

**ORDINANCE NO. 2022-17**

AN ORDINANCE OF THE CITY COUNCIL ANNEXING, FOR FULL PURPOSES, 98.476 ACRES OF LAND LOCATED IN THE S.B. PENTECOST SURVEY, ABSTRACT NO. 362, THE S.B. PENTECOST SURVEY, ABSTRACT 378, AND THE E. WHEAT SURVEY, ABSTRACT 396 IN FORT BEND COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE AND FOR ALL PURPOSES, ROSENBERG, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; ADJUSTING THE BOUNDARIES OF COUNCIL DISTRICT NO. 3 TO INCLUDE THE TRACT ANNEXED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rosenberg, Texas (the "City") desires to annex 98.476 acres of land located in the S.B. Pentecost Survey, Abstract No. 362, the S.B. Pentecost Survey, Abstract 378, and the E. Wheat Survey, Abstract 396 in Fort Bend County, Texas, more particularly described and depicted in Exhibit "A", attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Section 1.03 of the City Charter of the City of Rosenberg provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities, including the City, to annex area on the request of all property owners in an area; and

WHEREAS, the City Council provided public notice and held a public hearing on April 5, 2022 for all interested persons to attend and be heard in accordance with Texas Local Government Code § 43.0673; and

WHEREAS, the area was annexed by the City in 2011, but the property owner signed a Non-Annexation Development Agreement keeping its extraterritorial status for tax purposes until such time the tract was developed for use other than agricultural, which is being done now, and a Municipal Service Plan was approved at that time; and

WHEREAS, the City has complied with all conditions precedent established under the Texas Local Government Code necessary to take this action annexing the Property.

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. The Property is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.

Section 3. The City finds annexation of the Property to be in the public interest due to the Property providing enhancements and greater public access, additional public right-of-way and open spaces, and promoting economic growth of the Property and surrounding areas.

Section 4. The land and territory described in Exhibit "A", shall be included in Council District No. 3 and said election district boundary shall be adjusted or reconfigured to include the annexed area.

Section 5. The City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Fort Bend County, Texas, and in the official records of the City.

Section 6. This Ordinance will take effect immediately upon approval.

Section 7. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Council that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

PASSED AND APPROVED by a vote of 7 "ayes" in favor and 0

"noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on this, the 19 day of April 2022.

ATTEST:


Danyel Swint, TBMC, **City Secretary**

APPROVED:


Kevin Raines, **Mayor**

APPROVED AS TO FORM:


City Attorney
Randle Law Office, Ltd., L.L.P.

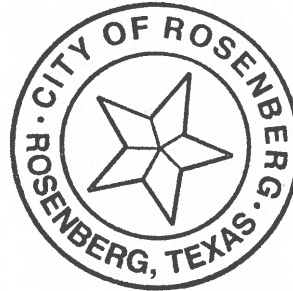


EXHIBIT A
ANNEXATION AREA METES & BOUNDS DESCRIPTION

County: Fort Bend
Project: Bryan Road 99ac
Job No. 212104
MBS No. 21-432

FIELD NOTES FOR 98.476 ACRES

Being a tract containing 98.476 acres of land located in the S.B. Pentecost Survey, Abstract No. 362, the S.B. Pentecost Survey, Abstract 378, and the E. Wheat Survey, Abstract 396 in Fort Bend County, Texas. Said 98.476 acres being all or a portion of the following tracts:

1. Call 17.0 acre tract of land recorded in the name of Betty Bryan Cruikshank in Fort Bend County Clerks' File (F.B.C.C.F.) No. 2000079844 (as described in Volume 913, Page 295 of the Fort Bend County Deed Records (F.B.C.D.R.))
2. Call 17.0 acre tract of land recorded in the name of B.F. Bryan in Volume 913, Page 292 of the F.B.C.D.R.
3. Call 18.89 acre tract of land recorded in the name of Mason Bryan in Volume 913, Page 286 of the F.B.C.D.R.
4. Portion of a call 17.0 acre tract of land recorded in the name of Loren Bryan and Michael Bryan Freed in F.B.C.C.F. No. 2001034177 (as described in Volume 914, Page 454 of the F.B.C.D.R.)
5. Portion of a call 17.0 acre tract of land recorded in the name of Bryan Family Trust in F.B.C.C.F. No. 2015127223 (as described in Volume 913, Page 289 of the F.B.C.D.R.)
6. Call 3.50 acre tract of land recorded in the name of Hedy A. Bryan in F.B.C.C.F. No. 2015128754 (as described in Volume 2205, Page 100 of the F.B.C.D.R.)
7. Portion of a call 5.0 acre tract of land recorded in the name of Hedy Bryan in F.B.C.C.F. No. 201528749 and 2015128750 (as described in Vol. 2544, Page 1478 of the F.B.C.D.R.)
8. Call 4.0 acre tract of land recorded in the name of Norman Bryan and Judith K. Bryan in F.B.C.C.F. No. 9747777
9. Call 1.0 acre tract of land recorded in the name of Loren Bryan in Volume 2290, Page 760 of the F.B.C.D.R.
10. Call 1.0 acre tract of land, styled as Tract 4E, recorded in the name of Isabell Waitkus in Volume 2381, Page 972 of the F.B.C.D.R.
11. Portion of a call 6.0 Acre tract of land recorded in the name of Hampton A. Bryan Jr. and Brenda Bryan in Volume 2460, Page 2508 of the F.B.C.D.R.

