

Ordinance No. 2012-2027

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS PERTAINING TO THE BRAZORIA COUNTY EROSION RESPONSE PLAN; AMENDING ORDINANCE NO. 2010-2263 THE DUNE PROTECTION AND BEACH ACCESS PLAN OF THE CITY OF FREEPORT, TEXAS, TO ADOPT REVISION 1 OF THE BRAZORIA COUNTY EROSION RESPONSE PLAN.

WHEREAS: The Erosion Response Plan (ERP) was developed by Coast & Harbor Engineering, Inc. under Brazoria County Contract No. 11-022-000-4320, pursuant to the authority granted by Texas Natural Resources Code, 33.607 for reducing public expenditures for erosion and storm damage losses to public and private property, including public beaches in consultation with the Texas General Land Office.

WHEREAS: The City of Freeport is recognized as holding a governmental jurisdiction located on the southwest side of the Freeport Channel within Brazoria County with an average long-term erosion rate for the shoreline for the City of Freeport is 8 to 19 ft/yr and the majority of erosion rates are over 10 ft/yr.

WHEREAS: Brazoria County and local governments have established a Dune Protection Line (DPL) for the purpose of protecting critical dune areas. This line runs parallel and adjacent to the Gulf of Mexico. The City of Freeport has a Dune Protection Line (DPL) of 1,000 ft. landward of the Mean Higher High Water (MHHW) between the northeasterly right of way F.M. Highway 1495 and the bank of the Brazos River Diversion Channel.

WHEREAS: The City of Freeport proposed no Variance of Construction Requirements for Exempt Properties at the time of submission of this draft.

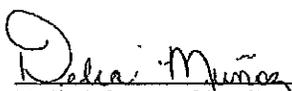
WHEREAS: The City of Freeport has two vehicular access points which are in good condition and allow for easy driving onto the beach. These access points do not need any improvements at the present time, however; suggested improvements would be to increase Beach Access No. 1 elevation by 4 feet at the dune location and add additional limestone base to Beach Access No. 2 subject to available funding.

NOW, THEREFORE, BE IT ORDAINED that, after discussion, the City Council of the City of Freeport, Texas, has accepted Revision 1 of the Brazoria County Erosion Response Plan that was submitted to Brazoria County and its Cities on April 16th, 2012, and the Dune Protection and Beach Access Plan of the City of Freeport, heretofore adopted as Ordinance 2010-2263, is hereby amended to add the County's Revision 1 to the City's Plan.

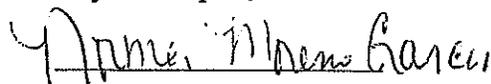
APPROVED, PASSED AND ADOPTED THIS 15th DAY OF OCTOBER 2012 A.D.

Attest:

Norma M. Garcia, Mayor
City of Freeport, Texas



Delia Munoz, City Secretary



Norma M. Garcia



200 West 2nd Street • Freeport, TX 77541-5773

(979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

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FEB 10 2011

CITY'S SECRETARY CERTIFICATE

I, Delia Munoz, City Secretary of the City of Freeport, Texas am the custodian of records for the City of Freeport, Texas, Brazoria County, do hereby certify that the attached copy of the Freeport City Council Ordinance No. 2010-2263 and Dune Protection and Beach Access Plan passed and adopted on the 4th day of October, 2010, is a true and correct copy of the original record in my custody and possession, as appears in the records of the City of Freeport, Texas.

Witness my official signature and the seal of the City's affixed this day of February 7th, 2011.

Delia Munoz
City Secretary
City of Freeport

Seal

ORDINANCE NO. 2010-2263

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ADOPTING AND MAKING A PART OF THIS ORDINANCE A DUNE PROTECTION AND BEACH ACCESS PLAN FOR SAID CITY THAT CONTAINS DEFINITIONS, PROVISIONS FOR THE ADMINISTRATION OF SUCH PLAN, REQUIREMENTS FOR DUNE PROTECTION PERMITS, REQUIREMENTS FOR BEACHFRONT CONSTRUCTION CERTIFICATES, CONCURRENT REQUIREMENTS FOR BOTH DUNE PROTECTION PERMITS AND BEACHFRONT CONSTRUCTION CERTIFICATES, PROVISION FOR THE MANAGEMENT OF THE PUBLIC BEACH, MOTOR VEHICLES AND PENALTIES AND GENERAL PROVISIONS AND INCLUDES AN APPENDIX CONTAINING ANNEXATION ORDINANCES OF SAID CITY AND RELEVANT ORDERS OF THE BRAZORIA COUNTY COMMISSIONERS COURT; PROVIDING THAT ANY PERSON VIOLATING AN PROVISIONS OF SUCH PLAN SHALL BE GUILTY OF A MISDEMEANOR AND ASSESSED A FINE NOT TO EXCEED TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS FOR A VIOLATION OF PROVISIONS FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION, INCLUDING DUMPING OF REFUSE, AND A FINE NOT TO EXCEED FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS FOR A VIOLATION OF ALL OTHER PROVISIONS OF SUCH PLAN OR THIS ORDINANCE; PROVIDING THAT EACH DAY ANY SUCH VIOLATION CONTINUES AND EACH PART OF ANY DAY ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, the Open Beaches Act, codified as Chapter 61 of the Texas Natural Resources Code, and the Dune Protection Act, codified as Chapter 63 of the Texas Natural Resources Code provide for the adoption of a Dune Protection and Beach Access Plan by a municipality which includes a public beach within its territorial limits; and,

WHEREAS, there are included within the territorial limits of the City the public beach known as "Bryan Beach" and a portion of the public beach known as "Surfside Beach"; and,

WHEREAS, the above named beaches have heretofore been governed by the Dune Protection and Beach Access Plan adopted by the Commissioners' Court of Brazoria County, Texas, which has ceded its authority to regulate Bryan Beach and the portion of Surfside Beach included within the territorial limits of the City by Order No. 49 dated April 10, 2007, and Order No. VIII.B.1.c dated June 8, 2010, respectively; and

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance adopting a Dune Protection and Beach Access Plan regulating Bryan Beach and the portion of Surfside Beach within the territorial limits of the City is necessary to the health, safety and general welfare of the inhabitants of the City and persons using such beaches.

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

First, the Dune Portion and Beach Access Plan attached hereto and made of part hereof by reference for all intents and purposes is hereby adopted.

Second, any person, firm, corporation or agent violating any provisions of Dune Portion and Beach Access Plan attached hereto shall be guilty of a misdemeanor and, upon conviction, assessed a fine not to exceed Two Thousand and no/100 (\$2,000.00) Dollars for a violation of provisions relating to fire safety, zoning or public health and sanitation, including dumping of refuse, and a fine not to exceed Five Hundred and no/100 (\$500.00) Dollars for a violation of all other provisions of such plan; and each day any such violation continues and each part of any day any such violation occurs shall constitute a separate offense.

Third, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted.

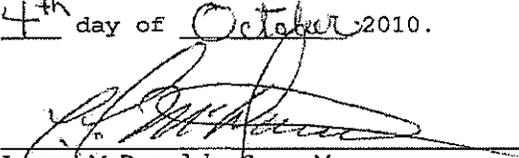
Fourth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fifth, this ordinance is cumulative of and in addition to all other ordinances of the City on the same subject and all such other ordinances are hereby expressly saved from repeal; but where this ordinance conflicts or overlaps with any other ordinances of the City, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

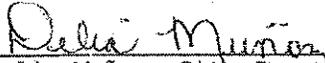
Sixth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Seventh, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.

READ, PASSED and ADOPTED this 4th day of October 2010.


Larry McDonald, Sr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Muñoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:


Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Ord\Dune Protect & Beach Access Plan-Adop



DAMIAN & ASSOCIATES, INC.
ENGINEERING, PLANNING, SURVEYING AND MAPPING
1512 N. AVENUE J
FREEPORT, TX 77541
BUSINESS (979) 233-7177
FAX (979) 233-3877

LAND DESCRIPTION FOR
PROPOSED CITY OF FREEPORT
PROPERTY ANNEXATION
SEPTEMBER 28, 2009

BEING approximately 122 acres of land being a portion of the S.P. Allison 50-acre tract, known as Tract 25, a portion of the S.P. Allison 70-acre tract, known as Tract 26, a portion of the Pearl Ray Cox 69-acre tract, known as Tract 28, all out of the John Martin League, Abstract 331, Brazoria County, Texas, a portion of the W. E. Barrow 128.6-acre tract, known as Tract 1, out of the Richard H. Barrow Survey, Abstract 639, and a portion of the Edward P. Ross et al 500-acre tract, known as Tract 1, out of the Stephen F. Austin Survey, Abstract 29, and a portion of the Gulf of Mexico, being more particularly described by metes and bounds as follows:

BEGINNING at a point on the northerly right-of-way line of the new Gulf Intracoastal Waterway, said point being located within the S.P. Allison 70-acre tract, known as Tract 26, and on the southeasterly corporate city limit boundary of the City of Freeport, Texas, as described in Ordinance No. 2007-2164, adopted by the Freeport City Council on May 21, 2007, said point being located 1,000 feet in a southwesterly direction from the most easterly corner of said corporate city limits; and said point being the POINT OF BEGINNING of this tract;

THENCE in a southeasterly direction, perpendicular to the southeasterly corporate city limit boundary of the City of Freeport, Texas, passing through the said S.P. Allison 70-acre tract, known as Tract 26 and the Pearl Ray Cox 69-acre tract, known as Tract 28, approximately 600 feet, to an intersection point on a curve to the right having a Central Angle of 90 degrees 00 minutes 00 seconds, a Radius of 2,640 feet, and a Chord Length of 3,733.52 feet, said curve defining the one-half mile Extra-Territorial Jurisdiction, described within the Texas Local Government Code, of the Village of Surfside as determined by the Village of Surfside City Limits according to Volume 1252 Page 652 of the Deed Records of Brazoria County, Texas;

THENCE along said curve to the right, being same as the Extra-Territorial Jurisdiction boundary of the Village of Surfside, to a point of tangency with an extension of the northwesterly boundary of said Village of Surfside City Limit;

THENCE in a southeasterly direction, on a line parallel to, and offset 2,640 feet from, the northeasterly boundary of said Village of Surfside City Limits, said line being the same as the Extra-Territorial Jurisdiction boundary of the Village of Surfside, passing the mean low tide of the Gulf of Mexico, for a total distance from the Point of Beginning of 5,280 feet to a point for corner;

PROPOSED 122-ACRE ANNEXATION
SEPTEMBER 28, 2009
PAGE 2

THENCE in a northeasterly direction perpendicular to the previous call, for a total distance of 1,000 feet to a point for corner within the Gulf of Mexico;

THENCE in a northwesterly direction perpendicular to the previous call, into said Edward P. Ross et al 500-acre tract, known as Tract 1, to a point of curvature of a curve to the left having a Central Angle of 90 degrees 00 minutes 00 seconds, a Radius of 3,640 feet, and a Chord Length of 5,147.74 feet, said point of curvature being on an extension of the northwesterly boundary of said Village of Surfside City Limits;

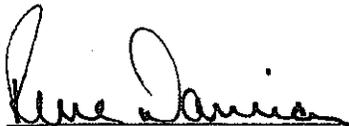
THENCE in a northwesterly direction, along said curve to the left, passing through said Edward P. Ross et al 500-acre tract, known as Tract 1, and crossing the old Gulf Intracoastal Waterway, and crossing into said Pearl Ray Cox 69-acre tract, known as Tract 28, and crossing into said S.P. Allison 70-acre tract, known as Tract 26, to a point for corner at the intersection with an extension of the northeasterly boundary of said City of Freeport City Limits;

THENCE in a northwesterly direction, crossing the new Gulf Intracoastal Waterway, to a point for corner on the high bank of said new Gulf Intracoastal Waterway; said point being same as the most easterly corner of said City of Freeport City Limits;

THENCE in a southwesterly direction, following the northerly right-of-way line of said new Gulf Intracoastal Waterway, being the same line as the existing corporate city limits of the City of Freeport, Texas, as described in Ordinance No. 2007-2164, adopted by the Freeport City Council on May 21, 2007, to the POINT OF BEGINNING and containing approximately 122 acres more or less.

This metes and bounds description is accompanied by an aerial representation of the property to be annexed at the office of Damian & Associates, Freeport, Texas.

NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED. THE PURPOSE OF THIS DESCRIPTION IS TO DEFINE A BOUNDARY FOR ANNEXATION. THIS DESCRIPTION WAS COMPILED FROM MAPS AND WAS NOT SURVEYED ON THE GROUND.



RENE DAMIAN
REGISTERED PROFESSIONAL LAND SURVEYOR # 5900



City of Freeport

NOTICE OF SPECIAL PUBLIC MEETING
THE FREEPORT CITY COUNCIL
THURSDAY, DECEMBER 10TH, 2009, 6:00 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.

AGENDA FORMAL SESSION

1. Call to Order.
2. **Public Hearing # 2:** The City Council of the City of Freeport, Texas will conduct a public hearing concerning whether or not the corporate limits of said City should be expanded by annexing some or all of the following described real property lying contiguous and adjacent thereto: 122 acres out of parts of the John Martin Survey, Abstract 331, the Richard H. Barrow Survey, Abstract 639 and the Stephen F. Austin Survey, Abstract 29, Brazoria County, Texas to the City of Freeport; described in the property description attached to the public notice.
Pg. 1207-1210
3. **Joint Hearing with Charter Review Commission:** Consideration of receiving a final report from the Charter Review Commission for 2009-2010.

Adjourn

NOTE: ITEMS NOT NECESSARY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code). In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours to the meetings. Please contact the City Secretary office at 979-233-3526.

I, Delia Muñoz, City Secretary, for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 W. 2nd Street, Freeport, Texas, December 3rd, 2009 at or before 5:00 p.m.

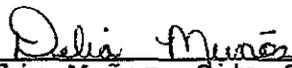
Delia Munoz, City Secretary
City of Freeport, Texas

NOTICE OF PUBLIC HEARINGS ON PROPOSED
ANNEXATION TO THE CITY OF FREEPORT, TEXAS

TO ALL INTERESTED PERSONS, INCLUDING ALL INHABITANTS OF THE CITY OF FREEPORT, IN BRAZORIA COUNTY, TEXAS, AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS RESIDING UPON OR OWNING ANY PORTION OF THE BELOW DESCRIBED LAND OR ANY INTEREST IN SUCH LAND OR ANY LAND WITHIN ONE (1) MILE THEREOF; AND ANY PUBLIC OR PRIVATE UTILITY SERVING ANY AREA WHICH INCLUDES SUCH LAND:

The City Council of the City of Freeport, Texas, will conduct two (2) public hearings, one (1) such hearing to be held on Wednesday, December 9, 2009, and one (1) of such hearings to be held on Thursday, December 10, 2009, both of such hearings to begin at 6:00 p.m., and to be held in the Municipal Courtroom of the Police Department located at 430 Brazosport Boulevard, Freeport, Brazoria County, Texas, concerning whether or not the corporate limits of said City should be expanded by annexing some or all of the following described real property lying contiguous and adjacent thereto described in the Property Description attached hereto and made a part hereof.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
this 7th day of November, 2009.



Delia Muñoz, City Secretary
City of Freeport, Texas

CITY OF FREEPORT

=====

200 WEST 2ND STREET * FREEPORT, TEXAS 77541 * (979) 233 3526

DUNE PROTECTION AND BEACH ACCESS PLAN

Final
Draft
Copy

Last Revised:
GLO Revision 1/27/10
City of Freeport Revision 7/15/10

City of Freeport
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SECTION 1. DEFINITIONS.

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

Affect - As used in this subchapter regarding dunes, dune vegetation, and the public beach, "affect" means to produce an effect upon dunes, dune vegetation, or public beach use and access.

Amenities - Any nonhabitable major structures including swimming pools, bathhouses, detached garages, cabanas, pipelines, piers, canals, lakes, ditches, artificial runoff channels and other water retention structures, roads, streets, highways, parking areas and other paved areas (exceeding 144 square feet in area), underground storage tanks, and similar structures.

Backdunes - The dunes located landward of the foredune ridge which are usually well vegetated but may also be unvegetated and migratory. These dunes supply sediment to the beach after the foredunes and the foredune ridge have been destroyed by natural or human activities.

Beach access - The right of the Public to use and enjoy the public beach, including the right of free and unrestricted ingress and egress to and from the public beach.

Beach/dune system - The land from the line of mean low tide of the Gulf of Mexico to the landward limit of dune formation including coppice mounds, primary dunes, secondary dunes, and dune swales.

Beach maintenance practice - Any activity undertaken by the City of Freeport for the purpose of maintaining the beach for public use, including raking, scraping, trash removal, debris removal, or any moving of sand, including by mechanical means.

Beachfront construction certificate - The document that is required for all construction located within 1000ft of the line of Mean High Tide or to the nearest public road whichever is greater issued by a local government that certifies that the proposed construction either is consistent with the local government's dune protection and beach access plan or is inconsistent with the local government's dune protection and beach access plan. In the latter case, the local government must specify how the construction is inconsistent with the plan, as required by the Open Beaches Act, Sec. 61.015.

Beach profile - The shape and elevation of the beach as determined by surveying a cross section of the beach.

Blowout - A breach in the dunes caused by wind erosion.

Breach - A break or gap in the continuity of a dune caused by wind or water.

Buffer Area - A twenty-foot wide area established by the Texas General Land Office and the City in front (seaward) of the dunes in which organic material shall be placed and stored until removal is necessary. The current dune line will constitute the landward boundary of the buffer area. The buffer area will be 10 feet wide, extending seaward from the dune line. The seaward extent of the buffer area will be clearly marked on the beach. Where feasible, trash cans will be used to mark the seaward boundary of the buffer area.

Bulkhead - A structure or partition built to retain or prevent the sliding of land. A secondary purpose is to protect the upland against damage from wave action.

Coastal and shore protection project - A project designed to slow shoreline erosion or enhance shoreline stabilization, including, but not limited to, erosion response structures, beach nourishment, sediment bypassing, construction of man-made vegetated mounds, and dune re-vegetation.

Commercial facility - Any structure used for providing, distributing, and selling goods or services in commerce including, but not limited to, hotels, restaurants, bars, rental operations, and rental properties.

Construction - Causing or carrying out any building, bulkheading, filling, clearing, excavation, or substantial improvement to land or the size of any structure. "Building" includes, but is not limited to, all related site work and placement of construction materials on the site. "Filling" includes, but is not limited to, disposal of dredged or fill materials. "Excavation" includes, but is not limited to, removal or alteration of dunes and dune vegetation and scraping, grading, or dredging a site. "Unsubstantial" improvements to land or the size of any structure include, but are not limited to, creation of vehicular or pedestrian trails, landscape work that adversely affects dunes or dune vegetation, and increasing the size of any structure.

Coppice mounds - The initial stages of dune growth formed as sand accumulates on the downwind side of plants and other obstructions on or immediately adjacent to the beach seaward of the foredunes. Coppice mounds may be unvegetated.

Critical dune areas - Those portions of the beach/dune system as designated by the Texas General Land Office that are located within 1,000 feet of mean high tide of the Gulf of Mexico that contain dunes and dune complexes that are essential to the protection of public beaches, submerged land, and state-owned land, such as public roads and coastal public lands, from nuisance, erosion, storm surge, and high wind and waves. Critical dune areas include, but are not limited to, the dunes that store sand in the beach/dune system to replenish eroding public beaches.

Cumulative impact - The effect on beach use and access, on a critical dune area, or an area seaward of the dune protection line which results from the incremental effect of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Dune - An emergent mound, hill, or ridge of sand, either bare or vegetated, located on land bordering the waters of the Gulf of Mexico. Dunes are naturally formed by the windward transport of sediment, but can also be created via man-made vegetated mounds. Natural dunes are usually found adjacent to the uppermost limit of wave action and are marked by an abrupt change in slope landward of the dry beach. The term includes coppice mounds, foredunes, dunes comprising the foredune ridge, backdunes, swales, and man-made vegetated mounds.

Dune complex - Any emergent area adjacent to the waters of the Gulf of Mexico in which several types of dunes are found or in which dunes have been established by proper management of the area. In some portions of the Texas coast, dune complexes contain depressions known as swales.

Dune Protection Act - Texas Natural Resources Code, Sec. 63.001 et seq.

Dune vegetation - Flora indigenous to natural dune complexes on the Texas coast and can include coastal grasses and herbaceous and woody plants.

Effect or Effects - Effects include: direct effects - those impacts on public beach use and access, on critical dune areas, or on dunes and dune vegetation seaward of a dune protection line which are caused by the action and occur at the same time and place; and indirect effects - those impacts on beach use and access, on critical dune areas, or on dunes and dune vegetation seaward of a dune protection line which are caused by an action and are later in time or farther removed in distance than a direct effect, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems. Effects and "impacts" as used in this ordinance are synonymous. "Effects" may be ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.

Eroding Area - Any area experiencing an erosion rate of greater than 2 feet per year as established by the Average Annual Shoreline Change Rate of the Texas Shoreline Project of the University Of Texas Bureau Of Economic Geology.

Erosion - The wearing away of land or the removal of beach and/or dune sediments by wave action, tidal currents, wave currents, drainage, or wind. Erosion includes, but is not limited to, horizontal recession and scour and can be induced or aggravated by human activities.

Erosion response structure - A hard or rigid structure built for shoreline stabilization which includes, but is not limited to, a jetty, retaining wall, groin, breakwater, bulkhead, seawall, riprap, rubble mound, revetment, or the foundation of a structure which is the functional equivalent of these specified structures.

FEMA - The United States Federal Emergency Management Agency.

Foredunes - The first clearly distinguishable, usually vegetated, stabilized large dunes encountered landward of the Gulf of Mexico. On some portions of the Texas Gulf Coast, foredunes may also be large, unvegetated, and unstabilized. Although they may be large and continuous, foredunes are typically hummocky and discontinuous and may be interrupted by breaks and washover areas. Foredunes offer the first significant means of dissipating storm-generated wave and current energy issuing from the Gulf of Mexico. Because various heights and configurations of dunes may perform this

function, no standardized physical description applies. Foredunes are distinguishable from surrounding dune types by their relative location and physical appearance.

Foredune Ridge - The high continuous line of dunes which are usually well vegetated and rise sharply landward of the foredune area but may also rise directly from a flat, wave-cut beach immediately after a storm.

Habitable Structures - Structures suitable for human habitation including, but not limited to, single or multi-family residences, hotels, condominium buildings, and buildings for commercial purposes. Each building of a condominium regime is considered a separate habitable structure, but if a building is divided into apartments, then the entire building, not the individual apartments, is considered a single habitable structure. Additionally, a habitable structure includes porches, gazebos, and other attached improvements.

Industrial Facilities - Includes but are not limited to, those establishments listed in Part 1, Division D, Major Groups 20-39 and Part 1, Division E, Major Group 49 of the Standard Industrial Classification Manual as adopted by the Executive Office of the President, Office of Management and Budget (1987 ed.). However, for the purposes of this ordinance, the establishments listed in Part 1, Division D, Major Group 20, Industry Group Number 209, Industry Numbers 2091 and 2092 are not considered "industrial facilities."

Large Scale Construction - Construction activity over five thousand square feet or habitable structure greater than two stories in height. Multiple family habitable structures are typical of this type of construction.

Line of Vegetation - The extreme seaward boundary of natural vegetation which spreads continuously inland typically used to determine the landward extent of the public beach. Where there is no natural vegetation line, the landward extent of the public beach may be determined as provided by Sec. 61.016 and Sec. 61.017, Texas Natural Resources Code.

Local Government - A municipality, county, any special purpose district, any unit of government, or any other political subdivision of the General Land Office.

Man-made Vegetated Mound - A mound, hill, or ridge of sand created by the deliberate placement of sand or sand trapping devices

including sand fences, trees, or brush and planted with dune vegetation.

Material Change - Changes in project design, construction materials, or construction methods or in the condition of the construction site, which occur after an application is submitted to a local government or after the local government issues a permit or certificate. Material changes are those additional or unanticipated changes which have caused or will cause adverse effects on dunes, dune vegetation, or beach access and use or exacerbation of erosion on or adjacent to the construction site.

Mitigation Sequence - The series of steps which must be taken if dunes and dune vegetation will be adversely affected. First, such adverse effects shall be avoided. Second, adverse effects shall be minimized. Third, the dunes and dune vegetation adversely affected shall be repaired, restored, or replaced. Fourth, the dunes and dune vegetation adversely affected shall be replaced or substituted to compensate for the adverse effects.

