

CITY OF ROSENBERG, TEXAS

ORDINANCE NO. 2013-21

AN ORDINANCE OF THE CITY OF ROSENBERG, TEXAS, PROVIDING FOR THE EXTENSION OF ROSENBERG, TEXAS CITY LIMITS BY THE ANNEXATION OF ADJACENT TRACTS OF LAND DESCRIBED IN THE FIELD NOTES OF THE METES AND BOUNDS SURVEY IN EXHIBIT "A", AND GENERALLY LOCATED NORTH OF SH 36 AND THE CITY LIMITS, EAST OF THE FRITO-LAY, INC., FACILITY AND RELATED PROPERTY, SOUTH OF THE BRAZOS RIVER, AND WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ); FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING THAT SUCH AREAS BE ASSIGNED TO AN ELECTION DISTRICT; FURTHER PROVIDING FOR AMENDING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, Texas Local Government Code Section 43.021 authorizes the City of Rosenberg, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

WHEREAS, Article 1, 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, the area to be annexed lies within the extraterritorial jurisdiction of the City of Rosenberg, Texas, and lies adjacent to the City of Rosenberg, Texas; and

WHEREAS, Article 3, Section 3.01 (d) of the City Charter of the City of Rosenberg provides that the area or territory includable in the election districts shall be adjusted from time to time or reconfigured as the city may annex territory or area within the city; and

WHEREAS, Texas Local Government Code Section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

WHEREAS, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

WHEREAS, Texas Local Government Code Section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code Section 43.035(b)(1) provides that a municipality must offer to make a development agreement with landowners eligible under

Texas Local Government Code 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

WHEREAS, the City of Rosenberg executed non-annexation Development Agreements for eligible properties, which said properties are particularly described in the attached Exhibit "B", and said non-annexation Development Agreements were approved by City Council; and

WHEREAS, pursuant to Texas Local Government Code Section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code Section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

WHEREAS, two separate public hearings were conducted on the proposed annexation in accordance with Chapter 43 of the Texas Local Government Code, the first being held on April 02, 2013, at 7:00 P.M. at the City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471, and the second public hearing being held on April 16, 2013, at 7:00 P.M., at the City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471; and

WHEREAS, the public hearings were conducted and held not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, all required written notices were timely sent to all property owners and others entitled to written notice before the 30th day before the first public hearing; and

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and in the area proposed to be annexed by publication at least once in said newspaper not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

WHEREAS, notice of the public hearings was posted on the City's Internet website on or after the twentieth (20th) day but before the tenth (10th) day before the date of each public hearing and remained posted until the date of the hearings; and

WHEREAS, all required statutory notices pursuant to the Chapter 43 of the Texas Local Government Code and of the Charter of the City of Rosenberg, Texas, have been accomplished; and

WHEREAS, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held.

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

SECTION 1

All of the above premised are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

The land and territory lying outside of, but adjacent to and contiguous to the City of Rosenberg, Texas, more particularly described in Exhibit "A" and depicted in a map in Exhibit "A.1" attached hereto and incorporated herein for all purposes, is hereby added and annexed to the City of Rosenberg, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in Exhibit "A", are altered and amended so as to include said areas within the corporate limits of the City of Rosenberg, Texas.

SECTION 3

The land and territory more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, shall be part of the City of Rosenberg, Texas and inhabitants thereof shall be entitled to all the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Rosenberg, Texas.

SECTION 4

The land and territory described in Exhibit "A", shall be included in an election district and said election district boundary shall be adjusted or reconfigured to include the annexed area.

SECTION 5

A service plan outlining the provisions of necessary municipal services to the properties is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit "C".

SECTION 6

If any section, subsection, sentence, paragraph, phrase, word, or provision be found to be illegal, invalid, unconstitutional or if any portion of said properties is incapable of being annexed by the City of Rosenberg, Texas, for any reason whatsoever, the adjudication shall not affect another section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision to any other person or portion of said properties, situation or circumstance, nor shall the adjudication affect any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City of Rosenberg, Texas. The City Council declares that it would have adopted the valid portions and applications of the Ordinance and would have annexed the valid properties without the invalid part and invalid properties and to this end the provisions of this Ordinance are declared to be severable.


SECTION 7

This ordinance shall be effective from and after May 07, 2013.

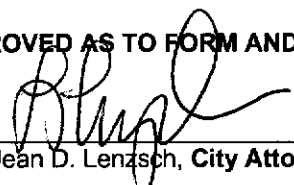
PASSED, APPROVED AND ADOPTED by a vote of 5 "ayes" in favor and 2 "noes" against on this the first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 7th day of May 2013.


Vincent M. Morales, Jr., Mayor

ATTEST:


Linda Cernosek, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Lora Jean D. Lenzsch, City Attorney

CHARLIE KALKOMEY SURVEYING, INC.

