

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, AUGUST 5TH, 2013, 6:00 P.M.  
FREEPORT MUNICIPAL COURT ROOM  
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.  
FREEPORT, TEXAS  
AGENDA  
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the July 15th & 25th, 2013 Council Minutes.  
Pg. 537-543
5. Attending citizens and their business.
6. Consideration of approving Resolution No. 2013-2411 readopting a tax abatement and reinvestment zone policy and adopting the guidelines and criteria. Pg. 544-566
7. Consideration of approving Resolution No. 2013-2412 authorizing conveyance to Cesar Martinez by a special warranty deed of Block 51, Lot 22, Velasco Townsite, known as 405 South Ave. G, Tx. Id No. 8110-0502-000. Pg. 567- 575
8. Consideration of approving Resolution No. 2013-2413 authorizing the Mayor to execute a Special Warranty Deed conveying, subject to a reservation of all necessary easements for maintaining and utilizing existing utility line, cables, poles and mains and those that may be needed in the future, a portion of the one-half of Caldwell Street, Between South Ave. H and South Ave. I, vacated by Ordinance No. 1109, to Raul Perez the portion of said street abutting Block 70 of the Velasco Townsite for the fair market value thereof determined by the Appraisal attached hereto in accordance with section 272.001 of the local government code. Pg. 576-583
9. Consideration of approving Ordinance No. 2013-2039, adding a new division (c) to Section 52.14 of the Code of Ordinances of the City to require the correction of any violations of any provisions of Title V, IX, XI or XV of said code existing on any premises for which water service from the City is sought prior to such service being turned on; providing for the reporting of such violations to the city's water department by the Building Official of the City. Pg. 586-587

10. Consideration of approving Ordinance No. 2013-2040 amending Chapter 150 of the Code of Ordinances of said City to add a new section 150.0101 to allow the owner of a dwelling that is homesteaded and undergoing reconstruction due to a natural disaster (fire, wind, flood, etc.) one (1) RV/Camper on-site (off the street) as a temporary residence for the duration of the reconstruction, but not to exceed six (6) months and authorizing the Building Official in his discretion to grant an extension. Pg. 588-589
11. Consideration of approving Ordinance No. 2013-2041 amending item (1) of Division (A) of Section 52-13 of the Code of Ordinance of said City to provide that the fee for a five-eighths inch x three fourth inch water tap fee shall be five hundred fifty (\$550) dollars. Pg. 590-592
12. Consideration of approving and authoring the City Manager to expend \$10,000 for a public safety radio for the Fire Department console.
13. Consideration of approving the Planning Commission's recommendation to erect a 5 x 8 LED sign for the First Baptist Church on 501 S. Brazosport Boulevard, Freeport, Texas. Pg. 593-595
14. Consideration of setting September 16<sup>th</sup>, 2013 date for a Joint Public Hearing with the Planning Commission to consider rezoning Block 601, Lots 1-12 and Block 600 Lots 13-24, Velasco Townsite, known locally as North Ave. F, from its current classification of R-2 District to a new classification of C-2 District. Pg. 596-597
15. Consideration of approving and signing a replat request from Mr. & Mrs. Castillo on Block 725, Lot 13, 14, 15, 16, 17, known locally as 1303 North Ave. S, Freeport Texas.
16. Consideration of cancelling September 2nd, 2013 Council meeting due to a City Holiday- Labor Day.
17. Consideration of reviewing TIC Energy & Chemical Inc., 304 North Gulf Boulevard, proposal for expanding their facility and authorizing the City Manager to inquiry into available and price for City owned land. Pg. 598-600
18. Consideration of authorizing the Mayor and the City Secretary to attest a third Correction Special Warranty deed and Land Development Agreement with Gary L. Woodring concerning 0.7648 acres out of S. F. Austin Survey, Abstracts 32 & 33, Brazoria County, Texas. Pg. 601
19. Consideration of replacing any or all of the member(s) on the boards and commissions of the City of Freeport.

20. Appointing qualified person(s) to the following boards and commissions:
- Planning Commission
  - Library Board
  - Board of Adjustments
  - Urban Renewal Board
  - Beautification Parks & Recreation Committee
  - Economic Development
  - Freeport Historical Board & Main Street Advisory Board
  - Charter Review Commission
  - Senior Citizens Commission

#### Work Session

- A. Discussion regarding the tax rate and effective tax rate as projected by Rovin Garrett.

#### Executive Session

##### Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit;

- Legal issues concerning sale of land.

#### Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, August 2nd, 2013 at or before 5:00 p.m.

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Delia Munoz - City Secretary  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, July 15th, 2013 at 6:00 p.m., at the Freeport Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the following agenda items:

City Council: Mayor Norma M. Garcia  
Councilwoman Michelle Kent  
Councilman Fred Bolton  
Councilwoman Sandra Loeza  
Councilwoman Sandra Barbree

Staff: Asst. City Manager Gilbert Arispe  
Delia Munoz, City Secretary  
Pat Taylor, Asst. City Attorney  
Nat Hickey, Property Manager  
Brian Davis, Fire Chief  
Dan Pennington, Police Chief  
Larry Fansher, Parks Director

Visitors: Lila Lloyd Jerry Meeks  
Annette Sanford Manning Rollerson  
Billy Morris

Call to order.

Mayor Norma Garcia called the meeting to order at 6:08 p.m.

Invocation.

Lila Lloyd offered the invocation.

Pledge of Allegiance.

Billy Morris led the Pledge of Allegiance.

Consideration of approving the July 1st & July 11th, 2013 Council Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the July 1st & July 11th 2013 Council Minutes.

Attending citizens and their business.

Manning Rollerson complained about trash not picked up at 101 S. Gulf Boulevard. He asked what kind of data was being obtained from the cameras being installed at North Ave. J and who was going to monitor the data.

Billy Morris addressed Council on widen Zapata and Yellowstone Street.

Annette Sanford advised Council to pay more attention on alleys and streets repairs, too many cosmetics being done. She also suggested Council erect an arm at the railroad tracts or a light for crossing the tracks at 11th Street and Cherry Street.

Consideration of rescheduling to August 19th 2013 for a Joint Public Hearing date to grant a Specific-Use Permit to CenterPoint Energy Houston Electric to construct a communication tower and shelter on 1102 FM 1495, known as 1102 Pine Street, Freeport Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved setting August 19<sup>th</sup>, 2013 for a Joint Public Hearing date providing an address change to grant a Specific-Use Permit to CenterPoint Energy Houston Electric to construct a communication tower and shelter on 1102 FM 1495, known as 1102 Pine Street, Freeport Texas.

Consideration of rescheduling to August 19th, 2013 for a Joint Public Hearing to grant a Specific-Use Permit to CenterPoint Energy Houston Electric to construct a communication tower and shelter on 2304 Skinner, Freeport Texas.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved setting August 19<sup>th</sup>, 2013 for a Joint Public Hearing date providing an address change to grant a Specific-Use Permit to CenterPoint Energy Houston Electric to construct a communication tower and shelter on 2304 Skinner, Freeport Texas.

Consideration of selling the City's interest on Block 50, Lots 16 & 17, known as 415-417 South Ave. F., Velasco Townsite, Tx. Id. No. 8110-0486-000.

This item was reagendaed.

Consideration of selling the City's interest on Block 50, Lots 18, 19, 20, known as 409-413 South Ave. F. Velasco Townsite, Tx. Id No. 8110-0487-000.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved selling the City's interest on Block 50, Lots 18, 19, & 20, known as 409-413 South Ave. F, Velasco Townsite, Tx. Id. No. 8110-0487-000.

Consideration of selling the City's interest on Block 627, Lots 21 & 22, known as 717-719 North Ave. D, Velasco Townsite, Tx. Id No. 8110-2259-000.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved selling the City's interest on Block 627, Lots 21, & 22, known as 717-719 North Ave. D, Velasco Townsite, Tx. Id No. 8110-2259-000.

Consideration of selling the City's interest on Block 627, Lots 23 & 24, known as 721-723 North Ave. D., Velasco Townsite, Tx. Id No. 8110-2260-000.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved selling the City's interest on Block 627, Lots 23 & 24, known as 721-723 North Ave. D., Velasco Townsite, Tx. Id No. 8110-2260-000.

Consideration of approving the appraised value and selling Block 51, Lot 22, Velasco Townsite, known as 405 South Ave. G. Tx. Id. No. 8110-0503-000.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved selling the City's interest on Block 51, Lot 22, Velasco Townsite, known as 405 South Ave. G. Tx. Id. No. 8110-0503-000.

**Work Session:**

Presentation by City Manager Jeff Pynes on proposed budget fiscal year 2013-2014.

Asst. City Manager Gilbert Arispe stated that Council has already had their first workshop with directors on July 11th, 2012 to discuss and review the proposed budget for fiscal year 2013-2014 and a second workshop scheduled for July 25th, 2013. The second workshop will involve the Historical Museum, Sr. Citizens, Library, Parks, Recreation, Municipal Golf, Marina, Water & Sewer funds, Hotel & Motel Tax Fund.

Appointing qualified person(s) to the following boards and commissions:

- Planning Commission
- Library Board
- Board of Adjustments
- Urban Renewal Board
- Beautification Parks & Recreation Committee
- Economic Development
- Freeport Historical Board & Main Street Advisory Board
- Charter Review Commission
- Senior Citizens Commission

No appointments were made.

Appointing City Council liaison(s) to the following Boards and Commissions:

- Planning Commission – Councilwoman Kent
- Library Board - Councilman Bolton
- Board of Adjustments – Councilman Bolton
- Urban Renewal Board – Mayor Garcia
- Beautification Parks & Recreation Committee – Councilwoman Loeza
- Economic Development – Councilwoman Barbree
- Freeport Historical Board & Main Street Advisory Board – Councilwoman Kent
- Charter Review Commission – Councilman Bolton
- Senior Citizens Commission – Mayor Garcia

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting “aye”, Council adjourned the meeting at 6:45 p.m.

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Mayor Norma M. Garcia  
City of Freeport, Texas

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City Secretary – Delia Munoz  
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport, Texas

BE REMEMBERED, that the City Council of the City of Freeport met for a budget workshop on Thursday, July 25, 2013 at 6:05 p.m. at the Freeport Police Department Municipal Court Room, 430 North Brazosport Boulevard, for the purpose of considering the 2013-2014 budget proposals:

City Council: Mayor Norma M. Garcia  
Councilwoman Michelle Kent  
Councilman Fred Bolton  
Councilwoman Sandra Loeza  
Councilwoman Barbree

Staff: Jeff Pynes, City Manager  
Gilbert Arispe, Asst. City Manager  
Delia Munoz, City Secretary  
Bob Welch, Finance Director  
Brian Dybala, Golf Director  
Larry Fansher, Parks Director  
Timora Pole, Marina Director

Visitors: Jerry Meeks  
Shannon Daughtry

Call to order

Mayor Garcia opened the budget workshop at 6:00 p.m.

Work Session

City Manager Jeff Pynes and Department Directors reviewed budget proposals for fiscal year 2013-2014. City Council, staff directors met for the sole purpose to discuss the proposed \$16.95 million budget for the fiscal year 2013-2014. City Council set schedules to meet in pairs to further discuss the proposed 2013-2014 budget.



Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council adjourned the workshop at 7:55 p.m.

