

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: January 27, 2015		DATE SUBMITTED: January 6, 2015	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Martin Zimmermann	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of a resolution granting a petition of an area landowner requesting annexation of 2.032 acres of vacant land out of Maria Kegans Survey, Abstract No. 28, adjoining the southeast side of Elmo Weedon Road approximately 825 feet to 1,050 feet north from its intersection with State Highway 30/F.M. 158 in Brazos County, Texas, lying adjacent and contiguous to the present corporate limits of the City of Bryan, and adopting a timetable for completing annexation.			
SUMMARY STATEMENT: Texas state law stipulates a procedure for municipal annexation of areas where owners of real property (in such areas) have specifically petitioned for annexation. Mr. Sam Trinh of Texas KJ Investments, LLC, the owner of a 2.032-acre tract located on the southeast side of Elmo Weedon Road, north from its intersection with State Highway 30/F.M.158, has formally requested that the City of Bryan annex said acreage. The property is part of a 13+ acre tract Mr. Trinh owns at the intersection of State Highway 30 and Elmo Weedon Road. The remaining 11+ acres of this tract are already located within Bryan's city limits and zoned C-2 (Retail) District.			
Annexation of these 2+ acres will require adoption of an ordinance approved by City Council. Before any such ordinance can be introduced, Texas State law requires that two public hearings must be held to consider arguments for and against the proposed annexation. Even before those public hearings may begin, State law requires the City Council to decide whether to grant or reject a petition for annexation. Accepting such petition does not commit the City Council to someday approving all or any requested annexation. Accepting such petition simply initiates a series of proceedings, which might eventually lead to annexation of the 2+ acres of land Mr. Trinh has petitioned the City to annex.			
The City of Bryan Code of Ordinances requires the Planning and Zoning Commission to review and make recommendations to the City Council concerning annexations. The Planning and Zoning Commission is tentatively scheduled to consider this request for annexation during their meeting on February 19, 2015.			
STAFF ANALYSIS AND RECOMMENDATION: Staff recommends that the City Council grant this petition for annexation and adopt the proposed timetable for completing annexation. Approving the petition simply initiates a series of proceedings, which might eventually lead to annexation of the 2+ acres of land Mr. Trinh has petitioned the City to annex.			
OPTIONS (In Suggested Order of Staff Preference):			
1. grant the petition for annexation; or			
2. reject the petition for annexation.			

ATTACHMENTS:

1. location map;
2. petition requesting annexation; and
3. proposed resolution with exhibits.

FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 1-6-15; Joey Dunn, 1-8-15; Hugh R. Walker, 01/11/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 1-13-2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 1-15-2015

Revised 04/2013

LOCATION MAP:



PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE CITY OF BRYAN, TEXAS:

The undersigned owners 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 your honorable Body to extend the present city limits so as to include as part of the City of Bryan, Texas, the following described territory, to wit:

**METES AND BOUNDS DESCRIPTION
OF A
2.032 ACRE TRACT
MARIA KEGANS SURVEY, A-28
BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MARIA KEGANS SURVEY, ABSTRACT NO. 28, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER FO A CALLED 360.9 ACRE TRACT DESCRIBED AS TRACT 1 BY A DEED TO ALICE C. JOSEY RECORDED IN VOLUME 2774, PAGE 148 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID TRACT BEING THAT PORTION LYING OUTSIDE THE EXISTING CITY LIMITS OF BRYAN, BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF ELMO WEEDON ROAD (80' R.O.W.) MARKING THE NORTH CORNER OF SAID JOSEY TRACT AND THE WEST CORNER OF LOT 1, BLOCK 1, HUNTER'S CREEK. ACCORDING TO THE PLAT RECORDED IN VOLUME 4490, PAGE 38 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 44° 33' 02" E ALONG THE COMMON LINE OF SAID JOSEY TRACT AND HUNTER'S CREEK FOR A DISTANCE OF 692.38 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID JOSEY TRACT AND A NORTHERLY CORNER OF A CALLED 10.84 ACRE TRACT OWNED BY ALTA K. THANE ACCORDING TO BRAZOS COUNTY APPRAISAL DISTRICT, SAID THANE TRACT BEING A REMAINDER OF A CALLED 34 ACRE TRACT AS DESCRIBED IN VOLUME 37, PAGE 514 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 65° 25' 56" W THROUGH SAID JOSEY TRACT AND ALONG THE EXISTING CITY LIMITS OF BRYAN FOR A DISTANCE OF 575.13 FEET;

