

NOTICE OF JOINT PUBLIC MEETING
THE FREEPORT CITY COUNCIL & THE PLANNING COMMISSION
MONDAY, OCTOBER 1ST, 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 September 17th, 2012 Council Minutes. Pg. 628-631
5. Attending citizens and their business.
6. **Proclamation** designating the third week of October as "Freedom from Bullies Week".
Pg. 632
7. **Joint Public Hearing** – The City Council and the Planning Commission of said City will conduct a Joint Public Hearing to consider the following proposed amendments to the Comprehensive Zoning Ordinance and Map of said City, codified as Chapter 155 of the Code of Ordinances of said City: Pg. 633-643

First, changing the zoning classification of the following described land from its present classification of R-2 to a new classification of C-2:

Lots 1-12, Block 525 and Lots 1-12, Block 538, Velasco Townsite of the City of Freeport, Texas, according to the map or plat recorded in Volume 32, page 14 of the Deed Records of said county.

Second, granting a Specific Use Permit to Port Freeport to erect and operate a 150 foot communication tower adjacent to its Emergency Operations Center Building located on Lots 1-8, Block 24, Freeport Townsite, City of Freeport, Brazoria County, Texas known as 801 Navigation Boulevard, Freeport Texas.

Third, granting a Specific Use Permit to Jim Dibble and Skyward Towers to erect and operate a telecommunication tower on Lots 18-20, Block 712, Velasco Townsite, City of Freeport, Brazoria County, Texas known as 1213 N. Ave. J., Freeport, Texas.

8. Consideration of approving Ordinance No. 2012-2024 amending the Comprehensive Zoning Ordinance of said City to change the zoning classification of Block 525, Lots 1-12 and Block 538, Lots 1-12, Velasco Townsite from its present zoning classification of R-2 to a new zoning classification of C-2. Pg. 644-647
9. Consideration of approving Ordinance No. 2012-2025 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Block 24, Lots 1-8, Freeport Townsite, within the corporate limits of said City, known locally as 801 Navigation Boulevard, Freeport, Texas as site for a communication tower to be operated by Port Freeport. Pg. 648-653
10. Consideration of approving Ordinance No. 2012-2026 amending the Comprehensive Zoning Ordinance of said City to permit the specific use of Block 712, Lots 18, 19, and 20, Velasco Townsite, within the corporate limits of said City, known locally as 1213 N. Ave. J. as site for a communication tower to be operated by Jim Dibble and Skyway Towers. Pg. 654-659
11. Consideration of approving and signing a replat for Block 182, Lots 13 & 14, Freeport Townsite, for James and Gail Bailey, known as 1702-1704 West 8th Street.
12. Consideration of approving Resolution No. 2012-2399 setting public hearings on proposed annexations, providing for the publication and giving notice hereof, and directing the preparation of service plans therefor; Nalco, Gulf Chemical Co.; and SI Group (Schenectady). Pg. 660-674
13. Consideration of temporary closing portions of Quintana Street, Ave. B., Ave. C., Brazosport Boulevard and streets intersecting with Second Street, East and West Park to 4th Street for staging (old Baywoods Store) the Veterans Day Parade on November 11, 2012 from 1:00 p.m. to 3:00 p.m.
14. Consideration on any item discussed in Executive Session.

Work Session:

Executive Session:

Section 551.074, Government Code

Deliberations concerning evaluation, duties and compensation of a public officer or employee to wit;

- City Manager

Adjourn

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

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

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, September 28th, 2012 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 and the Planning Commission of the City of Freeport met on Monday, September 17th, 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	Planning Commission:	Edward T. Garcia
	Michelle Kent		Reuben Cuellar
	Fred Bolton		Jesse Aguilar
	Sandra Loeza		Tobey Davenport
	Sandra Barbree-absent		Eddie Virgil – absent

Staff:

- Jeff Pynes, City Manager
- Gilbert Arispe, Asst. City Manager
- Wallace Shaw, City Attorney
- Delia Munoz, City Secretary
- Nat Hickey, Property Manager
- Ty Morrow, Police Chief
- Brian Davis, Fire Chief
- Bob Welch, Finance Director

Visitors:	Jerry Meeks	Juanita Cordozo
	Steve Epperley	Landis Adams
	Shannon Daughtry	Jim Pirrung
	Dorothy Pirrung	

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 Norma Garcia led the Pledge of Allegiance.

Consideration of approving the September 4th, 2012 Council Minutes.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved the September 4th, 2012 Council Minutes. Pg 628

Attending citizens and their business.

There were none.

Joint Public Hearing with the Planning Commission to consider and hear recommendations of a proposed amendment to the Comprehensive Zoning Ordinance and Map of said City, codified as chapter 155 of the Code of Ordinance of said City, changing the zoning classification of the following described land from its present classification of R-3 to a new classification of C-1:

Block 662, Velasco Townsite of the City of Freeport, Texas according to the map or plat recorded in Volume 32, page 14 of the Deed Records of said county.

There being a quorum with the Planning Commission, Mayor Norma Garcia opened the Joint Public Hearing at 6:06 p.m., to consider and hear recommendations of changing the zoning classification of the following described land from its present classification of R-3 to a new classification of C-1.

Block 662, Velasco Townsite of the City of Freeport, Texas according to the map or plat recorded in Volume 32, page 14 of the Deed Records of said county.

Mr. Edward Garcia, Chairman of the Planning Commission stated that their committee had discussed the rezoning of Block 662, Velasco Townsite, of the City. Mr. Garcia took a vote on the rezoning of Block 662 and it was unanimous to change the present classification of R-3 to a new classification of C-1.

