

NOTICE OF PUBLIC MEETING  
THE FREEPORT CITY COUNCIL  
MONDAY, MAY 21ST, 2012, 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 May 7th, 2012 Council Minutes. Pg. 225-229
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2012-2308 canvassing the returns and declaring the results of the 2012 Annual Election. Pg. 230-232
7. Consideration of approving Ordinance No. 2012-2309 canvassing the returns and declaring the results of the 2012 Charter Review Election. Pg. 233-235
8. Administer Oath of Office to duly elected Councilwomen for Ward A and Ward C. Pg. 236
9. Certification by the City Secretary of eligible candidate(s) for the Election of Mayor Pro Tem.
10. Appreciation Plaque to Councilwoman Nicolosa "Nicole" Mireles by Mayor Norma M. Garcia for her dedicated service to the City 2010-2012.
11. Consideration of approving Resolution No. 2012-2386 accepting the alternate bid of and authorizing the Mayor and the City Secretary to execute and attest respectively, and the Mayor to acknowledge and deliver a special warranty deed conveying the fee title to 0.764 acres of land, more or less, out of the Stephen F. Austin Survey, Abstract 32 and the Stephen F. Austin Survey Abstract 33, both in Brazoria County Texas, and described in exhibit "A" attached thereto, to the Gary J. Woodring, he being the sole bidder therefor. Pg. 237-245b
12. Consideration of a request for closure of streets for the Brazoria County Peace Officers Association from 7:00 a.m. to 9:30 a.m., for a 5 K Run on Saturday September 8<sup>th</sup>, 2012 at the Freeport Municipal Park. Pg. 246-248

13. Consideration of approving the bids and awarding the contract on a pipeline Right of Way and Easement across certain properties in Brazoria County, Texas.  
Pg. 249-250

Adjourn

Community Meet and Greet – Newly Elected Sandra Loeza and New City Council

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, May 18th, 2012 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, May 7, 2012 at 6:04 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard for the purpose of considering the following agenda items:

City Council: Norma M. Garcia  
Michelle Kent  
Fred Bolton  
Nicolosa Mireles  
Sandra Barbree

Staff: Gilbert Arispe, Asst. City Manager  
Wallace Shaw, City Attorney  
Delia Munoz, City Secretary  
Nat Hickey, Property Manager  
Larry Fansher, Parks Director  
Bob Welch, Finance Director  
Brian Dybala, Golf Course Director

Visitors: Dorothy Pirrung James Pirrung  
Jerry Meeks Joyce Adkins  
Sam Reyna Shanna Doughtry  
Gary Woodring

Call to order.

Mayor Norma Garcia called the meeting to order at 6:04 p.m.

Invocation.

Wallace Shaw offered the invocation.

Pledge of Allegiance.

Mayor Garcia led the Pledge of Allegiance.

Consideration on of approving the April 16th, 2012 Council Minutes.

On a motion by Councilwoman Mireles, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved the April 16th, 2012 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving an Ordinance No. 2012-2306 amending the 45 mph speed limit designation and the 55 mph speed limit designation contained in section 71.21 of the Code of Ordinances of said City to provide that the prima facie speed limit for vehicles traveling in either direction on State Highway 332, from the West City limits to the point 845 feet West of Casco/Sailfish Street shall 55 mph and the prima facie speed limit thereon from said point to the East City limits of said City shall be 45 mph providing for the posting of signs.

On a motion by Councilman Bolton, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2306 amending the 45 mph speed limit designation and the 55 mph speed limit designation contained in section 71.21 of the Code of Ordinances of said City to provide that the prima facie speed limit for vehicles traveling in either direction on State Highway 332, from the West City limits to the point 845 feet West of Casco/Sailfish Street shall 55 mph and the prima facie speed limit thereon from said point to the East City limits of said City shall be 45 mph providing for the posting of signs.

Consideration of approving Ordinance No. 2012-2307 amending the budget for the fiscal year 2011-2012.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2307 amending the budget for the fiscal year 2011-2012.