Motor Vehicle or Vehicle - A vehicle as defined by Section 750.003(a) of the Transportation Code. Section 750.003 states: "vehicle" means a device that is designed to transport persons or property and is self-propelled or propelled by external means.

National Flood Insurance Act - 42 United States Code Sec. 4001 et seq.

Natural Resources - Land, fish, wildlife, insects, biota, air, surface water, groundwater, plants, trees, habitat of flora and fauna, and other such resources.

Non-exempt Pipelines - Non-exempt pipelines are any pipelines other than those subject to the exemption in 15.3(s) (2) (A) of the Texas General Land Office Rules for the Management of the Beach/Dune System.

Open Beaches Act - Texas Natural Resources Code Sec. 61.001 et seq.

Parties - The parties to this plan consist of: the Texas General Land Office and the City of Freeport.

Person - An individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, the

United States Government, a state, a municipality, commission, political subdivision, or any international or interstate body or any other governmental entity.

Pipeline - A tube or system of tubes used for the transportation of oil, gas, chemicals, fuels, water, sewerage, or other liquid, semi liquid, or gaseous substances.

Practicable - In determining what is practicable, the Building Official shall consider the effectiveness, scientific feasibility, and commercial availability of the technology or technique. The Building Official shall also consider the cost of the technology or technique.

Production and Gathering Facilities - The equipment used to recover and move oil or gas from a well to a main pipeline, or other point of delivery such as a tank battery and to place such oil or gas into marketable condition. Included are pipelines used as gathering lines, pumps, tanks, separators, compressors, and associated equipment and roads.

Public Beach - As used in this ordinance, "public beach" is defined in the Texas Natural Resources Code, Secs. 61.001(8), 61.012 and 61.013(c) .

Recreational Activity - Includes, but is not limited to, hiking, sunbathing, swimming, fishing, sailing and camping for less than 21 days. For purposes of permits, recreational activities are limited to the private activities of the person owning the land and the social guests of the owner. Operation of recreational vehicles is not considered a recreational activity, whether private or public.

Recreational Vehicle - A dune buggy, all terrain vehicle, recreational off-highway vehicle, marsh buggy, minibike, trail bike, jeep, or any other mechanized vehicle used for recreational purposes.

Restoration - The repair or replacement of dunes or dune vegetation.

Retaining Wall - A structure designed primarily to contain material and to prevent the sliding of land.

Sand Budget - The amount of all sources of sediment, sediment traps, and transport of sediment within a defined area. From the

sand budget, it is possible to determine whether sediment gains and losses are in balance.

Seawall - An erosion response structure that is specifically designed to withstand wave forces.

Small Scale Construction - Construction activity less than or equal to five thousand square feet or habitable structure less than or equal to two stories in height. Single family habitable structures are typical of this type of construction.

Seaward of a Dune Protection Line - The area between a dune protection line and the line of mean high tide.

Structure - Includes, without limitation, any building or combination of related components constructed in an ordered scheme that constitutes a work or improvement constructed on or affixed to land.

Swales - Low areas within a dune complex located in some portions of the Texas coast which function as natural rainwater collection areas and are an integral part of the dune complex.

Washover areas - Low areas that are adjacent to beaches and are inundated by waves and storm tides from the Gulf of Mexico. Washovers may be found in abandoned tidal channels or where foredunes are poorly developed or breached by storm tides and wind erosion.

SECTION 2. ADMINISTRATION.

I. Adoption, Compliance, and Modification.

A. This ordinance is adopted pursuant to the authority granted local governments under the Open Beaches Act, Chapter 61, Texas Natural Resources Code, the Dune Protection Act, Chapter 63, Texas Natural Resources Code, Subchapter I of Chapter 16, Texas Water Code, and other statutes of general applicability.

B. All city officers, employees, and contractors shall comply with this ordinance in authorizing or undertaking any activity affecting dunes seaward of the dune protection line or public use of and access to and from the public beach.

C. Amendments to this ordinance shall be effective only upon approval by the Texas General Land Office.

D. Dune Protection Authority has been delegated by Brazoria County by court orders number 49 and VIII.B.1.c.

II. Areas Exempt.

A. This ordinance applies to all private and public land within the city's corporate limits and extraterritorial jurisdiction that lies seaward of the Dune Protection Line and the Beachfront Construction Line except state or national parks, wildlife refuges, preserves, or similar state or federal areas.

B. Other than state or national parks, wildlife refuges, preserves, and similar areas, this ordinance applies to land owned by the General Land Office, subject to the provisions of the Texas Natural Resources Code, Sec. 31.161 et seq.

III. Dune Protection Line & Beachfront Construction Line.

A. The City Council establishes the following line as the dune protection line for the purpose of protecting critical dune areas:

(1) For Bryan Beach

A line running in a southwesterly direction parallel and adjacent to the Gulf of Mexico and 1,000 feet landward between the point where the line of Mean High Tide intersects an extension of the northeasterly right-of-line of F.M. Highway 1495 and the point where the left descending bank of the Brazos River Diversion Channel intersects the line of Mean High Tide.

(2) For Surfside Beach

A line running parallel and adjacent to the Gulf of Mexico and 1,000 feet landward from the line of Mean High Tide extending in a northeasterly direction from a point thereon located 2,640 feet from its point of intersection with the northeasterly city limits of the Village of Surfside Beach and continuing northeasterly along the line of Mean High Tide to its point of intersection with the most northeasterly city limits of the City of Freeport as established by its most recent annexation.

B. The City Council establishes the following as the beachfront construction line for the purpose of delineating areas in which construction is likely to affect beach access and use:

A line running parallel to the beach either 1000 feet landward of mean high tide, or along the seaward boundary of the right of way of the first public road generally parallel to the beach or any closer road not parallel to the beach, whichever is greater.

C. The dune protection line and beachfront construction line are depicted on the map attached to this ordinance as Appendix I.

D. The City Council shall review the location of the dune protection line and beachfront construction line at least once every five years to determine whether the lines are adequately located to achieve their stated purposes. In addition, the Building Official shall review the adequacy of the location of the lines within 90 days after a tropical storm or hurricane affects the portion of the coast lying within the city's jurisdiction. The City Council shall amend this ordinance to adjust the lines whenever necessary to achieve their stated purposes.

E. Prior to acting on any amendment to this ordinance that would modify either line, the City Council shall hold a public hearing to consider the modifications. Not less than one week nor more than three weeks before the date of the hearing, the city secretary shall both publish notice of the hearing at least two times in the newspaper with the largest circulation in the county and notify the Texas General Land Office in writing. The notice to the Texas General Land Office shall include a map or drawing of the proposed line, a written description of the line, or both (including Texas State Plane Coordinates).

IV. Alteration of Dunes Prohibited Without Permit.

A. Unless the Building Official properly issues a dune protection permit authorizing the conduct, no person shall damage, destroy, or remove a sand dune or a portion of a sand dune seaward of the dune protection line, or kill, destroy, or remove in any manner any vegetation growing on a sand dune seaward of the dune protection line.

B. The following activities are exempt from the requirement for a permit, but may nevertheless require a beachfront

construction certificate or a permit pursuant to other city ordinances:

1. exploration for and production of oil and gas and reasonable and necessary activities directly related to such exploration and production, including construction and maintenance of production and gathering facilities seaward of the dune protection line which serve wells located outside the dune protection line, provided that such facilities are located no farther than two miles from the well being served;

2. grazing livestock and reasonable and necessary activities directly related to grazing;

3. recreational activities other than operation of a recreational vehicle; or

4. City approved projects to place used Christmas trees to help restore dunes as permitted by 31 TAC 15.7(e).

V. Construction Affecting Beach Access Prohibited Without Certificate.

A. Unless the Building Official properly issues a beachfront construction certificate authorizing the conduct, no person shall cause, engage in, or allow construction seaward of the beachfront construction line. Construction not affecting public beach access and use may nevertheless require a dune protection permit or a permit pursuant to other city ordinances.

B. The standard codes adopted by the provisions of Chapters 92, 150, 151 and 153 of the Code of Ordinances of the City of Freeport, Texas, including the International Building Code), are hereby adopted, except to the extent that such codes conflict with the OBA, the Dune Protection Act, and the Beach/Dune Rules (31 TAC 15.1 et seq.).

VI. Master Planned Developments.

A. "Master planned development" means proposed development for which approval is requested by submission of a comprehensive plan containing maps, drawings, narrative, tables, and other information about the proposed use of specific land and/or water

including descriptions of uses and use intensities, building and/or site improvement locations and sizes, relationships between buildings and improvements, vehicular and pedestrian access and circulation systems, parking, utility systems, storm water management and treatment systems, geography, geology, impact assessments, regulatory-approved checklist, and phasing. Information in the master plan may be conceptual or detailed depending on the status of its regulatory approval.

B. At least 60 days prior to acting on a request for approval of a master planned development within the area subject to this ordinance the Building Official shall send the plan to the Texas General Land Office for review.

C. When acting on a request for approval of a master planned development, the Building Official shall consider:

1. the development's potential effects on dunes, dune vegetation, public beach use and access, and the applicant's proposal to mitigate for such effects throughout the construction;

2. the contents of the plan; and

3. whether any component of the development, such as installation of roads or utilities, or construction of structures seaward of a dune protection line, will subsequently require a permit or a certificate.

D. If the Building Official determines that all development contemplated by the plan complies with all requirements of this ordinance, a permit and/or certificate for the development may be issued.

E. If the Building Official determines that any development contemplated by the plan does not comply with the requirements of this ordinance and therefore cannot be approved without an amendment to this ordinance, the Building Official shall not issue a permit and/or certificate, but shall submit the question of amending this ordinance to the City Council. If this ordinance is amended by City Council, then it shall be submitted to the Texas General Land Office for approval as an amendment to this ordinance, and only after approval by the Texas General Land Office can any permit that is subject to such amendment be considered for issuance.

VII. Beach/Dune Advisory Committee.

The City Council establishes the Beach/Dune Advisory Committee to take the local lead in the implementation of the standards for beach maintenance, resolution of issues, and to address and respond to local concerns. The Beach Advisory committee will be constituted as a subcommittee of the Beautification/Parks & Recreation Committee. The Beach/Dune Advisory Committee will not be involved in the permitting process.

VIII. Application Process.

A. No person shall cause, engage in, or allow construction on land adjacent to and landward of public beaches and lying in the area either up to the first public road generally parallel to the public beach or to any closer public road not parallel to the beach, or to within 1,000 feet of mean high tide, whichever is greater without acquisition of a beachfront construction certificate from the City of Freeport. The initial step requires the landowner or his representative to provide the City of Freeport Building Official the location and nature of the proposed work. All construction shall make application for a beachfront construction certificate as defined below. (See attachment.)

B. Potential applicants may submit descriptions of proposed construction to the City Building Official for a determination of whether a permit or certificate would be required for the construction. If the potential applicant seeks to establish that no permit or certificate is required, the description shall demonstrate that the proposed construction will not adversely affect dunes or public beach use and access. The Building Official shall send notice of any proposed determination that the construction does not require a permit or certificate to the Texas General Land Office for review at least 10 working days before the determination is made. Upon making the determination, the Building Official shall notify the potential applicant whether the proposed construction requires a permit or certificate.

IX. Contents of Applications.

A. For all proposed construction (large- and small-scale), applicants shall submit the following items and information:

1. the name, address, phone number, and, if applicable, fax number of the applicant, and the name of the property owner, if different from the applicant;

2. a complete legal description of the tract and a statement of its size in acres or square feet;
3. the number of proposed structures and whether the structures are amenities or habitable structures;
4. the number of parking spaces;
5. the approximate percentage of existing and finished open spaces (those areas completely free of structures);
6. the floor plan and elevation view of the structure proposed to be constructed or expanded;
7. the approximate duration of the construction;
8. a description (including location) of any existing or proposed walkways or dune walkovers on the tract;
9. a grading and layout plan identifying all elevations (in reference to the National Oceanic and Atmospheric Administration datum), existing contours of the project area (including the location of dunes and swales), and proposed contours for the final grade;
10. photographs of the site which clearly show the current location of the vegetation line and the existing dunes on the tract;
11. the effects of the proposed activity on the beach/dune system which cannot be avoided should the proposed activity be permitted, including, but not limited to, damage to dune vegetation, alteration of dune size and shape, and changes in dune hydrology;
12. a comprehensive mitigation plan which includes a detailed description of the methods which will be used to avoid, minimize, mitigate and/or compensate for any adverse effects on dunes or dune vegetation;
13. proof of applicants financial capability which is acceptable to the local government to mitigate or compensate for adverse effects on dunes and dune vegetation.
14. an accurate map or plat of the site identifying:

a. the site by its legal description, including, where applicable, the subdivision, block, and lot;

b. the location of the property lines and a notation of the legal description of adjoining tracts;

c. the location of the structures, the footprint or perimeter of the proposed construction on the tract;

d. proposed roadways and driveways and proposed landscaping activities on the tract;

e. the location of any seawalls or any other erosion response structures on the tract and on the properties immediately adjacent to the tract; and

f. if known, the location and extent of any manmade vegetated mounds, restored dunes fill activities, or any other pre-existing human modifications on the tract.

B. For all proposed large-scale construction, applicants shall submit the following additional items and information:

1. if the tract is located in a subdivision and the applicant is the owner or developer of the subdivision, a certified copy of the recorded plat of the subdivision, or, if not a recorded subdivision, a plat of the subdivision certified by a licensed surveyor, and a statement of the total area of the subdivision in acres or square feet;

2. in the case of multiple-unit dwellings, the number of units proposed;

3. alternatives to the proposed location of construction on the tract or to the proposed methods of construction which would cause fewer or no adverse effects on dunes and dune vegetation or less impairment of beach access; and

4. the proposed activity's impact on the natural drainage pattern of the site and the adjacent lots.

C. For all proposed construction (large- and small-scale), if applicants already have the following items and information, local governments shall require them to be submitted in addition to the other information required:

1. a copy of a blueprint of the proposed construction;
2. a copy of a topographical survey of the site;
3. the most recent local historical erosion rate data (as determined by the University of Texas at Austin, Bureau of Economic Geology) and the activity's potential impact on coastal erosion; and
4. a copy of the FEMA "Elevation Certificate."

D. For all proposed construction (large- and Small-scale The Building Official shall provide to the General Land Office the following information:

1. a copy of the community's most recent flood insurance rate map identifying the site of the proposed construction;

2. a preliminary determination as to whether the proposed construction complies with all aspects of the local government's dune protection and beach access plan;

3. the activity's potential impact on the community's natural flood protection and protection from storm surge; and

4. how the proposed beachfront construction complies with and promotes the local government's beach access policies and requirements, particularly, the dune protection and beach access plan's provisions relating to public beach ingress/egress, off beach parking, and avoidance of reduction in the size of the public beach due to erosion.

5. incomplete applications will not be accepted for processing by the City and will not be forwarded to the Texas General Land Office for review.

6. large and small scale construction will be prohibited without a permit; a stop work order will be issued for all unauthorized construction; and fines will be assessed by the Municipal Court.

X. State Agency Comments.

The Building Official shall forward the complete application, including any associated materials, to the Texas General Land

Office. The Building Official may not act on the application until 10 working days for small scale construction and 30 working days for large scale construction after receipt by the General Land Office. Thereafter, the permit or certificate may be issued or denied regardless of whether the General Land Office submit comments on the application.

XI. Issuance or Denial of Permit/Certificate.

A. To determine whether to issue or deny a permit or certificate, the Building Official shall review and consider:

1. The information in the permit or certificate application;
2. the proposed activity's consistency with this ordinance and the Texas General Land Office Rules for the management of the Beach/Dune System;
3. any other law relevant to dune protection and public beach use and access which affects the activity under review;
4. the comments of the Building Official, the Texas General Land Office,;
5. with respect to dunes and dune permits:
 - a. cumulative and indirect effects of the proposed construction on all dunes and dune vegetation seaward of a dune protection line;
 - b. cumulative and indirect effects of other activities on dunes and dune vegetation located on the proposed construction site;
 - c. the pre-construction type, height, width, slope, volume, and continuity of the dunes, the pre-construction condition of the dunes, the type of dune vegetation, and percent of vegetative cover on the site;
 - d. the local historical erosion rate as determined by the University of Texas at Austin, Bureau of Economic Geology, and whether the proposed construction may alter dunes and dune vegetation in a manner that may aggravate erosion;
 - e. all practicable alternatives to the proposed activity, proposed site, or proposed methods of construction;

f. the applicant's mitigation plan for any unavoidable adverse effects on dunes and dune vegetation and the effectiveness, feasibility, and desirability of any proposed dune reconstruction and re-vegetation;

g. the impacts on the natural drainage patterns of the site and adjacent property;

h. any significant environmental features of the potentially affected dunes and dune vegetation such as their value and function as floral or faunal habitat or any other benefits the dunes and dune vegetation provide to other natural resources;

i. wind and storm patterns including a history of washover patterns;

j. location of the site on the flood insurance rate map;

k. success rates of dune stabilization projects in the area; and

6. any other information the Building Official considers useful, including resource information made available to them by federal and state natural resource entities.

B. The Building Official shall not issue a permit or certificate that is inconsistent with this ordinance, Texas General Land Office rules for management of the Beach/Dune System (31 TEXAS ADMINISTRATIVE CODE Sec. 15.1et seq.), the Open Beaches Act (Chapter 61, Texas Natural Resources Code), the Dune Protection Act (Chapter 63, Texas Natural Resources Code), and other state, local, and federal laws related to the requirements of the Dune Protection Act, the Open Beaches Act, and the Texas General Land Office rules for the management of the Beach/Dune System, [and the Open Beaches Act,] the requirements of which are incorporated into this ordinance by reference.

XII. Terms and Renewal of Permits/Certificates

A. Permits or certificates shall be valid for three years from the date of issuance.

B. The Building Official may renew a permit or certificate for a period not exceeding 90 days if the activity as proposed in the application for renewal complies with this ordinance and the permittee supplements the original application materials with additional information indicating any changes to the activity or information. The Building Official shall issue only two renewals for each permit or certificate. Thereafter, the permittee must apply for a new permit or certificate.

C. If the proposed construction is changed in any manner which causes or increases adverse effects on dunes, dune vegetation, and public beach use and access, the permittee shall not be eligible for a renewal but must apply for a new permit or certificate.

XIII. Termination of Permits/Certificates.

A. The Building Official may void a permit or certificate if:

1. a material change occurs after the permit or certificate is issued; or

2. a permittee fails to disclose any material fact in the application.

3. the permit or certificate is inconsistent with the City of Freeport Dune Protection and Beach Access plan or the Texas General Land Office rules for the management of the Beach/Dune System at the time of issuance.

B. "Material change" includes human or natural conditions which have adversely affected dunes, dune vegetation, or beach access and use that either did not exist at the time of the original application, or were not considered by the Building Official in making the permitting decision because the permittee did not provide information regarding the site condition in the original application.

C. A permit or certificate automatically terminates if construction comes to lie within the boundaries of the public beach by artificial means or by natural causes.

XIV. Administrative Record.

A. The Building Official shall compile and maintain an administrative record which demonstrates the basis for each final decision regarding issuance or denial of a permit or certificate. The administrative record shall include copies of the following:

1. all materials received from the applicant as part of or regarding the permit or certificate application;
2. the transcripts, if any, or the minutes, and/or tape of the Board of Adjustments meeting during which a final decision regarding the permit or certificate was made; and
3. all comments received regarding the permit or certificate.

B. The Building Official shall keep the administrative record for three years from the date of a final decision on a permit or certificate. The Building Official shall send to the Texas General Land Office a copy of those portions of the administrative record that were not originally sent to this agency for review and comment. The Building Official shall provide to the permittee upon request copies of any materials in the administrative record regarding the permit or certificate not submitted by the permittee in the application.

SECTION 3. REQUIREMENTS FOR DUNE PROTECTION PERMITS.

I. Required Findings.

Before issuing a permit, the Building Official must find that:

A. the proposed activity is not a prohibited activity as defined in Subsection II of this section (Prohibited Activities);

B. the proposed activity will not materially weaken dunes or materially damage dune vegetation seaward of the dune protection line based on substantive findings under Subsection III of this section (Material Weakening);

C. there are no practicable alternatives to the proposed activity and adverse effects cannot be avoided as provided in Subsection IV of this section (Mitigation of Other Adverse Effects);

D. the applicant's mitigation plan will adequately minimize, mitigate, and/or compensate for any unavoidable adverse effects, as provided in Subsection IV of this section (Mitigation of Other Adverse Effects); and

E. the proposed activity complies with any applicable requirements of Section 4 (Requirements for Beachfront Construction Certificates), Section 5 (Concurrent Requirements for Both Dune Protection Permits and Beachfront Construction Certificates), and Section 6 (Management of the Public Beach) of this ordinance.

II. Prohibited Activities.

The Building Official shall not issue a permit authorizing the following actions seaward of the dune protection line:

A. activities that are likely to result in the temporary or permanent removal of sand from the portion of the beach/dune system located on or adjacent to the construction site, including:

1. moving sand to a location landward of the dune protection line; and

2. temporarily or permanently moving sand off the site, except for purposes of permitted mitigation, compensation, or an approved dune restoration or beach nourishment project and then only from areas where the historical accretion rate is greater than two foot per year, and the project does not cause any adverse effects on the sediment budget;

B. depositing sand, soil, sediment, or dredged spoil which contains any of the toxic materials listed in Volume 40 of the Code of Federal Regulations, Part 302.4, in concentrations which are harmful to people, flora, and fauna as determined by applicable, relevant, and appropriate requirements for toxicity standards established by the local, state, and federal governments;

C. depositing sand, soil, sediment, or dredged spoil which is of an unacceptable mineralogy or grain size when compared to the sediments found on the site (this prohibition does not apply to materials related to the installation or maintenance of public beach access roads running generally perpendicular to the public beach;

D. creating dredged spoil disposal sites, such as levees and weirs, without the appropriate local, state, and federal permits;

E. constructing or operating industrial facilities not in full compliance with all relevant laws and permitting requirements prior to the effective date of this ordinance;

F. operating recreational vehicles;

G. mining dunes;

H. constructing concrete slabs or other impervious surfaces within 200 feet landward of the vegetation line, except for such a surface that (1) does not extend beyond the perimeter of a habitable structure elevated on pilings, provided no walls are erected that prohibit the natural transfer of sand, or (2) does not exceed 5% of the footprint of the permitted habitable structure it serves, and (3) will not be structurally attached to the building's foundation.

I. Fibercrete shall not be placed seaward of the Dune Protection Line, except in compliance with 31 Texas Administrative Code Section 15.6, and then only upon payment of a removal fee to be set by separate City ordinance, for each four feet by four feet section placed. (Probably need to identify the fee in this section to ensure compliance with reasoned justification for the variance) No gravel or crushed limestone shall be used to stabilize driveways except in compliance with Texas Administrative Code Section 15.6.

J. depositing trash, waste, or debris including inert materials such as concrete, stone, and bricks that are not part of the permitted on-site construction;

K. constructing cisterns, septic tanks, and septic fields seaward of any structure serviced by the cisterns, septic tanks, and septic fields; and

L. detonating bombs or explosives.

III. No Material Weakening.

The Building Official may issue a permit only if it finds as a fact, after a full investigation, that the particular conduct proposed will not weaken any dune or materially damage dune

vegetation or reduce the effectiveness of any dune as a means of protection against erosion and high wind and water. To find that there will be no such weakening or damage, the Building Official must find that:

A. the activity will not result in the potential for increased flood damage to the proposed construction site or adjacent property;

B. the activity will not result in runoff or drainage patterns that aggravate erosion on or off the site;

C. the activity will not result in significant changes to the natural permeability of a dune or its ability to transmit rainwater to the water table;

D. the activity will not disturb unique flora or fauna or result in adverse effects on dune complexes or dune vegetation; and

E. the activity will not significantly increase the potential for washovers or blowouts to occur.

IV. Mitigation of Adverse Effects.

A. If the Building Official finds that no material weakening of dunes or material damage to dunes will occur, the Building Official shall then determine whether any adverse effects will result from the activity. If the Building Official finds there will be adverse effects on dunes or dune vegetation seaward of the dune protection line, the Building Official may issue a permit only if the applicant demonstrates that adverse effects can be mitigated as required by the mitigation sequence. If the Building Official issues a permit, it shall include appropriate permit conditions incorporating the requirements of this section.