A JONES & CARTER COMPANY

6415 READING ROAD
ROSENBERG, TEXAS 77471
281 342-2033

HIGHWAY 36 TRACTS

FIELD NOTES FOR A 2,753.9 ACRE TRACT OF LAND IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, THE SAMUEL ISAACS LABOR, ABSTRACT 36, THE B. B. B. & C. RAILROAD COMPANY SURVEY, ABSTRACT 133, THE B. B. B. & C. RAILROAD COMPANY SURVEY, ABSTRACT 139, THE JOHN FOSTER SURVEY, ABSTRACT 27, THE YANDELL FERRIS SURVEY, ABSTRACT 375, AND THE YANDELL FERRIS SURVEY, ABSTRACT 377, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS.

BEGINNING at the northeast corner of Riverside Terrace Section 3, according to map or plat thereof recorded in Volume 8, Page 6, Plat Records, Fort Bend County, Texas, said point being the northeast corner of the existing City of Rosenberg City Limits described as Annexation Number 14 (2.69 acres), and being in the west line of the City of Rosenberg Woodmen of the World called 4.93 acre cemetery, being the west line of the existing City of Rosenberg City Limits as per The Charter Section 1.02, for the upper southeast corner and **Place of Beginning** of the herein described tract;

THENCE South 84 degrees 44 minutes 41 seconds West along the north line of said Riverside Terrace Section 3 and the north line of said Annexation Tract 14, at 376.5 feet pass a 1-inch iron pipe found on said line for the upper northwest corner of said Riverside Terrace Section 3, and continuing for a total distance of 386.50 feet to a point for a reentry corner to the herein described tract, said point being the northwest corner of said adjoining City of Rosenberg Annexation Tract Number 14, said point being in a called 2.024 acre tract recorded in Volume 928, Page 224, Deed Records, Fort Bend County, Texas;

THENCE South 00 degrees 59 minutes 59 seconds East along the existing City of Rosenberg City Limits, crossing said called 2.024 acre tract, 293.26 feet to a point for corner, said point being the southwest corner of said adjoining City of Rosenberg Annexation Tract Number 14, and being in a north line of the existing City of Rosenberg City Limits as per said Section 1.02;

THENCE South 87 degrees 13 minutes 06 seconds West along the existing City of Rosenberg City Limits, crossing said called 2.024 acre tract, and a called 1.00 acre tract recorded in Volume 2647, Page 2112, Official Records, Fort Bend County, Texas, 271.38 feet to a point for corner, said point being the east corner of the adjoining City of Rosenberg Annexation Tract Number 14 (3.09 acre tract);

THENCE North 75 degrees 53 minutes 01 second West along the existing City of Rosenberg City Limits, crossing said called 1.00 acre tract, a called 1.00 acre tract recorded under County Clerk's File Number 9523692, Official Public Records, Fort Bend County, Texas, a called 1.00 acre tract recorded under County Clerk's File Number 9702073, Official Public Records, Fort Bend County, Texas, a called 1.5 acre tract recorded under County Clerk's File Number 9704145, Official Public Records, Fort Bend County, Texas, a called 7.586 acre tract recorded under County Clerk's File Number 2002088720, Official Public Records, Fort Bend County, Texas, and a called 1.456 acre tract recorded under County Clerk's File Number 2002088721, Official Public Records, Fort Bend County, Texas, 982.68 feet to a point for a reentry corner to the herein described tract, said point being the northwest corner of said adjoining City of Rosenberg Annexation Tract Number 14, said point being at the intersection of the extension of the west right-of-way line of Elm Street and the extension of a 10-foot wide utility easement as shown said map or plat of Riverside Terrace Section 3;

THENCE South 02 degrees 37 minutes 34 seconds East along the existing city of Rosenberg City Limits, crossing said called 1.456 acre tract, and a called 0.460 acre tract recorded in Volume 2534, Page 750, Official Records, Fort Bend County, Texas, 285.64 feet to a point for corner, said point being the southwest corner of said adjoining City of Rosenberg Annexation Tract Number 14, and being in the west right-of-way line of Elm Street, same being the east line of the Nazareth Missionary Baptist Church tract recorded in Volume 825, Page 285, Deed Records, Fort Bend County, Texas, and being in a north line of the existing City of Rosenberg City Limits as per said Section 1.02;

THENCE South 87 degrees 12 minutes 52 seconds West along the existing City of Rosenberg City Limits, crossing said Nazareth Missionary Baptist Church tract, and a called 0.1907 acre tract recorded under County Clerk's File Number 19909010829, Official Public Records, Fort Bend County, Texas, 167.78 feet to a point for a reentry corner to the herein described tract, said point being in the west line of said called 0.1907 acre tract, same being the east line of a called 95.334 acre tract recorded under County Clerk's File Number 2007012218, Official Public Records, Fort Bend County, Texas;

THENCE South 01 degree 39 minutes 38 seconds East along the existing City of Rosenberg City Limits, being the east line of said called 95.334 acre tract, 362.97 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" found for corner, said point being the upper southeast corner of said called 95.334 acre tract, same being the southwest corner of an adjoining called 147.5-foot wide tract recorded under County Clerk's File Number 2007101493, Official Public Records, Fort Bend County, Texas, and being in the northerly right-of-way line of Walnut Avenue;

