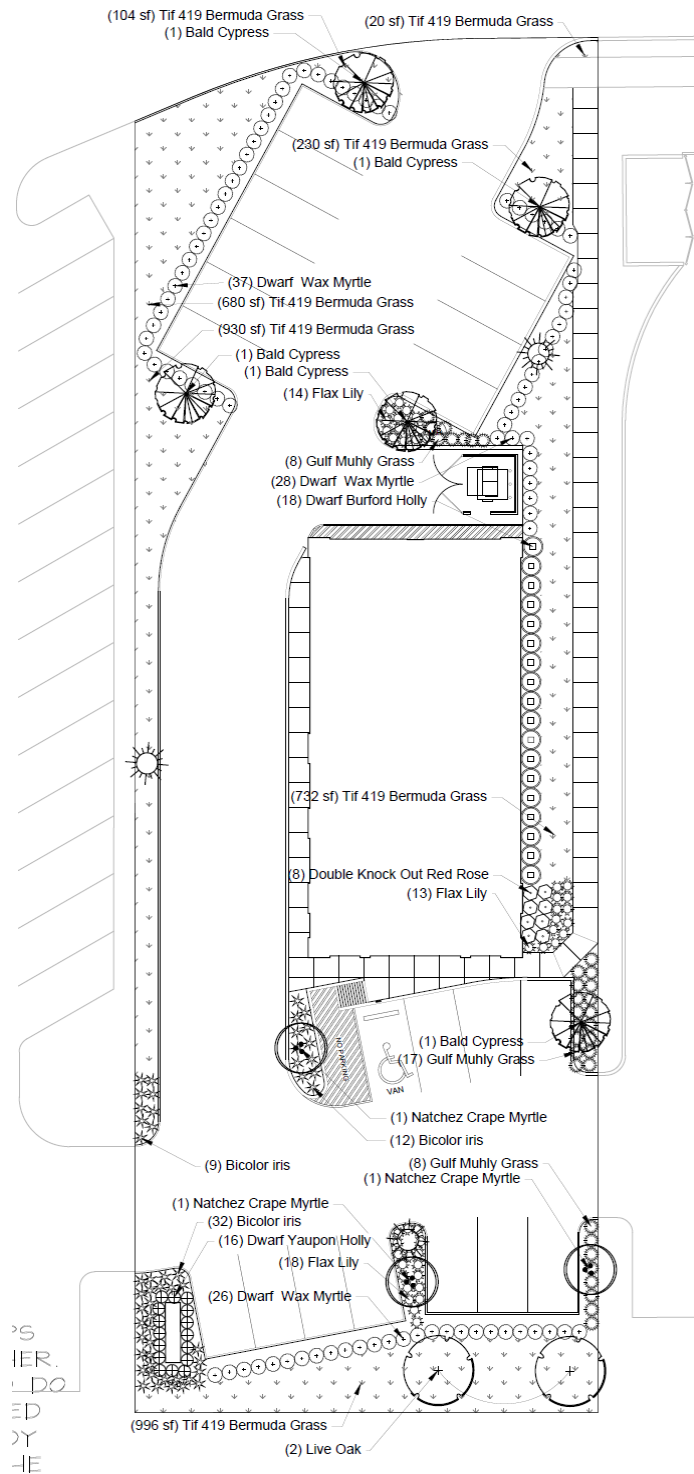
### **CONDITIONS FOR 17205 HIGHWAY 6 / MORRIS AVE (OFFICES OF DENTISTS)**

1. The facility is only permitted to operate during the hours of 7:00 a.m. to 10:00 p.m. each day;
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.

## **Exhibit C**



# GENERAL SITE LAYOUT FOR 17205 HIGHWAY 6 / MORRIS AVE (OFFICES OF DENTISTS)







# MANVEL CITY COUNCIL DATA SHEET

**MEETING DATE:** March 20, 2023

**TOPIC:** Consideration and possible action to approve Ordinance No. 2023-O-16, which changes the minimum distance requirement from 300 to 100 yards between a mobile food unit (food truck)/temporary food establishment and a restaurant, adds two requirements to food truck operations, and corrects typos.

**BACKGROUND:** The City Council amended Chapter 35, Article X, *Mobile Food Vendors*, on February 6, 2023 by Ordinance No. 2023-O-02. In that amendment, various changes were made to accommodate mobile food units (food trucks) with new regulations adopted for special events. After Ordinance No. 2023-O-02 was approved, staff noticed a typo in a distancing requirement, two regulations left off for food truck operations, and other typos. These changes were meant to be part of the previously adopted ordinance. The changes include:

- 1) Section 35-317: a change from 300 to 100 yards to which a vendor may not set up from a restaurant, unless express written consent from the restaurant owner. Staff proposes to reduce the distance so there are less conflicts but still protecting brick and mortar restaurant investments.
- 2) Section 35-314: two regulations added to the list for food truck operations. The regulations include: a) MFU may only operate from sunrise until sunset, except for events with extended hours as may be expressly authorized via application and approved by the City, and b) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.
- 3) Section 35-317: an addition of "(8)" when referring to "eight hours", "six" when referring to "6 inches", and from "by not limited to..." to "but not limited to..."

Staff is recommending City Council to adopt these proposed amendments that should have been included in the previously adopted ordinance (Ordinance No. 2023-O-02).

