

City of Freeport

NOTICE OF PUBLIC MEETING
THE FREEPORT CITY COUNCIL
MONDAY, AUGUST 16TH, 2010, 6:00 P.M.
MUNICIPAL COURT ROOM

FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.

AGENDA FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the August 2nd, 4th, 5th, 2010 Council Minutes.
Pg. 797-805
5. Attending citizens and their business.
6. Administer Oath of Office to duly appointed Fred Bolton for Ward B.
7. **Public Hearing:** City Council of the City will conduct a public hearing to consider whether or not to approve a proposed amendment to the Urban Renewal Plan of the City which would create a greenbelt out of a portion of the lots included in the urban renewal area separating the remainder of the lots included in the urban renewal area from the property adjoining the lots to be included in the greenbelt. Pg. 806-807
8. Consideration of Resolution No. 2010-2243 approving an amendment to the Urban Renewal Plan of said City. Pg. 808-814
9. **Public Hearing:** To consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner of owners there of granting a tax abatement: Lot 17, Brazos Landing Court, Section 1, Brazoria County, Texas, and all improvements thereon, known locally as 116 Brazos Landing Court, Freeport, Texas. Pg. 815
10. Consideration of the Ordinance No. 2010-2255 designating improvements to land located within the incorporated limits of said City as a reinvestment zone to be known as the Agustin and Marisol Serrano reinvestment zone and providing for its initial term and the renewal thereof. Pg. 816-820

11. Consideration of Resolution No. 2010-2241 granting a tax abatement to Agustin Serrano and wife, Marisol Serrano, pursuant to the terms and conditions of and authorizing the Mayor and the City Secretary to execute and attest. Pg. 821-830
12. Consideration of Resolution No. 2010-2242 authorizing a Temporary Construction Easement in favor of the United States of America; a temporary construction easement and right of way, in, on, over, and across the land described and shown on Exhibits "A" and "B" attached hereto, for a period not to exceed one (1) year, beginning from the effective date of such instrument for use as a work area. Pg. 831-838
13. Consider of Ordinance No. 2010-2256 vacating, abandoning and closing a portion of the dedicated but unopened public street within said City known as Stratton Street, lying between Blocks 708 and 736 of the Velasco Townsite, in Brazoria County, Texas and between North Gulf Boulevard and North Avenue F. Pg. 839-842
14. Consideration of approving the bids and awarding the mowing service contract for the City of Freeport.
15. Consideration of a request from Main Street to hold the Summertime Blues Festival in downtown Freeport on September 3rd and 4th, 2010, and close downtown streets from Friday, September 3rd until Sunday, September 5th, including Broad Street between Oak and FM 1495, 2nd Street between Cherry Street and 1495, along East and West Park. Pg. 843
16. Consideration of a request from Main Street to hold a parade on September 3rd, 2010, and closing 2nd Street from Brazosport Boulevard to Cherry Street from 5:00 p.m. to 7:00 p.m. Pg. 843
17. Consideration of a request from Main Street to hold a triathlon on September 5th, 2010, and closing 2nd Street, Cherry Street, 8th Street, FM 1495, Ave. A. and the Velasco Bridge from 6:00 thru 9:30 a.m. Pg. 843
18. Consideration of rescheduling September 6th, 2010, Council Meeting to September 7th, due to Labor Day holiday.
19. Consideration of setting a date for a Public Hearing regarding the Freeport Beach/Dune Plan.
20. Consideration and proposing a tax rate for fiscal year 2010-2011 and taking a record vote and scheduling two public hearings. Pg. 844
21. Consideration of setting September 7th, 2010 as the date for a Public Hearing on the proposed budget for the fiscal year 2010-2011. Pg. 845
21. Consideration of the approval of any action to be taken as a result of closed Executive Session.

Work Session:

A. Discussion regarding proposed budget for fiscal year 2010-2011.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, 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:

- Pending Litigation, Civil Action No. 3:00-cv-00098
Richard Steven Miller, Vincent Garcia, John R. Newton, Abby Webster and Kristy Lynn Mercado.

Adjourn

NOTE: 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 American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours to the meetings. Please contact the City Secretary office at 979-233-3526.

I, Delia Muñoz, 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 W. 2nd Street, Freeport, Texas, August 12th, 2010 at or before 5:00 p.m.

Delia Munoz/City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council of the City of Freeport met on Monday, August 2nd, 2010 at 6:00 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: Larry L. McDonald
Michelle Kent
James W. Phillips – absent
Nicole Mireles
Norma M. Garcia

Staff: Jeff Pynes, City Manager
Wallace Shaw, City Secretary
Delia Munoz, City Secretary
Nat Hickey, Property Manager
Tyrone Morrow, Chief of Police
Gary Pohl, Marshall
Kola Olayiwola, Building Inspector
Carmen Calvillo, Code Inspector
Steve Massoletti, Code Inspector
Billy Shoemaker, EMS Coordinator
Chris Motley, Fire Marshal

Visitors: Jim Pirrung Dorothy Pirrung
Fred Bolton Lila Diehl
Ron Wise Joyce Adkins
Sam Reyna Rosa McDonald
Jerry Meeks John Stanford
Eric Hayes Glenda Fansher
Brad Tutunjia

Call to order.

Mayor called the meeting to order at 6:00 p.m.

Invocation.

Wallace Shaw, City Attorney offered the invocation.

Pledge of Allegiance.

Mayor McDonald led the Pledge of Allegiance.

Consideration of approving the July 19th, & July 28th, 2010 Council Minutes.

On a motion by Councilwoman Garcia, seconded by Councilwoman Mireles, with all present voting "aye", Council unanimously approved the July 19th & July 28th Council Minutes.

Attending citizens and their business.

John Stanford of 703 W. 8th Street, requested City Council to investigate the wasteful spending of City tax funds. He specifically addressed the purchase of two chairs by Police Chief Morrow and City Manager Jeff Pynes.

Consideration of approving Ordinance No. 2010-2254 amending the comprehensive zoning ordinance of said City to change the zoning classification of Lots 65, 65A 65A1, 65A1A, 65B, 65C, 518B, Brazos Coast Investment Company Subdivision, Division 14, F. J. Fields Survey, Abstract 62 and A Calvit League, Abstract 49, Brazoria County, Texas, known locally as 1935, 1949 & 2003 Victoria Street from its present zoning classification of R-3 Multi-Family Residential to a new zoning classification of C-2 General Commercial.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Ordinance No. 2010-2254 amending the comprehensive zoning ordinance of said City to change the zoning classification of Lots 65, 65A 65A1, 65A1A, 65B, 65C, 518B, Brazos Coast Investment Company Subdivision, Division 14, F. J. Fields Survey, Abstract 62 and A Calvit League, Abstract 49, Brazoria County, Texas, known locally as 1935, 1949 & 2003 Victoria Street from its present zoning classification of R-3 Multi-Family Residential to a new zoning classification of C-2 General Commercial.

Consideration of approving Resolution No. 2010-2239 adopting a fee schedule for Emergency Medical Services rendered by the Freeport Fire and EMS Department.

On a motion by Councilwoman Mireles, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Billy Shoemaker's recommendation to adopt a fee schedule for Emergency Medical Services rendered by the Freeport Fire and EMS Department.

Public Hearing: City Council to sit as the Board of Adjustment and Appeals under the Standard Unsafe Building Abatement Code, to consider whether or not the building(s) or structure(s) located at 119 South Gulf Boulevard are unsafe.

Mayor Larry McDonald opened the Public Hearing at 6:07 p.m. Kola Olayiwola, Building Official presented Council with a PowerPoint presentation of the condition of the structure of the Gulf Motel on 119 S. Gulf Boulevard. He explained the Unsafe Building Abatement procedure. Records show that in 2004 owner was properly notified by certified mail, City Council allowed owner 30 days in 2004 to commence repairs, no significant progress has been made towards the repairs or demolition of the structure.

Now in 2009, owner has been properly notified by certified mail, asbestos survey revealed that facility contains asbestos. Staff has exhausted all amicable means in bringing about the repair or demolition of the structure. No significant progress has been made by owner. On December 1st, 2009, an inspection of the property was made by the Building Official and the following deficiencies were found at the time:

- Open structure; open/broken windows or doors.
- Unstable structure: rotten, broken, and/or termites infested structural members such as beams, roof rafter, ceiling and joist, sills top plates and studs. Roof failure; roof leaking, sagging, missing all or part of the roof.
- Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist.
- Foundation failure; breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure.

As of June 2010 the deficiencies are still present.

Mayor McDonald stated that before demolition occurs that an asbestos abatement be done. Mr. Olayiwola agreed.