Consideration of approving Resolution No. 2012-2386 accepting the alternate bid of and authorizing the Mayor and the City Secretary to execute and attest respectfully, and the Mayor to acknowledge and deliver a special warranty deed conveying the fee title to 0.764 acres of land, more or less, out of the Stephen F. Austin Survey, Abstract 32 and the Stephen F. Austin Survey Abstract 33, both in Brazoria County Texas, and described in exhibit "A" attached hereto, to the Gary J. Woodring, upon condition subsequent, he being the sole bidder thereof.

Mayor Garcia closed the Executive Session and opened the formal agenda to motion on this item.

Councilman Bolton asked Mr. Woodring if he wanted a copy of the deed to review before signing. Mr. Woodring advised Council that he didn't foresee any problems but would like to have an opportunity to read the deed. On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council approved to reagendaed this item.

Consideration of setting a date for a Joint Public Hearing with the Planning Commission to consider adding a proposed W-4 Marina District to the Comprehensive Zoning Ordinance of the City which may include the following real property located therein:

Beginning at the intersection of the north ROW line of West Second Street, at its intersection with the east ROW line of Cherry Street; thence north to the northern ROW line of the Freeport Townsite Levee; thence east to the extension of the eastern property line of Tract 1A, Thomas McKinney Survey, Abstract 87, Brazoria County, Texas; thence north along that extended line to the centerline of the Old Brazos River Channel; thence along the center line of that Channel east to the extension of the western property line of Tract B1A, S.F. Austin Survey, Abstract 28, Brazoria County, Texas; thence south along that extended line to the west ROW line of Spruce Street, and continuing along that line to its intersection with the north ROW line of East Second Street; then west along that line to the place of beginning.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with a present voting "aye", Council unanimously set June 4<sup>th</sup>, 2012 date for a Joint Public Hearing with the Planning Commission to consider adding a proposed W-4 Marina District to the Comprehensive Zoning Ordinance of the City which may include the following real property located therein:

Beginning at the intersection of the north ROW line of West Second Street, at its intersection with the east ROW line of Cherry Street; thence north to the northern ROW line of the Freeport Townsite Levee; thence east to the extension of the eastern property line of Tract 1A, Thomas McKinney Survey, Abstract 87, Brazoria County, Texas; thence north along that extended line to the centerline of the Old Brazos River Channel; thence along the center line of that Channel east to the extension of the western property line of Tract B1A, S.F. Austin Survey, Abstract 28, Brazoria County, Texas; thence south along that extended line to the west ROW line of Spruce Street, and continuing along that line to its intersection with the north ROW line of East Second Street; then west along that line to the place of beginning.

Consideration of setting a date for a Joint Public Hearing with the Planning Commission to consider granting a Specific Use Permit to Mr. Ravin Patel to construct an RV/Motor Coach Recreation Site on their property, located on Tract Six (6) Bridge Harbor Subdivision.

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with a present voting "aye", Council unanimously set June 4<sup>th</sup>, 2012 date for a Joint Public Hearing with the Planning Commission to consider granting a Specific Use Permit to Mr. Ravin Patel to construct an RV/Motor Coach Recreation Site on their property, located on Tract Six (6) Bridge Harbor Subdivision.

Consideration of advertising and setting a bid date for June 4th, 2012 to purchase a forklift for the Freeport Marina located at 202 East Second Street, Freeport Texas.

On a motion by Councilman Bolton, seconded by Councilwoman Barbree, with a present voting "aye", Council unanimously approved to advertise and set a bid date for June 4<sup>th</sup>, 2012 to purchase a forklift for the Freeport Marina located on 202 East Second Street, Freeport, Texas.

Consideration of approving a request from St. Mary Star of the Sea Catholic Church to sell alcohol, have a public dance for St. Mary's Festival held on May 19th, & May 20th at the Freeport Municipal Park.