There being no questions, comments or opposition from Council and Audience, Edward Garcia closed the Planning Commission meeting. Mayor Norma Garcia thanked and excused the Planning Commission and adjourned the Joint Public Hearing at 6:10 p.m.

Consideration of approving Ordinance No. 2012-2021 amending the comprehensive zoning ordinance of said City to change the zoning classification of Block 662, Velasco Townsite from its present zoning classification of R-3 to a new zoning classification of C-1.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council unanimously approved Ordinance No. 2012-2021 amending the comprehensive zoning ordinance of said City to change the zoning classification of Block 662, Velasco Townsite from its present zoning classification of R-3 to a new zoning classification of C-1.

Consideration of approving Ordinance No. 2012-2022 adopting a tax rate of for Fiscal Year 2012-2013.

On a motion by Councilwoman Kent to adopt the effective tax rate of \$ 0.717484, seconded by Councilwoman Loeza, with all present voting 2 to 2, motion failed. Mayor Garcia and Councilman Bolton opposed.

On a motion by Councilman Bolton to adopt a tax rate of \$ 0.68, seconded by Mayor Garcia, with all present voting 2 to 2, motion failed. Councilwoman Kent and Councilwoman Loeza opposed.

On a motion by Councilman Bolton to adopt a tax rate of \$ 0.70, seconded by Councilwoman Loeza, with all present voting 3 to 1, Council approved Ordinance No. 2012-2022 adopting a tax rate of \$ 0.70. Councilwoman Kent opposed.

Consideration of approving Ordinance No. 2012-2023 amending the budget for Fiscal Year 2011- 2012.

On a motion by Councilman Bolton, seconded by Councilwoman Kent, with all present voting “aye”, Council unanimously approved Ordinance No. 2012-2023 amending the budget for Fiscal Year 2011-2012.

Consideration of a request from the Fraternal Order Eagles # 3111, 6817 E. Hwy 332, Freeport, Texas to have their Annual Turkey Shoot, every Sunday from Noon to 4:00 p.m., beginning October 14th, 2012 thru December 16th, 2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved a request from the Fraternal Order Eagles # 3111, 6817 E. Hwy 332, Freeport, Texas to have their Annual Turkey Shoot, every Sunday from Noon to 4:00 p.m., beginning October 14th, 2012 thru December 16th, 2012.

Consideration of designating a representative and an alternate to the Houston-Galveston Area Council 2013 General Assembly.

On a motion by Councilwoman Kent, seconded by Mayor Garcia, with all voting “aye”. Council approved Councilwoman Barbree to the Houston-Galveston Area Council 2013 General Assembly and Councilwoman Loeza as an alternate.

Consideration of approving Kennemer, Masters & Lunford for audit services for the year ending September 30th, 2012.

On a motion by Councilwoman Kent, seconded by Councilwoman Loeza, with all present voting “aye”, Council unanimously approved Kennemer, Masters & Lunford for audit services for the year ending September 30th, 2012.

Consideration of renewing an Interlocal Cooperation Contract between the Texas Department of Public Safety and the City of Freeport.

On a motion by Councilwoman Kent, seconded by Councilman Bolton, with all present voting “aye”, Council unanimously approved renewing an Interlocal Cooperation Contract between the Texas Department of Public Safety and the City of Freeport.

Consideration of authorizing the City Manager to expand funds for the City's Centennial Event.

Jeff Pynes discussed the cost of the City's Hometown Centennial Event and requested approximately \$39,000 for the event.

On a motion by Councilman Bolton, seconded by Councilwoman Loeza, with all present voting "aye", Council approved \$39,000 for the City's Hometown Centennial Event.

Work Session:

Discussion regarding the upcoming City of Freeport Centennial Event.

Mr. Pynes discussed the City's Hometown Centennial Event- 1912-2012, scheduled for November 9th thru 11th, 2012.

- November 9th, 2012 Friday a \$10.00 wrist band fee with the largest shrimp boil in Texas, live music at the Freeport Marina.
- November 10th, 2012 Saturday at the Freeport Municipal Park, Amphitheatre, 12 hours of live music during the day, food vendors, extreme rides, fireworks.
- November 11th, 2012; Sunday Veterans Day Parade.

Mayor Garcia closed the Formal Session and opened the Executive Session at 6:35 p.m.

Executive Session:

Section 551.074, Government Code

Deliberations concerning the appointment and duties of a public officer, to wit:

- Chief Ty Morrow
- City Manager

Mayor Garcia closed the Executive Session reconvened the meeting at 7:44 p.m.

Adjourn

On a motion by Councilman Kent, seconded by Councilwoman Loeza, with all present voting "aye", Council adjourned at 7:44 p.m.

Mayor Norma Moreno Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas

THE CITY OF FREEPORT, TEXAS

A Proclamation of the City of Freeport, Texas

Designating the Third Week of October as “Freedom From Bullies Week”

in the City of Freeport, Texas

WHEREAS, the City of Freeport has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existing of healthy and productive employees working in safe and abuse-free work environments; and

WHEREAS, surveys and studies have documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments can create costly consequences for employees, including reduced productivity, absenteeism, turnover and employee health-related expenses; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race, color, gender, national origin, age, or disability; and

WHEREAS, the City of Freeport concurs with the State Coordinator for Texas Healthy Workplace; advocates a national initiative aimed at encouraging State Legislators to Stop Workplace Bullying.

NOW THEREFORE, BE IT PROCLAIMED; by Mayor Norma Moreno Garcia and Council of the City of Freeport that the third week of October shall be known as:

“FREEDOM FROM BULLIES WEEK”

TO ALL PERSONS IN INTEREST, CITIZENS, CORPORATIONS, AND FIRMS, THEIR AGENTS AND ATTORNEYS, AND TO ALL PERSONS, FIRMS, AND CORPORATIONS OWNING ANY INTEREST IN THE BELOW DESCRIBED LAND OR ANY LAND LOCATED WITHIN TWO HUNDRED (200') FEET THEREOF AND TO ALL INHABITANTS AND LAND OWNERS OF AND IN THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS.