**RECOMMENDATION:** The staff recommends approval of Ordinance No. 2023-O-16.

**ATTACHMENTS:** Ordinance No. 2023-O-16, Chapter 35, Article X, *Mobile and Temporary Food Vendors*, Clean Draft, and Chapter 35, Article X, *Mobile and Temporary Food Vendors*, Redline Draft

## FUNDING ISSUES

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

|                                                             |                                                                                         |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <p><b>SUBMITTING STAFF MEMBER</b><br/>Jessica Rodriguez</p> | <p><b>FINANCE DIRECTOR APPROVAL</b> _____</p> <p><b>CITY MANAGER APPROVAL</b> _____</p> |
|-------------------------------------------------------------|-----------------------------------------------------------------------------------------|



**ORDINANCE NO. 2023-O-16**

**AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X “MOBILE FOOD VENDORS” TO CHANGE THE MINIMUM DISTANCE REQUIREMENT BETWEEN A MOBILE FOOD UNIT/TEMPORARY FOOD ESTABLISHMENT FROM 300 TO 100 YARDS AND ADD TWO REQUIREMENTS TO FOOD TRUCK OPERATIONS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

---

**WHEREAS**, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35, *Licenses and Special Business Regulations* of the City Code by amending Article X regulating mobile food vendors to change the minimum distance requirement from 300 to 100 yards between a mobile food unit (food truck)/temporary food establishment and a restaurant, add two requirements to food truck operations, and correct typos; and

**WHEREAS**, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

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

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

Section 2. Chapter 35. *Licenses and Special Business Regulations* of the Code of Ordinances of the City of Manvel is hereby amended by amending Article X. *Mobile and Temporary Food Vendors* to read and provide as follows:

## **“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS**

....

### **ARTICLE X. – MOBILE AND TEMPORARY FOOD VENDORS**

...

#### **Sec. 35-314. Mobile Food Unit (food trucks).**

Mobile Food Units (food trucks) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved Special Events;
- (3) Private events (where admission is not open to the general public) on private property;  
and
- (4) City approved Type C Recurring Special Events.

The following requirements shall apply to a mobile food units that are specifically permitted under this article:

- (1) Mobile Food Units must have current valid health license and inspections with the City.
- (2) MFUs must be equipped with the following
  - a. Portable fire extinguishers shall be selected and installed in accordance with NFPA10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in accordance with Section 906, as well as a Class K extinguisher that is sized as per Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
  - b. A Type 1 hood installed where cooking operation produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats).
- (3) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (4) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
  - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
  - b. Selling or offering for sale non-food items from the mobile food unit;

- c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility), including but not limited to food prepared and/or stored at a home or residential dwelling;
  - d. Displaying, selling, or serving food outside of the mobile food unit;
  - e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
  - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
  - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
  - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
  - i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;
  - j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
  - k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
  - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.
- (5) MFU may only operate from sunrise until sunset, except for events with extended hours as may be expressly authorized via application and approved by the City.
- (6) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.

...

#### **Sec. 35-317. Basic requirements.**

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name. No detachable signage shall be permitted for mobile food units, except for one removable sandwich-board sign displaying product and/or pricing information.



- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within [~~300~~] 100 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including [~~by~~] but not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including
  - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
  - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six inches off the ground.
  - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
    - 1. Cold food holding shall not exceed 41 degrees Fahrenheit.
    - 2. Hot food holding shall not be less than 135 degrees Fahrenheit.
  - d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
  - e. Only single use articles may be provided for use by the consumer.
  - f. All vendors in service for longer than two hours must have access to a toilet facility.
- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
  - a. The nature of the event, which must be open to the general public;
  - b. Whether the organizers are in compliance with all city, county and state laws and regulations;
  - c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
  - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and

- e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

...

Secs. 35-319—35-329. Reserved.”

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

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

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

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this the \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Debra Davison, Mayor

Attest:

---

Tammy Bell, City Secretary

Approved as to Form:

---

Robert Gervais, City Attorney

## **ARTICLE X. MOBILE AND TEMPORARY FOOD VENDORS**

### **Sec. 35-310. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Food hand cart* means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

*Mobile Food Unit (food truck, MFU)* means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. taco truck).

*Mobile food vendor* means any person or entity engaged in selling or serving food or drink from a booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart.

*Private events* mean any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including but not limited to a wedding or family event.

*Sidewalk stand* means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

*Temporary food establishment* means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

### **Sec. 35-311. General prohibition.**

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

### **Sec. 35-312. Sidewalk stand.**

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

### **Sec. 35-313. Food hand cart.**

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved Special Events; and
- (3) Private events (where admission is not open to the general public) on private property.

---

## **Sec. 35-314. Mobile Food Unit (food trucks).**

Mobile Food Units (food trucks) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved Special Events;
- (3) Private events (where admission is not open to the general public) on private property; and
- (4) City approved Type C Recurring Special Events.

The following requirements shall apply to a mobile food units that are specifically permitted under this article:

- (1) Mobile Food Units must have current valid health license and inspections with the City.
- (2) MFUs must be equipped with the following
  - a. Portable fire extinguishers shall be selected and installed in accordance with NFPA10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in accordance with Section 906, as well as a Class K extinguisher that is sized as per Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
  - b. A Type 1 hood installed where cooking operation produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats).
- (3) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (4) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
  - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
  - b. Selling or offering for sale non-food items from the mobile food unit;
  - c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility), including but not limited to food prepared and/or stored at a home or residential dwelling;
  - d. Displaying, selling, or serving food outside of the mobile food unit;
  - e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
  - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
  - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
  - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
  - i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;

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- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
  - k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
  - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.
- (5) MFU may only operate from sunrise until sunset, except for events with extended hours as may be expressly authorized via application and approved by the City.
- (6) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.

