

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: May 26, 2015		DATE SUBMITTED: May 5, 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 8.259 acres of land out of Zeno Phillips League, A-45, adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop 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. Ms. Karen Frances Snowden, the owner of a 8.259-acre tract adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop, has formally requested that the City of Bryan annex said acreage for the proposed development of a single-family residential subdivision of about 39 to 42 lots.			
Annexation of these 8+ 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 8+ acres of land Ms. Snowden 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 June 18, 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 8+ acres of land Ms. Snowden 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, 5-5-15; Joey Dunn, 5-5-15; Hugh R. Walker, 05/12/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 05/29/2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY

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:

INSERT METES-AND BOUNDS DESCRIPTION HERE AND ATTACH
SURVEY

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.

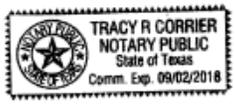
Signed: Karen Frances Snowden
Title: property owner

THE STATE OF TEXAS
COUNTY OF BRAZOS

BEFORE ME, the undersigned authority, on this day personally appeared Karen Snowden, N/A, and N/A, 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 31 day of March, 2015.

Marcy R. Corrier
Notary Public in and for
Brazos County, TX



**METES AND BOUNDS DESCRIPTION
OF AN
8.259 ACRE TRACT
ZENO PHILLIPS LEAGUE, A-45
BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 8.302 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO KAREN F. SNOWDEN RECORDED IN VOLUME 7636, PAGE 272 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 3/8 INCH IRON ROD FOUND IN CONCRETE AT THE INTERSECTION OF THE NORTHEAST LINE OF AUTUMN LAKE DRIVE (60' R.O.W.) AND THE NORTHEAST LINE OF CHICK LANE;

THENCE: N 48° 37' 04" W ALONG THE NORTHEAST LINE OF CHICK LANE FOR A DISTANCE OF 51.81 FEET (DEED CALL: N 45° 00' 11" W - 48.25 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND BENT IN A GRAVEL DRIVE MARKING THE SOUTH CORNER OF A CALLED 1.99 ACRE TRACT OF LAND AS DESCRIBED BY A PARTITION DEED TO SUSAN MARIE HARTZOG RECORDED IN VOLUME 8752, PAGE 212 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 41° 02' 25" E ALONG THE SOUTHEAST LINE OF SAID 1.99 ACRE TRACT FOR A DISTANCE OF 29.99 FEET (DEED CALL: N 41° 12' 15" E - 29.96 FEET, 8752/212) (DEED CALL: N 44° 22' 14" E - 30.00 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND BENT IN A GRAVEL DRIVE;

THENCE: S 47° 36' 44" E PASS THE COMMON CORNER OF SAID 1.99 ACRE TRACT AND A CALLED 13.00 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 7 BY SAID PARTITION DEED, 8752/272), CONTINUE ON FOR A TOTAL DISTANCE OF 42.68 FEET (DEED CALL: S 47° 40' 03" E - 42.50 FEET, 8752/212) (DEED CALL: S 43° 55' 04" E - 39.48 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

THENCE: ALONG THE SOUTH LINE OF SAID 13.00 ACRE TRACT FOR THE FOLLOWING CALLS:

N 46° 26' 54" E FOR A DISTANCE OF 385.13 FEET (DEED CALL: N 46° 27' 23" E - 385.11 FEET, 8752/212) (DEED CALL: N 50° 13' 42" E - 385.15 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

S 89° 07' 26" E FOR A DISTANCE OF 189.41 FEET (DEED CALL: S 89° 07' 51" E - 189.57 FEET, 8752/212) (DEED CALL: S 85° 21' 41" E - 189.52 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

S 47° 41' 57" E FOR A DISTANCE OF 516.61 FEET (DEED CALL: S 47° 42' 06" E - 516.57 FEET, 8752/212) (DEED CALL: S 45° 55' 04" E - 516.51 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF LOT 1A, BLOCK 1, VILLA MARIA WEST, ACCORDING TO THE PLAT RECORDED IN VOLUME 7859, PAGE 97 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID 13.00 ACRE TRACT;