NOTICE

Joint public hearings will be held on October 1, 2012, 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 and the Planning Commission of said city will conduct joint public hearings to consider the following proposed amendments to the Comprehensive Zoning Ordinance and Map of said city, codified as Chapter 155 of the Code of Ordinances of said city:

First, changing the zoning classification of the following described land from its present classification of R-2 to a new classification of C-2:


Lots 1-12, Block 525 and Lots 1-12, Block 538, Velasco Townsite of the City of Freeport, Texas, according to the map or plat recorded in Volume 32, page 14 of the Deed Records of said county.

Second, granting specific use permits to Port Freeport to erect and operate a 150 foot communication tower adjacent to its Emergency Operations Center Building located on Lots 1-8, Block 24, Freeport Townsite, City of Freeport, Brazoria County, Texas, known locally as 801 Navigation Boulevard, Freeport, Texas;

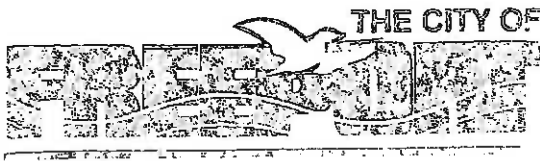
Third, granting specific use permits to Jim Dibble and Skyway Towers to erect and operate a telecommunication tower on Lots 18-20, Block 712, Velasco Townsite, City of Freeport, Brazoria County, Texas, known locally as 1213 N. Ave. J, Freeport, Texas.

Fourth, granting to Ravin Patel a specific use permit to operate a RV/Motor Coach Recreation Site on Tract 6, Bridge Harbor Subdivision, within the corporate limits of said city.

**BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
made on the 4th day of September, 2012.**



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



200 West 2nd Street • Freeport, TX 77541-5773
 (979) 233-3526 • Fax: (979) 233-8867 • www.freeport.tx.us

**CITY OF FREEPORT
 BUILDING DIVISION
 PHONE 979-233-3526**

For Office Use Only

Case Number: _____
 Date Filed: 8-10-12
 P & Z Date: 8-28-12
 Council Date: _____
 Request for:
 Map Change
 Text Change

**Application for
 Rezoning**

1. Address or general location of site: LOTS 1-12 OF BLOCK 53B; LOTS 1-12 OF BLOCK 535

2. Subdivision	Block	Lots	Acres
_____	<u>535/53B</u>	<u>1-12 EACH BLOCK</u>	<u>0.8724 EACH</u>

3. Current Zoning Classification: RESIDENTIAL

4. Proposed Zoning Classification: COMMERCIAL (C-2)

5. Reason for Requesting a Rezoning (attach additional sheet if necessary): _____

(SEE ATTACHED APPENDIX)

I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00 to cover the cost of this re-zoning application has been paid to the City of Freeport on AUGUST 10, 2012. I also certify that I have been informed and understand the regulations regarding re-zoning as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me or my authorized agent to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's signature: J. B. Hermit

Owner's name (printed): JAMES B. HERMIT for TIC Energy & Chemical, Inc.

Address: 304 NORTH GULF BLVD.

City, State, Zip: FREEPORT, TX 77541 Phone: 979-236-4607

Addendum to Zoning Application

August 22, 2012

Applicant's Name: TIC Energy & Chemical, Inc.

Owner's Name: GSI Acquisition, Inc.

Owner's Address: 304 North Gulf Blvd., Freeport, Texas 77541

Re-Zoning Property Location:

- Parcel A: South Half of City Block 538 (Lots 1 thru 12) &
- Parcel B: South Half of City Block 525 (Lots 1 thru 12)

Current Zoning Classification: Residential

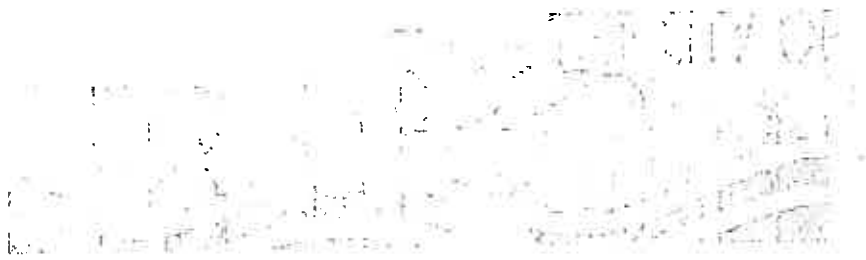
Proposed Zoning Classification: Commercial (sheet metal shop, cabinet & woodworking shop, storage for local industrial projects, employee parking)

Vehicle Access Via: Jackson Street and Groce Street, both off North Gulf Blvd.

Discussion: Parcel A listed above is currently fenced as part of the overall TIC offices and fabrication facilities covering Block 559 (north and South portions) as well as the South half of Block 558. Parcel A has served for about 32 years as a storage area for the work done at this overall facility and has two each 20' x 40' (nominal) Quonset hut type buildings located there on concrete slabs. The company has treated this $\frac{1}{2}$ city block all these years as being zoned commercial to match the main portion of the overall TIC facilities. We now understand it was never re-zoned commercial, and thus it is presented herewith for consideration.

Parcel B has never been used by TIC or its previous owners as it is separated by a drainage ditch (Velasco Drainage District?) from the rest of the owned property. TIC is closing its operations at 6711 East Highway 332 in Freeport and consolidating all our commercial activities, using 304 North Gulf Blvd. as our center of activity. All possible jobs have been retained within Freeport, TX. Thus, the need for Parcel B to be zoned Commercial, so as to allow several business activities within TIC to have a local location from which to operate and to be in close proximity to the remainder of the TIC operations.