Said 98.476 acres of land being more particularly described by metes and bounds as follows (Bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, as derived from GPS observations):

BEGINNING at a 5/8 inch iron rod found at the most southerly corner of said Cruikshank 17.0 acre tract, the most easterly corner of a call 184.1 acre tract of land recorded in the name of Rosenberg Business Park, LTD. in F.B.C.C.F. No. 2013091667 and being on the northwest line of a call 170.398 acre tract of land recorded in the name of 2010 Rose Ranch LLC in F.B.C.C.F. No. 2010095822 from which a 5/8 inch capped iron rod stamped "LJA" found at the most westerly southwest corner of said 170.398 acre tract bears South 42 degrees 27 minutes 24 seconds West, a distance of 1,168.86 feet;

THENCE, with the northeast line of said 184.1 acre tract and southwest lines of said Cruikshank 17.0 acre tract, said B. F. Bryan 17.0 acre tract, and said Mason Bryan 18.89 acre tract, North 47 degrees 36 minutes 46 seconds West (call North 44 degrees 41 minutes 00 seconds West), a distance of 2,343.86 feet to a 5/8 inch capped iron rod stamped "GBI Partners" set at the most westerly corner of said Mason Bryan 18.89 acre tract and southeast corner of Restricted Reserve "B", Block 1, of Morales Subdivision, a subdivision recorded in Plat No. 20060199 of the Fort Bend County Plat Records (F.B.C.P.R.);

THENCE, with the southeast line of said Reserve "B" and the northwest lines of said Mason Bryan 18.89 acre tract and said Bryan Family Trust 17.0 acre tract, North 40 degrees 23 minutes 02 seconds East (call North 43 degrees 21 minutes 00 seconds East), a distance of 775.74 feet to a 5/8 inch capped iron rod (cap illegible) found at the most westerly northwest corner of said Bryan Family Trust 17.0 acre tract and the southwest corner of a call 14.03 acre tract of land recorded in the name of Patricia Shoffit in F.B.C.C.F. No. 2019016664 from which a 5/8 inch capped iron rod stamped "TEAM" found at the common east corner of Reserves "A" and "B" of said Morales Subdivision bears North 40 degrees 23 minutes 02 seconds East, a distance of 615.37 feet.

THENCE, with the north line of said Bryan Family Trust 17.0 acre tract and south line of said 14.03 acre tract and partially with a fence line, South 68 degrees 04 minutes 29 seconds East (call South 65 degrees 00 minutes 00 seconds East), a distance of 609.30 feet (call 626.1 feet) to a 5/8 inch iron rod found at an interior corner of said Bryan Family Trust 17.0 acre tract and the southeast corner of said 14.03 acre tract;

THENCE, with the northwest line of said Bryan Family Trust 17.0 acre tract, east line of said 14.03 acre tract and east line of a call 1.00 acre tract of land recorded in the name of James Waller in Volume 2698, Page 1016 of the F.B.C.D.R. and partially with a fence line, North 41 degrees 55 minutes 31 seconds East (call North 43 degrees 21 minutes 00 seconds East), at a distance of 219.81 feet pass a fence corner found, at a distance of 733.52 feet pass a fence corner found, and continuing for a total distance of 1,033.18 feet to a 5/8 inch capped iron rod stamped "GBI Partners" set on the southwest right-of-way (R.O.W.) line of Bryan Road (100-foot wide) as dedicated in Plat Nos. 20050116 and 20070032 of the F.B.C.P.R. and F.B.C.C.F. Nos. 2016060607, 2016060647, 2016089407, 2016137612, 2018109785, and 2018109786 from which a 5/8 inch capped iron rod stamped "Landtech" bears North 67 degrees 54 minutes 48 seconds West, a distance of 2.18 feet;