B. The mitigation sequence consists of the following requirements.

1. Avoidance. (a) Avoidance means avoiding adverse effects altogether by not taking a certain action or parts of an action. The Building Official shall not issue a permit allowing any adverse effects on dunes or dune vegetation seaward of the dune protection line unless the applicant proves there is no practicable alternative to the proposed activity, proposed site, or proposed methods for conducting the activity [that has fewer

adverse effects on dunes and dune vegetation than the proposed activity.]

(b) To avoid adverse effects on dunes and dune vegetation seaward of the dune protection line as required by Subdivision (B)(1)(a) of this section, permittees shall not:

i) construct a non-exempt pipeline (non-exempt pipelines are any pipelines other than those subject to the exemption in Sec. 15.3(s)(2)(A) of the Texas General Land Office Rules for the management of the Beach/Dune System) unless there is no practicable alternative;

ii) engage in any construction unless it is located as far landward of dunes as practicable, except construction providing access to and from a public beach;

iii) construct any road parallel to the beach within 200 feet landward of the vegetation line, nor construct any other road parallel to the beach unless it is located as far landward of dunes as practicable;

iv) construct new artificial channels, including stormwater runoff channels, unless there is no practicable alternative; or

v) cause any such adverse effects for which the Building Official determines there is a practicable alternative that would avoid adverse effects.

2. Minimization. (a) Minimization means minimizing adverse effects by limiting the degree or magnitude of the action and its implementation. If the Building Official determines that there is no practicable alternative that would have fewer adverse effects on dunes or dune vegetation seaward of the dune protection line, it shall set appropriate permit conditions requiring the permittee to minimize such adverse effects to the greatest extent practicable.

(b) To minimize unavoidable adverse effects as required by Subdivision (B)(2)(a) of this section, permittees shall:

i) locate non-exempt pipelines across previously disturbed areas, such as blowout areas, and minimize disturbance of dune surfaces where use of previously disturbed areas is not practicable;

ii) minimize construction and pedestrian traffic on/or across dune areas to the greatest extent practicable, accounting for trends of dune movement and beach erosion in area;

iii) route all pedestrian access to and from beaches through washover areas or over elevated walkways, and conspicuously mark all such access that is public with permanent signs so indicating;

iv) minimize the number of private access ways from any proposed subdivision, multiple dwelling, or commercial facility. In some cases, the maximum number of beach access ways for a particular subdivision may be only one access way. In determining the appropriate grouping of access ways, the Building Official shall consider the size and scope of the development;

v) post signs in areas where pedestrian traffic is high explaining the functions of dunes and the importance of vegetation in preserving dunes;

vi) where practicable, provide vehicular access to and from beaches by using existing roads or from roads constructed in accordance with Subdivision (B)(1)(b)(iii) of this subsection, unless public beach access is restricted, and where possible, improve existing access roads with elevated berms near the beach that prevent channelization of floodwaters;

vii) where practicable, locate new beach access roads in washover areas, blowout areas or other areas where dune vegetation has already been disturbed, construct such roads along the natural land contours, and minimize their width;

viii) where practicable, locate new beach access roads at an oblique angle to the prevailing wind direction;

ix) prohibit persons from using (walking) or parking any motor vehicle on, through, or across dunes outside designated access ways;

x) maximize use of natural or existing drainage patterns when providing for stormwater runoff and retention;

xi) locate and construct new artificial stormwater runoff channels and retention basins so as to avoid

erosion and unnecessary construction of additional channels and to direct all runoff inland and not to the Gulf of Mexico through dune areas; and xii) not cause any adverse effects that the Building Official finds can be minimized.

xii) not cause any adverse effects that the Building Official finds can be minimized.

3. Mitigation. (a) Mitigation means repairing, rehabilitating, or restoring affected dunes and dune vegetation. Where adverse effects on dunes and dune vegetation can not be avoided or minimized, the Building Official shall set appropriate permit conditions requiring that permittees repair, rehabilitate, or restore affected dunes to the same volume as the pre-existing dunes and dune vegetation so that will be superior or equal to the preexisting dunes in their ability to protect adjacent public and private property from potential flood damage, nuisance, and erosion and to protect natural resources.

(b) Permittees may mitigate adverse effects on dunes using vegetative or mechanical means. Permittees shall:

i) restore dunes to approximate the naturally formed dune position or location, contour, volume, elevation, vegetative cover, and sediment content in the area;

ii) allow for the natural dynamics and migration of dunes;

iii) use discontinuous or continuous temporary sand fences or a Building Official approved method of dune restoration, where appropriate, considering the characteristics of the site; and

iv) restore or repair dunes using indigenous vegetation that will achieve the same protective capability as or greater capability than the surrounding natural dunes.

(c) In authorizing or requiring restoration of dunes, the Building Official shall give priority to stabilization of blowouts and breaches [rather than washover areas]. Before permitting stabilization of washover areas, the Building Official shall:

i) assess the overall impact of the project on the beach/dune system;

ii) consider any adverse effects on hydrology and drainage which will result from the project; and

iii) require that equal or better public beach access be provided to compensate for impairment of any public beach access previously provided by the washover area.

4. Compensation. (a) Compensation means compensating for adverse effects on dunes and dune vegetation by replacing or providing substitute dunes and dune vegetation. The Building Official shall set appropriate permit conditions requiring permittees to compensate for all adverse effects on dunes and dune vegetation that can not be avoided, minimized, or otherwise mitigated. In setting appropriate conditions, the Building Official shall consider the recommendations of the Texas General Land Office, federal and state natural resource agencies, and dune vegetation experts.

(b) Permittees shall follow the requirements of Subdivisions (3)(b - c) and (4)(e)(iii - v) of this section when replacing dunes or dune vegetation.

(c) On-site compensation consists of replacing or restoring the affected dunes or dune vegetation on the site where the dunes and dune vegetation were originally located. Permittees shall locate compensation work on the construction site, where practicable.

(d) A permittee may locate compensation efforts off the construction site if the permittee demonstrates that:

i) on-site compensation is not practicable;

ii) the off-site compensation will be located as close to the construction site as practicable;

iii) the off-site compensation has achieved a 1:1 ratio of proposed adverse effects on successful, completed, and stabilized restoration prior to beginning construction; and

iv) the permittee has notified FEMA, Region 6, of the proposed off-site compensation.

(e) Permittees shall provide the following information when proposing off-site compensation:

i) the name, address, phone number, and fax number, if applicable, of the owner of the property where the off-site compensation will be located;

ii) a legal description of property intended to be used for the proposed off-site compensation;

iii) the source of the sand and dune vegetation to be used;

iv) all information regarding permits and certificates issued for the restoration of dunes on the compensation site;

v) all relevant information regarding the success, current status, and stabilization of the dune restoration efforts on the compensation site;

vi) any increase in potential flood damage to the site where the adverse effects on dunes and dune vegetation will occur and to the public and private property adjacent to that site; and

vii) the proposed date of initiation of the compensation.

(f) Permittees shall compensate for adverse effects on dune vegetation by planting indigenous vegetation on the affected dunes. Permittees may not remove existing vegetation from property not owned by the permittee unless the permittee includes in the permit application written permission from the property owner. The permit application must identify the source of any sand and vegetation which will be used in compensation.

(g) Permittees shall begin compensation prior to or concurrently with the commencement of construction. If compensation is not to be completed prior to commencement of construction, the permittee shall provide proof of financial responsibility in an amount necessary to complete the compensation, in the form of an irrevocable letter of credit, performance bond, or any other instrument acceptable to the Building Official.

(h) Permittees shall notify the Building Official in writing of the actual date of initiation within 10 working days after compensation is initiated. If the permittee fails to begin compensation on the date proposed in the application, the

permittee shall state the reason for the delay. The Building Official shall take this reason into account when determining whether a permittee has violated the compensation deadline.

(i) Permittees shall conduct compensation efforts continuously until the repaired, rehabilitated, and restored dunes and dune vegetation are equal or superior to the pre-existing dunes and dune vegetation. These efforts shall include preservation and maintenance pending completion of compensation.

(j) A compensation project is deemed complete when the position, contour, volume, elevation, and vegetative cover of the restored dunes have reached a level that matches or exceeds the pre-existing dunes.

(k) The Building Official shall provide written notification to the Texas General Land Office upon determining that the compensation is complete. If The Building Official does not receive an objection from the Texas General Land Office regarding the completion of compensation within 30 working days after the Texas General Land Office is notified in writing, the Building Official may certify to the permittee that the compensation is complete.

(l) The permittee shall be deemed to have failed to achieve compensation if a 1:1 ratio has not been achieved within three years after the beginning of compensation efforts.

SECTION 4. REQUIREMENTS FOR BEACHFRONT CONSTRUCTION CERTIFICATES.

I. Required Findings.

Before issuing a certificate authorizing proposed construction, the Building Official must find that the construction is consistent with this ordinance and the Code of Ordinances of the City of Freeport, Texas. Construction is inconsistent with this ordinance if it:

A. reduces the size of the public beach or encroaches on the public beach in any manner, except for man-made vegetated mounds and dune walkovers constructed in compliance with the requirements of this ordinance;

B. functionally supports or depends on or is otherwise related to proposed or existing structures that encroach on the public beach, regardless of whether the encroaching structure is on land that was previously landward of the public beach;

C. closes any existing public beach access or parking area, unless equivalent or better public access or parking is established as required in Subsection II of this section (Dedication of Equivalent or Better Access);

D. cumulatively or indirectly impairs or adversely affects public use of or access to and from a public beach, including failure to comply with any requirements of Section 6 of this ordinance (Management of the Public Beach) unless equivalent or better access or parking is established as required in Subsection II of this section (Dedication of Equivalent or Better Access); or

E. fails to comply with any requirements of Section 3 of this ordinance (Requirements for Dune Protection Permits) or Section 5 of this ordinance (Concurrent Requirements for Dune Protection Permits and Beachfront Construction Certificates).

II. Dedication of Equivalent or Better Access.

A permittee shall dedicate to the public new public beach access or parking areas if the permittee's activities will close any existing public beach access or parking area, will impair or adversely affect public use of or access to and from the beach, or if dedication is necessary to comply with any requirements of Section 6 of this ordinance. The area dedicated shall provide access or parking equivalent to or better than the access or parking impaired and shall be consistent with the provisions of this ordinance regarding beach access and use, vehicular Controls and beach user fees. Dedication shall be by restrictive covenant, permanent easement, or fee simple conveyance.

SECTION 5. CONCURRENT REQUIREMENTS FOR BOTH DUNE PROTECTION PERMITS AND BEACHFRONT CONSTRUCTION CERTIFICATES.

I. General Requirements for dune protection permits and beachfront construction certificates:

A. Except for an erosion response structure that conforms with the policies of the Coastal Coordination Council at 31 STAC 501.26(b), Permittees shall locate all construction as far landward as is practicable;

B. Except for an erosion response structure that conforms with the policies of the Coastal Coordination Council at 31 STAC

501.26(b), Permittees shall not engage in any construction which may aggravate erosion;

C. Except for an erosion response structure that conforms with the policies of the Coastal Coordination Council at 31 §TAC 501.26(b), Permittees shall not construct any new erosion response structure, except a retaining wall located greater than 200 feet landward of the line of vegetation;

D. Except for an erosion response structure that conforms with the policies of the Coastal Coordination Council at 31 §TAC 501.26(b), Permittees shall not maintain or repair an existing erosion response structure located on the public beach;

E. Except for an erosion response structure that conforms with the policies of the Coastal Coordination Council at 31 §TAC 501.26(b), Permittees shall not enlarge or improve an existing erosion response structure located less than 200 feet landward of the vegetation line;

F. Except for an erosion response structure that conforms with the policies of the Coastal Coordination Council at 31 §TAC 501.26(b), Permittees shall not maintain or repair an existing erosion response structure located less than 200 feet landward of the vegetation line that is more than 50% damaged, except:

1. when failure to repair the damaged structure will cause unreasonable hazard to a public building, public road, public water supply, public sewer system, or other public facility immediately landward of the structure; or

2. when failure to repair the damaged structure will cause unreasonable flood hazard to habitable structures because adjacent erosion response structures will channel floodwaters to the habitable structure;

II. General Flood Protection Requirements.

A. not engage in construction that does not comply with FEMA's regulations governing construction in flood hazard areas; and

B. design construction so as to minimize impacts on natural hydrology. Construction shall not cause erosion to adjacent properties, critical dune areas, or the public beach.

III. Variances from Federal Requirements.

The City Council shall inform the Texas General Land Office and FEMA Region 6 before it issues any variance from FEMA's regulations found in Volume 44 of the Code of Federal Regulations, Parts 59-77.

IV. Special Requirements for Eroding Areas.

A. "Eroding areas" are portions of the shoreline experiencing a historical erosion rate of greater than two foot per year based on published data of the University of Texas at Austin, Bureau of Economic Geology.

B. In addition to the other requirements of this ordinance, in eroding areas, permittees shall:

1. elevate all structures on pilings in accordance with FEMA minimum standards or above the natural elevation (whichever is greater);

2. design structures located on property adjacent to the public beach so that they can be feasibly relocated;

3. not pave or alter the ground below the lowest habitable floor, except stabilization of driveways using gravel, crushed limestone, or similar pervious material. Permittees may use Fibercrete 4 inches thick in 4 feet X 4 feet sections which are separated by expansion joints, so long as all paving or altering the ground is located greater than 100 feet landward of the line of vegetation.

4. demonstrate and assure financial ability to fund eventual relocation or demolition of the proposed structure.

C. If there is any conflict between the requirements of this subsection and the requirements of any other provision of this ordinance, this subsection controls.

SECTION 6. MANAGEMENT OF THE PUBLIC BEACH.

The public beach within the City of Freeport, Texas, constitutes a public recreational resource of inestimable value to the City and the Public at large, which is endangered when motor vehicle traffic is not sufficiently regulated and controlled.

It is in the best interest of and for the general health, safety and welfare for users of the public beach to provide

maintenance and policing of the beach and access, which is necessitated by public demand.

Such services shall be provided by direct charge to the users, as the City only has a population of less than 15,000 inhabitants, while the users of the beach number in the tens of thousands in any calendar year.

All continuous beach within the City limits of the City of Freeport, Texas, is designated as the Freeport Beach Recreation Area.

I. General Access Standards.

The City of Freeport shall regulate pedestrian and vehicular beach access, traffic and parking on the public beach only in a manner that preserves or enhances existing public right to use and have access to and from the beach. The City of Freeport shall not impair or close an existing access point or close a public beach to pedestrian or vehicular traffic without prior approval from the General Land Office Beach access and use is presumed to be preserved if the following criteria are met.

A. Parking areas on or adjacent to the beach shall accommodate one car for each 15 linear feet of beach.

B. Where vehicles are prohibited from driving on and along the beach, access ways providing both ingress and egress shall be no farther apart than $\frac{1}{2}$ mile.

C. Signs shall be conspicuously posted which explain the nature and extent of vehicular controls, parking areas, and access points.

II. Designation of Access Ways, Parking Areas, and Beaches Closed to Motor Vehicles.

A. The following areas shall be maintained as public vehicular access ways to and from the public beach:

1. BEACH ACCESS #1 -- County Road 750, extending from F.M. 1495 to Freeport's Bryan Beach. All weather access, maintained by City.
2. BEACH ACCESS #2 -- County Road 723 to its junction to County Road 241 being 0.85 miles southwest of County Road 750. All weather access, maintained by City.

B. Areas set out in this subsection are shown on Appendix I attached to this ordinance.

III. Abandonments of Public Access or Parking Areas Prohibited.

The city shall not abandon, relinquish, or convey any right, title, easement, right-of-way, street, path, or other interest that provides existing or potential beach access or parking area, unless an equivalent or better beach access or parking area is first provided consistent with this ordinance.

IV. Interfering with Access Prohibited.

A. No person shall create, erect, construct or maintain any obstruction, barrier, or restraint on or within a public beach or public access way to and from the beach, that will interfere with the free and unrestricted right of the public to use any public beach.

B. No person shall display or cause to be displayed on or adjacent to any public beach any sign, marker, or warning, or make or cause to be made any written or oral communication or other representation that the public beach, or a public access way to and from the public beach, is private property not subject to use by the public. This provision does not prohibit signs or other written or oral communications that areas landward of the vegetation line and access ways thereon, other than public access ways, are private property.

V. Post-Storm Assessment.

The Building Official shall assess the status of the public beach boundary within 30 days after a major storm or other event causing significant landward migration of the public beach. After the assessment, the city shall inform the Texas General Land Office of any encroachments on the public beach within 10 days of completing the assessment.

VI. Beach Closures.

A. The City Manager, Police Chief, Fire Chief or Public Works/Parks Director may, by order, close areas of the public beach in cases of public necessity. "Public necessity" shall be limited to environmental emergencies, public health and safety

emergencies, and the City or other Government Entities' performance of cleaning and maintenance functions, the importance of which justifies the temporary restriction of public access. The city shall limit the closure to the smallest possible area and the shortest possible time necessary, and shall notify the Texas General Land Office of the nature and extent of the closure.

B. This ordinance does not restrict the authority of the city, in any emergency situation, to protect public safety or property by exercising powers or carrying out duties conferred on the Mayor, other City Officials or Peace Officers under generally applicable law.

C. The City Council may by order close part of the public beach for a maximum of three days each year at the request of a nonprofit organization to hold an event on the beach to which the public is invited and to which the organization charges no more than a nominal admission fee. No more than one request shall be granted to the same organization in the same calendar year.

D. By order of the City Council, City Manager, Police Chief, Fire Chief or Public Works/Parks Director may close the beach in case of emergency by the following methods:

- 1) Provide road blocks.
- 2) Provide barricades and/or signage for closure.
- 3) Provide closure information through media outlets.
- 4) Notify the General Land Office of any closure longer than an eight hour period

VII. Littering Prohibited.

No person shall litter any public beach. "Litter" includes leaving unattended at any place other than a proper disposal receptacle any trash or debris of any character, including food or vegetable material or any remnant or residue thereof, used containers or packaging, or other refuse such as glass, metal, wood, paper, or plastic materials.

VIII. Camping.

A. No person shall camp on any public beach for a period greater than seven (7) consecutive days. "Camp" means to stay in the City limits, either on the beach or at a location or locations without the owner's consent, between sunset and sunrise in the open, in sleeping bags or in a tent, lean-to, motor vehicle or

recreational vehicle, or in any other temporary structure, or in a permanent structure.

B. A person who has previously camped on the public beach may not return to the public beach to camp for a period of at least 120 days.

IX. Animal Control.

A. No person shall intentionally, knowingly, or recklessly allow a dog or other animal to attack or threaten any other animal or any person on a public beach.

B. The owner of a dog must restrain such animal at all times.

C. The owner of a dog over the age of four months shall require such animal to wear a rabies vaccination tag at all times.

D. No person shall possess a horse, pony, mule, or donkey on a public beach unless it is controlled by means of a headstall, bridle, lead rope, reins, or similar device. No person shall allow a horse, pony, mule, or donkey to run at large on a public beach or ride it on a public beach in willful and wanton disregard for the safety of persons or property or if the person is under the influence of alcohol.

X. Beach Recreation Area Rules

In order to provide a safe beach accessible to the general public, the following beach rules are established:

A. No person shall possess a glass bottle or container on the beach.

B. Campfires are permitted, but must be controlled at all times and are regulated by city ordinance.

C. Fireworks are prohibited on the beach and elsewhere within the Freeport City limits.

D. The use of sound systems, radios, or creation of noise so loud as to disturb others is prohibited.

E. No vendors are allowed without a City vendors permit.

F. The Christmas trees are in place to stop erosion and to rebuild the dunes. No person shall remove trees from dunes or burn trees in the dunes or on the beach.

G. State of Texas Alcoholic Beverage Law prohibits the public consumption of alcoholic beverages on Sunday between the hours of two A.M. and twelve noon.

XI. Beach Nourishment Standards.

The Public Works/Parks Director shall not authorize a beach nourishment project unless it finds and the project sponsor demonstrates that:

A. the project is consistent with all applicable requirements of this ordinance;

B. the sediment to be used is of effective grain size, mineralogy, and quality or is the same as the existing beach material;

C. the proposed nourishment material does not contain any toxic materials listed in Volume 40 of the Code of Federal Regulations, Part 302.4, in concentrations which are harmful to people, flora, and fauna as determined by applicable, relevant, and appropriate requirements for toxicity standards established by the local, state, and federal governments;

D. there will be no adverse environmental effects on the property surrounding the area from which the sediment will be taken or on the site of the proposed nourishment;

E. the removal of sediment will not have any adverse impacts on flora and fauna; and

F. there will be no adverse effects from transporting the nourishment material.

XIII. Dune Restoration Standards;

Except as otherwise expressly provided in this ordinance, the Public Works/Parks Director shall not authorize restoration of dunes on a public beach unless it finds and the project sponsor demonstrates that the following requirements are met.

A. Except as provided in Subdivision (B) of this subsection, restored dunes:

1. shall extend no more than 20 feet seaward of the vegetation line and shall follow the natural migration of the vegetation line; and

2. shall not restrict or interfere with public use of the beach at normal high tide.

B. Restored dunes may be located farther seaward than 20 feet of the vegetation line only upon:

1. an affirmative demonstration by the sponsor that substantial dunes would likely form farther seaward naturally; and

2. prior written approval of the Texas General Land Office.

C. All restored dunes shall be continuous with any surrounding naturally formed dunes; shall approximate the natural position, contour, volumes elevation, vegetative cover, and sediment content of any naturally formed dunes in the proposed dune restoration area; and shall be planted with indigenous vegetation that will achieve the same protective capability as the surrounding natural dunes.

D. The following methods or materials may be used to restore dunes:

1. piles of sand having similar grain size and mineralogy as the surrounding beach;

2. temporary sand fences conforming to the Texas General Land Office guidelines;

3. organic brushy materials such as used Christmas trees; and

4. sand obtained by scraping accreting beaches only if the scraping is approved by the local government and the project is monitored to determine any changes that may increase erosion of the public beach.

E. The following methods or materials shall not be used to restore dunes:

1. hard or engineered structures;
2. materials such as bulkheads, riprap, concrete, or asphalt rubble, building construction materials, and any non-biodegradable items;
3. fine, clayey, or silty sediments;
4. sediments containing the toxic materials listed in Volume 40 of the Code of Federal Regulations, Part 302.4 in concentrations which are harmful to people, flora, and fauna as determined by applicable, relevant, and appropriate requirements for toxicity standards established by the local, state, and federal governments; and
5. sand obtained by scraping or grading dunes or the beach.

F. Activities affecting restored dunes shall be subject to the requirements of this ordinance. Permittees shall not construct or maintain private structures on restored dunes, except for dune walkovers or similar access ways meeting the requirements of this ordinance.

G. All applications or proposals for reconstructing dunes on the public beach shall be forwarded to the Texas General Land Office at least 10 working days prior to the decision on the application.

XIII. Dune Walkover Standards.

- A. All walkovers shall be constructed, repaired and maintained in compliance with Texas Accessibility Standards Section 4.8.
- B. Neither the City Council nor the Building Official shall authorize construction of dune walkovers or other beach access mechanisms unless it finds and the project sponsor demonstrates that the following requirements are met:
 1. The walkover is restricted, to the greatest extent possible, to the most landward point of the public beach.
 2. The walkover is constructed in compliance with Texas Accessibility Standards Section 4.8 and located in a manner that

will not interfere with or otherwise restrict public use of the beach at normal high tides.

3. Permittees shall relocate walkovers to follow any landward migration of the public beach or seaward migration of dunes using the following procedures and standards;

a. After a major storm or any other event causing significant landward migration of the landward boundary of the public beach, permittees shall shorten any dune walkovers encroaching on the public beach to the appropriate length for removal of the encroachment.

b. In cases where the migration of the landward boundary of the public beach occurs slowly over a period of time or where a dune walkover needs to be lengthened because of the seaward migration of dunes, the permittee shall apply for a permit or certificate authorizing the modification of the structure.

c. All such relocations shall comply with the Texas Accessibility Standards Section 4.8.

