

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> September 22, 2015		<b>DATE SUBMITTED:</b> September 2, 2015	
<b>DEPARTMENT OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Martin Zimmermann	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<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
<b>AGENDA ITEM DESCRIPTION:</b> Consideration of a resolution granting a petition of an area landowner requesting annexation of 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road 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. (Note: Approving the petition simply initiates a series of proceedings, including staff review, and is not a final decision to annex the property.) (Annex 15-03)			
<b>SUMMARY STATEMENT:</b> Texas state law stipulates a procedure for municipal annexation of areas where owners of real property (in such areas) have specifically petitioned for annexation. Larry Wayne Armstrong and Rebekah O'Brien, the owners of a 152.8-acre tract located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway, have formally requested the City of Bryan annex said acreage and assign C-2 (Retail) zoning upon annexation.			
Annexation of these 152+ acres will require adoption of an ordinance approved by City Council. Before any such ordinance can be introduced, Texas state law requires two public hearings 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 152+ acres of land Mr. Armstrong and Ms. O'Brien, have 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 its meeting on October 1, 2015.			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Staff recommends 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 152+ acres of land Mr. Armstrong and Ms. O'Brien have petitioned the City to annex.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
1. grant the petition for annexation; or			
2. reject the petition for annexation.			

**ATTACHMENTS:**

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

**FUNDING SOURCE:** N/A

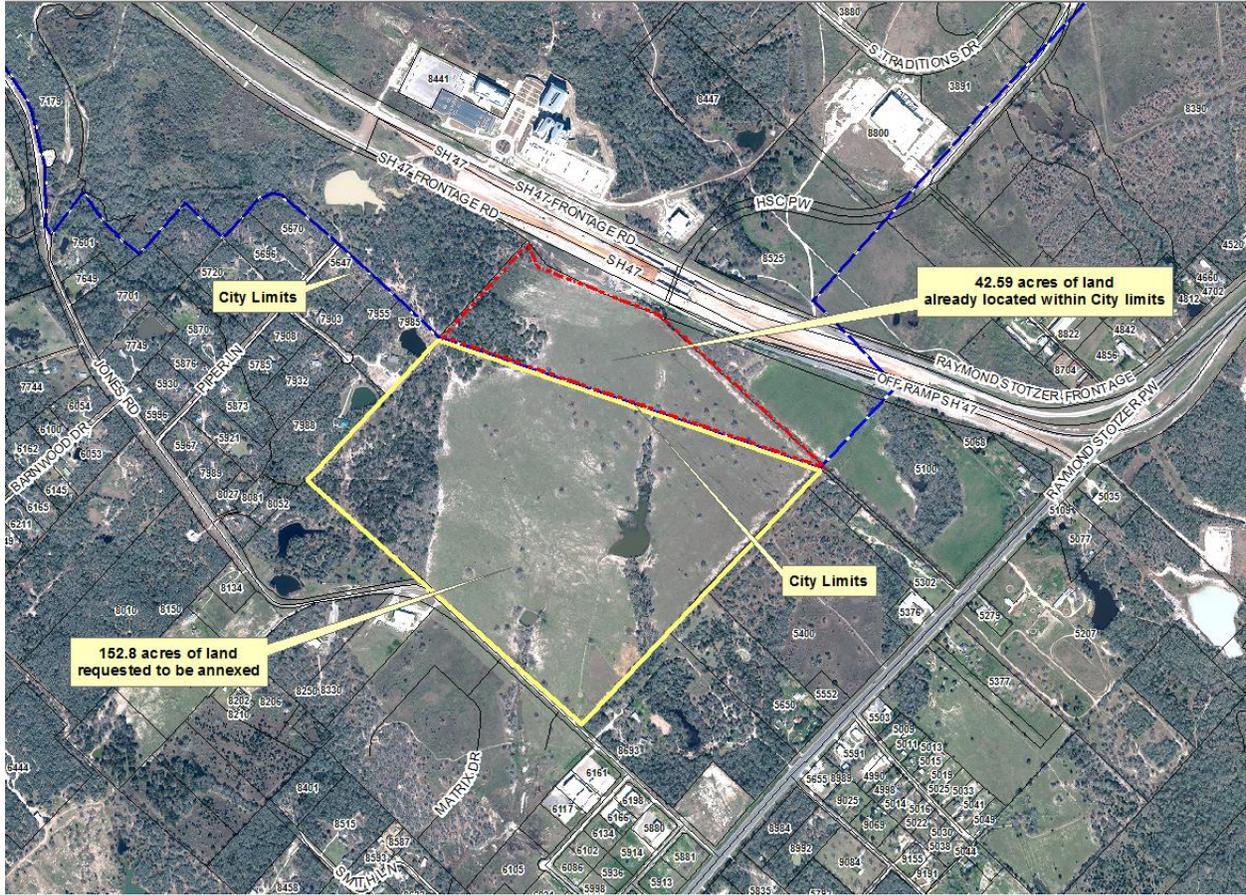
**APPROVALS:** Kevin Russell, 9-2-15; Joey Dunn, 9-2-15; Hugh R. Walker, 09/04/2015