On a motion by Councilwoman Barbree, seconded by Councilwoman Kent, with present voting "aye", Council unanimously approved a request from St. Mary's Star of the Sea Catholic Church to sell alcohol, have a public dance for St. Mary Festival held on May 19th & May 20th at the Freeport Municipal Park.

Work Session:

Discuss concerning the City's Centennial Celebration.

Gilbert Arispe Asst. City Manager informed Council that the committee had selected a t-shirt design and a coin design for the City's Centennial Celebration. He asked for recommendations/opinions related to the event. Councilman Bolton requested a proposal on the event.

Discussion regarding revenues and rates of the Freeport Golf Course.

Brian Dybala Golf Director prepared a Golf Course rate comparisons of local courses. He reviewed a breakeven analysis at the current state it would take an increase of about \$7.00 per round of golf to reduce losses and reach a breakeven point. In the past the Golf Course was losing roughly \$300,000 each year, now the amount is down to \$100,000.

Mayor Norma Garcia opened the Executive Session at 6:31 p.m

Executive Session:

Section 551.071, Government Code:

Consultation with City Attorney concerning pending or contemplated litigations, settlement offers or other matter 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:

- Contractual obligations regarding sale and purchase of real estate.  
(no action taken)

Mayor Garcia closed the Executive Session and Reconvened the Formal Session to motion on Item # 8.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Barbree, with all present voting "aye", Council adjourned at 7:05 p.m.

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Mayor Norma Moreno Garcia  
City of Freeport, Texas

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City Secretary-Delia Munoz  
City of Freeport, Texas

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, MAKING CERTAIN FINDINGS OF FACT REGARDING AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE ANNUAL ELECTION HELD IN WARDS A AND C OF SAID CITY ON THE 12TH DAY OF MAY, 2012, FOR THE PURPOSE OF ELECTING PERSONS TO COUNCIL POSITION A AND COUNCIL POSITION C ON THE CITY COUNCIL OF SAID CITY, EACH BEING ELECTED FOR A TWO (2) YEAR TERM; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE ACTION TAKEN BY THIS ORDINANCE BY THE MAYOR OF SAID CITY; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED AND ORDERED, RESPECTIVELY, BY THE CITY COUNCIL AND MAYOR OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS:

SECTION ONE--Scope of Ordinance

This ordinance relates to the annual election called by Ordinance No. 2012-2299 of the City of Freeport, Brazoria County, Texas, heretofore read, passed, adopted and ratified on February 6, 2012, by the City Council and Mayor of said City ordaining and ordering, respectively, that such an election be held in Wards A and C of said City on the second Saturday in May, 2012, to-wit, the 12th day of May, 2012, for the purpose of electing to office persons to fill the offices of Council Position A and Council Position C on the City Council of said City, each person to be elected to a two (2) year term.

SECTION TWO--Findings of Fact Regarding Election

The Mayor and City Council of the City of Freeport, Texas, make the following findings of fact and conclusions of law with respect to said election, to-wit:

First, that notice of said election was given in the manner and at the time required by law.

Second, that said election was duly called and held in the manner and at the time required by law, and said Ordinance No. 2006-2234 and that only qualified voters were permitted to vote at said election.



Third, that based on the election returns of said election, which are now before the Mayor and City Council and which are found to be in due form and order and to have been regularly made as required by law, at said election a total of 45 votes were cast in the Ward A election and 164 votes were cast in Ward C election.

Fourth, that the following named candidates received the number of votes set opposite their names, to-wit:

<u>NAME</u>	<u>POSITION</u>	<u>TOTAL VOTES</u>
MICHELLE KENT	COUNCIL POSITION A	45
SANDRA LOEZA	COUNCIL POSITION C	98
NICOLASA (NICOLE) MIRELES	COUNCIL POSITION C	66

Fifth, that the following named person received the number of write-in votes for the position set opposite her name: NONE

Sixth, Section 5.05 of the Home Rule Charter of the City of Freeport provides that election to office shall be by plurality.