XIV. Standards for Beach Maintenance and Other Activities.

A. General Beach Cleaning Practice Guidelines shall be implemented as follows.

1. The city shall not authorize or undertake any beach management activities that:

- (a) materially weaken dunes or dune vegetation,
- (b) reduce the protective functions of the dunes,
- (c) result in significant redistribution of sand,
- (d) significantly alter the beach profile, or
- (e) significantly alter or destroy dune vegetation.

2. All sand moved or redistributed due to beach maintenance activities of the city shall be returned to the area between the line of vegetation and the mean high tide; maintenance of beach access roads will be placed between the mean high tide line and the line of vegetation.

B. The City Council authorizes the following beach maintenance and management measures for organic material pickup and disposal:

1. A ten foot wide buffer area in front of the dunes will be established in which organic material shall be placed and stored until removal is necessary. The current dune line will constitute the landward boundary of the buffer area. The buffer area will be 10 feet wide, extending seaward from the dune line. Where feasible, trash cans will be placed at the seaward boundary of the buffer area.

2. Dunes and dune vegetation which form or grow in the buffer area will constitute protected dunes or dune vegetation under the terms of this agreement. However, every effort will be made to allow organic material to remain in the buffer area as long as possible.

3. The following conditions apply to the removal of seaweed and other organic material from the beach.

(a) Normal accumulations of seaweed and other organic material will be left on the beach.

(b) During peak beach user periods organic material may be raked. Raked material shall be deposited in the buffer area.

(c) Organic material will be collected using a rake mounted on the front or rear of a tractor. Raking or collecting organic material shall be done in a manner which minimizes sand collected with the debris. Organic material will be sifted to remove as much sand as possible before it is deposited in the buffer area.

(d) In cases of extraordinary disposition of organic material, the City may use a grader to windrow the material into the buffer area, after notice and consultation with the Beach/Dune Advisory Committee established and appointed pursuant to Section 2. VII., of this ordinance, and after a prior determination has been made by the City Manager and advance notice of such determination communicated to the Texas General Land Office. The City will make every effort to provide the Texas General Land Office with at least 24 hour advance notice.

(e) Motorized equipment shall be prohibited in the buffer area except to deposit or remove organic material from the buffer area.

(f) Trash shall be removed from the organic material and is not to be deposited in the buffer area. Any trash in the buffer area shall be removed by hand.

4. The following conditions apply to the removal of organic material from the Buffer Area;

(a) Organic material shall be allowed to accumulate in the buffer area, as this material provides additional protection from high tides and storm waves, and helps stabilize the foredune area. The frequency of removing organic material from the buffer area and placing it in the dunes shall be limited to avoid frequent disturbance of the dunes and dune vegetation.

(b) Whenever possible, organic material shall be placed in low, unvegetated areas of the dunes.

(c) Organic material will not be cleared from the buffer area except in consultation with the Beach Advisory Committee and the City Manager.

C. Trash Pickup and Disposal

1. For routine trash problems, the City will establish a program to hand-pick trash off the beach. Hand-picking is the preferred method to remove trash from the beach. The trash pickup program may rely on:

- (a) city employees
- (b) prison inmates/adult probationers
- (c) summer students
- (d) local volunteers, or
- (e) any other group organized by the city.

2. Mechanical collection of trash is acceptable, but is not preferred and should be minimized.

3. Trash is to be removed by hand from the Buffer Area.

4. Trash will be disposed of at appropriate off-beach locations.

5. Other efforts parties will explore:

- (a) handing out trash bags to beach visitors upon entry
- (b) sorting recyclable materials from trash, with revenue to be returned to City
- (c) public education programs through merchants and others.

SECTION 7. MOTOR VEHICLES.

I. Operation of Motor Vehicles.

A. No person shall operate or cause to be operated any vehicle at a speed in excess of 15 miles per hour on any public beach.

B. No vehicle shall travel or park closer than 10 feet to any dune or closer than 10 feet to the water's edge, provided that a vehicle may travel and temporarily park at or near the water's edge for the purpose of launching a boat.

C. Pedestrians shall have the right of way and vehicles shall stop and allow pedestrians to cross to and from the beach.

D. No person shall operate or cause to be operated any vehicle on any beach designated in this ordinance as closed to vehicular traffic.

E. No person shall drive or operate for recreational purposes any dune buggy, marsh buggy, minibike, trail bike, jeep, or any other mechanized vehicle on a dune seaward of the dune protection line, or landward of the prevailing vegetation line. A person commits an offense if the person operates a recreational vehicle, or any other type of vehicle on a sand dune seaward of the dune protection line as defined in Section 63.012, Natural Resource Code, except on a roadway designated by a Subdivision of the State. An offense under this section is a Class C misdemeanor.

F. No person shall operate a vehicle in a manner that endangers public safety or property is prohibited. The beach is a public roadway and all applicable vehicle regulations apply.

G. No person shall operate vehicles on the beach (including all mechanized vehicles) that are not licensed for street use, provided however golf carts shall be allowed for use by disabled, individuals on the public beach.

II. Emergency Vehicles.

The prohibitions in this section do not apply to an authorized emergency vehicle, beach patrol, police, safety, or maintenance vehicle operating within the scope of official duties.

SECTION 8. PENALTIES.

Any person who violates either the Dune Protection Act, the Open Beaches Act, this ordinance, a permit or certificate condition is liable for a civil penalty of not less than \$50 nor more than \$2,000 per violation per day. Each day the violation occurs or continues constitutes a separate violation. Violations of the Dune Protection Act, the Open Beaches Act, and the rules adopted pursuant to those statutes are separate violations. The assessment of penalties under one Act does not preclude another assessment of penalties under the other Act for the same act or omission. Conversely, compliance with one statute and the rules adopted there under does not preclude penalties under the other statute and the rules adopted pursuant to that statute. The City Council shall consider the following mitigating circumstances when referring violations for assessment of penalties: acts of God, war, public riot, or strike; unforeseeable, sudden, and natural occurrences of a violent nature; and willful misconduct by a third party not related to the permittee by employment or contract.

SECTION 9. GENERAL PROVISIONS.

I. Construction.

A. This ordinance and all orders, resolutions, or other enactments related or pursuant this ordinance shall be read in harmony with city ordinances of general applicability. If there is

any conflict between them which cannot be reconciled by ordinary rules of legal interpretation, this ordinance controls.

B. This ordinance and all orders, resolutions, or other enactments related or pursuant to this ordinance shall be read in harmony with the Open Beaches Act, the Dune Protection Act, and General Land Office rules implementing them. If there is any conflict between them which cannot be reconciled by ordinary rules of legal interpretation, state law provisions control.

II. Boundary Determinations.

The Texas Land Commissioner shall make determinations on issues related to the location of the boundary of the public beach and encroachments on the public beach pursuant to the requirements of the Open Beaches Act, Sec. 61.016 and Sec. 61.017. The city shall consult with the Texas Land Commissioner whenever questions of encroachment and boundaries arise with respect to the public beach.

III. Beaches Presumed to be Public.

The City Council shall presume that any beach fronting the Gulf of Mexico is a public beach unless the owner of the adjacent land obtains a declaratory judgment otherwise under the Open Beaches Act, Sec. 61.019. That section provides that any person owning property fronting the Gulf of Mexico whose rights are determined or affected by this ordinance may bring suit for a declaratory judgment against the General Land Office to try the issue or issues.

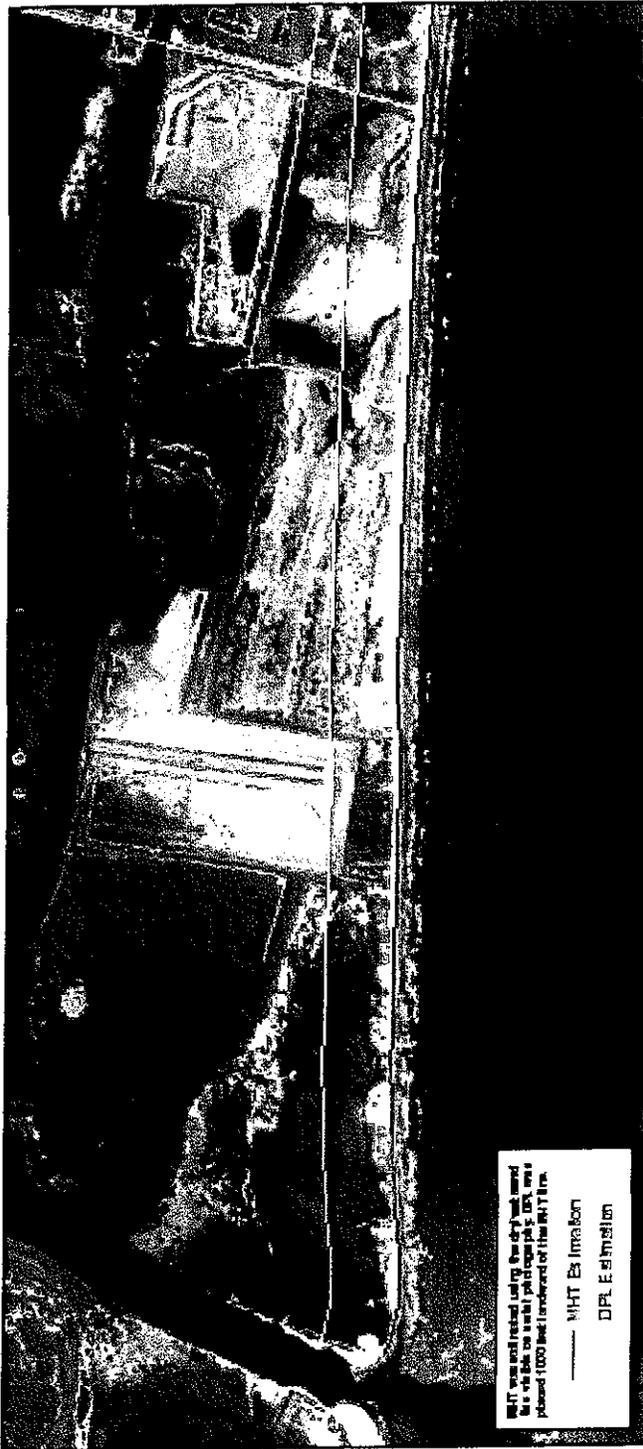
IV. General Prohibition.

No person shall violate any provision of this ordinance or any permit or certificate or the conditions contained therein.

V. Appeals.

The Dune Protection Act, Sec. 63.151, and the Open Beaches Act, Sec. 61.019, contain the provisions for appeals related to this ordinance.

Appendix I



MHT was estimated using the depth and width of the dune and the distance from the dune to the proposed 1000 foot Dune Protection Line (DPL).

----- MHT Est Irrigation
 _____ DPL Est Irrigation

0 1000 2000 4000 Feet



Created by AutoCAD
 2006/05/01 10:00 AM
 User: j...@...
 Plot: 2006/05/01 10:00 AM

Bryan Beach and Dune Protection Line

Aerial Photo Date: May 2006

The data contained in this report was prepared by the Florida Department of Transportation (FDOT) and is provided for your information only. It is not intended to be used for any other purpose. The data is provided as is and is not guaranteed to be accurate or complete. The user assumes all responsibility for the use of the data.



ORDINANCE NO. 2003-2013

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 1.03 OF THE HOME RULE CHARTER OF SAID CITY, ANNEXING 0.220 SQUARE MILES OF LAND, MORE OR LESS, ADJACENT TO AND INCLUDING THE RIGHT-OF-WAY OF STATE FM #1495, LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, AND SOUTH OF THE VELASCO DRAINAGE DISTRICT SOUTH PROTECTION LEVEE, SUCH AREA CONSTITUTING A CONTIGUOUS AND UNINCORPORATED AREA LYING WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO; CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT REGARDING SUCH ANNEXATION AND ITS COMPLIANCE WITH THE PROVISIONS OF SAID CHARTER AND THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; APPROVING THE SERVICE PLAN ATTACHED THERETO AND PROVIDING THAT ANY FUTURE INHABITANTS THEREOF SHALL BE ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF SAID CITY AND SHALL BE BOUND BY THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING THAT THE ZONING CLASSIFICATION OF SAID AREA SHALL BE R-1 DISTRICT, HEAVY MANUFACTURING, IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE THE CAPTION OF THIS ORDINANCE TO BE PUBLISHED TWICE IN THE BRAZOSPORT FACTS AFTER THE ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTIONS.

WHEREAS, Section 1.03 of the Home Rule Charter of the City of Freeport, Texas, authorizes the City Council of said City, being the governing body thereof, to annex additional territory with or without the consent of the territory and the inhabitants annexed, in accordance with the Municipal Annexation Act codified as Chapter 43 of the Local Government Code, hereinafter called "the Code"; and,

WHEREAS, Section 43.052 of the Code exempts from inclusion in the annexation plan of a municipality an area proposed for annexation which contains less than 100 tracts of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.061 of the Code provides that Subchapter C-1 of Chapter 43 applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 43.052 of the Code; and,

WHEREAS, Section 43.062 of Subchapter C-1 of the Code provides that Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, 43.0567 and 43.057 of Subchapter C of the Code apply to the annexation of an area to which Subchapter C-1 of Chapter 43 applies; and,

WHEREAS, Section 43.051 of the Code allows a municipality to annex an area not owned by the municipality only if such area is within the exterritorial jurisdiction of such municipality; and,

WHEREAS, Section 42.021(2) of the Code defines exterritorial jurisdiction, for a municipality with a population of more than 5,000 but less than 25,000, as being all of the contiguous unincorporated area, not a part of any other municipality, located within one (1) mile of the corporate limits thereof; and,

WHEREAS, Section 43.054 of the Code prohibits a municipality with a population of less than 1.6 million from annexing a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream or creek, having a width at its narrowest point of less than 1,000 feet unless the boundaries of the municipality are contiguous to the area on at least two (2) sides, the annexation is initiated on the written petition of the owners or of a majority of the qualified voters of the area or the area abuts or is contiguous to another jurisdictional boundary; and,

WHEREAS, Section 43.0545(a) and (b) of the Code prohibits a municipality from annexing an area located in the extraterritorial jurisdiction of the municipality only because the area is either contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point or is contiguous to municipal territory that was annexed before September 1, 1999, and was in the extraterritorial jurisdiction of the municipality because the territory was contiguous to municipal territory that was less than 1,000 feet in width at its narrowest point; and,

WHEREAS, Section 43.055 of the Code prohibits a municipality, in a calendar year, from annexing a total area greater than 10 percent of the incorporated area of the municipality as of January 1 of that year; and,

WHEREAS, Sections 43.0565 and 43.0567 of the Code providing for arbitration regarding the enforcement of a service plan and provision of water or sewer service in a populous municipality do not apply to a municipality having a population of less than 1.6 million; and,

WHEREAS, Section 43.062(b) of the Code requiring that notice of an annexation under Subchapter C-1 be given to property owners, public or private entities and railroad companies applies to an area containing fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.063(a) of the Code provides that, before a municipality may institute annexation proceedings under Subchapter C-1 of Chapter 43 of the Code, the governing body of the annexing municipality shall provide an opportunity for all interested persons to be heard at two (2) public hearings to be held not more than forty (40) nor less than twenty (20) days prior to the institution of such proceedings; and,

WHEREAS, Section 43.063(b) of the Code provides that at least one (1) of such public hearings shall be held within the area proposed to be annexed if, within ten (10) days after the publication of the required notice, more than twenty (20) adult residents who reside in the territory proposed to be annexed protest in writing to the city secretary of the annexing municipality the institution of annexation proceedings; and,

WHEREAS, Section 43.063(c) of the Code provides that notice of each such hearing shall be published in a newspaper having general circulation within such municipality and in the territory proposed to be annexed at least once not more than twenty (20) nor less than ten (10) days prior to that hearing, that if the municipality has an Internet website, notice of each hearing must be posted on such website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing, and that additional notice must be given by certified mail before the 30th day before the first of such hearings;

WHEREAS, Section 43.063(c) of the Code provides that additional notice thereof shall be sent by certified mail, to each property owner, public or private entity providing utility services and any railroad companies then serving the municipality and on the municipality's tax roll where the right-of-way thereof is included in the territory proposed for annexation; and,

WHEREAS, Section 43.064(a) of the Code provides that the annexation of an area under Subchapter C-1 of Chapter 43 of the Code must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void; and

WHEREAS, Section 43.065(a) of the Code requires that, prior to the publication of notice of the first hearing required by Section 43.063 of the Code, the governing body of the municipality shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed and provides that the municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality; and,

WHEREAS, Section 43.065(b) of the Code provides that Section 43.056(b)-(o) of the Code, relating to the provisions of services to annexed areas and including a requirement that the service plan be attached to the ordinance annexing the area and approved as a part of the ordinance, apply to an annexation pursuant to Subchapter C-1 of Chapter 43 of the Code.

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

SECTION 1. Findings of Fact.

The City Council of the City of Freeport, Texas ("the City") finds and determines as a matter of fact that:

(1) By its Resolution No. 2003-1997, read, passed and adopted on the 3rd day of February, 2003, hereinafter "the Resolution", the City Council directed that on the 17th day of March, 2003, beginning at 6:00 o'clock, p.m., and on the 31st day of March, 2003, beginning at 5:30 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.229 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 26th day of February, 2003 and the date of the second publication being the 19th day of March, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 14th day of February, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 17th day of March, 2003, beginning at 6:00 o'clock, p.m., and on the 31st day of March, 2003, beginning at 5:30 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and the property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 Single Family Residential District as defined in Section 155.030 of said Code of Ordinances.

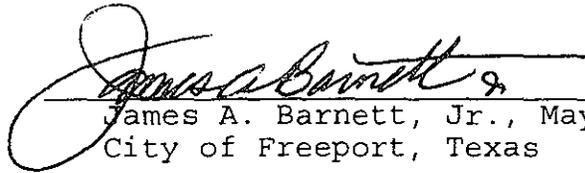
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

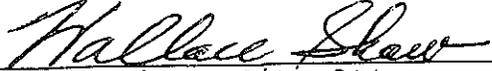
READ, PASSED AND ADOPTED this 6th day of May, 2003.


James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport .Ord\Bch#1Anx .Ord

CITY OF FREEPORT

**ANNEXATION IN THE VICINITY OF STATE F M # 1495
SOUTH OF THE SOUTH PROTECTION LEVEE**

February 03, 2003

A 0.220 SQUARE MILE TRACT OF LAND, BEING OUT OF THE J.G. M CNEEL SURVEY, ABSTRACT 335, BRAZORIA COUNTY, TEXAS, LYING ALONG F M #1495, SOUTH FROM THE SOUTH PROTECTION LEVEE RIGHT-OF-WAY, AND BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS, AS FOLLOWS:

BEGINNING at the point of intersection (POB) of the eastern right-of-way (ROW) line of said F M #1495 with said south line of said Freeport South Protection Levee, said beginning point also lying on the South City Limits line, as annexed by Ordinance No. 1275, dated November 20, 1073;

THENCE; S10° 22'E, 178.37 ft. along said F M #1495 eastern ROW line, to a point for corner;

THENCE; S28° 20'E, continuing along said F M #1495 eastern ROW line, pass the centerline of the Louisiana - Texas Gulf Intracoastal Waterway at 2,294.44 ft., in all a distance of 5,143.81 ft to a point on the ETJ line if Freeport, Texas for corner;

THENCE; S69° 24' 43"W, 1,151.97 ft. to a point on the said Freeport ETJ line for corner;

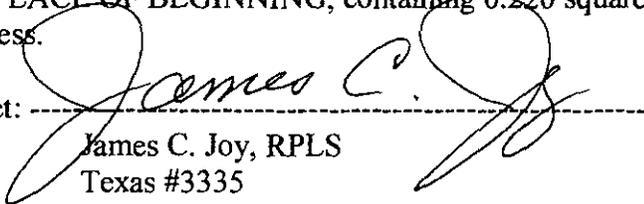
THENCE; N28° 20"W, 4,983.54 ft., along a line that is parallel to, 1,000 ft. measured at a right angle to, and west of the west ROW line of said F M #1495, to a point for corner;

THENCE; N42° 53' 26"W, 218.75 ft. to a point for corner;

THENCE; N28° 20'W, 163.53 ft. to the point of intersection with the southeast ROW line of said Freeport South Protection Levee and said Freeport South City Limits line, for corner;

THENCE; N70° 56'E, along said south line of said Freeport South Protection Levee ROW line and said South City Limits line, a distance of 1,276.72 ft to the PLACE OF BEGINNING, containing 0.220 square miles of land, more or less.

Certified Correct: _____


James C. Joy, RPLS
Texas #3335

ORDINANCE NO. 2003-2018

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 1.03 OF THE HOME RULE CHARTER OF SAID CITY, ANNEXING 0.970 SQUARE MILES OF LAND, MORE OR LESS, ADJACENT TO AND INCLUDING THE RIGHT-OF-WAY OF STATE FM #1495, LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, BETWEEN THE BRAZORIA DRAINAGE DISTRICT SOUTH PROTECTION LEVEE, SUCH AREA CONSTITUTING A CONTIGUOUS AND UNINCORPORATED AREA LYING WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO; CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT REGARDING SUCH ANNEXATION AND ITS COMPLIANCE WITH THE PROVISIONS OF SAID CHARTER AND THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; APPROVING THE SERVICE PLAN ATTACHED THERETO AND PROVIDING THAT ANY FUTURE INHABITANTS THEREOF SHALL BE ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF SAID CITY AND SHALL BE BOUND BY THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING THAT THE ZONING CLASSIFICATION OF SAID AREA SHALL BE R-2 DISTRICT, HEAVY MANUFACTURING, IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE THE CAPTION OF THIS ORDINANCE TO BE PUBLISHED TWICE IN THE BRAZOSPORT FACTS AFTER THE ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTIONS.

WHEREAS, Section 1.03 of the Home Rule Charter of the City of Freeport, Texas, authorizes the City Council of said City, being the governing body thereof, to annex additional territory with or without the consent of the territory and the inhabitants annexed, in accordance with the Municipal Annexation Act codified as Chapter 43 of the Local Government Code, hereinafter called "the Code"; and,

WHEREAS, Section 43.052 of the Code exempts from inclusion in the annexation plan of a municipality an area proposed for annexation which contains less than 100 tracts of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.061 of the Code provides that Subchapter C-1 of Chapter 43 applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 43.052 of the Code; and,

WHEREAS, Section 43.062 of Subchapter C-1 of the Code provides that Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, 43.0567 and 43.057 of Subchapter C of the Code apply to the annexation of an area to which Subchapter C-1 of Chapter 43 applies; and,

WHEREAS, Section 43.051 of the Code allows a municipality to annex an area not owned by the municipality only if such area is within the extraterritorial jurisdiction of such municipality; and,

WHEREAS, Section 42.021(2) of the Code defines extraterritorial jurisdiction, for a municipality with a population of more than 5,000 but less than 25,000, as being all of the contiguous unincorporated area, not a part of any other municipality, located within one (1) mile of the corporate limits thereof; and,

WHEREAS, Section 43.054 of the Code prohibits a municipality with a population of less than 1.6 million from annexing a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream or creek, having a width at its narrowest point of less than 1,000 feet unless the boundaries of the municipality are contiguous to the area on at least two (2) sides, the annexation is initiated on the written petition of the owners or of a majority of the qualified voters of the area or the area abuts or is contiguous to another jurisdictional boundary; and,

WHEREAS, Section 43.0545(a) and (b) of the Code prohibits a municipality from annexing an area located in the extraterritorial jurisdiction of the municipality only because the area is either contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point or is contiguous to municipal territory that was annexed before September 1, 1999, and was in the extraterritorial jurisdiction of the municipality because the territory was contiguous to municipal territory that was less than 1,000 feet in width at its narrowest point; and,

WHEREAS, Section 43.055 of the Code prohibits a municipality, in a calendar year, from annexing a total area greater than 10 percent of the incorporated area of the municipality as of January 1 of that year; and,

WHEREAS, Sections 43.0565 and 43.0567 of the Code providing for arbitration regarding the enforcement of a service plan and provision of water or sewer service in a populous municipality do not apply to a municipality having a population of less than 1.6 million; and,

WHEREAS, Section 43.062(b) of the Code requiring that notice of an annexation under Subchapter C-1 be given to property owners, public or private entities and railroad companies applies to an area containing fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.063(a) of the Code provides that, before a municipality may institute annexation proceedings under Subchapter C-1 of Chapter 43 of the Code, the governing body of the annexing municipality shall provide an opportunity for all interested persons to be heard at two (2) public hearings to be held not more than forty (40) nor less than twenty (20) days prior to the institution of such proceedings; and,

WHEREAS, Section 43.063(b) of the Code provides that at least one (1) of such public hearings shall be held within the area proposed to be annexed if, within ten (10) days after the publication of the required notice, more than twenty (20) adult residents who reside in the territory proposed to be annexed protest in writing to the city secretary of the annexing municipality the institution of annexation proceedings; and,

WHEREAS, Section 43.063(c) of the Code provides that notice of each such hearing shall be published in a newspaper having general circulation within such municipality and in the territory proposed to be annexed at least once not more than twenty (20) nor less than ten (10) days prior to that hearing, that if the municipality has an Internet website, notice of each hearing must be posted on such website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing, and that additional notice must be given by certified mail before the 30th day before the first of such hearings;

WHEREAS, Section 43.063(c) of the Code provides that additional notice thereof shall be sent by certified mail, to each property owner, public or private entity providing utility services and any railroad companies then serving the municipality and on the municipality's tax roll where the right-of-way thereof is included in the territory proposed for annexation; and,

WHEREAS, Section 43.064(a) of the Code provides that the annexation of an area under Subchapter C-1 of Chapter 43 of the Code must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void; and

WHEREAS, Section 43.065(a) of the Code requires that, prior to the publication of notice of the first hearing required by Section 43.063 of the Code, the governing body of the municipality shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed and provides that the municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality; and,

WHEREAS, Section 43.065(b) of the Code provides that Section 43.056(b) - (o) of the Code, relating to the provisions of services to annexed areas and including a requirement that the service plan be attached to the ordinance annexing the area and approved as a part of the ordinance, apply to an annexation pursuant to Subchapter C-1 of Chapter 43 of the Code.