THENCE: N 64° 08' 31" W CONTINUING THROUGH SAID JOSEY TRACT AND ALONG THE BRYAN CITY LIMITS FOR A DISTANCE OF 138.89 FEET TO THE SOUTHEAST LINE OF ELMO WEEDON ROAD FOR THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT, FOR REFERENCE A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF ELMO WEEDON ROAD BEARS: S 37° 55' 46" W FOR A DISTANCE OF 796.40 FEET;

THENCE: N 37° 55' 46" E ALONG THE SOUTHEAST LINE OF ELMO WEEDON ROAD FOR A DISTANCE OF 28.07 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 2824.79 FEET (THIS LINE WAS USED FOR BEARING ORIENTATION HONORING THE RIGHT-OF-WAY CALL BEARING OF ELMO WEEDON ROAD AS DESCRIBED IN VOLUME 1095, PAGE 75 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS);

THENCE: CONTINUING ALONG THE SOUTHEAST LINE OF ELMO WEEDON ROAD AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04° 33' 30" FOR AN ARC DISTANCE OF 224.74 FEET (CHORD BEARS: N 40° 12' 55" E - 224.68 FEET) TO THE **POINT OF BEGINNING** CONTAINING 2.032 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND FEBRUARY 2012.

We certify that the above described tract of land is contiguous and adjacent to the City of Bryan, Texas and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: *[Signature]*

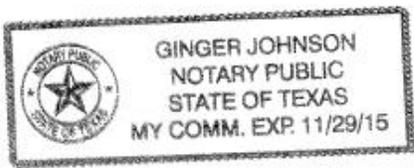
Title: MANAGER

THE STATE OF Texas

COUNTY OF Brazos

BEFORE ME, the undersigned authority, on this day personally appeared *Sean Trish*, and _____, known to me to be the persons whose names are subscribed to the forgoing instrument and each acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 13 day of Nov, 2014.



Ginger Johnson
Notary Public in and for
Brazos County, _____

RESOLUTION NO. _____

A RESOLUTION GRANTING A PETITION SEEKING ANNEXATION OF 2.032 ACRES OF VACANT LAND OUT OF MARIA KEGANS SURVEY, ABSTRACT NO. 28, ADJOINING THE SOUTHEAST SIDE OF ELMO WEEDON ROAD APPROXIMATELY 825 FEET TO 1,050 FEET NORTH FROM ITS INTERSECTION WITH STATE HIGHWAY 30/F.M. 158 IN BRAZOS COUNTY, TEXAS, LYING ADJACENT AND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF BRYAN; ADOPTING A TIMETABLE FOR COMPLETING ANNEXATION; DIRECTING CITY STAFF TO PERFORM ACTIVITIES NECESSARY FOR THE INITIATION OF ANNEXATION PROCEEDINGS, AS REQUIRED BY STATE LAW AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, the City of Bryan, Texas is a home-rule municipality authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the corporate limits of said City of Bryan, Texas; and

WHEREAS, the owners of 2.032 acres of vacant land out of Maria Kegans Survey, Abstract No. 28, adjoining the southeast side of Elmo Weedon Road approximately 825 feet to 1,050 feet north from its intersection with State Highway 30/F.M. 158 in Brazos County, Texas, have submitted a written petition for annexation of said 2.032 acres of land to the City of Bryan under Section 43.028 of the Texas Local Government Code; and