Drawing Attached: Doyle & Wachtstetter, Inc. "Survey Plat of 4.362 Acres" covering the above listed property for T.I.C. Holdings, Inc., surveyed ~~8-23-12~~ Pg. 52.



200 WEST SECOND STREET / FREEPORT, TEXAS 77541 / PHONE (979) 233-3526 / FAX (979) 233-2172

ZONING APPLICATION

Applicant's Name: TIC CORPORATION

Owners Name: GSI ACQUISITION INC

Owners Address: So. City Block 538 & So. City Block 525

JOB INFORMATION

Contractor's Name: N/A

Work Location: 304 N GULF BLVD/ADJACENT LOTS TO BE REZONED

Description of Job: Request for property rezoning from Residential to Commercial District.

Valuation of Job: N/A

Permit Fee: \$150.00 (Application Only)

Type of permits needed: Zone Change

Phone numbers: 979-239-7605 (JAMES HENTZ)

Owner of Property: GSI

Contractor: N/A

Plans turned in with application: No

Type:

Date of Application: 8/10/2012

Applicants Signature:

[Handwritten Signature]

PAID
AUG 18 6 36 12
PAID
BY: \$150.⁰⁰ XV

Brazoria CAD

Property Search Results > 260316 GSI ACQUISITION INC for Year 2012

Property

Account

Property ID: 260316 Legal Description: VELASCO (FREEPORT), BLOCK 525, LOT 1T012
 Geographic ID: 8110-1206-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: Mapsco:
 Neighborhood: VELASCO Map ID:
 Neighborhood CD: S8110

Owner

Name: GSI ACQUISITION INC Owner ID: 322219
 Mailing Address: 2211 ELK RIVER RD % Ownership: 100.000000000000%
 STEAMBOAT SPR, CO 80487-5076

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$28,500	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$28,500	
(-) Ag or Timber Use Value Reduction:	=	\$0	
<hr/>			
(=) Appraised Value:	=	\$28,500	
(-) HS Cap:	=	\$0	
<hr/>			
(=) Assessed Value:	=	\$28,500	

Taxing Jurisdiction

Owner: GSI ACQUISITION INC
 % Ownership: 100.000000000000%
 Total Value: \$28,500

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$28,500	\$28,500	\$0.00
CFP CITY OF FREEPORT	0.680000	\$28,500	\$28,500	\$193.80
DR2 VELASCO DRAINAGE DISTRICT	0.094214	\$28,500	\$28,500	\$26.85
GBC BRAZORIA COUNTY	0.413101	\$28,500	\$28,500	\$117.73
JBR BRAZOSPORT COLLEGE	0.239198	\$28,500	\$28,500	\$68.17
NAV PORT FREEPORT	0.053500	\$28,500	\$28,500	\$15.25
RDB ROAD & BRIDGE FUND	0.060000	\$28,500	\$28,500	\$17.10
SBR BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	1.241500	\$28,500	\$28,500	\$353.83
Total Tax Rate:	2.781513			

Pg. 637
 Taxes w/Current Exemptions: \$792.73

Brazoria CAD

Property Search Results > 260426 GSI ACQUISITION INC for Year 2012

Property

Account

Property ID: 260426 Legal Description: VELASCO (FREEPORT), BLOCK 538, LOT 1TO12
 Geographic ID: 8110-1343-000 Agent Code:
 Type: Real
 Property Use Code:
 Property Use Description:

Location

Address: Mapsco:
 Neighborhood: VELASCO Map ID:
 Neighborhood CD: S8110

Owner

Name: GSI ACQUISITION INC Owner ID: 322219
 Mailing Address: 2211 ELK RIVER RD % Ownership: 100.0000000000%
 STEAMBOAT SPR, CO 80487-5076

Exemptions:

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$30,400	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0

(=) Market Value:	=	\$30,400	
(-) Ag or Timber Use Value Reduction:	-	\$0	

(=) Appraised Value:	=	\$30,400	
(-) HS Cap:	=	\$0	

(=) Assessed Value:	=	\$30,400	

Taxing Jurisdiction

Owner: GSI ACQUISITION INC
 % Ownership: 100.0000000000%
 Total Value: \$30,400

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$30,400	\$30,400	\$0.00
CFP CITY OF FREEPORT	0.680000	\$30,400	\$30,400	\$206.72
DR2 VELASCO DRAINAGE DISTRICT	0.094214	\$30,400	\$30,400	\$28.64
GBC BRAZORIA COUNTY	0.413101	\$30,400	\$30,400	\$125.59
JBR BRAZOSPORT COLLEGE	0.239198	\$30,400	\$30,400	\$72.71
NAV PORT FREEPORT	0.053500	\$30,400	\$30,400	\$16.26
RDB ROAD & BRIDGE FUND	0.060000	\$30,400	\$30,400	\$18.24
SBR BRAZOSPORT INDEPENDENT SCHOOL DISTRICT	1.241500	\$30,400	\$30,400	\$377.42
Total Tax Rate:	2.781513			

Pg. 638

Taxes w/Current Exemptions: \$845.58

City of Freeport
Building Department
Phone: 979-233-3526

For Office Use Only

Case Number: _____
Date Filed: 8-2-12
P & Z Date: 8-28-12
Council Date: _____

Application for
Specific Use Permit

1. Address or general location of site: 801 NAVIGATION BLVD
2. Subdivision _____ Block 24 Lots 1-8 Acres 2.439
3. Current Zoning Classification: C2-R3
4. Proposed use of the site (please be specific): 5,455 SF BUILDING FOR PORT FREEPORT EMERGENCY OPERATIONS CENTER AND DEVELOPMENT OF THE 2.439 ACRE SITE FOR PARKING.
5. Reason for requesting a specific use permit: TO INSTALL A 150-FOOT COMMUNICATIONS TOWER TO BE LOCATED ADJACENT TO THE EMERGENCY OPERATIONS CENTER BUILDING.