**APPROVED FOR SUBMITTAL: CITY MANAGER**

**APPROVED FOR SUBMITTAL: CITY ATTORNEY**

Revised 05/2013

**LOCATION MAP:**



Armstrong Family Tract  
c/o Larry and Brenda Armstrong  
PO BOX 175  
Wheelock, TX 7782  
817.480.3219

City of Bryan  
Planning  
Services  
AUG 21 2015  
RECEIVED

To Whom it May Concern:

The undersigned owners of the 195.39 acre tract of land as shown on the Annexation Petition Request Exhibit are requesting the annexation of the approximate 152.8 acre portion that is currently not in the City Limits of Bryan. The owners are requesting this annexation to bring the entire 195 acre property within the City Limits of Bryan with the intent to position this entire property for marketing and/or development. This future development would be in support of the Bio Corridor development across SH 47 from the subject property. To adequately support this future development in a manner similar to and in support of the Bio Corridor projected uses, the Owners are requesting the approximate 152.8 acres of annexed property to be granted a C-2 Retail District zoning.

Please note that the Owners are submitting a Re-Zoning Application concurrent with this annexation petition to re-zone the approximate 42.59 acres currently in the City of Bryan, zoned A-O, to C-2 Retail District to bring the entire 195.39 acre tract to a C-2 Retail District zoning in the City of Bryan.

Signed:   
Larry Armstrong

Title: OWNER

Signed:   
Rebekah O'Brien

Title: owner

Additional Owner Contact Information:

Rebekah O'Brien  
3816 Capistrano Ct. NE  
Albuquerque, NM 87111  
505.296.2703

Development  
Services

AUG 21 2015

**PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS**

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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:

STATE OF TEXAS                    §  
COUNTY OF BRAZOS               §

**A METES & BOUNDS** description of a certain 152.8 acre tract situated in the John H. Jones Survey, Abstract No. 26, in Brazos County, Texas, being a portion of a called 200 acre tract conveyed to Rebekah Armstrong Petrie and Larry Wayne Armstrong described in a Gift Deed recorded in Volume 3476, Page 183, of the Brazos County Official Public Records (BCOPR); said 152.8 acre tract being more particularly described as follows with all bearings being based on the northwest line of said 200 acre tract as described by metes and bounds in Volume 42, Page 489 of the Deed Records of Brazos County, having a record bearing of North 45° East;

**BEGINNING** at a point for corner being the east corner of said 200 acre tract, also being in the southwest line of a 47.31 acre tract conveyed to 47 Oaks, LLC, recorded in Volume 7828, Page 120, BCOPR, also being the north corner of a 1.304 acre tract conveyed to Texas Urban Properties, LTD, recorded in Volume 9586, Page 196 in the BCOPR;

**THENCE**, South 45°00'00" West, along the southeast line of said 200 acre tract, being common with the northwest line of said 1.304 acre tract and the northwest lines of a 2.181 acre tract conveyed to Texas Urban Properties, LTD, recorded in Volume 9586, Page 196, BCOPR, a 36.888 acre tract conveyed to Green Smith and Kathy Smith recorded in Volume 12050, Page 205, BCOPR, a 15 acre tract conveyed to Vicki Ann Heistand Weir recorded in Volume 3902, Page 158, BCOPR, and a 35.9004 acre tract conveyed to Martha Ann Williams recorded in Volume 464, Page 177 in the BCOPR, a distance of 2862.50 feet to a point for corner being in the southeast line of said 200 acre tract at the east corner of a 0.671 acre tract conveyed to Brazos County Road and Bridge Department for the improvement of Jones Road as recorded in Volume 1913, Page 210, BCOPR;

**THENCE**, North 45°03'18" West, along the northeast line of said 0.671 acre tract being the north east right-of-way of Jones Road, 1320.90 feet to a point for corner marking the beginning of a curve to the left;

**THENCE**, with the arc of said curve to the left, having a radius of 1004.93 feet, a central angle of 11°16'16" an arc distance of 197.69 feet, and a long chord bearing North 50°41'26" West, 197.37 feet, to a point for corner in the southwest line of said 200 acre tract being the east corner of a 0.242 acre tract quit claimed by Brazos County to Fred Jefferson and Ruby Lee Jefferson recorded in Volume 1231, Page 678, BCOPR;

THENCE, North 45°00'00" West, along the southwest line of said 200 acre tract, and along the northeast lines of said 0.242 acre tract, a five acre tract, and a 12.76 acre tract conveyed to Fred Jefferson and Ruby Lee Jefferson recorded in Volume 356, Page 659 and Volume 135, Page 159, BCOPR, respectively, a distance of 1502.15 feet to a point for corner at the west corner of said 200 acre tract, also being the north corner of said 12.76 acre tract, and being in the southeast line of Lot 9, Block 2, of Canyon Creek subdivision recorded in Volume 353, Page 109, BCDR;

THENCE, North 45°00'00" East, along the northwest line of said 200 acre tract and the southeast line of said Canyon Creek subdivision a distance of 1544.82 feet to a point for corner, being the east corner of said Canyon Creek subdivision, also being the south corner of a 94.685 acre tract conveyed to CC HWY 47, L.P., recorded in Volume 8580, Page 186, BCOPR, also being an angle point in the existing southwest city limits of the City of Bryan, Texas;

THENCE, South 68°54'27" East, with said city limit line and across said 200 acre tract a distance of 3302.83 feet to the **POINT OF BEGINNING, CONTAINING** 152.8 acres of land in Brazos County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

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: Rebekah A. O'Brien  
Title: OWNER

THE STATE OF New Mexico  
COUNTY OF Bernalillo

BEFORE ME, the undersigned authority, on this day personally appeared Rebekah O'Brien, 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 31<sup>st</sup> day of July, 2015.