Joyce Adkins stated that she lived closed by and the building was an eyesore for twenty some years.

Councilwoman Mireles reminded the Building Official to get a turn key bid from the contractor's performing the work.

There being no further comments or questions, Mayor McDonald closed the Public Hearing at 6:22 p.m.

Consideration of authorizing the Mayor to sign a Written Decision finding that the building(s) or structures(s) located at 119 South Gulf Boulevard fail to meet the standards set forth in the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, and are, therefore unsafe.

On a motion by Councilwoman Kent, seconded by Councilwoman Garcia, with all present voting "aye", Council unanimously approved Mayor to sign a Written Decision finding that the building(s) or structures(s) located at 119 South Gulf Boulevard fail to meet the standards set forth in the Standard Code for the Elimination or Repair of Unsafe Buildings adopted by Section 150.025 of the Code of Ordinances of the City, as modified by Section 150.026 of said Code, and are, therefore unsafe.

Consideration of implementing new Professional Standards for Board and/or Commission Members.

On a motion by Councilwoman Mireles, seconded by Councilwoman Kent, with all present voting "aye", Council unanimously approved the new Professional Standards for Board and/or Commission Members.

Mayor McDonald opened the Executive Session at 6:30 p.m.

Executive Session:

Section: 551.071, Government

Consultation with City Attorney concerning pending or contemplated legation, 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:

- Industrial District Contracts
(no action taken)

Mayor McDonald closed the Executive Session at 6:56 p.m. and opened the formal agenda to adjourn.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", Council adjourned at 6:56 p.m.

Delia Munoz
City Secretary

Larry L. McDonald
Mayor

Work Session

Discuss and consider 2010-2011 budget proposal.

Jeff Pynes, City Manager presented a summary and answered Council's questions on the 2nd work shop of the proposed budget for fiscal year 2010-2011. He reviewed the Main Street Program, Municipal Court, Administration, Museum, Marina and Mayor & Council. He asked council for input and any changes before he presents the proposed budget on August 26th, 2010.

There being no further questions, Mayor McDonald closed the budget work shop.

Adjourn

On a motion by Councilwoman Kent, seconded by Councilwoman Mireles, with all present voting "aye", the meeting adjourned at 6:41 p.m.

Larry L. McDonald
Mayor

Delia Munoz
City Secretary

State of Texas

County of Brazoria

City of Freeport, Texas

BE IT REMEMBERED, that the City Council met for a Special Meeting on Thursday, August 5th, 2010 at 6:00 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: Larry L. McDonald - absent
Michelle Kent
James W. Phillips - absent
Nicole Mireles
Norma M. Garcia

Staff: Jeff Pynes, City Manager
Delia Munoz, City Secretary
Tyrone Morrow, Chief of Police
Larry Fansher, Parks Director
Gary Pohl, Marshal

Visitors:	Jim Barnett	Sandra Barnett
	Louie Jones	Joyce Adkins
	Clan Cameron	Manny Rollerson
	Eric Hayes	Lila Diehl
	Sam Reyna	Sandra Barbree
	Jerry Meeks	Rosa McDonald
	Pixie Floyd	Lila Lloyd
	Roddy Mohler	Glenda Fansher

Call to order.

Mayor Pro Tem Norma Garcia called the meeting to order at 6:00 p.m.

Invocation.

Wallace Shaw, City Attorney offered the invocation.

Pledge of Allegiance.

Mayor Pro Tem Norma Garcia led the Pledge of Allegiance.

**TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS,
THEIR AGENTS AND ATTORNEYS, AND TO ALL INHABITANTS AND LAND
OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.**

N O T I C E

A public hearing will be held on Monday, August 16, 2010, at 6:00 o'clock p.m., central daylight savings time, at the Police Department Municipal Courtroom of the City of Freeport, Texas, located at 430 North Brazosport Boulevard, within the corporate limits of said city, in Brazoria County, Texas, at which time and place the City Council of the city will conduct a public hearing to consider whether or not to approve a proposed amendment to the Urban Renewal Plan of the City which would create a greenbelt out of a portion of the lots included in the urban renewal area separating the remainder of the lots included in the urban renewal area from the property adjoining the lots to be included in the greenbelt.

**BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 7th day of July, 2010.**

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

NOTE: This notice should be published in the Brazosport Facts THREE (3) times, the first time being more than thirty (30) days prior to the date of such hearing and the second and third times being, respectively, on the seventh and the fourteenth days after the day of the first publication.

RESOLUTION NO. 2010-2243

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; APPROVING AN AMENDMENT TO THE URBAN RENEWAL PLAN 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, 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, Section 374.014 of the Local Government Code and Sections 2.01, 2.02 and Item (u) of Section 3.07 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 and do 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 persons who will reside in the areas being acquired by the City's Urban Renewal Agency.

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, makes the following findings of fact:

(1) On September 6, 2000, the Planning Commission of the City reviewed and recommended for approval an Urban Renewal Plan, Project One, which included most of the lots and blocks of the Velasco Townsite, as recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas, described generally as lying south of the Interceptor Drainage Canal, east of Skinner Street, west of Velasco Boulevard (FM 523) and north of Avenue F.

(2) On September 12, 2000, the Urban Renewal Agency of the City reviewed and recommended such Urban Renewal Plan for approval.

(3) On October 16, 2000, the City Council of the City, by its Resolution No. 1901, approved such Urban Renewal Plan.

(4) On June 24, 2010, the Urban Renewal Agency of the City reviewed and recommended for approval the amendment of such Urban Renewal Plan to create a green belt and/or buffer zone for industrial environments adjoining residential development the block of said townsite hereinafter listed.

(5) July 27, 2010, the Planning Commission of the City reviewed reviewed and recomended such amendment for approval.

(6) Such amendment will not necessitate the relocation of families or individuals because all of the lots included in the blocks of said townsite to be included in such green belt and/or buffer zone are vacant.

(7) The Urban Renewal Plan for Project One, as amended, conforms to the general plan for municipal development of the City.

(8) The Urban Renewal Plan for Project One, as amended, offers the maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

Second, the amendment of the Urban Renewal Plan for Project One recommended and approved by the Urban Renewal Agency of the City and the Planning Commission of the City is hereby approved by the City Council and designated Project One-A, which shall consist of the development of the following blocks of the Velasco Townsite as a green belt and/or buffer zone, including but not being limited to the abandonment of rights-of-way for streets and alleys as shown on the above mentioned map or plat of said townsite:

652	653	647	646	614	615
616	611	610	609	580	581
582	583	579	578	577	576
549	550	551	552	547	546
545	544	517	518	519	520
515	514	513	512	94	93
92	77	78	79		

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 _____,
2010.

Larry McDoald, Sr., 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

Freeport.URA\UR Plan-Amn-Rsl

§ 374.014. Municipal Urban Renewal Plan

(a) A municipality may not prepare an urban renewal plan for an area unless the governing body of the municipality has, by resolution, declared the area to be a slum area, a blighted area, or both, and has designated the area as appropriate for an urban renewal project. The governing body may not approve an urban renewal plan until a general plan has been prepared for the municipality. A municipality may not acquire real property for an urban renewal project until the governing body has approved the urban renewal plan as provided by Subsection (d).

(b) Any person may submit an urban renewal plan to the municipality. The governing body, before approving the plan, must submit the proposed plan to the urban renewal agency and the planning commission, if any, for review and recommendations as to the plan's conformity with the general plan for municipal development. The urban renewal agency and the planning commission shall submit written recommendations relating to the proposed urban renewal plan to the governing body within 30 days after the date the plan is received for review. On receipt of those recommendations, the governing body shall hold a hearing relating to the proposed plan as provided by Subsection (c). If recommendations are not proposed within the 30-day period, the governing body may hold the hearing without recommendations.

(c) The governing body must hold a public hearing on the proposed urban renewal plan before it may approve the urban renewal plan. The governing body shall publish notice of the hearing three times in a newspaper of general circulation in the municipality. The first notice must be published before the 30th day before the date of the hearing. The notice must state the time, date, place, and purpose of the hearing, must generally identify the urban renewal area, and must describe the general scope of the urban renewal project under consideration.

(d) After the hearing, the governing body may approve an urban renewal plan if the governing body finds that:

(1) a feasible method exists for the relocation, in decent, safe, affordable, and sanitary accommodations, of families or individuals who will be displaced from the urban renewal area, without undue hardship to those persons;

(2) the urban renewal plan conforms to the general plan for municipal development; and

(3) the urban renewal plan offers the maximum opportunity, consistent with the needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(e) An urban renewal plan may be modified at any time. If modified after the lease or sale by the municipality of real property within the urban renewal project area, the modification is subject to the rights at law or in equity of the lessee or purchaser, or that person's successor in interest. If a proposed modification affects the street layout, land use, public utilities, zoning, if any, open space, or density of the area, the modification may not be made until it is submitted to the planning commission and a report is made to the governing body as provided by Subsection (b).