I hereby certify that I am the owner or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00 to cover the cost of this specific use permit application has been paid to the City of Freeport on Aug 2nd 2012. I also certify that I have been informed and understand the regulations regarding specific use permits as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me or my authorized agent to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's Signature: [Signature]

Owner's Name: PORT FREEPORT

Address: 200 W. 2ND STREET

City, State, Zip: FREEPORT, TX 77541 Phone: 979-233-2667

PAID
AUG 07 2012
Pg. 539
BY: 150.00

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

Signature of Owner

Name Printed or Typed

Signature of Agent

THE S. EN
Name Printed or Typed

Address of Agent: 2000, BOSTON X 77042

Agent's Phone Number: 713 968-9334

City of Freeport
Building Department
Phone: 979-233-3526

For Office Use Only

Case Number: _____
Date Filed: August 10, 2012
P & Z Date: August 28, 2012
Council Date: _____

**Application for
Specific Use Permit**

1. Address or general location of site: 1213 North Ave J Freeport TX, 77541

2. Subdivision	Block	Lots	Acres
<u>Velasco Townsite</u>	<u>712</u>	<u>18-20</u>	_____

3. Current Zoning Classification: Commercial C-2

4. Proposed use of the site (please be specific):
Telecommunications Tower Site for Collocation

5. Reason for requesting a specific use permit:
AT&T Request Skyway Towers to build tower to accommodate New 4-G LTE Technology

I hereby certify that I am the owner or duly authorized agent of the owner, for the purposes of this application. The application fee of \$150.00 to cover the cost of this specific use permit application has been paid to the City of Freeport on August 10, 2012. I also certify that I have been informed and understand the regulations regarding specific use permits as specified in the Zoning Ordinance of the City of Freeport. I understand it is necessary for me or my authorized agent to be present at both the Planning and Zoning Commission and the City Council public hearings.

Owner's Signature: _____

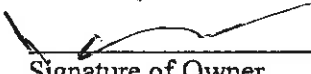
Owner's Name: Tim Dibble

Address: 100 LAKEVIEW

City, State, Zip: CLUTE TX 77531 Phone: 979-201-3987

PAID
AUG 10 2012
150.00
Pg: 641
BY: _____

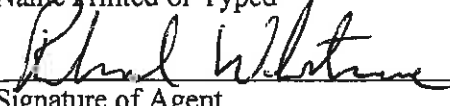
In lieu of representing this request myself as owner of the subject property, I hereby authorize the person designated below to act in the capacity as my agent for the application, processing, representation, and/or presentation of this request. The designated agent shall be the principal contact person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



Signature of Owner

Jim Dibble

Name Printed or Typed

 MDC Consulting

Signature of Agent

Richard Whitmore

Name Printed or Typed

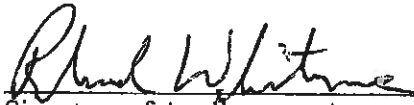
Address of Agent: 5555 MorningsideSt 208 Houston TX 77005

Agent's Phone Number: 512-750-9953

C. ADDITIONAL NOTES:

- Note 1: Application Withdrawal – Any request for withdrawal of an application must be submitted in writing to the Building Secretary. Once a request for a conditional use permit has been advertised and notification of the public hearing mailed, such request must be placed on a public hearing agenda whereby the appropriate body will consider and act on the request for withdrawal of the application at that time. The Planning and Zoning Commission is under no obligation to grant a request for withdrawal of the application, and may still act on the request as originally submitted. It should be understood that there will be no refunds.
- Note 2: Application Presentation – At the applicable Planning and Zoning Commission public hearing, an applicant shall have Fifteen (15) minutes to make a formal presentation of the project proposal. Due to the size and arrangement of the City Council Chambers, tripod-mounted opaque renderings generally prove to be an effective means of presentation. the use of slides is another means of visual aid for project presentations. the applicant shall assume full responsibility for providing a properly prepared and compatible slide carousel to staff prior to the public hearing. The use of transparencies on an overhead projector is another effective means of material presentation. If additional equipment is needed, it shall be the applicant's responsibility to provide or make the necessary arrangements.
- Note 3: Additional Information Submitted – Only the information which has been presented by the applicant at the Planning and Zoning Commission public hearing will be presented to the City Council at an appeal. Any additional information presented to the City Council which has not been previously submitted to and reviewed by the Planning and Zoning Commission will be referred by the City Council back to the Planning and Zoning Commission which may cause delays in action by the City Council.
- Note 4: Scheduling – The zoning application, required fees, and drawings are required to be presented to the Zoning Administrator as specified in the schedule of meetings.

I acknowledge that I have read and understand the conditional use permit procedures and requirements as presented in this packet and by staff at the pre-application conference.



Signature of Applicant or Agent

8-10-12

Date

ORDINANCE NO. 2012-2024

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO CHANGE THE ZONING CLASSIFICATION OF LOTS 1-12, BLOCK 525, AND LOTS 1-12, BLOCK 538, VELASCO TOWNSITE FROM ITS PRESENT ZONING CLASSIFICATION OF R-2 TO A NEW ZONING CLASSIFICATION OF C-2; RATIFYING AND CONFIRMING ALL ACTIONS PREVIOUSLY TAKEN BY THE PLANNING COMMISSION OF SAID CITY OR THE CITY COUNCIL, OR BOTH; 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 (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, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City authorizes the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City 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 the City and is necessary to conform the comprehensive zoning plan of the City to the current zoning conditions which exist therein

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

SECTION ONE--Findings of Fact and Conclusions of Law.