SECTION THREE--Declaring the Results of Election

The Mayor and City Council of the City of Freeport, Texas, hereby declare and ordain, respectively, that MICHELLE KENT and SANDRA LOEZA have been elected for a two (2) year term each to Council Position A and Council Position C on the City Council of the City of Freeport, Texas, respectively, and that, upon filing the signed statement and taking the Constitutional Oath of Office as required by Article 16, Section 1 of the Texas Constitution, each such person shall be entitled to said office for such term and until his successor shall have been duly elected and qualified according to law.

SECTION FOUR--Ratification and Confirmation by Mayor

By signing this ordinance, the undersigned Mayor of the City of Freeport, Texas, hereby ratifies and confirms as his action all matters herein above recited which by law come within his jurisdiction.

SECTION FIVE--Effective Date

This ordinance shall be effective immediately upon its passage and adoption.

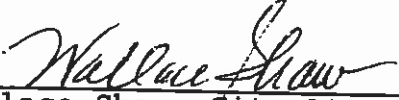
READ, PASSED AND ADOPTED this \_\_\_\_\_ day of May, 2012.

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

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

C:\Freeport.Elc\2012 Election-Canvass

ORDINANCE NO. 2012-2309

AN ORDINANCE OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS, MAKING CERTAIN FINDINGS OF FACT REGARDING AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A CHARTER AMENDMENT ELECTION HELD IN AND THROUGHOUT SAID CITY ON THE SECOND SATURDAY IN MAY, 2012, BEING THE 12TH DAY OF MAY, 2012, ON THE QUESTION OF THE ADOPTION OF SIX (6) AMENDMENTS TO THE HOME RULE CHARTER OF SAID CITY; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE ACTION TAKEN BY THIS ORDINANCE BY THE MAYOR OF SAID CITY; PROVIDING FOR THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE WITH THE SECRETARY OF STATE AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED AND ORDERED, RESPECTIVELY, BY THE CITY COUNCIL AND MAYOR OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS:

SECTION ONE--Scope of Ordinance

This ordinance relates to the charter amendment election called by Ordinance No. 2012-2300 of the City of Freeport, Brazoria County, Texas, heretofore read, passed, adopted and ratified on February 6, 2012, by the City Council and Mayor of said City ordaining and ordering, respectively, that such an election be held in and throughout the said City on the second Saturday in May, 2012, to-wit, May 12, 2012, for the purpose of permitting the qualified electors of said City to vote for or against the adoption of six (6) amendments to the Home Rule Charter of said City.

SECTION TWO--Findings of Fact Regarding Election

The Mayor and City Council of the City of Freeport, Texas, make the following findings of fact with respect to said election:

First, that notice of said election was given in the manner and at the time required by law.

Second, that said election was duly called and held in the manner and at the time required by law, and said Ordinance No. 2012-2300, read, passed and adopted on February 6, 2012, and that only qualified voters were permitted to vote at said election.

Third, that based on the election returns of said election, which are now before the Mayor and City Council and which are found to be in due form and order and have been regularly made as required by law.

Fourth, at said election the following listed amendments received the total votes "for" and "against" set opposite the numbered amendment:

<u>AMENDMENT NO.</u>	<u>FOR</u>	<u>AGAINST</u>
AMENDMENT NO. ONE	365	62
AMENDMENT NO. TWO	287	132
AMENDMENT NO. THREE	310	98
AMENDMENT NO. FOUR	301	113
AMENDMENT NO. FIVE	293	117
AMENDMENT NO. SIX	263	138

SECTION THREE--Declaring the Results of Election

The Mayor and City Council of the City of Freeport, Texas, hereby declare, order and ordain, respectively, that the following amendments have been duly adopted and are now a part of the Home Rule Charter of the City of Freeport, Texas:

AMENDMENT NUMBER ONE

The first sentence of Section 3.02. Qualifications is amended to read as follows:

"The Mayor and each member of the City Council shall be a registered voter and a resident citizen of the City of Freeport for at least twelve (12) consecutive months and, in the case of members of City Council other than the Mayor, a resident of the Ward sought to be represented for at least six (6) consecutive months, immediately preceding his or her application to have his or her name placed on the official ballot and the filing of proof of his or her qualifications as required by law."