(f) After the municipality approves an urban renewal plan, the provisions of the plan that relate to the future use of the affected property and the building requirements applicable to the property control with respect to that property.

(g) If a building in a good state of repair is located in an urban renewal area and may be incorporated into an urban renewal project pattern or plan for that area, the building may not be acquired without the consent of the owner. If the owner of property in an urban renewal area agrees to use the property in a manner that is consistent with the purposes of the urban renewal plan and if improvements to the property do not constitute a fire or health hazard, that property is not subject to the exercise of eminent domain authority. A property owner may contest before the governing body any exercise of eminent domain authority that affects that person's individual ownership and may appeal to the district court. The review on appeal is by trial de novo.

§ 374.017. Disposition of Property

(a) Subject to the covenants, conditions, and restrictions, including covenants running with the land, that the municipality considers to be in the public interest or necessary to implement this chapter and that are written into the instrument transferring or conveying title, and after the governing body of the municipality approves the urban renewal plan, the municipality may:

(1) sell, lease, or otherwise transfer real property or an interest in real property in an urban renewal area for residential, recreational, commercial, industrial, or other uses, including a public use, and enter contracts relating to the transfer; or

(2) retain the property or interest for public use in accordance with the urban renewal plan.

(b) The original owner from whom property was acquired under this chapter by condemnation or through threat of condemnation has the first right to repurchase the property at the price at which it is offered.

(c) The purchaser or lessee of property transferred under this section, and a successor in interest to such a person, including an assignee, must devote the property to the uses specified in the urban renewal plan and may be obligated to comply with conditions specified in the deed of conveyance, including the requirement to begin any improvements required by the urban renewal plan within a reasonable time.

(d) Real property or an interest in real property subject to this section may only be sold, leased, or otherwise transferred or retained at not less than the fair value of the property for uses in accordance with the urban renewal plan. In determining the fair value, the municipality shall consider:

(1) the uses provided in the urban renewal plan;

(2) any restrictions on and any covenants, conditions, and obligations assumed by the purchaser, lessee, or municipality in retaining the property;

(3) the objectives of the plan for the prevention of the recurrence of slums or blighted areas; and

(4) any other matters that the municipality specifies as appropriate.

(e) The municipality or urban renewal agency may provide in an instrument of conveyance to a private purchaser or lessee that the purchaser or lessee may sell any or all of the unimproved property without profit to the seller. After improving a parcel of real property in accordance with the development plan adopted for the area, the purchaser may sell the parcel before completion of the development of the area or tract purchased, but the sale does not relieve that purchaser from the obligation of completing the development of that area or tract. The purchaser may sell a parcel of land purchased for redevelopment to another person who is obligated to improve the parcel as provided by the development plan for that project if the resale is without profit to the seller and if any subsequent purchaser is required to improve the property as provided by the urban renewal plan and by the conditions contained in the deed of conveyance.

(f) A municipality shall sell real property acquired by the municipality that is to be sold to private developers in accordance with the urban renewal plan as rapidly as is feasible in the public interest and consistent with the goals of the urban renewal plan. An instrument executed by a municipality or by an urban renewal agency that purports to convey any right, title, or interest in any property under this chapter is presumed to be executed in compliance with this chapter with respect to the title or interest of any bona fide lessee, transferee, or purchaser of the property.

NOTICE OF PUBLIC HEARING

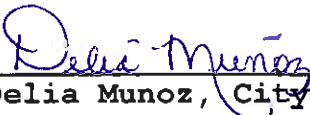
The City Council of the City of Freeport, Texas, will hold a public hearing on Monday, August 16, 2010, beginning at 6:00, p.m., in the Police Department Municipal Courtroom located therein at 430 North Brazosport Boulevard, Freeport, Brazoria County, Texas, to consider designating the following described real property located within the corporate boundaries of the City as a reinvestment zone for the purpose of entering into an agreement with the owner or owners thereof granting a tax abatement:

Lot 17, Brazos Landing Court, Section 1, Brazoria County, Texas, and all improvements thereon, known locally as 116 Brazos Landing Court, Freeport, Texas.

On the same date and at the same time and place, the City Council of the City of Freeport, Texas, will consider entering into an agreement granting a tax abatement to the owner or owners of the above described real property.

All interested persons will be given an opportunity to speak and present evidence for or against such designation and for and against such abatement.

By order of the City Council this 2nd day of August, 2010.



Delia Muñoz, City Secretary
City of Freeport, Texas

NOTE: This notice should be published in the Brazosport Facts ONE (1) time only at least seven (7) full days prior to the date of the public hearing. A copy of this notice, together with a copy of the proposed tax abatement agreement, should also be sent to the presiding officer of all other taxing units having jurisdiction over the above described property at least seven (7) full days prior to the date of the public hearing.

ORDINANCE NO. 2010-2255

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT; DESIGNATING IMPROVEMENTS TO LAND LOCATED WITHIN THE INCORPORATED LIMITS OF SAID CITY AS A REINVESTMENT ZONE TO BE KNOWN AS THE AGUSTIN and MARISOL SERRANO REINVESTMENT ZONE AND PROVIDING FOR ITS INITIAL TERM AND THE RENEWAL THEREOF; CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND 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 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 of Freeport has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City.

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

First, the City Council of the City of Freeport, Texas, (herein after sometimes "the City") makes the following findings of fact:

(1) That on September 14, 2009, the City Council of the City, pursuant to Subchapter B of Chapter 312 of the Property Tax Code, adopted Resolution No. 2009-2207 establishing a tax abatement and reinvestment zone policy and adopting guidelines and criteria for the same.

(2) That pursuant to such guidelines and criteria, on July 16, 2010, AGUSTIN SERRANO and wife, MARISOL SERRANO (hereinafter sometimes "the Owner") filed a written application for a tax abatement for and the designation of a reinvestment zone consisting of improvements to the hereinafter described land for which the Owners are requesting a tax abatement.

(3) That the land on which the improvements for which the Owners seek to have designated as a reinvestment zone is within the corporate limits of the City.

(4) That the adoption of this ordinance designating such reinvestment zone was preceded by a public hearing at which all interested persons were given the opportunity to speak and present evidence for or against such designation.

(5) That written notice of such hearing was given to the presiding officer of each of the other taxing units having real property within such zone more than seven (7) days prior to the date of such hearing.

(6) That notice of such hearing was also published in a newspaper of general circulation within the City of Freeport, Texas, more than seven (7) days prior to the date of such hearing.

(7) That the improvements to be constructed on such land is a new residence which will add value to the tax roll of the City.

Second, the request of the Owners to have the improvements to Lot 17, Brazos Landing Court, Section 1, Brazoria County, Texas, and all improvements thereon, known locally as 116 Brazos Landing Court, Freeport, Texas, designated as a reinvestment zone, as such zone is defined in Subchapter B of Chapter 312 of the Property Tax Code and in the guidelines and criteria adopted by the above mentioned resolution, is hereby approved and such improvements to such land are hereby designated as the Agustin and MARISOL Serrano Reinvestment Zone.

Third, as provided in Subchapter B of Chapter 312 of the Property Tax Code, such designation shall last for an initial term of five (5) years from the date on which this ordinance is read, passed and adopted as indicated below; and such designation may be renewed, with the consent of the City Council of the City of Freeport, Texas, for successive periods up to five (5) additional years.

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 ordinances are hereby expressly saved from repeal.

Fifth, where this ordinance and the comprehensive zoning ordinance of the city conflict or overlap, the zoning ordinance shall prevail and where this ordinance and any other ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Sixth, 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.

Seventh, 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.

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

READ, PASSED AND ADOPTED this _____ day of _____, 2010.