THENCE North 75 degrees 59 minutes 09 seconds West along the existing City of Rosenberg City Limits, same being the northerly right-of-way line of Walnut Avenue, 495.69 feet to a point for a reentry corner to the herein described tract, said point being a reentry corner to said called 95.334 acre tract, and being a north corner in the right-of-way line of said Walnut Avenue;

THENCE South 14 degrees 02 minutes 15 seconds West along the existing City of Rosenberg City Limits, 60.00 feet to a ½ inch iron pipe found for corner, said point being the lower southeast corner of said called 95.334 acre tract, same being a reentry corner just the existing City of Rosenberg City Limits, and being in the northerly right-of-way line of the B. N. & S. F. Railroad right-of-way;

THENCE North 75 degrees 57 minutes 45 seconds West along the existing City of Rosenberg City Limits, same being the northerly right-of-way line of said B. N. & S. F. Railroad right-of-way, 200.00 feet to a point for a reentry corner to the herein described tract;

THENCE South 14 degrees 02 minutes 15 seconds West along the existing City of Rosenberg City Limits, 50.00 feet to a point for corner, said point being in the centerline of said B. N. & S. F. Railroad right-of-way, and being a westerly corner of said City of Rosenberg City Limits as per said Section 1.02, same being a north corner of the adjoining City of Rosenberg Annexation Tract Number 24 (Ordinance 89-27);

THENCE South 33 degrees 20 minutes 02 seconds West along the existing City of Rosenberg City Limits, crossing State Highway 36, 214.48 feet to a point for corner, said point being in the south right-of-way line of State Highway 36, and being in a non-tangent curve to the left;

THENCE along said non-tangent curve to the left, being the existing City of Rosenberg City Limits, and the south right-of-way line of State Highway 36, having a central angle of 04 degrees 33 minutes 00 seconds, a radius of 881.47 feet, an arc length of 70.00 feet, and a chord bearing North 73 degrees 41 minutes 43 seconds West, 69.98 feet to a point at the end of said curve;

THENCE North 75 degrees 58 minutes 24 seconds West along the existing City of Rosenberg City Limits, being the south right-of-way line of State Highway 36, and a northerly line of said adjoining City of Rosenberg Annexation Tract Number 24, and along a northerly line of the adjoining City of Rosenberg Annexation Tract Number 33 (Ordinance 90-84), 1,272.52 feet to a point for corner, said point being a reentry corner to said adjoining City of Rosenberg Annexation Tract Number 33, and being in the east line of an adjoining Houston Lighting and Power Company called 5.045 acre tract recorded in Volume 536, Page 226, Deed Records, Fort Bend County, Texas;

THENCE North 02 degrees 34 minutes 59 seconds West along the existing City of Rosenberg City Limits, crossing State Highway 36, passing the upper northeast corner of said adjoining City of Rosenberg Annexation Tract Number 33, same being the southeast corner of the adjoining City of Rosenberg Annexation Tract Number 37 (Ordinance 90-88), and crossing the aforementioned B. N. & S. F. Railroad right-of-way, 260.80 feet to an angle point on said line, said point being in the northerly right-of-way line of said B. N. & S. F. Railroad right-of-way, being the southwest corner of the aforementioned called 95.334 acre tract, and the southeast corner of a Houston Lighting and Power Company called 16.017 acre tract recorded in Volume 553, Page 482, Deed Records, Fort Bend County, Texas;

THENCE North 02 degrees 35 minutes 15 seconds West along the existing City of Rosenberg City Limits, being the common line of said called 95.334 acre tract and said Houston Lighting and Power Company called 16.017 acre tract, 458.33 feet to an angle point;

THENCE North 36 degrees 47 minutes 55 seconds East continuing along said line, 565.78 feet to a point for a reentry corner to the herein described tract;

THENCE North 73 degrees 06 minutes 35 seconds West along the existing City of Rosenberg City Limits, crossing said Houston Lighting and Power Company called 16.017 acre tract, 143.49 feet to a point for corner, said point being the northeast corner of an adjoining Houston Lighting and Power Company called 10.662 acre tract recorded in Volume 554, Page 9, Deed Records, Fort Bend County, Texas, same being the southeast corner of an adjoining called 21.131 acre tract recorded under County Clerk's File Number 2004094560, Official Public Records, Fort Bend County, Texas;

THENCE North 03 degrees 05 minutes 36 seconds West along the existing City of Rosenberg City Limits, being the common line of said adjoining called 21.131 acre tract and the aforementioned Houston Lighting and Power Company called 16.017 acre tract, 620.43 feet to a point for a reentry corner to the herein described tract, said point being the northeast corner of said adjoining called 21.131 acre tract, same being the southeast corner of a called 54.2 acre tract recorded under County Clerk's File Number 2007017920, Official Public Records, Fort Bend County, Texas;