AMENDMENT NUMBER TWO

Item (m) of Section 3.07. Powers of City Council is amended to read as follows:

SECTION FIVE--Effective Date

This ordinance shall be effective immediately upon its passage and adoption.


READ, PASSED AND ADOPTED this \_\_\_\_\_ day of May, 2012.

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

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

This space reserved for office use

Submit to:  
SECRETARY OF STATE  
Government Filings Section  
P O Box 12887  
Austin, TX 78711-2887  
512-463-6334



OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,  
I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully  
execute the duties of the office of \_\_\_\_\_ of  
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws  
of the United States and of this State, so help me God.

\_\_\_\_\_  
Signature of Officer

.....  
State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(seal)

\_\_\_\_\_  
Signature of Notary Public or Other Officer  
Administering Oath

\_\_\_\_\_  
Printed or Typed Name

RESOLUTION NO. 2012-2386

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ACCEPTING THE ALTERNATE BID OF AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, AND THE MAYOR TO ACKNOWLEDGE AND DELIVER A SPECIAL WARRANTY DEED CONVEYING THE FEE TITLE TO 0.764 ACRES OF LAND, MORE OR LESS, OUT OF THE STEPHEN F. AUSTIN SURVEY, ABSTRACT 32 AND THE STEPHEN F. AUSTIN SURVEY ABSTRACT 33, BOTH IN BRAZORIA COUNTY, TEXAS, AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, TO THE GARY J. WOODRING, HE BEING THE SOLE BIDDER THEREFOR; 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, Subsection (a) of Section 272.001 requires that before a municipality may sell any land or exchange it for other land, notice to the general public, including a description of the land and its location and the procedure by which sealed bids to purchase such land or offers to exchange such land may be submitted, must be published on two separate dates in a newspaper, if any, of general circulation published in the county in which such land is located and that such sale or exchange cannot be made until after the 14th day after the date of the second publication; and,

WHEREAS, the City Council of the City, having determined to sell the hereinafter described land owned by the City, did cause public notice thereof to be published twice in the Brazosport Facts, a newspaper of general circulation in Brazoria County, Texas, where such land is located, to-wit, on February 12, 2012, and February 19, 2012; and,

WHEREAS, the only bidder therefor 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 with bulkheading 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;

WHEREAS, the City Council of the City has determined and does here now declare 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.

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 alterative bid of the said Gary J. Woodring therefor and authorizes the Mayor and City Secretary thereof to execute and attest, respectively, and the Mayor to acknowledge and, upon the written acceptance of such deed by the said Gary J. Woodring and the receipt by the City's Director of Finance from the said Gary J. Woodring of the sum of \$38,758.00, deliver to the said Gary J. Woodring a deed containing a special warranty and conveying the fee title to the real property owned by the City and described in Exhibit "A" attached hereto and made a part hereof, on condition subsequent that the said Gary J. Woodring will immediately develop such land with bulkheading 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.



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 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 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 \_\_\_\_\_, 2012.

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Norma Moreno Garcia, Mayor,  
City of Freeport, Texas

ATTEST:

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Delia Munoz, City Secretary,  
City of Freeport, Texas

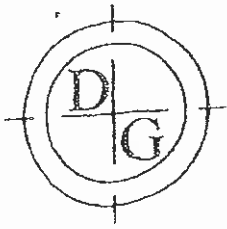
APPROVED AS TO FORM ONLY:

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Wallace Shaw, City Attorney,  
City of Freeport, Texas

C:\Freeport.Sale\Woodring-GJ-SWD-Rsl



## DAMIAN/GALLION & ASSOCIATES

ENGINEERING, SURVEYING AND MAPPING

1512 N AVENUE J  
FREEPORT, TEXAS 77541

BUSINESS (979) 233-7177  
FAX (979) 233-3877

**0.764 ACRES OUT OF THE  
S.F. AUSTIN SURVEY, ABSTRACT NO. 32,  
AND THE S.F. AUSTIN SURVEY, ABSTRACT NO. 33,  
KNOWN AS TRACT 4 OF THE OFFICIAL MAP OF THE CITY OF  
FREEPORT,  
BRAZORIA COUNTY, TEXAS  
JUNE 27, 2006**