Larry McDonald, Sr., Mayor
City of Freeport, Texas

ATTEST:

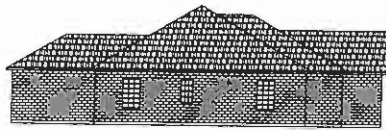
Delia Muñoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

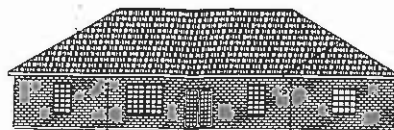


Wallace Shaw, City Attorney,
City of Freeport, Texas

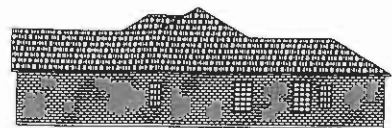
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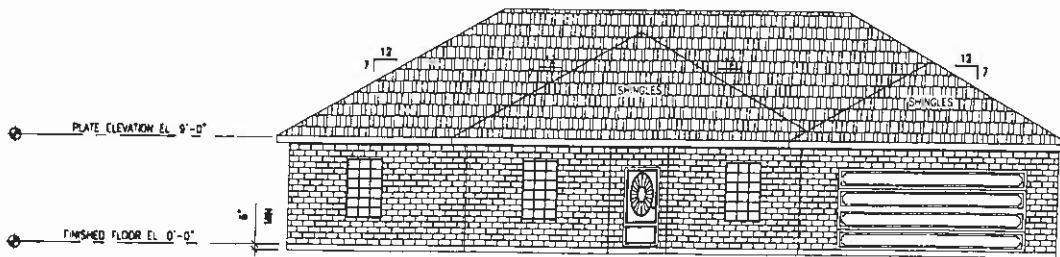
LEFT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/8" = 1'-0"



RIGHT ELEVATION
SCALE 1/8" = 1'-0"



FRONT VIEW
SCALE 1/4" = 1'-0"

NO.	DESCRIPTION	BY	CHK	DATE	NO.	DESCRIPTION	BY	CHK	DATE	REVISIONS	DATE	DESCRIPTION	BY	CHK	DATE

ISSUED FOR
WINDSTORM REVIEW

G & G CONTRACTORS
CONSTRUCTION AND TECHNICAL SERVICES

1704 County Road 2014
Houston, Texas 77058
Tel: (281) 273-8800
Fax: (281) 273-8803
www.gandgcontractors.com

Pg. 820

AGUSTIN & MARISOL SERRANO
BRAZOS LANDING, LOT 17, FREEPORT, TX
HOUSE PLAN

DATE: 10/20/10
SCALE: 1/8" = 1'-0"
DRAWN BY: [Signature]

RESOLUTION NO. 2010-2241

AN RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; GRANTING A TAX ABATEMENT TO AGUSTIN SERRANO AND WIFE, MARISOL SERRANO, PURSUANT TO THE TERMS AND CONDITIONS OF AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, A TAX ABATEMENT AGREEMENT WITH THE SAID AGUSTIN SERRANO AND WIFE, MARISOL SERRANO, CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS THEREOF.

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 of Freeport 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 of Freeport (hereinafter sometimes "the City") makes the following findings of fact:

(1) That on September 14, 2009, by its Resolution No.2009-2207, the City Council, pursuant to Subchapter B of Chapter 312 of the Property Tax Code, established a tax abatement and reinvestment zone policy and adopting guidelines and criteria for the City.

(2) That on July 16, 2010, pursuant to such guidelines and criteria, AGUSTIN SERRANO AND WIFE, MARISOL SERRANO (hereinafter sometimes "the Owner") filed a written application requesting a tax abatement for the following land owned by the Owner, to-wit: Lot 17, Brazos Landing Court, Section 1, Brazoria County, Texas, and all improvements thereon, known locally as 116 Brazos Landing Court, Freeport, Texas.

(3) That the land for which the Owner seeks a tax abatement is within the corporate limits of the City and in a reinvestment zone designated as such by Ordinance No. 2010-2255.

(4) That more than seven (7) days prior to the adoption of this resolution written notice of the date and time of a public hearing to consider such application and of the intent of the City Council of the City to enter into a proposed tax abatement agreement and a copy thereof was sent to the presiding officer of all other taxing units having jurisdiction over such property.

(5) That notice of such hearing was also published in a newspaper having general circulation within the City was also published more than seven (7) days prior to the date of such hearing.

(6) That after conducting such hearing, the City Council finds that the granting of such tax abatement and entering into such agreement therefor the construction of a new residence which will add value to the tax roll of the City.

Second, the tax abatement requested by the above mentioned application is hereby granted pursuant to the terms and conditions of and the Mayor and City Secretary of the City are hereby authorized to execute and attest, respectively, a Tax Abatement Agreement with the Owner.

Third, if any section or provision of this resolution is found to be unconstitutional, void or inoperative by a court of competent jurisdiction, such section or provision, if any, is hereby declared to be severable from the remaining sections and provisions hereof which provisions 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.

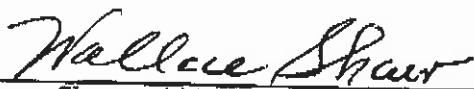
READ, PASSED AND ADOPTED this _____ day of _____, 2010.

Larry McDonald, Sr., 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.Abt\Serrano-A&M-TxAbtAgmt-Rs1

TAX ABATEMENT AGREEMENT

This Tax Abatement Agreement (this "Agreement") is made by and between the City of Freeport, Texas a municipal corporation and home-rule city (the "City"), and AGUSTIN SERANO and wife, MARISOLE SERRANO(the "Owner", whether one or more), individuals residing at 727 West 4th St., Freeport, Texas, and the owner of interests in real property located within the Zone (as defined below).

W I T N E S S E T H:

WHEREAS, the construction of new residences within the City is paramount to the City's continued economic development; and

WHEREAS, the Owner desires to construct a new dwelling costing in excess of \$5,000.00 to be used for the Owner's personal residence; and

WHEREAS, the Owner has filed a written request for tax abatement, dated as of July 16, 2010, in accordance with the City's Resolution No. 2009-2207, adopted September 14, 2009, (hereinafter "the Resolution") which establishes the property tax abatement program for the City of Freeport in designated reinvestment zones; and

WHEREAS, it is reasonably likely that this Agreement will attract major investment in the Zone that would be of benefit to property within the Zone and that would contribute to the economic development of the City; and

WHEREAS, the City Council has determined that the Improvements are practical and are of benefit to the land within the Zone and to the City; and

WHEREAS, the City Council finds that there will be no substantial potential adverse effect on the provision of City services or on the tax base caused by this Agreement; and

WHEREAS, the Owner has represented that the facility will be designed and constructed to meet all applicable federal, state, and local environmental degradation of hazard; and

WHEREAS, the City Council finds that the planned use of the Improvements, when constructed and operated in accordance with applicable environmental standards, will not constitute a hazard to public health, safety, or morals; and

WHEREAS, City Council finds that the terms of this Agreement meet the applicable requirements of the Resolution and The Texas Tax Code; and

NOW THEREFORE,, the parties hereto, for and in consideration of the premises and mutual promises stated herein, agree as follows;

1. Definitions

The following terms shall have the meanings assigned below, unless otherwise defined or the context clearly requires otherwise.

"Abatement Period" means that period which commences on the first day of the Effective Date of Abatement and ends three (3) years thereafter.

"BCAD" means the Brazoria County Appraisal District.

"City" means the City of Freeport, Texas.

"City Manager" means the City Manager of the City.

"Effective Date of Abatement" means the January 1, 2011.

"Eligible Property" means new residential structures, the modernization of existing residential structures, and the development of new subdivisions within the City which expands the local tax base as those terms are defined in the Guidelines and Criteria for Tax Abatement in the City of Freeport attached to and adopted by the Resolution.

"Improvements" means the improvements to the property, more fully described in Section 5 below, constituting the Project.

"Ordinance" means City of Freeport Ordinance Number _____, which created the Zone.

"Owner" means AGUSTIN SERANO and wife, MARISOLE SERRANO.

"Project" means the improvements to be constructed] by the Owner on the Real Property as more fully described in Section 5(c) below.

"Property" means the real property to be improved, as more fully described in Section 3(a) below.

"Resolution" means City of Freeport Resolution 2009-2207 adopted September 14, 2009, establishing the property tax abatement program for the City in designated reinvestment zones, for which an abatement is being granted.

"Tax Code" means the Texas Property Tax Code, as amended.

"Zone" means the AGUSTIN and MARISOLE SERRANO Reinvestment Zone, which is more particularly described in the Ordinance.

2. Authorization

This Agreement is authorized by Resolution which established the property tax abatement program for properties in designated reinvestment zones and by the Ordinance.

3. Property

(a) The Street Address of the taxable real property to be improved under this Agreement is 116 Brazos Landing Court, Freeport, Texas. It is more fully described as Lot 17, Brazos Landing Court, Section 1, Brazoria County, Texas, and all improvements thereon.

(b) The BCAD tax account number(s) of the Property are: 2067-0017-000.