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

SECTION 1. Findings of Fact.

The City Council of the City of Freeport, Texas ("the City") finds and determines as a matter of fact that:

(1) By its Resolution No. 2003-2002, read, passed and adopted on the 6th day of May, 2003, hereinafter "the Resolution", the City Council directed that on the 16th day of June, 2003, beginning at 6:00 o'clock, p.m., and on the 7th day of July, 2003, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.970 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 3rd day of June, 2003 and the date of the second publication being the 24th day of June, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 14th day of May, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 16th day of June, 2003, beginning at 6:00 o'clock, p.m., and on the 7th day of July, 2003, beginning at 5:30 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and the property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 Single Family Residential District as defined in Section 155.030 of said Code of Ordinances.

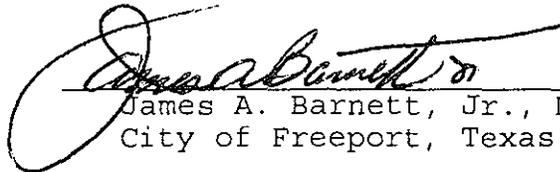
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

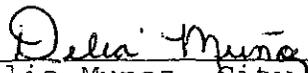
SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

READ, PASSED AND ADOPTED this 4th day of August, 2003.


James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw

Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport.Ord\Bch#2Anx.Ord

**CITY OF FREEPORT
BRAZORIA COUNTY, TEXAS**

**PROPOSED ANNEXATION ALONG FM 1495
BETWEEN THE INTRACOASTAL WATERWAY
AND THE GULF OF MEXICO**

MAY 13, 2003

A 0.970 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 143, 146, 335, 597 AND 653, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, STATE FM 1495 AND THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2013, DATED MAY 06, 2003.

BEGINNING at the point located on the east right-of-way line of said State FM 1495, said beginning point also being the most southeast corner of said 0.220 square mile tract of land annexed by said Ordinance No. 2003-2013, and being also on the Freeport South City Limits Line;

THENCE, S 28° 20' 00"E, along the east right-of-way line of State FM 1495 and its southerly extension, and along the western most City Limits line of the Town of Quintana, a distance of 1,600 ft., more or less, to an intersection with the mean low water (MLW) line of said Gulf of Mexico for corner;

THENCE, in a southwesterly direction, along said Gulf of Mexico MLW line, with its meanders, on an approximate bearing of S 49° 12' 56" W, a distance of 5,480 ft., more or less, to the point of intersection with the Freeport Extra Territorial Jurisdiction (ETJ) line, said ETJ line being on a curve having a radius of curvature of 5,280 ft. and an approximate central angle of 38° 45' 32";

THENCE, along said Freeport ETJ line in a northwest direction around said curve to the right, a distance of 3,571.76 ft. more or less, to the point of tangency (PT) of said curve;

THENCE, N 28° 20' W, continuing along said Freeport ETJ line a distance of 1,581.10 ft. to the point of intersection with the south right-of-way line of said Louisiana-Texas Gulf Intracoastal Waterway, said right-of-way being 300 ft. in width;

THENCE, N 57° 01' 37" E, 4,151.22' along said Gulf Intracoastal Waterway south right-of-way line, to the PT of a curve to the right, said curve having a central angle of 9° 29' 23" and a radius of curvature of 5,593.34 ft., said PT being at said Gulf Intracoastal Waterway centerline Station No. 228+740.04;

THENCE, around said curve to the right a distance of 926.41 ft. to the point of curve (PC) of said curve, which is at said Gulf Intracoastal Waterway centerline Station 227+788.80;

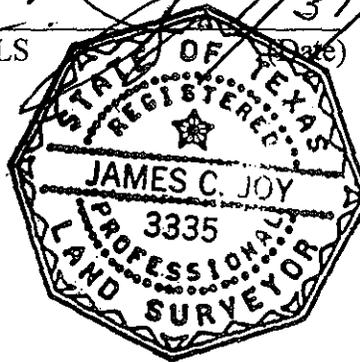
THENCE, N 61° 32' 00" E, 295.38 ft. continuing along said Gulf Intracoastal Waterway south right-of-way line, to a point of intersection with the Freeport west City Limits Line of said 0.220 square mile tract that was annexed by said Ordinance No. 2003-2013;

THENCE, S 28° 20' 00" E, a distance of 2,531.64 ft. along said Freeport west City Limits Line to a point for corner;

THENCE, N 29° 24' 43" E, a distance of 1,151.97 ft. continuing along the said Freeport south City Limits line to the PLACE OF BEGINNING, containing 0.970 square miles of land, more or less.

Certified Correct:

James C. Joy 7/31/03
James C. Joy, RPLS (Date)
Texas # 3335



ORDINANCE NO. 2003-2029

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 1.03 OF THE HOME RULE CHARTER OF SAID CITY, ANNEXING A 1.011 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 143,195 AND 653, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2018 DATED AUGUST 4, 2003, AND THE WEST EXTRATERRITORIAL JURISDICTION LINE RELATED TO SAID AUGUST 4, 2003, ANNEXATION, AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, SUCH AREA CONSTITUTING A CONTIGUOUS AND UNINCORPORATED AREA LYING WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO; CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT REGARDING SUCH ANNEXATION AND ITS COMPLIANCE WITH THE PROVISIONS OF SAID CHARTER AND THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; APPROVING THE SERVICE PLAN ATTACHED THERETO AND PROVIDING THAT ANY FUTURE INHABITANTS THEREOF SHALL BE ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF SAID CITY AND SHALL BE BOUND BY THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING THAT THE ZONING CLASSIFICATION OF SAID AREA SHALL BE R-2 DISTRICT, SINGLE FAMILY RESIDENTIAL, IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE THE CAPTION OF THIS ORDINANCE TO BE PUBLISHED TWICE IN THE BRAZOSPORT FACTS AFTER THE ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTIONS.

WHEREAS, Section 1.03 of the Home Rule Charter of the City of Freeport, Texas, authorizes the City Council of said City, being the governing body thereof, to annex additional territory with or without the consent of the territory and the inhabitants annexed, in accordance with the Municipal Annexation Act codified as Chapter 43 of the Local Government Code, hereinafter called "the Code"; and,

WHEREAS, Section 43.052 of the Code exempts from inclusion in the annexation plan of a municipality an area proposed for annexation which contains less than 100 tracts of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.061 of the Code provides that Subchapter C-1 of Chapter 43 applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 43.052 of the Code; and,

WHEREAS, Section 43.062 of Subchapter C-1 of the Code provides that Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, 43.0567 and 43.057 of Subchapter C of the Code apply to the annexation of an area to which Subchapter C-1 of Chapter 43 applies; and,

WHEREAS, Section 43.051 of the Code allows a municipality to annex an area not owned by the municipality only if such area is within the extraterritorial jurisdiction of such municipality; and,

WHEREAS, Section 42.021(2) of the Code defines extraterritorial jurisdiction, for a municipality with a population of more than 5,000 but less than 25,000, as being all of the contiguous unincorporated area, not a part of any other municipality, located within one (1) mile of the corporate limits thereof; and,

WHEREAS, Section 43.054 of the Code prohibits a municipality with a population of less than 1.6 million from annexing a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream or creek, having a width at its narrowest point of less than 1,000 feet unless the boundaries of the municipality are contiguous to the area on at

least two (2) sides, the annexation is initiated on the written petition of the owners or of a majority of the qualified voters of the area or the area abuts or is contiguous to another jurisdictional boundary; and,

WHEREAS, Section 43.0545(a) and (b) of the Code prohibits a municipality from annexing an area located in the extraterritorial jurisdiction of the municipality only because the area is either contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point or is contiguous to municipal territory that was annexed before September 1, 1999, and was in the extraterritorial jurisdiction of the municipality because the territory was contiguous to municipal territory that was less than 1,000 feet in width at its narrowest point; and,

WHEREAS, Section 43.055 of the Code prohibits a municipality, in a calendar year, from annexing a total area greater than 10 percent of the incorporated area of the municipality as of January 1 of that year; and,

WHEREAS, Sections 43.0565 and 43.0567 of the Code providing for arbitration regarding the enforcement of a service plan and provision for water or sewer service in a populous municipality do not apply to a municipality of less than 1.6 million; and,

WHEREAS, Section 43.062(b) of the Code requiring that notice of an annexation under Subchapter C-1 be given to property owners, public or private entities and railroad companies applies to an area containing fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.063(a) of the Code provides that, before a municipality may institute annexation proceedings under Subchapter C-1 of Chapter 43 of the Code, the governing body of the annexing municipality shall provide an opportunity for all interested persons to be heard at two (2) public hearings to be held not more than forty (40) nor less than twenty (20) days prior to the institution of such proceedings; and,

WHEREAS, Section 43.063(b) of the Code provides that at least one (1) of such public hearings shall be held within the area proposed to be annexed if, within ten (10) days after the publication of the required notice, more than twenty (20) adult residents who reside in the territory proposed to be annexed protest in writing to the city secretary of the annexing municipality the institution of annexation proceedings; and,

WHEREAS, Section 43.063(c) of the Code provides that notice of each such hearing shall be published in a newspaper having general circulation within such municipality and in the territory proposed to be annexed at least once not more than twenty (20) nor less than ten (10) days prior to that hearing, that if the municipality has an Internet website, notice of each hearing must be posted on such website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing, and that additional notice must be given by certified mail before the 30th day before the first of such hearings;

WHEREAS, Section 43.063(c) of the Code provides that additional notice thereof shall be sent by certified mail, to each property owner, public or private entity providing utility services and any railroad companies then serving the municipality and on the municipality's tax roll where the right-of-way thereof is included in the territory proposed for annexation; and,

WHEREAS, Section 43.064(a) of the Code provides that the annexation of an area under Subchapter C-1 of Chapter 43 of the Code must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void; and

WHEREAS, Section 43.065(a) of the Code requires that, prior to the publication of notice of the first hearing required by Section 43.063 of the Code, the governing body of the municipality shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed and provides that the municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality; and,

WHEREAS, Section 43.065(b) of the Code provides that Section 43.056(b)-(o) of the Code, relating to the provisions of services to annexed areas and including a requirement that the service plan be attached to the ordinance annexing the area and approved as a part of the ordinance, apply to an annexation pursuant to Subchapter C-1 of Chapter 43 of the Code.

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

SECTION 1. Findings of Fact.

The City Council of the City of Freeport, Texas ("the City") finds and determines as a matter of fact that:

(1) By its Resolution No. 2003-2028, read, passed and adopted on the 4th day of August, 2003, hereinafter "the Resolution", the City Council directed that on the 8th day of September, 2003, beginning at 6:00 o'clock, p.m., and on the 22nd day of September, 2003, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.970 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 26th day of August, 2003 and the date of the second publication being the 9th day of September, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 8th day of August, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 8th day of August, 2003, beginning at 6:00 o'clock, p.m., and on the 22nd day of September, 2003, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and the property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 District, Single Family Residential as defined in Section 155.030 of said Code of Ordinances.

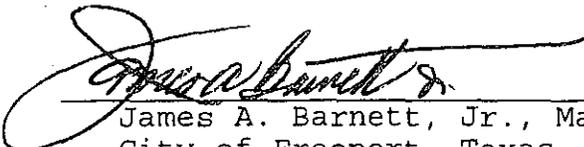
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION 8. Effective Date.

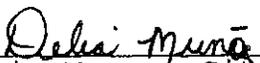
This ordinance shall take effect and be in force from and after the date of its passage and adoption.

READ, PASSED AND ADOPTED this 20th day of October, 2003.



James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:



Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport.Ord\Bch#3Anx.Ord

**CITY OF FREEPORT
BRAZORIA COUNTY, TEXAS**

**PROPOSED ANNEXATION WEST OF FM 1495
BETWEEN THE INTRACOASTAL WATERWAY
AND THE GULF OF MEXICO
PHASE III**

AUGUST 29, 2003

A 1.011 SQUARE MILE TRACT OF LAND, MORE OR LESS, BEING OUT OF ABSTRACTS 143, 195, AND 653, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2018 DATED AUGUST 04, 2003, AND THE WEST EXTRATERRITORIAL JURISDICTION LINE RELATED TO THE SAID AUGUST 04, 2003 ANNEXATION.

BEGINNING at the point (POB) located on the south right-of-way line (ROW) of the Louisiana-Texas Gulf Intracoastal Waterway (Intracoastal Waterway), said ROW being 300' in width, said POB also lying on the most northerly corner of said 0.970 square mile the tract of land annexed by said Ordinance No. 2003-2018, and also lying on the Freeport City Limits Line;

THENCE, S 28° 20' 00"E, along the west line of said 0.970 square mile tract of land annexed by said Ordinance No. 2003-2018 and the Freeport City Limits line, a distance of 1,581.10 ft., more or less, to the point of tangency of a curve to the left, said curve having a radius of curvature of 5,280 ft. and a central angle 38° 45' 32";

THENCE, in a southwesterly direction, continuing along said west line of said 0.970 square mile tract of land, around said curve to the left, a distance of 3,571.76 ft. more or less, to the point of intersection with the Gulf of Mexico north most mean low water (MLW) line and the southwest corner of said 0.970 square mile annexed tract of land ;

THENCE, along said Gulf of Mexico north most MLW line, with its meanders, on an approximate bearing of S 49° 12' 56" W and distance of 5,484.39 ft., more or less, to the point of intersection with the Freeport west Extraterritorial Jurisdiction (ETJ) line, said ETJ line being on a curve to the right having a radius of curvature of 10,560 ft. and an approximate central angle of 27° 21' 30.5";

THENCE, along said Freeport west ETJ line, in a northwest direction, around said curve to the right, a distance of 5,042.35 ft. more or less, to the point of tangency (PT) of said curve;

THENCE, N 28° 20' 00" W, continuing along said Freeport west ETJ line, a distance of 689.03 ft. more or less, to the point of intersection with the south ROW line of said Intracoastal Waterway;

THENCE, N60° 41' 39"E, 2,829.89 ft. continuing along said Intracoastal Waterway south ROW line to the point of tangency (PT) of a curve to the left, said curve having a central angle of 30° 40' 02" and a radius of curvature of 5,879.58 ft., said PT being at said Intracoastal Waterway center line Station No. 235+409.37;

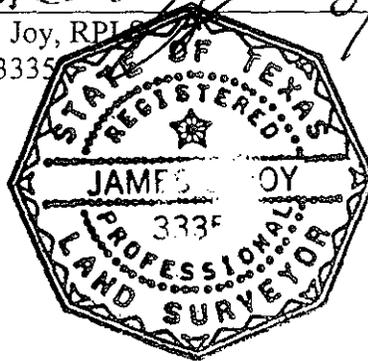
THENCE, continuing along said Intracoastal Waterway south ROW line around said curve to the left, a distance of 366.72 ft. to point of curve (PC) of said curve, said PC being at said Intracoastal Waterway centerline Station 235+042.59;

THENCE, N 57° 01' 37" E, 2,151.33 ft., along said Intracoastal Waterway south right-of-way line, to the PLACE OF BEGINNING, containing 1.011 square miles of land, more or less.

Certified Correct:

James C. Joy
James C. Joy, RPLS
Texas # 3335

8/29/03
(Date)



ORDINANCE NO. 2004-2033

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 1.03 OF THE HOME RULE CHARTER OF SAID CITY, ANNEXING A 1.160 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 141,151 AND 195, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2029 DATED OCTOBER 20, 2003, AND THE WEST EXTRATERRITORIAL JURISDICTION LINE RELATED TO SAID OCTOBER 20, 2003, ANNEXATION, AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, SUCH AREA CONSTITUTING A CONTIGUOUS AND UNINCORPORATED AREA LYING WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO; CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT REGARDING SUCH ANNEXATION AND ITS COMPLIANCE WITH THE PROVISIONS OF SAID CHARTER AND THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; APPROVING THE SERVICE PLAN ATTACHED THERETO AND PROVIDING THAT ANY FUTURE INHABITANTS THEREOF SHALL BE ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF SAID CITY AND SHALL BE BOUND BY THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING THAT THE ZONING CLASSIFICATION OF SAID AREA SHALL BE R-2 DISTRICT, SINGLE FAMILY RESIDENTIAL, IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE THE CAPTION OF THIS ORDINANCE TO BE PUBLISHED TWICE IN THE BRAZOSPORT FACTS AFTER THE ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTIONS.

WHEREAS, Section 1.03 of the Home Rule Charter of the City of Freeport, Texas, authorizes the City Council of said City, being the governing body thereof, to annex additional territory with or without the consent of the territory and the inhabitants annexed, in accordance with the Municipal Annexation Act codified as Chapter 43 of the Local Government Code, hereinafter called "the Code"; and,

WHEREAS, Section 43.052 of the Code exempts from inclusion in the annexation plan of a municipality an area proposed for annexation which contains less than 100 tracts of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.061 of the Code provides that Subchapter C-1 of Chapter 43 applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 43.052 of the Code; and,

WHEREAS, Section 43.062 of Subchapter C-1 of the Code provides that Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, 43.0567 and 43.057 of Subchapter C of the Code apply to the annexation of an area to which Subchapter C-1 of Chapter 43 applies; and,

WHEREAS, Section 43.051 of the Code allows a municipality to annex an area not owned by the municipality only if such area is within the extraterritorial jurisdiction of such municipality; and,

WHEREAS, Section 42.021(2) of the Code defines extraterritorial jurisdiction, for a municipality with a population of more than 5,000 but less than 25,000, as being all of the contiguous unincorporated area, not a part of any other municipality, located within one (1) mile of the corporate limits thereof; and,

WHEREAS, Section 43.054 of the Code prohibits a municipality with a population of less than 1.6 million from annexing a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream or creek, having a width at its narrowest point of less than 1,000 feet unless the boundaries of the municipality are contiguous to the area on at

least two (2) sides, the annexation is initiated on the written petition of the owners or of a majority of the qualified voters of the area or the area abuts or is contiguous to another jurisdictional boundary; and,

WHEREAS, Section 43.0545(a) and (b) of the Code prohibits a municipality from annexing an area located in the extraterritorial jurisdiction of the municipality only because the area is either contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point or is contiguous to municipal territory that was annexed before September 1, 1999, and was in the extraterritorial jurisdiction of the municipality because the territory was contiguous to municipal territory that was less than 1,000 feet in width at its narrowest point; and,

WHEREAS, Section 43.055 of the Code prohibits a municipality, in a calendar year, from annexing a total area greater than 10 percent of the incorporated area of the municipality as of January 1 of that year; and,

WHEREAS, Sections 43.0565 and 43.0567 of the Code providing for arbitration regarding the enforcement of a service plan and provision for water or sewer service in a populous municipality do not apply to a municipality of less than 1.6 million; and,

WHEREAS, Section 43.062(b) of the Code requiring that notice of an annexation under Subchapter C-1 be given to property owners, public or private entities and railroad companies applies to an area containing fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.063(a) of the Code provides that, before a municipality may institute annexation proceedings under Subchapter C-1 of Chapter 43 of the Code, the governing body of the annexing municipality shall provide an opportunity for all interested persons to be heard at two (2) public hearings to be held not more than forty (40) nor less than twenty (20) days prior to the institution of such proceedings; and,

WHEREAS, Section 43.063(b) of the Code provides that at least one (1) of such public hearings shall be held within the area proposed to be annexed if, within ten (10) days after the publication of the required notice, more than twenty (20) adult residents who reside in the territory proposed to be annexed protest in writing to the city secretary of the annexing municipality the institution of annexation proceedings; and,

WHEREAS, Section 43.063(c) of the Code provides that notice of each such hearing shall be published in a newspaper having general circulation within such municipality and in the territory proposed to be annexed at least once not more than twenty (20) nor less than ten (10) days prior to that hearing, that if the municipality has an Internet website, notice of each hearing must be posted on such website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing, and that additional notice must be given by certified mail before the 30th day before the first of such hearings;

WHEREAS, Section 43.063(c) of the Code provides that additional notice thereof shall be sent by certified mail, to each property owner, public or private entity providing utility services and any railroad companies then serving the municipality and on the municipality's tax roll where the right-of-way thereof is included in the territory proposed for annexation; and,

WHEREAS, Section 43.064(a) of the Code provides that the annexation of an area under Subchapter C-1 of Chapter 43 of the Code must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void; and

WHEREAS, Section 43.065(a) of the Code requires that, prior to the publication of notice of the first hearing required by Section 43.063 of the Code, the governing body of the municipality shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed and provides that the municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality; and,

WHEREAS, Section 43.065(b) of the Code provides that Section 43.056(b)-(o) of the Code, relating to the provisions of services to annexed areas and including a requirement that the service plan be attached to the ordinance annexing the area and approved as a part of the ordinance, apply to an annexation pursuant to Subchapter C-1 of Chapter 43 of the Code.

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

SECTION 1. Findings of Fact.

The City Council of the City of Freeport, Texas ("the City") finds and determines as a matter of fact that:

(1) By its Resolution No. 2003-2035, read, passed and adopted on the 20th day of October, 2003, hereinafter "the Resolution", the City Council directed that on the 1st day of December, 2003, beginning at 6:00 o'clock, p.m., and on the 15th day of December, 2003, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.970 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 15th day of November, 2003 and the date of the second publication being the 30th day of November, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 31st day of October, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 1st day of December, 2003, beginning at 6:00 o'clock, p.m., and on the 15th day of December, 2003, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

(14) By adopting this Ordinance, the City Council has deleted 0.022 square miles of the area described in the above mentioned notices as proposed for annexation because such deleted area is located within the intersection of the Brazos River Diversion Channel and the Gulf Intracoastal Waterway.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 District, Single Family Residential as defined in Section 155.030 of said Code of Ordinances.

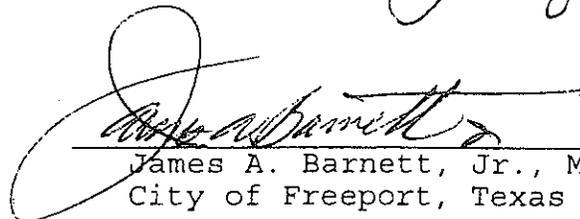
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

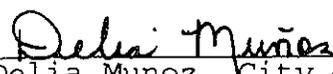
SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

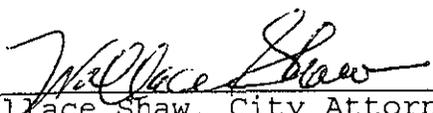
READ, PASSED AND ADOPTED this 5th day of January,
2004.


