CITY OF BRYAN

PLANNING & DEVELOPMENT SERVICES

Memorandum

To: SDRC Members

From: Martin Zimmermann, Planning Administrator MA

Date: December 15, 2011

Re: City of Bryan's recent annexation of 350 acres of land out of Stephen F. Austin League No. 9, A-62 and the Thomas John F. McKinney League, A-33 located at the western terminus of Shiloh Avenue, approximately 2,800 feet southwest of its intersection with F.M. 2818 (N. Harvey Mitchell Parkway)

Dear SDRC Members:

At its meeting on December 13, 2011 Bryan's City Council voted to approve the annexation of the above-described property. Please refer to the attached annexation ordinance (no. 1942) for a location map and metes-and-bounds description of the newly annexed area.

This information is provided to you to help ensure that you have accurate information regarding the City's boundary changes. If there is someone else in your department, company or organization who may benefit from this information, please provide me with their contact information so that they will receive a similar notice when future annexations are completed.

If you have any questions or comments, please call me at (979) 209-5037 or email me at mzimmermann@bryantx.gov.

Thank you.

ORDINANCE NO. 1942

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, ANNEXING TERRITORY GENERALLY DESCRIBED AS BEING 350 ACRES OF LAND OUT OF STEPHEN F. AUSTIN LEAGUE NO. 9, A-62 AND THE THOMAS JOHN F. MCKINNEY LEAGUE, A-33 LOCATED AT THE WESTERN TERMINUS OF SHILOH AVENUE, APPROXIMATELY 2,800 FEET SOUTHWEST OF ITS INTERSECTION WITH F.M. 2818 (N. HARVEY MITCHELL PARKWAY), IN BRAZOS COUNTY, TEXAS AND BEING ADJACENT AND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF BRYAN, TEXAS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; DESCRIBING THE TERRITORY ANNEXED AND PROVIDING A SERVICE PLAN THEREFOR; OBLIGATING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; PROVIDING A SEVERABILITY CLAUSE 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 350 acres of land out of Stephen F. Austin League No. 9, A-62 and the Thomas John F. McKinney League, A-33 located at the western terminus of Shiloh Avenue, approximately 2,800 feet southwest of its intersection with F.M. 2818 (N. Harvey Mitchell Parkway), in Brazos County, Texas petitioned the City of Bryan, Texas on October 6, 2011 to include said territory as part of the City; and

WHEREAS, two public hearings have been held, the first on November 10, 2011 and the second on November 15, 2011, as required by law, in the Council Chambers of Bryan's Municipal Office Building located at 300 South Texas Avenue, Bryan, Texas where all interested persons were provided an opportunity to be heard on the requested annexation of property and territory hereinafter described; and

WHEREAS, all notices of such public hearings have been issued as required by law and all hearings held within the time required by law; and

WHEREAS, a service plan has been prepared that provides for the extension of appropriate municipal services into the area hereinafter described, which plan is attached hereto, and the City of Bryan is able to provide such services; and

WHEREAS, the hereinafter described property and territory is not within the boundaries of any other municipality, lies within the extraterritorial jurisdiction of the City of Bryan, Texas, and lies adjacent to and adjoins the present boundaries of said City of Bryan;

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

1.

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

2.

That the property described in Exhibit "A" and depicted in Exhibit "A-1" which are attached hereto and incorporated herein for all purposes, said territory lying adjacent to and adjoining the present boundaries of the City of Bryan, Texas, be and is hereby added and annexed to the City of Bryan, and said territory hereinafter described shall hereafter be included within the corporate limits of the City of Bryan, and the present boundary lines of said City are altered and amended so as to include said area within the corporate limits of the City of Bryan.

3.

That the service plan attached hereto as Exhibit "B" is hereby approved and is incorporated into this ordinance as if it were recited herein.

4.

That the annexed territory described above is a part of the City of Bryan for all purposes, and the property situated therein shall bear its pro rata part of taxes levied by the City of Bryan, and shall be entitled to the same rights and privileges, bound by the same duties and responsibilities as other property within the corporate limits.

5.

That the inhabitants residing and owners of property within the confines of the annexed territory shall be entitled to all the rights and privileges of all the other citizens and property owners of Bryan and shall be bound by the Charter, Ordinances, Resolutions and other regulations of the City of Bryan.

6.

That the official map and boundaries of the City of Bryan, Texas, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned territory as part of the City of Bryan, Texas.

7.

That Chapter 130 of the City of Bryan Code of Ordinances shall be and is hereby amended so as to permanently zone the aforementioned territory Planned Development – Industrial District (PD-I).