4. **Representations and Warranties by the Owner**

(a) The Owner represents that the Owner owns the Property and that the Property is located within the boundaries of the Zone. The Owner represents that the Owner is authorized to execute this Agreement and to complete the Improvements described in Section 5 hereof and in the project description marked Exhibit "A" and attached hereto. Owner represents that, as of January 1, 2010, the Property had an approximate appraised value of \$24,430.00. The Owner represents and warrants that the construction of the Improvements described in Exhibit "A" will begin on or about August 1, 2010, and that construction of the Improvements will have been completed as of the effective date of this Agreement. The Owner represents and warrants that the construction of the Improvements shall be completed as described in Exhibit "A", all for the purpose of erecting a new residence on the Property. The total size of the Property is approximately 0.2671 acres or 11,633 square feet.

(b) The Owner represents and warrants that the value of the Property will increase by at least \$120,000.00 upon completion of the Improvements.

(c) The Owner represents and warrants that it will construct and operate the Project described in Exhibit "A", attached hereto and incorporated herein by reference, in accordance with the terms thereof.

(d) The Owner represents and warrants that the Improvements will be designed, constructed, and occupied in accordance with all applicable federal, state, and local environmental regulations, and that the construction and operation of the Improvements will not cause environmental degradation or hazard to the Property or the environs of the City.

5. **Terms of the Agreement**

(a) The Owner shall make the Improvements substantially in conformity with the descriptions, plans and specifications as described in Exhibit "A".

(b) The Improvements shall be completed in accordance with the provisions of Exhibit "A" and the City's Building and other Standard Codes and shall conform to the City's Zoning Ordinance. In case of any conflict, the Building or Standard Code or Zoning Ordinance, as the case may be, shall prevail. In addition, the Owner shall comply with City's Subdivision Ordinance, if applicable.

(c) Upon completion of the Improvements, the Owner shall use the Property for the proposed use specified in this paragraph during the Abatement Period specified in Section 6 hereof. However, the City Council may approve a change from the proposed use in writing, if the City Council determines that the change is consistent with the guidelines adopted by the resolution and with the City's general purpose of encouraging development or redevelopment of the Zone during the Abatement Period specified in Section 6 hereof. The proposed use of the Property (unless and until the City Council approves a change in use) is for a single-family dwelling, pursuant to and to the extent described in Exhibit "A" attached hereto and incorporated herein by reference.

(d) The Owner shall not assign this Agreement without the written approval of the City Council. In addition, any such assignment must be approved by the City Council.

(e) The Owner shall allow the City's employees access to the Property for the purpose of inspecting the Improvements to ensure that the Improvements were completed and are being maintained in accordance with the terms of this Agreement. All inspections will be made only after giving the Owner notice at least twenty-four (24) hours in advance thereof, and will be conducted in such manner as to not unreasonably interfere with the construction and/or operation of the Project. All inspections will be made with one (1) or more representatives of the Owner and in accordance with the owner's safety and security standards, but this shall not act as a limitation on the City's ability to perform any inspection or enter the affected property pursuant to the Code of Ordinances, the Building Code or other Standard Code or otherwise.

6. Tax Abatement

(a) Abatement on the Improvements specifically listed in Exhibit "A" shall be permitted only for the value of new "eligible property" constructed or added after January 1, 2010, subject to the limitation stated in subsection 5© above. In addition, this exemption from taxation is specifically subject to the rights of the holders of outstanding bonds of the City. If the construction period extends beyond one (1) year from the Effective Date of Abatement, the Improvements shall be considered completed for purposes of abatement and, in no case, shall the Abatement Period exceed three (3) years from the Effective Date of Abatement.

(b) From the Effective Date of Abatement to the end of the Abatement Period, taxes shall be payable as follows:

1. The value of (i) the property on which the project is located without regard to any improvements thereon and (ii) any tangible personal property not attached to the land for which an abatement has not been specifically granted shall be fully taxable;

2. The base year value of any improvements on the property which are not eligible improvements shall be fully taxable;

3. The additional value of the eligible improvements constructed after January 1, 2010, but before the effective date of this Agreement, shall be taxable in accordance with Section 6(a) of this Agreement.

4. Any eligible improvement described in Exhibit "A" and installed in the property pursuant to this Agreement, that is removed from the property for longer than a temporary repair period, shall be fully taxable.

(c) The City shall enter into only one tax abatement agreement for the Project described in Exhibit "A" of this Agreement during the existence of the Zone.

7. Default and Recapture

(a) This Agreement shall terminate in the event that the use and use of the improvements for the purpose specified in Section 5(c) above is discontinued, for any reason excepting fire, explosion, other casualty or accident, or natural disaster, continuously for a period in excess of twelve (12) month during the Abatement Period. The Owner shall not be entitled to the abatement of taxes for that twelve (12) month period during which the facility did not produce a product or service. The taxes abated during that twelve (12) month period shall become immediately due and payable, and shall be paid to the City within sixty (60) days from the date of termination of this Agreement.

(b) The Owner shall be in default hereof in the event that the Owner:

1. allows ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protection and/or contest; or

2. has made any material representation which is determined to be false or misleading in any respect; or

3. is in breach of any material warranty and fails to cure within 60 days from the date notice is provided thereof as described below (the "Cure Period"); or

4. violates any of the terms and conditions of this Agreement and fails to cure during the Cure Period.

(c) Should the City Council determine that the Owner is in default according to the terms and conditions of this Agreement, the City Manager shall notify the Owner in writing at the address stated in this Agreement, and if such default is not cured during the Cure period, then this Agreement may be terminated as to all parties and all taxes previously abated by virtue of this Agreement, shall be recaptured, and paid by the Owner within sixty (60) days of the termination.

12. Effective Date

If approved by the Mayor and City Council, the Effective Date of this Agreement shall be the Effective Date of Abatement as defined in Section 1 hereof.

This agreement has been executed by the parties in multiple originals, each having full force and effect.

Agustin Serrano

Marisole Serrano

THE CITY OF FREEPORT, TEXAS

BY _____
Its Mayor

ATTEST:

Its City Secretary

APPROVED AS TO FORM

Its City Attorney

C:\Freeport.Abt\Serano-A&M-TxAbtAgmt

RESOLUTION NO. 2010-2242

AN RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE AND ACKNOWLEDGE, AND THE CITY SECRETARY AND CITY MANAGER TO WITNESS, A TEMPORARY CONSTRUCTION EASEMENT; 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 THEREOF.

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, Section 51.072 of the Local Government Code and Section 2.01 and Item (u) of Section 3.07 of the Home Rule Charter of the City 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 economy thereof.

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

First, that the Mayor be and is hereby authorized to execute and acknowledge, and the City Secretary City Manager, be and they are hereby authorized to witness a Temporary Construction Easement in favor of the UNITED STATES OF AMERICA and its assigns, hereinafter called VENDEE, including its officers, agents, servants and contractors, a temporary construction easement and right-of-way, in, on, over, and across the land described and shown on Exhibits "A" and "B" attached hereto and made a part hereof, for a period not to exceed one (1) year, beginning from the effective date of such instrument, for use as a work area.

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

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

READ, PASSED AND ADOPTED this _____ day of _____, 2010.

 Larry McDonald, Sr., Mayor,
 City of Freeport, Texas

ATTEST:

 Delia Muñoz, City Secretary
 City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw

 Wallace Shaw, City Attorney,
 City of Freeport, Texas

John T. Jakubik & Associates, LLC

4309 Greenbriar Drive • Stafford, Texas 77477 • 281/240-0498 • Fax 281/240-2435
www.jakubiksurveying.com

DESCRIPTION OF 11.605 ACRES TEMPORARY WORK EASEMENT DANIEL GILLELAND SURVEY, A-196 BRAZORIA COUNTY, TEXAS

Being an 11.605 acre Temporary Work Easement situated in the Daniel Gilleland Survey, A-196, Brazoria County, Texas sited where an existing 24 inch Brine Disposal Pipeline from the Bryan Mound SPR Facility crosses the coastal marsh land and public beach; said 11.605 acres being more particularly described as follows:

BEGINNING at a point along said existing 24" Brine Disposal Pipeline where it crosses the toe of an existing levee at the northern edge of said coastal marsh; said point having the Texas Coordinate X=3,132,136 and Y=13,526814, South Central Zone (NAD'83);

THENCE, Northeasterly, along the toe of said levee as follows:
N 54° 08' 39" E, a distance of 51.44 feet to an angle point;
N 53° 45' 45" E, a distance of 195.16 feet to an angle point;
N 53° 20' 09" E, a distance of 53.44 feet to the northeast line of said temporary easement for corner;

THENCE, S 35° 18' 51" E, parallel with and 300 feet northeasterly of said Brine Disposal Pipeline, a distance of 675.97 feet to a point at the water's edge (as measured at 10:00AM on November 30, 2009) of the Gulf of Mexico for corner;