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Delia Munoz - City Secretary  
City of Freeport, Texas

RESOLUTION NO. 2013-2411

AN RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ESTABLISHING A TAX ABATEMENT AND REINVESTMENT ZONE POLICY AND ADOPTING GUIDELINES AND CRITERIA FOR THE SAME; PROVIDING AN EFFECTIVE DATE AND FOR EXPIRATION AFTER TWO (2) YEARS; PROVIDING FOR AMENDMENT AND RESCISON PRIOR TO EXPIRATION; PROVIDING FOR THE CONTINUATION FOR ITS DURATION OF ANY ABATEMENT CONTRACT ENTERED INTO PRIOR TO ANY SUCH AMENDMENT, RESCISON OR EXPIRATION; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

WHEREAS, the City of Freeport, Texas, hereinafter sometimes "the City," is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Sections 51.072 and 54.004 of the Local Government Code, Subchapter B of Chapter 312 of the Property Tax Code and Sections 2.01, 2.02 and 9.18 of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Resolution; and,

WHEREAS, the City Council of the City has determined to here now declare that the adoption of this resolution is necessary to the health, safety and general welfare of the inhabitants of the City and the economic development of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, the City Council of the City hereby establishes a Tax Abatement and Reinvestment Zone Policy and adopts the guidelines and criteria for commercial and residential projects which are marked, respectively, "Exhibit A" and "Exhibit B", and are attached hereto and made a part hereof as if set forth herein in full.

Second, this resolution, the Tax Abatement and Reinvestment Zone Policy hereby established and the guidelines and criteria therefor hereby adopted shall take effect upon the passage and adoption of this resolution and may be amended or rescinded by the City Council of the City at any

time thereafter. Provided, however, unless rescinded prior thereto, this resolution and the guidelines and criteria adopted hereby shall expire two (2) years after the effective date hereof. Provided further, any abatement application timely filed prior to and adoption of this resolution shall be governed by the guidelines in effect when such application was filed; and any abatement agreement entered into prior to such expiration or prior to any such amendment or rescision shall, for the duration of such agreement, remain in full force and effect, subject to the guidelines and criteria in effect on the date of the execution of such agreement.

Third, in the event any section or provision of this resolution or the guidelines and criteria hereby adopted are found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remainder thereof which shall remain in full force and effect.

Fourth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Munoz, City Secretary,  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Wallace Shaw, City Attorney,  
City of Freeport, Texas

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**RESIDENTIAL TAX ABATEMENT  
GUIDELINES AND CRITERIA**

**PROCEDURES**

**AND**

**APPLICATION**

**CITY OF FREEPORT, TEXAS**

OUTLINE OF ACTIVITIES  
RESIDENTIAL TAX ABATEMENT

- I. Application for Building Permit - No Developer
  - A. Building official delivers statement of right to abatement to applicant for building permit
  - B. Owner has Ninety (90) days to file application (with City Secretary)
  - C. No response/no abatement
  - D. Application filed with City Secretary who:
    - 1. Collects Seventy-Five Dollars (75.00) application fee
    - 2. Determines if in reinvestment zone
    - 3. If not, refers to City Council for creation with recommendation
    - 4. Reviews for Completeness (with Legal)
    - 5. Determines if satisfies guidelines and criteria (with Legal)
    - 6. Reviews fiscal impact - Improvements on tax rolls vs. utility construction by City (with City Manager)
    - 7. Reviews Community impact - consistency with comprehensive plan/any adverse impact (with City Manager)
    - 8. Reviews Economic feasibility (with City Manager)
    - 9. Reviews legal description (with legal)
    - 10. Obtains any needed additional information
    - 11. Meets with applicant to discuss project
  - E. Contents of Documents
    - 1. Estimated value of modernization or new construction
    - 2. Percent of value to be abated each year
    - 3. Commencement/termination date of abatement
    - 4. Use of facility, construction schedule and plans, legal description

II. If Developer, refer to Planning and City Council

RESIDENTIAL TAX ABATEMENT

The City of Freeport may offer residential tax abatement as a stimulus for economic development in Freeport. The policy of the City is to consider residential tax abatement for new structures, the modernization of existing structures, and the development of new subdivisions within the City. The guidelines and criteria herein adopted shall expire Two (2) years from and after adoption. Nothing herein shall imply or suggest that the City be under any obligation to provide tax abatement to any applicant. All applicants shall be considered on a case-by-case basis.

A. Definitions

1. *Base Year Value* means the assessed value of eligible property on January 1 Preceding the date of execution of the agreement.
2. *Developer* means a person, firm or corporation constructing one or more new structures in a subdivision for resale to third parties.
3. *Economic Life* means the replacement and upgrading of residential structures for Purposes of reconditioning or refurbishing.
4. *Modernization* means the replacement and upgrading of residential structures for purposes of reconditioning or refurbishing.
5. *New structure* means residential improvements made to a previously unimproved property that is placed into use by means other than modernization.
6. *Reinvestment Zone* means an area designated in accordance with the Act by the City of Freeport and may include all residentially zoned property in the City. Only property in a reinvestment zone may receive tax abatement.
7. *Residential improvements* means the construction of residential buildings(s), and all the appurtenances thereto, whether single-family, duplex or multi-family in purpose, and includes modernization and new structures.
8. *Subdivision* means the division of any tract into lots.

9. *Subdivision improvements* mean all improvements to real property required of the developer by City policy.
10. *Total facility* means all buildings and structures along with the appurtenances thereto.

B. ELIGIBILITY

Residential improvements anywhere within the corporate limits of a value in excess of Five Thousand (\$5,000) may receive abatement. Abatements may only be granted for the value of eligible property subsequent to and listed in an abatement agreement between the City and the property owner. Abatements will be granted for residential improvements only. However, the enhancement of real estate value resulting from residential subdivision improvements constructed within the corporate limits of the City is eligible for tax abatement.

1. Upon determination that a tax abatement should be offered to the applicant, an abatement for residential improvement shall be for three (3) years only with Ninety Percent (90%) of the value of such improvement being abated the first year, Eighty-Five Percent (85%) of such value the second year and Eighty Percent (80%) of such value the third year.

2. For developer tax abatement, an abatement may be extended to the value of subdivision improvements and the enhanced value of the real estate resulting therefrom.

3. An abatement for residential improvements may not be offered or granted to a developer for a longer term or a different percent than that specified in 1 above.

C. CRITERIA

1. Any request for tax abatement shall be reviewed by City staff, which may consider a request for abatement for property not presently located in a Reinvestment Zone. In such case the City staff will make a recommendation to the City Council concerning designation of the area as a Reinvestment Zone.

2. Any request for tax abatement shall be reviewed for Completeness. The City staff shall determine whether the application satisfies the guidelines and criteria and whether economic development incentives should be offered in each case. Tax abatement shall be based upon a objective evaluation of the following criteria which each applicant will be requested to address in narrative format:

A. *Fiscal Impact* Addition of real property improvement to the tax rolls. No utility construction by the City would be required other than routine.

B. *Community Impact* The project is comparable with the City's comprehensive plan. No adverse environmental impact will be created by the project.

D. PROCEDURES

Any person, partnership, organization, corporation or other entity desiring that the City consider providing tax abatement to encourage location of residential improvements with the City limits of Freeport shall be required to comply with the following guidelines.

1. Preliminary Application Steps:

A. If the owner of real estate for which a building permit for residential improvements having a value in excess of \$5,000.00 is sought is not a developer, then the Building Official shall furnish to the applicant for such permit a written statement advising the owner of such real estate of such owner's right to apply for a residential tax abatement; and no building permit shall be issued unless and until such statement, signed and dated by the owner, is returned to the Building Official. Such owner shall, for a period of ninety (90) days from such date, have the right to apply to the City for a residential tax abatement.

B. The failure of such owner to apply for a residential tax abatement for such improvements within such period shall constitute a waiver of such right as to such owner and all subsequent owners of such real property.

C. The right to a residential tax abatement for individuals who purchase a new structure from a developer and the procedure for applying for the same shall be applying for the same shall be determined by the City Council at the time a plat of the subdivision in which such improvements are to located is presented for final approval.

D. An applicant for a residential tax abatement may be required to provide substantiation of economic feasibility of the overall project to assist in determining the long term benefit to the City.

E. A complete legal description shall be provided to the City by the applicant.



2. The applicant shall complete all forms and furnish all information required by these guidelines before any applications for a residential tax abatement will be considered by the City Council.

3. All information in the application package detailed above will reviewed for completeness and accuracy. Additional information may be requested as needed.

4. The application shall include the total capital investment for real property improvements and type of project.

5. Proposed use of the facility, is in the City's corporate limits and is not a reinvestment zone, the City Council may propose an ordinance designating the Tax Reinvestment Zone and approving the terms for a percentage and duration of tax abatement.

6. The City will be responsible for drafting the proposed agreement pursuant to the approved Tax Abatement, as well as all associated documentation. All expenses, including legal fees, associated with the drafting of the document are to be paid by the applicant. The legal document is to include the following:

- A. Estimated value of modernization or new construction to be abated.
- B. Percent of value to be abated each year.
- C. Commencement date and the termination date of the abatement.
- D. Proposed use of the facility, nature of construction, time schedule, map, property description and improvements list as provided in the application.
- D. Contractual obligations in the event of default, violation of terms or conditions, delinquent taxes, recapture and administration.

TAX REINVESTMENT ZONE  
RESIDENTIAL APPLICATION

SECTION I

Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

Property Owner's Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

Property Address (physical): \_\_\_\_\_

Property Legal Description: \_\_\_\_\_  
include an attachment if described by metes and bounds)

Located within: City of Freeport \_\_\_\_\_ Freeport ET \_\_\_\_\_

Description of Project: \_\_\_\_\_

\_\_\_\_\_

Date of projected occupation/initiation of operations: \_\_\_\_\_

SECTION II

Fiscal Impact:

What is the value of real property improvements added to the tax rolls? \$ \_\_\_\_\_

What utility construction is required:

\_\_\_\_\_

\_\_\_\_\_

Community Impact:

Is the project compatible with the City's comprehensive plan?  
Yes ( ) No ( )

Describe any possible adverse environment impact created by project:

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Date: \_\_\_\_\_

Applicant(s) Signature(s)

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**COMMERCIAL TAX ABATEMENT  
GUIDELINES AND CRITERIA**

**PROCEDURES  
AND  
APPLICATION**

**CITY OF FREEPORT, TEXAS**

**ECONOMIC DEVELOPMENT INCENTIVES  
CITY OF FREEPORT**

**I. Introduction**

The City of Freeport is committed to desirable economic development. A successful economic development program depends on a viable working relationship between all aspects of the public and private sector. In addition to insuring the protection of the environment and other natural resources as high priority, any attempts to stimulate the economy should be relatively assured of eventful positive economic effects on the City of Freeport's revenue raising capabilities.

This document describes guidelines and criteria to opportunities that the City may consider in attempts to assert positive economic development. Nothing herein shall imply or suggest that the City of Freeport is under obligation to afford these opportunities to any applicant.

All applicants shall be reviewed on a case by case basis. The customized design of a total incentives package is intended to allow maximum flexibility in addressing the unique concerns of each applicant while enabling the City to respond to the changing needs of the community. Consideration will be given to applicants according to the criteria listed in this document.

**II. TAX ABATEMENT**

**A. Definitions**

1. **Abatement** means the full or partial exemption from ad valorem taxes on certain real property in a reinvestment zone designated by the city council for economic development purposes.

2. **Affected jurisdiction** means Brazoria County and any school district, the majority of which is located in the county and levies ad valorem taxes upon and provides services to property located within the proposed or any existing reinvestment zone designated by the city council.

3. **Agreement** means a contractual agreement between a property owner and/or lessee and an affected jurisdiction for the purposes of tax abatement.