James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport.Ord\Bch#4Anx.Ord

**CITY OF FREEPORT
BRAZORIA COUNTY, TEXAS**

**PROPOSED ANNEXATION WEST OF FM 1495
BETWEEN THE INTRACOASTAL WATERWAY
AND THE GULF OF MEXICO
PHASE IV**

NOVEMBER 03, 2003

A 1.160 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 141, 151, AND 195, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, STATE FM 1495 AND THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2029, DATED OCTOBER 20, 2003.

BEGINNING at the point (POB) located on the south right-of-way (ROW) line of the Louisiana-Texas Gulf Intracoastal Waterway (Intracoastal Waterway), said ROW being 300' in width, said POB also lying on the most northerly corner of said 1.011 square mile tract of land annexed by said Ordinance No. 2003-2029, and also lying on the Freeport South City Limits Line;

THENCE, S 28° 20' 00"E, along the west line of said 1.011 square mile tract of land annexed by Ordinance No. 2003-2029 and along the Freeport City Limits Line, a distance of 689.03 ft., to the point of tangency (PT) of a curve to the left, said curve having a central angle of 27° 21' 30.5";

THENCE, in a southwesterly direction, continuing said west line of said 1.011 square mile tract of land, around said curve to the left, a distance of 5,042.35 ft., more or less, to the point of intersection with the Gulf Of Mexico north most Mean Low Water line (MLW) , and the south west corner of said 1.011 square mile annexed tract of land;

THENCE, along said Gulf of Mexico MLW line, in a south west direction with its meanders, an approximate distance of 5,345 ft., to the point of intersection with the Freeport west Extraterritorial Jurisdiction (ETJ) line, said ETJ line being on a curve to the right having an approximate central angle of 23° 47' 45' and a radius of curvature of 15,840.00 ft.;

THENCE, along said Freeport ETJ line in a northwest direction around said curve to the right, a distance of 5,528.60 ft., to a point for corner;

THENCE, N 35° 35' 00" E, 550.00 ft. to a point for corner:

THENCE, N 06° 54' 52" E, 997.37 ft. to a point of intersection with said south ROW line of said Intracoastal Waterway for a corner:

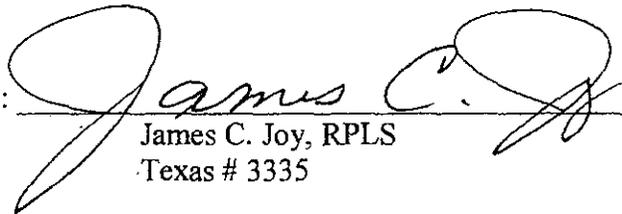
THENCE, N 60° 41' 39" E, 2,372.50 ft., along said Intracoastal Waterway south right-of-way line, to the PT of a curve to the right, said curve having a central angle of 19° 41' 43" and a radius of curvature of 2,341.12 ft., said PT being at said Gulf Intracoastal Waterway centerline Station No. 240+257.59;

THENCE, continuing along said Intracoastal Waterway south ROW line, around said curve to the right, a distance of 804.76 ft., to the point of reverse curve (PRC) of said curve to the left, said curve having a central angle of 17° 12' 57" and a radius of curvature of 2,641.13 ft., said PRC being at Intracoastal Waterway centerline Station No. 239+435.57 ft.;

THENCE, continuing along said Intracoastal Waterway south ROW line, around said curve to the left, a distance of 793.59 ft., to the PC of of said curve, said PC being at said Intracoastal Waterway centerline Station No. 238+687.05:

THENCE, N 60° 41' 39" E, 447.84 ft., continuing along said Intracoastal Waterway south right-of-way line, to a point of intersection with the Freeport west City Limits Line and to the PLACE OF BEGINNING, containing 1.160 square miles of land, more or less.

Certified Correct:

 11/3/03
James C. Joy, RPLS
Texas # 3335

ORDINANCE NO. 2004-2042

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 1.03 OF THE HOME RULE CHARTER OF SAID CITY, ANNEXING A 0.261 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 151 AND 167, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2004-2033 DATED JANUARY 5, 2004, AND THE WEST EXTRATERRITORIAL JURISDICTION LINE RELATED TO SAID JANUARY 5, 2004, ANNEXATION, AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, SUCH AREA CONSTITUTING A CONTIGUOUS AND UNINCORPORATED AREA LYING WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO; CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT REGARDING SUCH ANNEXATION AND ITS COMPLIANCE WITH THE PROVISIONS OF SAID CHARTER AND THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; APPROVING THE SERVICE PLAN ATTACHED THERETO AND PROVIDING THAT ANY FUTURE INHABITANTS THEREOF SHALL BE ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF SAID CITY AND SHALL BE BOUND BY THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING THAT THE ZONING CLASSIFICATION OF SAID AREA SHALL BE R-1 DISTRICT, SINGLE FAMILY RESIDENTIAL, IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE THE CAPTION OF THIS ORDINANCE TO BE PUBLISHED TWICE IN THE BRAZOSPORT FACTS AFTER THE ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTIONS.

WHEREAS, Section 1.03 of the Home Rule Charter of the City of Freeport, Texas, authorizes the City Council of said City, being the governing body thereof, to annex additional territory with or without the consent of the territory and the inhabitants annexed, in accordance with the Municipal Annexation Act codified as Chapter 43 of the Local Government Code, hereinafter called "the Code"; and,

WHEREAS, Section 43.052 of the Code exempts from inclusion in the annexation plan of a municipality an area proposed for annexation which contains less than 100 tracts of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.061 of the Code provides that Subchapter C-1 of Chapter 43 applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 43.052 of the Code; and,

WHEREAS, Section 43.062 of Subchapter C-1 of the Code provides that Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, 43.0567 and 43.057 of Subchapter C of the Code apply to the annexation of an area to which Subchapter C-1 of Chapter 43 applies; and,

WHEREAS, Section 43.051 of the Code allows a municipality to annex an area not owned by the municipality only if such area is within the extraterritorial jurisdiction of such municipality; and,

WHEREAS, Section 42.021(2) of the Code defines extraterritorial jurisdiction, for a municipality with a population of more than 5,000 but less than 25,000, as being all of the contiguous unincorporated area, not a part of any other municipality, located within one (1) mile of the corporate limits thereof; and,

WHEREAS, Section 43.054 of the Code prohibits a municipality with a population of less than 1.6 million from annexing a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream or creek, having a width at its narrowest point of less than 1,000 feet unless the boundaries of the municipality are contiguous to the area on at

least two (2) sides, the annexation is initiated on the written petition of the owners or of a majority of the qualified voters of the area or the area abuts or is contiguous to another jurisdictional boundary; and,

WHEREAS, Section 43.0545(a) and (b) of the Code prohibits a municipality from annexing an area located in the extraterritorial jurisdiction of the municipality only because the area is either contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point or is contiguous to municipal territory that was annexed before September 1, 1999, and was in the extraterritorial jurisdiction of the municipality because the territory was contiguous to municipal territory that was less than 1,000 feet in width at its narrowest point; and,

WHEREAS, Section 43.055 of the Code prohibits a municipality, in a calendar year, from annexing a total area greater than 10 percent of the incorporated area of the municipality as of January 1 of that year; and,

WHEREAS, Sections 43.0565 and 43.0567 of the Code providing for arbitration regarding the enforcement of a service plan and provision for water or sewer service in a populous municipality do not apply to a municipality of less than 1.6 million; and,

WHEREAS, Section 43.062(b) of the Code requiring that notice of an annexation under Subchapter C-1 be given to property owners, public or private entities and railroad companies applies to an area containing fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.063(a) of the Code provides that, before a municipality may institute annexation proceedings under Subchapter C-1 of Chapter 43 of the Code, the governing body of the annexing municipality shall provide an opportunity for all interested persons to be heard at two (2) public hearings to be held not more than forty (40) nor less than twenty (20) days prior to the institution of such proceedings; and,

WHEREAS, Section 43.063(b) of the Code provides that at least one (1) of such public hearings shall be held within the area proposed to be annexed if, within ten (10) days after the publication of the required notice, more than twenty (20) adult residents who reside in the territory proposed to be annexed protest in writing to the city secretary of the annexing municipality the institution of annexation proceedings; and,

WHEREAS, Section 43.063(c) of the Code provides that notice of each such hearing shall be published in a newspaper having general circulation within such municipality and in the territory proposed to be annexed at least once not more than twenty (20) nor less than ten (10) days prior to that hearing, that if the municipality has an Internet website, notice of each hearing must be posted on such website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing, and that additional notice must be given by certified mail before the 30th day before the first of such hearings;

WHEREAS, Section 43.063(c) of the Code provides that additional notice thereof shall be sent by certified mail, to each property owner, public or private entity providing utility services and any railroad companies then serving the municipality and on the municipality's tax roll where the right-of-way thereof is included in the territory proposed for annexation; and,

WHEREAS, Section 43.064(a) of the Code provides that the annexation of an area under Subchapter C-1 of Chapter 43 of the Code must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void; and

WHEREAS, Section 43.065(a) of the Code requires that, prior to the publication of notice of the first hearing required by Section 43.063 of the Code, the governing body of the municipality shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed and provides that the municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality; and,

WHEREAS, Section 43.065(b) of the Code provides that Section 43.056(b)-(o) of the Code, relating to the provisions of services to annexed areas and including a requirement that the service plan be attached to the ordinance annexing the area and approved as a part of the ordinance, apply to an annexation pursuant to Subchapter C-1 of Chapter 43 of the Code.

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

SECTION 1. Findings of Fact.

The City Council of the City of Freeport, Texas ("the City") finds and determines as a matter of fact that:

(1) By its Resolution No. 2004-2038, read, passed and adopted on the 5th day of January, 2004, hereinafter "the Resolution", the City Council directed that on the 16th day of December, 2004, beginning at 6:00 o'clock, p.m., and on the 1st day of March, 2004, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.261 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 4th day of February, 2004 and the date of the second publication being the 18th day of February, 2004, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 17th day of January, 2004, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 16th day of February, 2004, beginning at 6:00 o'clock, p.m., and on the 1st day of March, 2004, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2004, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 District, Single Family Residential as defined in Section 155.030 of said Code of Ordinances.

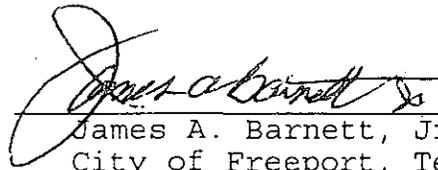
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

READ, PASSED AND ADOPTED this 22nd day of March, 2004.



James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:



Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw

Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport .Ord\Bch#5Anx .Ord

**CITY OF FREEPORT
BRAZORIA COUNTY, TEXAS**

**PROPOSED ANNEXATION WEST OF FM 1495
BETWEEN THE INTRACOASTAL WATERWAY
AND THE GULF OF MEXICO
PHASE V**

JANUARY 02, 2004

A 0.261 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 151 & 167, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, AND THE WEST LINE OF A 1.160 TRACT ANNEXED BY FREEPORT ORDINANCE NO. 2004-2033, DATED JANUARY 05, 2004.

BEGINNING at the point (POB) located on the south right-of-way (ROW) line of the Louisiana-Texas Gulf Intracoastal Waterway (Intracoastal Waterway), said POB also lying on the most westerly north corner of said 1.160 square mile tract of land annexed by said Freeport Ordinance No. 2004-2033, and also lying on the Freeport City Limits Line;

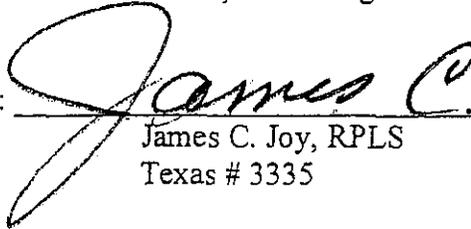
THENCE, in a southeasterly direction, along the west line of said 1.160 square mile tract of land and said Freeport City Limits line, around a curve to the left, said curve having a central angle of 23° 47' 45" and an arc length of 5,528.60 ft., more or less, and a radius of curvature of 15,840.00 ft., to the point of intersection with the Gulf Of Mexico north most Mean Low Water line (MLW), and the southwest corner of said 1.160 square mile annexed tract of land, for a corner;

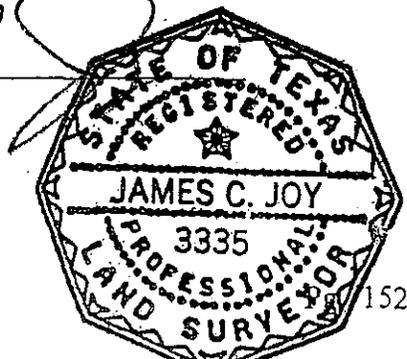
THENCE, along said Gulf of Mexico MLW line, in a southwest direction with its meanders, an approximate distance of 2,443.19 ft., to the point of intersection with the eastern most high bank of the Brazos River Diversion Channel, for a corner;

THENCE, in a northwesterly direction, along said Brazos River Diversion Channel high bank, a more or less distance of 5,571.44 ft., to a point of intersection with the south ROW line of said Intracoastal Waterway, for a corner;

THENCE, N 35° 35' 00" E, 447.16 ft., more or less, along said Intracoastal Waterway south ROW line, to the point of intersection with said Freeport west City Limits Line and the PLACE OF BEGINNING, containing 0.261 square miles of land, more or less.

Certified Correct:


James C. Joy, RPLS
Texas # 3335



**NOTICE OF MEETING OF
COMMISSIONERS' COURT
BRAZORIA COUNTY, TEXAS**

Notice is hereby given that **County Commissioners' Court** will be held at **9:00 a. m.** on **Tuesday, the 10th day of April, 2007**, in the First Floor Commissioners' Courtroom, Suite 100A, County Courthouse, Angleton, Texas. At said meeting the Court will deliberate, discuss, consider and/or take final action on any or all of the following matters:

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION & PLEDGE ALLEGIANCE BY Commissioner Mary Ruth Rhodenbaugh

IV. APPROVAL OF MINUTES OF THE MEETING OF MARCH 27, 2007

V. PUBLIC APPEARANCES

Members of the public may request permission to address the Court. Specific factual information or a recitation of existing policy may be furnished in response to an inquiry made by a member of the general public but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open Meetings Act unless said notice appears herein. The public is reminded that there is a five (5) minute time limit as outlined in Commissioners Court Order #6, dated August 31, 1987

VI. New Business:

A. CONSENT AGENDA - ITEMS 1 - 12

1. County Judge

- a. Approve Listing Agent for Sale of County Property
- b. Approval of Dissolution of Compensation Review Committee
- c. Texas Confederate History and Heritage Month Resolution

2. Commissioners'

- a. Appointment to the Children's Protective Services Board-Precinct 1

3. District Attorney

- a. Proclamation Of April 22 Through April 28, 2007 As Crime Victim's Rights Week For Brazoria County
- b. Authorization for Payment of Berg Oliver Associates Invoice for Consulting Services for the Pearland/Manvel Landfill.

4. Tax Assessor - Collector

- a. Rejection of Offers for Purchase of Tax Foreclosed Property Resale Meeting of March 27, 2007

1. 0045-0016-000 Thru 0045-0016-009 \$2,500.00
2. 0213-0044-000 0213-0008-000 \$1,400.00
for both
3. 0550-0055-000 \$16,969.65
4. 6240-0251-000 \$100.00
5. 6240-0252-000 \$200.00
6. 6240-0253-000 \$200.00

b. Approve Resale of Property held in trust

1. Austin Ln A0089, Block 11, Tr G-H 0.400 ac
0089-0040-000 \$1,600.00
2. Slaughter Rd A0090 Block W (Hanley) Tr 12C-12C1
0090-0041-000 \$3,700.00
3. 408 W Miller St. A0380 Tract 44A 0.20ac
0380-0052-000 \$2,160.00
4. 420 W Miller St A0380, Tr. 44B, 0.11ac
0380-0053-000 \$600.00
5. 10701 Rosemary A0513, Tract 11H (called 19-A-20A-
21A) Iowa Colony 2.750ac 0513-0012-490
\$29,851.37
6. 1534-0334-000 Bar X Ranch, Sec 2, Block 3, Lot 334
1534-0334-00 \$1,500.000
7. 707 Buffalo Trail Bar X Ranch Sec 4, Block 1, Lot 98
1536-0098-000 \$1,500.00
8. Apache Tr Bar X Ranch Sec 6, Block 2, Lot 69 1538-
0069-002 \$649.04.
9. 526 E 5th Freeport, Block 4, Lot 22 4200-0069-000
\$1,620.00
10. 409 E 5th Freeport, Block 12, Lot 3 4200-0185-000
\$1,400.00
11. E 5th St. Freeport, Block 13, Lot 19 4200-0197-000
\$1,400.00

12. 414 E 5th Freeport, Block 13, Lot 21 (E ½)
4200-0199-000 \$700.00
13. 110 Penguin Lane A0126 Lake Alaska, Block J, Lot
55-76-77-78 5760-1155-000 \$2,000.00
14. CR 458B A0030 Lang Shores Block 1, lot 9 to 11
6030-0001-000 \$3,600.00
15. Noveno Las Playas Sec 5, A0002, Block 11, Lot 13
6067-1113-000 \$800.00:
16. Austin St Brazoria, McGreal Block 4, Lot 8
6500-0015-111 \$2,155.00
17. 20414 Oak Forest A0120 Twin Lakes, Block 5, Lot
235 8065-0233-000 \$600.00
18. Avenue D Velasco (Freeport) Block 24, Lot 15-to-18
8110-0289-000 \$1,810.00
19. Avenue I Velasco (Freeport), Block 38, Lot 23
8110-0425-000 \$100.00
20. Avenue I & Avenue J Velasco (Freeport) Block 39, Lot
1 to 24 8110-0427-000 \$1,600.00
21. Avenue G Velasco (Freeport) Block 623, Lot 6 to 12
8110-2193-000 \$9,500.00
22. Avenue P Velasco (Freeport) Block 790, Lot 23 (1/2
int) 8110-4013-000 \$50.00

c. Waiver of Penalty and Interest on Delinquent Taxes

5. Airport

- a. Approve March Monthly Report
- b. Approve Renewal of Brazoria Aviation Services' Concession Agreement

6. Auditor

- a. Approve Accounts Payable
- b. Record budgets for other funds FY 2007

7. CDBG/ HUD/ Welfare Department

- a. Approval of Southeast Texas Housing Grant Funds
- b. Approval of PY 2007 HUD Funding Allocations

- c. Approval of Proclamation Designating April as Fair Housing Month
- d. Conditional Approval of Applicants for Homebuyer Assistance Under the Brazoria County First Time Homebuyer Program in an amount not to exceed \$5,000.00
- e. Conditional Approval of Applicants for Rehabilitation /Reconstruction under the 2005-2006 Home Program
- f. Conditional Approval of Applicants under the Brazoria County on site Sewage Program in an amount not to exceed \$10,000.
- g. Brazoria County Welfare Department Monthly Reports
- h. Brazoria County Housing Choice Voucher (Section 8) Program Monthly Reports.

8. Flood Plain

- a. Brazoria County Dune Protection Plan
- b. BEACHFRONT CONSTRUCTION PERMIT - Andreas Nicolaou, Lot 1, Block 4, Treasure Island S/D, Section 1 - 13202 Gulf Beach Drive
- c. BEACHFRONT CONSTRUCTION PERMIT - Blake Blackwelder, Lots 17 & 18, Block 8, Treasure Island S/D, Section 1 - 13111 Gulf Beach Drive

9. Human Resource

- a. Approve Report Of "First Year" & "Newly Promoted" Merit-Based Pay Increases
- b. Consider Appointment Of County Officials And Employees To Serve On The Insurance Committee.

10. Juvenile

- a. Approve Resolution for Juvenile Accountability Grant FY 2007-2008

11. Purchasing Department

- a. Permission To Advertise For Bids For Road Safety Products
- b. Permission To Advertise For Bids For The Renovations And Additions To The JP Office In Pearland
- c. Permission To Advertise For Bids For The Relocation Of The North Service Center And Commissioner Pct 3 Offices

- d. Approval Of Addendum No. 1 With Abl Management, Inc
For RFP # 06-71 Juvenile Food Services.

12. Road and Bridge Department

- a. Approve Variance Request For Division Of Wayne Stikeleather Tract In Abstract 4 And To Change The Line Between Two Adjoining Tracts (Precinct 1)
- b. Approve Variance Request For Division Of The Nestor And Corazon Vecinal Tract In Abstract 514 (Precinct 2)
- c. Plat Approval – Amended Plat Of Lazy Oak Ranch Subdivision – Abstract 58 (Precinct 1)
- d. Approve Projects Under Blanket Interlocal Agreements For Direct Assistance To Cities And Towns

DISCUSSION AGENDA

A. County Judge

1. Amendment to County Smoke Free Workplace Order

B. Commissioner Precinct 1

1. Consider Order Concerning Reorganization of Floodplain Management Office

C. Tax Assessor - Collector

1. Request for Historical Site Tax Exemption

D. Airport

1. Amendment to Airport Regulations Regarding Lock System for Tenants
2. Request for Assistance from TXDOT for Runway Rehabilitation Project

E. Auditor

1. Approve Capital Improvement Report

F. CDBG/ HUD/ Welfare Department

1. Hearing regarding HUD/Welfare Funds

G. Human Resource

1. Consider Requested Personnel Changes at the Juvenile Probation Department

H. Purchasing Department

1. Permission To Award Bid #07-58 Purchase Of Body Armor For Brazoria County Law Enforcement
2. Permission To Award Bid #07-43 Purchase Of County Wide Vehicles
3. Purchase Of Security Fence For Brazoria County Juvenile Residential Area In The Amount Of \$31,332.47
4. Permission To Award Bid #07-54 Body Transport Service For Central And West Service Center Areas
5. Revise Renewal Of Lease For Pearland WIC Site

VII. Announcements

VIII. Closed Meeting

The Commissioners' Court will conduct a closed meeting under the following section or sections of V.T.C.A. government Code, Chapter 551, subchapter D.; (After which the Court will reconvene in open session and may take any action deemed necessary based on discussion in closed meeting)

- A. Texas Government Code, Section 551.071 - Consultation with attorney in respect to pending or contemplated litigation, settlement offers, and matters where duty of public body's counsel to client, pursuant to code of professional responsibility of the State Bar of Texas, clearly conflicts with this chapter.

IX Workshop

1. Discussion regarding Brazoria County Fairgrounds Maintenance and Lease Agreement.

X Adjourn

E.J. King

Brazoria County Judge

The Brazoria County Commissioners Court is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal opportunity for effective communications will be provided upon request. Please contact the **Office of the County Judge** at **(979)-864-1200** at least 24 hours in advance if accommodation is needed.

NOTE: ITEMS WILL NOT NECESSARILY BE PRESENTED IN THE ORDER THEY ARE POSTED

April 10, 2007

TO: COMMISSIONERS' COURT OF BRAZORIA COUNTY, TEXAS

REGULAR/~~SPECIAL~~ SESSION

ORDER NO. 49

RE: Brazoria County Dune Protection Plan

Motion by Commissioner Sebesta, seconded by

Commissioner Payne that the following action be taken by the Court.

Brazoria County delegates it's authority to the City of Freeport for Dune Protection in the Bryan Beach area that was incorporated into the city limits of Freeport described by City Ordinance 2003 2018, August 14, 2003; City Ordinance 2003 2029, dated October 20, 2003; City Ordinance 2004 2033, dated January 5, 2004; and City Ordinance 2004 2042, dated March 22, 2004, effective this date.

This authority is conditionally given based on the City of Freeport's Dune Protection Plan approval from Texas General Land Office.

Further, that a certified copy of this Court Order be sent to Penny Goode, Floodplain/911

Administrator.

VOTING

AYE NAY

County Judge King
Commissioner Payne
Commissioner Sebesta
Commissioner Harris
Commissioner Rhodenbaugh

BRAZORIA COUNTY COMMISSIONERS' COURT

REGULAR SESSION – JUNE 08, 2010

BE IT REMEMBERED THAT ON JUNE 08, 2010, THERE WAS BEGUN AND HOLDEN A REGULAR SESSION OF COMMISSIONERS' COURT WITH THE FOLLOWING MEMBERS PRESENT:

E. J. "JOE" KING, COUNTY JUDGE
DONALD "DUDE" PAYNE, COMMISSIONER, PRECINCT #1
L. M. "MATT" SEBESTA, COMMISSIONER, PRECINCT #2
STACY L. ADAMS, COMMISSIONER, PRECINCT #3
MARY RUTH RHODENBAUGH, COMMISSIONER, PRECINCT #4
JOYCE HUDMAN, COUNTY CLERK

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION & PLEDGE OF ALLEGIANCE BY COMMISSIONER ADAMS

IV. APPROVAL OF MINUTES

IV.A. Approving Previous Commissioners' Court Minutes

The Commissioners Court Minutes dated May 25, 2010 be approved by the Court as presented.