THENCE South 86 degrees 01 minute 09 seconds West along the existing City of Rosenberg City Limits, being the common line of said adjoining called 21.131 acre tract and said called 54.2 acre tract, 1,742.00 feet to a 5/8 inch iron rod with cap marked "1535-4035" found for corner, said point being the northwest corner of said adjoining called 21.131 acre tract, same being the southwest corner of said called 54.2 acre tract, and being the east right-of-way line of Huntington Road;

THENCE North 26 degrees 32 minutes 02 seconds West along the existing City of Rosenberg City Limits, crossing Huntington Road, 118.50 feet to a point for a reentry corner to the herein described tract, said point being the northeast corner of an adjoining called 19.9959 acre tract recorded in Volume 2668, Page 687, Official Records, Fort Bend County, Texas, same being the upper southeast corner of a called 211.423 acre tract recorded under County Clerk's File Number 2003006986, Official Public Records, Fort Bend County, Texas, and being in the west right-of-way line of Huntington Road;

THENCE South 87 degrees 17 minutes 52 seconds West along the existing City of Rosenberg City Limits, being the common line of said adjoining called 19.9959 acre tract and said called 211.423 acre tract, 736.13 feet to an angle point on said line;

THENCE North 75 degrees 58 minutes 10 seconds West along the existing City of Rosenberg City Limits, crossing said called 211.423 acre tract, 1,775.36 feet to a point for corner, said point being the southeast corner of the adjoining City of Rosenberg Annexation Tract Number 58 (Ordinance 98-31);

THENCE North 02 degrees 18 minutes 50 seconds West along the existing City of Rosenberg City Limits, crossing said called 211.423 acre tract, and a called 220.805 acre tract recorded under County Clerk's File Number 2003006985, Official Public Records, Fort Bend County, Texas, 5,280.00 feet to a point for a reentry corner to the herein described tract, said point being the northeast corner of said adjoining City of Rosenberg Annexation Tract Number 58;

THENCE North 75 degrees 58 minutes 10 seconds West along the existing City of Rosenberg City Limits, crossing said called 220.805 acre tract, 1,042.21 feet to a point for a reentry corner to the herein described tract, being the northwest corner of said adjoining City of Rosenberg Annexation Tract Number 58, and being in the west line of said called 220.805 acre tract, same being the east line of a called 1,012.778 acre tract recorded under County Clerk's File Number 2002017017, Official Public Records, Fort Bend County, Texas;

THENCE South 02 degrees 18 minutes 50 seconds East along the existing City of Rosenberg City Limits, being the common line of said called 220.805 acre tract and said called 1,012.778 acre tract, and along the east line of a called 149.69 acre tract recorded under County Clerk's File Number 2012139074, Official Public Records, Fort Bend County, Texas, 5,280.00 feet to a point for corner, said point being the southwest corner of said adjoining City of Rosenberg Annexation Tract Number 58, and being in the northerly line of the aforementioned adjoining City of Rosenberg Annexation Tract Number 37;

THENCE North 75 degrees 58 minutes 10 seconds West along the existing City of Rosenberg City Limits, crossing said called 149.69 acre tract, Moore Bar Road, a called 48.00 acre tract recorded under County Clerk's File Number 2010080576, Official Public Records, Fort Bend County, Texas, and a called 80 acre tract recorded in Volume 254, Page 133, Deed Records, Fort Bend County, Texas, 3,551.44 feet to a point for a reentry corner to the herein described tract;

THENCE South 38 degrees 08 minutes 01 second West along the existing City of Rosenberg City Limits, crossing said called 80 acre tract, 1,095.51 feet to a point for corner, said point being the southwest corner of said adjoining City of Rosenberg Annexation Tract Number 37, same being the northwest corner of the adjoining City of Rosenberg Annexation Tract Number 45 (Ordinance 96-22), and being in the southerly right-of-way line of the aforementioned B. N. & S. F. Railroad right-of-way, same being the northerly right-of-way line of State Highway 36;

THENCE South 00 degrees 42 minutes 19 seconds East along the existing City of Rosenberg City Limits, crossing said State Highway 36, 186.26 feet to a point for corner, said point being at the intersection of the southerly right-of-way line of State Highway 36 and the centerline of Robinowitz Road, and being the common corner of said adjoining City of Rosenberg Annexation Tract Number 45, the adjoining City of Rosenberg Annexation Tract Number 46 (Ordinance 96-39) and the adjoining City of Rosenberg Annexation Tract Number 47 (Ordinance 96-39);

THENCE North 75 degrees 01 minutes 23 seconds West along the existing City of Rosenberg City Limits, 30.62 feet to a Texas Department of Transportation disk found for corner, said point being at the intersection of the southerly right-of-way line of State Highway 36 and the west right-of-way line of Robinowitz road;