Pg. 644

The City Council of the City makes the following findings of fact and conclusions of law, viz:

First, that the public hearings required by the Zoning Enabling Act of the State of Texas, codified as Chapter 211 of the Texas Local Government Code, and the present Comprehensive Zoning Ordinance of the City, codified as Chapter 155 of the Code of Ordinances of the City, have been conducted in the manner and at the time required.

Second, that not less than fifteen (15) days prior to the date of such hearings, public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City, stating the date, time and place of such hearings.

Third, that not less than ten (10) days before the date of such hearings, written notice of the proposed change in classification was proposed and to all owners of property located within two hundred (200') feet of such property.

Fourth, that after considering evidence submitted at such hearings, the City Council of the City is of the opinion and finds that the conditions which warranted the classification of the hereinafter described property as R-2 and R-3 at the time of the adoption of such classification for such property have substantially changed; that conditions now exist which indicate that the classification of such property as R-2 is no longer appropriate and, considering the community as a whole and the present Comprehensive Zoning Plan of the City, such property should be reclassified for purposes of zoning and the zoning of such property changed from R-2 to C-2.

Fifth, that the health, safety, morals and general welfare of the inhabitants of the City will best be served by the adoption of this ordinance and the change in zoning classification hereinafter mentioned.

Sixth, that this Ordinance in its final form has been reviewed by the Planning Commission of the City as required by Section 32.00.4 of the Code of Ordinances of the City.

Pg. 645

SECTION TWO--Comprehensive Zoning Ordinance Amended and Zoning Changed.

Ordinance No. 1100, read, passed and adopted on the 3rd day of April, 1964, and now codified as Chapter 155 of the Code of Ordinances of the, is hereby amended and supplemented to provide that the following described parcel of land within the corporate limits of the City, to-wit:

Lots 1-12, Block 525, and Lots 1-12, Block 538, Velasco Townsite of the City of Freeport, Brazoria County, Texas, according to the map or plat recorded in Volume 32, page 14 of the Deed Records of said county;

be and the same are hereby reclassified for purposes of zoning as a General Commercial District, as defined in Section 155.038 of the Code of Ordinances and that the zoning of said land should be and the same is hereby changed from R-2 to C-2.

SECTION THREE--Ratification and Confirmation.

The City Council of the City hereby ratifies and confirms any and all action taken by the Planning Commission of the City or the City Council of the City, or both, in connection with the change in zoning classification evidenced by this ordinance, including but not limited to the calling of a public hearing required by said Zoning Enabling Act and said Chapter 155, the giving of public notice of such hearings, the giving of written notice to the owners of property which is the subject of such and to the adjoining property owners, the making of preliminary and final reports with respect to such change and the conducting of the public hearings required by said Act and said Chapter 155.

SECTION FOUR--Severance Clause.

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.

SECTION FIVE--Effective Date.

This ordinance shall take effect and be in force from and after its passage and approval.

Pg. 646

READ, PASSED AND ADOPTED this ____ day of _____, 2012.

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

ATTEST:

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

APPROVED AS TO FORM ONLY:

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

C:\Freeport.Zon\Rezone Blks 525 & 538 VTS-Ord

ORDINANCE NO. 2012-2025

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO PERMIT THE SPECIFIC USE OF LOTS 1-8, BLOCK 24, FREEPORT TOWNSITE, WITHIN THE CORPORATE LIMITS OF SAID CITY, KNOWN LOCALLY AS 801 NAVIGATION BOULEVARD, FREEPORT, TEXAS, AS SITE FOR A COMMUNICATIONS TOWER TO BE OPERATED BY PORT FREEPORT, UNDER CERTAIN CONDITIONS THEREIN SPECIFIED; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

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, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City of Freeport authorizes the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City of Freeport has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and conforms to the comprehensive zoning plan of said City.

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

SECTION ONE--Findings of Fact and Conclusions of Law.

The City Council of the City of Freeport, Texas, makes the following findings of fact and conclusions of law, viz:

First, that all public hearings required by the Zoning Enabling Act of the State of Texas, now codified as Chapter 211 of the Local Government Code, and the present Comprehensive Zoning Ordinance of the City of Freeport, Texas, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, and hereinafter called "the Zoning Ordinance", were conducted in the manner and at the time required by said Act and the Zoning Ordinance.

Second, that not less than fifteen (15) days prior to the date of such hearings, a public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City of Freeport, stating the time and place of such hearings. Pg. 648

Third, that not less than ten (10) days before the date of such public hearings, written notice of

the application for the Specific Use Permit hereinafter mentioned was sent to all owners of real property located within two hundred (200') feet of the hereinafter described real property for which such permit is sought.

Fourth, that after giving due regard to the nature and condition of all adjacent uses and structures, the City Council of the City of Freeport, Texas, is of the opinion of that such proposed use conforms to the requirements and intent of the Zoning Ordinance and the Comprehensive Plan of the City; that conditions hereinbelow attached to the granting of such permit as hereby amended, are necessary to the public interest; and that such use under such conditions will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the public welfare of the community.

Fifth, that the health, safety, morals and general welfare of the City of Freeport, Texas, will best be served by the adoption of this ordinance and the granting of the Specific Use Permit hereinafter mentioned.

SECTION TWO--Comprehensive Zoning Ordinance Amended and Specific Use Permit Granted.