THENCE, Southwesterly, along said water's edge as follows:
S 48° 21' 38" W, a distance of 93.47 feet to an angle point;
S 42° 46' 39" W, a distance of 128.85 feet to an angle point;
S 42° 41' 19" W, a distance of 125.62 feet to an angle point;
S 48° 28' 45" W, a distance of 144.72 feet to an angle point;
S 48° 42' 26" W, a distance of 215.45 feet to the southwest line of said temporary easement for corner;

THENCE, N 35° 18' 51" W, parallel with and 400 feet southwesterly of said Brine Disposal Pipeline, a distance of 785.26 feet to a point for corner;

THENCE N 53° 20' 11" E, a distance of 135.10 feet to a point on the toe of said levee;

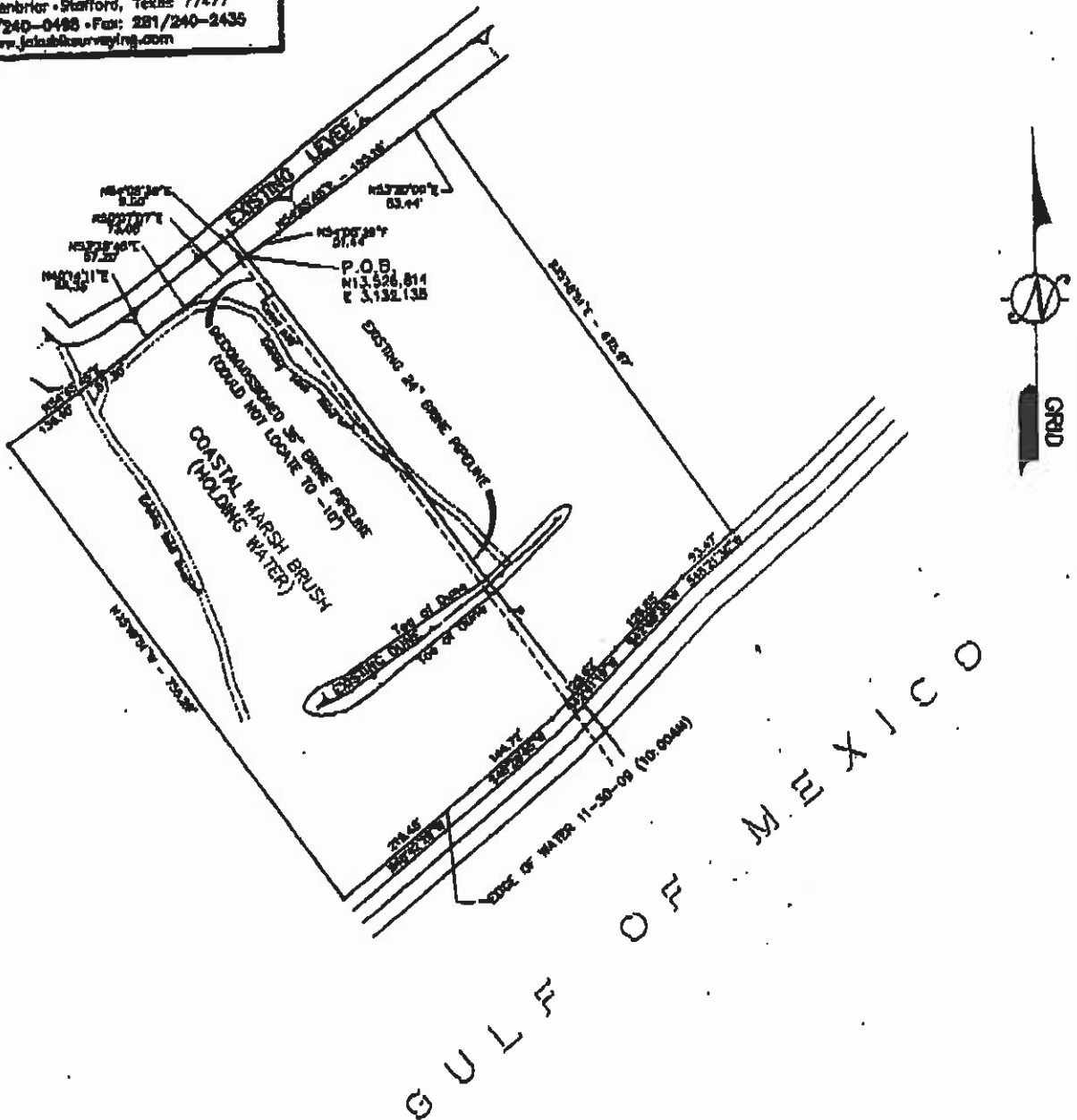
THENCE, Northeasterly, along the toe of said levee as follows:
N 53° 20' 11" E, a distance of 57.30 feet to an angle point;
N 49° 14' 11" E, a distance of 68.35 feet to an angle point;
N 53° 38' 46" E, a distance of 57.20 feet to an angle point;
N 50° 57' 07" E, a distance of 73.08 feet to an angle point;
N 54° 08' 39" E, a distance of 9.50 feet to the POINT OF BEGINNING and containing 505, 510 square feet or 11.605 acres.

All bearings and coordinates are based on the Texas Coordinate System, South Central Zone (NAD'83).

Date: 03-09-2010
File: 7582TempEsmt

EXHIBIT "A"

John T. Jakubik & Associates, LLC
 4309 Greentriar • Stafford, Texas 77477
 Phone: 281/240-0488 • Fax: 281/240-2435
 www.jakubiksurveying.com



All bearings and coordinates shown are referenced to the Texas Coordinate System, South Central Zone (NAD 83).

ASRC GULF STATES CONSTRUCTORS		
TEMPORARY WORK EASEMENT FOR 24" BRINE DISPOSAL PIPELINE DANIEL GILLELAND SURVEY, A-185 BRAZORIA COUNTY, TEXAS		
DATE: 03-22-2010	SCALE: 1" = 200'	JOB No.: 04-11-7882
CH:	RFV:	ACAD FILE: ASRC702023M1

TEMPORARY CONSTRUCTION EASEMENT

THE STATE OF TEXAS	X	
	X	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BRAZORIA	X	

THAT the City of Freeport, Texas, a municipal corporation lying and situated in Brazoria County, Texas, hereinafter called VENDOR, for and in consideration of the sum of TEN DOLLARS (\$10) AND OTHER VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, has bargained, sold, transferred, conveyed, set over and delivered, and by this act does hereby sell, convey, transfer, set over and deliver with all legal warranties and full substitution and subrogation in and all rights and action in warranty to Vendor he or may have against all preceding owners and vendors, unto the UNITED STATES OF AMERICA and its assigns, hereinafter called VENDEE, including its officers, agents, servants and contractors, a temporary construction easement and right-of-way, in, on, over, and across the land described and shown on Exhibits "A" and "B" attached hereto and made a part hereof, for a period not to exceed one (1) year, beginning from the effective date of this instrument, for use as a work area, including the right to deposit and remove fill, spoil and waste material, move, store and remove equipment and supplies, and erect and remove temporary structures on said land and to perform any other work necessary and incident to the relocation or lowering of a brine pipeline and appurtenances thereto within the Vendee's existing pipeline easement, together with the right to trim, cut, fell and remove all trees, underbrush, obstructions, and any other vegetation, structures or obstacles from said land, subject however to existing easements.

Said temporary easement shall be for the use of the Strategic Petroleum Reserve, as authorized by the Act of Congress, approved December 22, 1975, Public Law 94-163, 89 Stat. 87143 U.S.C. 6201, and pursuant to 42 U.S.C.6239: reserving however, to Vendor, its heirs, successors and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easements hereby acquired, subject however, to any existing easements for public roads and highways, public utilities, railroads, pipelines, existing easement, and to any existing mineral rights of record belonging to third parties.

The Vendor warrants that the land affected by the easements and rights of way herein conveyed are owned by it in fee simple, that all State and County taxes, up to and including the taxes due and exigible in the year 2009 have been paid, with all subsequent taxes, if any, to be paid by Vendor, and that said land is free from any mortgage, lien, judgement or any other encumbrance whatsoever.

Witness our hands this the _____ day of _____, 2010.

WITNESSES:

VENDOR:

Its City Secretary

THE CITY OF FREEPORT, TEXAS

Its City Manager

By: _____
Its Mayor

VENDEE:

UNITED STATES OF AMERICA

BY: _____
Jerome L. Williams

Title: Realty Officer

THE STATE OF TEXAS

COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared LARRY McDONALD, SR., who acknowledge to me that the foregoing easement was executed by him for the purpose and consideration therein expressed, in the capacity therein stated, and as the free act and deed of the City of Freeport, Texas.