4. *Base year value* means the assessed value of eligible property January 1 preceding the execution of the agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the agreement.
5. *City* means Freeport, Texas.
6. *Deferred maintenance* means improvements necessary for continued operations which do not improve productivity or alter the process technology.
7. *Distribution Center Facility* means buildings and structures, including machinery and equipment, used or to be used primarily to receive, store, service, or distribute goods or materials owned by the facility operator, where a majority of the goods or services are distributed to points at least 50 miles from its location in Brazoria County, Texas.
8. *Expansion* means the addition of buildings, structures, machinery or equipment purposes of increasing production capacity.
9. *Facility* means property improvements completed or in the process of construction which together compromise an integral whole.
10. *Manufacturing facility* means buildings and structures, including machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.
11. *Modernization* means the replacement and upgrading of existing facilities which increases the productive input or output, updates the technology or substantially lowers the unit cost of the operation. Modernization may result from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing or repairing.
12. *New facility* means a property previously undeveloped which is placed into service by means other than or in conjunction with expansion or modernization.
13. *Other basic industry* means buildings and structures, including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services, which serve a market primarily outside the Brazoria Primary Metropolitan Statistical Area (PMSA) and result in the creation of new permanent jobs and create new wealth in the PSMA.

14. *Personal property* means tangible personal property located on the real property, excluding that personal property located on the real property prior to the period covered by the abatement agreement with the City, and other than inventory or supplies.

15. *Productive life* means the number of years a property improvement is expected to be in service.

16. *Regional entertainment facility* means buildings and structures, including machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside at least 50 miles from its location in Brazoria County.

17. *Research facility buildings* means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

18. *Reinvestment zone* means any area of the City which has been designated a reinvestment zone for tax purposes and which is located within the taxing jurisdiction of the City. It is the intent of the City to designate reinvestment zones on case by case basis in order to maximize the potential incentives for eligible enterprises to locate or expand within the City.

19. *Regional Service facility* means buildings and structures, including machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate at least 50 miles from the facilities location in Brazoria County.

20. *Value of property* means the assessed value of eligible property for purposes of ad valorem taxation.

B. General Criteria - All applicants should meet the following criteria before being considered for abatement.

1. The project expands the local tax base.
2. The project creates permanent full time employment opportunities.
3. The project in all likelihood would not otherwise be developed.
4. The project makes a contribution to enhancing further economic development.
5. The project must remain in good standing to all reasonable aesthetic and environmental concerns.

6. The project has not begun and no construction has commenced at time of application approval.

7. Companies seeking to qualify for tax abatement on the basis of job retention shall document that without the creation of a reinvestment zone and/or tax abatement, it will either reduce or increase operations.

8. The project should not have any of the following objections:

a. There would be substantial adverse affect on the provision of government service or tax base.

b. Insufficient financial capacity.

c. Planned or potential use of the property would constitute a hazard to public safety.

d. Planned or potential use of the property would give adverse impacts to adjacent properties; or,

e. Any violation of laws of the U.S. or State of Texas or ordinances of the City would occur.

f. Property owned or used by the State of Texas or its political subdivisions.

g. Property owned by an organization owned, operated or directed by a state political subdivision.

C. Specific Criteria - If the project in the application meets the general criteria, is a facility of a targeted enterprise and has a capital cost that exceeds \$50,000.00, then abatement of any or all of the increased value will be considered. In no case would tax abatement exceed the maximum allowed by state law, presently 100% for 10 years.

| <u>Total Investment</u>  | <u>Abatement Per Year</u>   |
|--------------------------|-----------------------------|
| \$50,000 to \$100,000    | 90% 85%                     |
| \$100,000 to \$1,000,000 | 90% 85% 80%                 |
| Over \$1,000,000         | 90% 85% 80% 75% 70% 65% 60% |

#### DESIGNATION OF A REINVESTMENT ZONE

The City Council by ordinance must designate an area as a reinvestment zone. Prior to adopting such an ordinance the City Council must conduct a public hearing on the designation that entitles all interested persons to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be:



1. Published in a newspaper having general circulation in the City.

2. Delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone.

3. Should any affected jurisdiction be able to show cause in the public hearing why the grant of abatement will have a substantial adverse effect on its bonds, tax revenue, service capacity or the provision of services, that showing shall be reason for the City to deny any designation of the reinvestment zone, the granting of the abatement or both.

#### TAX ABATEMENT AGREEMENT

The City by resolution may enter into a tax abatement agreement in accordance with the criteria contained in this document. At least seven days before entering into the agreement, the City will deliver written notice of its intent to each taxing unit that is included in the reinvestment zone.

1. Any agreement will include, but not be limited to, the following specific items.

a. All appropriate stipulations included in the application as outlined by this document for a reinvestment zone and tax abatement agreement; and

b. The amount and duration of the tax abatement; and

c. A method for determining the qualifications of meeting the criteria and applicant's promise to meet and maintain these qualifications over the term of the agreement; the City will be allowed, upon written request and reasonable notice, to inspect and audit such records of the applicant as are necessary to substantiate that the applicant is meeting criteria agreed upon during the term of the abatement; and

d. A provision that in the event the agreement is not kept, the tax abatement agreement will be determined null and void and all abated taxes will be paid immediately to the City and all other taxing units participating in the agreement; and

e. Any and all other statutory requirements pertaining to municipal tax abatement agreements, including but not limited to those requirements set forth in Section 312.205 of the State Tax Code (Vernon's 1992 with 1976 supplement), as amended.

2. Eligible Property. Abatement may be extended to the value of buildings, structures, fixed machinery, equipment, site improvements plus that office space and related fixed improvements necessary to the operation and administration of the facility. The economic life of the property and improvements must exceed the life of the abatement agreement.

a. Abatement may be granted to new facilities;

b. Abatement may be granted for improvements to existing facilities for purposes of modernization and expansion.

3. Recapture

a. In the event that the facility is completed and begins producing goods and/or services, but subsequently discontinues such production for any reason excepting fire, explosion or other casualty or natural disaster for a period of one year during the abatement period, then the agreement shall terminate and so shall the abatement of taxes for the calendar year during which the facility no longer produces. The taxes otherwise abated for the calendar year shall be paid to the City within (60) days from the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of the abatement agreement, the City shall notify the company or individual, in writing, at the address stated in the agreement, and if such non-compliance is not resolved within (60) days from the date of such notice, then the agreement shall be terminated.

c. In the event that the company or individual:

(1). allows its ad valorem taxes owed the City or affected jurisdiction to become delinquent and fails to timely and properly follow legal procedures for their protest and/or contest, or

(2). violates any of the terms and conditions of the abatement agreement and fails to resolve such violations with sixty (60) days from the date of written notice of such violations, the agreement then may be terminated and all taxes previously abated by virtue of the agreement will be recaptured and paid within (60) days of the termination.

4. Upon completion of construction, the City shall annually evaluate each facility receiving abatement to ensure compliance with the agreement and report possible violations to the City Council and the City Attorney.

5. The City must deliver a report to the Texas Comptroller's Office describing the guidelines and criteria, reinvestment zone, terms of any abatement agreements, and any other information required by the Comptroller. The reports will be submitted by March 31 of the year following the designation of a zone or the execution of a tax abatement.

#### APPLICATION FOR TAX ABATEMENT INSTRUCTIONS

1. Attach additional pages if there is not enough space allotted to answer questions on the application.

2. Applicants and projects must meet the requirements established by the City of Freeport Guidelines and Criteria in order to receive positive consideration.

3. Applicants must submit an application processing fee in the amount of Five Hundred Dollars (\$500) or one percent (1%) of the value of the proposed improvement(s), whichever is less, to cover cost to the City of attorney's fees and legal notices to be published.

4. Applicants must submit an adequately definitive legal description that sufficiently describe the tract(s) of land comprising the proposed reinvestment zone (tax abatement area) upon which the new facility, expansion or modernization project will be located. Applications with insufficient or indefinite legal descriptions will be returned to the applicant for amendment such applications will not be considered for hearing until corrected.

5. Applicant must submit the attached *Certification of Appraised Value of Properties* form which is part of this application. This certification should cover the proposed tax abatement area and it is the responsibility of the applicant to obtain this information from the Brazoria County Appraisal District.

#### APPLICANT INFORMATION

The taxing unit may consider applicant's financial capacity in determining whether to enter into an abatement agreement. Established companies for which public information is available, or the wholly owned businesses of such companies, should include with the new application a copy of their latest annual report to the stockholders. Other applicants and new companies should attach a statement showing:

- (1). when the company was established
- (2). business references (name, contact person, accountant, attorney)
- (3). may be required to submit an audit financial statement and business plan.

PROJECT INFORMATION

Only facilities listed in the General Criteria of the Guidelines may receive abatement. Check guidelines definitions to see if project qualifies.

If the project is a Regional Entertainment Facility, Regional Service Facility, Regional Distribution Center Facility or other basic industry, include the following items;

- (1). market studies
- (2). business plans
- (3). agreements or other materials demonstrating that the facility is intended to serve a market of which the majority is substantially outside the City of Freeport.

ECONOMIC MARKET

**Permanent Employment Estimates**

In estimating the permanent employment, include the total number of jobs retained or created at this site by your firm as well as known permanent jobs of service contractors required for operation.

**Estimated Appraised Value on Site**

The value on January 1 preceding abatement should be the value established by the Brazoria County Appraisal District. If the applicant must estimate value because taxable value is not known or is combined with other properties under a single tax account, please so state. To qualify, the abated properties must be expected to result in an addition to the tax base of at least fifty thousand dollars (\$50,000) after the period of abatement expires. Projections of value should be a best estimate" based on taxability in Texas. The projection of project values not abated should include personal property and ineligible project related improvements such as an office in excess of that used for plant administration, housing, etc.

APPLICATION FOR TAX ABATEMENT  
COMMERCIAL/INDUSTRIAL

This application should be filed at least ninety (90) days prior to the beginning of construction or the installation of equipment. This application will become part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

Original copy of this application and attachments should be submitted to:

City Manager  
City of Freeport  
200 West Second Street  
Freeport, TX 77541

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APPLICANT INFORMATION

Company Name: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Sole Proprietor ( ) Partnership ( ) Corporation ( ) Other: \_\_\_\_\_ ( )

Address: \_\_\_\_\_

Name/Title/Address/Telephone of Company contact on this project:

\_\_\_\_\_  
\_\_\_\_\_

PROJECT INFORMATION

Check type of facility to be abated:

|                  |     |                               |     |
|------------------|-----|-------------------------------|-----|
| Manufacturing    | ( ) | Regional Distribution         | ( ) |
| Regional Service | ( ) | Regional Entertainment Center | ( ) |
| Research         | ( ) | Other Basic Industry          | ( ) |

Proposed facility address and legal description: (attach exhibit if necessary):

\_\_\_\_\_  
\_\_\_\_\_

Attach a map showing the site. (Attach as Exhibit)

Proposed facility located in the following taxing jurisdictions:

|                             |  |
|-----------------------------|--|
| School District             | Brazosport Independent School District |
| Drainage District           | Velasco Drainage District              |
| City                        | City of Freeport                       |
| Other Taxing Jurisdictions: | Brazoria County; Port Freeport         |

Describe product or service to be provided: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Application is for: New Facility ( ) Expansion ( ) Modernization ( )

PROJECT DESCRIPTION

Please attach a statement which:

1. fully explains the project;
2. describes the site and existing improvements;
3. describes all proposed improvements; and,
4. provides a list of improvements and fixed equipment for which abatement is requested.

