1. 6:00 P.M. Master Agenda January 17 2017 Regular City Council Meeting

   Documents:

   MASTER AGENDA 1-10-17.PDF

City of Angleton, Texas
City Council Regular Meeting
Tuesday, January 10, 2017
@ 6:00 p.m.

The City of Angleton, Texas, City Council will conduct a Regular Meeting beginning at 6 p.m., Tuesday, January 10, 2017 at City Council Chambers, 120 S. Chenango, Angleton, TX, to consider the following agenda items.

1. Declaration of quorum and call to order.

2. Pledge of Allegiance.

3. Invocation led by the Mayor.

4. Citizens Wishing to Address Council.

5. Requests to Address Council Other Than Citizenry.

6. Discussion and Possible Action on the Angleton Commercial Subdivision No. 7, a replat of 12.038 acres out of Tract 2 & including Reserve "A" of the Rancho Isabella Subdivision, Section 4; and 12.96 acres out of the residue of a 151.971 acre tract out of the Oliver & Barrows Subdivision; in the City of Angleton, Brazoria County, Texas (located at the northwest corner of Campus Drive) (Michael Stoldt, City Manager).

7. Public Hearing on a request for a Specific Use Permit to sell portable buildings at 1409 South Velasco Street (Hwy 288B), a 1.500 acre tract being all of Lots 33 & 34 in the Exline & Kiber Subdivision.

8. Discussion and Possible Action on ORDINANCE NO. 2017-O-1B; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR THE SALE OF PORTABLE BUILDINGS IN A LI – LIGHT INDUSTRIAL DISTRICT ZONED PROPERTY LOCATED AT 1409 SOUTH VELASCO STREET, WHOSE LEGAL DESCRIPTION IS A 1.500 ACRE TRACT BEING ALL OF LOTS 33 AND 34 IN THE EXLINE & KIBER SUBDIVISION, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

9. Discussion and Possible Action on the replat of Lots 1, 2, 13 and 14,

Block 1, Lee & McBride Subdivision out of Lot 20, Division 4, of the Subdivision of the East One-Half (1/2) of the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas, According to the Recorded Plat thereof in Volume 4, Page 99 of the Plat Records of Brazoria County, Texas, which includes 2113 South Velasco Street and 105 Iden Road (Michael Stoldt, City Manager).

10. Public Hearing on a request to rezone Lot 1 (replat of Lots 1, 2, 13 and 14, Block 1, Lee & McBride Subdivision out of Lot 20, Division 4, of the Subdivision of the East One-Half (1/2) of the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas), which includes 2113 South Velasco Street, from LI – Light Industrial District (westerly portion) and SF-7.2 – Single Family-7.2 District (northeast portion) to C-G – Commercial-General District.

11. Discussion and Possible Action on ORDINANCE NO. 2017-O-1C; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO LOT 1 (REPLAT OF LOTS 1, 2, 13 AND 14, BLOCK 1, LEE & MCBRIDE SUBDIVISION OUT OF LOT 20, DIVISION 4, OF THE SUBDIVISION OF THE EAST ONE-HALF (1/2) OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS), WHICH INCLUDES 2113 SOUTH VELASCO, FROM LI – LIGHT INDUSTRIAL DISTRICT (WESTERLY PORTION) AND SF-7.2 – SINGLE FAMILY-7.2 DISTRICT (NORTHEAST PORTION) TO C-G – COMMERCIAL-GENERAL DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

12. Discussion and possible action on approval of ORDINANCE NO. 2017-O-1A, AN ORDINANCE AMENDING THE 2016-2017 FISCAL YEAR BUDGET BY AMENDING THE TIRZ FUND AND MISCELLANEOUS MINOR FUND; DECLARING A PUBLIC NECESSITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE (Susie Hernandez, Finance Director).

13. Discussion and Possible Action on RESOLUTION NO. 2017-R-1A; A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, SETTING A DATE, TIME AND PLACE FOR TWO (2) PUBLIC HEARINGS ON THE PROPOSED ANNEXATION BY THE CITY OF ANGLETON, TEXAS, OF A 5.280 ACRE TRACT OF LAND IN THE J. DE J. VALDERAS SURVEY, A-380, BEING A PORTION OF A CALLED 6.689-ACRE TRACT OF LAND CONVEYED UNTO BLAKE ROBERTSON BY DEED RECORDED UNDER DOCUMENT NO. 2014000881 OF THE OFFICIAL PUBLIC RECORDS OF

BRAZORIA COUNTY, TEXAS, AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS; PROVIDING FOR AN OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE (Michael Stoldt, City Manager).

14. Discussion and Possible Action on the Heritage Court Section 3 Preliminary Plat, a Subdivision containing 5.271 Acres out of the J. De J. Valderas Survey, Abstract 380, Brazoria County, Texas (Michael Stoldt, City Manager).

15. Discussion and Possible Action on an "Ad Valorem Tax Refund Incentive Program Agreement" Between the City of Angleton and RML Development for the Construction of Heritage Court Subdivision Sections 1 and 2 (Martha Eighme, Economic Development and Tourism Director).

16. Public Hearing on a request to rezone 234 South Arcola Street, 227 South Chenango, 335 South Chenango Street, 212 East Peach Street and 216 East Peach Street from MFR-29 – Multifamily Residential-29 District (Apartments) to CBD – Central Business District; AND 218 South Chenango Street from C-G – Commercial-General District to CBD – Central Business District.

17. Discussion and Possible Action on ORDINANCE NO. 2017-O-1D; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO 234 SOUTH ARCOLA STREET, 227 SOUTH CHENANGO STREET, 335 SOUTH CHENANGO STREET, 212 EAST PEACH STREET AND 216 EAST PEACH STREET FROM MFR-29 – MULTIFAMILY RESIDENTIAL-29 DISTRICT (APARTMENTS) TO CBD – CENTRAL BUSINESS DISTRICT; AND 218 SOUTH CHENANGO STREET FROM C-G – COMMERCIAL-GENERAL DISTRICT TO CBD – CENTRAL BUSINESS DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE (Michael Stoldt, City Manager).

18. Discussion Regarding Allowing Manufactured Homes and/or Recreational Vehicles in the LI - Light Industrial District (Michael Stoldt, City Manager).

19. Council Will Adjourn Into Executive Session as Authorized by:

    a) Texas Government Code Section 551.071 (Consultation with Attorney) to seek advice of its attorney on legal matters

subject to the attorney-client privilege, with possible discussion and action related thereto in open session; and

b) Texas Government Code Section 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the City Manager, with possible discussion and action related thereto in open session.

20. Adjourn.

The City Council reserves the right to meet in Executive Session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices) and 551.087 (economic development). The description of an item in "Executive Sessions" constitutes the written interpretation by the City Attorney of Chapter 551 of the Texas Government Code and her determination that said item may be legally discussed in Closed Meeting in compliance with Chapter 551 of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of Angleton will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Shelly Deisher, City Secretary, at 979-849-4364, extension 2115.

CERTIFICATION

I certify that copies of this agenda of items to be considered by the City of Angleton City Council were posted in the following locations:

City Hall Bulletin Board: Date:_____ Time:_____

City of Angleton Website: Date: _____ Time:_____

_____
Shelly Deisher,
City Secretary

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and Possible Action on the Angleton Commercial Subdivision No. 7, a replat of 12.038 acres out of Tract 2 & including Reserve "A" of the Rancho Isabella Subdivision, Section 4; and 12.96 acres out of the residue of a 151.971 acre tract out of the Oliver & Barrows Subdivision; in the City of Angleton, Brazoria County, Texas (located at the northwest corner of Campus Drive).

__ Consent item
_x_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Terry Singletary, Designated Agent for Property Owner Paul O'Farrell

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Application, appointment of agent, plat

Executive Summary:
This is being re-platted for possible future development of multi-family housing. It has already been annexed and rezoned by P&Z and City Council.

Recommendation:
Staff recommends approval.

Shelly Deisher
Name

January 5, 2017
Date

APPLICATION FOR PLAT REVIEW/APPROVAL

Date: 12-16-2016

TYPE OF APPLICATION: ✓ SHORT FORM
____ PRELIMINARY/FINAL PLAT
____ COMMERCIAL
____ RESIDENTIAL

Address of property FM 523 & CAMPUS DRIVE

Name of Applicant: Terry Singletary Phone: _____

Name of Company: Doyle & Wechtstetter, Inc. Phone: 979-265-3622 - 142

E-mail: t.singletary@DW-surveyor.com

Name of Owner of Property: Paul O Farrell, Trustee

Address: P.O. Box 1639 Angleton TX 77516

Phone: _____ E-mail: _____

I HEREBY REQUEST approval of the preliminary and final plat of the subject property according to the plans which are submitted as a part of this application. I HEREBY AUTHORIZE the staff of the City of Angleton to inspect the premises of the subject property. I HEREBY SWEAR AND AFFIRM that all statements contained herein and attached hereto are true and correct to the best of my knowledge and belief.

Signature of Owner or Agent for Owner (Applicant) Paul O Farrell, Trustee

NOTARIAL STATEMENT FOR APPLICANT:

Sworn to and subscribed before me this 16th day of December, 2016.

(SEAL) LAUREN BAXTER
NOTARY PUBLIC - STATE OF TEXAS
ID # 1203922-6
My Commission Expires 02-15-2020

Lauren Baxter
Notary Public for the State of Texas
Commission Expires: 02-15-2020

APPLICATION, ALL REQUIRED DOCUMENTATION AND PLATS MUST BE SUBMITTED FOR REVIEW A MINIMUM OF 15 DAYS PRIOR TO THE PLANNING & ZONING COMMISSION MEETING. (Applications not completely filled out may be delayed, may result in a denial or may be returned to the Applicant).

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as C318-0043-110 & 7177-4000-002
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Terry Singletary (Wachtstetter Group)

Mailing Address: 131 Commerce Street Email:

City: Clute State: Texas Zip: 77531

Home Phone: ( ) Business Phone: (265)362 X 107

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner Paul O'Farrell Title Trustee

Printed/Typed Name of owner Paul O'Farrell, Trustee Date

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Brazoria §

Before me, Meaghan Boarman, on this day personally appeared Paul O'Farrell, known to me (or proved to me on the oath of TxDL or through (Texas) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

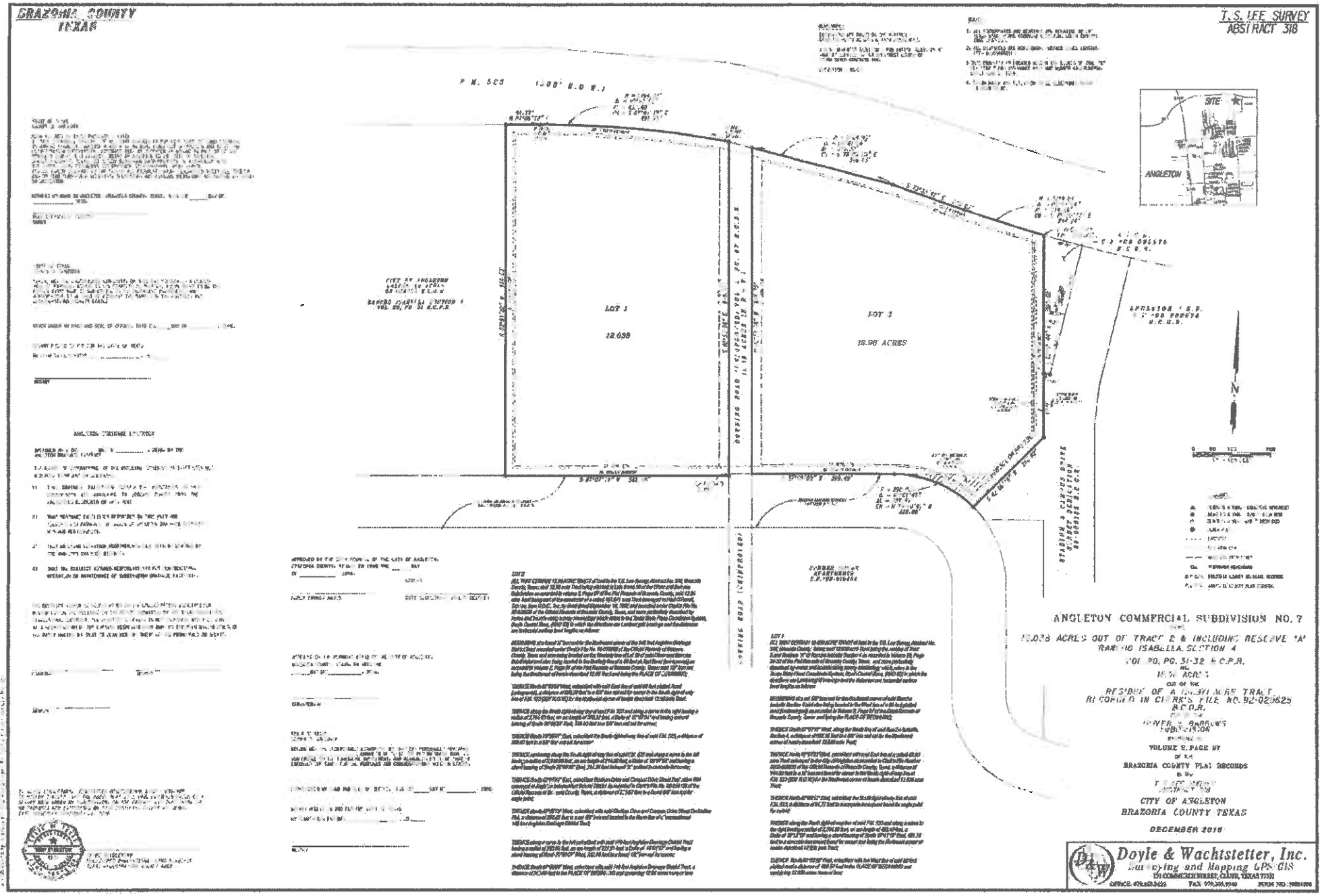
Given under my hand and seal of office this 21 day of December, 16

MEAGHAN BOARMAN
NOTARY PUBLIC - STATE OF TEXAS
ID # 12535543-8
MY COMMISSION EXPIRES 11-22-2017

(SEAL)

Meaghan Boarman
Notary Public Signature

11-22-17
Commission Expires


BRAZORIA COUNTY
TEXAS
T.S. LEE SURVEY
ABSTRACT 318
LOT 1
12.038
LOT 3
18.96 ACRES
ANGLETON
SITE
ANGLETON COMMERCIAL SUBDIVISION NO. 7
VOLUME 2, PAGE 97
BRAZORIA COUNTY PLAT RECORDS
CITY OF ANGLETON
BRAZORIA COUNTY TEXAS
DECEMBER 2016
Doyle & Wachtstetter, Inc.
Surveying and Mapping GPS GIS

Angleton Commercial Subdivision No. 7
Staff
December, 2016

Staff Comments

1) Misspelled O'Farrell in first paragraph
2) Missing the '&' symbol between Oliver & Barrows in first paragraph
3) Remove notary statement under P&Z/City Council sections, only required to put 'Witness my hand' statement
4) Missing surveyor's signature
5) Need to label plat as a replat
6) Because detention will be determined at a later date, please add statement noting that the required detention facilities to be determined upon permitting process.
7) Please show fire hydrants on plat

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Public Hearing on a request for a Specific Use Permit to sell portable buildings at 1409 South Velasco Street (Hwy 288B), a 1.500 acre tract being all of Lots 33 & 34 in the Exline & Kiber Subdivision.

__ Consent item
__ Discussion item
__ Discussion and possible action
_x_ Public Hearing

REQUESTED BY: Claire Nichols, designated agent for Stephen Ramsower, property owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Notice to the Facts newspaper and to residents within 200 ft.

Executive Summary:

Recommendation:
Staff recommends approval

Shelly Deisher **1/4/17**

Name **Date**

Public Hearing Notice

The City of Angleton has received a request for a Specific Use Permit to sell portable buildings at 1409 South Velasco Street (Hwy 288B), a 1.500 acre tract being all of Lots 33 & 34 in the Exline & Kiber Subdivision. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, January 4, 2017 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, January 10, 2017 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: City Secretary

For additional information concerning this Specific Use Permit, please contact Alyssa Deaton at (979) 849-4364, ext. 2114.

Date: December 8, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once on: Sunday, December 18, 2016

Please provide publisher's affidavit and total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364, ext. 2114.