8.

That if any portion, provision, section, subsection, sentence, clause or phrase of this ordinance (or the application of same to any person or set of circumstances) is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance (or their application to other persons or sets of circumstances) shall not be affected thereby, it being the intent of City Council in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

That this ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 6th day of December, 2011 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 13th day of December, 2011 by a vote of 7 yeses and 0 noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "A":

METES AND BOUNDS DESCRIPTION OF TERRITORY ANNEXED TO THE CITY OF BRYAN, TEXAS ON DECEMBER 13, 2011

A 350 acre lot, tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9.A-62 (Austin League), and the Thomas F. McKinney League, A-33 (McKinney League), all in Brazos County, Texas, being part of the 1,354.13 acre tract called Tract I in that one certain Memorandum of Oil and Gas Lease executed by Jess D. Conlee and wife Betty Jo Conlee, Donald N. Conlee and wife Kathryn Conlee, Douglas M. Conlee and wife Betsyanna Conlee, and WCS Oil and Gas Corporation dated December 8, 1990 and recorded in Volume 1232, Page 40 of the Official Records of said County and said 1,354.13 acre tract being particularly described in that one certain Deed of Trust from Jess Conlee and wife Florence Conlee to Henry B. Clay Trustee, dated July 14, 1965, and recorded in Volume 118, Page 177 of the Deed of Trust Records of said County, and said 350 acre tract being more particularly described as follows:

COMMENCING of the beginning corner of said 1,354.13 acre tract in said McKinney League;

THENCE across said 1,354.13 acre tract S 65° 05' 10" E, 6,876.47 feet to the east corner of said tract, in said Austin League;

THENCE along the northeast line of said 1,354.13 acre tract N 44° 25' W, 2,600 feet to corner in Cottonwood Branch in said Austin League, and the PLACE OF BEGINNING;

THENCE retracing said northeast line, S 44° 25' E, 2,600 feet to corner at said east corner of said 1,354.13 acre tract;

THENCE along a southeast line of said 1,354.13 acre tract as follows:

S 44° 19' W, 1,654.22 feet, and
S 34° 11' W, 2,064.85 feet to corner at a southern corner of said tract, on or near the northeast line of the Isaac L. Jaques Survey, A-143 (Jaques Survey), in said County;

THENCE along a southwest line of said 1,354.13 acre tract N° 45 10' W, 3,041.09 feet to corner at a re-entrant corner of said tract at or near a common corner of said Austin League and said Jaques Survey, on the southeast line of said McKinney League;

THENCE prolonging said last-named course, within said McKinney League, N 45° 10' W, 3,050.00 feet to corner in said Cottonwood Branch;

THENCE up said Cottonwood Branch with its meanders to the PLACE OF BEGINNING and containing 350 acres of land more or less.

The basis of bearings for this description is State Highway No. 21 at and west of the beginning corner of said 1,354.13 acre tract bearing S 37° 44' W.

Exhibit "A-1":