A. Estimated cost of improvements:

Real Estate Added: \$ \_\_\_\_\_  
 Personal Property Added: \$ \_\_\_\_\_

B. Permanent employment estimates:

If existing facility, current plant employment: \_\_\_\_\_  
 Estimated number of jobs retained: \_\_\_\_\_ jobs created: \_\_\_\_\_  
 Number of employees anticipated at start up: \_\_\_\_\_ within  
 1 year \_\_\_\_\_

C. Construction employment estimates:

Construction to start: Month: \_\_\_\_\_ Year: \_\_\_\_\_  
 Construction to be completed: Month: \_\_\_\_\_ Year: \_\_\_\_\_  
 Number of construction jobs anticipated: At start: \_\_\_\_\_  
 Peak \_\_\_\_\_ Finish: \_\_\_\_\_

D. School District impact estimates: (for projects over \$5,000,000)

Number of families transferred to area: \_\_\_\_\_  
 Number of students added to ISD: \_\_\_\_\_

E. City Impact estimates:

Gallons of treated water required from city: \_\_\_\_\_  
 Gallons of effluent water to be treated by city: \_\_\_\_\_  
 Project Started? Yes ( ) No ( ) Finished Yes ( ) No ( )

F. Estimated appraised value on site:

|   | LAND     | IMPROVEMENTS | PERSONAL<br>PROPERTY |
|---|----------|--------------|----------------------|
| Valuation of existing property as of January 1, preceding this abatement Application  | \$ _____ | \$ _____     | \$ _____             |
| Valuation of Personal Property and Improvements, not subject to abatement, excluding exempt pollution control equipment, upon completion of project subject to this application | \$ _____ | \$ _____     | \$ _____             |
| Estimated value, upon completion of project of exempt pollution control equipment.  | \$ _____ | \$ _____     | \$ _____             |
| Estimated value of abated improvements after abatement agreement expires  | \$ _____ | \$ _____     | \$ _____             |

- G. Statement of planned efforts to use Vendors and Services located in the City of Freeport:

Please attach a statement describing willingness and planned efforts to use qualified vendors and services located in the City of Freeport where applicable in the construction and operation of the facility.

DECLARATION

To the best of my knowledge, the above information is an accurate description of project details.

\_\_\_\_\_  
Company Official Signature

\_\_\_\_\_  
Printed Name and Title of  
Company Official

\_\_\_\_\_  
Date Signed

CERTIFICATION OF APPRAISED VALUE OF PROPERTIES  
AS OF JANUARY 1, 20 \_\_\_\_\_

To: City of Freeport  
From: Brazoria County Appraisal District  
Date: \_\_\_\_\_, 20\_\_\_\_\_

The Brazoria County Appraisal District hereby certifies that the following appraised values as of January 1, 20\_\_\_\_\_ for property of \_\_\_\_\_ . Described in Exhibit "A" attached hereto are listed in the records of Brazoria County Appraisal District and indicated by the following Account Numbers:

| <u>PERSONAL PROPERTY</u> | <u>APPRAISAL VALUE</u> |
|--------------------------|------------------------|
| Account No. _____        | \$ _____               |
| Account No. _____        | \$ _____               |
| <u>LAND</u>              |                        |
| Account No. _____        | \$ _____               |
| Account No. _____        | \$ _____               |
| Account No. _____        | \$ _____               |
| <u>IMPROVEMENTS</u>      |                        |
| Account No. _____        | \$ _____               |
| Account No. _____        | \$ _____               |
| Account No. _____        | \$ _____               |

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Chief Appraiser  
Brazoria County Appraisal District

By: \_\_\_\_\_



RESOLUTION NO. 2013-2412

**A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ACCEPTING THE OFFER OF AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, AND THE MAYOR TO ACKNOWLEDGE AND DELIVER TO CESAR MARTINEZ A SPECIAL WARRANTY DEED CONVEYING TO HIM FOR THE CONSIDERATION THEREIN SPECIFIED LOT 22, BLOCK 51 OF THE VELASCO TOWNSITE OF SAID CITY, KNOWN LOCALLY AS 405 SOUTH AVENUE G, FREEPORT, TX, HE BEING THE SOLE OWNER OF THE REAL PROPERTY ABUTTING THE SAME AND SUCH LOT BEING TOO SMALL FOR THE CONSTRUCTION OF A STRUCTURE THEREON UNDER THE TERMS OF THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.**

**WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,**

**WHEREAS, Section 2.01 of the Home Rule Charter of the City authorizes it to sell any real property owned by the City; and,**

**WHEREAS, Subsections (b) and . of Section 272.001 of THE Local Government Code provides that the notice and bidding requirements of Subsection (a) of said Code do not apply to land that, under its current zoning ordinance, is too small to be used interdependently of adjoining land, and can be sold to abutting property owners in the same subdivision; and,**

**WHEREAS, CESAR MARTINEZ is the sole owner of all real property abutting**

on either side and in the same subdivision as the hereinafter described real property and such real property is too small to be used independently of such adjoining land; and,

**WHEREAS, Subsection (b) of Section 272.001 of said Code provides that any conveyance pursuant thereto may not be for less than the fair market value determined by an appraisal obtained by the political subdivision that owns the land or interest conveyed, and that such appraisal shall be conclusive thereof; and,**

**WHEREAS, the City has obtained from Joseph A. Fischer, a licensed real estate broker, an appraisal of Two Thousand and no/100 (\$2,000.00) Dollars for the hereinafter described real property, a copy of which marked Exhibit "A" is attached hereto and made a part hereof, and Cesar Martinez has offered to pay such appraised value to the City, plus expenses hereinafter set forth, in return for a special warranty deed to such property; and**

**WHEREAS, the City Council of the City has determined and does here now declare that accepting such offer will be in the best interest of the inhabitants of the City.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:**

**First, the City Council of the City of Freeport, Texas, finds that the fact recited in the preamble hereof are true.**

**Second, the City Council of the City hereby accepts the offer of the said Cesar Martinez there for and authorizes the Mayor and City Secretary thereof to execute**

and attest, respectively, and the Mayor to acknowledge and deliver to the said Cesar Martinez, upon his payment to the City's Director of Finance the appraised value thereof plus \$350.00 cost of appraisal, \$180.00 for deed and resolution preparation and \$56.00 recording fee, a Special Warranty Deed to the following described real property owned by the City, to-wit:

**Lot 22, Block 51 of the Velasco Townsite of the City of Freeport, Brazoria County, Texas, according to the map or plat of said townsite recorded in Volume 32, page 14 of the Deed Records of said county, known locally as 405 S. Avenue G, Freeport, TX 77541.**

Third, in the event any section or provision of this resolution is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Fourth, this resolution shall take effect and be in force from and after its passage and adoption.

Fifth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

**READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.**

---

**Norma Moreno Garcia, Mayor,  
City of Freeport, Texas**

**ATTEST:**

---

**Delia Munoz, City Secretary,  
City of Freeport, Texas**

**APPROVED AS TO FORM ONLY:**

---

**Wallace Shaw, City Attorney,  
City of Freeport, Texas**

**C:\Martinez-C-CitySell-Rsl**

**SPECIAL WARRANTY DEED**

The CITY OF FREEPORT, TEXAS, a municipal corporation located in Brazoria County, Texas, hereinafter called GRANTOR, for the valuable consideration hereinafter specified, have GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto CESAR MARTINEZ of Brazoria County, Texas, hereinafter called GRANTEE, the following described real property lying and situated in the County of Brazoria and State of Texas, to-wit:

Lot 22, Block 51 of the Velasco Townsite of the City of Freeport, Brazoria County, Texas, according to the map or plat of said townsite recorded in Volume 32, page 14 of the Deed Records of said county, known locally as 405 S. Avenue G, Freeport, TX 77541.

This conveyance is made and accepted subject to any and all valid and subsisting easements, restrictions, rights-of-way, conditions, exceptions, covenants and other encumbrances properly of record affecting the title to the above described property; and all visible and apparent easements, including but not being limited to any existing utility lines.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto Grantee and the heirs and assigns of Grantee, forever; and Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto Grantee, and the heirs and assigns of Grantee, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through and under Grantor but not otherwise. Pg. 571

Notwithstanding any provision herein to the contrary, Grantor makes no warranty of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the above-described property, and by the acceptance of this deed, Grantee accepts such property "AS IS", "WHERE IS", "WITH ALL FAULTS" and without any representations or warranties by Grantor (except the warranty of title expressly set forth below).

GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN WARRANTY OF TITLE AS PROVIDED ABOVE), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESSED OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY BEING CONVEYED, INCLUDING WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED THEREFROM, (C) THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH BUYER MAY CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY SUCH PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS, OR ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS OF SUCH PROPERTY FOR A PARTICULAR PURPOSE, (F) THE MANNER OR QUALITY OF CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO SUCH PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR OR LACK OF REPAIR OF SUCH PROPERTY, (H) ANY OTHER MATTER

WITH RESPECT TO SUCH PROPERTY, AND SPECIFICALLY, THAT THE CITY HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, OR THE DISPOSAL OR EXISTENCE IN OR ON SUCH PROPERTY OF ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND REGULATIONS PROMULGATED THEREUNDER.

HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT SUCH PROPERTY, GRANTEE IS RELYING SOLELY ON THE GRANTEE'S OWN INVESTIGATION OF SUCH PROPERTY, AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY THE GRANTOR; that GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED BY OR ON BEHALF OF THE GRANTOR WITH RESPECT TO SUCH PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT THE GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF COMPLETENESS OF SUCH INFORMATION; that THE GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY ORAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO SUCH PROPERTY OR THE OPERATION THEREOF FURNISHED BY ANY REAL ESTATE BROKER, OR ANY AGENT, EMPLOYEE OR SERVANT OF THE CITY OR OTHER PERSON;

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GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT, TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE SALE OF SUCH PROPERTY AS PROVIDED FOR THEREIN IS MADE ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" CONDITION AND BASIS.

The consideration for this conveyance is the following:

First, the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration to Grantor cash in hand paid by Grantee, the receipt of which is hereby acknowledged.

Second, the assumption by Grantee of any taxes for the year 2013, the same having been prorated to the date hereof.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF FREEPORT, TEXAS, Grantor

By \_\_\_\_\_  
Norma Marino Garcia, Mayor

ATTEST: \_\_\_\_\_  
Delia Munoz, City Secretary



THE STATE OF TEXAS X

COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by NORMA MORENO GARCIA, as MAYOR of the CITY OF FREEPORT, TEXAS.

\_\_\_\_\_  
Notary Public, State of Texas

**MAILING ADDRESS OF GRANTEE:**

**(Get this from Nat)**

**AFTER RECORDING, RETURN TO**

**(Get this from Nat)**

**C:\Martinez-C-City Sale-SWD**

RESOLUTION NO. 2013-2413

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, AUTHORIZING THE MAYOR OR, IN HER ABSENCE, THE MAYOR PRO-TEMP, TO EXECUTE A SPECIAL WARRANTY DEED CONVEYING, SUBJECT TO A RESERVATION OF ALL NECESSARY EASEMENTS FOR MAINTAINING AND UTILIZING EXISTING UTILITY LINES, CABLES, POLES AND MAINS AND THOSE THAT MAY BE NEEDED IN THE FUTURE, A PORTION OF THE ONE-HALF (.) OF CALDWELL STREET, BETWEEN SOUTH AVENUE H AND SOUTH AVENUE I, VACATED BY ORDINANCES NO. 1109, TO RAUL PEREZ THE PORTION OF SAID STREET ABUTTING BLOCK 70 OF THE VELASCO TOWNSITE, FOR THE FAIR MARKET VALUE THEREOF DETERMINED BY THE APPRAISAL ATTACHED HERETO IN ACCORDANCE WITH SECTION 272.001 OF THE LOCAL GOVERNMENT CODE; FINDING THAT SUCH SALE IS IN THE PUBLIC INTEREST AND THAT IT WILL BENEFIT THE PUBLIC; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY AND THAT A CERTIFIED COPY THEREOF BE DELIVERED TO THE SAID RAUL PEREZ TOGETHER WITH THE ORIGINAL OF SAID DEED AFTER THE EXECUTION AND ACKNOWLEDGMENT THEREOF.