WHEREAS, the above-described property lies adjacent and contiguous to the present corporate limits of the City of Bryan, is one-half mile or less in width, vacant and without residents or on which fewer than three qualified voters reside, as required by Section 43.028 of the Texas Local Government Code; and

WHEREAS, Section 43.028 of the Texas Local Government Code requires the governing body of a municipality to grant or refuse petitions seeking annexation; and

WHEREAS, Section 43.063 of the Texas Local Government Code requires that before a municipality may institute annexation proceedings, the governing body must conduct two public hearings at which all persons interested in the annexation are given the opportunity to be heard; and

WHEREAS, Section 43.065 of the Texas Local Government Code requires that before the publication of the notice of the first hearing required under Section 43.063 of the Texas Local Government Code, the governing body of the municipality shall direct its planning department or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed;

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

1.

That the City of Bryan hereby grants the petition seeking annexation by the owners of 2.032 acres of vacant land out of Maria Kegans Survey, Abstract No. 28, adjoining the southeast side of Elmo Weedon Road approximately 825 feet to 1,050 feet north from its intersection with State Highway 30/F.M. 158 in Brazos County, Texas, said 2.032 acres being depicted on attached Exhibit "A" and described more particularly by metes-and-bounds on attached Exhibit "B".

2.

That the City of Bryan hereby adopts a timetable for completing annexation of the above-described property, providing for all public hearings to be held within the time required by law, as described on Exhibit "C" attached to this Resolution.

3.

That city staff is hereby directed to prepare a service plan that provides for the extension of full municipal services to the above-described property, publish appropriate notices, and perform other activities necessary for the initiation of annexation proceedings, as required by state law.

4.

That this Resolution shall be effective immediately upon its passage and approval.

APPROVED AND ADOPTED this the 27th day of January, 2015.

ATTEST:

CITY OF BRYAN:

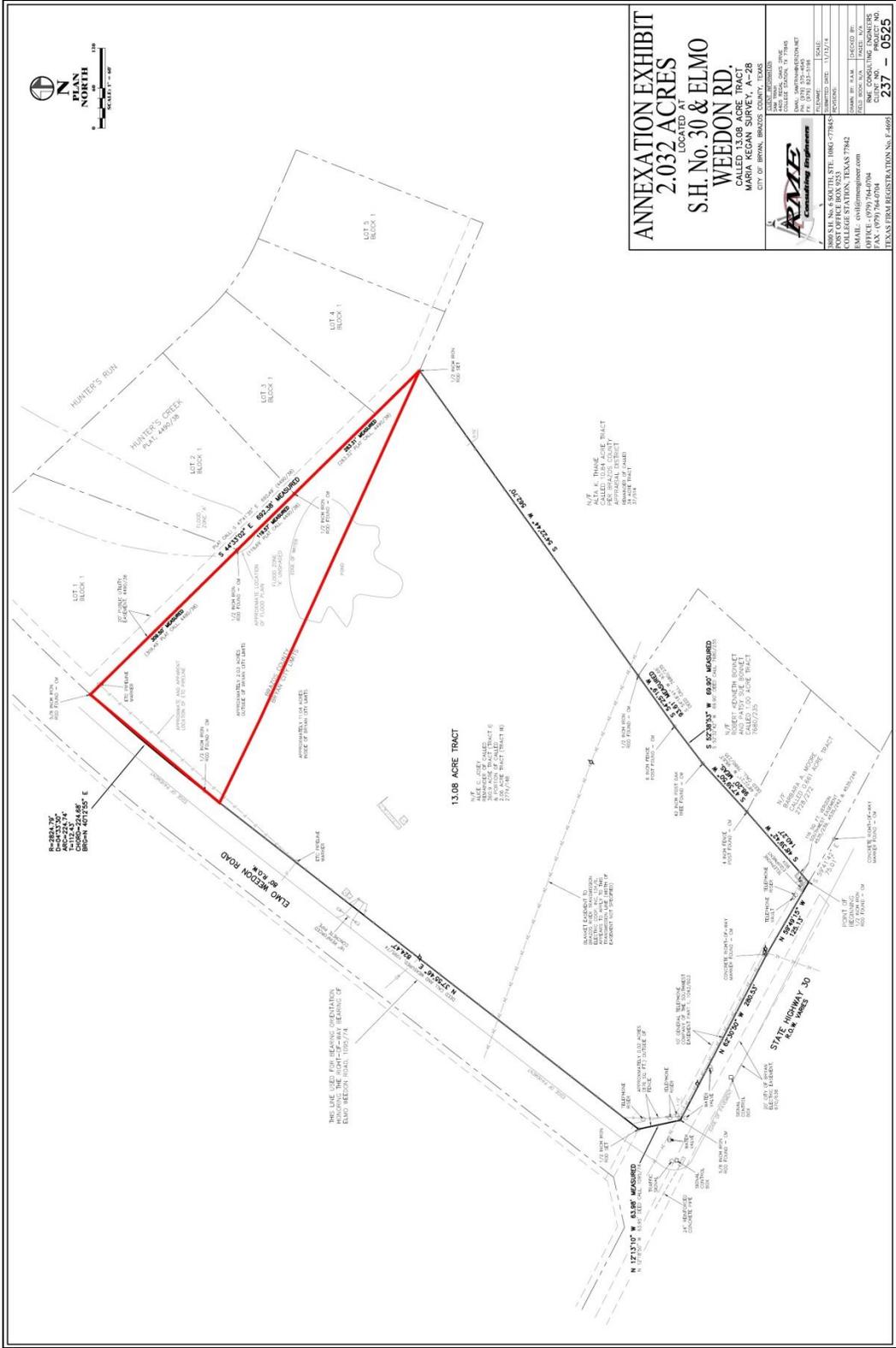
Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A":