### **Sec. 35-315. Mobile Food Unit operating at a Type C Recurring Special Event**

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) Mobile food units must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (3) Mobile Food Units may only operate from sunrise until sunset, except for events with extended hours approved by the City with a special event permit.
- (4) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. Mobile Food Units must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (8) Temporary Food Establishments may not be permitted via a Type C Recurring Special Event.

### **Sec. 35-316. Temporary food establishment**

Temporary food establishments are prohibited. There shall be an exception for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property

The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.

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- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
  - (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
  - (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

### **Sec. 35-317. Basic requirements.**

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name.
  - (a) No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within ~~300~~ 100 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including ~~by~~ but not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed concrete). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including
  - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
  - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored ~~six~~ (6) inches off the ground.
  - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
    - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
    - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit



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- d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
  - e. Only single use articles may be provided for use by the consumer.
  - f. All vendors in service for longer than two (2) hours must have access to a toilet facility.
- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
- a. The nature of the event, which must be open to the general public;
  - b. Whether the organizers are in compliance with all city, county and state laws and regulations;
  - c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
  - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
  - e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

### **Sec. 35-318. Permits and health requirements.**

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

- (1) *Health Permit.*
- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
  - b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
  - c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
  - c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.

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- d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three (3) inches in height.
  - e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
  - (3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
  - (4) *Fire Marshals' Office and Vehicle inspections.*
    - a. All mobile vendors must have a City of Manvel Fire Marshal's Office current, passed fire inspection that complies with CODE OF ORDINANCES CITY OF MANVEL, TEXAS, Chapter 17 - BUILDINGS AND BUILDING REGULATIONS, DIVISION 8. - FIRE CODE, Sec. 17-243. - Mobile food units of the as adopted by City of Manvel.
    - b. All mobile vendors must pass a vehicle inspection from the fire marshal's office as part of the city permit process. All vendors must obey and be in compliance with the fire code and all other city codes.
  - (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
  - (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
  - (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

## **ARTICLE X. MOBILE AND TEMPORARY FOOD VENDORS**

### **Sec. 35-310. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Food hand cart* means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

*Mobile Food Unit (food truck, MFU)* means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. taco truck).

*Mobile food vendor* means any person or entity engaged in selling or serving food or drink from a booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart.

*Private events* mean any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including but not limited to a wedding or family event.

*Sidewalk stand* means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

*Temporary food establishment* means a food establishment that operates for a period of no more than ten (10) consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

### **Sec. 35-311. General prohibition.**

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

### **Sec. 35-312. Sidewalk stand.**

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

### **Sec. 35-313. Food hand cart.**

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved Special Events; and
- (3) Private events (where admission is not open to the general public) on private property.

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## **Sec. 35-314. Mobile Food Unit (food trucks).**

Mobile Food Units (food trucks) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved Special Events;
- (3) Private events (where admission is not open to the general public) on private property; and
- (4) City approved Type C Recurring Special Events.

The following requirements shall apply to a mobile food units that are specifically permitted under this article:

- (1) Mobile Food Units must have current valid health license and inspections with the City.
- (2) MFUs must be equipped with the following
  - a. Portable fire extinguishers shall be selected and installed in accordance with NFPA10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in accordance with Section 906, as well as a Class K extinguisher that is sized as per Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
  - b. A Type 1 hood installed where cooking operation produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats).
- (3) Inspection of mobile food units. At the time of the inspection, the mobile food unit shall be completely operable and in full working order.
- (4) Miscellaneous offenses. In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:
  - a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
  - b. Selling or offering for sale non-food items from the mobile food unit;
  - c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility), including but not limited to food prepared and/or stored at a home or residential dwelling;
  - d. Displaying, selling, or serving food outside of the mobile food unit;
  - e. Altering the mobile food unit is such a matter that would prevent or otherwise reduce ready mobility;
  - f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
  - g. Creating/operating a drive-thru in conjunction with the mobile food unit;
  - h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
  - i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;

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- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
  - k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
  - l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.
- (5) MFU may only operate from sunrise until sunset, except for events with extended hours as may be expressly authorized via application and approved by the City.
- (6) MFU may not vend from the second lane of traffic, and may not double park or impede traffic.

### **Sec. 35-315. Mobile Food Unit operating at a Type C Recurring Special Event**

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) Mobile food units must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (3) Mobile Food Units may only operate from sunrise until sunset, except for events with extended hours approved by the City with a special event permit.
- (4) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. Mobile Food Units must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (8) Temporary Food Establishments may not be permitted via a Type C Recurring Special Event.

### **Sec. 35-316. Temporary food establishment**

Temporary food establishments are prohibited. There shall be an exception for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property

The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.

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- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
  - (3) Except where only prepackaged food is offered, every temporary food establishment must have a three (3) compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
  - (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

### **Sec. 35-317. Basic requirements.**

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight (8) hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name.
  - (a) No detachable signage shall be permitted for Mobile Food Units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 100 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten (10) feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including but not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed concrete). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including
  - a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
  - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six (6) inches off the ground.
  - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
    - i. Cold Food Holding shall not exceed 41 degrees Fahrenheit
    - ii. Hot Food Holding shall not be less than 135 degrees Fahrenheit

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- d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
  - e. Only single use articles may be provided for use by the consumer.
  - f. All vendors in service for longer than two (2) hours must have access to a toilet facility.
- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
- a. The nature of the event, which must be open to the general public;
  - b. Whether the organizers are in compliance with all city, county and state laws and regulations;
  - c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
  - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
  - e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

(Ord. No. 2018-O-52, § 2, 1-22-2019)

### **Sec. 35-318. Permits and health requirements.**

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

- (1) *Health Permit.*
- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
  - b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
  - c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
  - c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a Mobile Food Unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.