THENCE North 40 degrees 16 minutes 45 seconds West along the existing City of Rosenberg City Limits, being the southerly right-of-way line of State Highway 36, 50.34 feet to a Texas Department of Transportation disk found for angle point;

THENCE North 75 degrees 58 minutes 10 seconds West along the existing City of Rosenberg City Limits, being the southerly right-of-way line of State Highway 36, 2,952.55 feet to a point for corner;

THENCE North 02 degrees 14 minutes 09 seconds West establishing the westerly line of the herein described tract, crossing said State Highway 36 and the aforementioned B. N. & S. F. Railroad right-of-way, 260.68 feet to a point for a reentry corner to the herein described tract, said point being in the northerly right-of-way line of said B. N. & S. F. Railroad right-of-way, and being the southwest corner of a called 125.3 acre tract (Exhibit "B") recorded under County Clerk's File Number 2012148946, Official Public Records, Fort Bend County, Texas, same being the lower southeast corner of the aforementioned called 1,012.778 acre tract;

THENCE North 75 degrees 58 minutes 10 seconds West along the northerly line of said B. N. & S. F. Railroad right-of-way, same being the most southerly line of said called 1,012.778 acre tract, 156.59 feet to a point for corner, said point being the southwest corner of said called 1,012.778 acre tract, same being the southeast corner of the adjoining residue of a called 363.632 acre tract recorded in Volume 1853, Page 2133, Official Records, Fort Bend County, Texas;

THENCE North 02 degrees 21 minutes 49 seconds West establishing the westerly line of the herein described tract, being the common line of said called 1,012.778 acre tract and said adjoining residue of a called 363.632 acre tract, 2,156.19 feet to a ½ inch iron pipe found for angle point;

THENCE North 31 degrees 00 minutes 13 seconds East continuing along said line, and along the southerly line of an adjoining called 5.791 acre tract recorded in Volume 2164, Page 1710, Official Records, Fort Bend County, Texas, 367.67 feet to a 5/8 inch iron rod found in concrete for angle point;

THENCE North 02 degrees 22 minutes 55 seconds West establishing the westerly line of the herein described tract, being the common line of said called 1,012.778 acre tract and said adjoining called 5.791 acre tract, 5,005.11 feet to a 5/8 inch iron rod found for corner, said point being a northwest corner of said called 1,012.778 acre tract, same being the northeast corner of said adjoining called 5.791 acre tract, and being in an interior line of the aforementioned adjoining called 363.632 acre tract;

THENCE South 81 degrees 38 minutes 35 seconds East along the common line of said called 1,012.778 acre tract and said adjoining called 363.632 acre tract, 380.75 feet to a 5/8 inch iron rod found in concrete for a reentry corner to the herein described tract and a reentry corner to said called 1,012.778 acre tract, same being the upper southeast corner of said adjoining called 363.632 acre tract;

THENCE North 23 degrees 43 minutes 28 seconds East continuing along said common line, at 569.38 feet pass a 5/8 inch iron rod found on said line for reference, and continuing for a total distance of 1,040.58 feet to a point in the right bank of the Brazos River for corner;

THENCE along a line in the right bank of the Brazos River, being the northerly line of the herein described tract, with the following meanders:

- South 69 degrees 36 minutes 12 seconds East, 456.97 feet;
- South 73 degrees 30 minutes 26 seconds East, 467.84 feet;
- South 72 degrees 59 minutes 16 seconds East, 505.37 feet;
- South 67 degrees 30 minutes 46 seconds East, 183.26 feet;
- South 64 degrees 49 minutes 26 seconds East, 167.69 feet;
- South 68 degrees 44 minutes 56 seconds East, 477.42 feet;
- South 66 degrees 09 minutes 36 seconds East, 460.16 feet;