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Hardwick Bieri
Position 1

Council Members
Williams Tigner
Position 2

VACANT
Position 3

Bonnie McDaniel
Position 4

Cody Vasut
Position 5

City Manager
Michael Stoldt

December 14, 2016

Public Hearing Notice

The City of Angleton has received on a request for a Specific Use Permit to sell portable buildings at 1409 South Velasco Street (Hwy 288B), a 1.500 acre tract being all of Lots 33 & 34 in the Exline & Kiber Subdivision. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, January 4, 2017 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, January 10, 2017 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested Specific Use Permit. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the request by filing a written protest signed by the property owner. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested Specific Use Permit, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning this Specific Use Permit, please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Cordially,

Alyssa Deaton
Assistant City Secretary

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2017-O-1B; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR THE SALE OF PORTABLE BUILDINGS IN A LI – LIGHT INDUSTRIAL DISTRICT ZONED PROPERTY LOCATED AT 1409 SOUTH VELASCO STREET, WHOSE LEGAL DESCRIPTION IS A 1.500 ACRE TRACT BEING ALL OF LOTS 33 AND 34 IN THE EXLINE & KIBER SUBDIVISION, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_x_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Claire Nichols, designated agent for Stephen Ramsower, property owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Application, appointment of agent, site plan, Ordinance and GIS map.

Executive Summary:
Mrs. Nichols previously sold portable buildings at the corner of Hwy 288B and Cemetery Road. She sold the property at that location. Mr. Ramsower is leasing her the property located at 1409 South Velasco so she can continue selling portable buildings. Specific Use Permits remain with the land, so she is applying for another SUP at this new location.

Recommendation:
Staff recommends approval

Shelly Deisher **1/4/17**

Name **Date**

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR THE SALE OF PORTABLE BUILDINGS IN A LI – LIGHT INDUSTRIAL DISTRICT ZONED PROPERTY LOCATED AT 1409 SOUTH VELASCO STREET, WHOSE LEGAL DESCRIPTION IS A 1.500 ACRE TRACT BEING ALL OF LOTS 33 AND 34 IN THE EXLINE & KIBER SUBDIVISION, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to grant a Specific Use Permit to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions; and

WHEREAS, with proper notice to the public, a public hearing was held on Wednesday, January 4, 2017, during a meeting of the Planning and Zoning Commission, and on Tuesday, January 10, 2017, during a meeting of the City Council, in the Council Chambers at City Hall, in the City of Angleton, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its report and recommendation concerning the application of Claire Nichols, Designated Agent for Property Owner Stephen Ramsower, for a Specific Use Permit to allow sale of portable buildings in a LI – Light Industrial District Zoned Property located at 1409 S. Velasco, whose legal description is a 1.500 acre tract being all of Lots 33 and 34 in the Exline & Kiber Subdivision, Angleton, Texas; and

WHEREAS, in rendering its decision, the City Council has considered the factors noted in Sec. 28-63 (e), and finds the proposed use at the specific location is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the Zoning Ordinance of the City of Angleton, Texas, is amended by granting a Specific Use Permit to allow the sale of portable buildings in a LI – Light Industrial District Zoned property located at 1409 S. Velasco, whose legal description is a 1.500 acre tract being all of Lots 33 and 34 in the Exline & Kiber Subdivision, in the City of Angleton, Brazoria County, Texas, as shown in the attached Exhibit "A".

SECTION 3: That the Specific Use Permit granted in Section 2 of this Ordinance is subject to the following conditions:

_____

_____

_____

SECTION 4: That the official zoning map of the City of Angleton is amended to reflect the amendment to the Zoning Ordinance made by Section 2 of this Ordinance.

SECTION 5: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 6: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no wise affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 7 That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 8: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 9: That this Ordinance shall be in full force and effect from and after January 20, 2017.

PASSED AND APPROVED this 10th day of January, 2017.

_____
Randy Rhyne, Mayor

ATTEST:

_____
SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

File No.: 1003930549

A 1.50 ACRE TRACT BEING ALL OF LOTS 33 AND 34, LYING EAST OF STATE HIGHWAY 288B, IN THE EXLINE AND KIBER SUBDIVISION OF LOTS 4,5, AND 6, DIVISION 1, OF THE SUBDIVISION OF THE EAST ONE-HALF OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, BRAZORIA. COUNTY, TEXAS, ACCORDING TO THE PLAT OF EXLINE AND KIBER SUBDIVISION RECORDED IN VOLUME 2, PAGE 200 OF THE FLAT RECORDS OF BRAZORIA COUNTY, TEXAS; AND SAID 1.50 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found at the intersection of the South line of said Lot 34 with the East right-of-way line of State Highway 288B; said rod bears North 10° 02' 00" West (Reference Bearing) 811.63 feet from a concrete monument found in the South line of Lot 42 of the Exilne and Kiber Subdivision;

THENCE; East 313.97 feet along the South line of Lot 34 and the North line of Lot 35, to a 1/2" iron rod set with cap stamped "RPLS 2112 RPLS 6017" set for corner at the Southeast corner of Lot 34 and the Northeast corner of Lot 35;

THENCE; North 2° 03' 59" West 200.20 feet (called 199.88 feet), along the East line of Lots 34 and 33, to a 1/2" iron rod found for corner at the Northeast corner of Lot 33 and the Southeast corner of Lot 32;

THENCE; South 89° 58' 04* West 342.11 feet along the North line of Lot 33 and the South line of Lot 32, to a 1/2' iron rod with cap stamped "RPLS 2112 RPLS 6017" set for corner in the East right-of-way line of State Highway 288B;

THENCE; South 10° 02' 00" East 202.98 feet along the East right-of-way line of State Highway 288B, to the Place of Beginning;

Said tract therein containing 1.50 Acres of Land.

CITY OF ANGLETON
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: 1409 S. Velasco (285B) Angleton

PROPERTY DESCRIPTION (Legal description): See Attached

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER:
R.R. Ramsauer, Inc.
P.O. Box 919 Angleton, Tx. 77516-0919

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER: Claire Nichols P.O. Box 2707, Angleton

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE: Lease for Cooks Portable Warehouses

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a Specific Use Permit. If the proposed use requires a division of land, an application for subdivision approval must be submitted with this application for a Specific Use Permit.

SIGNATURE: Stephen Ramsauer
DATE: 11-29-16

PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.

ATTACHMENT: SECTION 35 SUP – SPECIFIC USE PERMIT

APPLICATION FEE: $150.00 due upon submittal

OFFICE USE ONLY
Date received: 11/29/2016 @ 3:20pm Admin Fee Received: ✓
P&Z Public Hearing date: _____
Date to send cert. letters: _____ Date to publish: _____
Site Plan submitted: Yes _____ No _____
Site Plan received & evaluated by City Staff: Yes _____ No _____
Proof of taxes paid: _____ Date verified: _____

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as 1409 S. Velasco
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Claire J. Nichols

Mailing Address: P.O. Box 2707 Email:

City: Angleton State: TX. Zip: 77516

Home Phone: ( ) Business Phone: ( )

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

> **be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner [signature] for R.R. Ramsower Inc. Title VP operations

Printed/Typed Name of owner Stephen Ramsower Date 6/1/2016

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF BRAZORIA §

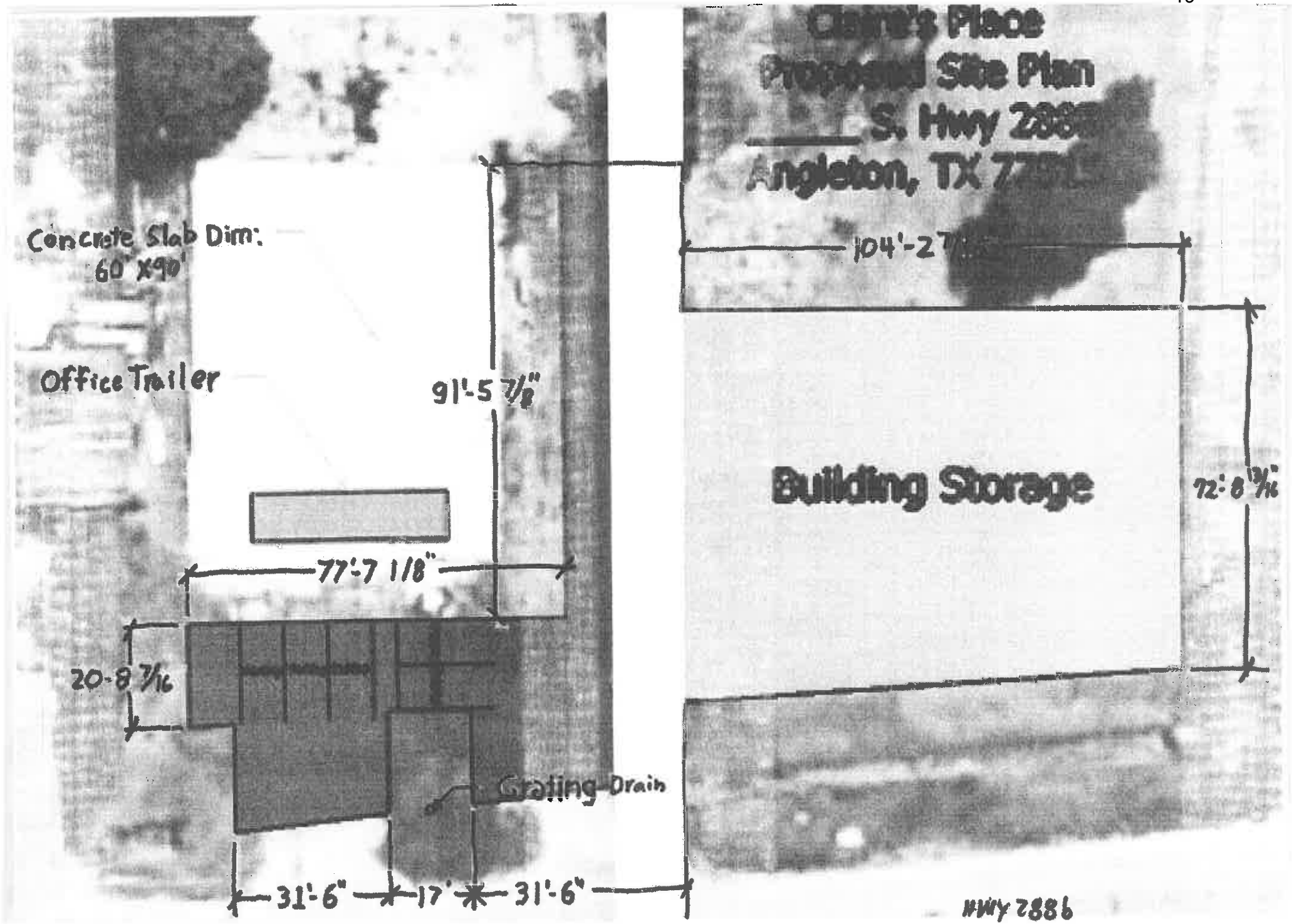
Before me, HEIDI GUZMAN, on this day personally appeared Stephen RAMSOWER known to me (or proved to me on the oath of TX DL or through ( ) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

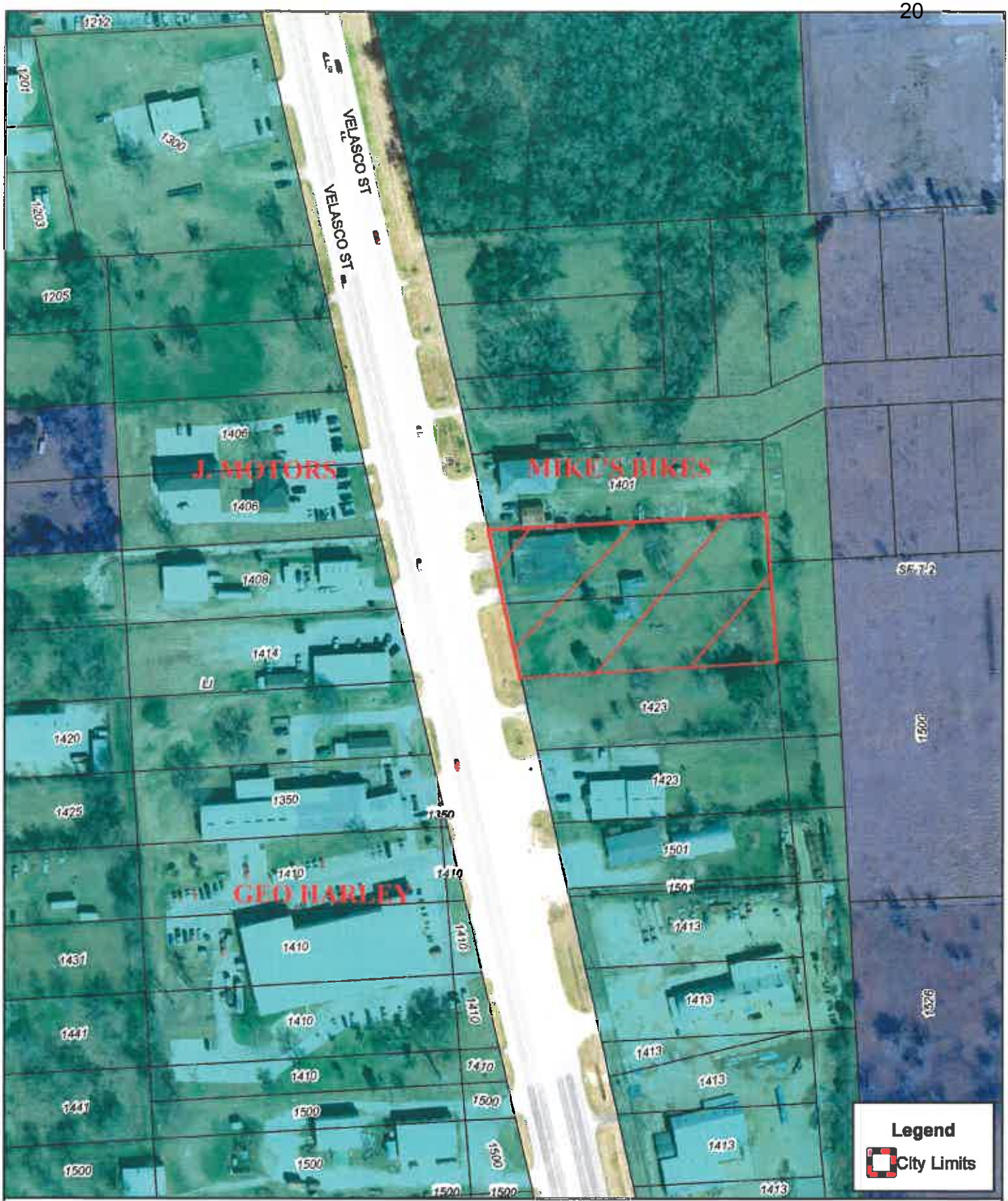
Given under my hand and seal of office this 2nd day of June, 2016

HEIDI GUZMAN
Notary Public
SEAL STATE OF TEXAS
ID#13064014-5
My Comm. Exp. April 27, 2020

Heidi Guzman
Notary Public Signature

04-27-2020
Commission Expires


Proposed Site Plan
S. Hwy 288
Angleton, TX
Concrete Slab Dim:
60' X90'
Office Trailer
91'-5 7/8"
104'-2
Building Storage
72'-8 3/16"
77'-7 1/8"
20-8 3/16
Grating Drain
31'-6"
17'
31'-6"
HWY 288



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS. (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

City of Angleton

Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 169 '

Sign in
OFFICE
PARKING
PORTABLE BUILDINGS
S Velasco St
S Velasco St
Phillips Station
Forever Strong Strength & Conditioning
Google

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and Possible Action on the replat of Lots 1, 2, 13 and 14, Block 1, Lee & McBride Subdivision out of Lot 20, Division 4, of the Subdivision of the East One-Half (1/2) of the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas, According to the Recorded Plat thereof in Volume 4, Page 99 of the Plat Records of Brazoria County, Texas, which includes 2113 South Velasco Street and 105 Iden Road.

__ Consent item
_x_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Brian Fambrough, Designated Agent for property owner Rahmatullah Momin

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Application, appointment of agent, plat

Executive Summary:
Originally this property consisted of four lots. Mr. Momin is requesting to replat from four lots to two. Lot 1 would contain the gas station, pumps and proposed parking area and Lot 2 would include the home which faces Iden Road.

Recommendation:
Staff recommends approval.