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- d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three (3) inches in height.
  - e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
  - (3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
  - (4) *Fire Marshals' Office and Vehicle inspections.*
    - a. All mobile vendors must have a City of Manvel Fire Marshal's Office current, passed fire inspection that complies with CODE OF ORDINANCES CITY OF MANVEL, TEXAS, Chapter 17 - BUILDINGS AND BUILDING REGULATIONS, DIVISION 8. - FIRE CODE, Sec. 17-243. - Mobile food units of the as adopted by City of Manvel.
    - b. All mobile vendors must pass a vehicle inspection from the fire marshal's office as part of the city permit process. All vendors must obey and be in compliance with the fire code and all other city codes.
  - (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
  - (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
  - (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.



# MANVEL CITY COUNCIL

## DATA SHEET

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**MEETING DATE:** March 20, 2023

**TOPIC:** Subdivision variance request seeking to vary Chapter 62, Section 62-111, *Additional Street Requirements* and Section 62-113, *Sidewalks* for an approximate 3.9284-acres of land located at the western corner of Cemetery Rd and Scott Street intersection.

**BACKGROUND:** The subject site is located at the western corner of Cemetery Rd and Scott Street intersection, within the Open Single Family Residential (O-SFR) zoning district. The entire subject site was previously owned by Linda G. Kinchen, and included a single-family residential home. The undeveloped southern portion of the tract (approximately 1.59 acres) was sold to Karmen Ramirez, the applicant, who intends to build a home on the referenced tract. The applicant has submitted a plat application which currently under review.

The subject site is located along the western side of Cemetery Rd which is an undeveloped Right-Of-Way (ROW) with asphalt road, open ditch and no sidewalk. The Major Thoroughfare Plan classifies Cemetery Rd as an arterial road and requires a minimum 100-foot ROW. As part of the plat review process, staff provided the street construction requirements of the subdivision ordinance to the applicant. In combination, Section 62-111 and Section 62-113 of the subdivision ordinance requires construction of one-half of all perimeter (abutting) roads as concrete curb and gutter with sidewalk in accordance with the City's Design Criteria Manual and Major Thoroughfare Plan. Therefore, the property owner is requesting a variance to Section 62-111 and Section 62-113 of the subdivision ordinance.

With respect to Section 62-5, *Variance*., Staff finds the following:

- There are special circumstances affecting the subject site based on its location. The subject site is located along an existing asphalt road which was recently resurfaced. Additionally, most properties along Cemetery Rd were developed without the required ROW improvements.
- The strict enforcement of the requirement will not deprive the applicant of a substantial property right. However, enforcement of the requirement will expand the scale of the project due to the required ROW improvements. Considering that several properties in the area were developed without the required ROW improvements, conforming to the street construction requirement for the subject site, will not offer a significant improvement to the Cemetery Road ROW condition.
- Granting of the variance will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. All properties in the vicinity have access from the existing asphalt road and granting of the variance will not cause any undesirable/unsafe change to the existing ROW condition/usage; instead, only allows the use of the existing asphalt road as access to the subject site.

**RECOMMENDATION:** The staff recommends approval of this variance request to Chapter 62, Section 62-111 and 62-113 with two conditions as specified in the development agreement: 1) This Agreement will expire upon change of use from one single-family detached structure per lot; and 2) This Agreement will expire upon further subdivision or replatting of the property.

**ATTACHMENTS:** Application Form, Proposed Plat, Vicinity Aerial Map, Vicinity Zoning Map, and Major Thoroughfare Plan Map, and Development Agreement

**FUNDING ISSUES**

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

**SUBMITTING STAFF MEMBER**

Jose Abraham, City Planner

**FINANCE DIRECTOR APPROVAL** \_\_\_\_\_

**CITY MANAGER APPROVAL** \_\_\_\_\_



# 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): Karmen Ramirez  
Phone: 281 794 5885 e-mail: Karmenayleen@gmail.com  
Owner: Karmen Ramirez  
Owner Address: 7211 Fairway Dr City Houston State TX Zip 77087  
Phone: 281 794 5885 e-mail: Karmenayleen@gmail.com

### Property Information

Site Address: Cemetery Rd.  
0 Cemetery  
Legal description (from deed): A0366 THOS SPRAGGINS TRACT 1A2 E-2G4  
(Property must be legally subdivided or be lot of record) Acres 1.597  
Brazoria County Identification Number: 705 676

### Description of Subdivision Variance Request

Section 62-111  
Section 62-113

### 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?

Building a single family home.

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

The property already has  
access to pavement road.

- 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.

It is not necessary on building  
the new home.

- 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.

There is already a Roadway  
access not affecting anything  
else.