Motion to Approve by Commissioner Payne, seconded by Commissioner Sebesta that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

V. PUBLIC APPEARANCES

Members of the public may request permission to address the Court. Specific factual information or a recitation of existing policy may be furnished in response to an inquiry made by a member of the general public but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open Meetings Act unless said notice appears herein. The

public is reminded that there is a five (5) minute time limit as outlined in Commissioners Court Order #6, dated August 31, 1987

V.A. Presentation of Check from Marine Corps League to the Ring of Honor

VI. FORMAL REPORTS AND APPEARANCES

VI.A. Shadow Creek Ranch TIRZ #2 Annual Report 2009

Rescheduled until a future time.

VI.B. Linda Bell - Gulf Coast Center

VII. PROCLAMATIONS/RESOLUTIONS

VII.A. Proclamation - National Flag Day

Approve the Proclamation designating June 14, 2010 as Nation Flag Day.

Motion to Approve by Commissioner Payne, seconded by Commissioner Rhodenbaugh that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII. NEW BUSINESS

VIII.A. CONSENT AGENDA - ITEMS

VIII.A.1. District Attorney

VIII.A.1.a. Consider amendment to Agreement with the Alliance with respect to location of its office

The Court approves and authorizes the County Judge to execute an amendment to the Brazoria County Economic Development Plan Agreement June 23, 2009 changing Section 2.4 to read as follows:

2.4 The Alliance shall be domiciled in and maintain its principal office in Angleton, Texas or it surrounding area.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.1.b. Amending Court Order 56 dated October 23, 2007 approving the Dow Chemical Company Tax Abatement Application: Order Granting Tax Abatement and Variance

On October 23, 2007, the Court approved the Dow Chemical Company Tax Abatement Application. A variance was granted from the provision of Section 2(g) of the Brazoria County Guidelines and Criteria for granting tax abatement to allow the term of abatement to be effective January 1, 2011.

On May 18, 2010, a request was received from Dow Chemical requesting that the Chlorine 7 project Abatement start date be delayed until January 1, 2014. (See Exhibit "A").

Therefore, this Court hereby orders that Order No. 56 dated October 23, 2007 be amended and corrected to reflect the effective date of the Tax Abatement Agreement be January 1, 2014.

It is therefore so ordered.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.1.c. Amending Court Order 30 dated December 8, 2009 approving of County's Tax Increment Participation in the Seven Oaks Ranch Tax Increment Reinvestment Zone - Manvel TIRZ (City of Manvel)

On December 8, 2009, the Court approved Brazoria County's

participation in the SEVEN OAKS RANCH TAX INCREMENT REINVESTMENT ZONE – MANVEL TIRZ (City of Manvel, TIRZ NO. 2).

On May 10, 2010 the City of Manvel terminated Tax Increment Reinvestment Zone Number Two (See Exhibit "A") and Created Reinvestment Zone Number Three (See Exhibit "B").

Therefore, this Court hereby orders that Order No. 30 dated December 8, 2009 be amended and corrected to reflect Brazoria County's participation in the SEVEN OAKS RANCH TAX INCREMENT REINVESTMENT ZONE – MANVEL TIRZ (City of Manvel, TIRZ NO. 3).

It is therefore so ordered.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.1.d. Order Granting Request to Expand Junkyard Permit

Parts Unlimited, Inc. is a junkyard that is permitted through the Brazoria County Environmental Health Department and has been in operation since October 30, 1995.

Whereas, Parts Unlimited, Inc. is requesting an expansion of the current existing junkyard.

Whereas, Parts Unlimited, Inc. is in compliance with all County and State regulations and complies with the Brazoria County Environmental Health Department's Amended Rules for Junkyards, Automotive Wrecking and Salvage Yards;

Therefore, Parts Unlimited, Inc. is hereby authorized to expand its operations located at 17511 Pearland Sites Road, Pearland, Texas.

The Brazoria County Environmental Health Department is hereby instructed to amend Parts Unlimited, Inc.'s permit file to include the new boundaries of the junkyard.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.2. Tax Assessor - Collector

VIII.A.2.a. Travis

Account No: 6500-0001-000
Resale Meeting of: April 2010

Approve the resale of the following trust property by Brazoria County in the amount of \$4,797.00.

McGreal (Brazoria), Block 7, Lot 5
Acres .1414
6500-0001-000

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.3. Treasurer

VIII.A.3.a. Treasurer's Monthly Report and Monthly Investment Report for April 2010

Approve Treasurer's Monthly Report and Monthly Investment Report for April 2010

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner

Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.4. Auditor

VIII.A.4.a. Payment of bills

That the checks payable through Monday, June 7, 2010 be approved for payment in accordance with Local Government Code 111.021.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.4.b. Record budgets for other funds

That the Brazoria County Fund activity items listed in the detail below be amended in accordance with Local Government Code 111.011:

D A Supplemental 420000 (Operating) 126 260
\$7,000

Record budget amendment for the District Attorney Supplemental fund. Reserve funds are available for the expenditures.

Capital Improvements 450000 (Capital) 115 149
\$1,878

Record budget amendment for the Capital Improvements fund. Reserve funds are available for the expenditures.

Civil, Criminal & Probate Records Management - County Clerk
420000 (Operating) 321 110

\$3,800
Record budget amendment for the Civil, Criminal & Probate Records Management fund. Reserve funds are available for the expenditures.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.4.c. Line item transfers: FY2010

That the Brazoria County Fund activity items listed in the detail below be amended in accordance with Local Government Code 111.011:

Information Systems	420000 (Operating)	100	330	\$885
Library	420000 (Operating)	100	700	(\$885)

Record line item transfer from Library to Information Systems for scanners and printers.

Road and Bridge	370020 (Reimb)		205	610
-----------------	----------------	--	-----	-----

(\$235,600)

	420000 (Operating)	205	610	
--	--------------------	-----	-----	--

\$235,600

Record budget amendment for the reimbursement from ConocoPhillips Company for their participation regarding the construction of a FM524 Bypass around the Sweeny Chemical complex. Commissioners' Court previously approved the FM524 Bypass item on September 9, 2008 with Court Order No. 28.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.5. CDBG/HUD/Welfare Department

VIII.A.5.a. Brazoria County Welfare Department Monthly Reports

Approve the Brazoria County Welfare Department Monthly Reports for the month of May, 2010.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the

above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.5.b. Brazoria County Housing Choice Voucher (Section 8) Program

Approve the Brazoria County Housing Choice Voucher (Section 8) Program Monthly Reports for the month of May, 2010.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.5.c. Opening of the Waiting List for Section 8

Consider request from staff to approve the opening of the Section 8 Waiting List and any applications received prior to approval.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.6. Environmental Health

VIII.A.6.a. Applicant for Supplemental Environmental Project (SEP) Funding Of On-Site Sewage Facility

Approve the following applicant for installation of an on-site sewage facility (OSSF) under the TCEQ funded SEP for Wastewater

Treatment Assistance in an amount up to \$10,000.00 and authorize the County Judge to approve the selected bid for the project. Further, to approve the waiver of the County's portion of the OSSF permit fee in the amount of \$200.00.

Applicants
Rodney Bentley
77515

Property
2722 Bayou Dr; Angleton, TX

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.7. Flood Plain

VIII.A.7.a. Beachfront Construction Permit - Darryl & Arlene Poole/Owner/Contractor; San Luis Beach S/D, Lot 9 & 10, Block 4; 4534 CR 257

1. Approve the recommendation of the Brazoria County Floodplain Administrator that permission be granted for construction of an addition of 1,145 square feet with NO concrete under the habitable structure.
2. The existing structure which will be added on to will be brought up to the current required elevation.
Further that a certified copy of this order will be sent to the Brazoria County Floodplain Administrator.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.8. Health

VIII.A.8.a. FY 2011 Local Public Health Services (LPHS) Contract

Order Authorizing Approval of FY 2011 Local Public Health Services (LPHS) Contract between the Texas Department of State Health Services and the Brazoria County Health Department for Regional and Local Health Services.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.8.b. Approval to accept SSBG Grant Agreement

Permission to accept SSBG Grant Agreement Document No. 2010-034941 to provide outreach, education, testing, tracking STD/TB.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.9. Human Resource

VIII.A.9.a. Fully Funded WIC Positions

Upon request by the WIC Director and the County Public Health Director approve adding 9 positions, one (1) Regular full-time and eight (8) Regular part-time positions at WIC. These positions will be entirely funded by the WIC State Agency and through Reimbursement funding (no County funds will be used). Eight (8) of these new positions (8 part-timers) will be for the WIC Breastfeeding Peer Counselor program, (fund 285) and one (1) full-time position will

be used for the centralized WIC call center, (fund 282).

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.9.b. Consider a Promotion-Based Pay Increase

Upon request by the Commissioner Precinct 1 and recommendation by the Compensation Review Committee approve a promotion-based pay increase for employee #12740 from Grade 30/Step 5 (\$15.27 per hour) to Grade 32/Step 5 (\$17.16 per hour), effective June 14, 2010.

Date change from June 14 to June 9 for Sonja Draper's start date in Precinct 1.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.10. Library

VIII.A.10.a. Out of state travel to Polaris Users Group annual conference in Syracuse, NY

Approval of out of state travel for four library employees to attend the annual conference held in Syracuse, NY from, Sept 30 - Oct 2. Prior to the conference two employees (the system administrators) will attend advanced sys admin training from Sept 27 - 29.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the

above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.10.b. Renew SCSEP (Senior Community Service Employment Program) Host Agency Agreement

Approve the Agreement between the County and the SCSEP Employment Program to renew the Worksite Agreement. Further, that the County Judge be authorized to sign said Agreement on behalf of Brazoria County.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.11. Parks

VIII.A.11.a. Use Agreement Between Brazoria County and the Saltgrass Antique Tractor and Farm Club

That Commissioners Court approve use agreement between Brazoria County and the Saltgrass Antique Tractor and Farm Club. And that upon approval by the District Attorney, the County Judge be authorized to sign.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.11.b. Summer Jobs Worksite Agreement Between Brazoria County and

Employment & Training Centers, Inc.

That Commissioner's Court approves agreement between Brazoria County and Employment & Training Centers, Inc. And, that upon approval by Commissioners Court that the County Judge be authorized to sign agreement.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.12. Purchasing Department

VIII.A.12.a. Renew Contract 07-47 Elevator Maintenance

Renew the current contract #07-47 for Elevator Maintenance for Brazoria County Facilities with ThyssenKrupp Elevator Corporation of Atlanta, Georgia. The current period expired on January 31, 2010.

The renewal period will be retroactive from February 1, 2010 to January 31, 2011 and shall be subject to terms, conditions and pricing of the current TCPN (The Cooperative Purchasing Network) contract number R4679.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.13. Road and Bridge Department

VIII.A.13.a. Invoice for Renewal of BCTRA Directors and Officers Liability Insurance

As approved by the Board of Directors of the Brazoria County Toll

Road Authority (BCTRA), approve invoice in the amount of \$1,671.00 to Victory Insurance for renewal of Directors and Officers Liability Insurance.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.13.b. Invoices for Reimbursement of Expenses for the 2010 Texas Transportation Forum

As approved by the Board of Directors of the Brazoria County Toll Road Authority (BCTRA), approve invoices in the amount of \$541.65 to Director Tom Stansel and the amount of \$611.70 to Kent Burkett for reimbursement of expenses for the 2010 Texas Transportation Forum.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.13.c. Re-location Cost for Parcel 2 Along FM 524/CR 359 Project (Precinct 4)

Commissioners' Court approved purchase of right-of-way for the re-location of Farm-to-Market Road 524 along County Road 359 by Court Order No. 59, dated June 23, 2009.

In order to acquire said parcels for the project, utilities will need to be re-located on Parcel 2. Cost for relocating utilities is not to exceed \$26,988.00.

Whereas, the County will be reimbursed for this expenditure pursuant to the Developer's Agreement with Conoco Phillips, approved in Court Order No. 28 dated 9th of September 2008, and attached hereto; and

Whereas, the initial funds for this expenditure will be paid from budgeted Road and Bridge funds.

Therefore Commissioners' Court approves funds not to exceed \$26,988.00 for re-location cost associated with acquisition of Parcel 2 for Farm-to-Market Road 524 along County Road 359 Project.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.13.d. Authorization to Advertise for a Public Hearing Regarding Regulatory Signs for the Road and Bridge Department

That the County Engineer be authorized to advertise for a Public Hearing pursuant to Section 251.152 of the Transportation Code, regarding signs to be posted in Brazoria County. Said public hearing to be held on Tuesday, June 22, 2010 in the Commissioners' Courtroom, Room 101A.

The signs to be posted are as follows:

Stop Signs

Intersection of CR 79M [Glenhill Dr.] & CR 79Q [Englewood Dr.] (Precinct 2), will be changed to a 3-way stop.

Further, that the County Engineer is granted authority by the court to determine the number and locations of signs on county roads within the limits shown above as necessary to maintain roadway safety.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.A.13.e. Projects Under Blanket Interlocal Agreements for Direct Assistance to Cities and Towns

That pursuant to provisions of Ch. 251.012, Transportation Code, as amended by act of the State legislature on May 26, 1999, this Court hereby finds that the County will receive benefit as a result of the work on the streets or alleys listed below; and the following projects are approved to be completed as Road and Bridge Department schedules permit, and with all materials furnished by the cities, in accordance with Interlocal agreements approved by the Court and the applicable City Councils.

Further, that the County Engineer is authorized to sign acceptance statements for the approved projects at the appropriate time and to authorize the work.

Holiday Lakes

Drainage work:

Shanahn
Shaughnsey
O'leary
Anaik Drive
Casey
Duffy

Slope mowing:

Creekside
Kelly
N. Lake

Richwood

Set culverts:

31803 Amberjack Drive
31719 Amberjack Drive
3011 Bayou View Court
32403 Bayou Bend

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.A.13.f. Interlocal agreement with the City of Manvel to asphalt the parking lot a the new city hall (Precinct 3) No. 10-0014

Approve Interlocal Agreement with the City of Manvel to provide equipment with operators to overlay with asphalt the new city hall parking lot located at 20025 Highway 6, on property owned by the City, with all materials to be furnished by the City, pursuant to Texas Transportation Code Sec. 251.015, and the Interlocal Cooperation Act, Tex. Gov. Code Sec. 791.001 et. Seq.

Reimbursement shall be made to the County for personnel and equipment, if such costs exceed \$10,000.

Further, that under the terms of the Agreement, attached as Exhibit A, the County will supply equipment with operators to overlay with asphalt the new city hall parking lot located at 20025 Highway 6, on property owned by the city.

The County Judge is authorized to sign the above-referenced Interlocal Agreement on behalf of the County.

A certified copy of this order shall be forwarded to the County Engineer.

Should be Precinct 2

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.B. DISCUSSION AGENDA

VIII.B.1. District Attorney

VIII.B.1.a. Order Adopting Storm Water Quality Ordinance

1. The attached copy of the "Storm Water Quality Ordinance" be approved and made a part of this order. This Ordinance is designed to comply with the Texas Pollutant Discharge Elimination System (TPDES) Phase II as required by the Texas Commission on Environmental Quality. This Ordinance shall become effective June 8, 2010.
2. Said Order will be regulated and enforced by the Brazoria County Engineering Department and the Floodplain Administrator as set forth in the Ordinance.
3. Further, that a certified copy of this order be sent to the Brazoria County Engineering Department and Floodplain Administrator.

Motion to Approve by Commissioner Adams, seconded by Commissioner Payne that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.B.1.b. Order Authorizing the Environmental Health Department Director to Terminate the Provisions of the Interlocal Agreement dated September 29, 1998

1. Hereby authorizes the Environmental Health Department Director to terminate the provisions of the Interlocal Agreement for Regulations of Private Sewage Facilities between Brazoria County and Brookside Village entered into on September 29, 1998 as she deems appropriate based upon the official action taken by Brookside Village on May 20, 2010 to adopt the Texas Commission on Environmental Quality's model On-site Sewage Facility Ordinance.
2. Further Ordered that a certified copy of this order be sent to Brazoria County Environmental Health Department.

Motion to Approve by Commissioner Adams, seconded by Commissioner Rhodenbaugh that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.B.1.c. Brazoria County Dune Protection Plan

1. Brazoria County delegates it's authority to the City of Freeport for Dune Protection in the area that was incorporated into the city limits of Freeport described by City Ordinance 2009-2233 dated December 31, 2009, effective this date.
2. This authority is conditionally given based on the City of Freeport's Dune Protection Plan approval from Texas General Land Office.
3. Further, that a certified copy of this Court Order be sent to the Floodplain Administrator.

Motion to Approve by Commissioner Payne, seconded by Commissioner Rhodenbaugh that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.B.2. Auditor

VIII.B.2.a. Additional funds: FY2010

That the Brazoria County Fund activity items listed in the detail below be amended in accordance with Local Government Code 111.011:

Parks 450000 (Capital) 100 711 \$89,025
Record budget amendment for the Surfside Jetty Restroom Facility approved by Commissioners' Court on May 25, 2010 with Court Order No. VI.B.4.a. Insurance proceeds related to the Surfside Jetty Cabin fire were deposited in FY 2009.

Library 420000 (Operating) 100 700 \$118,560
Additional funds are needed for contract services at the Alvin Library

for restoration of books and equipment. The restoration is necessary as a result of the April 28, 2010 fire at the Alvin Library. Possible reimbursements for these costs are pending.

Motion to Approve by Commissioner Rhodenbaugh, seconded by Commissioner Adams that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.B.3. Purchasing Department

VIII.B.3.a. Award Bid #10-49 Lumber and Related Supplies

Award ITB#10-49 Lumber and Related Supplies for Repair of Quintana County Park Boardwalk to Pearland Lumber Company of Pearland, Texas who submitted the lowest and best bid meeting our specifications in the amount of \$52,522.84.

Further, that the County Judge be authorized to sign said Agreement on behalf of Brazoria County.

Motion to Approve by Commissioner Sebesta, seconded by Commissioner Payne that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams
Nay: (None)

VIII.B.4. Road and Bridge Department

VIII.B.4.a. Approve Proposal of Engineering Services for the Design of West Fork Chocolate Bayou Detention Pond

Approve the expenditure not to exceed \$68,486.00 to LJA Engineering and Surveying, Inc. (LJA), for Engineering Services for the design of West Fork Chocolate Bayou Detention Pond.

Whereas, the construction of this Detention Pond is necessary for the

improvements and widening of CR 48 from Hwy 6 to just north of CR 58.

Further, that the funds for this expenditure shall be paid through the Mobility Fund for CR 48.

Further, that a certified copy of this order be furnished to the County Engineer.

Motion to Approve by Commissioner Rhodenbaugh, seconded by Commissioner Payne that the above action be taken by the Court.

Passed: 5-0

Aye: Judge King, Commissioner Payne, Commissioner Sebesta, Commissioner Rhodenbaugh, Commissioner Adams

Nay: (None)

VIII.B.5. Department Heads

IX. ANNOUNCEMENTS

X. RECESS

Recessed at 9:21 A.M.

JOYCE HUDMAN, COUNTY CLERK
BRAZORIA COUNTY
EX-OFFICIO MEMBER COMMISSIONERS' COURT

Joyce Hudman

Date: 6/8/2010

THE REGULAR COMMISSIONERS COURT SESSION OF BRAZORIA COUNTY, TEXAS

ORDER NO. VIII.B.1.c.

RE: Brazoria County Dune Protection Plan

- 1. Brazoria County delegates it's authority to the City of Freeport for Dune Protection in the area that was incorporated into the city limits of Freeport described by City Ordinance 2009-2233 dated December 31, 2009, effective this date.**
- 2. This authority is conditionally given based on the City of Freeport's Dune Protection Plan approval from Texas General Land Office.**
- 3. Further, that a certified copy of this Court Order be sent to the Floodplain Administrator.**

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, JULY 16, 2007, 6:00 P.M.
MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 N. BRAZOSPORT BLVD.

AGENDA FORMAL SESSION

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of the approval of the July 2, 2007 Council Minutes. Pg. 941-946
5. Attending Citizens and Their Business.
6. **Public Hearing:** To consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement: Pg. 947
Bridge Harbor, F. J. Calvit, Division 8
Lot 93, Brazoria County
7. Consideration of the approval of Ordinance No. 2007-2168 designating Lot 93, Bridge Harbor, as a reinvestment zone to be known as the William Howard and Candace Kasserman for improvements on Lot 93, Bridge Harbor. Pg. 948-956
8. Consideration of the approval of Resolution No. 2007-2150 granting a tax abatement agreement to William Howard and Candance Kasserman. Pg. 957-969
9. Consideration of the approval of bids and awarding the contract on the deck for RiverPlace project. Pg. 970
10. Consideration of the approval of Resolution No. 2007-2147 reappointing John Smith, III, Carlos Martinez, Louie Jones, and appointing Mark Wessels to the Economic Development Corporation of said City. Pg. 971
11. Consideration of the approval of Resolution No. 2007-2149 reappointing Willie Rains, and appointing Freddie Brenk, Dorothy Pirrung, Tobey Davenport, and Joyce Adkins to the Charter Review Commission of said City. Pg. 972
12. Consideration of the approval of purchasing Block 18, Lots 13 thru 18, Freeport Townsite, known as 414-422 East Broad. Pg. 973-976
13. Consideration of the approval of purchasing of 10/16th un-divided interest on Block 617, Lot 5, Velasco Townsite, located on North Ave. M. Pg. 977-980

Elected Official Report

Work Session

- A. Discussion regarding water and sewer utilities to Bryan Beach Subdivision.
Pg. 983
- B. Discussion concerning a beach dune protection ordinance. Pg. 984
- C. Presentation by Edith Fisher, Director of Tourism of the Brazosport Convention & Visitors Council promoting and request for continued funding. Pg. 984-B
- D. Financial review of the 3rd quarterly report of fiscal year 2006-2007. Pg. 985-993
- E. Discussion concerning Commercial and Residential Tax Abatement Guidelines and Criteria. Pg. 994-1016

Adjourn

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code)

In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meetings.

Please contact the City Secretary office at 979.233.3526.

I, Delia Munoz, City Secretary, City of Freeport, Texas, hereby certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hour a day public access, 200 W. 2nd Street, Freeport, Texas on, July 11, 2007, 2007 at or before 5:00 p.m.

Delia Muñoz, City Secretary
City of Freeport, Texas

STATE OF TEXAS

COUNTY OF BRAZORIA

CITY OF FREEPORT

BE IT REMEMBERED, that the City of Freeport, met in a regular meeting on Monday, July 16, 2007, at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Larry L. McDonald
 Clan A. Cameron – absent
 Jim Saccomanno
 John Smith, III
 Norma M. Garcia

Staff: Ron Bottoms, City Manager
 Wallace Shaw, City Attorney
 Delia Munoz, City Secretary
 Gary Beverly, Finance Director
 Larry Fansher, Public Works Director
 Nat Hickey, Property Manager
 Jeff Pynes, Police Chief
 Doug Caffey, Building Inspector
 Larry Ellis, Code Enforcement

Visitors: Sandra Shaw Wayne Shaw
 Edith Fisher Richard Rangel
 Rene Damian Cele Damian
 Paul Damian Wright Gore, III
 Bobby Joe Casale Larry Schaefer
 Judy Schaefer Eric Hayes
 Lila Diehl Rosa McDonald
 Cathy Williams Angel Kant
 Jason Montier William Howard
 Candance Kasserman Lila Lloyd
 Carmen Bottoms George Elizondo
 George Matamores Abel Garcia
 Jerry Meeks Dorothy Pirrung
 Jim Pirrung Frances Schultz
 Angela Kant Vicki Melass
 Jim McEntire Wallace Neeley
 Diane Williams

Call to Order.

Mayor McDonald called the meeting to order at 6:01 p.m.

Invocation.