ANNEXATION EXHIBIT
2.032 ACRES
 LOCATED AT
S.H. No. 30 & ELMO
WEEDON RD.
 OFFICE OF THE CITY ENGINEER
 MARIA KEGAN SURVEY, A-28
 CITY OF BRYAN, BRAZOS COUNTY, TEXAS

APME Consulting Engineers	
2800 S.H. No. 8 SOUTH STE. 0806-77845	DATE: 11/12/14
POST OFFICE BOX 923	SCALE: AS SHOWN
BRYAN, TEXAS 77802	DATE: 11/12/14
PHONE: (979) 835-1108	DATE: 11/12/14
FAX: (979) 835-1108	DATE: 11/12/14
EMAIL: info@apme.com	DATE: 11/12/14
OFFICE: (979) 764-0704	DATE: 11/12/14
TELEPHONE REGISTRATION No. E-4669	DATE: 11/12/14
TELEPHONE REGISTRATION No. E-4669	DATE: 11/12/14

237 - 0525

Exhibit "B":

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BRAZOS COUNTY, TEXAS**

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BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

Exhibit "C":

**TIMETABLE FOR COMPLETING REQUESTED ANNEXATION OF 2.032 ACRES OF
VACANT LAND OUT OF MARIA KEGANS SURVEY, A-28, BRAZOS COUNTY, TEXAS**

- February 19, 2015: public hearing at which all persons interested in the annexation are given the opportunity to be heard, to be held during a regular meeting of Bryan's Planning and Zoning Commission (the Planning and Zoning Commission will then make a recommendation concerning the proposed annexation)
- April 14, 2015: first public hearing at which all persons interested in the annexation are given the opportunity to be heard, to be held during a regular meeting of Bryan's City Council
- April 21, 2015: second public hearing at which all persons interested in the annexation are given the opportunity to be heard, to be held during a special meeting of Bryan's City Council
- May 12, 2015: first reading of annexation ordinance during regular meeting of Bryan's City Council
- May 24, 2015: second reading/adoption of annexation ordinance during regular meeting of Bryan's City Council