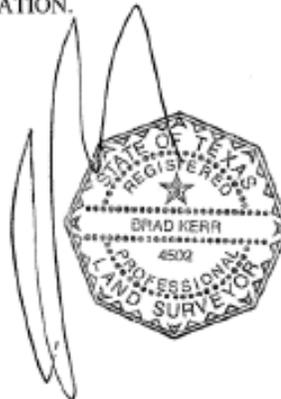
THENCE: S 41° 06' 11" W ALONG THE NORTHWEST LINE OF SAID LOT 1A FOR A DISTANCE OF 244.47 FEET (TOTAL DEED CALL: S 44° 44' 02" W - 566.76 FEET, 7636/272) TO A 5/8 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 1A AND THE NORTH CORNER OF LOT 14, BLOCK 1, DOMINION HILL SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 3674, PAGE 311 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 40° 50' 08" W ALONG THE NORTHWEST LINE OF SAID DOMINION HILL SUBDIVISION FOR A DISTANCE OF 303.80 FEET (PLAT CALL: S 40° 52' 19" W - 304.29 FEET, 3674/311) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF COMMON AREA NO. 19, AUTUMN LAKE SUBDIVISION, PHASE 3, ACCORDING TO THE PLAT RECORDED IN VOLUME 9260, PAGE 210 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 12, BLOCK 1 OF SAID DOMINION HILL SUBDIVISION. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 72 BEARS: S 64° 27' 29" E FOR A DISTANCE OF 911.64 FEET;

THENCE: N 46° 54' 08" W ALONG THE NORTHEAST LINE OF SAID AUTUMN LAKE SUBDIVISION FOR A DISTANCE OF 689.65 FEET (PLAT CALL: N 46° 54' 30" W - 689.65 FEET, 9260/210) TO THE **POINT OF BEGINNING** CONTAINING 8.259 ACRES OF LAND, AS SURVEYED ON THE GROUND FEBRUARY, 2015. SEE PLAT PREPARED FEBRUARY, 2015, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

E:\WORK\MAB\15-051



RESOLUTION NO. _____

A RESOLUTION GRANTING A PETITION SEEKING ANNEXATION OF 8.259 ACRES OF LAND OUT OF ZENO PHILLIPS LEAGUE, A-45, ADJOINING THE NORTHEAST SIDE OF AUTUMN LAKE DRIVE, GENERALLY EAST FROM ITS INTERSECTION WITH MOUNTAIN WIND LOOP 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 8.259 acres of land out of Zeno Phillips League, A-45, adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop in Brazos County, Texas, have submitted a written petition for annexation of said 8.259 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 8.259 acres of land out of Zeno Phillips League, A-45, adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop in Brazos County, Texas, said 8.259 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.

PASSED AND APPROVED this the 26th day of May, 2015.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "B":

**METES AND BOUNDS DESCRIPTION
OF AN
8.259 ACRE TRACT
ZENO PHILLIPS LEAGUE, A-45
BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ZENO PHILLIPS LEAGUE, ABSTRACT NO. 45, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF A CALLED 8.302 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO KAREN F. SNOWDEN RECORDED IN VOLUME 7636, PAGE 272 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 3/8 INCH IRON ROD FOUND IN CONCRETE AT THE INTERSECTION OF THE NORTHEAST LINE OF AUTUMN LAKE DRIVE (60' R.O.W.) AND THE NORTHEAST LINE OF CHICK LANE;

THENCE: N 48° 37' 04" W ALONG THE NORTHEAST LINE OF CHICK LANE FOR A DISTANCE OF 51.81 FEET (DEED CALL: N 45° 00' 11" W - 48.25 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND BENT IN A GRAVEL DRIVE MARKING THE SOUTH CORNER OF A CALLED 1.99 ACRE TRACT OF LAND AS DESCRIBED BY A PARTITION DEED TO SUSAN MARIE HARTZOG RECORDED IN VOLUME 8752, PAGE 212 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 41° 02' 25" E ALONG THE SOUTHEAST LINE OF SAID 1.99 ACRE TRACT FOR A DISTANCE OF 29.99 FEET (DEED CALL: N 41° 12' 15" E - 29.96 FEET, 8752/212) (DEED CALL: N 44° 22' 14" E - 30.00 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND BENT IN A GRAVEL DRIVE;