South 75 degrees 30 minutes 36 seconds East, 529.88 feet;
South 80 degrees 24 minutes 06 seconds East, 221.50 feet;
South 72 degrees 45 minutes 16 seconds East, 93.53 feet;
South 88 degrees 53 minutes 06 seconds East, 190.17 feet;
North 84 degrees 04 minutes 14 seconds East, 236.40 feet;
North 60 degrees 42 minutes 14 seconds East, 379.84 feet;
North 49 degrees 44 minutes 24 seconds East, 323.70 feet;
North 28 degrees 10 minutes 44 seconds East, 244.33 feet;
North 34 degrees 34 minutes 56 seconds East, 492.30 feet;
North 33 degrees 49 minutes 20 seconds East, 732.78 feet;
North 28 degrees 52 minutes 58 seconds East, 1,086.92 feet;
North 32 degrees 33 minutes 40 seconds East, 479.34 feet;
North 47 degrees 01 minute 16 seconds East, 144.41 feet;
North 54 degrees 17 minutes 38 seconds East, 317.61 feet;
North 60 degrees 18 minutes 00 seconds East, 345.34 feet;
North 76 degrees 01 minute 37 seconds East, 369.44 feet;
South 83 degrees 46 minutes 58 seconds East, 310.58 feet;
South 68 degrees 01 minute 28 seconds East, 418.16 feet;
South 48 degrees 34 minutes 09 seconds East, 409.42 feet;
South 32 degrees 27 minutes 29 seconds East, 447.16 feet;
South 28 degrees 47 minutes 08 seconds East, 352.90 feet;
South 23 degrees 30 minutes 05 seconds East, 341.27 feet;
South 18 degrees 51 minutes 45 seconds East, 416.76 feet;
South 22 degrees 42 minutes 04 seconds East, 280.58 feet;
South 25 degrees 14 minutes 20 seconds East, 363.77 feet;
South 48 degrees 31 minutes 14 seconds East, 160.69 feet;
South 56 degrees 00 minutes 24 seconds East, 510.06 feet;
South 40 degrees 46 minutes 11 seconds East, 392.74 feet;
South 49 degrees 33 minutes 59 seconds East, 482.54 feet;
South 45 degrees 52 minutes 14 seconds East, 402.11 feet;
South 41 degrees 12 minutes 11 seconds East, 606.44 feet;
South 29 degrees 06 minutes 35 seconds East, 675.63 feet;
South 24 degrees 01 minute 59 seconds East, 753.29 feet;
South 18 degrees 13 minutes 48 seconds East, 465.35 feet;
South 11 degrees 49 minutes 59 seconds East, 366.61 feet;
South 13 degrees 14 minutes 35 seconds East, 249.35 feet;
South 18 degrees 38 minutes 26 seconds East, 360.92 feet;
South 17 degrees 19 minutes 19 seconds East, 422.95 feet;
South 19 degrees 08 minutes 08 seconds East, 601.22 feet;
South 20 degrees 36 minutes 30 seconds East, 423.49 feet;
South 20 degrees 17 minutes 18 seconds East, 546.69 feet;
South 12 degrees 05 minutes 31 seconds East, 482.94 feet;
South 18 degrees 58 minutes 12 seconds East, 402.72 feet;
South 14 degrees 51 minutes 38 seconds East, 303.86 feet;
South 22 degrees 40 minutes 18 seconds East, 289.20 feet;
South 23 degrees 55 minutes 06 seconds East, 377.63 feet;

South 21 degrees 56 minutes 15 seconds East, 222.04 feet;
South 34 degrees 19 minutes 04 seconds East, 184.28 feet;
South 16 degrees 08 minutes 06 seconds East, 241.04 feet;
South 24 degrees 34 minutes 58 seconds East, 476.58 feet;
South 27 degrees 54 minutes 41 seconds East, 400.64 feet;
South 36 degrees 35 minutes 27 seconds East, 251.42 feet;
South 45 degrees 01 minute 02 seconds East, 381.64 feet;
South 45 degrees 53 minutes 35 seconds East, 375.94 feet;
South 57 degrees 00 minutes 26 seconds East, 436.63 feet;
South 62 degrees 20 minutes 50 seconds East, 378.19 feet;
South 72 degrees 29 minutes 03 seconds East, 323.99 feet;

South 80 degrees 31 minutes 57 seconds East, 108.21 feet to a point for the lower northeast corner of the herein described tract, said point being the lower southwest corner of the adjoining City of Rosenberg Annexation Tract Number 89 (Ordinance 2012-32), same being a northwest corner of the City of Rosenberg City Limits as per the aforementioned Section 1.02, and northeast corner of a called 4.00 acre tract recorded in Volume 716, Page 368, Deed Records, Fort Bend County, Texas, said point also being in the west line of the aforementioned adjoining cemetery tract;

THENCE South 02 degrees 37 minutes 41 seconds East along the existing City of Rosenberg City Limits, being the east line of said called 4.00 acre tract and the west line of said cemetery tract, at 199.69 feet pass a ½ inch iron pipe found in concrete on said line, and continuing for a total distance of 443.83 feet to the **Place of Beginning** of the herein described tract and containing 2753.9 acres of land, more or less.


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.

February 12, 2013

Job Number R0001-134-00

Charlie Kalkomey Surveying, Inc.
6415 Reading Road
Rosenberg, TX 77471-5655
(281) 342-2033