WHEREAS, Caldwell Street is dedicated as a public street on the map or plat of the Velasco Townsite of the City of Freeport, Texas, hereinafter sometimes ~~the~~ the City, on file in Volume 32, page 14 of the Deed Records of Brazoria County, Texas; and,

WHEREAS, the portion of Caldwell Street lying between South Avenue H and South Avenue I was closed and abandoned as a public street by Ordinance No. 1109 of the City following a Special Election held on October 17, 1964, at which the closing of such portion of said street was approved by a majority of the votes cast at such election; and,

WHEREAS, RAUL PEREZ, hereinafter sometime ~~the~~ the Applicant, is the owner of Lots 12 and 13 of Block 70 of said townsite, which abut the portion of Caldwell Street lying between South Avenue H and South Avenue I closed and abandoned as a public street by Ordinance No. 1109 of the City; and,

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WHEREAS, the Applicant has petitioned the City Council of the City to sell to Applicant the one-half (.) of such portion of said street that abut Lots 12 and 13 of Block 70 of said townsite; and,

WHEREAS, such sale would be in the public interest and would benefit the public by placing the portion thereof hereinafter described in Applicant's name on the tax roll of the City, eliminating the obligation of the City to maintain the same and allowing the improvement of such property by Applicant; and,

WHEREAS, an appraisal of the portion of said street closed and abandoned as a public street by Ordinance No. 1109 of the City has been obtained by the City, a copy of such appraisal being attached hereto and incorporated herein by reference, and the City Council of the City finds that, pursuant to Section 272.001 of the Local Government Code, such appraisal is conclusive of the fair market value thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, the City Council of the City finds and declares that the findings of fact and conclusions of law set forth in the preamble to this resolution are true and correct.

Second, the Mayor or, in her absence, the Mayor Pro-Temp, is hereby authorized to execute and acknowledge and the City Clerk to attest a Special Warranty Deed conveying to Applicant the following described portions of the Caldwell Street right-of-way closed by Ordinance No. 1109 of the City, reserving therein an easement for all necessary utility lines, cables, poles and mains presently in use by the City and any of the public utilities serving the City, or any that may be required in the future, upon the payment to the City of Five Thousand Nine Hundred Twelve and no/100 (5,912.00.00) Dollars:

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Tract One

BEGINNING at the point of intersection of the boundary lines of Caldwell Street and South Avenue H with the corner of Lot 12, Block 70 of the Velasco Townsite of the City of Freeport, Texas, all as shown on the map or plat of said townsite recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas;

THENCE, along the boundary line of Lot 12 abutting Caldwell Street to a point for corner in the boundary line of the alley bisecting Block 70 and abutting Lot 12;

THENCE, parallel to the boundary line of South Avenue H to a point for corner in the centerline of Caldwell Street;

THENCE, along the centerline of Caldwell Street to its intersection with the boundary line of South Avenue H;

THENCE, along the centerline of South Avenue H to the PLACE OF BEGINNING.

Tract Two

BEGINNING at the point of intersection of the boundary lines of Caldwell Street and South Avenue I with the corner of Lot 13, Block 70 of the Velasco Townsite of the City of Freeport, Texas, all as shown on the map or plat of said townsite recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas;

THENCE, along the boundary line of Lot 13 abutting Caldwell Street to a point for corner in the boundary line of the alley bisecting Block 70 and abutting Lot 13;

THENCE, parallel to the boundary line of South Avenue I to a point for corner in the centerline of Caldwell Street;

THENCE, along the centerline of Caldwell Street to its intersection with the boundary line of South Avenue I;

THENCE, along the centerline of South Avenue I to the PLACE OF BEGINNING.

Provided, however, with the consent of the City Manager and the appropriate officials of all affected public utility companies, the easement reserved herein may be released by the Mayor, or in her absence, the Mayor Pro-Temp, if all lines, cables, poles and mains are relocated to another duly established easement at the expense of the Applicant.

Third, in the event any section or provision of this resolution is

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found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this resolution and such remaining sections and provisions shall remain in full force and effect.

Fourth, this resolution shall take effect and be in force from and after its adoption.

Fifth, the original of this resolution shall be maintained by the City Secretary in the permanent records of the City and a certified copy hereof shall be delivered to the Applicant, together with the original os such deed after the execution and acknowledgment thereof.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

\_\_\_\_\_  
Delia Munoz, City Secretary  
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Wallace Shaw, City Attorney  
City of Freeport, Texas

C\Freeport.CtySell\CaldwellSt-Between H & I-Sell W half Abnd ROW-Rsl

**SPECIAL WARRANTY DEED**

The CITY OF FREEPORT, TEXAS, a municipal corporation lying and situated in Brazoria County, Texas, hereinafter called GRANTOR, duly organized and existing as such under and by virtue of the Constitution and Laws of the State of Texas and its Home Rule Charter, for the valuable consideration hereinafter specified, has GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto RAOUL PEREZ of Brazoria County, Texas, hereinafter called GRANTEE, the following described real property lying and situated in the County of Brazoria and State of Texas, to-wit:

**Tract One**

**BEGINNING at the point of intersection of the boundary lines of Caldwell Street and South Avenue H with the corner of Lot 12, Block 70 of the Velasco Townsite of the City of Freeport, Texas, all as shown on the map or plat of said townsite recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas;**

**THENCE, along the boundary line of Lot 12 abutting Caldwell Street to a point for corner in the boundary line of the alley bisecting Block 70 and abutting Lot 12;**

**THENCE, parallel to the boundary line of South Avenue H to a point for corner in the centerline of Caldwell Street;**

**THENCE, along the centerline of Caldwell Street to its intersection with the boundary line of South Avenue H;**

**THENCE, along the centerline of South Avenue H to the PLACE OF BEGINNING.**

**Tract Two**

**L BEGINNING at the point of intersection of the boundary lines of Caldwell Street and South Avenue I with the corner of Lot 13, Block 70 of the Velasco Townsite of the City of Freeport, Texas, all as shown on the map or plat of said townsite recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas;**

**THENCE, along the boundary line of Lot 13 abutting Caldwell Street to a point for corner in the boundary line of the alley bisecting Block 70 and abutting Lot 13;**

**THENCE, parallel to the boundary line of South Avenue I to a point for corner in the centerline of Caldwell Street;**

**THENCE, along the centerline of Caldwell Street to its intersection with the boundary line of South Avenue I;**

**THENCE, along the centerline of South Avenue I to the PLACE OF BEGINNING.**

**This conveyance is made and accepted subject to any and all valid and subsisting easements, rights-of-way, conditions, exceptions, reservations, restrictions, covenants and other encumbrances properly of record affecting the title to the above described property.**

**Notwithstanding any provision herein to the contrary, Grantor makes no warranty of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the above-described property, and by the acceptance of this deed, Grantee accepts such property "AS IS", "WHERE IS", "WITH ALL FAULTS" and without any representations or warranties by Grantor (except the warranty of title expressly set forth below).**

**TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto GRANTEE, its successors and assigns, forever, SAVE AND EXCEPT, there is hereby reserved unto Grantor, its successors and assigns, all necessary easements in, under, upon and across the above described property hereby conveyed for all utility lines, cables, poles and mains presently in use or that may be required by Grantor in the future.**

**Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through and under Grantor but not otherwise.**

**The consideration for this conveyance is the following:**

**First, the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration to Grantor cash in hand paid by Grantee, the receipt of which is hereby acknowledged.**

**Second, the assumption by Grantee of any taxes assessed against such premises for the 2013 tax year and all subsequent years.**

**EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.**

**THE CITY OF FREEPORT, TEXAS**

**By \_\_\_\_\_  
Norma Moreno Garcia, Its Mayor**



**ATTEST:**

\_\_\_\_\_  
**Delia Munoz, Its City Secretary**

**THE STATE OF TEXAS                    X**

**COUNTY OF BRAZORIA                X**

**This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2013, by NORMA MORENO GARCIA, as Mayor of the City of Freeport, Texas.**

\_\_\_\_\_  
**Notary Public, State of Texas**

**MAILING ADDRESS OF GRANTEE**

**AFTER RECORDING RETURN TO:**

**C/Freeport.CtySell/Caldwell St Btwn H & I Sell W Half-SWD**

ORDINANCE NO. 2013-2039

**AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; ADDING A NEW DIVISION (C) TO SECTION 52.14 OF THE CODE OF ORDINANCES OF THE CITY TO REQUIRE THE CORRECTION OF ANY VIOLATIONS OF ANY PROVISIONS OF TITLE V, IX, XI OR XV OF SAID CODE EXISTING ON ANY PREMISES FOR WHICH WATER SERVICE FROM THE CITY IS SOUGHT PRIOR TO SUCH SERVICE BEING TURNED ON; PROVIDING FOR THE REPORTING OF SUCH VIOLATIONS TO THE CITY'S WATER DEPARTMENT BY THE BUILDING OFFICIAL OF THE CITY; PROVIDING FOR A WAIVER; CONTAINING SAVINGS CLAUSES; PROVIDING FOR CREDITS; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT AFTER ITS PASSAGE AND ADOPTION.**

**WHEREAS, the City of Freeport, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,**

**WHEREAS, Sections 51.072, 54.001, 54.004, 402.002 and 402.017 of the Local Government Code, Chapter 361 of the Health and Safety Code, and Sections 2.01, 2.02 and Items (n) and (u) of Section 3.07 of the Home Rule Charter of said City authorize the City Council thereof to adopt the provisions of this Ordinance; and,**

**WHEREAS, heretofore by Ordinance No. 1859, read, passed and adopted on the 3rd day of May, 1999, Divisions (A) and (B) of Section 52.14 of the Code of Ordinances of the City of Freeport, Texas, was amended, respectively, to increase the cut-on and cut-off fees therein provided for from \$2.00 to \$25.00; and,**

**WHEREAS, the City Council of the City of Freeport has now determined that such increase should only apply the cut-off and subsequent cut-on of water service to a consumer where the cut-off resulted from the nonpayment by such consumer of utility services furnished by the City to such consumer; and,**

**WHEREAS, the City Council of the City of Freeport has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons sojourning therein.** Pg. 586

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

First, Section 52.14 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to added thereto a new Division. which shall read as follows:

"(C ) Any violation of the provisions of Titles V, IX, XI or XV of the Code of Ordinances of the City on any premises not connected to the water system of the City that come to the attention of the Building Official shall be reported in writing to the City's Water Department. Any violation so reported shall be corrected prior to such service being turned on. Provided, however, the City Manager, for good cause shown, may in his sole discretion waive such requirement."

Second, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all ordinances are hereby expressly saved from repeal.