BEING 0.764 acres of land out of the S.F. Austin Survey, Abstract No. 32 and the S.F. Austin Survey, Abstract No. 33, City of Freeport, Brazoria County, Texas and being the same Tract 4 of the Official Map of the City of Freeport being described by metes and bounds as follows;

COMMENCING at a found ½" iron rod for the northeast corner of the Lot 8, Block 131 of the Official Map of the City of Freeport, same being at the intersection of the south right-of-way line of Second Street with the west right-of-way line of Locust Street;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 337.00 feet, to a set ½" iron rod with cap point on the west right-of-way line of Locust Street, and being at the southwesterly corner of said 0.764 acre tract for the POINT OF BEGINNING;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 110.00 feet to a set ½" iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 50 degrees 38 minutes 26 seconds East, a distance of 234.12 feet to a set ½" iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 55 degrees 42 minutes 27 seconds East, a distance of 206.16 feet to a set ½" iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 17 degrees 00 minutes 00 seconds West, a distance of 52.64 feet to a set ½" iron rod with cap, for the southeasterly corner of this 0.764 acre tract;

0.764 Acre Tract  
Page 2

THENCE, North 63 degrees 08 minutes 00 seconds West, a distance of 172.24 feet to a set 1/2" iron rod with cap;

THENCE, North 58 degrees 24 minutes 00 seconds West, a distance of 251.80 feet to the POINT OF BEGINNING and containing 0.764 acres of land more or less.

Surveyed on the ground June 23, 2006.

SPECIAL WARRANTY DEED

The CITY OF FREEPORT, 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 GARY J. WOODRING of Brazoria County, Texas, hereinafter called GRANTEE whether one or more, the following described real property lying and situated in the County of Brazoria and State of Texas, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

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; BUT THE ABOVE CONVEYANCE IS SUBJECT TO THE FOLLOWING CONDITION AND IT IS EXPRESSLY MADE AND PROVIDED THAT GRANTEE WILL IMMEDIATELY DEVELOP SUCH LAND with bulkheading 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 upon the premises herein conveyed.

IT IS EXPRESSLY AGREED AND UNDERSTOOD that such condition shall be binding upon and shall be observed by the Grantee herein, and the heirs, executors, administrators, and assigns of Grantee, and shall run with such land in favor of and shall be enforceable by the Grantor. IN THE EVENT OF ANY VIOLATION OR NON-OBSERVANCE OF THE ABOVE CONDITION, upon the affirmative vote of a majority of the members of its City Council taken at any meeting thereof, called and notice of which is given in accordance with the Texas Open Meeting Act and sent to Grantee by certified mail, return receipt requested, the Grantor shall have the right to terminate the estate herein granted and to re-enter and retake said premises; and no act or omission upon the part of Grantor or any officer, agent or employee of Grantor, shall be a waiver of the operation or enforcement of such condition.

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; 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 ~~no other~~ good and valuable consideration to Grantor cash in hand paid by Grantee.

Second, the assumption by Grantee of any taxes for the year 2012, prorated to the date hereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF FREEPORT, TEXAS, Grantor

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

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

AGREED TO AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Gary J. Woodring, Grantee

THE STATE OF TEXAS X  
COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by NORMA MORENO GARCIA, as MAYOR of the CITY OF FREEPORT, TEXAS.

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

THE STATE OF TEXAS X  
COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by GARY J. WOODRING.