OFFICIAL SEAL  
Dawna Doherty  
NOTARY PUBLIC  
STATE OF NEW MEXICO

My Commission Expires: 12/23/2017

D D E  
Notary Public in and for  
Bernalillo County, New Mexico

Signed: Larry Armstrong

Title: OWNER

THE STATE OF Texas

COUNTY OF Brazos

BEFORE ME, the undersigned authority, on this day personally appeared Larry Armstrong, \_\_\_\_\_, 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 7 day of August, 2015.



Elizabeth Orler  
Notary Public in and for  
Brazos County, TX



1716 Briarcrest Drive, Suite 160  
Bryan, Texas 77802-2776  
Tel: 979.731.8000  
Fax: 979.846.2893  
www.jonescarter.com

August 20, 2015

Mr. Martin Zimmerman  
City of Bryan  
Planning & Development Services  
300 S. Texas Ave.  
Bryan, Tx 77803

Re: Request for Annexation - Armstrong Tract  
Rebekah Armstrong Petrie and Larry Wayne Armstrong  
Called 200 acres, Vol 3476/Page 183  
JC No. 05514-0010

Community  
Services  
AUG 21 2015  
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Mr. Zimmerman:

The City has requested Jones and Carter to provide a projection of water and wastewater demand in support of petition requesting annexation by area landowners. This letter supports Petition for annexation of 152.8 acres of the reference tract into C-2 Retail District Zoning. Jones and Carter projected water and wastewater demand using BCS Unified Design Guidelines, Domestic Water and Sanitary Sewer Method II – Land Use Determination.

Please find the following:

- Water and Sanitary Sewer Demand Calculations: (reference: BCS Unified Design Guidelines, Domestic Water and Sanitary Sewer)
  - 25 GPD/Capita for Commercial Retail (Table 1)
  - 30 persons per acre (Normal Flow, Method 2 – Land Use Determination)
  - 4 peak factor (Normal Flow)
    - Normal Flow  
 $30 \text{ persons/acre} * 25 \text{ GPD/capita} * 152.8 \text{ acres}$   
 $= 114,600 \text{ GPD}$
    - Peak Flow  
 $114,600 \text{ GPD} * 4$   
 $= 458,400 \text{ GPD}$

Sincerely,

Adam J. Brumbaugh, P.E.  
Department Manager  
Community Development

JHC/emo

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION GRANTING A PETITION SEEKING ANNEXATION OF 152.8 ACRES OF LAND OUT OF THE JOHN H. JONES SURVEY, ABSTRACT NO. 26, LOCATED GENERALLY SOUTH OF TEXAS STATE HIGHWAY 47, SOUTHWEST FROM ITS INTERSECTION WITH HSC PARKWAY AND ADJOINING THE NORTHEAST SIDE OF JONES ROAD 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 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Brazos County, Texas, have submitted a written petition for annexation of said 152.8 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 152.8 acres of land out of John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Brazos County, Texas, said 152.8 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 at a Regular City Council Meeting, this 22<sup>nd</sup> day of September, 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":

**A METES & BOUNDS** description of a certain 152.8 acre tract situated in the John H. Jones Survey, Abstract No. 26, in Brazos County, Texas, being a portion of a called 200 acre tract conveyed to Rebekah Armstrong Petrie and Larry Wayne Armstrong described in a Gift Deed recorded in Volume 3476, Page 183, of the Brazos County Official Public Records (BCOPR); said 152.8 acre tract being more particularly described as follows with all bearings being based on the northwest line of said 200 acre tract as described by metes and bounds in Volume 42, Page 489 of the Deed Records of Brazos County, having a record bearing of North 45° East;

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THENCE, South 68°54'27" East, with said city limit line and across said 200 acre tract a distance of 3302.83 feet to the **POINT OF BEGINNING, CONTAINING** 152.8 acres of land in Brazos County, Texas.

**Exhibit "C":**

**TIMETABLE FOR COMPLETING REQUESTED ANNEXATION OF 152.8 ACRES OF LAND  
OUT OF JOHN H. JONES SURVEY, ABSTRACT NO. 26, BRAZOS COUNTY, TEXAS**

- October 1, 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)
- November 10, 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
- November 24, 2015: first reading of annexation ordinance during regular meeting of Bryan's City Council
- December 2015: second reading/adoption of annexation ordinance during regular meeting of Bryan's City Council