Third, where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Fourth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fifth, if any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Sixth, this ordinance shall take effect and be in force after its passage and adoption.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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**Norma Moreno Garcia, Mayor,  
City of Freeport, Texas**

ATTEST:

Pg. 587

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**Delia Munoz, City Secretary,  
City of Freeport, Texas**

ORDINANCE NO. 2013-2040

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING CHAPTER 150 OF THE CODE OF ORDINANCES OF SAID CITY TO ADD A NEW SECTION 150.0101 TO ALLOW THE OWNER OF A DWELLING THAT IS HOMESTEADED AND UNDERGOING RECONSTRUCTION DUE TO A NATURAL DISASTER (FIRE, WIND, FLOOD, ETC.) ONE (1) RV/CAMPER ON-SITE (OFF THE STREET) AS A TEMPORARY RESIDENCE FOR THE DURATION OF THE RECONSTRUCTION, BUT NOT TO EXCEED SIX (6) MONTHS AND AUTHORIZING THE BUILDING OFFICIAL, IN HIS DISCRETION, TO GRANT AN EXTENSION; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THIS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.

WHEREAS, by adoption of Section 150.010 of its Code of Ordinances, the City Council of the City of Freeport, Texas ("the City"), in response to Subsection (a) of Section 214.212 of the Local Government Code, heretofore adopted the International Residential Code, 2009 Edition; and,

WHEREAS, Subsection (b) of said Section 214.12 authorizes the adoption of local amendments to said International Residential Code;

WHEREAS, Item (6) of Subsection (d) of Section 8.03 of the Home Rule Charter of the City empowers and gives to the Planning Commission of the City the duty of compiling and recommending to the City Council for adoption, among other things, a code containing minimum standards for the construction of buildings; and,

WHEREAS, the Planning Commission has recommended the amendment of Chapter 150 of the City's Code of Ordinances by the adoption of new Section 150.0101 hereinafter set forth at its meeting held on July 30, 2013, of which due notice was given as required by the Texas Open Meeting Act and at which at least a quorum of the members of said commission attended; and,

WHEREAS, the City Council of the City is of the opinion and finds that the addition of said new Section 150.0101 by the adoption of this ordinance is necessary to the health, safety and welfare of the inhabitants of the City.

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

**First, the findings of facts contained in the preamble of this ordinance are found to be true and correct.**

**Second, Chapter 150 of the Code of Ordinances of the City is hereby amended to adopt new Section 150.0101 which shall read as follows:**

**150.0101 MODIFICATIONS.**

**The owner of a dwelling that is homesteaded and undergoing reconstruction due to a natural disaster (fire, wind, flood, etc.) shall be allowed one (1) RV/camper on-site (off the street) to use as a temporary residence for the duration of the reconstruction, but not to exceed six (6) months. The Building Official may, in his discretion, grant an extension.**

**Third, no offense committed and no fine, forfeiture or penalty incurred prior to the effective date of this ordinance is to be affected by the adoption of this ordinance but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this ordinance had not been adopted; and nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.**

**Fourth, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all such other ordinances are hereby expressly saved from repeal; and where this ordinance conflicts or overlaps with any other ordinances of the City, this ordinance shall prevail.**

**Fifth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.**

**Sixth, this ordinance shall take effect and be in force from and after its descriptive caption has been published twice in the Brazosport Facts.**

**READ, PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.**

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**Norma Moreno Garcia, Mayor  
City of Freeport, Texas**

**ATTEST:**

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**Delia Muñoz, City Secretary  
City of Freeport, Texas**

**APPROVED AS TO FORM ONLY:**

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**Wallace Shaw, City Attorney,  
City of Freeport, Texas**

**C:\Freeport.Tec\TechCde#20**

(B) Where work for which a permit is required by this chapter is started or proceeds prior to obtaining a permit required by this chapter, the fee specified in such resolution shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed in this code.

(C) All fees shall be paid to the city's Director of Finance.  
(Ord. 2005-2107, passed 11-7-05)

### ***DWELLING CODE***

#### **§ 150.010 INTERNATIONAL RESIDENTIAL CODE ADOPTED.**

The International Residential Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in § 10.99.

(Ord. 1882, passed 12-6-99; Am. Ord. 2005-2097, passed 9-6-05; Am. Ord. 2012-2298, passed 1-17-12)

#### **§ 150.011 CITY COUNCIL TO ACT AS BOARD OF APPEALS.**

The provisions of the International Residential Code adopted by § 150.010 to the contrary notwithstanding, the City Council shall constitute and sit as the Board of Appeals in all matters pertaining to such code.

(Ord. 1882, passed 12-6-99; Am. Ord. 2005-2097, passed 9-6-05)

### ***BUILDING CODE FOR EXISTING BUILDINGS***

#### **§ 150.015 INTERNATIONAL EXISTING BUILDING CODE ADOPTED.**

The International Existing Building Code, 2009 Edition, published by the Southern Building Code Congress International, Inc., together with any amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such International Code shall be maintained at all times in the office of the City Secretary. Any person violating such International Code shall be guilty of a misdemeanor and on conviction punished as provided in § 10.99.

(Ord. 1735, passed 1-4-93; Am. Ord. 2012-2298, passed 1-17-12) Penalty, see § 10.99

#### **§ 150.016 MODIFICATIONS.**

For the purpose of the International Existing Building Code adopted by § 150.015, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***APPLICABLE GOVERNING BODY.*** The City Council.

***BOARD OF ADJUSTMENTS.*** The City Council.

***CHIEF ADMINISTRATOR.*** The City Manager.

***CHIEF APPOINTING AUTHORITY.*** The City Council.

***CITY.*** The City of Freeport.  
(Ord. 1735, passed 1-4-93; Am. Ord. 2012-2298, passed 1-17-12)

**§150.010 INTERNATIONAL RESIDENTIAL CODE ADOPTED.**

The International Residential Code, 2009 Edition, published by the International Code Council, Inc., together with all amendments thereto, save and except such portions as are inconsistent with the provisions of this subchapter, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at length herein. One copy of such code shall be maintained at all times in the office of the City Secretary. Any person violating such code shall be guilty of a misdemeanor and on conviction punished as provided in § 10.99.

(Ord. 1882, passed 12-6-99; Am. Ord. 2005-2097, passed 9-6-05; Am. Ord. 2012-2298, passed 1-17-1

**§150.0101 MODIFICATIONS.**

**The owner of a dwelling that is homesteaded and undergoing reconstruction due to a natural disaster (fire, wind, flood, etc.) shall be allowed one (1) RV/camper on-site (off the street) to use as a temporary residence for the duration of the reconstruction, but not to exceed six (6) months.**





July 31, 2013

Bob Welch  
City Financial Director  
City of Freeport  
200 West Second Street  
Freeport, Texas 77541

Re: Water Meter and Sewer Tap Cost

Dear Mr. Welch:

Per your request to look at the cost of installing a residential water meter the following is what I came up with. The present cost for the parts to make a 3/4" residential meter tap is \$373.20 along with this cost you would need to consider the cost for labor and equipment. For a tap on the same side of the road as the water main you would most likely be looking for a tap to take about an hour and half to complete for the opposite side of the road about two to two and half due to having bore the under the road.

I called around to the neighboring cities and found their cost to be, Lake Jackson - \$550.00; Angleton - \$500.00; Brazoria - \$500.00; and Clute - \$350.00. At present the city charges \$295.00 for a 3/4" residential water tap which by the numbers listed above does not pay for the parts. With the labor and equipment cost figured in the cost of between \$500.00 and \$550.00 would be a cost to consider.

At present water meters size one inch and larger are priced out.

For sewer taps presently the city does not make sewer taps, licensed plumbers are required to take out a permit for this. The city is responsible for the city main the homeowner is responsible for their sewer service line from their home to the main including the tap. By city ordinance if the city main is under a concrete street then the city is responsible for the tap and extending the service line out from the street. At present the city charges the same cost for this as they do a residential water tap \$295.00. Due to not only the installing of the tap and running the line from under the street but also the removal and replacement of the concrete street is also a cost to be considered for adjustment.

If you have any questions please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Meeks", written over a horizontal line.

Jerry Meeks  
Project Manager, Veolia Water

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ORDINANCE NO. 2013-2041

**AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING ITEM (1) OF DIVISION (A) OF SECTION 52-13 OF THE CODE OF ORDINANCES OF SAID CITY TO PROVIDE THAT THE FEE FOR A FIVE-EIGHTHS INCH X THREE-FOURTH INCH WATER FEE SHALL BE FIVE HUNDRED FIFTY (\$550.00) DOLLARS; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS DESCRIPTIVE CAPTION HAS BEEN PUBLISHED TWICE IN THE BRAZOSPORT FACTS.**

**WHEREAS, the City of Freeport, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,**

**WHEREAS, Chapter 51 and 402 of the Local Government Code of Texas and Sections 2.01, 2.02, 3.07(n) and (u) of the Home Rule Charter of the City of Freeport authorize the City Council thereof to adopt the provisions of this Ordinance; and,**

**WHEREAS, the City Council of the City of Freeport has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons owning land therein.**

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

**First, Item (1) of Division (A) of Section 52-13 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:**

**"(1) 5/8-inch x 3/4-inch water tap \$550."**

**Second, this ordinance is cumulative of and in addition to all other ordinances of the City of Freeport, Texas, on the same subject and all ordinances are hereby expressly saved from repeal.**

Third, where this ordinance and another ordinance conflict or overlap, this ordinance shall prevail.

Fourth, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fifth, if any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Sixth, this ordinance shall take effect and be in force after its passage and adoption.

READ, PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Norma Moreno Garcia, Mayor,  
City of Freeport, Texas**

**ATTEST:**

\_\_\_\_\_  
**Delia Munoz, City Secretary,  
City of Freeport, Texas**

**APPROVED AS TO FORM ONLY:**

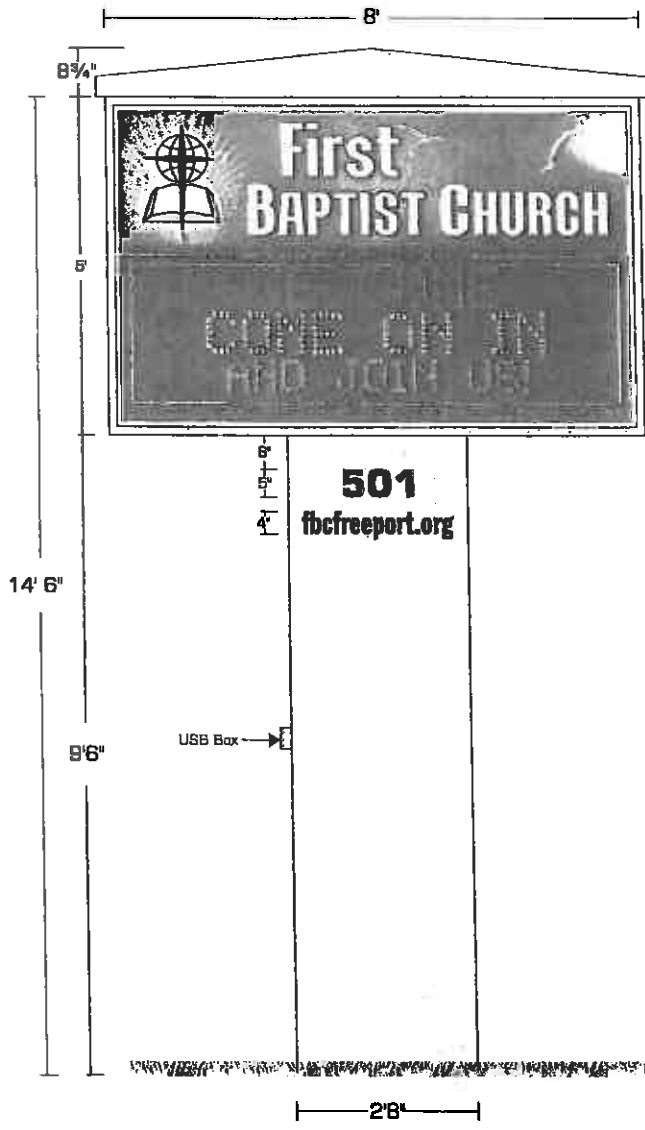
\_\_\_\_\_  
**Wallace Shaw, City Attorney,  
City of Freeport, Texas**

**First Baptist Church  
Freeport Texas  
501 South Blvd.**

The First Baptist Church is requesting permission form the City Of Freeport to erect a LED Sign on it current property. The Sign is being purchased from Stewart Signs and will meet all of the requirements of our cities sign ordinance. We have already met with the cities inspector and have been given the clear to move forward with presenting our request to the City Planning commission and City Council.