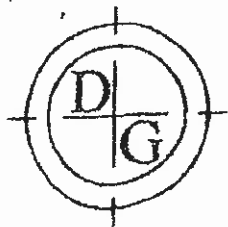
\_\_\_\_\_  
Notary Public, State of Texas

MAILING ADDRESS OF GRANTEE:

P.O. Box 2497  
Freeport, TX 77542

AFTER RECORDING, RETURN TO

Gary J. Woodring  
P.O. Box 2497  
Freeport, TX 77542

**DAMIAN/GALLION & ASSOCIATES**

ENGINEERING, SURVEYING AND MAPPING

1512 N. AVENUE J  
FREEPORT, TEXAS 77541BUSINESS (979) 233-7177  
FAX (979) 233-3877

**0.764 ACRES OUT OF THE  
S.F. AUSTIN SURVEY, ABSTRACT NO. 32,  
AND THE S.F. AUSTIN SURVEY, ABSTRACT NO. 33,  
KNOWN AS TRACT 4 OF THE OFFICIAL MAP OF THE CITY OF  
FREEPORT,  
BRAZORIA COUNTY, TEXAS  
JUNE 27, 2006**

BEING 0.764 acres of land out of the S.F. Austin Survey, Abstract No. 32 and the S.F. Austin Survey, Abstract No. 33, City of Freeport, Brazoria County, Texas and being the same Tract 4 of the Official Map of the City of Freeport being described by metes and bounds as follows;

COMMENCING at a found  $\frac{1}{2}$ " iron rod for the northeast corner of the Lot 8, Block 131 of the Official Map of the City of Freeport, same being at the intersection of the south right-of-way line of Second Street with the west right-of-way line of Locust Street;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 337.00 feet, to a set  $\frac{1}{2}$ " iron rod with cap point on the west right-of-way line of Locust Street, and being at the southwesterly corner of said 0.764 acre tract for the POINT OF BEGINNING;

THENCE, North 17 degrees 00 minutes 00 seconds East, a distance of 110.00 feet to a set  $\frac{1}{2}$ " iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 50 degrees 38 minutes 26 seconds East, a distance of 234.12 feet to a set  $\frac{1}{2}$ " iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 55 degrees 42 minutes 27 seconds East, a distance of 206.16 feet to a set  $\frac{1}{2}$ " iron rod with cap, said iron rod being at the high bank of the Old Brazos River;

THENCE, South 17 degrees 00 minutes 00 seconds West, a distance of 52.64 feet to a set  $\frac{1}{2}$ " iron rod with cap, for the southeasterly corner of this 0.764 acre tract;



0.764 Acre Tract  
Page 2

THENCE, North 63 degrees 08 minutes 00 seconds West, a distance of 172.24 feet to a set 1/2" iron rod with cap;

THENCE, North 58 degrees 24 minutes 00 seconds West, a distance of 251.80 feet to the POINT OF BEGINNING and containing 0.764 acres of land more or less.

Surveyed on the ground June 23, 2006.

Pg 245 b

## City Council Request

Council Meeting Date	<u>5/7/12</u>
Name of Organization	<u>Brazoria County Peace Officers</u>
Name of Event	<u>BCPOA 5 K Run &amp; Fun Fest</u>
Date of Event	<u>Saturday, Sept. 8, 2012</u>
Type of Event	<u>5 K Run</u>

On behalf of the organization I represent I am requesting your permission to allow us to do the following in Municipal Park:

The Parks Department has reviewed the noted requests.

We forward our recommendations for your consideration and approval.

<input type="checkbox"/> Sell alcohol on specified date	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
security provided by: _____		
<input type="checkbox"/> Have a public dance	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Provide own agency to be used: _____		
<input type="checkbox"/> Erect temporary fencing	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
<input type="checkbox"/> Charge a general admission fee	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
<input checked="" type="checkbox"/> Close or use lanes on streets within the City (see map attached showing affected streets.)	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
<input type="checkbox"/> Have fireworks display	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Other: _____	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Other: _____	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no

Thank you for your assistance.

Sincerely,

\_\_\_\_\_  
Organization Representative/ Date

Thank you.