THENCE: S 47° 36' 44" E PASS THE COMMON CORNER OF SAID 1.99 ACRE TRACT AND A CALLED 13.00 ACRE TRACT OF LAND AS DESCRIBED AS TRACT 7 BY SAID PARTITION DEED, 8752/272), CONTINUE ON FOR A TOTAL DISTANCE OF 42.68 FEET (DEED CALL: S 47° 40' 03" E - 42.50 FEET, 8752/212) (DEED CALL: S 43° 55' 04" E - 39.48 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

THENCE: ALONG THE SOUTH LINE OF SAID 13.00 ACRE TRACT FOR THE FOLLOWING CALLS:

N 46° 26' 54" E FOR A DISTANCE OF 385.13 FEET (DEED CALL: N 46° 27' 23" E - 385.11 FEET, 8752/212) (DEED CALL: N 50° 13' 42" E - 385.15 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

S 89° 07' 26" E FOR A DISTANCE OF 189.41 FEET (DEED CALL: S 89° 07' 51" E - 189.57 FEET, 8752/212) (DEED CALL: S 85° 21' 41" E - 189.52 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND;

S 47° 41' 57" E FOR A DISTANCE OF 516.61 FEET (DEED CALL: S 47° 42' 06" E - 516.57 FEET, 8752/212) (DEED CALL: S 45° 55' 04" E - 516.51 FEET, 7636/272) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF LOT 1A, BLOCK 1, VILLA MARIA WEST, ACCORDING TO THE PLAT RECORDED IN VOLUME 7859, PAGE 97 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID 13.00 ACRE TRACT;

THENCE: S 41° 06' 11" W ALONG THE NORTHWEST LINE OF SAID LOT 1A FOR A DISTANCE OF 244.47 FEET (TOTAL DEED CALL: S 44° 44' 02" W - 566.76 FEET, 7636/272) TO A 5/8 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 1A AND THE NORTH CORNER OF LOT 14, BLOCK 1, DOMINION HILL SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 3674, PAGE 311 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 40° 50' 08" W ALONG THE NORTHWEST LINE OF SAID DOMINION HILL SUBDIVISION FOR A DISTANCE OF 303.80 FEET (PLAT CALL: S 40° 52' 19" W - 304.29 FEET, 3674/311) TO A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF COMMON AREA NO. 19, AUTUMN LAKE SUBDIVISION, PHASE 3, ACCORDING TO THE PLAT RECORDED IN VOLUME 9260, PAGE 210 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 12, BLOCK 1 OF SAID DOMINION HILL SUBDIVISION. FOR REFERENCE, THE CITY OF BRYAN GPS MONUMENT NO. 72 BEARS: S 64° 27' 29" E FOR A DISTANCE OF 911.64 FEET;

THENCE: N 46° 54' 08" W ALONG THE NORTHEAST LINE OF SAID AUTUMN LAKE SUBDIVISION FOR A DISTANCE OF 689.65 FEET (PLAT CALL: N 46° 54' 30" W - 689.65 FEET, 9260/210) TO THE **POINT OF BEGINNING** CONTAINING 8.259 ACRES OF LAND, AS SURVEYED ON THE GROUND FEBRUARY, 2015. SEE PLAT PREPARED FEBRUARY, 2015, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

E:\WORK\MAB\15-051

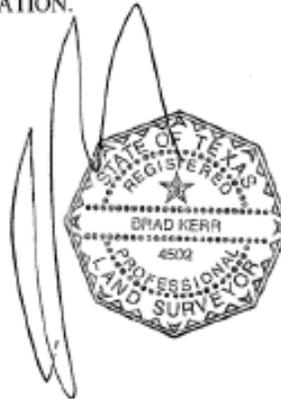


Exhibit "C":

**TIMETABLE FOR COMPLETING REQUESTED ANNEXATION OF 8.259 ACRES OF LAND
OUT OF ZENO PHILLIPS LEAGUE, A-45, BRAZOS COUNTY, TEXAS**

- June 18, 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)
- July 28, 2015: first and second public hearings 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
- August 25, 2015: first reading of annexation ordinance during regular meeting of Bryan's City Council
- September 8, 2015: second reading/adoption of annexation ordinance during regular meeting of Bryan's City Council