Pastor Abel Garcia  
First Baptist Church Freeport  
979-299-9125

**45**  
YEARS  
of Excellence



**TekStar Full Color**  
**20mm 32x112**  
CABINET SIZE: 5'x8'

Vinyl Color: Photoreal Header  
Paint Color: Almond  
Draft Color: White  
Cowling Text: Black

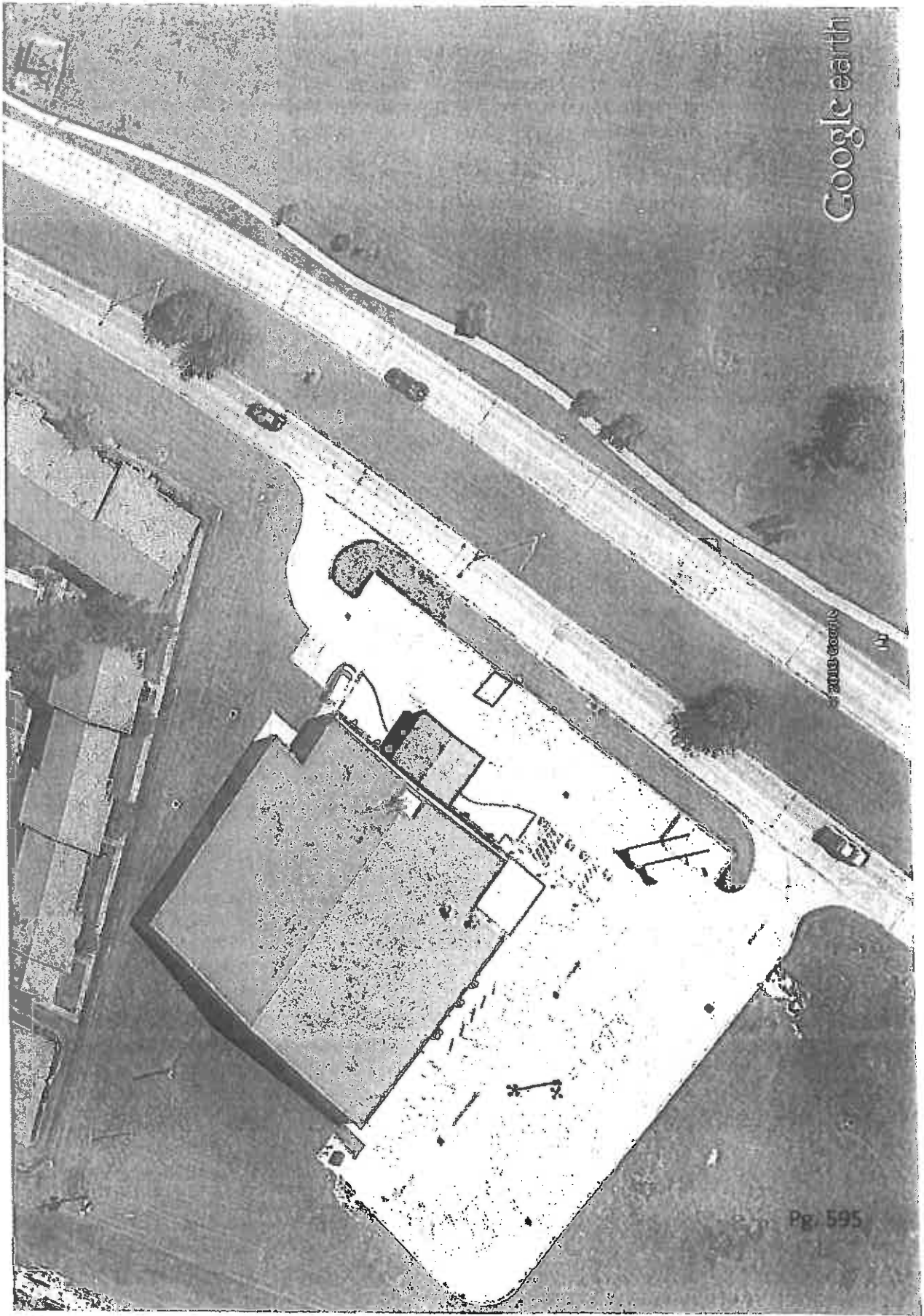


PH. 1-800-237-3928 FAX 1-800-485-4280

3/8"=1' SK #790420-1A 7.11.13 F/GWINCH CUST #1124392 Sol

**ORIGINAL DESIGN DO NOT DUPLICATE**  
DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INKBASED PRINTING PROCESS THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED COLOR. ARTIST'S RENDITION OF BRICKWORK, MASONRY AND LANDSCAPING IS NOT INCLUDED IN THE PROPOSAL. ANY MEASUREMENTS SHOWN ARE APPROXIMATIONS; DIMENSIONS OF FINAL PRODUCT MAY VARY.

APPROVED AS SHOWN. Pg. 594  
X \_\_\_\_\_ DATE \_\_\_\_\_ 1. \_\_\_\_\_  
APPROVED WITH LISTED CHANGES \_\_\_\_\_ 2. \_\_\_\_\_  
X \_\_\_\_\_ DATE \_\_\_\_\_ 3. \_\_\_\_\_



City of Freeport  
Public Works Division  
Phone: 979-233-3526

For Office Use Only

Case Number: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
P & Z Date: 7-23-13  
Council Date: \_\_\_\_\_  
Request for:

Application for  
Rezoning

\_\_\_\_ Map Change  
\_\_\_\_ Text Change

1. Address or general location of site: N. Ave F
2. Subdivision Velasco Block 600 Lots 13-24 Acres \_\_\_\_\_  
601 1-12
3. Current Zoning Classification: RA Zone
4. Proposed Zoning Classification: CA
5. Reason for Requesting a Rezoning (attach additional sheet if necessary):  
To establish an RV Park

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00, to cover the cost of this rezoning application, has been paid to the City of Freeport on July 16, 2013. I also certify that I have been informed and understand the regulations regarding rezoning as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me, or my authorized agent, to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's signature: POA David Collins

Owners name: DAVID COLLINS

Address: 906 OLEANDER

City, State, Zip: LAKE JACKSON, TX 77566 Phone: (979) 297-5253

In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below, to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person with the city (and vice versa) in processing and responding to requirements, information or issues relative to this request.