THENCE, with said southwest R.O.W. line, South 67 degrees 54 minutes 48 seconds East, a distance of 432.99 feet to a 5/8 inch capped iron rod stamped "GBI Partners" set on the northwest line of a call 0.3344 acre tract of land recorded in the name of Robert Wright and Alice Bowen in Volume 2522, Page 220 of the F.B.C.D.R. from which a 5/8 inch capped iron rod stamped "Landtech" found bears South 67 degrees 54 minutes 48 seconds East, a distance of 1.60 feet;

THENCE, with said northwest line, South 42 degrees 32 minutes 11 seconds West (call South 45 degrees 25 minutes 20 seconds West), a distance of 165.53 feet to a 3/4 inch iron pipe found at the southwest corner of said 0.3344 acre tract from which a 3/4 inch iron pipe found at the southwest corner of aforesaid Loren Bryan 1.0 acre tract and northwest corner of aforesaid Waitkus 1.0 acre tract bears South 42 degrees 32 minutes 11 seconds West, a distance of 198.51 feet;

THENCE, with the south line of said 0.3344 acre tract, the south line of a call 2.00 acre tract of land recorded in the name of Robert Wright and Alice Bowen in Volume 366, Page 562 of the F.B.C.D.R. and the north line of said Loren Bryan 1.0 acre tract, South 67 degrees 47 minutes 43 seconds East (call South 65 degrees 00 minutes 00 seconds East), at a distance of 22.71 feet pass a 3/4 inch iron pipe found at the northwest corner of said Loren Bryan 1.0 acre tract, and continuing for a total distance of 243.24 feet to the northeast corner of said 1.00 acre tract and northwest corner of a call 1.25 acre tract of land recorded in the name of Robert Wright and Alice Bowen in Volume 2522, Page 220 of the F.B.C.D.R. from which point a 1 inch iron pipe found bears North 62 degrees 42 minutes 33 seconds East, a distance of 0.42 feet and a 5/8 inch iron rod found at the southeast corner of said 2.00 acre tract bears South 67 degrees 47 minutes 43 seconds East, a distance of 143.55 feet;

THENCE, with the east lines of said Loren Bryan 1.0 acre tract and said Waitkus 1.0 acre tract and west lines of said 1.25 acre tract and a call 1.00 acre tract of land recorded in the name of Robert Wright and Alice Bowen in F.B.C.C.F. No. 9650053, South 42 degrees 40 minutes 36 seconds West (call South 45 degrees 28 minutes 20 seconds West), at a distance of 198.68 feet pass a 3/4 inch iron pipe found at the southeast corner of said Loren Bryan 1.0 acre tract, the northeast corner of said Waitkus 1.0 acre tract, the southwest corner of said 1.25 acre tract, and the northwest corner of said Wright 1.00 acre, and continuing for a total distance of 356.89 feet to a 3/4 inch iron pipe found (disturbed) at the southwest corner of said Wright 1.00 acre tract;

THENCE, with the south line of said Wright 1.00 acre tract, South 67 degrees 47 minutes 44 seconds East (call south 65 degrees 00 minutes 00 seconds East), a distance of 293.89 feet to a 3/4 inch iron pipe found (disturbed) at the southeast corner of said Wright 1.00 acre tract;

THENCE, with the east lines of said Wright 1.00 acre tract and a call 0.490 acre tract of land recorded in the name of Theodore George Jablonski and Patricia L. Jablonski in F.B.C.C.F. No. 9463953, North 42 degrees 40 minutes 38 seconds East (call North 45 degrees 28 minutes 20 seconds East), at a distance of 158.21 feet pass a 3/4 inch iron pipe found at the northeast corner of said Wright 1.00 acre tract and southeast corner of said 0.490 acre tract, and continuing for a total distance of 324.86 feet to a 5/8 inch iron rod found at an easterly corner of said 0.490 and the southwest corner of a call 1.00 acre tract of land recorded in the name of Adam and Elvia Vargas in F.B.C.C.F. No. 2016107461;

THENCE, with the south and east lines of said Vargas 1.00 acre tract, the following two courses:

1. South 67 degrees 47 minutes 44 seconds East (call South 65 degrees 00 minutes 00 seconds East), a distance of 208.71 feet to a 5/8 inch iron rod found at the southeast corner of said Vargas 1.00 acre tract;
2. North 22 degrees 12 minutes 16 seconds East (call North 25 degrees 00 minutes 00 seconds East), a distance of 186.62 feet to the southwest R.O.W. line of said Bryan Road from which a 5/8 inch capped iron rod stamped "Landtech" found bears South 22 degrees 12 minutes 16 seconds West, a distance of 0.31 feet;

THENCE, with said southwest R.O.W. line, South 67 degrees 54 minutes 48 seconds East, a distance of 155.98 feet to a fence post found on the west line of a call 0.154 acre tract of land recorded in the name of Judith K. Bryan in F.B.C.C.F. No. 2000058345 from which a 5/8 inch capped iron rod stamped "Landtech" found bears South 67 degrees 54 minutes 48 seconds East, a distance of 0.65 feet;

THENCE, with said west line and the west line of a call 2.0 acre tract of land recorded in the name of Norman Carlton Bryan and Judy Koym Bryan in Volume 762, Page 822 of the F.B.C.D.R., South 42 degrees 37 minutes 38 seconds West (call South 45 degrees 05 minutes 58 seconds West), a distance of 391.54 feet to a 1 inch iron pipe found at the southwest corner of said 2.0 acre tract and the northwest corner of aforesaid Bryan 4.0 acre tract, from which a 1 inch iron pipe found at the southwest corner of said 4.0 acre tract bears South 42 degrees 37 minutes 38 seconds West, a distance of 835.08 feet;

THENCE, with the south lines of said 2.0 acre tract and a call 1.0 acre tract of land recorded in the name of Philip Travis Bryan and Hedy Morris Bryan in Volume 1296, Page 661 of the F.B.C.D.R., the north line of said 4.0 acre tract, partially with the lower north line of said 5.0 acre tract, and through and across said 5.0 acre tract and aforesaid 6.0 acre tract, South 67 degrees 46 minutes 13 seconds East (call South 65 degrees 20 minutes 26 seconds East), at a distance of 222.88 feet pass a 1 inch iron pipe found at the common south corner of said 2.0 and 1.0 acre tracts, at a distance of 334.29 feet pass a 3/4 inch iron pipe found at the southeast corner of said 1.0 acre tract, at a distance of 446.05 feet pass a 1 inch iron pipe found on the common line between said 5.0 and 6.0 acre tracts and continuing for a total distance of 669.80 feet to the east line of said 6.0 acre tract and west R.O.W. line of Spacek Road (50-foot width; Not open/Unimproved) as dedicated in Slide No. 1263B of the F.B.C.P.R. from which a 1 inch iron pipe found bears North 25 degrees 49 minutes 25 seconds West, a distance of 0.70 feet and a 5/8 inch capped iron rod stamped "Landtech" found on the southwest R.O.W. of Bryan Road bears North 42 degrees 33 minutes 20 seconds East, a distance of 393.14 feet;

THENCE, with said east line and said west R.O.W. line, South 42 degrees 33 minutes 20 seconds West (call South 42 degrees 33 minutes 20 seconds West), a distance of 834.81 feet (call 834.841 feet) to a 1 inch iron pipe found at the southeast corner of said 6.0 acre tract and northeast corner of aforesaid Cruikshank 17.0 acre tract;

THENCE, with the east line of said Cruikshank 17.0 acre tract and said west R.O.W. line, South 42 degrees 31 minutes 54 seconds West (call South 45 degrees 21 minutes 20 seconds West), at a distance of 775.75 feet pass a 5/8 inch capped iron rod (cap illegible) found and continuing for a total distance of 1,465.14 feet (call 1,464.84 feet) to the **POINT OF BEGINNING** and containing 98.476 acres of land, more or less.

THIS DESCRIPTION WAS PREPARED BASED ON A SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF KYLE A. KACAL, RPLS 6652, FILED UNDER JOB NO. 212104 IN THE OFFICES OF GBI PARTNERS.

GBI Partners
TBPELS Firm #10130300, 10194423
Ph: 281.499.4539
October 19, 2021



Kyle

RETURNED AT COUNTER TO:

Danyel Swint, City Secretary
City of Rosenberg
2110 4th Street, Rosenberg TX 77471

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Laura Richard
Laura Richard, County Clerk

Fort Bend County Texas

April 20, 2022 04:25:41 PM

FEE: \$44.00 EL

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