**Applicant Authorization**

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

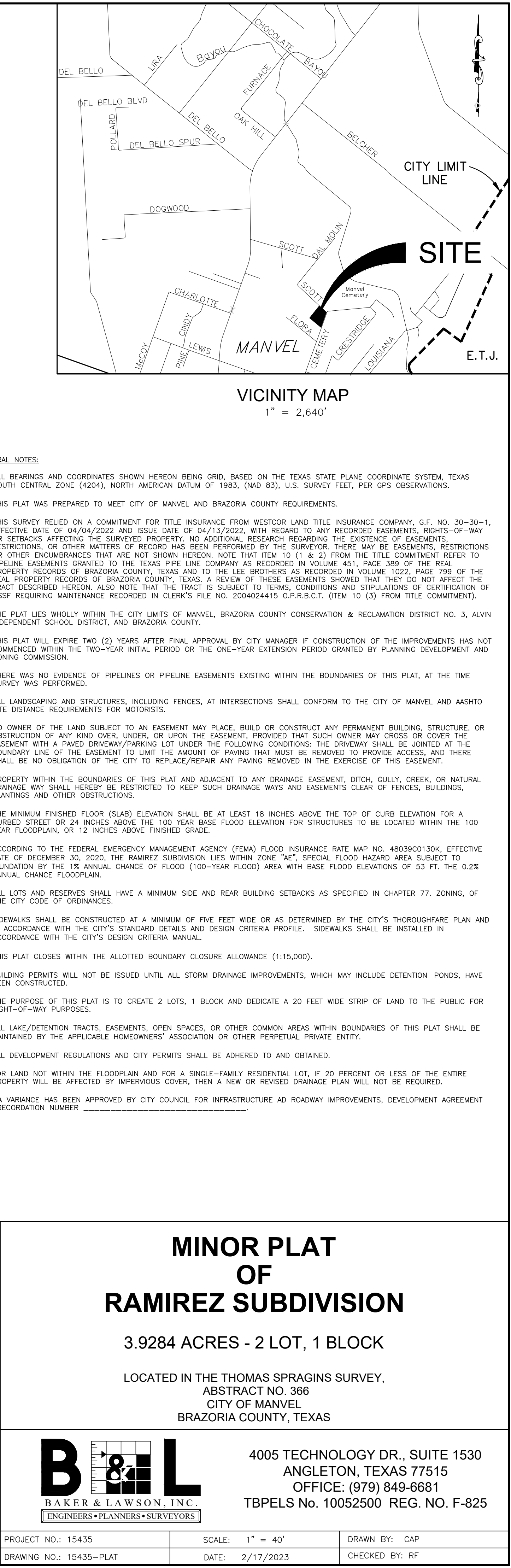
I hereby state that I have prepared this application and that, to the best of my knowledge, the information contained herein is complete, accurate, and a true representation of the subdivision variance request. I further attest that I have the authority to submit this application and agree to comply 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.

K. Raus  
Applicant Signature

3-7-23  
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.





ROBERT J. FLANCE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE REGISTRATION NO. 5634

PRELIMINARY - NOT FOR RECORDING

PRELIMINARY - NOT FOR RECORDING



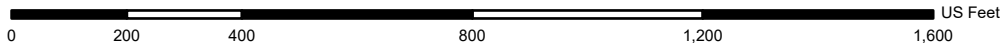


# Cemetery Rd PID:705676



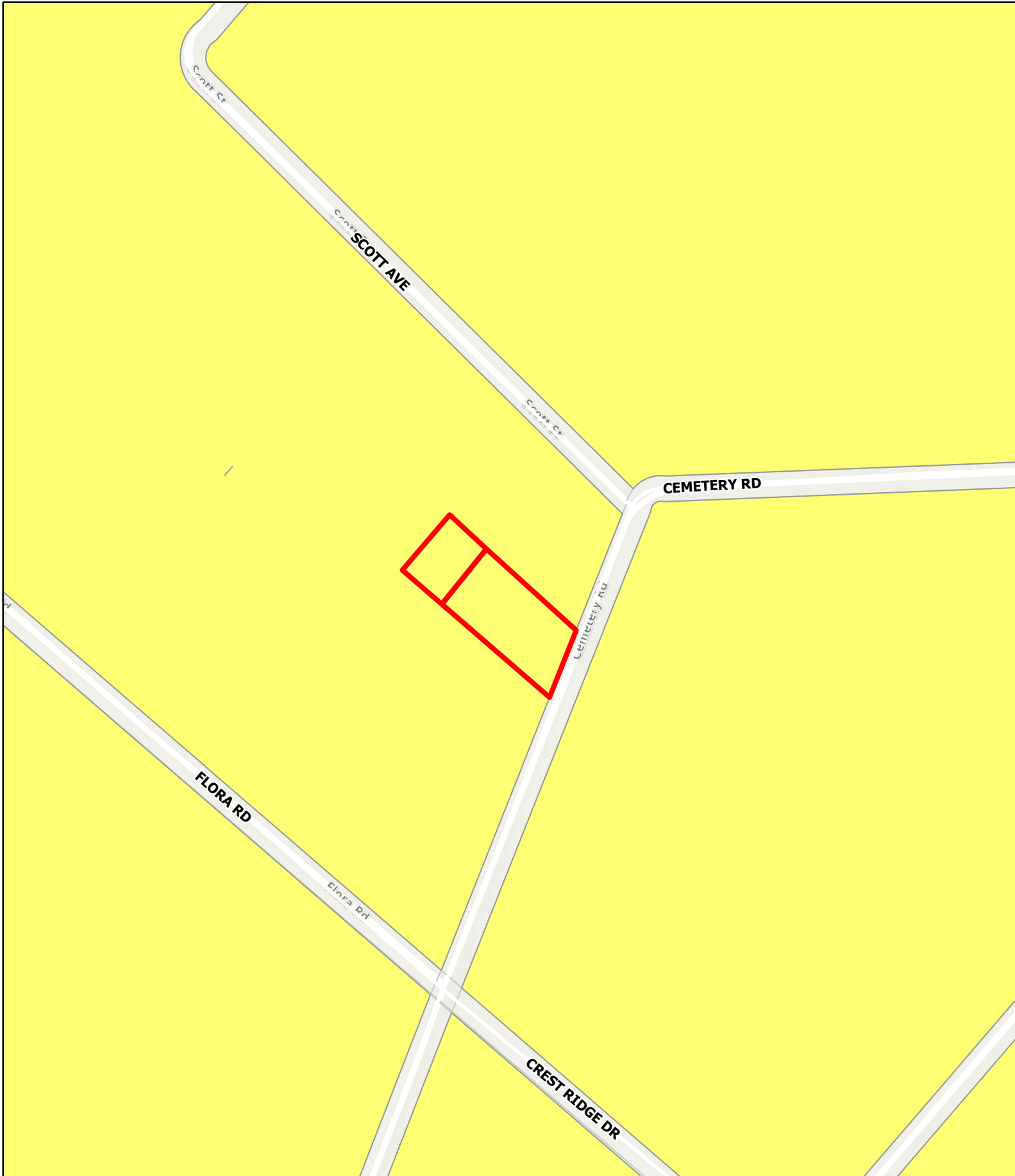
This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