POA David Collins  
Signature of Owner

DAVID COLLINS  
Name printed or typed

Jesse Aguilar Jr  
Signature of Agent

JESE AGUILAR JR  
Name printed or typed

Address of Agent: 1230 W Broad St

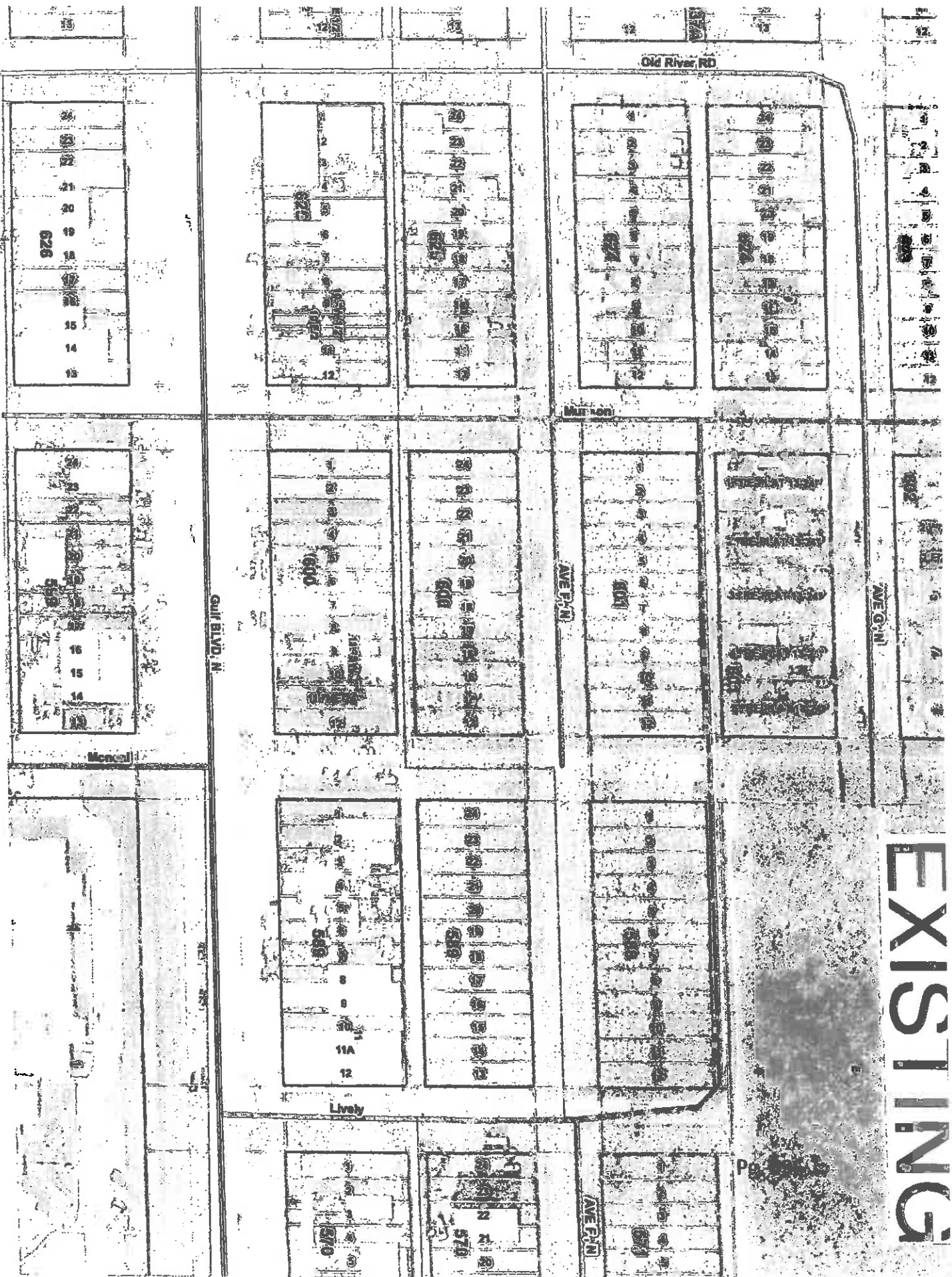
Freeport TX 77541

Agent's Phone Number: 979-235-0678

PAID  
JUL 16 2013  
BY: #150 XX

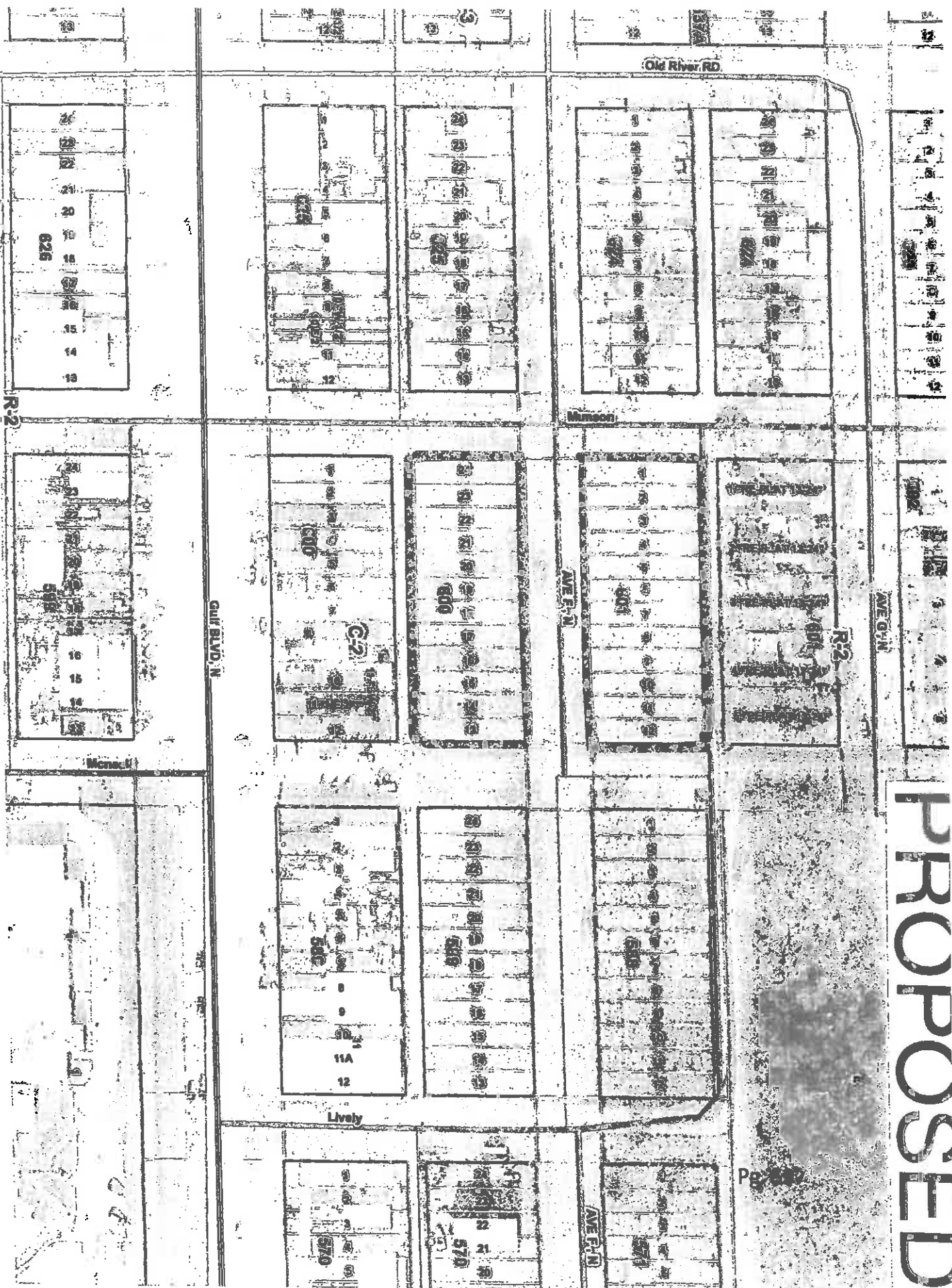
~~PAID  
JUL 16 2013  
BY: #150 XX~~

EXISTING





PROPOSED





February 12, 2013

City of Freeport, Texas  
200 W. 2<sup>nd</sup> Street  
Freeport, Texas 77541

Attention: Mr. Jeff Pynes, City Manager

Reference: Expansion of TIC Energy & Chemical, Inc. at 304 N. Gulf Blvd.

Subject: Inquiry into Availability and Price of City Owned Land

Dear Jeff:

TIC Energy & Chemical, Inc. (TIC) appreciates your speedy response to the street signage at Groce Street as we opened our expanded facilities at Groce St. and Ave F. Now that certain portions of our business are located there, along with our shop and offices at 304 N. Gulf Blvd., we have the pleasant problem of too little space for our growing business. In addition, our objective is to consolidate our workforce and departments at the 304 N. Gulf Blvd. location. For that to happen, we need room to grow.

For years we have owned City Blocks 559 (N & S portions), 558 (S half), 538 (S half) and 525 (S half), all highlighted in the green color on the attached plat. For better access and flexibility in the use of the property, TIC would like to entertain the opportunity to purchase from the City of Freeport parcel "A" as shown highlighted in the orange color. This covers the existing alley for Block 559 (noted as segment "1"), the Avenue F right-of-way from Karankawa St. to Groce St. (noted as segment "2") as well as the Jackson St. right-of-way between the south halves of Blocks 558 and 538 (noted as segment "3") and the similar Hudgin St. right-of-way between the south halves of Blocks 538 and 525 (noted as segment "4"). Can you provide us a purchase price? My calculation indicates Parcel "A" is a sum of 2.2319 acres.

TIC would also like to consider the purchase of Parcel "B" as shown on the attached plat highlighted in the rose color. This property is made up of the alley between the north and south halves of City Blocks 558 and 538, the north half of Blocks 558 and 538, the south halves of Blocks 557 and 539, plus the associated rights-of-ways for Avenue G and Jackson Street. It is shown on the attached plat as segment #5. My calculation is that this plot involves 5.2920 acres.

The Hudgins Street right-of-way (segment #4) is actually a Velasco Drainage District ditch. With the adjacent portion of the right-of-way for Avenue F, about 195' (by 70' wide) of the

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Parcel "A" has been noted as "drainage ditch" (segment #4). If we need to deal separately with the Drainage District, please advise and let us know with whom to speak.

As always, TIC appreciates the efforts of your office and staff and we look forward to entertaining a commercial transaction that will benefit both TIC and the City Of Freeport. I recently got an update of our employee base and found that we have 788 employees residing in Brazoria County, 93 of which list Freeport as their current home and many others that travel in and out daily to our shop and offices. We trust this local resident theme will continue and expand if we are able to consolidate at our North Gulf Blvd. address.

Thank you for your assistance.

Sincerely,

James B. Heath

Vice President

TIC Energy & Chemical, Inc.

979-236-4607

## Jeff Pynes

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**From:** Jeff Pynes <jpynes@freeport.tx.us>  
**Sent:** Friday, March 22, 2013 10:54 AM  
**To:** citymanager@freeport.tx.us  
**Subject:** FW: Question

**From:** [Jim.Heath@ticus.com](mailto:Jim.Heath@ticus.com) [<mailto:Jim.Heath@ticus.com>]  
**Sent:** Friday, March 22, 2013 10:31 AM  
**To:** [jpynes@freeport.tx.us](mailto:jpynes@freeport.tx.us)  
**Cc:** [garispe@freeport.tx.us](mailto:garispe@freeport.tx.us)  
**Subject:** Question

Jeff and Gilbert: While we await your response on the acquisition of land around our 304 N. Gulf Blvd. location, we need to pursue an upgrade at leased property at 2410 FM 523. The office building in front of the shop there is in need of replacement, as repairs were deemed too expensive. It would be our intent to have the Owner (Scott Equipment Co.) demolish the existing office and for TIC to replace with a double wide pre-manufactured office facility. We have leased the property for about 4-5 years and anticipate continuing the lease until we acquire additional property here at 304 N. Gulf Blvd. and can build the needed items here.

Our concern is that the new office on FM 523 will require a permit, and in the past it appeared that the City of Freeport may not allow a pre-manufactured building to be permitted longer than one year. Are there requirement that can be met to allow such a building to be permitted for a longer period of time, say 5 years or more? I recall the Performance Constructors pre-manufactured building on FM523 was there for years.

Please let me know how the land purchase request here at 304 N. Gulf Blvd. is going and what we might be able to do at the leased location at 2410 FM 523.

If there is a City Department person I should be dealing with on these items, let me know and I will work with them and avoid taking up your valuable time.

Thanks in advance.

Jim Heath  
TIC Energy & Chemical, Inc.  
979-239-7623 office  
979-236-4607 mobile

00/02/2013 10:01 FAX 8132094880 WALLACE SHAW 001

## Wallace Shaw

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**From:** Wallace Shaw [shawpc@sbcglobal.net]  
**Sent:** Friday, August 02, 2013 4:43 PM  
**To:** 'Jeff Pynes'  
**Cc:** 'Delia Munoz'  
**Subject:** Woodring Property Transaction

Jeff,

The following is in response to your request for a summary of pertinent facts of this transaction.

The City Council, having determined to sell what we have come to call "the Woodring Property", public notice thereof was published twice in the Brazosport Facts on February 12, 2012, and February 19, 2012.

The only bidder was GARY J. WOODRING, who offered a bid of \$61,780.01 and an alternate bid for \$38,758.00 coupled with an agreement to immediately develop such land by bulk heading the waterfront and building a slightly elevated traditional style residence (not a beach house look) with a completed structure improvement value of \$300,000.00, to be completed by October, 2013, without applying for the City's tax abatement for new construction, both such bids having been received within the time specified in such notice. The City Council of the City determined that accepting such alternate bid will be in the best interest of the inhabitants of the City, considering the amount of value that will be added to the tax roll of the City by October, 2013, if there is no tax abatement is made or granted, and adopted a resolution authorizing the Mayor and City "Secretary to execute and attest, respectively, and the Mayor to acknowledge and, upon the written acceptance of such deed by Gary J. Woodring and the receipt by the City's Director of Finance from Gary J. Woodring of the sum of \$38,758.00, deliver to Gary J. Woodring a deed containing a special warranty and conveying the fee title to the property owned on condition subsequent that Gary J. Woodring will immediately develop the land with bulk heading the waterfront and building a slightly elevated traditional style residence (not a beach house look) with a completed structure improvement value of at least \$300,000.00, to be completed by October 1, 2013, and without applying for the City's tax exemption for newly constructed residences. Attached to the deed were field notes describing the property prepared by a registered public surveyor.

The deed was signed by the Mayor, City Secretary and Gary J. Woodring and the \$38,758.00 paid by him to the Director of Finance after which the deed was taken to the Stewart Title Company. The Title Company found a defect in the field notes and a correction deed was prepared, executed and filed. Stewart Title found additional errors in the field notes and a second correction deed was prepared, executed and filed. Stewart Title found additional errors in the field note and a third correction deed was prepared but, before it could be executed and filed, Gary J. Woodring retained the services of Attorney Everett Stovall, who informed us that Mr. Woodring would be unable to meet the October 1, 2013, deadline because he had been unable to find a lender who would accept the land as security because of the conditions in the deed. He proposed an alternative deed and a written Land Development Agreement containing conditions similar to the in the existing recorded deed which would be secured by an escrow deposit \$31,630.00. Mr. Hickey determined that the Woodring Tract contains 31,280 square feet and riverfront property is currently selling for \$2.25 per square feet so the value of the Woodring Tract is \$70,380.00. He has already paid to the City \$38,750.00 so the difference would be the amount of the escrow deposit.

Wallace Shaw

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