Given under my hand and seal of office on this _____ day of _____, 2010.

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: _____

(Printed name of notary)

THE STATE OF LOUISIANA X
 X
PARISH OF JEFFERSON X

Before me, the undersigned authority, on this day personally appeared Jerome L. Williams, Realty Officer/Certified Realty Specialist, known to me to be the person whose names are subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of the United States of America.

Given under my hand and seal of office on this _____ day of _____, 2010.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

(Printed name of notary)

Freeport.Sal/Temp Const Esmt

John T. Jakubik & Associates, LLC

4309 Greenbriar Drive • Stafford, Texas 77477 • 281/240-0498 • Fax 281/240-2435
www.jakubiksurveying.com

DESCRIPTION OF 11.605 ACRES TEMPORARY WORK EASEMENT DANIEL GILLELAND SURVEY, A-196 BRAZORIA COUNTY, TEXAS

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BEGINNING at a point along said existing 24" Brine Disposal Pipeline where it crosses the toe of an existing levee at the northern edge of said coastal marsh; said point having the Texas Coordinate X=3,132,135 and Y=13,526814, South Central Zone (NAD'83);

THENCE, Northeasterly, along the toe of said levee as follows:
N 54° 08' 39" E, a distance of 51.44 feet to an angle point;
N 53° 45' 45" E, a distance of 195.16 feet to an angle point;
N 53° 20' 09" E, a distance of 53.44 feet to the northeast line of said temporary easement for corner;

THENCE, S 35° 18' 51" E, parallel with and 300 feet northeasterly of said Brine Disposal Pipeline, a distance of 876.97 feet to a point at the water's edge (as measured at 10:00AM on November 30, 2009) of the Gulf of Mexico for corner;

THENCE, Southwesterly, along said water's edge as follows:
S 48° 21' 36" W, a distance of 93.47 feet to an angle point;
S 42° 48' 38" W, a distance of 128.85 feet to an angle point;
S 42° 41' 18" W, a distance of 125.62 feet to an angle point;
S 48° 28' 45" W, a distance of 144.72 feet to an angle point;
S 48° 42' 26" W, a distance of 215.45 feet to the southwest line of said temporary easement for corner;

THENCE, N 35° 18' 51" W, parallel with and 400 feet southwesterly of said Brine Disposal Pipeline, a distance of 755.26 feet to a point for corner;

THENCE N 53° 20' 11" E, a distance of 135.10 feet to a point on the toe of said levee;

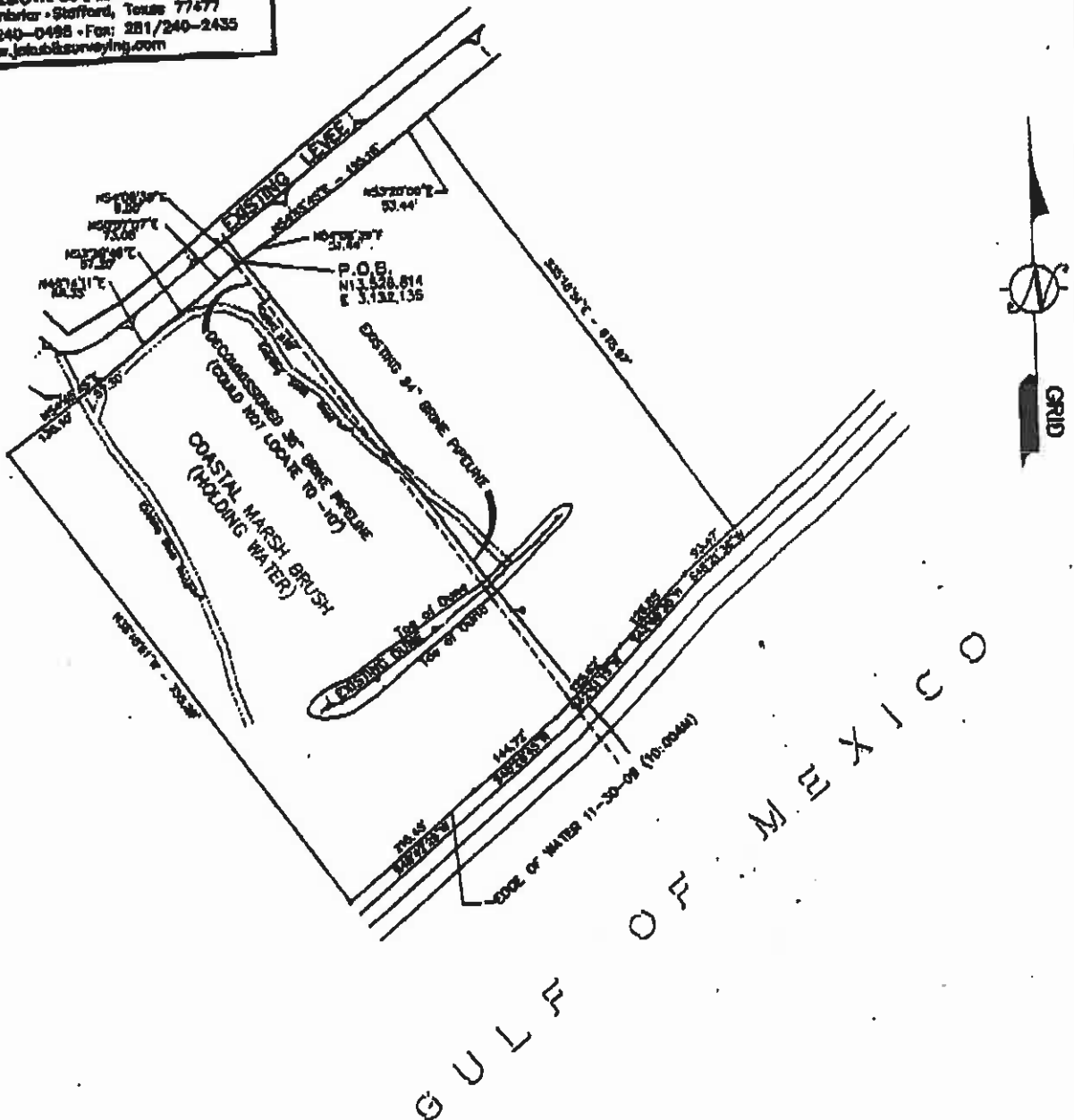
THENCE, Northeasterly, along the toe of said levee as follows:
N 53° 20' 11" E, a distance of 57.30 feet to an angle point;
N 49° 14' 11" E, a distance of 68.35 feet to an angle point;
N 53° 38' 46" E, a distance of 57.20 feet to an angle point;
N 50° 57' 07" E, a distance of 73.08 feet to an angle point;
N 54° 08' 39" E, a distance of 0.50 feet to the POINT OF BEGINNING
and containing 505, 510 square feet or 11.605 acres.

All bearings and coordinates are based on the Texas Coordinate System, South Central Zone (NAD'83).

Date: 03-09-2010
File: 7892TempEsmt

EXHIBIT "A"

John T. Jakubik & Associates, LLC
 4309 Greentree • Stafford, Texas 77477
 Phone: 281/240-0488 • Fax: 281/240-2435
 www.jakubiksurveying.com



All bearings and coordinates shown are referenced to the Texas Coordinate System, South Central Zone (NAD 83).