 PID705676  City of Manvel ETJ  City of Manvel City Limits



Date: March 2023  
Reference: 2023020  
Data Source: City of Manvel,  
Brazoria County Open Data





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.

## Cemetery Rd PID:705676



PID705676

City of Manvel ETJ



City of Manvel City Limits

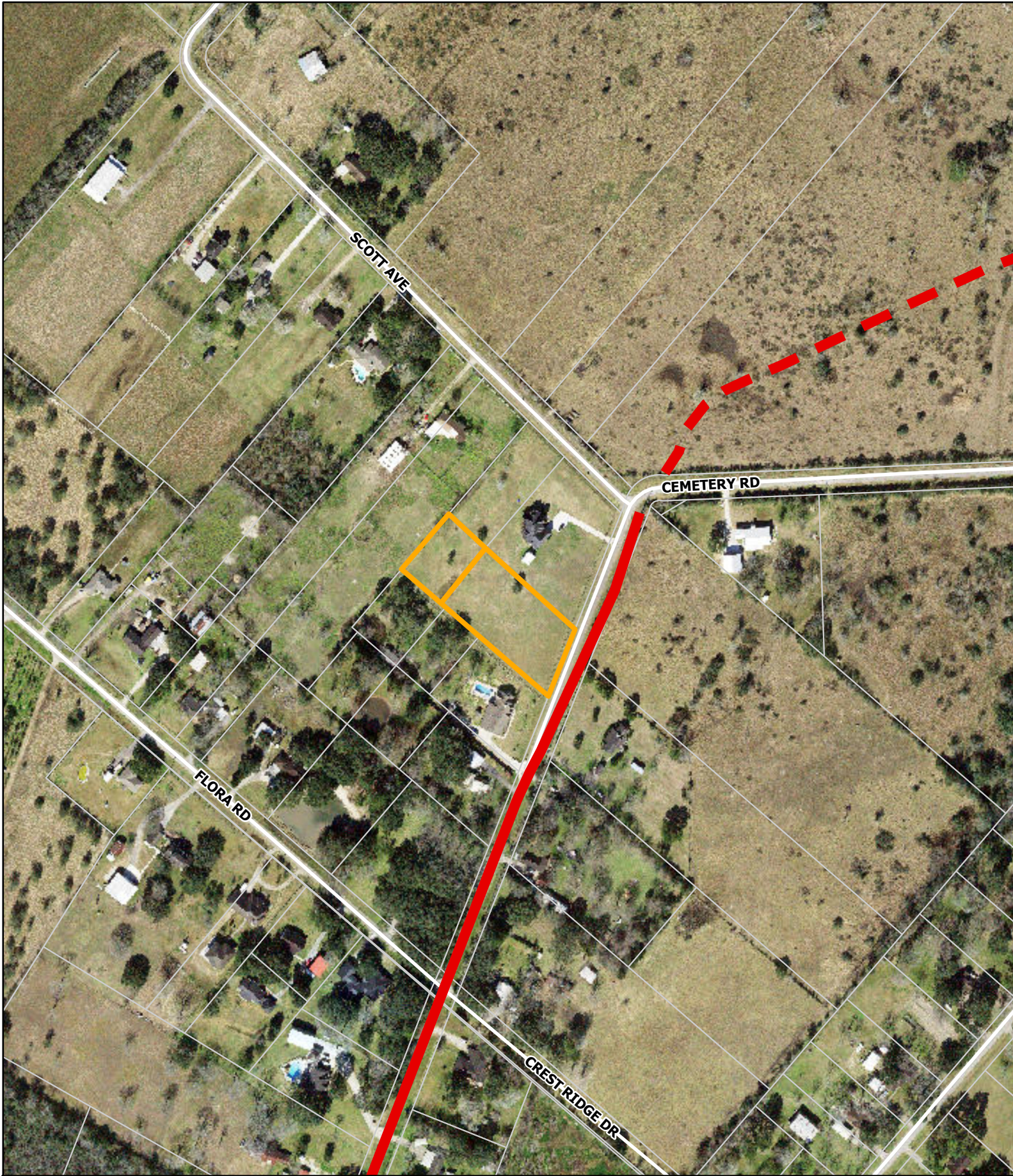
Open Single-Family Residential District



0 200 400 800 1,200 1,600 US Feet

Date: March 2023  
Reference: 2023020  
Data Source: City of Manvel,  
Brazoria County Open Data