The Zoning Ordinance is hereby amended and a Specific Use Permit is hereby granted with respect to Lots 1-8, Block 24, Freeport Townsite, City of Freeport, Brazoria County, Texas, known locally as 801 Navigation Boulevard, Freeport, Texas, hereinafter called "the premises", to authorize the use of the premises as a site for a communications tower to be operated by Port Freeport, hereinafter called "the Permittee", under the following terms and conditions, viz:

First, the following regulations shall apply:

(1) The tower shall be so constructed that, in the event it falls, such tower will fall onto itself at a break-point located forty (40') foot from the top and no of it shall fall outside the fenced area required by item (6) below.

(2) The tower shall not exceed one hundred twenty (120) feet in height.

(3) The tower and any other improvements on the premises shall be constructed and maintained in a good and workmanlike manner and shall have an approved FAA light on top.

(4) All parking must be off street and within designated parking areas. Pg. 649

(5) Together with any other improvements constructed on the premises, the tower shall be completely surrounded by an eight foot (8') board on board type fence with an eight foot (8') foot board on board double gate containing two six (6') foot wide panels and with the boards positioned so as to screen the cabinet and other improvements thereon from being viewed from outside the premises at ground level.

(6) No hazardous materials may be stored on the premises;

(7) Any supplies, equipment or products kept on the premises must be stored within the fenced compound.

(8) The premises shall be kept safe, clean and free of debris and available for inspection by the Building Official at all times.

(9) The Permittee shall maintain in force and effect a general liability insurance policy insuring Permittee against liability for personal injury, death or damage to any person or property, real or personal, arising out of Permittee's use of the premises, with combined single limits of One Million and no/100 (\$1,000,000.00) Dollars, naming the City as additional insured.

Second, the Permit herein granted shall automatically terminate if the Permittee ceases to use the premises for the permitted purpose for ninety (90) consecutive days, attempts to assign this permit, or sells its interest in the premises to any third person, firm or corporation without such third person, firm or corporation agreeing in writing to be bound by the terms hereof, or if the Permittee's ownership of the premises ends or is terminated for any other reason.

Third, this permit may also be terminated by the City Council if the Permittee fails or ceases to meet the requirements set forth in Item First of this Section of this ordinance. A termination by the City Council under this Item of this Section of this ordinance shall be upon the affirmative vote of a majority of the members of the City Council present and voting at any regular or special meeting thereof held after at least ten (10) days prior written notice has been sent by certified mail, return receipt requested and addressed to the Permittee at the premises, specifying the particular violation or violations. Any decision of the City Council thereon shall be entered upon the minutes of such meeting and shall be final.

Pg. 650

SECTION THREE--Automatic Repealer Clause.

All of the section or provision of this ordinance were adopted and are intended by the City Council of the City to be an integrated whole. Therefore, if any section or provision 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 not to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions and this ordinance shall thereupon automatically cease to be of any further force and effect.

SECTION FOUR--Effective Date.

This ordinance shall take effect and be in force from and after the tenth (10th) day following its passage and adoption indicated below if, within such ten (10) day period, it is agreed to and accepted by the Permittee in the manner provided below; otherwise, this ordinance shall not take effect and shall be of no force or effect.

READ, PASSED AND ADOPTED this ____ day of _____, 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.SUP\Port Freeport

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY TO PERMIT THE SPECIFIC USE OF LOTS 18, 19 AND 20, BLOCK 712, VELASCO TOWNSITE, WITHIN THE CORPORATE LIMITS OF SAID CITY, KNOWN LOCALLY AS 1213 N. Ave. J, AS SITE FOR A COMMUNICATIONS TOWER TO BE OPERATED BY JIM DIBBLE AND SKYWAY TOWERS, UNDER CERTAIN CONDITIONS THEREIN SPECIFIED; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND APPROVAL.

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, Subchapter A of Chapter 211 of the Local Government Code of Texas and Item (g) of Section 3.07 of the Home Rule Charter of the City of Freeport authorizes the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City of Freeport has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and conforms to the comprehensive zoning plan of said City.

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

SECTION ONE--Findings of Fact and Conclusions of Law.

The City Council of the City of Freeport, Texas, makes the following findings of fact and conclusions of law, viz:

First, that all public hearings required by the Zoning Enabling Act of the State of Texas, now codified as Chapter 211 of the Local Government Code, and the present Comprehensive Zoning Ordinance of the City of Freeport, Texas, read, passed and approved as Ordinance No. 1100 on the 3rd day of April, 1964, and hereinafter called "the Zoning Ordinance", were conducted in the manner and at the time required by said Act and the Zoning Ordinance.

Second, that not less than fifteen (15) days prior to the date of such hearings, a public notice thereof was published once in the Brazosport Facts, a newspaper of general circulation in and the official newspaper of the City of Freeport, stating the time and place of such hearings.

Third, that not less than ten (10) days before the date of such public hearings, written notice of the application for the Specific Use Permit hereinafter mentioned was sent to all owners of real property located within two hundred (200') feet of the hereinafter described real property for which such permit is sought.

Fourth, that after giving due regard to the nature and condition of all adjacent uses and structures, the City Council of the City of Freeport, Texas, is of the opinion of that such proposed use conforms to the requirements and intent of the Zoning Ordinance and the Comprehensive Plan of the City; that conditions hereinbelow attached to the granting of such permit as hereby amended, are necessary to the public interest; and that such use under such conditions will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the public welfare of the community.

Fifth, that the health, safety, morals and general welfare of the City of Freeport, Texas, will best be served by the adoption of this ordinance and the granting of the Specific Use Permit hereinafter mentioned.