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com



**SH 36 NORTHEAST TRACTS
EXECUTED DEVELOPMENT AGREEMENTS**

Owner: Abel Albert
2321 Sul Ross ST
Houston, TX 77098-2207

Fort Bend Central Appraisal District Tax Account Number: 0036-00-000-0051-901

Legal Description: 0036 S ISSACS, TRACT 5 (PT), ACRES 10.863

Owner: Abel Albert
2321 Sul Ross ST
Houston, TX 77098-2207

Fort Bend Central Appraisal District Tax Account Number: 0036-00-000-0063-901

Legal Description: 0036 S ISSACS, TRACT 5 (PT), ACRES 2.818, PARCELS 1 & 2

Owner: Abel Albert
2321 Sul Ross ST
Houston, TX 77098-2207

Fort Bend Central Appraisal District Tax Account Number: 0036-00-000-0062-901

Legal Description: 0036 S ISSACS, TRACT 5 (PT), ACRES 7.586

Owner: Benton Stanley
511 Moore Bar RD
Rosenberg, TX 77471-9746

Fort Bend Central Appraisal District Tax Account Number: 0133-00-015-0012-901

Legal Description: 0133 BBB AND C RY, ACRES 9.558

Owner: Candler Charles
c/o Jim Candler 10500 County Road 175
Iola, TX 77861-3617

Fort Bend Central Appraisal District Tax Account Number: 0036-00-000-0052-901

Legal Description: 0036 S ISSACS, ACRES 2.02

Owner: Candler Charles A & James
10500 County Road 175
Iola, TX 77861-3617

Fort Bend Central Appraisal District Tax Account Number: 0036-00-000-0060-901

Legal Description: 0036 S ISSACS, ACRES 12.702

Owner: HVM Partners LP
210 Lavaca ST APT 3504
Austin, TX 78701-4605

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0950-901

Legal Description: 0083 HY SCOTT, TRACT 95 (Pt), ACRES 744.318, Tract A & (Pt) Tract B

Owner: Duane L & Bonnie B Fitch Trust
66 Lombardy LN
Orinda, CA 94563-1303

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1380-901

Legal Description: 0083 HY SCOTT, TRACT 138, ACRES 248.02

Owner: McNabb, Alexander D, III
5521 RICHMOND AVE
DALLAS, TX 75206-7151

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1380-901

Legal Description: 0083 HY SCOTT, TRACT 138, ACRES 248.02

Owner: Poe, Marian M
11 LEE LN
HAUGHTON, LA 71037-9446

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1380-901

Legal Description: 0083 HY SCOTT, TRACT 138, ACRES 248.02

Owner: Vitis Research & Dev Co
PO Box 5
Elsa, TX 78543-0005

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1380-901

Legal Description: 0083 HY SCOTT, TRACT 138, ACRES 248.02

Owner: Ohl Alvin L & Georgie T
PO BOX 107
ROSENBERG, TX 77471-0107

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0681-901

Legal Description: 0083 HY SCOTT, ACRES 61.697, LOT 1 (PT) & LOTS 2-5, ROSENBERG FARMS

Owner: Ohl Olan & Ramona L
PO BOX 1362
ROSENBERG, TX 77471-1362

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0685-901

Legal Description: 0083 HY SCOTT, ACRES 26.419, ROSENBERG FARMS, LT 1 (PT)

Owner: Sandra A Campos Family Trust
c/o Sandra A Campos Trustee 520 Huntington RD
Rosenberg, TX 77471-9780

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1824-901

Legal Description: 0083 HY SCOTT, ACRES 15.00

Owner: Sandra A Campos Family Trust
c/o Sandra A Campos Trustee 520 Huntington RD
Rosenberg, TX 77471-9780

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0521-901

Legal Description: 0083 HY SCOTT, TRACT 52, ACRES 37.23

Owner: Stern Elizabeth
PO Box 123
Rosenberg, TX 77471-0123

Fort Bend Central Appraisal District Tax Account Number: 0133-00-015-0060-901

Legal Description: 0133 BBB AND C RY, TRACT 6, ACRES 124.3

Owner: Wenzel Enterprises Inc
14140 Frances ST
Needville, TX 77461-7500

Fort Bend Central Appraisal District Tax Account Number: 0375-00-028-0011-901

Legal Description: 0375 YANDELL FERRIS, TRACT 1, ACRES 179.513

Owner: Wenzel Enterprises Inc
14140 Frances ST
Needville, TX 77461-7500

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0100-901

Legal Description: 0083 HY SCOTT, TRACT 10, ACRES 205.86

Owner: Wenzel Enterprises Inc
14140 Frances ST
Needville, TX 77461-7500

Fort Bend Central Appraisal District Tax Account Number: 0139-00-027-0010-901

Legal Description: 0139 BBB AND C RY, TRACT 1 (Pt), ACRES 620.648, & Tract 2 in A-27

Owner: Wenzel Enterprises Inc
14140 Frances ST
Needville, TX 77461-7500

Fort Bend Central Appraisal District Tax Account Number: 0377-00-016-0017-901

Legal Description: 0377 YANDELL FERRIS, ACRES 5.757

2013 ANNEXATION
City of Rosenberg, Texas
Municipal Service Plan for SH 36 Northeast Tracts

Description of the area: adjacent tracts of land described in the field notes of the metes and bounds survey in Exhibit "A" to Ordinance No. 2013-21, and generally located north of SH 36 and the City Limits, east of the Frito-Lay, Inc., facility and related property, south of the Brazos River, and within the Extraterritorial Jurisdiction (ETJ).

Upon annexation of the area identified above, the City of Rosenberg will provide City services utilizing methods by which it extends services to any other equivalent area in the City.