ASRC GULF STATES CONSTRUCTORS		
TEMPORARY WORK EASEMENT FOR 24" BRINE DISPOSAL PIPELINE DANIEL GILIELAND SURVEY, A-195 BRAZORIA COUNTY, TEXAS		
DATE: 03-28-2010	SCALE: 1" = 200'	JOB No.: 00-11-7292
CH.	REV.	ACAD FILE: ASRC/PROJ/001

ORDINANCE NO. 2010-2256

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; VACATING, ABANDONING AND CLOSING A PORTION OF THE DEDICATED BUT UNOPENED PUBLIC STREET WITHIN SAID CITY KNOWN AS STRATTON STREET, LYING BETWEEN BLOCKS 708 AND 736 OF THE VELASCO TOWNSITE, IN BRAZORIA COUNTY, TEXAS, AND BETWEEN NORTH GULF BOULEVARD AND NORTH AVENUE F, HEREIN MORE PARTICULARLY DESCRIBED; RESERVING ALL NECESSARY EASEMENTS FOR MAINTAINING AND UTILIZING UTILITY LINES, CABLES, POLES AND MAINS WITHIN SUCH PORTION OF SAID STREET THEREBY VACATED, ABANDONED AND CLOSED WHICH ARE PRESENTLY IN USE OR THAT MAY BE REQUIRED IN THE FUTURE; AUTHORIZING THE MAYOR OR, IN HIS ABSENCE, THE MAYOR PRO-TEMP, TO EXECUTE SPECIAL WARRANTY DEEDS CONVEYING, SUBJECT TO SUCH RESERVATION, ONE-FOURTH (1/4) EACH SUCH PORTION OF SUCH PUBLIC STREET THEREBY VACATED, ABANDONED AND CLOSED TO ALFREDO MORENO, LAMAR JORDAN, FREEPORT HOST LIONS CLUB and PATEL P. MAHESH, THE ABUTTING PROPERTY OWNERS, FOR THE FAIR MARKET VALUE THEREOF DETERMINED BY THE APPRAISAL ATTACHED HERETO IN ACCORDANCE WITH SECTION 272.001 OF THE LOCAL GOVERNMENT CODE AND THE REIMBURSEMENT OF THE CITY BY SAID OWNER FOR CERTAIN FEES THEREIN SPECIFIED; FINDING THAT THE VACATING, ABANDONING AND CLOSING OF SUCH PORTION OF SUCH PUBLIC STREET IS IN THE PUBLIC INTEREST AND THAT IT WILL BENEFIT THE PUBLIC; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, ALFREDO MORENO, LAMAR JORDAN, FREEPORT HOST LIONS CLUB and PATEL P. MAHESH, (hereinafter collectively called "the Abutting Owners"), are the owners of all of the real property abutting upon the hereinafter described portion of public street located within the incorporated limits of the City of Freeport, in Brazoria County, Texas, known as Stratton Street, dedicated as a public street on the map or plat of the Velasco Townsite on file in the office of the County Clerk of Brazoria County, Texas; and,

WHEREAS, there are no other persons or entities entitled to maintain an injunction against or obtain damages for the vacating, abandoning or closing of such right-of-way under Section 65.015 of the Civil Practice & Remedies Code; and,

WHEREAS, the Abutting Owners have petitioned the City Council of the City of Freeport ("the City") to vacate, abandon and close the hereinafter described portion of said street; and,

WHEREAS, the Abutting Owners have requested that, if such right-of-way is closed, they each be permitted to purchase the one-half of said right-of-way adjacent to their respective property; and,

WHEREAS, 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 311.002(a)(2) and 311.008 of the Transportation Code and Sections 2.01 and 2.03 and Item (p) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the vacating, abandoning and closing of such portion of said street would not deny access to a public street from any other property within the City; and,

WHEREAS, the vacating, abandoning and closing of such portion of said Stratton Street would be in the public interest and would benefit the public by allowing the improvement of such property, placing such property on the tax roll of the City and eliminating the obligation of the City to maintain the same; and,

WHEREAS, an appraisal of such portion of said street has been obtained in order to determine the fair market value thereof, a copy of such appraisal marked Exhibit "A" being attached hereto and incorporated herein by reference; and,

WHEREAS, 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, being Fourteen Thousand and no/100 (\$14,000.00) Dollars of which each of the Abutting Owners should pay Three Thousand Five Hundred and no/100 (\$3,500.00) Dollars; and,

WHEREAS, the City has incurred expenses consisting of an appraiser's fee of Three Hundred Fifty and no/100 (\$350.00) Dollars, of which each of the Abutting Owners should pay Eighty Seven and 50/100 (\$87.50) Dollars, and Seven Hundred Twenty and no/100 (\$720.00) Dollars for the preparation of this ordinance and four (4) special warranty deeds, for which each of the Abutting Owners should pay One Hundred Eighty and no/100 (\$180.00) Dollars.

NOW, THEREFORE, BE IT ORDAINED 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 ordinance are true and correct.

Second, the following described portion of Stratton Street, a dedicated but unopened public street within the Velasco Townsite of the City, in Brazoria County, Texas, is hereby declared to be vacated, abandoned and closed as a public right-of-way:

BEGINNING at the northwesterly corner of Lot 24, Block 708 of the Velasco Townsite of the City of Freeport, in Brazoria County, Texas, the map or plat of which is recorded in Volume 32, page 14 of the Deed Records of Brazoria County, Texas;

THENCE, in a southwesterly direction along the southeasterly boundary line of Stratton Street to the southwesterly corner of Lot 1 of said Block 708 and a point for corner;

THENCE, in a northwesterly direction across Stratton Street to the southeasterly corner of Lot 12, Block 736 of said townsite and a point for corner;

THENCE, in a northeasterly direction along the northeasterly boundary line of Stratton Street to the northeasterly corner of Lot 13 of said Block 736 and a point for corner;

THEN, in a southeasterly direction across Stratton Street to the northeasterly corner of Lot 1 of said Block 708, which is the Place of Beginning, LESS AND EXCEPT the following portion thereof:

BEGINNING at the northeasterly corner of Lot 1, Block 708 of said townsite;

THENCE, in a northeasterly direction to the southwesterly corner of Lot 24, Block 708 of said townsite and a point for corner;

THENCE, in a northwesterly direction to the southeasterly corner of Lot 13, Block 736 of said townsite and a point for corner;

THENCE, in a southwesterly direction to the northeasterly corner of Lot 12, Block 736 of said townsite and a point for corner;

THENCE in a southeasterly direction to the northwesterly corner of Lot 1, Block 708 of said townsite and the Place of Beginning.

Provided, however, the City hereby reserves all necessary easements for utility lines, cables, poles and mains presently in use or that may be required in the future. Provided further, with the consent of the City Manager and the appropriate official of all affected utility companies, the easement reserved herein may be released by the Mayor, or in his absence, the Mayor Pro-Temp, if all lines, cables, poles and mains are relocated to another duly established easement at the expense of the owner making such request.

Third, upon the payment of the sum of Three Thousand Seven Hundred Sixty Seven and 50/100 (\$3,767.50) Dollars to the City by each of the Adjoining Owners, the Mayor or, in his absence, the Mayor Pro-Temp, is hereby authorized to execute and acknowledge and the City Secretary to attest Special Warranty Deeds conveying to each of the Adjoining Owners the one-half of such right-of-way adjacent to the property owned by each of the Adjoining Owners, but reserving therein on behalf of the City the above mentioned easement for all necessary utility lines, cables, poles and mains presently in use or that may be required in the future as the City may determine in the exercise of its sole discretion.

Fourth, 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.

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

READ, PASSED AND ADOPTED this ____ day of _____, 2010.

Larry McDonald, Sr., Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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

August 10, 2010

To: Delia Munoz
City Secretary
City of Freeport, TX 77541

Main Street requests permission to hold a festival in downtown Freeport on September 3rd and 4th. This will require the closure of downtown streets from Friday, September 3rd until Sunday, September 5th. Affected streets include Broad between Oak and 1495, 2nd Street between Cherry and 1495, along with East and West Park Avenue.

Main Street requests permission to hold a parade on September 3rd at 6pm. This will require the closure of 2nd Street from Brazosport Blvd to Cherry from 5pm to 7pm.

Main Street also requests permission to hold a triathlon on September 5th. This requires the closure of several streets from approximately 6am-9:30am. Affected streets include 2nd Street, Cherry Street, 8th Street, 1495, Avenue A and the Velasco Bridge. This follows the same route from previous years.

Thank you,

Main Street

"I propose a tax increase of 4.4% above the effective tax rate, based on a total rate of 0.708266, and I move that two (2) public hearings be scheduled to discuss and consider such proposed tax rate, one on Thursday, August 26, 2010, at 6:00 p.m. and one on Tuesday, September 7, 2010, at 6:00 p.m.

After receiving a second, by a record vote such motion was duly adopted,

the record vote being:

For

Against

NOTICE OF PUBLIC BUDGET HEARING

BE IT KNOWN that on Monday, September 7, 2010, beginning at 6:00, p.m., the City Council of the City of Freeport, Texas, will conduct a **PUBLIC HEARING** at the Police Department Municipal Courtroom of the City of Freeport, Texas, located therein at 430 North Brazosport Boulevard, on the **PROPOSED BUDGET** of the City for the **FISCAL YEAR 2010-2011**, which may be **EXAMINED** on request at the Office of the City Manager, 200 West Second Street, Freeport, Texas 77541, during normal business hours. **WRITTEN COMMENTS** concerning the budget must be mailed to arrive at or be delivered in person to the office of the City Manager at such office prior to 5:00 p.m. on the day of such hearing. **VERBAL COMMENTS** will be accepted at the time of the hearing.

Delia Munoz, City Secretary
City of Freeport, Texas

NOTE: Publish once at least fifteen (15) days before the date of the hearing.