Shelly Deisher — **Name**

January 5, 2017 — **Date**

APPLICATION FOR PLAT REVIEW/APPROVAL

Date: 12-7-16

TYPE OF APPLICATION: ✓ SHORT FORM
_____ PRELIMINARY/FINAL PLAT
_____ COMMERCIAL
_____ RESIDENTIAL

Address of property 2113 S. Velasco St.
Angleton, Tx. 77515

Name of Applicant: Brian Fambrough Phone: 979 849 3141

Name of Company: Randy L. Stroud Phone: 979 849 3141

E-mail: [illegible]

Name of Owner of Property: Rahmatullah Momin

Address: 2113 S. Velasco St., Angleton, Tx. 77515

Phone: [illegible] E-mail: [illegible]

I HEREBY REQUEST approval of the preliminary and final plat of the subject property according to the plans which are submitted as a part of this application. I HEREBY AUTHORIZE the staff of the City of Angleton to inspect the premises of the subject property. I HEREBY SWEAR AND AFFIRM that all statements contained herein and attached hereto are true and correct to the best of my knowledge and belief.

Signature of Owner or Agent for Owner (Applicant) Rahmatullah

NOTARIAL STATEMENT FOR APPLICANT:

Sworn to and subscribed before me this 3rd day of October, 2016.

(SEAL)

YVETTE R MEZA
Notary Public, State of Texas
My Commission Expires
NOVEMBER 19, 2017

Yvette R. Meza
Notary Public for the State of Texas
Commission Expires: November 19, 2017

APPLICATION, ALL REQUIRED DOCUMENTATION AND PLATS MUST BE SUBMITTED FOR REVIEW A MINIMUM OF 15 DAYS PRIOR TO THE NEXT PLANNING & ZONING COMMISSION MEETING. (Note – Any form that is not completely filled out may be delayed, may result in a denial or may be returned to the Applicant).

AFFIDAVIT OF
AUTHORIZATION BY PROPERTY OWNER

I swear that I am the owner of (indicate address and/or legal description) 2113 S. Velasco, Angleton, Tx. 77515

which is the subject of the attached application for land platting and is shown in the records of Brazoria County, Texas.

I authorize the person named below to act as my agent in the pursuit of this application for the platting of the subject property.

NAME OF APPLICANT: Brian Fambrough

ADDRESS: 201 S. Velasco, Angleton, Tx. 77515

APPLICANT PHONE # 979 849 3141 E-MAIL: [illegible]

PRINTED NAME OF OWNER: Rahmatullah Monim

SIGNATURE OF OWNER: [signature] DATE: _____

NOTARIAL STATEMENT FOR PROPERTY OWNER:

Sworn to and subscribed before me this 3rd day of October, 2017.

(SEAL) YVETTE R MEZA Notary Public, State of Texas My Commission Expires NOVEMBER 19, 2017

[signature]
Notary Public for the State of Texas
Commission Expires: 11-19-17

PROJECT SUMMARY FORM

Address of property 2113 S. Velasco, Angleton, Tx 77515

The subject property fronts 268 feet on the East side of SH 288B

Depth: 257.7' Area: 1.41 Acres: _____ square feet

INDICATE THE PURPOSE OF THE REQUESTED PLAT APPROVAL (BE SPECIFIC):

Extending building for c-store and/or demolishing old store. Replat the existing 4 lots into 2 lots. One lot will be for the convenience store and the other one will be for an existing house.

Is this platting a requirement for obtaining a building permit? ✓ YES ____ NO

INDICATE ADDITIONAL INFORMATION THAT WILL ASSIST WITH THE REVIEW OF THIS APPLICATION.

The site currently consists of 4 lots in the Lee & McBride Subdivision. Lots 1 and 14 are zoned light industrial and Lots 2 and 13 are zoned residential. After this replat, Lot 1 will be 1.18 Acres and contain the convenience store. Lot 2 will be 0.23 Acres and with an existing house located on it.

Name: Bryan Fambrough Date: 12-7-16

Bryan Fambrough

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as Rahmatullah Momin,
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Brian Fambrough

Mailing Address: 201 S. Velasco Email: _____

City: Angleton State: Tx. Zip: 77515

Home Phone: (_____) _____ Business Phone: (979) 849 3141

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner Rahmatullah Title Owner

Printed/Typed Name of owner Rahmatullah Momin Date 10.

*Application must be signed by the individual applicant; by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Brazoria §

Before me, Yvette R Meza, on this day personally appeared Rahmatullah Momin known to me (or proved to me on the oath of _____ or through (_____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 3rd day of October, 2016

(SEAL)

YVETTE R MEZA
Notary Public, State of Texas
My Commission Expires
NOVEMBER 10, 2017

Yvette R Meza
Notary Public Signature

11-10-2017
Commission Expires

ANGLETON PLANNING AND ZONING COMMISSION

I HEREBY CERTIFY THAT THE ABOVE AND FORGOING REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1, LEE & McBRIDE SUBDIVISION , CITY OF ANGLETON WAS APPROVED THIS THE _____ DAY OF _____, 2018 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF ANGLETON.

_____
BILL GARWOOD, CHAIRMAN

WITNESS MY HAND THIS_____ DAY OF_____, 2018.

_____
SHELLY DEMSHER, CITY SECRETARY

ANGLETON CITY COUNCIL

I HEREBY CERTIFY THAT THE ABOVE AND FORGOING REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1, LEE & McBRIDE SUBDIVISION , CITY OF ANGLETON WAS APPROVED THIS THE _____ DAY OF _____, 2018 BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS.

_____
RANDY RHYNE, MAYOR

SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS

WITNESS MY HAND THIS_____ DAY OF_____, 2018.

_____
SHELLY DEMSHER, CITY SECRETARY

DEDICATION

I, RAHMATULLAH MOMIN, OWNER OF THE PROPERTY SUBDIVIDED IN THIS REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1, LEE & McBRIDE SUBDIVISION, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON AND DEDICATE FOR PUBLIC USE, THE STREETS, ALLEYS, PARKS, AND EASEMENTS, SHOWN HEREON FOREVER AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREET OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

_____
RAHMATULLAH MOMIN

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RAHMATULLAH MOMIN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE SAME WAS FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITIES THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS_____ DAY OF _____, 2018.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, BRIAN G. FAMBROUGH, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6017, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON SHALL BE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE CODE OF REGULATIONS OF THE CITY OF ANGLETON, TEXAS.

_____
BRIAN G. FAMBROUGH
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6017

OWNER:
RAHMATULLAH MOMIN
2113 S. VELASCO ST
ANGLETON, TEXAS 77515

FROM THE OFFICE OF:
RANDY L. STROUD, P.E.
TBPLS FIRM NO. 10026500
TBPE FIRM NO. F572
201 SOUTH VELASCO
ANGLETON, TEXAS 77515
979-849-3141

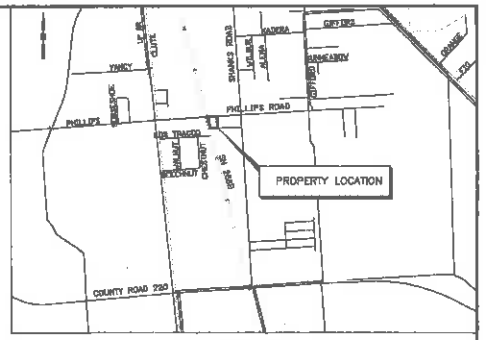
NOTES:

1. ACCORDING TO THE FLOOD INSURANCE RATE MAP NUMBER 48039C0445H, DATED JUNE 5, 1986, FOR BRAZORIA COUNTY, TEXAS, AND INCORPORATED AREAS, THE PROPERTY LIES WITHIN ZONE "X" AND IS NOT IN THE 100 YEAR FLOOD PLAIN.

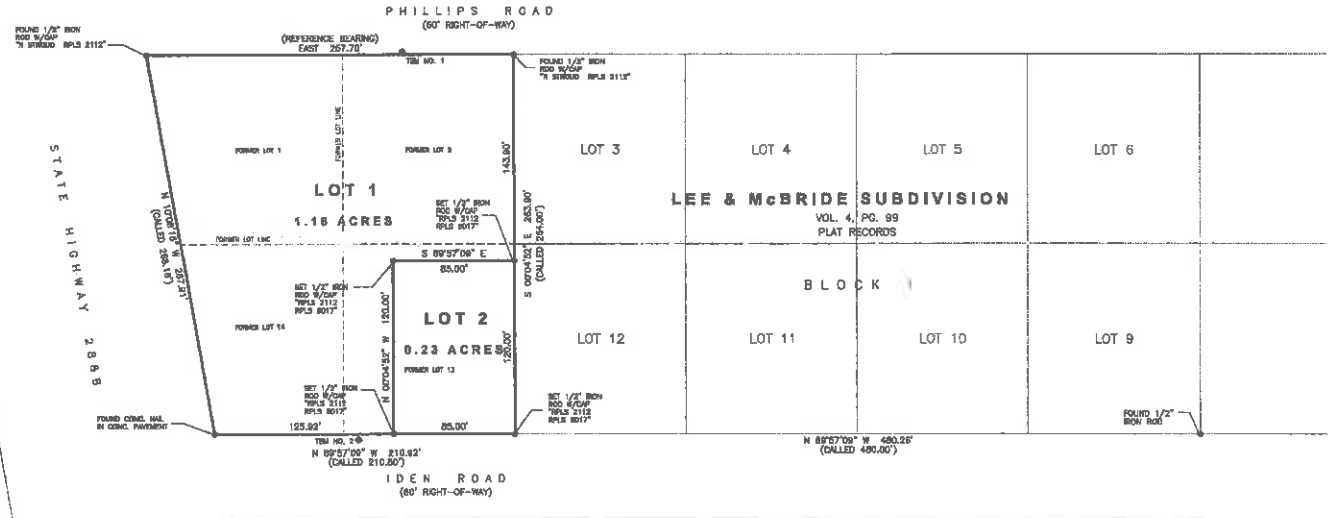
2. REFERENCE BENCHMARK: NGS BENCHMARK "A-663" ELEVATION=29.11 FEET (NGVD 1929)

3. TBM NO. 1 DESCRIPTION: 60d NAIL IN POWER POLE ON THE SOUTH SIDE OF PHILLIPS ROAD, LOCATED APPROXIMATELY 70 FEET WEST OF THE NORTHEAST CORNER OF THE PROPERTY. ELEVATION=28.00 FEET (NGVD 1929).

4. TBM NO. 2 DESCRIPTION: 60d NAIL IN POWER POLE ON THE NORTH SIDE OF IDEN ROAD, LOCATED APPROXIMATELY 110 FEET WEST OF THE SOUTH WEST CORNER OF THE PROPERTY. ELEVATION=28.00 FEET (NGVD 1929).



KEY MAP



ANGLETON DRAINAGE DISTRICT

ACCEPTED THIS THE_____ DAY OF _____, 2018

THE BOARD OF SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT WARRANT, REPRESENT, OR GUARANTEE:

1. THAT DRAINAGE FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION PLAT ARE AVAILABLE TO RECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT.

2. THAT DRAINAGE FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN EXCESS OF ADD REQUIREMENTS.

3. THAT BUILDING ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE ANGLETON DRAINAGE DISTRICT.

4. THAT THE DISTRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION, OR MAINTENANCE OF SUBDIVISION DRAINAGE FACILITIES.

THE DISTRICT'S REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR REVIEW, AND ON THE RELIANCE ON THE REPORT SUBMITTED BY THE TEXAS REGISTERED PROFESSIONAL ENGINEER. THE DISTRICT'S REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE OVERALL RESPONSIBILITY AND / OR DECISION MAKING POWER OF THE PARTY SUBMITTING THE PLAT OR PLAN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS.

_____ _____
DAVID SPOOR, CHAIRMAN WELDON ZBARSKA, VICE-CHAIRMAN

_____
TERRY NOWAK, SECRETARY

REPLAT OF
LOTS 1, 2, 13, AND 14, BLOCK 1
LEE & McBRIDE SUBDIVISION

2 LOTS 1 BLOCK

REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1 LEE & McBRIDE SUBDIVISION OUT OF LOT 28, DIVISION 4, OF THE SUBDIVISION OF THE EAST ONE-HALF (1/2) OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, CITY OF ANGLETON, BRAZORIA COUNTY TEXAS, ACCORDING TO THE RECORDED PLAT THEREOF IN VOLUME 4, PAGE 98 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

1"=40' 11-29-18

0' 40' 80' 120'

4F-21,131 43-3808

Lee & McBride Subdivision Amended Plat
Staff
December, 2016

Staff Comments

1) Label as an amended plat
2) Provide metes and bounds description on plat
3) Show building setback lines on plat

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Public Hearing on a request to rezone Lot 1 (replat of Lots 1, 2, 13 and 14, Block 1, Lee & McBride Subdivision out of Lot 20, Division 4, of the Subdivision of the East One-Half (1/2) of the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas), which includes 2113 South Velasco Street, from LI – Light Industrial District (westerly portion) and SF-7.2 – Single Family-7.2 District (northeast portion) to C-G – Commercial-General District.

__ Consent item
__ Discussion item
__ Discussion and possible action
_x_ Public Hearing

REQUESTED BY: Rahmatullah Momin, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Public Hearing notice for the Facts and for property owners within 200'

Executive Summary:

Recommendation:

Shelly Deisher — January 5, 2017

Name **Date**

Public Hearing Notice

The City of Angleton has received a request to rezone Lot 1 (replat of Lots 1, 2, 13 and 14, Block 1, Lee & McBride Subdivision out of Lot 20, Division 4, of the Subdivision of the East One-Half (1/2) of the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas), which includes 2113 South Velasco Street, from LI – Light Industrial District (westerly portion) and SF-7.2 – Single Family-7.2 District (northeast portion) to C-G – Commercial-General District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, January 4, 2017 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, January 10, 2017 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezone. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: City Secretary

For additional information concerning this rezone, please contact Alyssa Deaton at (979) 849-4364 ext. 2114.

Date: December 12, 2016

To: The Facts – Public Hearing

From: City of Angleton

To be published once on: Sunday, December 18, 2016

Please provide a publisher's affidavit and the total amount to be billed

If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.

ANGLETON
Where the Heart is

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Hardwick Bieri
Position 1

Council Members:

Williams Tigner
Position 2

VACANT
Position 3

Bonnie McDaniel
Position 4

Cody Vasut
Position 5

City Manager
Michael Stoldt

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

December 14, 2016

Public Hearing Notice

The City of Angleton has received a request to rezone Lot 1 (replat of Lots 1, 2, 13 and 14, Block 1, Lee & McBride Subdivision out of Lot 20, Division 4, of the Subdivision of the East One-Half (1/2) of the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas), which includes 2113 South Velasco Street, from LI – Light Industrial District (westerly portion) and SF-7.2 – Single Family-7.2 District (northeast portion) to C-G – Commercial-General District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, January 4, 2017 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, January 10, 2017 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezone. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the request by filing a written protest signed by the property owner. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested rezone, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning this rezone, please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Cordially,

Alyssa Deaton
Assistant City Secretary

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2017-O-1C; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO LOT 1 (REPLAT OF LOTS 1, 2, 13 AND 14, BLOCK 1, LEE & MCBRIDE SUBDIVISION OUT OF LOT 20, DIVISION 4, OF THE SUBDIVISION OF THE EAST ONE-HALF (1/2) OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS), WHICH INCLUDES 2113 SOUTH VELASCO, FROM LI – LIGHT INDUSTRIAL DISTRICT (WESTERLY PORTION) AND SF-7.2 – SINGLE FAMILY-7.2 DISTRICT (NORTHEAST PORTION) TO C-G – COMMERCIAL-GENERAL DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_x_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Rahmatullah Momin, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Application, appointment of agent, zoning map

Executive Summary:
Originally this consisted of four lots – the front two lots facing Hwy 288B are zoned LI and the back two are zoned SF-7.2. Mr. Momin is replatting into just two lots – Lot 1 containing the gas station, pumps and proposed parking area and Lot 2, the rear portion along Iden Rd. that has a residence on it. He wishes to leave the house (Lot 2) zoned SF-7.2 and rezone the remaining portion to C-G.

Recommendation:
Staff recommends approval.