Services provided by the effective date of annexation:

1. POLICE PROTECTION

Upon annexation, the City of Rosenberg will provide police protection to the newly annexed area in the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

2. FIRE PROTECTION

Upon annexation, the City of Rosenberg will continue to provide fire protection services to the newly annexed area in the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area.

3. EMERGENCY MEDICAL SERVICES

The City of Rosenberg does not currently provide any emergency medical services.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

The City of Rosenberg is not aware of the existence of any publicly owned water and wastewater facilities in the newly annexed area. Several of the newly annexed properties have existing water wells and septic systems which shall continue to be maintained in accordance with the City's Code of Ordinances.

5. SOLID WASTE SERVICE

The City of Rosenberg contracts for the collection of solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided, within ninety (90) days after the effective date of annexation, to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the homeowners association or individual property owners. The City will then impose fees and provide the service. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

6. ROADS AND STREETS/ STREET LIGHTING

Any and all public roads, streets, alleyways or street lighting shall be maintained to the same degree and extent that other public roads, streets, alleyways, and street lighting are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under the ownership of the homeowners association and as such maintained by the association. Roads that are not part of a homeowners association and are privately owned will remain under private ownership and as such maintained by the individual owner(s).

7. MAINTENANCE OF PARKS AND PLAYGROUNDS

The City of Rosenberg is not aware of the existence of any publicly owned parks or playgrounds now located in the proposed annexed area. In the event any such parks or playgrounds do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to the other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association. Private facilities that are not part of a homeowners association and are privately owned will remain under private ownership and as such maintained by the individual owner(s).

8. MAINTENANCE OF ANY PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City of Rosenberg is not aware of the existence of any publicly owned facility, building or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

9. OTHER SERVICES

The City of Rosenberg finds and determines that such services as planning, code enforcement, animal control, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS.

1. POLICE AND FIRE PROTECTION AND SOLID WASTE COLLECTION

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of annexation of the particular annexed area for the purpose of providing police protection, fire protection, or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Rosenberg with like topography, land use and population density as those found with the newly annexed areas.

2. WATER AND WASTEWATER FACILITIES

For the next 2 ½ years, the City of Rosenberg finds and determines that existing homes and businesses will remain on water wells and septic systems. Thereafter, construction of any capital improvements for water and wastewater services to the newly annexed area will be developed pursuant to the City's capital improvement plan, the City's infrastructure extension policies, and in accordance with the City's Code of Ordinances.

Requests from property owners and developers for municipal water and wastewater services will be considered by the City. This service plan does not contain a commitment by the City to provide to the annexed area free extensions of water lines, free extensions of sewer lines, free fire hydrant installation or services. Property owners and developers will be required to pay applicable connection fees and impact fees in addition to any participation costs involved in the infrastructure extension pursuant to applicable City ordinances, policies and capital improvement plan.

3. ROADS AND STREETS

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area. Thereafter, construction of any roads and streets will be developed pursuant to the City's capital improvement plan and in accordance with the City's Code of Ordinances.

4. MAINTENANCE OF PARKS AND PLAYGROUNDS AND ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE.

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purpose of parks maintenance, playgrounds, and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Rosenberg finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Rosenberg.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

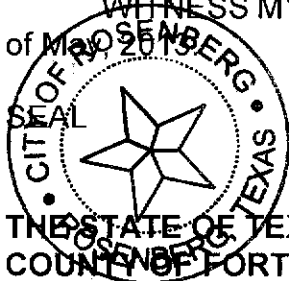
The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



CERTIFICATION

I, Linda Cernosek, City Secretary, of the City of Rosenberg, Texas, do hereby certify that I am the custodian of the records of the City of Rosenberg, Texas, and that the attached is a true and correct copy of Ordinance No. 2013-21, "AN ORDINANCE OF THE CITY OF ROSENBERG, TEXAS, PROVIDING FOR THE EXTENSION OF ROSENBERG, TEXAS CITY LIMITS BY THE ANNEXATION OF ADJACENT TRACTS OF LAND DESCRIBED IN THE FIELD NOTES OF THE METES AND BOUNDS SURVEY IN EXHIBIT "A", AND GENERALLY LOCATED NORTH OF SH 36 AND THE CITY LIMITS, EAST OF THE FRITO-LAY, INC., FACILITY AND RELATED PROPERTY, SOUTH OF THE BRAZOS RIVER, AND WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ); FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING THAT SUCH AREAS BE ASSIGNED TO AN ELECTION DISTRICT; FURTHER PROVIDING FOR AMENDING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE." Ordinance No. 2013-21 was approved by the City of Rosenberg City Council on the 7th day of May 2013.

WITNESS MY HAND and official Seal of the City of Rosenberg, Texas this 9th day of May 2013.



Linda Cernosek

Linda Cernosek, TRMC, City Secretary
City of Rosenberg, Texas

Before me, the undersigned authority, on this day personally appeared Linda Cernosek, City Secretary of the City of Rosenberg, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 9th day of May 2013, A.D.



Leslie A. Flemming

Notary Public, In and For the State of Texas