Sincerely,

  
\_\_\_\_\_  
Director-Parks & Recreation/Date 5/1/12



# Memo

**To:** Delia  
**From:** Robin  
**CC:** Larry  
**Date:** 05/14/2012  
**Re:** Brazoria County Peace Officers 5 K Run

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**Saturday, September 8, 2012 7:00 a.m. – 9:30 a.m.**

The streets needing to be blocked off are:

Highway 288 from 2<sup>nd</sup> St. to Veterans Drive

Quintana St. from Ave. A to Gulf Blvd.

Gulf Blvd. to Velasco Blvd.

Velasco Blvd. to 2<sup>nd</sup> St.

2<sup>nd</sup> St. to Hwy. 288

Thanks,

Robin



BATCH 3 K

Turnament

Lockett

May Fun Fair - Grand Chris Kullow

PUBLIC NOTICE REQUESTING BIDS ON A PIPELINE RIGHT-OF-WAY  
AND EASEMENT ACROSS CERTAIN LAND OWNED BY CITY OF FREEPORT

The CITY OF FREEPORT, TEXAS (the "City") is requesting bids on a Pipeline Right-of-Way and Easement across the following described land (the "Land") owned by the City:

- (1) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of the 20-foot wide easement granted to the City of Freeport by instrument dated September 9, 1947, recorded in Volume 412, Page 502 of the Deed Records of Brazoria County, Texas, being out of a 2.41 acre tract described by deed on June 25, 1956 from Freeport Sulphur Company to Brazos River Harbor Navigation District, as recorded in Volume 658, Page 174 of the Brazoria County Deed Records;
- (2) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of a 20-foot wide sewer easement granted to the City of Freeport and being a portion of all that certain of Lot 8, Block 8 in the City of Freeport Original Townsite according to the map or plat thereof recorded in Volume 2, Page 95 of the Brazoria County Plat Records (B.C.P.R.) conveyed by deed on September 27, 2007 from Marion Watson to Diane Marie Watson, as recorded in Clerk's File No. 2007-055029 of the Brazoria County Official Records (B.C.O.R.) and situated in the Thomas F. McKinney Survey, Abstract 87, Brazoria County, Texas;
- (3) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of a 20-foot wide sewer easement granted to the City of Freeport and being a portion of all that certain of Lot 9, Block 8 in the City of Freeport Original Townsite according to the map or plat thereof recorded in Volume 2, Page 95 of the Brazoria County Plat Records (B.C.P.R.) conveyed by deed on October 2, 1978 from Viola H. Moore to Tina Mae Morant, as recorded in Volume 1421, Page 314 of the B.C.D.R. and situated in the Thomas F. McKinney Survey, Abstract 87, Brazoria County, Texas;
- (4) A 5 foot wide strip, being 2.5 feet left and 2.5 feet right of the herein described centerline, being a portion of the 60-foot wide Terminal Street right-of-way of the City of Freeport Original Townsite, as recorded in Volume 2, Page 95 of the B.C.P.R. and situated in the Thomas F. McKinney Survey, Abstract 87, Brazoria County, Texas.

Bids must be received not later than 2:00 P.M., May 21st, 2012. Bids must be delivered to 200 West Second Street, Second Floor, Freeport, Texas 77541. A Pipeline Right-of-Way and Easement Bid Package, including applicable legal descriptions and a Pipeline Right-of-Way and Easement Specification Sheet containing the minimum requirements, may be obtained at 200 West Second Street, Second Floor, Freeport, Texas 77541. Each bid must be accompanied by bid security (the "Security") in the form of (i) a certified check, (ii) a cashier's check, or (iii) a bidder's bond with a responsible corporate surety authorized to do business in Texas. The Security must be in the amount of the payment for the Easement the bidder is proposing or if a non-cash payment is being offered in the amount of the fair market value of the non-cash payment. The Security shall guarantee that the bidder will perform the terms of the bid if it is accepted by the City. The City reserves the right to reject any or all bids.

By order of the City Council of The City of Freeport, Texas, this 16th day April, 2012.

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Delia Munoz, City Secretary  
City of Freeport, Texas