DEPICTION OF TERRITORY
ANNEXED TO THE CITY OF BRYAN, TEXAS ON DECEMBER 13, 2011

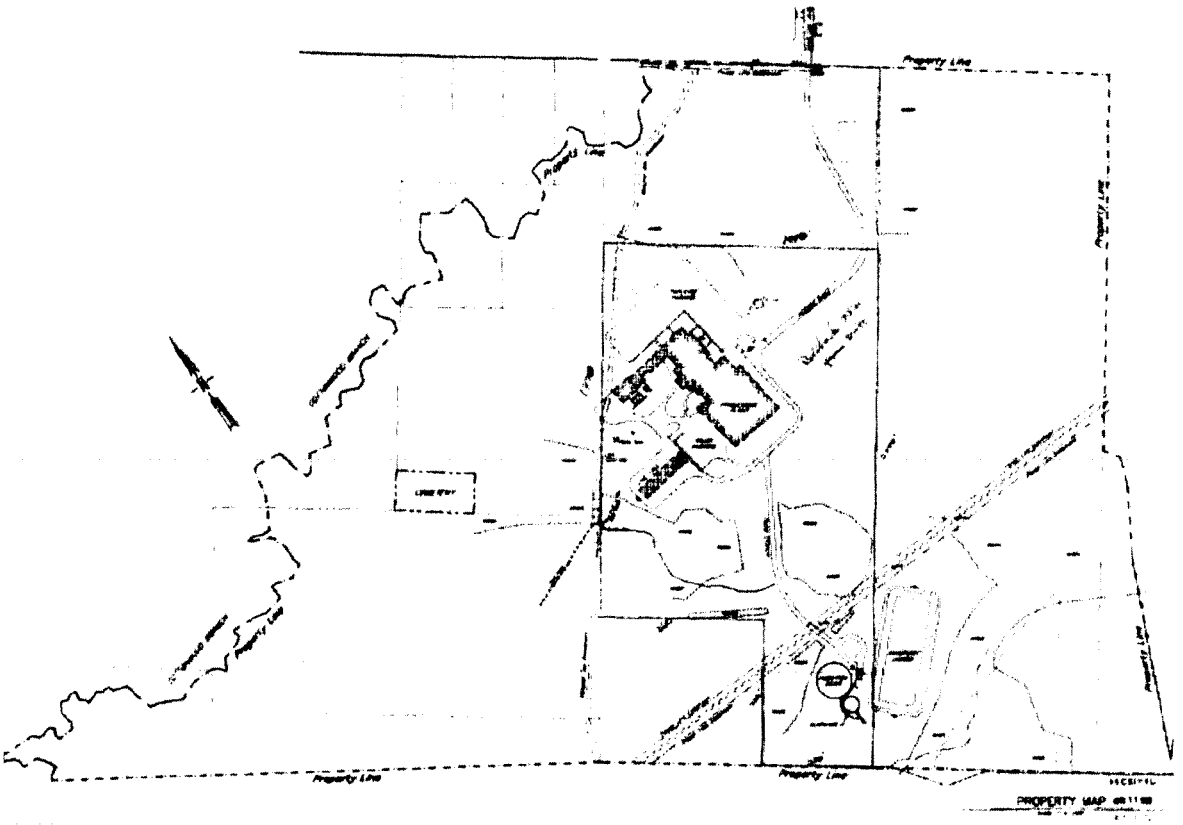


Exhibit "B":

MUNICIPAL SERVICE PLAN FOR TERRITORY ANNEXED TO THE CITY OF BRYAN, TEXAS ON DECEMBER 13, 2011

A. SERVICES PROVIDED UPON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City of Bryan, Texas and its Police Department will provide police protection to the newly annexed territory at the same or similar service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

The City of Bryan, Texas and its Fire Department will provide fire protection and ambulance service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area. Furthermore, the City of Bryan Fire Department will respond to all dispatched calls (including emergency medical services) and other requests for service or assistance within the newly annexed area, the same as it would within other areas inside the City limits of Bryan.

3. SOLID WASTE COLLECTION

The City of Bryan, Texas and its Environmental Services Department will provide solid waste collection and disposal service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

4. WATER DISTRIBUTION SERVICE

Areas outside the existing City which already receive water service from the City of Bryan will continue to receive such service. Areas to be annexed which are currently served by the Brushy Water Supply Corporation will continue to receive such service unless arrangements are made between the City and the Brushy Water Supply Corporation that is approved by the State of Texas, as required by the Texas Water Code.

Existing City of Bryan water mains will be available for point-of-use extension based on applicable utility extension polices and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. Residents and businesses in the newly annexed area will be subject to the same service policies and procedures as apply to other areas of the City of Bryan. As applied to all properties within the City, residents will be responsible for costs to install water service to their property. All such water service facilities under the City of Bryan's direct jurisdiction, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established policies and procedures.

5. WASTEWATER SERVICE

Any and all wastewater service facilities in the newly annexed area owned or maintained by the City of Bryan, Texas at the time of annexation shall continue to be maintained by the City of Bryan. Any and all wastewater service facilities which may be acquired subsequent to annexation of the subject territory shall be maintained by the City of Bryan, to the extent of its ownership. Areas which are currently served by an independent service provider will continue to receive such service unless arrangements are made between the City of Bryan and the entity and approved by the State of Texas, as required by the Texas Water Code.

Existing City of Bryan sewer mains at their present locations shall be available for point-of-use connections, based on applicable utility extension polices and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. The City of Bryan will assess the adequacy of existing septic systems for accommodating raw sewage in less developed areas and will determine the need to provide centralized wastewater collection and treatment service to particular areas, along with lift stations or any other necessary capital improvements, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. As applied to all properties within the City, residents and/or developers will be responsible for costs to install sewer service to their property.

All sewer service facilities under the City of Bryan's direct jurisdiction, including new facilities which may be installed by developers of land within this newly annexed territory, will be operated, maintained, monitored and inspected pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

It is currently the City of Bryan's policy to oversize wastewater collection system trunk lines in developing areas and to require developers or property owners desiring service to pay for wastewater line extensions to individual developments and properties. These standard service policies and procedures will also apply in the newly annexed territory in accordance with policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

6. STORM WATER MANAGEMENT

City of Bryan regulations concerning storm water management will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

7. BUILDING SERVICES

The Development Services Department's responsibility for regulating building construction will extend to the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Bryan.