Shelly Deisher **January 4, 2017**

Name **Date**

ORDINANCE NO. 2017-O-1C

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO LOT 1 (REPLAT OF LOTS 1, 2, 13 AND 14, BLOCK 1, LEE & MCBRIDE SUBDIVISION OUT OF LOT 20, DIVISION 4, OF THE SUBDIVISION OF THE EAST ONE-HALF (1/2) OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS), WHICH INCLUDES 2113 SOUTH VELASCO, FROM LI – LIGHT INDUSTRIAL DISTRICT (WESTERLY PORTION) AND SF-7.2 – SINGLE FAMILY-7.2 DISTRICT (NORTHEAST PORTION) TO C-G – COMMERCIAL-GENERAL DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, That Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to amend, supplement, or change the boundaries of zoning districts in the City of Angleton; and

WHEREAS, Rahmatullah Momin, Property Owner, has requested that said property be rezoned from LI – Light Industrial District to C-G – Commercial General; and

WHEREAS, The Planning and Zoning Commission conducted a public hearing on January 4, 2017, and recommended approval of the requested; and

WHEREAS, Notice of the public hearings was published in the newspaper on December 18, 2016; and

WHEREAS, The City Council conducted a public hearing on this rezoning request on January 10, 2017; and

WHEREAS, The City Council finds the change in zoning is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That the Lot 1 (replat of Lots 1, 2, 13 and 14, Block 1, Lee & McBride Subdivision out of Lot 20, Division 4, of the Subdivision of the East One-Half (1/2) of the Edwin Waller League, Abstract 134, City of Angleton, Brazoria County, Texas), which includes 2113 South Velasco Street, more particularly described in the attached Exhibit "A", which is made a part of this Ordinance for all purposes, is hereby rezoned from LI – Light Industrial District (westerly portion) and SF-7.2 – Single Family-7.2

District (northeast portion) to C-G – Commercial-General District and use designation.

SECTION 3: That the zoning map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

SECTION 4: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 5: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no wise affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 6: That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 7: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 8: That this Ordinance shall be in full force and effect from and after January 20, 2017.

PASSED AND APPROVED this 10th day of January, 2017.

_____
RANDY RHYNE, Mayor

ATTEST:

_____
SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, City Attorney

ANGLETON
Where the Heart is

OFFICE USE ONLY
Date received: 12-8-16 Fee: $ ✓
P&Z Public Hearing date: 1-4-17
Date to send cert. letters: 12-14-16
Date to publish: 12-18-16
Proof of taxes paid: ✓ date verified: _____

CITY OF ANGLETON
RE-ZONE APPLICATION

Name(s) of Property Owner: RAHMATULLAH MOMIN

Current Address: 2113 S Velasco St Email: [illegible]

City: Angleton State: TX Zip: 77515

Home Phone: [illegible] Business Phone: 979-840048 Cell: [illegible]

ATTACH PROOF THAT ALL TAXES, FEES AND OBLIGATIONS HAVE BEEN PAID TO THE CITY OF ANGLETON.

Name of Applicant: RAHMATULLAH MOMIN Business Name E-Z Gas & Food Store
(If different than Property Owner)

Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Business Phone: _____ Cell: _____

Address/Location of Property to be Re-zoned: _____

Legal Description: _____ 1 AND 2 1 Lee & McBRIDE
Metes & Bounds Lot(s) Block Subdivision

ATTACH MAP/SURVEY OF PROPERTY

Has the property been platted? YES NO

Current Zoning: LI SF72 Current Use: C Store with Gas station

Proposed Zoning: C-G New Store Proposed Use: Same As Gas Station

Application Fee: $150.00 (must be submitted with application)

ANGLETON PLANNING AND ZONING COMMISSION

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1, LEE & McBRIDE SUBDIVISION , CITY OF ANGLETON WAS APPROVED THIS THE _____ DAY OF _____, 2018 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF ANGLETON.

_____
BILL GARWOOD, CHAIRMAN

WITNESS MY HAND THIS_____ DAY OF _____, 2018.

_____
SHELLY BOSHER, CITY SECRETARY

ANGLETON CITY COUNCIL

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1, LEE & McBRIDE SUBDIVISION , CITY OF ANGLETON WAS APPROVED THIS THE _____ DAY OF _____, 2018 BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS.

_____
RANDY RHYNE, MAYOR

SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS

WITNESS MY HAND THIS_____ DAY OF_____, 2018.

_____
SHELLY BOSHER, CITY SECRETARY

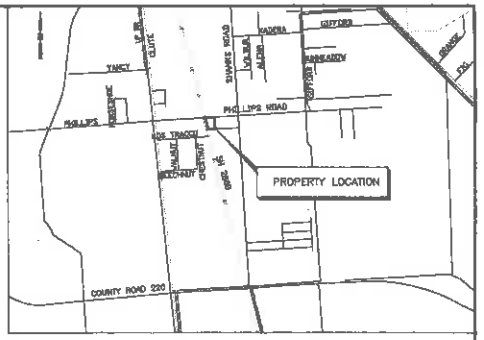
NOTES:

1. ACCORDING TO THE FLOOD INSURANCE RATE MAP NUMBER 48039C0445H, DATED JUNE 8, 1989, FOR BRAZORIA COUNTY, TEXAS, AND INCORPORATED AREAS, THE PROPERTY LIES WITHIN ZONE "X" AND IS NOT IN THE 100 YEAR FLOOD PLAIN.

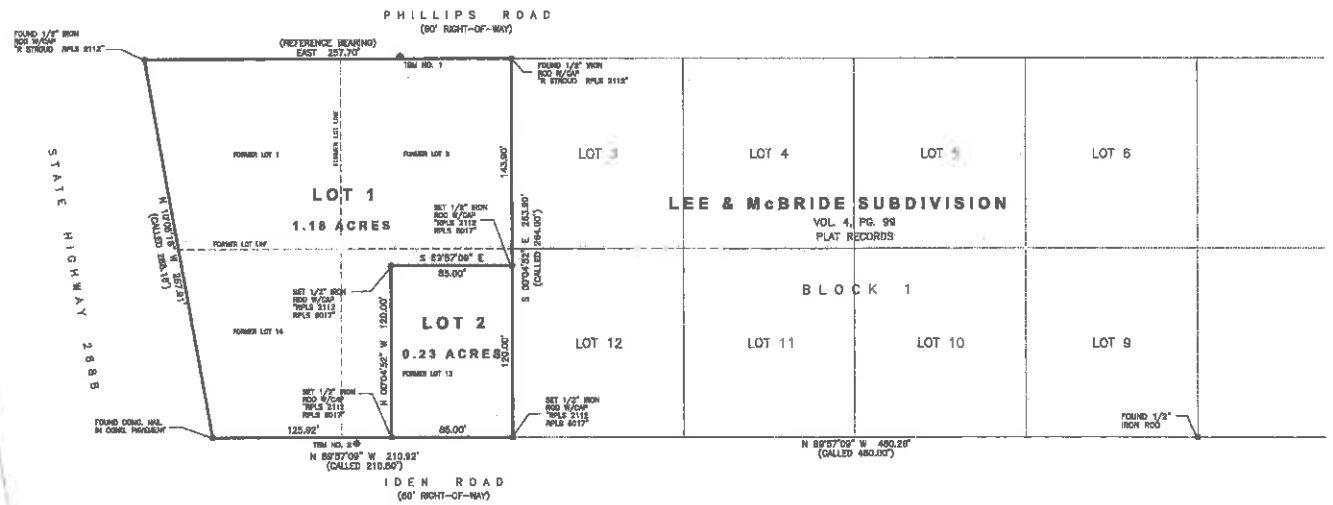
2. REFERENCE BENCHMARK: NGS BENCHMARK "A-993" ELEVATION=29.11 FEET (NGVD 1929)

3. TBM NO. 1 DESCRIPTION: 60d NAIL IN POWER POLE ON THE SOUTH SIDE OF PHILLIPS ROAD, LOCATED APPROXIMATELY 70 FEET WEST OF THE NORTHEAST CORNER OF THE PROPERTY. ELEVATION=28.00 FEET (NGVD 1929).

4. TBM NO. 2 DESCRIPTION: 60d NAIL IN POWER POLE ON THE NORTH SIDE OF IDEN ROAD, LOCATED APPROXIMATELY 110 FEET WEST OF THE SOUTH WEST CORNER OF THE PROPERTY. ELEVATION=28.00 FEET (NGVD 1929).



KEY MAP



DEDICATION

I, RAHMATULLAH MOMIN, OWNER OF THE PROPERTY SUBDIVIDED IN THIS REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1, LEE & McBRIDE SUBDIVISION, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY ACCORDING TO THE LINES, LOTS, BUILDING LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON AND DEDICATE FOR PUBLIC USE, THE STREETS, ALLEYS, PARKS, AND EASEMENTS, SHOWN HEREON FOREVER AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREET OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND MYSELF, MY HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

_____
RAHMATULLAH MOMIN

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RAHMATULLAH MOMIN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE SAME WAS FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITIES THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS_____DAY OF _____2018.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.

SURVEYOR'S CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS:

THAT I, BRIAN G. FAMBROUGH, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6017, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON SHALL BE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE CODE OF REGULATIONS OF THE CITY OF ANGLETON, TEXAS.

_____
BRIAN G. FAMBROUGH
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6017

OWNER:
RAHMATULLAH MOMIN
2113 S. VELASCO ST
ANGLETON, TEXAS 77515

FROM THE OFFICE OF:
RANDY L. STROUD, P.E.
TBPLS FIRM NO. 10020500
TBPE FIRM NO. F372
201 SOUTH VELASCO
ANGLETON, TEXAS 77515
979-848-3141

ANGLETON DRAINAGE DISTRICT

ACCEPTED THIS THE _____ DAY OF _____, 2018

THE BOARD OF SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT WARRANT, REPRESENT, OR GUARANTEE:

1. THAT DRAINAGE FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION PLAT ARE AVAILABLE TO RECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT.

2. THAT DRAINAGE FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN EXCESS OF ADD REQUIREMENTS.

3. THAT BUILDING ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE ANGLETON DRAINAGE DISTRICT.

4. THAT THE DISTRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION, OR MAINTENANCE OF SUBDIVISION DRAINAGE FACILITIES.

THE DISTRICT'S REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR REVIEW, AND ON THE RELIANCE ON THE REPORT SUBMITTED BY THE TEXAS REGISTERED PROFESSIONAL ENGINEER. THE DISTRICT'S REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE OVERALL RESPONSIBILITY AND / OR DECISION MAKING POWER OF THE PARTY SUBMITTING THE PLAT OR PLAN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS.

_____ _____
DAVID SPOOR, CHAIRMAN WELDON ZGARBA, VICE-CHAIRMAN

_____
TERRY HOWAK, SECRETARY

REPLAT OF
LOTS 1, 2, 13, AND 14, BLOCK 1
LEE & McBRIDE SUBDIVISION

2 LOTS 1 BLOCK

REPLAT OF LOTS 1, 2, 13, AND 14, BLOCK 1 LEE & McBRIDE SUBDIVISION OUT OF LOT 20, DIVISION 4, OF THE SUBDIVISION OF THE EAST ONE-HALF (1/2) OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, CITY OF ANGLETON, BRAZORIA COUNTY TEXAS, ACCORDING TO THE RECORDED PLAT THEREOF IN VOLUME 4, PAGE 99 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

1"=40' 11-29-16

0' 40' 80' 120'

ANGLETON
Where the heart is

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and possible action on approval of **ORDINANCE NO. 2017-O-1A, AN ORDINANCE AMENDING THE 2016-2017 FISCAL YEAR BUDGET BY AMENDING THE TIRZ FUND AND MISCELLANEOUS MINOR FUND; DECLARING A PUBLIC NECESSITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE.**

__ Consent item
_X_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Susie J Hernandez, Director of Finance

Budgeted amount: N/A **Funds requested: N/A** **Fund: N/A**

Attachments: (Attachment description): Ordinance 2017-0-1A

Executive Summary:
The following are the explanations to each fund:

The TIRZ Fund (58) with several increases and decreases to both Revenues and Expenses will make an adjustment of $156,512. As requested by the TIRZ's Partners reimbursement will be done in the 2016-2017 budget.

There were numbers increased and decreased in miscellaneous minor fund to complete the disbursement of the CDBG Fund (73) waterline replacement in the 2016-2017 budget of $58,903.

The OBJ Police Grant Fund (105) was awarded in last year's budget but not expensed until the 2016-2017 budget. The revenue and expenditures amounted to $23,041.

Amendments are required to keep our Department Budget in Balance and to make adjustments as we close our Fiscal year.

Recommendation: Approval required.

Susie J Hernandez **December 29, 2016**

Name **Date**

ORDINANCE NO. 2017-O-1A

AN ORDINANCE AMENDING THE 2016-2017 FISCAL YEAR BUDGET BY AMENDING THE TIRZ FUND, AND MISCELLANEOUS MINOR FUND; DECLARING A PUBLIC NECESSITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Angleton adopted the City Budget for fiscal year 2016-2017 at a regular meeting of the Council held in September of 2016; and

WHEREAS, the disbursement of the TIRZ Fund is anticipated in 2017; and

WHEREAS, the additional disbursement of Funds for the CDBG waterline replacement is anticipated in 2017; and

WHEREAS, the disbursement of Funds for the OBJ Police Grant is anticipated in 2017; and

WHEREAS, these amendments to the 2016-2017 City Budget for fiscal year 2016-2017 are for municipal purposes; and

WHEREAS, the City Council has determined that passage of this amendment is in the best interest of the City of Angleton and its residents and is a public necessity to properly reflect changes in expenditures in the budget which could not have been included in the budget through the use of reasonable diligent thought or attention;

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

SECTION 1. That the matter and facts recited in the preamble hereof are hereby found and determined to be true and correct and are made a part of this Ordinance for all purposes.

SECTION 2. That the following amendments to the City Budget for fiscal year 2016-2017 as set forth in the attached Exhibit A are hereby incorporated herein by reference and made a part of this Ordinance for all purposes and are hereby approved in their entirety. The details of the amendments are more particularly described in the agenda action form attached hereto as Exhibit B and incorporated herein by reference for all purposes.

SECTION 3. That if any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by

reason of any unconstitutionality of any other portion thereof, and all provisions of this ordinance are declared severable for that purpose.

SECTION 4. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that a quorum of the City Council was present.

SECTION 5. That the Finance Director shall file a true and correct copy of this ordinance with all attachments with the County Clerk of Brazoria County, Texas.

SECTION 6. This ordinance shall become effective January 10, 2017.

PASSED AND APPROVED THIS 10 TH DAY OF JANUARY, 2017.

CITY OF ANGLETON, TEXAS

_____
RANDY RHYNE, Mayor

ATTEST:

_____
SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

_____
MARY KAY FISCHER, City Attorney

Exhibit A- Ord. 2017-O-1A
FYE 2017 Budget Amendment

Line Item Number	Description	Current Budget	Increase/ (Decrease)	Amended Budget
	TIRZ Fund (58)			
58-300-100	Current Tax		23,243	23,243
58-300-101	Revenue From Angleton Drainage		2,398	2,398
58-300-800	Interest Income		300	300
58-300-900	Transfer from Fund Balance		130,571	130,571
	TIRZ Fund Revenues		**156,512**	**156,512**
	TIRZ Fund Expenses			
58-500-416	Reimbursement to Partners		153,604	153,604
58-300-401	Reimbursement to City of Angleton		2,908	2,908
	Total Expense Increase/(Decrease)		**156,512**	**156,512**
	Brazoria County HUD Grant CDBG Fund (73)			
73-300-740	Transfer from Fund Balance		58,903	58,903
	Brazoria County HUD Grant CDBG Fund (73) Revenues		**58,903**	58,903
	Brazoria County HUD Grant CDBG Fund (73) Expenses			
73-570-615	Basic Engineering		3,571	3,571
73-570-619	Construction		55,332	55,332
	Total Expense Increase/(Decrease)		**58,903**	**58,903**
	OBJ Police Grant Fund 105			
105-300-300	OBJ-Grant Proceeds		18,431	18,431
105-300-700	Transfer from Fund Balance		4,610	4,610
	OBJ Police Grant Fund Revenues		**23,041**	**23,041**
	OBJ Police Grant Fund Expenses			
105-525-605	**Police Equipment**		23,041	23,041
	Total Expense Increase/(Decrease)		**23,041**	**23,041**

EXHIBIT B
BUSINESS FOR THE CITY COUNCIL
OF THE CITY OF ANGLETON

SUBJECT:

DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2017-O-1A; AN ORDINANCE AMENDING THE 2016/2017 FISCAL YEAR BUDGET BY AMENDING THE TIRZ FUND, AND MISCELLANEOUS MINOR FUND; DECLARING A PUBLIC NECESSITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE.

REQUESTED BY: Susie J Hernandez

SUBMITTED BY: Susie J Hernandez

DATE SUBMITTED: December 29, 2016 FOR THE AGENDA OF: January 10, 2017

Expenditure Required: Not applicable.

Available Funding: Not applicable.

Attachments: Ordinance No. 2017-O-1A

SUMMARY STATEMENT:

The following are the explanations to each fund:

The disbursement of the TIRZ Fund is anticipated in 2017.

The additional disbursement of Funds for the CDBG waterline replacement is anticipated in 2017.

The additional disbursement of Funds for the OBJ Police Grant Fund is anticipated in 2017.

There were numbers increased and decreased in miscellaneous minor fund to complete work not finished in prior year's budget.