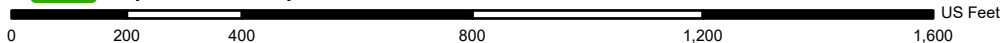


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# Cemetery Rd PID:705676

- PID705676
- City of Manvel ETJ
- City of Manvel City Limits

- ### 2021 Major Thoroughfares
- Arterial (100' ROW)
  - Proposed Arterial (100' ROW)



Date: March 2023  
Reference: 2023020  
Data Source: City of Manvel,  
Brazoria County Open Data



## **DEVELOPMENT AGREEMENT (FOR VARIANCE)**

STATE OF TEXAS

§

§

COUNTY OF BRAZORIA

§

This Development Agreement executed as of the \_\_\_\_ day of \_\_\_\_\_, 2023, is by and between the City of Manvel, Texas, (“City”) and Karmen Ramirez, property owner of certain hereinafter described property located within the City of Manvel, (together known as “Developer”), all collectively referred to as the “Parties.” This Agreement is in regard to the platting of an approximate 3.93-acre tract of land to create two lots, dedicate street right-of-way, and for the construction of a single-family structure on 1.597-acre portion of the aforementioned tract. The aforementioned 3.93-acre tract of land can be described as being out of a 19.878-acre tract as described in volume 1073, page 949, deed records, Brazoria County, Texas, being first tract (Tract B), being a part of lot 1 and 2 of the subdivision of the Thomas Spraggins survey, Abstract No. 366, Brazoria County, Texas, according to the plat as recorded in volume 22, page 365, deed records of Brazoria County, Texas.

**WHEREAS**, Developer wishes to construct a new single-family structure on the approximate 1.597-acre portion (Lot 2, Block 1; and associated right-of-way dedication of the proposed Minor Plat of Ramirez Subdivision) of the 3.93-acre tract of land being platted and located within the city limits of the City of Manvel, more fully described and depicted on 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 (a) of The City Code requires all streets to be constructed in accordance with the city’s design criteria manual;

**WHEREAS**, Section 62-111 (c) of The City Code requires the Developer to construct necessary improvements on all perimeter streets (Cemetery Road) in order to bring the pavement and curbing up to the City’s minor street standards for the one-half of the street abutting the development; and

**WHEREAS**, Section 62-113 of the city code requires construction of sidewalks in accordance with the city’s Design Criteria Manual and Major Thoroughfare Plan; and

**WHEREAS**, pursuant to Section 62-5 of the city code, the Developer has applied for a variance to this perimeter road and sidewalk construction requirement;

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

## **1. PROJECT**

1.01 Location. The property that is the subject of this agreement is located along Cemetery Road and is all the property legally described as: an approximate 1.597-acre tract of land out of a 3.93-acre tract of land, out of a 19.878-acre tract as described in volume 1073, page 949, deed records, Brazoria County, Texas, being first tract (tract B), being a part of lot 1 and 2 of the subdivision of the Thomas Spraggins survey, Abstract No. 366, Brazoria County, Texas, according to the plat as recorded in volume 22, page 365, deed records of Brazoria County, Texas. The Property is more fully described and depicted as Lot 2, Block 1 and associated right-of-way dedication of the proposed Minor Plat for Ramirez Subdivision, 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. Section 62-113 of the city code requires construction of sidewalks in accordance with the city's design criteria and major thoroughfare plan. The Developer has applied to vary these requirements 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 and Section 62-113 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 upon further subdivision or replatting 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, Developer agrees that 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 two-years 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 two-years 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.



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)

Karmen Ramirez:

By: \_\_\_\_\_  
Name: Karmen Ramirez

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)

An approximate 1.597-acre tract of land out of a 3.93-acre tract of land, out of a 19.878-acre tract as described in volume 1073, page 949, deed records, Brazoria County, Texas, being first tract (Tract B), being a part of lot 1 and 2 of the subdivision of the Thomas Spraggins survey, Abstract No. 366, Brazoria County, Texas, according to the plat as recorded in volume 22, page 365, deed records of Brazoria County, Texas.





Exhibit B

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): Karmen Ramirez  
Phone: 281 794 5885 e-mail: Karmenayleen@gmail.com  
Owner: Karmen Ramirez  
Owner Address: 7211 Fairway City Houston State Tx Zip 77087  
Phone: 281 794 5885 e-mail: Karmenayleen@gmail.com

### Property Information

Site Address: Cemetery Rd.  
0 Cemetery  
Legal description (from deed): A0366 THOS SPRAGGINS TRACT 1A2 E-2G4  
(Property must be legally subdivided or be lot of record) Acres 1.597  
Brazoria County Identification Number: 705 676

### Description of Subdivision Variance Request

Section 62-111  
Section 62-113

### 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?

Building a single family home.

## Exhibit B

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

The property already has  
access to pavement road.

- 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.

It is not necessary on building  
the new home.

- 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.

There is already a Roadway  
access not affecting anything  
else.

### 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.

K. Raus  
Applicant Signature

3-7-23  
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.

Planning, Development & Zoning Commission Application - Submission #503

Date Submitted: 1/30/2023

Description

Please complete the form and sign at the bottom of the page. A copy of your driver's license or other state-issued ID will need to be attached to the application in order for it to be processed.

Physical submissions of this application can be made to the City Secretary's Office at 20031 Morris Ave.