8. PLANNING AND DEVELOPMENT

The Development Services Department's responsibility for regulating development and land use through the administration of the City of Bryan Zoning Ordinance, Land and Site Development Ordinance and all other development-related ordinances will extend to the newly annexed territory. The newly annexed area will also continue to be regulated under the requirements of the City of Bryan Subdivision Ordinance.

9. ELECTRICITY SERVICE

Bryan Texas Utilities (BTU), a municipal electric utility, will provide electricity service to the newly annexed territory at the same or similar level of service now being provided to other areas of the City of Bryan, Texas which exhibit land use and population densities similar to that of the newly annexed area.

10. ROADS, STREETS, ALLEYWAYS AND TRAFFIC ENGINEERING

Any and all roads, streets or alleyways in the newly annexed territory which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Bryan, Texas with similar land use, population density and topography. Construction of new roads and streets is the responsibility of the developer or property owner desiring them and must be designed and built in accordance with applicable City of Bryan codes and standards.

Municipal maintenance of properly dedicated roads, streets and alleyways (which may be installed by developers of land within this newly annexed territory) will be consistent with such maintenance provided by the City of Bryan to other roads, streets and alleyways in areas exhibiting land use, population densities and topography similar to that of the newly annexed area.

The City of Bryan Public Works Department will install traffic signs, street markings and other traffic control devices in the newly annexed area as the need is established by appropriate study, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

The City of Bryan Public Works Department will install street name signs in the newly annexed area. Under current City of Bryan ordinances, developers are responsible for the cost of street name signs for new public and private streets.

Bryan Texas Utilities (BTU), a municipal electric utility, will install streetlights in accordance with the utility standards of BTU, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended. Under current City of Bryan ordinances, developers are responsible for the cost of streetlights in new subdivisions.

11. PARKS AND RECREATION

The newly annexed territory does not include any known existing public parks, playgrounds or swimming pools which would come under the City of Bryan's jurisdiction as a result of annexation. Residents of the newly annexed territory may use any and all existing City of Bryan parks, playgrounds and recreational facilities and participate in any and all programs, events, activities and services of the City of Bryan Parks and Recreation Department. Expansion of

recreational facilities and programs to the newly annexed territory would be governed by applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

12. MAINTAINING OTHER PUBLICLY-OWNED FACILITIES OR BUILDINGS

The City of Bryan, Texas is not aware of the existence of any publicly-owned facility or building now located in the newly annexed territory. In the event any such publicly-owned facility or building does exist and are public facilities or buildings, the City of Bryan shall maintain such facilities or buildings to the same extent and degree that it maintains similar municipal facilities and buildings now incorporated in the City of Bryan, Texas.

13. LIBRARY SERVICES

Library use and privileges will be available to residents of the newly annexed territory, pursuant to applicable policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

B. CONSTRUCTION OF CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2½ YEARS FOLLOWING THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION, FIRE PROTECTION AND SOLID WASTE COLLECTION

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing police and fire protection, emergency medical services and solid waste collection. The City Council finds and determines that it has at the present time adequate facilities to provide comparable levels of protection and service to what is presently being provided to other areas already incorporated in the City of Bryan, Texas, having the same or similar land use, population density and topography as that of the newly annexed territory.

2. WATER AND WASTEWATER FACILITIES

The City Council of the City of Bryan, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 2½ years following the effective date of annexing the subject territory, for the purpose of providing water and wastewater service.

During the next 2½ years, the City Council of the City of Bryan, Texas believes that adequate municipal water and sewer mains exist for point-of-use connections and serviceable extensions, to provide water and/or sewer service within the newly annexed territory, pursuant to applicable utility extension policies and/or ordinances of the City of Bryan, now existing or as such policies and/or ordinances may be amended.

As applied to all properties within the City, residents and/or developers will be responsible for costs to install water and/or sewer service to their property.