Amendments are required to keep our Department Budget in Balance and to make adjustments as we close our Fiscal year.

Recommendation: Approval required.

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and Possible Action on RESOLUTION NO. 2017-R-1A; A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, SETTING A DATE, TIME AND PLACE FOR TWO (2) PUBLIC HEARINGS ON THE PROPOSED ANNEXATION BY THE CITY OF ANGLETON, TEXAS, OF A 5.280 ACRE TRACT OF LAND IN THE J. DE J. VALDERAS SURVEY, A-380, BEING A PORTION OF A CALLED 6.689-ACRE TRACT OF LAND CONVEYED UNTO BLAKE ROBERTSON BY DEED RECORDED UNDER DOCUMENT NO. 2014000881 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS, AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS; PROVIDING FOR AN OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

__ Consent item
_X_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Blake Robertson, Property Owner

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Resolution

Executive Summary: City Council must hold two public hearings on January 24 as required by State law. This Resolution directs the Mayor to publish the notice in accordance with state law.

Recommendation: Staff recommends approval of Resolution No. 2017-R-1A.

Shelly Deisher
Name

January 4, 2017
Date

RESOLUTION NO. 2017-R-1A

A RESOLUTION OF THE CITY OF ANGLETON, TEXAS, SETTING A DATE, TIME AND PLACE FOR TWO (2) PUBLIC HEARINGS ON THE PROPOSED ANNEXATION BY THE CITY OF ANGLETON, TEXAS, OF A 5.280 ACRE TRACT OF LAND IN THE J. DE J. VALDERAS SURVEY, A-380, BEING A PORTION OF A CALLED 6.689-ACRE TRACT OF LAND CONVEYED UNTO BLAKE ROBERTSON BY DEED RECORDED UNDER DOCUMENT NO. 2014000881 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS, AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS; PROVIDING FOR AN OPEN MEETINGS CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Blake Robertson, owner of the 5.280 acre tract of land in the J. de J. Valderas Survey, A-380, being a portion of a called 6.689-acre tract of land conveyed unto Blake Robertson by Deed Recorded under Document No. 2014000881 of the Official Public Records of Brazoria County, Texas, has filed a petition requesting the City Council of the City of Angleton to extend the present city limits so as to include the above-described property; and

WHEREAS, said tract of land is contiguous and adjacent to the City of Angleton, Texas, and is not more than one-half mile in width; and

WHEREAS, before a municipality may institute annexation proceedings, the governing body must conduct two (2) public hearings;

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

Section 1. On the 24h day of January, 2017, at 6:00 p.m. in the City Council Chambers, 120 S. Chenango, Angleton, Texas, the City Council will conduct two (2) public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the City of Angleton, Texas, of the following described property, to-wit:

5.280 ACRES SITUATED IN THE J. DE J. VALDERAS SURVEY, A-380, BEING A PORTION OF A CALLED 6.689-ACRE TRACT OF LAND CONVEYED UNTO BLAKE ROBERTSON BY DEED RECORDED UNDER DOCUMENT NO. 2014000881 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED IN METES AND BOUNDS ATTACHED AS EXHIBIT "A".

Section 2. The Mayor of the City of Angleton, Texas, is hereby authorized and directed to cause notice of such public hearings to be published once in a newspaper having general circulation in the city and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearings, in accordance with the Municipal Annexation Act.

Section 3. The meeting at which this Resolution was approved was a special meeting of the City Council, in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 4. This Resolution shall become effective from and after its passage.

PASSED AND APPROVED this 10th day of January, 2017.

CITY OF ANGLETON, TEXAS

_____

RANDY RHYNE, MAYOR

ATTEST:

_____

SHELLY DEISHER,
CITY SECRETARY

APPROVED AS TO FORM:

_____

MARY KAY FISCHER,
CITY ATTORNEY

DESCRIPTION OF A TRACT OF LAND CONTAINING
5.280 ACRES (229,992 SQ. FT.) SITUATED IN
THE J. de J. VALDERAS SURVEY, A-380
BRAZORIA COUNTY, TEXAS

Being a tract of land containing 5.280 acres (229,992 square feet) situated in the J. de J. Valderas Survey, A-380 in Brazoria County, Texas, being a portion of a called 6.689-acre tract of land conveyed unto Blake Robertson, by deed recorded under Document No. 2014000881 of the Official Public Records of Brazoria County, Texas. Said 5.280-acre tract being more particularly described by metes and bounds as follows:

Note: The bearings referenced herein are grid values, based on the Texas State Plane Coordinate System, South Central Zone No. 4204, NAD83 (CORS96, EPOCH 2002).

BEGINNING at a found 1/2-inch iron rod at the base of a railroad tie corner fence post being in the south line of a called 32.685-acre tract of land conveyed unto First Baptist Church of Angleton, by deed recorded under Document No. 2007068028 of the Official Public Records of Brazoria County, Texas, marking the northwest corner of Heritage Court Subdivision Section Two Final Plat, a subdivision of record at Film Code Number 2014027095, Official Public Records of Brazoria County, Texas and marking the northeast corner of said 6.689-acre tract and the herein described tract;

THENCE, South 04° 26' 36" East, along the westerly line of said Section Two and along the easterly line of said 6.689-acre tract, a distance of 690.90 feet to a 5/8-inch iron rod with plastic cap stamped "Cobb Fendley & Associates" found in the northerly line of Heritage Court Subdivision Section One Final Plat, a subdivision of record at Film Code Number 2013060824, Official Public Records of Brazoria County, Texas, marking the southwesterly corner of said Section Two and a southeasterly corner of said 6.689-acre tract and the herein described tract;

THENCE, South 85° 33' 24" West, along the northerly line of said Section One and along a southerly line of said 6.689-acre tract, a distance of 354.71 feet to a 5/8-inch iron rod with plastic cap stamped "Baker Lawson" found in the easterly line of a called 1.428-acre tract, a/k/a Ditch 9-Parcel 1, conveyed unto The Angleton Drainage District, by deed recorded under Document No. 2005053658 and corrected under Document No. 2008001667 both of the Official Public Records of Brazoria County, Texas, said iron rod marking the northeasterly corner of a called 0.057-acre tract, a/k/a Ditch 9-Parcel 2, conveyed unto The Angleton Drainage District, by deed recorded under Document No. 2005053657 of the Official Public Records of Brazoria County, Texas, marking the northwesterly corner of said Section One and the southwesterly corner of the herein described tract;

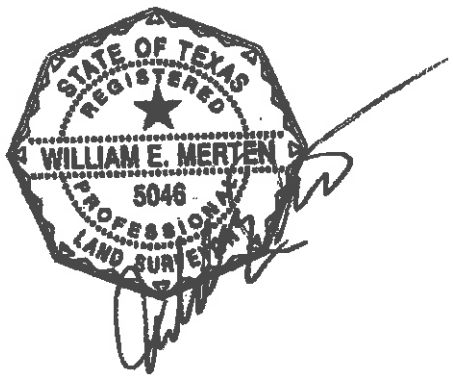
THENCE in a northerly direction along the easterly line of said 1.428-acre tract, the following four (4) courses:

1. North 02° 19' 48" West, a distance of 273.27 feet to and angle point;
2. North 09° 03' 09" East, a distance of 101.34 feet to and angle point;
3. North 02° 19' 48" West, a distance of 220.00 feet to and angle point;
4. North 13° 37' 36" West, a distance of 101.49 feet to a point in the southerly line of said 32.685-acre tract, in the northerly line of said 6.689-acre tract and for the northwesterly corner of the herein described tract;

THENCE North 85° 41' 24" East, along the southerly line of said 32.685-acre tract and along the northerly line of said 6.689-acre tract, a distance of 329.07 feet to the **POINT OF BEGINNING** and containing 5.280 acres (229,992 square feet) of land.

Cobb, Fendley & Associates, Inc.
TBPLS Firm Registration No. 100467
13430 NW Freeway, Suite 1100
Houston, TX 77040
Ph. 713-462-3243

Job Number 1610-001-01
December 20, 2016



PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF ANGLETON, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby waive the requirement to be offered a development agreement pursuant to Section 43.035, and petition the City Council of the City of Angleton, Texas, to extend the present city limits so as to include as part of the City of Angleton, Texas, the following described territory, to wit:

(Attach a description of the territory covered by the petition by metes and bounds)

I (We) certify that the above described tract of land is contiguous and adjacent to the City of Angleton, Texas, is not more than one-half mile in width, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: _____

THE STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, the undersigned authority, on this day personally appeared Blake Robertson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 20 day of December, 2016.

[SEAL]

KEVIN JEFFERY TEE
Notary Public, State of Texas
ID# 129548284
My Commission Expires
SEPTEMBER 5, 2017

_____
Notary Public in and for
Brazoria County, Texas

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and Possible Action on the Heritage Court Section 3 Preliminary Plat, a Subdivision containing 5.271 Acres out of the J. De J. Valderas Survey, Abstract 380, Brazoria County, Texas.

__ Consent item
_x_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Tyler Broom, Designated Agent

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Application, appointment of agent, preliminary plat, staff comments

Executive Summary:
This is to be Section 3 of the Heritage Court Subdivision. The City is aware that the property is not in the City Limits and the property owner has filed a petition to annex.

Recommendation:
Staff recommends approval.

Shelly Deisher
Name

January 5, 2017
Date

APPLICATION FOR PLAT REVIEW/APPROVAL

Date: 12-5-16

TYPE OF APPLICATION: _____ SHORT FORM
__X__ PRELIMINARY/FINAL PLAT
_____ COMMERCIAL
__X__ RESIDENTIAL

Address of property 1308 Laurel Loop, Angleton, TX 77515

Name of Applicant: Tyler Broom Phone: 713-462-3242

Name of Company: CobbFendley Phone: 713-462-3242

E-mail: tbroom@cobbfendley.com

Name of Owner of Property: Blake Robertson

Address: P.O. Box 1989 Angleton, TX 77516

Phone: _____ _____ E-mail: _____

I HEREBY REQUEST approval of the preliminary and final plat of the subject property according to the plans which are submitted as a part of this application. I HEREBY AUTHORIZE the staff of the City of Angleton to inspect the premises of the subject property. I HEREBY SWEAR AND AFFIRM that all statements contained herein and attached hereto are true and correct to the best of my knowledge and belief.

Signature of Owner or Agent for Owner (Applicant) _____

NOTARIAL STATEMENT FOR APPLICANT:

Sworn to and subscribed before me this 14 day of December, 2016.

(SEAL)

CORBYNN P. LEMMON
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 04-12-2017

_____
Notary Public for the State of Texas
Commission Expires: 4-12-17

APPLICATION, ALL REQUIRED DOCUMENTATION AND PLATS MUST BE SUBMITTED FOR REVIEW A MINIMUM OF 15 DAYS PRIOR TO THE NEXT PLANNING & ZONING COMMISSION MEETING. (Note – Any form that is not completely filled out may be delayed, may result in a denial or may be returned to the Applicant).

AFFIDAVIT OF
AUTHORIZATION BY PROPERTY OWNER

I swear that I am the owner of (indicate address and/or legal description) A subdivision containing 5.280 acres out fo the J. de J. Valderas Survey, A-380 Brazoria County, TX

which is the subject of the attached application for land platting and is shown in the records of Brazoria County, Texas.

I authorize the person named below to act as my agent in the pursuit of this application for the platting of the subject property.

NAME OF APPLICANT: CobbFendley - Tyler Broom

ADDRESS: 13430 Northwest Freeway, Suite 1100, Houston, TX

APPLICANT PHONE # 713-462-3242 E-MAIL: tbroom@cobbfendley.com

PRINTED NAME OF OWNER: Blake Robertson

SIGNATURE OF OWNER: _____ DATE: _____

NOTARIAL STATEMENT FOR PROPERTY OWNER:

Sworn to and subscribed before me this 14 day of December, 2016.

(SEAL)

CORBYNN P. LEMMON
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 04-12-2017

Corbynn P. Lemmon
Notary Public for the State of Texas
Commission Expires: 4-12-17

PROJECT SUMMARY FORM

Address of property 1308 Laurel Loop, Angleton, TX 77515

The subject property fronts _____ feet on the _____ side of _____

Depth: _____ Area: 5.280 Acres: 229,605 square feet

INDICATE THE PURPOSE OF THE REQUESTED PLAT APPROVAL (BE SPECIFIC):

Preliminary Plat Approval for Heritage Court Section 3

Is this platting a requirement for obtaining a building permit? X YES ____ NO

INDICATE ADDITIONAL INFORMATION THAT WILL ASSIST WITH THE REVIEW OF THIS APPLICATION.

Final section of the Heritage Court Subdivision

Name: _____ Date: 12.14.16

APPLICATION FOR PLAT REVIEW/APPROVAL

Date: 10-25-16

TYPE OF APPLICATION: ____ SHORT FORM
__X__ PRELIMINARY/FINAL PLAT
____ COMMERCIAL
__X__ RESIDENTIAL

Address of property 1308 Laurel Loop, Angleton, TX 77515

Name of Applicant: Tyler Broom Phone: 713-462-3242

Name of Company: CobbFendley Phone: 713-462-3242

E-mail: tbroom@cobbfendley.com

Name of Owner of Property: RML Development, LLC

Address: P.O. Box 1989 Angleton, TX 77516

Phone: [redacted] E-mail: [redacted]

I HEREBY REQUEST approval of the preliminary and final plat of the subject property according to the plans which are submitted as a part of this application. I HEREBY AUTHORIZE the staff of the City of Angleton to inspect the premises of the subject property. I HEREBY SWEAR AND AFFIRM that all statements contained herein and attached hereto are true and correct to the best of my knowledge and belief.

Signature of Owner or Agent for Owner (Applicant) _____

NOTARIAL STATEMENT FOR APPLICANT:

Sworn to and subscribed before me this 15th day of November, 2016.

(SEAL)

ALEX VAN DUZER
Notary Public, State of Texas
Comm. Expires 08-01-2020
Notary ID 12[redacted]

_____
Notary Public for the State of Texas
Commission Expires: 8-1-20

APPLICATION, ALL REQUIRED DOCUMENTATION AND PLATS MUST BE SUBMITTED FOR REVIEW A MINIMUM OF 15 DAYS PRIOR TO THE NEXT PLANNING & ZONING COMMISSION MEETING. (Note – Any form that is not completely filled out may be delayed, may result in a denial or may be returned to the Applicant).

AFFIDAVIT OF AUTHORIZATION BY PROPERTY OWNER

I swear that I am the owner of (indicate address and/or legal description) A subdivision containing 5.271 acres out fo the J. de J. Valderas Survey, A-380 Brazoria County, TX

which is the subject of the attached application for land platting and is shown in the records of Brazoria County. Texas.

I authorize the person named below to act as my agent in the pursuit of this application for the platting of the subject property.

NAME OF APPLICANT: CobbFendley - Tyler Broom

ADDRESS: 13430 Northwest Freeway, Suite 1100, Houston, TX

APPLICANT PHONE # 713-462-3242 E-MAIL: tbroom@cobbfendley.com

PRINTED NAME OF OWNER: RML Development, LLC

SIGNATURE OF OWNER: _____ DATE: _____

NOTARIAL STATEMENT FOR PROPERTY OWNER:

Sworn to and subscribed before me this 15th day of November, 20 16.

(SEAL)

ALEX VAN DUZER
Notary Public, State of Texas
Comm. Expires 08-01-2020
Notary ID 126611451

Notary Public for the State of Texas
Commission Expires: 8-1-20

PROJECT SUMMARY FORM

Address of property 1308 Laurel Loop, Angleton, TX 77515

The subject property fronts _____ feet on the _____ side of _____

Depth: _____ Area: 5.271 Acres: 229,605 square feet

INDICATE THE PURPOSE OF THE REQUESTED PLAT APPROVAL (BE SPECIFIC):

Preliminary Plat Approval for Heritage Court Section 3

Is this platting a requirement for obtaining a building permit? X YES _____ NO

INDICATE ADDITIONAL INFORMATION THAT WILL ASSIST WITH THE REVIEW OF THIS APPLICATION.

Final section of the Heritage Court Subdivision

Name: Tyler Broom Date: 11-15-16

CobbFendley

MEMORANDUM

TO:	FROM:
Michael Stoldt – City of Angleton	Tyler Broom, P.E.
COMPANY:	DATE:
CobbFendley	12/20/2016
RE:	COBBFENDLEY PROJECT NUMBER:
Heritage Court Section 3 Staff & Engineer's Comments	1610-001-01

NOTES/COMMENTS:

Mr. Stoldt & Staff,

Below is a list of addressed comments for **Heritage Court Section 3 Preliminary Plat and Plans** from the City of Angleton Staff.