Qualifications for appointment to the Planning, Development & Zoning Commission include:

- Must be a resident of the City of Manvel for at least 12 months
- Real property owners
- Not employed with the City of Manvel
- Must have attended at least two consecutive PD&Z Meetings prior to being considered for appointment (3/6/2023).
  - Upcoming meeting dates:
    - January 9, 2023
    - January 23, 2023
    - February 13, 2023
    - February 27, 2023

In addition to the qualifications for service on a board required by City ordinances or state law, a person appointed to a board must not be delinquent in the payment of taxes, water service charges, or other obligations to the city.

**Purpose:** To review, advise and make recommendations to the City Council on matters relating to City and extraterritorial jurisdiction (ETJ) planning and development.

**Duties:** The Planning, Development & Zoning Commission shall serve as an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Master or Comprehensive Plan, changes of zoning, zoning ordinance amendments, and zoning to be given to newly annexed areas, and other planning related matters for the physical development of the City. Approval or disapproval of plats of proposed subdivisions submitted in accordance with City ordinances as adopted or hereafter amended. Serve in an advisory capacity on any planning-related item(s) in the City and perform other duties as provided for by the City Charter.

**Time Commitments:** Twice per month, in the evening, if needed, usually requiring 1 to 2 hours. Additional meetings may be required infrequently to accommodate particular circumstances.

**Term:** All appointees to the Commission shall serve as a member of the Commission for a term of office of two (2) years. Members may be reappointed with no limitation on the number of terms one member may serve.

**Meetings:** Every second and fourth Monday of the month at 6:00 p.m. at Manvel City Hall.

First Name\*

Derek

Last Name\*

Dalmolin

Address1\*

6515 Cemetery Rd

Address2

City\*

Manvel

State\*

TX

Zip\*

77578

Email Address\*

Redacted

Phone\*

Redacted

How many years have you been a resident of Manvel?\*

☐ 1 year

☐ 2 years

☐ 3 years

☐ 4 years

☐ 5 years

☒ More than 5 years

Are you a registered voter?\*

☒ Yes

☐ No

Are you a citizen of the United States?\*

☒ Yes

☐ No

Have you ever been convicted of a felony?\*

☐ Yes

☒ No

If 'yes,' please explain:

Have you been convicted of, received probation or deferred adjudication for, any offense that was not a felony within the last 10 years?\*

☐ Yes

☒ No

If 'yes,' please explain:

Are you, or have ever been, an adversary party to pending litigation against the City of Manvel?\*

☐ Yes

☒ No

If 'yes,' please explain:

Have you ever, or do you currently serve on any city boards?\*

☒ Yes

☐ No

If 'yes,' what boards, what city, and dates?

Not technically a board but the Events and Plannings board

How many city board meetings have you attended in the last 3 months?\*

0

What board meetings did you attend?

Are you involved in any community activities? (Civic or Hobbies)\*

☐ Yes

☒ No

If 'yes,' please elaborate:

Are you related to any City Employee or Council Member?\*

☐ Yes

☒ No

If 'yes,' please note name and title or position:

Do you have any outstanding taxes or other debt owed to the City?\*

☐ Yes

☒ No

If 'yes,' please explain:

Have you been cited in the past year for non-compliance of any City Codes/Ordinances?\*

☐ Yes

☒ No

If 'yes,' please explain:

Do you have a current Driver's License?\*

☒ Yes

☐ No

|                                 |                          |                       |
|---------------------------------|--------------------------|-----------------------|
| <b>Driver's License Number*</b> | <b>Expiration Date *</b> | <b>Date of Birth*</b> |
| <div>Redacted</div>             | <div>Redacted</div>      | <div>Redacted</div>   |

**Are you a business owner?\***

☒ Yes

☐ No

|                           |                      |
|---------------------------|----------------------|
| <b>Business Name</b>      | <b>Occupation</b>    |
| <div>3-D Air Co LTD</div> | <div>President</div> |

**Business Address**

22107 HWY 6

|                   |               |                  |
|-------------------|---------------|------------------|
| <b>City</b>       | <b>State</b>  | <b>Zip</b>       |
| <div>Manvel</div> | <div>TX</div> | <div>77578</div> |

|                       |                       |
|-----------------------|-----------------------|
| <b>Business Email</b> | <b>Business Phone</b> |
| <div>Redacted</div>   | <div>Redacted</div>   |

**Please indicate briefly why you would like to be appointed to a Board or Commission:\***

I would like to be involved in the growth of Manvel. I have been a resident my entire life and plan to be the rest of my life. I would like to help the City in any way that i can. I enjoy watching the change and want to be a part of it.

**Disclaimer**

By providing my signature below, I understand that should I not be appointed to a City of Manvel board or commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Manvel's document retention schedule.

I certify that my answers above are true and complete. I understand that the information contained in this application may be considered among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed to any City of Manvel board or commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Manvel board or commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Manvel board or commission, I understand that false or misleading information in my application may result in my removal from my position.

I authorize the City of Manvel to conduct a background check to verify all data given in this application.

I have carefully read and understood the above statement.

|                           |                      |
|---------------------------|----------------------|
| <b>Signature*</b>         | <b>Date*</b>         |
| <div>Derek Dalmolin</div> | <div>1/30/2023</div> |

**Final Instructions**

Provide all information requested: Incomplete applications will NOT be considered for a board or commission placement. Your complete application form will be maintained in our active files for one year from the date of the application.

Knowingly making a false entry in, or false alteration of, a governmental record is an offense under Section 37.10 of the Texas Penal Code and, upon conviction, may subject a violator to criminal penalties.