3. ROADS AND STREETS

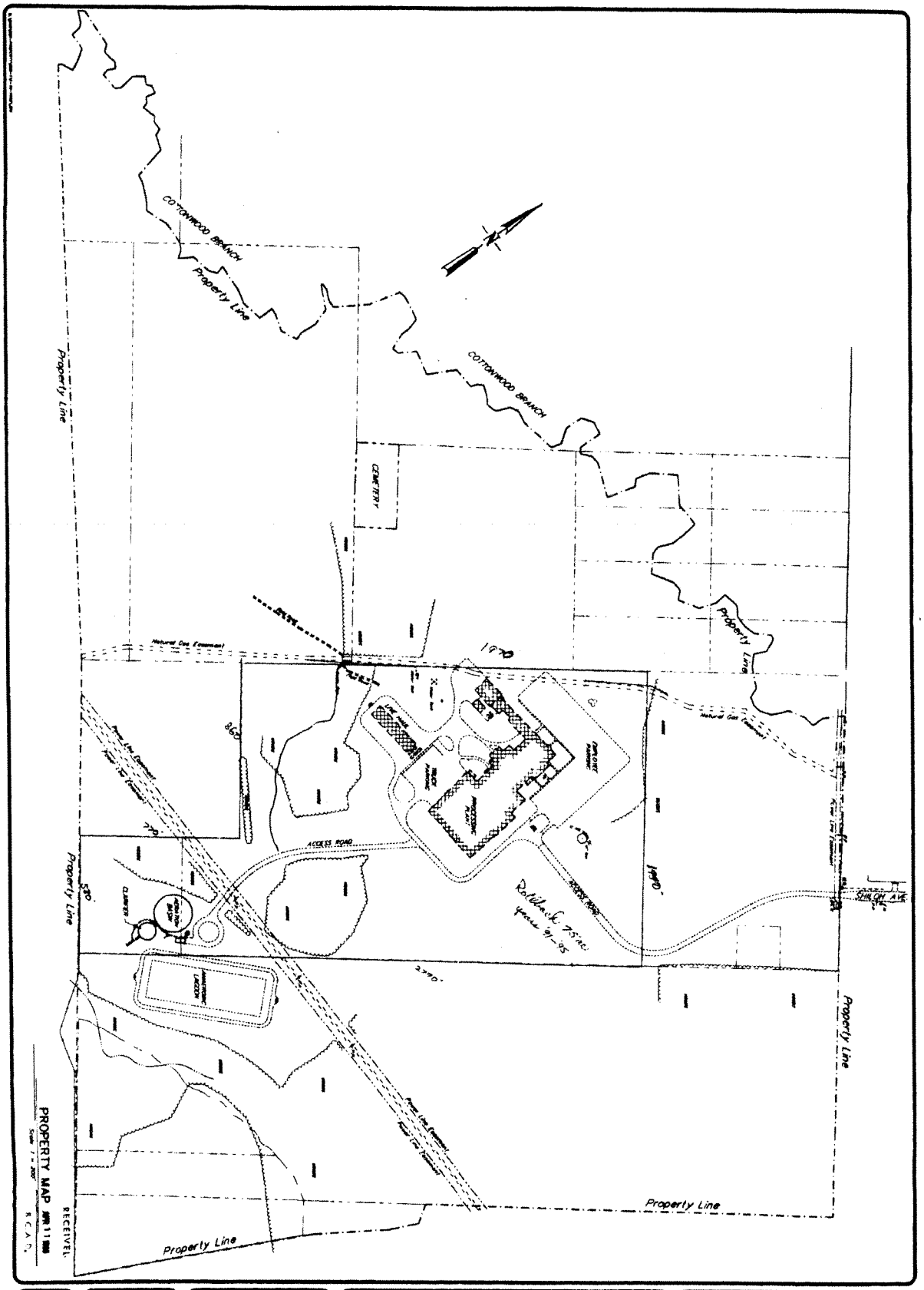
Developers of land within the newly annexed territory will be required to provide internal streets (and to improve peripheral or boundary streets) in accordance with applicable ordinances of the City of Bryan, and such street improvements shall comply with specifications required by the City of Bryan, for properly dedicated streets.

4. PARKS, PLAYGROUNDS AND SWIMMING POOLS, AS WELL AS OTHER PUBLIC FACILITIES OR BUILDINGS

To the extent that it becomes necessary because of development demands, population growth and bona fide needs, the City Council of the City of Bryan, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of citizens in the newly annexed territory, based upon standard considerations of land use, population density and topography.

C. SPECIFIC FINDINGS

The City Council of the City of Bryan, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the newly annexed territory, than were in existence at the time immediately preceding this territory's annexation to the City of Bryan, Texas.



1

PROPERTY PLAT FOR
SANDERSON FARMS INC.
BRAZOS COUNTY, TEXAS

CHAS. N. CLARK
ASSOCIATES, INC.
CONSULTING ENGINEERS
714 HILLCREST DRIVE • LAUREL, MS 39440
601-649-3609 • FAX 601-649-6063