Recording Page:

1. Misspelling of "foregoing" was corrected.
2. The name "Blake Robertson" was added as commented.
3. The City Secretary signature line is under the Mayor's signature line in the City Planning Commission section of the wording.
4. Street names were added as commented.
5. See attached for Angleton Drainage District approval.
6. Metes & bounds description is included with the voluntary annexation petition.
7. Surveyor will sign and seal mylar copy of the final approved plat before recordation.
8. Building line setbacks are shown in the detail titled, "Typical Building Line Setbacks for All Lots" above the curve table on the plat.
9. Measurements and distances are shown for all lots. See Line and Curve Tables.
10. Utility easement was extended to Lot 2 as commented.
11. All Sanitary Sewer Easements (S.S.E.) and Water Line Easements (W.L.E) have been changed to Utility Easements (U.E.).
12. Voluntary Annexation Petition will be sent to City Staff before final platting.

Engineer's Comments:

1. All Mechanical Joints have been changed to Restrained Joints in General Notes and on Plans.

If you have any additional questions or comments concerning this submittal please do not hesitate to contact me at 713-462-3242 or email tbroom@cobbfendley.com

Sincerely,

Tyler Broom, P.E.

13430 Northwest Freeway, Suite 1100 | Houston, Texas 77040 | 713.462.3242 | fax 713.462.3262 | www.cobbfendley.com

TBPE Firm Registration No. 274 | TBPLS Registration No. 100167

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: DISCUSSION AND POSSIBLE ACTION ON AN "AD VALOREM TAX REFUND INCENTIVE PROGRAM AGREEMENT" BETWEEN THE CITY OF ANGLETON AND RML DEVELOPMENT FOR THE CONSTRUCTION OF HERITAGE COURT SUBDIVISION SECTION 1 AND 2.

__ Consent item
__ Discussion item
_x_ Discussion and possible action
__ Public Hearing

REQUESTED BY: Martha Eighme

Attachments: (Attachment description)
Exhibit A application for Incentive Program Agreement
Exhibit B * Ordinance No. 2014-O-1C – attached with agreement (has not been attached to the agenda to conserve paper, but is available for review upon request)
Exhibit C attached property description
Exhibit D attached calculation sheet

Executive Summary:
This is the ninth agreement to be considered under the 2014 Commercial and Residential Incentive Program. The program was designed to encourage speculative residential construction and new commercial development. Under the program new residential subdivisions can receive rebates for Maintenance and Operations (M&O) taxes paid for three years.

The City budgeted $40,000 for tax rebates for the 2016/2017 budget. The rebate for this agreement (2015 Assessed Value) is $12,610. There will be two rebates (2015 and 2016) issued for the Heritage Court Subdivision for this fiscal year totaling $25,465. This will leave a balance of $14,535. The previous eight agreements totaled $9,419.89 which were funded in the 2015/2016 fiscal year.

Martha Eighme
Name

January 3, 2017
Date

CITY OF ANGLETON, TEXAS

APPLICATION FOR INCENTIVE PROGRAM AGREEMENT
NEW RESIDENTIAL SUBDIVISIONS

Name of Property Owner: RML Development, LLC

If a Partnership or Corporation, provide contact name and title of person who is empowered to execute this application and bind the Property Owner: Ryan Cade, owner

Address: 115 E. Mulberry Suite C. Angleton, TX 77515
PO Box 1989 Angleton, TX 77516

Phone Number: [illegible]

E-mail Address: [illegible]

Description of proposed project:

Number of Lots: 58

Average Size of Lot: 90'X150'

Estimated Average Value of Lot: $ 65,000.00

Estimated Average Value of Homes: $ 330,000.00

Public Improvements to be Provided: park, walking track, roads, green area water, Septic, electricity

Estimated Completion Date: Completed

Will water and sewer service be provided by the City? If no, please explain who will provide water and sewer service.

Yes

Attach the following to Application:

1. Map/Survey of Property with Legal Description
2. Certified Tax Certificate (proof of current taxes paid for subject property).

Is the project receiving any other form of governmental assistance? If yes, please explain.

NO

I, Ryan Cade, as owner of the property at the time the building permit was issued, certify the information contained herein is true and correct. Moreover, I understand that the information included in this application, and all supplemental information provided to the city in conjunction with this application, are government records for the purposes of Chapter 37 of the Texas Penal Code.

Submitted this 10 day of June, 2015.

"My name is Ryan (first) Charles (middle) Cade (last).

my date of birth is [redacted], my address is [redacted]

Angleton (city), Texas (state), 77515 (zip code), and USA (country).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Brazoria County, State of Texas, on the 10 day of June, 2015.

RC (Declarant)

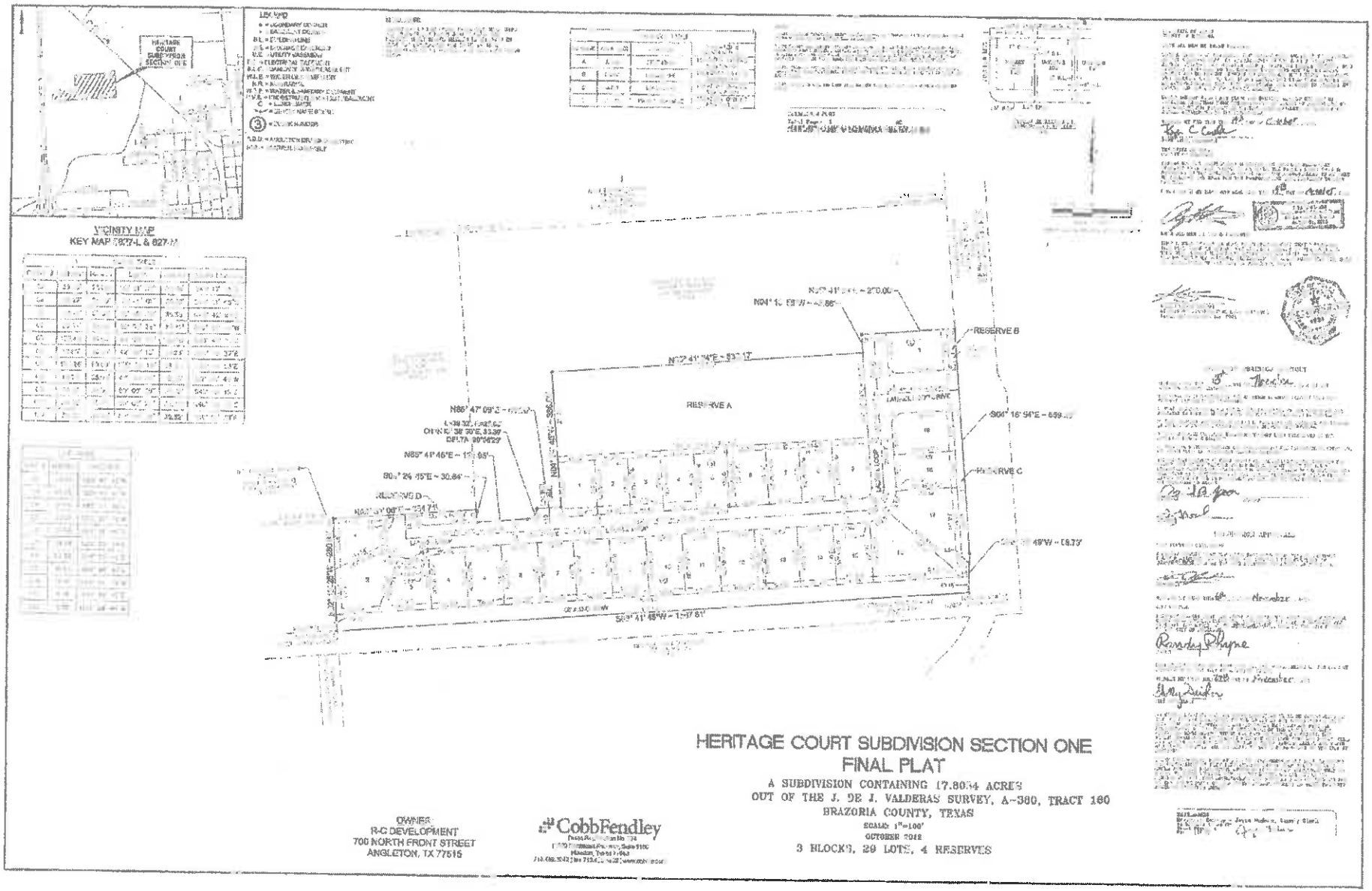
Ryan Cade
Printed Name

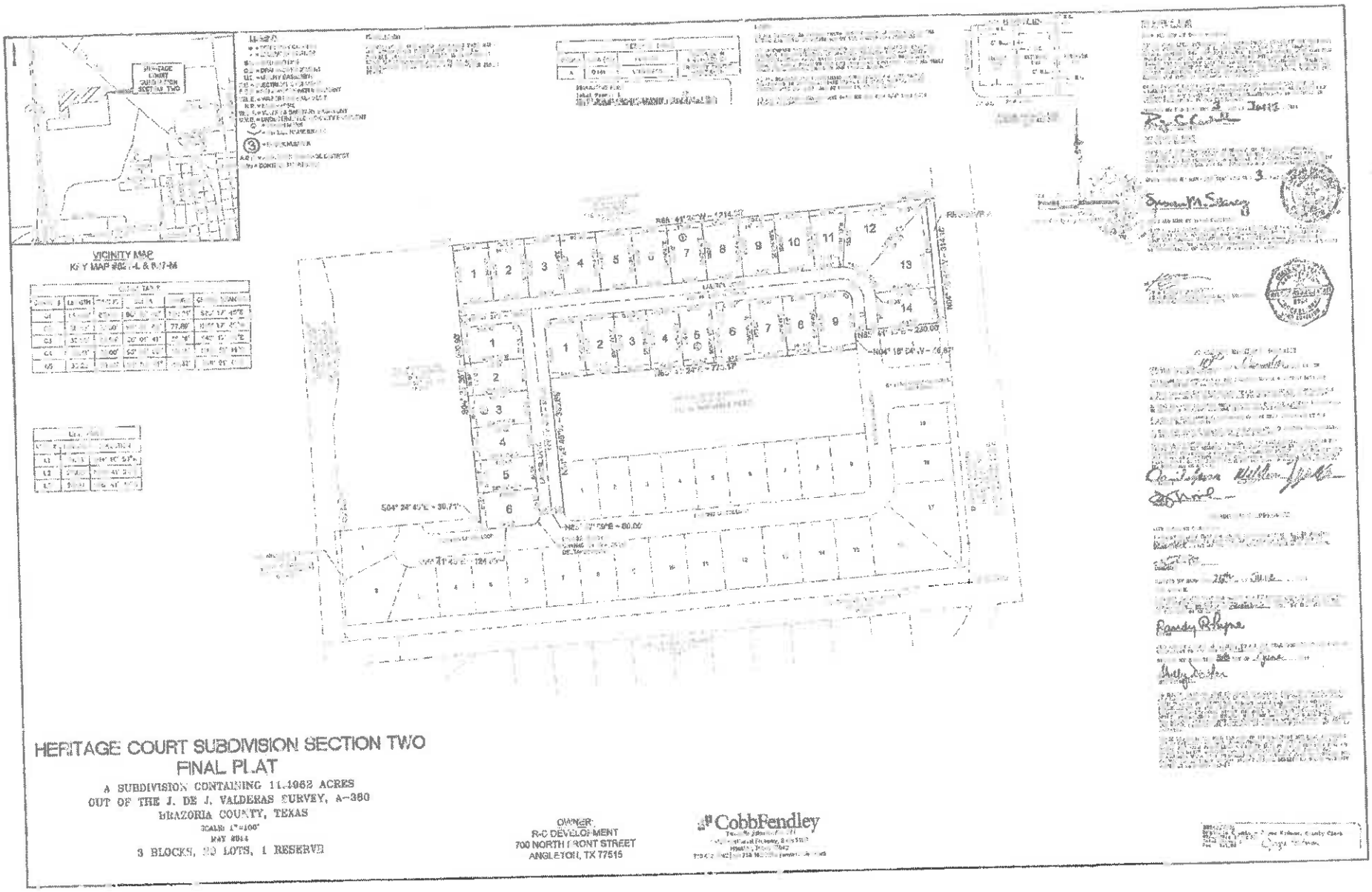
Owner
Title

OFFICIAL USE ONLY

Date Received:_____

Received by:_____


VICINITY MAP
KEY MAP 827-L & 827-M
RESERVE A
RESERVE B
RESERVE C
RESERVE D
HERITAGE COURT SUBDIVISION SECTION ONE
FINAL PLAT
A SUBDIVISION CONTAINING 17.8034 ACRES
OUT OF THE J. DE J. VALDERAS SURVEY, A-380, TRACT 180
BRAZORIA COUNTY, TEXAS
SCALE: 1"=100'
OCTOBER 2012
3 BLOCKS, 29 LOTS, 4 RESERVES
OWNER:
R-C DEVELOPMENT
700 NORTH FRONT STREET
ANGLETON, TX 77515
CobbFendley



HERITAGE COURT SUBDIVISION SECTION TWO
FINAL PLAT

A SUBDIVISION CONTAINING 11.4962 ACRES
OUT OF THE J. DE J. VALDERAS SURVEY, A-380
BRAZORIA COUNTY, TEXAS
SCALE: 1"=100'
MAY 2014
3 BLOCKS, 29 LOTS, 1 RESERVE

OWNER:
R-C DEVELOPMENT
700 NORTH FRONT STREET
ANGLETON, TX 77515

CobbFendley

Street Address	Legal Address	Pre-Development Value (2014)	(2015 Assessed Value) 2016 Value (less HS)	M&O Rate	Rebate	Taxes Paid	Refund Paid
1364 Laurel Loop	Sec. 1, Blk 1 - Lot 1	$6,160.00	$32,190	$0.637334	$205		
1272 Laurel Loop	Sec. 1, Blk 2 - Lot 1	$5,180.00	$27,060	$0.637334	$172		
1268 Laurel Loop	Sec. 1, Blk 2 - Lot 2	$6,490.00	$39,400	$0.637334	$251		
1264 Laurel Loop	Sec. 1, Blk 2 - Lot 3	$5,500.00	$28,710	$0.637334	$183		
1260 Laurel Loop	Sec. 1, Blk 2 - Lot 4	$5,700.00	$29,740	$0.637334	$190		
1256 Laurel Loop	Sec. 1, Blk 2 - Lot 5	$5,700.00	$29,740	$0.637334	$190		
1252 Laurel Loop	Sec. 1, Blk 2 - Lot 6	$5,700.00	$29,740	$0.637334	$190		
1248 Laurel Loop	Sec. 1, Blk 2 - Lot 7	$5,700.00	$29,740	$0.637334	$190		
1244 Laurel Loop	Sec. 1, Blk 2 - Lot 8	$5,700.00	$29,740	$0.637334	$190		
1240 Laurel Loop	Sec. 1, Blk 2 - Lot 9	$5,700.00	$29,740	$0.637334	$190	1/29/2016	
1236 Laurel Loop	Sec. 1, Blk 2 - Lot 10	$5,700.00	$29,740	$0.637334	$190		
1232 Laurel Loop	Sec. 1, Blk 2 - Lot 11	$5,700.00	$29,740	$0.637334	$190		
1228 Laurel Loop	Sec. 1, Blk 2 - Lot 12	$6,470.00	$34,870	$0.637334	$222		
1224 Laurel Loop	Sec. 1, Blk 2 - Lot 13	$5,700.00	$29,740	$0.637334	$190		
1220 Laurel Loop	Sec. 1, Blk 2 - Lot 14	$5,700.00	$29,740	$0.637334	$190		