Pastor Abel Garcia from the First Baptist Church offered the invocation.

Attending Citizens and Their Business.

Angela Kant of 115 W. Broad asked how she was in violation of the open meeting s act. Mr. Shaw explained in detailed how it could be violated. He also explained to her the procedures of getting on an agenda and/or executive session.

Jim McEntire of 727 W. 12th Street stated that for the last 10 years or so, he has tolerated and complained about the care of premises of 803 W. 12th Street. He would like the Mayor to sign a letter from the Brazoria County so they can go in and cleanup. The residence was not livable.

Bobby Casale of Bridge Harbor reminded Council that he would be at the budget workshops, wants to protect homeowners from the appraisal district.

Wright Gore, III of 301 W. Brazos, believed that the conference room at City Hall was too small for the budget workshop, suggested the budget workshop be held in the Council Chambers, at the Freeport Police Department, Municipal Court Room.

Public Hearing: To consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement:

Bridge Harbor, F. J. Calvit, Division 8
Lot 93, Brazoria County

Mayor McDonald opened the public hearing at 6:14 p.m. Cathy Williams asked what was the purpose of the tax abatement. Mr. Bottoms stated that the City offers a residential tax abatement on improvements that are over \$5,000.00 and the owners of Lot 93 were building a new home and submitted an application for tax abatement.

There being no further questions or comments, Mayor McDonald closed the public hearing at 6: 17 p.m.

Consideration of the approval of Ordinance No. 2007-2168 designating Lot 93, Bridge Harbor, as a reinvestment zone to be known as the William Howard and Candace Kasserman for improvements on Lot 93, Bridge Harbor.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2007-2168 designating Lot 93, Bridge Harbor, as a reinvestment zone to be known as the William Howard and Candace Kasserman for improvements on Lot 93, Bridge Harbor.

Consideration of the approval of Resolution No. 2007-2150 granting a tax abatement agreement to William Howard and Candance Kasserman.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved Resolution No. 2007-2150 granting a tax abatement agreement to William Howard and Candance Kasserman.

Consideration of the approval of bids and awarding the contract on the deck for RiverPlace project.

Consideration of the approval of Resolution No. 2007-2147 reappointing John Smith, III, Carlos Martinez, Louie Jones, and appointing Mark Wessels to the Economic Development Corporation of said City.

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting, 3 to 1, Council approved Resolution No. 2007-2147 reappointing John Smith, III, Carlos Martinez, Louie Jones, and appointing Mark Wessels to the Economic Development Corporation of said City. Mayor McDonald opposed.

Consideration of the approval of Resolution No. 2007-2149 reappointing Willie Rains, and appointing Freddie Brenk, Dorothy Pirrung, Tobey Davenport, and Joyce Adkins to the Charter Review Commission of said City.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved Resolution No. 2007-2149 reappointing Willie Rains, and appointing Freddie Brenk, Dorothy Pirrung, Tobey Davenport, and Joyce Adkins to the Charter Review Commission of said City.

Consideration of the approval of purchasing Block 18, Lots 13 thru 18, Freeport Townsite, known as 414-422 East Broad.

On a motion by Councilman Saccomanno, seconded by Councilman Smith, with all present voting "aye", Council unanimously approved purchasing Block 18, Lots 13 thru 18, Freeport Townsite, known as 414-422 East Broad.

Consideration of the approval of purchasing of 10/16th un-divided interest on Block 617, Lot 5, Velasco Townsite, located on North Ave. M.

On a motion by Councilman Smith, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved purchasing 10/16th un-divided interest on Block 617, Lot 5, Velasco Townsite, located on North Ave. M.

Consideration of the approval of AT&T placing a new fiber optic in Freeport from 1021 Broad Street to FM 1495 and CR 723, along the city's right of way.

On a motion by Councilman Smith, seconded by Councilman Saccomanno, with all present voting "aye", Council unanimously approved AT&T request to place new fiber optic in Freeport from 1021 Broad Street to FM 1495 and CR 723, along the city's right of way as long as it does not impact or interfere with future utilities.

Elected Official Report

Councilman Saccomanno reported on the Main Street Historical activities. He received a letter from the Velasco Drainage District that FEMA is requiring recertification of the levees. The levees need to be recertified or will be removed from the flood zone maps. Presently there is no funding. Mr. Bottoms said letters had been set to legislatures to address this issue.

Mayor McDonald, Councilwoman Garcia and Councilman Smith attended the groundbreaking ceremony of the Veterans Memorial at Freeport Municipal Park. Also the Veterans Memorial Fish Fry Fundraiser on July 14, 2007. Both of the events were well attended. She received email from the Tim and Kathy Dennis, declining to build

Work Session

Discussion regarding water and sewer utilities to Bryan Beach Subdivision.

Dan Rucker discussed establishing feasibility of Freeport extending water to Quintana Island. Also, discussed establishing the feasibility of the City of Freeport participating in a Sanitary Sewer System provided by Coastal Bend Property Development for customers in the Bryan Beach subdivision. Rene Damian of Damian & Damian Associates updated council on the latest drawings and cost estimate. He stated that Quintana Island had lost their Mayor and City Secretary and that this will be addressed with their new council.

Discussion concerning a beach dune protection ordinance.

Angela Sunley with the Texas General Land Office discussed the beach dune protection plan and the requirement to adopt an ordinance by September 2007, which needs to be approved by the Texas General Land Office.

Presentation by Edith Fisher, Director of Tourism of the Brazosport Convention & Visitors Council promoting and request for continued funding.

Edith Fisher, Director of Tourism of the Brazosport Convention & Visitors Council promotes the Brazosport Area as a convention and leisure designation. She stated that the beach is one of the biggest draw to the area. She requested Council to continue funding the Brazosport Convention & Visitors Council. Diane Williams of 1223 W. 2nd Street, stated that Freeport was not in the Texas Tourism Magazine and asked how Freeport could be included in the publication.

Financial review of the 3rd quarterly report of fiscal year 2006-2007.

Gary Beverly reported on 3rd quarter financials. As of 6/30/07 we have \$10,186,685 in cash, with \$774,769 restricted. Revenues are up 6.4% from last year and are on budget. Expenses are up 4.0% and are on budget. Projected cash as of 9/30/07 is \$3,719,098, because of the City Loan to the EDC for the Marina Project. The City has spent \$1,020,709a in capital expenditures, and has \$6,043,000 in debt outstanding.

Discussion concerning Commercial and Residential Tax Abatement Guidelines and Criteria.

Mr. Bottoms discussed the current application for commercial and residential tax abatement guidelines and criteria. The deadline to review and approve a new application for tax abatements in the City is September, 2007. Mr. Bottoms had other templates from other cities for review. The City of Freeport is the only City that offers a residential tax abatement, he recommends removing the residential application.

Councilman Saccomanno stated that tax abatements be used to draw new businesses and not after the fact.

Adjourn

On a motion by Councilman Saccomanno, seconded by Councilwoman Garcia, with all present voting "aye", the meeting was adjourned at 8:00 p.m.

ORDINANCE NO. 2009-2233

N

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 1.03 OF THE HOME RULE CHARTER OF SAID CITY, ANNEXING APPROXIMATELY 122 ACRES OF LAND OUT OF THE JOHN MARTIN SURVEY, ABSTRACT 331, THE RICHARD H. BARROW SURVEY, ABSTRACT 639 AND THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 29, BRAZORIA COUNTY, TEXAS,, LOCATED SOUTH OF THE TRACT OF 122 ACRES OF LAND ANNEXED BY THE CITY OF FREEPORT BY ORDINANCE NO. 2007-2164, DATED MAY 21, 2007, AND SOUTH OF THE GULF INTRACOASTAL WATERWAY, WITHIN THE EXTRATERRITORIAL JURISDICTION OF AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, SUCH AREA CONSTITUTING A CONTIGUOUS AND UNINCORPORATED AREA LYING WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO DATED SEPTEMBER 28, 2009; CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT REGARDING SUCH ANNEXATION AND ITS COMPLIANCE WITH THE PROVISIONS OF SAID CHARTER AND THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; APPROVING THE SERVICE PLAN ATTACHED THERETO AND PROVIDING THAT ANY FUTURE INHABITANTS THEREOF SHALL BE ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF SAID CITY AND SHALL BE BOUND BY THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING THAT THE ZONING CLASSIFICATION OF SAID AREA SHALL BE R-1 DISTRICT, SINGLE FAMILY RESIDENTIAL, IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE THE CAPTION OF THIS ORDINANCE TO BE PUBLISHED TWICE IN THE BRAZOSPORT FACTS AFTER THE ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTIONS.

RECORDER'S MEMORANDUM:
 At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon, or photo-copy, discolored paper, etc. All brackets, additions and changes were present at the time the instrument was filed and recorded.

WHEREAS, Section 1.03 of the Home Rule Charter of the City of Freeport, Texas, authorizes the City Council of said City, being the governing body thereof, to annex additional territory with or without the consent of the territory and the inhabitants annexed, in accordance with the Municipal Annexation Act codified as Chapter 43 of the Local Government Code, hereinafter called "the Code"; and,

WHEREAS, Section 43.052 of the Code exempts from inclusion in the annexation plan of a municipality an area proposed for annexation which contains less than 100 tracts of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.061 of the Code provides that Subchapter C-1 of Chapter 43 applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 43.052 of the Code; and,

WHEREAS, Section 43.062 of Subchapter C-1 of the Code provides that Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, 43.0567 and 43.057 of Subchapter C of the Code apply to the annexation of an area to which Subchapter C-1 of Chapter 43 applies; and,

WHEREAS, Section 43.051 of the Code allows a municipality to annex an area not owned by the municipality only if such area is within the extraterritorial jurisdiction of such municipality; and,

WHEREAS, Section 42.021(2) of the Code defines extraterritorial jurisdiction, for a municipality with a population of more than 5,000 but less than 25,000, as being all of the contiguous unincorporated area, not a part of any other municipality, located within one (1) mile of the corporate limits thereof; and,

WHEREAS, Section 43.054 of the Code prohibits a municipality with a population of less than 1.6 million from annexing a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream or creek, having a width at its narrowest point of less than 1,000 feet unless the boundaries of the municipality are contiguous to the area on at least two (2) sides, the annexation is initiated on the written petition of the owners or of a majority of the qualified voters of the area or the area abuts or is contiguous to another jurisdictional boundary; and,

WHEREAS, Section 43.0545(a) and (b) of the Code prohibits a municipality from annexing an area located in the extraterritorial jurisdiction of the municipality only because the area is either contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point or is contiguous to municipal territory that was annexed before September 1, 1999, and was in the extraterritorial jurisdiction of the municipality because the territory was contiguous to municipal territory that was less than 1,000 feet in width at its narrowest point; and,

WHEREAS, Section 43.055 of the Code prohibits a municipality, in a calendar year, from annexing a total area greater than 10 percent of the incorporated area of the municipality as of January 1 of that year; and,

WHEREAS, Sections 43.0565 and 43.0567 of the Code providing for arbitration of a service plan's provision for water or sewer service do not apply to a municipality of less than 1.6 million; and,

WHEREAS, Section 43.062(b) of the Code requiring that notice of an annexation under Subchapter C-1 be given to property owners, public or private entities and railroad companies applies to an area containing fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.063 (a) of the Code provides that, before a municipality may institute annexation proceedings under Subchapter C-1 of Chapter 43 of the Code, the governing body of the annexing municipality shall provide an opportunity for all interested persons to be heard at two (2) public hearings to be held not more than forty (40) nor less than twenty (20) days prior to the institution of such proceedings; and,

WHEREAS, Section 43.063 (b) of the Code provides that at least one (1) of such public hearings shall be held within the area proposed to be annexed if, within ten (10) days after the publication of the required notice, more than twenty (20) adult residents who reside in the territory proposed to be annexed protest in writing to the city secretary of the annexing municipality the institution of annexation proceedings; and,

WHEREAS, Section 43.063 (c) of the Code provides that notice of each such hearing shall be published in a newspaper having general circulation within such municipality and in the territory proposed to be annexed at least once not more than twenty (20) nor less than ten (10) days prior to that hearing, that if the municipality has an Internet website, notice of each hearing must be posted on such website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing, and that additional notice must be given by certified mail before the 30th day before the first of such hearings;

WHEREAS, Section 43.063 (c) of the Code provides that additional notice thereof shall be sent by certified mail, to each property owner, public or private entity providing utility services and any railroad companies then serving the municipality and on the municipality's tax roll where the right-of-way thereof is included in the territory proposed for annexation; and,

WHEREAS, Section 43.064 (a) of the Code provides that the annexation of an area under Subchapter C-1 of Chapter 43 of the Code must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void; and

WHEREAS, Section 43.065(a) of the Code requires that, prior to the publication of notice of the first hearing required by Section 43.063 of the Code, the governing body of the municipality shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed and provides that the municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality; and,

WHEREAS, Section 43.065(b) of the Code provides that Section 43.056(b)-(c) of the Code, relating to the provisions of services to annexed areas and including a requirement that the service plan be attached to the ordinance annexing the area and approved as a part of the ordinance, apply to an annexation pursuant to Subchapter C-1 of Chapter 43 of the Code.

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

SECTION 1. Findings of Fact.

The City Council of the City of Freeport, Texas ("the City") finds and determines as a matter of fact that:

(1) By its Resolution No. 2009-2212, read, passed and adopted on October 5, 2009, the City Council directed that on October 19, 2009, beginning at 6:00 o'clock, p.m., and on November 2, 2009, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located therein at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.

(2) Through inadvertence, additional notice of either of such hearings was not sent by certified mail to each property owner, any public or private utility providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area annexed.

(3) By its Resolution No. 2009-2215, read, passed and adopted on November 7, 2009, hereinafter "the Resolution", the City Council directed that on December 9, 2009, beginning at 6:00 o'clock, p.m., and on December 10, 2009, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located therein at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.

(4) Before the 30th day before the first of such hearings, to-wit, on November 7, 2009, notice of such last mentioned hearings was sent by certified mail, to each property owner, there being no public or private entity providing utility services to the area proposed for annexation and no railroad company serving the City and that is on the City's tax roll that has a portion of such company's right-of-way is included in such area.

(5) The population of the City is currently more than 5,000 but less than 24,999 inhabitants and the area proposed for annexation contains fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract.

(6) The area proposed for annexation contains approximately 122 acres of land, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(7) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(8) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(9) Notice of the each of the last mentioned public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being November 21, 2009, and the date of the second publication being November 28, 2009, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(10) Notice of each of the last mentioned hearings was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the first of the last mentioned hearings, to-wit, by November 8, 2009, and remained posted until after the date of the second hearing called by the Resolution.

(11) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on December 9, 2009, beginning at 6:00 o'clock, p.m., and on December 10, 2009, beginning at 6:00 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City did hold the two (2) public hearings called by the Resolution

(12) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(13) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(14) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(15) In the calendar year 2009, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents thereof and shall be bound by its acts and ordinances.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 District, Single Family Residential as defined in Section 155.030 of said Code of Ordinances.

SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

READ, PASSED AND ADOPTED this 31st day of December, 2009.



ATTEST:

Delia Muñoz
Delia Muñoz, City Secretary
City of Freeport, Texas

Larry McDonald, Sr.
Larry McDonald, Sr., Mayor,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw
Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Ord\BrgHbAnx3.Ord



DAMIAN & ASSOCIATES, INC.

ENGINEERING, PLANNING, SURVEYING AND MAPPING
1512 N. AVENUE J
FREEPORT, TX 77541

BUSINESS (979) 233-7177
FAX (979) 233-3877

LAND DESCRIPTION FOR PROPOSED CITY OF FREEPORT PROPERTY ANNEXATION SEPTEMBER 28, 2009

BEING approximately 122 acres of land being a portion of the S.P. Allison 50-acre tract, known as Tract 25, a portion of the S.P. Allison 70-acre tract, known as Tract 26, a portion of the Pearl Ray Cox 69-acre tract, known as Tract 28, all out of the John Martin League, Abstract 331, Brazoria County, Texas, a portion of the W. E. Barrow 128.6-acre tract, known as Tract 1, out of the Richard H. Barrow Survey, Abstract 639, and a portion of the Edward P. Ross et al 500-acre tract, known as Tract 1, out of the Stephen F. Austin Survey, Abstract 29, and a portion of the Gulf of Mexico, being more particularly described by metes and bounds as follows:

BEGINNING at a point on the northerly right-of-way line of the new Gulf Intracoastal Waterway, said point being located within the S.P. Allison 70-acre tract, known as Tract 26, and on the southeasterly corporate city limit boundary of the City of Freeport, Texas, as described in Ordinance No. 2007-2164, adopted by the Freeport City Council on May 21, 2007, said point being located 1,000 feet in a southwesterly direction from the most easterly corner of said corporate city limits; and said point being the POINT OF BEGINNING of this tract;

THENCE in a southeasterly direction, perpendicular to the southeasterly corporate city limit boundary of the City of Freeport, Texas, passing through the said S.P. Allison 70-acre tract, known as Tract 26 and the Pearl Ray Cox 69-acre tract, known as Tract 28, approximately 600 feet, to an intersection point on a curve to the right having a Central Angle of 90 degrees 00 minutes 00 seconds, a Radius of 2,640 feet, and a Chord Length of 3,733.52 feet, said curve defining the one-half mile Extra-Territorial Jurisdiction, described within the Texas Local Government Code, of the Village of Surfside as determined by the Village of Surfside City Limits according to Volume 1252 Page 652 of the Deed Records of Brazoria County, Texas;

THENCE along said curve to the right, being same as the Extra-Territorial Jurisdiction boundary of the Village of Surfside, to a point of tangency with an extension of the northwesterly boundary of said Village of Surfside City Limit;

THENCE in a southeasterly direction, on a line parallel to, and offset 2,640 feet from, the northeasterly boundary of said Village of Surfside City Limits, said line being the same as the Extra-Territorial Jurisdiction boundary of the Village of Surfside, passing the mean low tide of the Gulf of Mexico, for a total distance from the Point of Beginning of 5,280 feet to a point for corner;

PROPOSED 122-ACRE ANNEXATION

SEPTEMBER 28, 2009

PAGE 2

THENCE in a northeasterly direction perpendicular to the previous call, for a total distance of 1,000 feet to a point for corner within the Gulf of Mexico;

THENCE in a northwesterly direction perpendicular to the previous call, into said Edward P. Ross et al 500-acre tract, known as Tract 1, to a point of curvature of a curve to the left having a Central Angle of 90 degrees 00 minutes 00 seconds, a Radius of 3,640 feet, and a Chord Length of 5,147.74 feet, said point of curvature being on an extension of the northwesterly boundary of said Village of Surfside City Limits;

THENCE in a northwesterly direction, along said curve to the left, passing through said Edward P. Ross et al 500-acre tract, known as Tract 1, and crossing the old Gulf Intracoastal Waterway, and crossing into said Pearl Ray Cox 69-acre tract, known as Tract 28, and crossing into said S.P. Allison 70-acre tract, known as Tract 26, to a point for corner at the intersection with an extension of the northeasterly boundary of said City of Freeport City Limits;

THENCE in a northwesterly direction, crossing the new Gulf Intracoastal Waterway, to a point for corner on the high bank of said new Gulf Intracoastal Waterway; said point being same as the most easterly corner of said City of Freeport City Limits;

THENCE in a southwesterly direction, following the northerly right-of-way line of said new Gulf Intracoastal Waterway, being the same line as the existing corporate city limits of the City of Freeport, Texas, as described in Ordinance No. 2007-2164, adopted by the Freeport City Council on May 21, 2007, to the POINT OF BEGINNING and containing approximately 122 acres more or less.

This metes and bounds description is accompanied by an aerial representation of the property to be annexed at the office of Damian & Associates, Freeport, Texas.

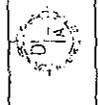
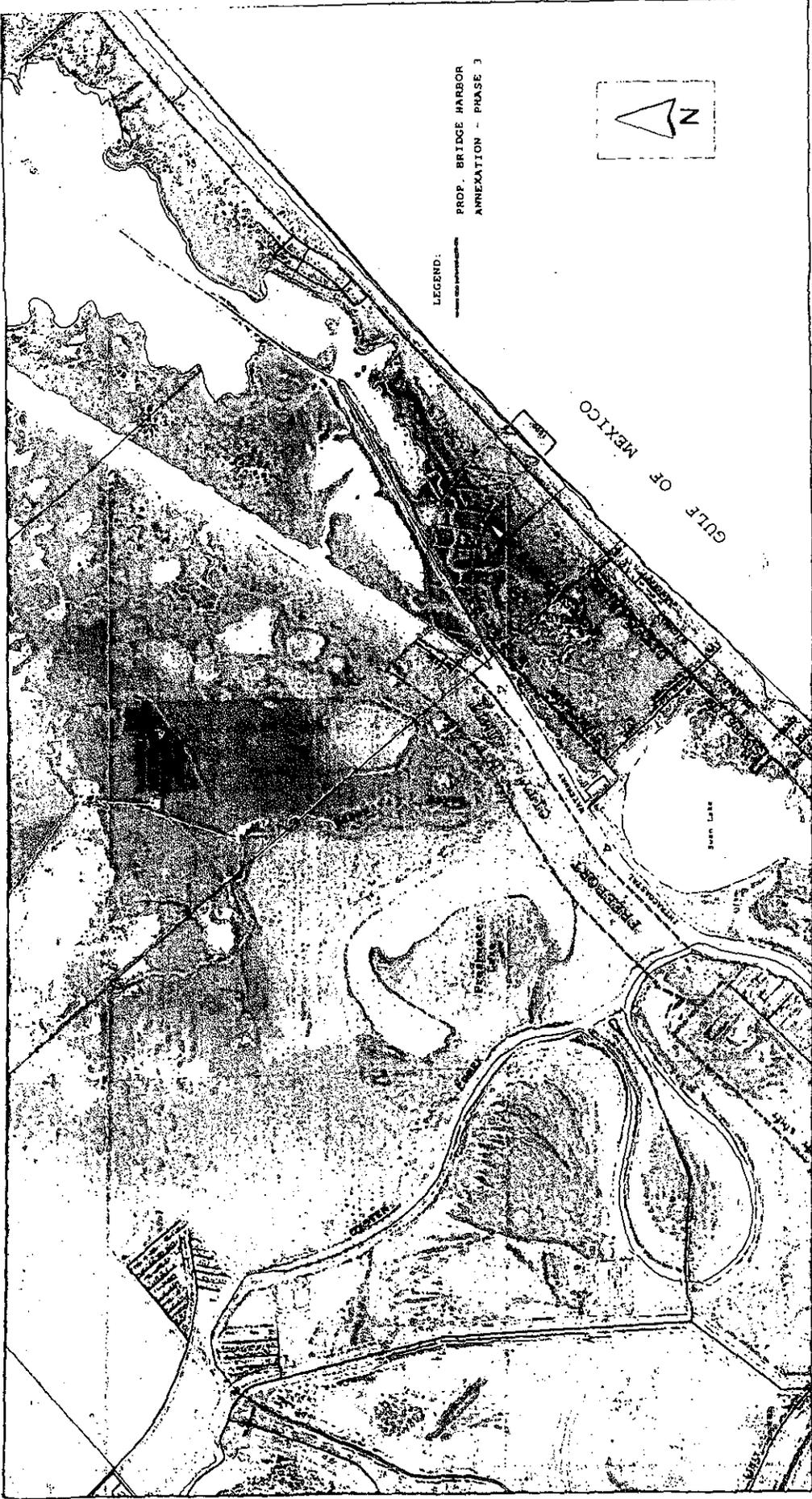
NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED. THE PURPOSE OF THIS DESCRIPTION IS TO DEFINE A BOUNDARY FOR ANNEXATION. THIS DESCRIPTION WAS COMPILED FROM MAPS AND WAS NOT SURVEYED ON THE GROUND.



RENE DAMIAN
REGISTERED PROFESSIONAL LAND SURVEYOR # 5900



CITY OF FREEPORT ANNEXATION BRIDGE HARBOR PHASE 3



DAHIAN & ASSOCIATES, INC.
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8,000 Feet

4,000

2,000

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FREEPORT ANNEX BEACH.mxd
OCTOBER 5, 2009

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Pages 13
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Official Public Records of
BRAZORIA COUNTY
JOYCE HUDSON
COUNTY CLERK
Fees \$64.00

Joyce Hudson