1216 Laurel Loop	Sec. 1, Blk 2 - Lot 15	$5,510.00	$28,770	$0.637334	$183
1212 Laurel Loop	Sec. 1, Blk 2-Lot 16	$6,920.00	$45,470	$0.637334	$290
1208 Laurel Loop	Sec. 1, Blk 2-Lot 17	$6,980.00	$46,430	$0.637334	$296
1204 Laurel Loop	Sec. 1, Blk 2-Lot 18	$5,700.00	$29,740	$0.637334	$190
1200 Laurel Loop	Sec. 1, Blk 2-Lot 19	$6,240.00	$32,610	$0.637334	$208
1249 Laurel Loop	Sec. 1, Blk 3-Lot 1	$6,720.00	$37,290	$0.637334	$238
1245 Laurel Loop	Sec. 1, Blk 3-Lot 2	$6,340.00	$35,160	$0.637334	$224
1241 Laurel Loop	Sec. 1, Blk 3-Lot 3	$6,340.00	$35,160	$0.637334	$224
1237 Laurel Loop	Sec. 1, Blk 3-Lot 4	$6,340.00	$35,160	$0.637334	$224
1233 Laurel Loop	Sec. 1, Blk 3-Lot 5	$6,340.00	$35,160	$0.637334	$224
1229 Laurel Loop	Sec. 1, Blk 3-Lot 6	$6,340.00	$35,160	$0.637334	$224
1225 Laurel Loop	Sec. 1, Blk 3-Lot 7	$6,340.00	$35,160	$0.637334	$224
1221 Laurel Loop	Sec. 1, Blk 3-Lot 8	$6,340.00	$35,160	$0.637334	$224
1217 Laurel Loop	Sec. 1, Blk 3-Lot 9	$6,720.00	$37,290	$0.637334	$238
Section I Pre-Development Value per sq. ft.		$0.16			
1308 Laurel Loop	Sec. 2, Blk 1-Lot 1	$2,177.46	$33,263	$0.637334	$212
1312 Laurel Loop	Sec. 2, Blk 1-Lot 2	$2,169.43	$33,271	$0.637334	$212
1316 Laurel Loop	Sec. 2, Blk 1-Lot 3	$2,169.43	$33,271	$0.637334	$212
1320 Laurel Loop	Sec. 2, Blk 1-Lot 4	$2,169.43	$33,271	$0.637334	$212
1324 Laurel Loop	Sec. 2, Blk 1-Lot 5	$2,169.43	$33,271	$0.637334	$212
1328 Laurel Loop	Sec. 2, Blk 1-Lot 6	$2,169.43	$33,271	$0.637334	$212
1332 Laurel Loop	Sec. 2, Blk 1-Lot 7	$2,169.43	$33,271	$0.637334	$212
1336 Laurel Loop	Sec. 2, Blk 1-Lot 8	$2,169.43	$33,271	$0.637334	$212
1340 Laurel loop	Sec. 2, Blk 1-Lot 9	$2,169.43	$33,271	$0.637334	$212

1344 Laurel Loop	Sec. 2, Blk 1-Lot 10	$2,169.43	$33,271	$0.637334	$212
1348 Laurel loop	Sec. 2, Blk 1-Lot 11	$1,960.52	$30,069	$0.637334	$192
1352 Laurel Loop	Sec. 2, Blk 1-Lot 12	$3,556.09	$35,944	$0.637334	$229
1356 Laurel Loop	Sec. 2, Blk 1-Lot 13	$3,602.21	$36,408	$0.637334	$232
1360 Laurel Loop	Sec. 2, Blk 1-Lot 14	$2,170.23	$33,280	$0.637334	$212
1317 Laurel Loop	Sec. 2, Blk 2-Lot 1	$2,196.42	$40,244	$0.637334	$256
1321 Laurel Loop	Sec. 2, Blk 2-Lot 2	$1,977.07	$39,543	$0.637334	$252
1325 Laurel Loop	Sec. 2, Blk 2-Lot 3	$1,977.07	$39,543	$0.637334	$252
1329 Laurel Loop	Sec. 2, Blk 2-Lot 4	$1,977.07	$39,543	$0.637334	$252
1333 Laurel Loop	Sec. 2, Blk 2-Lot 5	$1,977.07	$39,543	$0.637334	$252
1337 Laurel Loop	Sec. 2, Blk 2-Lot 6	$2,338.64	$40,391	$0.637334	$257
1341 Laurel Loop	Sec. 2, Blk 2-Lot 7	$1,977.07	$39,543	$0.637334	$252
1345 Laurel Loop	Sec. 2, Blk 2-Lot 8	$1,977.07	$39,543	$0.637334	$252
1349 Laurel Loop	Sec. 2, Blk 2-Lot 9	$2,200.44	$40,320	$0.637334	$257
1295 Laurel Lane	Sec. 2, Blk 3-Lot 1	$2,197.87	$33,702	$0.637334	$215
1291 Laurel Lane	Sec. 2, Blk 3-Lot 2	$1,977.55	$30,322	$0.637334	$193
1287 Laurel Lane	Sec. 2, Blk 3-Lot 3	$1,977.07	$30,323	$0.637334	$193
1283 Laurel Lane	Sec. 2, Blk 3-Lot 4	$1,976.43	$30,314	$0.637334	$193
1279 Laurel Lane	Sec. 2, Blk 3-Lot 5	$1,975.95	$30,304	$0.637334	$193
1275 Laurel Lane	Sec. 2, Blk 3-Lot 6	$2,194.50	$33,656	$0.637334	$215
					$12,610

CITY OF ANGLETON, TEXAS

AD VALOREM TAX REFUND INCENTIVE PROGRAM AGREEMENT NEW RESIDENTIAL SUBDIVISIONS

The City of Angleton, Texas, a Texas Home Rule Municipality, (hereinafter "City") and

RML Development, LLC (hereinafter "Property Owner")

hereby enter into an agreement for Ad Valorem Tax Refund Incentives ("Refund") as follows:

SECTION I
THE PROJECT

A. **Terms and Conditions Incorporated.** All terms and conditions of Ordinance No. 2014-O-1C, and all representations in the application submitted by Property Owner are hereby incorporated as if fully set out herein.

B. **The Project.** The Project location and description, for which the Refund is granted is described in the Application submitted by Property Owner. See attached Exhibit "C".

SECTION II
THE INCENTIVE

A. **Term.** Subject to the requirements of Section III A, the Refund shall be for taxes paid during the years of 2015 through 2017 (Notwithstanding any term to the contrary, any Tax Refund authorized by this Agreement shall not exceed the term authorized in Ordinance No. 2014-O-1C.

B. **The Refund Amount.** The Refund Amount shall be the Maintenance and Operations portion of the City's Property Tax Rate on the Increased Taxable Value for New Residential Subdivisions (excluding land value).

SECTION III
CONDITIONS FOR REFUND ELIGIBILITY

A. **Complete Construction.** No Refund shall be due under this Agreement unless and until all improvements are made to the Property and a certificate of occupancy has been issued for the main structure on the Property, project is connected to City water system and attached to serviceable sewer facilities.

B. **New Residential Subdivisions.** Refunds may only be paid under this Agreement for New Residential Subdivision Construction.

C. **City's Obligations Unsecured.** Amounts payable under this Agreement constitute economic development funds under Art. III, Sec. 52-a, Texas Constitution, are not secured by a pledge of ad valorem taxes or financed by the issuance of any bonds or other obligations payable from ad valorem taxes of City, and therefore are not considered to be a constitutional debt of City. Should any legal impediment arise during the Term of this Agreement, including a change in law, that prevents or prohibits City from complying with or making future payments under this Agreement, City may terminate this Agreement. Property Owner agrees that City will not pay Property Owner any tax refund payment if any legal impediment arises during the Term of this Agreement.

SECTION IV
COVENANTS

A. **Property Owner Covenants, Warranties, Obligations and Duties.** Property Owner makes the following covenants and warranties to City, and agrees to timely and fully perform the following obligations and duties. Any false or substantially misleading statement contained herein or failure to timely and fully perform as required in this Agreement shall be an Act of Default by the Property Owner. Failure to comply with any one covenant or warranty shall constitute an Act of Default by the Property Owner.

1. The Property Owner is the legal owner of the property described in the Application for this Agreement at the time the subdivision plat is approved by the City.

2. The Property Owner is a General Contractor, and/or will use a General Contractor and sub-contractors, that are authorized to do business and are in good standing in the City of Angleton and the State of Texas.

3. When the Property Owner is a Partnership or Corporation, the execution of this Agreement has been duly authorized by Property Owner's authorized representative, and the individual signing this Agreement is empowered to execute such Agreement and bind the Property Owner, said authorization, signing and binding effect is not in contravention of any law, rule or regulation, or of the provisions of Property Owner's partnership agreement, or by-laws, or of any agreement or instrument to which Property Owner is a party or by which it may be bound, such authority to be evidenced by a partnership resolution or board action attached hereto at the time of execution.

4. No litigation or governmental proceeding is pending or, to the knowledge of the Property Owner or Property Owner's officers, threatened against or affecting the Property Owner that may result in any material adverse change in Property Owner's business, properties or operation. No consent, approval or authorization of or registration or declaration within any governmental authority is required in connection with the execution of this Agreement or the transactions contemplated hereby.

5. There are no bankruptcy proceedings or other proceedings currently pending or contemplated, and the Property Owner has not been informed of any potential involuntary bankruptcy proceedings.

6. To its current, actual knowledge, Property Owner has acquired and maintained all necessary rights, licenses, permits and authority to carry on its business in Angleton, Texas, and will continue to use its best efforts to maintain all necessary rights, licenses, permits and authority.

7. Property Owner shall timely and fully comply with all of the terms and conditions of this Agreement.

8. Property Owner certifies that its business, or any branch, division, or department of the business, does not and will not knowingly employ any undocumented workers.

B. Suspensions/Termination. City, under the following circumstances, and at its sole discretion, may suspend its obligations under this Agreement or terminate this Agreement and all future payment obligations shall automatically cease upon any one of the following events, which are an Act of Default:

1. The appointment of a receiver of Property Owner, or of all or any substantial part of its property, and the failure of such receiver to be discharged within sixty (60) days thereafter.

2. The adjudication of Property Owner as a bankrupt.

3. The filing by Property Owner of a petition or an answer seeking bankruptcy, receivership, reorganization, or admitting the material allegations of a petition filed against it in any bankruptcy or reorganization proceeding.

SECTION V
MISCELLANEOUS PROVISIONS

A. **City's Liability Limitations** Should City fail to timely, fully and completely comply with any one or more of the requirements, obligations, duties, terms, conditions or warranties of this Agreement, such failures shall be an Act of Default by City and City shall have sixty (60) days to cure and remove the Default upon receipt of written notice to do so from Property Owner. Property Owner specifically agrees that City shall only be liable to Property Owner for the amount of the money grants it is required to convey to Property Owner, and shall not be liable to Property Owner for any other actual or

consequential damages, direct or indirect, or interest for any Act of Default by City under the terms of this Agreement. It is further specifically agreed that City shall only be required to pay the Refund amounts solely out of Ad Valorem Tax revenue generated by the Property that is the subject of this Agreement.

B. **Payments.** City shall not be obligated to make any tax refund payment until it receives its portion of the Ad Valorem Tax from the Property.

C. **Complete Agreement/Amendment.** This Agreement represents a complete agreement of the parties and supersedes all prior written and oral matters related to this Agreement. This Agreement may be canceled, changed, modified or amended, in whole or in part, only by written agreement by and between the Parties.

D. **Representations and Warranties.** The City represents and warrants to the Property Owner that the Program and this Agreement are within its authority, and that it is duly authorized and empowered to enter into this Agreement, unless otherwise ordered by a court of competent jurisdiction. The Property Owner represents and warrants to the City that it has the requisite authority to enter into this Agreement.

E. **Attorney's Fees.** In no event shall either Party be liable for the other's Attorney's Fees in the enforcement of this Agreement.

F. **Binding Effect.** This Agreement will be binding on and inure to the benefit of the parties and their respective successors and assigns.

G. **Notice.** Any notice or their communication ("Notice") given under this Agreement must be in writing, and may be given: (i) by depositing the Notice in the United States Mail, postage paid, certified, and addressed to the party to be notified with return receipt requested; (ii) by personal delivery of the Notice to the party, or an agent of the party; or (iii) by confirmed facsimile, provided that a copy of the Notice is also given in one of the manners specified in (i) or (ii). Notice deposited in the mail in the manner specified will be effective two (2) days after deposit. Notice given in any other manner will be effective only if and when received by the party to be notified. For the purposes of Notice, the addresses of the parties will, until changed as provided below, be as follows:

Property Owner: RML Development, LLC
205 N. Velasco
Angleton, TX 77515

City: City of Angleton
c/o City Secretary
121South Velasco
Angleton, Texas 77515

Either party may designate a different address at any time by giving Notice to the other party.

H. **Interpretation.** Each of the parties has had the opportunity to be represented by counsel of their choosing in the negotiation and preparation of this Agreement. In the event of any dispute regarding the interpretation of this Agreement, this Agreement will be interpreted fairly and reasonably and neither more strongly for or against any party based on draftsmanship.

I. **Relationship of the Parties.** This Agreement will not be construed as establishing a partnership or joint venture, joint enterprise, express or implied agency, or employer-employee relationship between the parties. Neither the City, nor its past, present or future officers, elected officials, employees or agents, assume any responsibility or liability to any third party in connection with the development of the Project or the design, construction or operation of any portion of the Project.

J. **Applicable Law.** This Agreement is made, and will be construed and interpreted, under the laws of the State of Texas. This Agreement is performable in Brazoria County,

Texas.

K. **Severability.** If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, it is the intention of the parties that the remainder of this Agreement not be affected and it is also the intention of the parties that, in lieu of each provision that is found to be illegal, invalid or unenforceable, a provision be added to this Agreement which is legal, valid or enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

L. **Paragraph Headings.** The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of the paragraphs.

M. **No Third Party Beneficiaries.** This Agreement is not intended to confer any rights, privileges or causes of action upon any third party.

N. **Counterparts.** This Agreement may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which will constitute one and the same instrument. A facsimile signature will be deemed to be an original signature for all purposes.

O. **Exhibits.** The following exhibits are attached to and incorporated into this Agreement for all purposes.

Exhibit "A": Application for Incentive Program Agreement
Exhibit "B": Ordinance No. 2014-O-1C
Exhibit "C": Property Description

EXECUTED to be effective as of the _____ day of _____, _____.

Property Owner:

By: _____

Printed name: Blake Robertson

Title: Owner

Date: 12/20/2016

CITY:

THE CITY OF ANGLETON, TEXAS,

By: _____
Randy Rhyne, Mayor

Date: _____

APPROVED AS TO FORM:

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Public Hearing on a request to rezone 234 South Arcola Street, 227 South Chenango Street, 335 South Chenango Street, 212 East Peach Street and 216 East Peach Street from MFR-29 – Multifamily Residential-29 District (Apartments) to CBD – Central Business District; AND 218 South Chenango Street from C-G – Commercial-General District to CBD – Central Business District.

__ Consent item
__ Discussion and possible action
__ Discussion item
_x_ Public Hearing

REQUESTED BY: Travis Smith, Designated Agent for Holy Comforter Episcopal Church

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Notice to Facts and to owners within 200 feet of each property

Executive Summary:

Shelly Deisher — 1/5/17

Name **Date**

Public Hearing Notice

The City of Angleton has received a request to rezone 234 South Arcola Street; 227, and 335 South Chenango Street; and 212 and 216 East Peach Street from MFR-29 – Multifamily Residential-29 District (Apartments) to CBD – Central Business District; AND 218 South Chenango Street from C-G – Commercial-General District to CBD – Central Business District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, January 4, 2017 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, January 10, 2017 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezoning. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: City Secretary

For additional information concerning the rezoning, please contact Alyssa Deaton at (979) 849-4364 ext. 2114.

Date: 12-8-16
To: The Facts – Public Hearing
From: City of Angleton
To be published once on: Sunday, December 18, 2016

Please provide publisher's affidavit and total amount to be billed
If you have any questions, please contact Alyssa @ 979-849-4364 ext. 2114.

ANGLETON
Where the Heart is

Alyssa Deaton
Asst. City Secretary

Mayor
Randy Rhyne

Mayor Pro Tem
Hardwick Bieri
Position 1

Council Members
Williams Tigner
Position 2

VACANT
Position 3

Bonnie McDaniel
Position 4

Cody Vasut
Position 5

City Manager
Michael Stoldt

December 14, 2016

Public Hearing Notice

The City of Angleton has received a request to rezone 234 South Arcola Street; 227, and 335 South Chenango Street; and 212 and 216 East Peach Street from MFR-29 – Multifamily Residential-29 District (Apartments) to CBD – Central Business District; AND 218 South Chenango Street from C-G – Commercial-General District to CBD – Central Business District. The Planning and Zoning Commission will conduct a public hearing on this request on Wednesday, January 4, 2017 at 12:00 pm and the City Council will conduct a public hearing on this request on Tuesday, January 10, 2017 at 6:00 pm. The public hearings will be held in the Council Chambers located at 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearings is to receive comments from residents and property owners on the requested rezoning. City Hall is accessible to the disabled. Disabled individuals who might have difficulty attending these public hearings should contact the City Secretary's Office at (979) 849-4364, extension 2115, to arrange for special assistance. If anyone interested in attending these hearings requires a translator, please contact the City Secretary's Office prior to the hearing so arrangements can be made. If you are unable to attend the public hearings, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: City Secretary

This notice has been sent to you as it has been determined that the property you own possibly lies within 200 feet of the above-referenced property. Property owners within 200 feet of this property have the legal right to protest the request by filing a written protest signed by the property owners. In such event, the City will have a surveyor determine which properties are within exactly 200 feet of the subject property. Property owners should be aware that if they oppose or protest the requested rezoning, such opposition must be submitted in written form, with the property owner's signature and address included.

For additional information concerning the rezoning, please contact Alyssa Deaton at 979-849-4364, ext. 2114.

Cordially,

Alyssa Deaton
Assistant City Secretary

121 S Velasco
Angleton, TX 77515
Phone: 979-849-4364
Fax: 979-849-5561

www.angleton.tx.us

CITY COUNCIL AGENDA ITEM
Meeting Date: January 10, 2017

SUBJECT: Discussion and Possible Action on ORDINANCE NO. 2017-O-1D; AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO 234 SOUTH ARCOLA STREET, 227 SOUTH CHENANGO STREET, 335 SOUTH CHENANGO STREET, 212 EAST PEACH STREET AND 216 EAST PEACH STREET FROM MFR-29 – MULTIFAMILY RESIDENTIAL-29 DISTRICT (APARTMENTS) TO CBD – CENTRAL BUSINESS DISTRICT; AND 218 SOUTH CHENANGO STREET FROM C-G – COMMERCIAL-GENERAL DISTRICT TO CBD – CENTRAL BUSINESS DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

__ Consent item
_x_ Discussion and possible action
__ Discussion item
__ Public Hearing

REQUESTED BY: Travis Smith, Designated Agent for Holy Comforter Episcopal Church

Budgeted amount: **Funds requested:** **Fund:**

Attachments: (Attachment description)
Ordinance, Exhibits, Application, appointment of agent, zoning map

Executive Summary:
After much deliberation, the City has opted to add Community and Farmers Markets to the Zoning Ordinance, which will be allowed in Commercial Zones, NOT residential. The ordinance and Specific Use Request from the Peach Street Farmers Market will follow this request at a later date. Rezoning the properties to CBD will allow the Peach Street Farmers Market to subsequently request a Specific Use Permit to operate a Community Market in the CBD zone.

Recommendation:
Staff recommends approval.

Shelly Deisher **1/5/17**

Name **Date**

ORDINANCE NO. 2017-O-1D

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO 234 SOUTH ARCOLA STREET, 227 SOUTH CHENANGO STREET, 335 SOUTH CHENANGO STREET, 212 EAST PEACH STREET, AND 216 EAST PEACH STREET FROM MFR-29 – MULTI-FAMILY RESIDENTIAL-29 DISTRICT (APARTMENTS) TO CBD – CENTRAL BUSINESS DISTRICT; AND 218 SOUTH CHENANGO STREET FROM C-G – COMMERCIAL-GENERAL DISTRICT TO CBD – CENTRAL BUSINESS DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, That Ordinance 2009-O-4A and Chapter 28 of the Code of Ordinances authorizes the City Council to amend, supplement, or change the boundaries of zoning districts in the City of Angleton; and

WHEREAS, Travis Smith, Designated Agent for Holy Comforter Episcopal Church, Property Owner, has requested that 234 South Arcola Street, 227 South Chenango Street, 335 South Chenango Street, 212 East Peach Street and 216 East Peach Street be rezoned from MFR-29 – Multifamily Residential-29 District (Apartments) to CBD – Central Business District and 218 South Chenango Street rezoned from C-G-Commercial-General District to CBD – Central Business District; and

WHEREAS, The Planning and Zoning Commission conducted a public hearing on January 4, 2017, and recommended approval of the requested zoning; and

WHEREAS, Notice of the public hearings was published in the newspaper on Sunday, December 18, 2016; and

WHEREAS, The City Council conducted a public hearing on this rezoning request on January 10, 2017; and

WHEREAS, The City Council finds the change in zoning is consistent with the Comprehensive Plan.

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

SECTION 1: That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

SECTION 2: That 234 South Arcola Street, 227 South Chenango Street, 335 South Chenango Street, 212 East Peach Street and 216 East Peach Street, more particularly described in attached Exhibits "A", which is made a part of this Ordinance for all purposes, is hereby rezoned from MFR-29-

Multifamily Residential-29 District (Apartments) to CBD – Central Business District and use designation and that 218 South Chenango Street, more particularly described in attached Exhibit "B", which is made a part of this Ordinance for all purposes, is hereby rezoned from C-G – Commercial-General District to CBD – Central Business District and use designation.

SECTION 3: That the zoning map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

SECTION 4: That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding $2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 5: That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no wise affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

SECTION 6: That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.

SECTION 7: That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

SECTION 8: That this Ordinance shall be in full force and effect from and after January 20, 2017.

PASSED AND APPROVED this 10th day of January, 2017.

RANDY RHYNE, Mayor

ATTEST:

SHELLY DEISHER, City Secretary

APPROVED AS TO FORM:

MARY KAY FISCHER, City Attorney

Property Identification #: 181635

Geo ID:	1310-0158-000
Situs Address:	234 S ARCOLA ST ANGLETON,
Property Type:	Real
State Code:	FX1

Property Information: 2017

Legal Description:	ANGLETON (ANGLETON), BLOCK 22, LOT 17TO20
Abstract:	S1310
Neighborhood:	ANGLETON TOWNSITE 1964 AND OLDER
Appraised Value:	N/A
Jurisdictions:	NAV, GBC, HAD, SAN, CAN, RDB, CAD, DR1

Owner Identification #: 1048176

Name:	PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS
Exemptions:	EX-XV
DBA:	Null

Brazoria CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.

EXHIBIT "A"

Property Identification #: 181634

Geo ID:	1310-0157-000
Situs Address:	227 S CHENANGO ST ANGLETON,
Property Type:	Real
State Code:	FX1

Property Information: 2017

Legal Description:	ANGLETON (ANGLETON), BLOCK 22, LOT 11TO16
Abstract:	S1310
Neighborhood:	COMM ACCTS
Appraised Value:	N/A
Jurisdictions:	SAN, NAV, RDB, GBC, CAD, DR1, CAN, HAD

Owner Identification #: 44004

Name:	HOLY COMFORTER EPISCOPAL C
Exemptions:	EX-XV
DBA:	HOLY COMFORTER ESPIC CHURCH

Brazoria CAD Map Search

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EXHIBIT "A"

Property Identification #: 181626

Geo ID:	1310-0149-000
Situs Address:	335 S CHENANGO ST ANGLETON,
Property Type:	Real
State Code:	FX1

Property Information: 2017

Legal Description:	ANGLETON (ANGLETON), BLOCK 21, LOT 11TO14
Abstract:	S1310
Neighborhood:	ANGLETON TOWNSITE 1964 AND OLDER
Appraised Value:	N/A
Jurisdictions:	CAD, DR1, RDB, GBC, NAV, SAN, CAN, HAD

Owner Identification #: 1048176

Name:	PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS
Exemptions:	EX-XV
DBA:	Null

Brazoria CAD Map Search

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EXHIBIT "A"

Property Identification #: 181623

Geo ID:	1310-0146-000
Situs Address:	212 E PEACH ST ANGLETON,
Property Type:	Real
State Code:	FX1

Property Information: 2017

Legal Description:	ANGLETON (ANGLETON), BLOCK 21, LOT 4-5
Abstract:	S1310
Neighborhood:	ANGLETON TOWNSITE 1964 AND OLDER
Appraised Value:	N/A
Jurisdictions:	CAN, HAD, NAV, SAN, GBC, CAD, DR1, RDB

Owner Identification #: 43994

Name:	HOLY COMFORTER ENDOWMENT
Exemptions:	EX-XV
DBA:	HOLY COMFORTER EPISCOPAL SCHOOL DAY CARE

Brazoria CAD Map Search

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EXHIBIT "A"

Property Identification #: 181624

Geo ID:	1310-0147-000
Situs Address:	216 E PEACH ST ANGLETON,
Property Type:	Real
State Code:	FX1

Property Information: 2017

Legal Description:	ANGLETON (ANGLETON), BLOCK 21, LOT 1-2-3-6
Abstract:	S1310
Neighborhood:	COMM ACCTS
Appraised Value:	N/A
Jurisdictions:	RDB, CAD, DR1, CAN, NAV, GBC, SAN, HAD

Owner Identification #: 1012253

Name:	HOLY COMFORTER EPISCOPAL CHURCH ENDOWMENT FUND
Exemptions:	EX-XV
DBA:	Null

Brazoria CAD Map Search

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EXHIBIT "A"

Property Identification #: 181614

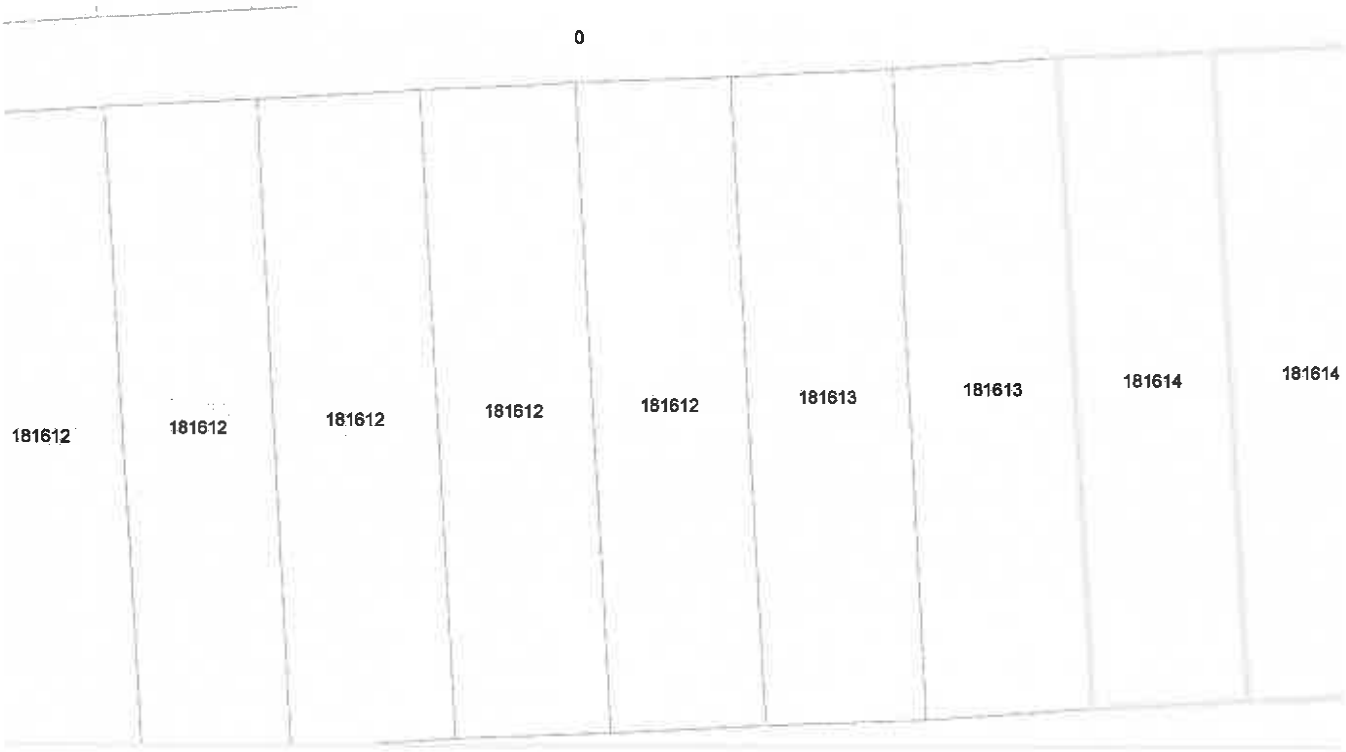
Geo ID:	1310-0136-000
Situs Address:	218 S CHENANGO ST ANGLETON,
Property Type:	Real
State Code:	A1

Property Information: 2017

Legal Description:	ANGLETON (ANGLETON), BLOCK 19, LOT 19-20
Abstract:	S1310
Neighborhood:	ANGLETON TOWNSITE 1964 AND OLDER
Appraised Value:	N/A
Jurisdictions:	RDB, SAN, CAD, DR1, GBC, CAN, NAV, HAD

Owner Identification #: 1128875

Name:	PROTESTANT EPISCOPAL CHURCH COUNCIL OF THE DIOCESE OF TEXAS
Exemptions:	
DBA:	Null



Brazoria CAD Map Search

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EXHIBIT "B"

ANGLETON
Where the Heart is

OFFICE USE ONLY
Date received: 12-7-16 Fee: $ —
P&Z Public Hearing date: 1-4-17
Date to send cert. letters: 12-14-16
Date to publish: 12-18-16
Proof of taxes paid: ✓ date verified: _____

CITY OF ANGLETON
RE-ZONE APPLICATION

Name(s) of Property Owner: Holy Comforter Episcopal Church, Holy Comforter Endowment Fund, & Episcopal Diocese Texas Church Corporation

Current Address: P.O. Box 786 Email: [illegible]

City: Angleton State: Tx Zip: 77516

Home Phone: _____ Business Phone: 979.849.1269 Cell: _____

ATTACH PROOF THAT ALL TAXES, FEES AND OBLIGATIONS HAVE BEEN PAID TO THE CITY OF ANGLETON.

Name of Applicant: Travis Smith
(If different than Property Owner)

Address: 303 E. Peach St. Email: _____

City: Angleton State: Tx Zip: 77515

Home Phone: — Business Phone: — Cell: _____

Address/Location of Property to be Re-zoned: 234 S. Arcola, 277 S. Chenango, 212 E. Peach, 218 S. Chenango, 335 S. Chenango, 216 E. Peach

Legal Description: Blk 22 Lots 17-20; Blk 22 Lots 11-16; Blk 21 lots 4-5; Blk 19 lots 17-20
Metes & Bounds Lot(s) Block Subdivision
also Blk 21 lots 11-14; Blk 21 lots 1-3 & 6

ATTACH MAP/SURVEY OF PROPERTY

Has the property been platted? YES NO

Current Zoning: see attached Current Use: ~~HFR 29~~ (3) it is a church and it is staying a church

Proposed Zoning: CBD Proposed Use: church (permanent use) & community market (on Saturdays)

Application Fee: $150.00 (must be submitted with application)

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as Holy Comforter Endowment Fund,
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: The Reverend Travis Smith

Mailing Address: P.O. Box 786 Email:

City: Angleton State: Tx Zip: - 77516

Home Phone: ( ) Business Phone: (979) 849-1269

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner Lori K Hawkins Title Chairman

Printed/Typed Name of owner Lori K. Hawkins Date 12-1-16

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Brazoria §

Before me, Barbara J. Marin, on this day personally appeared Lori K. Hawkins known to me ~~(or proved to me on the oath of or through)~~ to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 1st day of December, 2016

BARBARA J MARIN
Notary Public, State of Texas
My Commission Expires 03-22-2017
(SEAL)

Notary Public Signature

Commission Expires

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as Holy Comforter Episcopal Church,
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: The Reverend Travis Smith

Mailing Address: P.O. Box 786 Email:

City: Angleton State: Tx Zip: 77516

Home Phone: Business Phone: (979) 849-1269

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

> **be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner Barbara J. Mann Title Sr. Warden

Printed/Typed Name of owner Holy Comforter Episcopal Church Date

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Brazoria §

Before me, Susie Devens, on this day personally appeared Barbara J. Mann known to me ~~(or proved to me on the oath of or through)~~ to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 22nd day of November, 2016

(SEAL) SUSIE A. DEVENS Notary Public, State of Texas My Commission Expires

Susie A. Devens
Notary Public Signature

Commission Expires

ANGLETON

CITY OF ANGLETON
APPOINTMENT OF AGENT

As owner of the property described as Protestant Episcopal Church Council of the Diocese of Texas
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: The Reverend Travis Scott

Mailing Address: P.O. Box 786 Email:

City: Angleton State: TX Zip: 77516

Home Phone: Business Phone: (979) 849-1269

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to I, my, or me is a reference to the entity.

Signature of owner: David W. Fisher Title: Diocesan Secretary

Printed/Typed Name of owner: David W. Fisher Date: 11-18-16

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §

COUNTY OF Harris §

Before me, Angela J. Smith on this day personally appeared David W. Fisher known to me (or proved to me on the oath of or through Drivers License) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 18th day of November 2016

(SEAL)

ANGELA J. SMITH
Notary Public, State of Texas
My Commission Expires
July 22, 2018

Angela J. Smith
Notary Public Signature

7-22-18
Commission Expires

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov C §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

City of Angleton

Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 93 '