SECTION TWO--Comprehensive Zoning Ordinance Amended and Specific Use Permit Granted

The Zoning Ordinance is hereby amended and a Specific Use Permit is hereby granted with respect to Lots 18, 19 and 20, Block 712, Velasco Townsite, according to the map or plat of said subdivision on file in the Office of the County Clerk of Brazoria County, Texas, known locally as 1213 N. Ave. J, , Freeport, Texas, hereinafter called "the premises", to authorize the use of the premises as a site for a communications tower to be operated by Jim Dibble and Skyway Towers, hereinafter collectively called "the Permittees", under the following terms and conditions, viz:

Pg. 655

First, the following regulations shall apply:

(1) The tower shall be so constructed that, in the event it falls, such tower will fall onto itself at a break-point located forty (40') foot from the top and no of it shall fall outside the fenced area required by item (6) below.

(2) The tower shall not exceed one hundred twenty (120) feet in height.

(3) The tower and any other improvements on the premises shall be constructed and maintained in a good and workmanlike manner and shall have an approved FAA light on top.

(4) All parking must be off street and within designated parking areas.

(5) Together with any other improvements constructed on the premises, the tower shall be completely surrounded by an eight foot (8') board on board type fence with an eight foot (8') foot board on board double gate containing two six (6') foot wide panels and with the boards positioned so as to screen the cabinet and other improvements thereon from being viewed from outside the premises at ground level.

(6) No hazardous materials may be stored on the premises; (7) Any supplies, equipment or products kept on the premises must be stored within the fenced compound.

(8) The premises shall be kept safe, clean and free of debris and available for inspection by the Building Official at all times.

(9) The Permittees shall maintain in force and effect a general liability insurance policy insuring Permittees against liability for personal injury, death or damage to any person or property, real or personal, arising out of Permittees use of the premises, with combined single limits of One Million and no/100 (\$1,000,000.00) Dollars, naming the City as additional insured.

Second, the Permit herein granted shall automatically terminate if the Permittees cease to use the premises for the permitted purpose for ninety (90) consecutive days, attempts to assign this permit, or sells his or its interest to any third person, firm or corporation without such third person, firm or corporation agreeing in writing to be bound by the terms hereof, or if the Permittees' interest in the premises ends or is terminated for any reason.

Third, this permit may also be terminated by the City Council if the Permittee fails or ceases to meet the requirements set forth in Item First of this Section of this ordinance. A termination by the City Council under this Item of this Section of this ordinance shall be upon the affirmative vote of a majority of the members of the City Council present and voting at any regular or special meeting thereof held after at least ten (10) days prior written notice has been sent by certified mail, return receipt requested and addressed to the Permittees at the premises, specifying the particular violation or violations. Any decision of the City Council thereon shall be entered upon the minutes of such meeting and shall be final.

SECTION THREE--Automatic Repealer Clause

All of the section or provision of this ordinance were adopted and are intended by the City Council of the City to be an integrated whole. Therefore, if any section or provision 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 not to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions and this ordinance shall thereupon automatically cease to be of any further force and effect.

SECTION FOUR--Effective Date.

This ordinance shall take effect and be in force from and after the tenth (10th) day following its passage and adoption indicated below if, within such ten (10) day period, it is agreed to and accepted by the Permittee in the manner provided below; otherwise, this ordinance shall not take effect and shall be of no force or effect.

READ, PASSED AND ADOPTED this ____ day of _____, 2012.

Norma Merino 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

AGREED TO AND ACCEPTED by the Permittee this _____ day of _____, 2012.

"Permittees"

Jim Dibble, Individually

SKYWAY TOWER

By _____
Name Printed: _____
Title: _____

ATTEST:

Name Printed: _____
Title: _____

THE STATE OF TEXAS X

COUNTY OF BRAZORIA X

This instrument was acknowledged before me on the _____ day of _____, 2012, by Jim Dibble, Individually.

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 _____, the _____ of Skyway Towers, a _____, on behalf of said _____.

Notary Public, State of Texas

RESOLUTION NO. 2012-2399

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; CONTAINING FINDINGS OF FACT; SETTING PUBLIC HEARINGS ON PROPOSED ANNEXATIONS; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE THEREOF, AND DIRECTING THE PREPARATION OF SERVICE PLANS 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, 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, Chapters 42 and 43 of the Local Government Code of Texas and Section 1.03 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.

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

First, the City Council of the City, being the governing body thereof, makes the following findings of facts:

(1) The below described areas proposed for annexation consists of real property located within one (1) mile of and are each contiguous and adjacent to the present corporate limits of the City.

(2) Each of such areas were or are the subject of industrial district contracts under Section 42.044 of the Local Government Code.

(3) The present population of the City is more than 5,000 but less than 24,999 inhabitants.

(4) The Brazosport Facts is a newspaper of general circulation within the corporate limits of the City and such areas.

Second, two (2) public hearings shall be conducted, one (1) on Monday, December 3, 2012, beginning at 6:00 o'clock, p.m., and one on Monday, December 10, 2012, beginning at 6:00 o'clock, p.m., both such hearings to be held in the Municipal Courtroom of the Police Department located in the City at 430 Brazosport Boulevard, concerning whether or not the corporate limits of the City should be expanded by annexing any or all of the real property, described in the Property Descriptions which are attached hereto and made a part hereof, owned by the following landowners:

- 1) NALCO;**
- 2) Gulf Chemical Co.; and,**
- 3) SI Group (Schenectday).**

Second, there is hereby established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate having expertise in police and fire protection, emergency medical services, taxation, solid waste collection, potable water supply and waste water disposal, streets and drainage, zoning and standard codes enforcement and parks, recreation and beautification. The committee shall prepare a service plan conforming to Section 43.065 of the Local Government Code and file it with the City Secretary prior to the convening of the first public hearing.

Third, the City Secretary shall cause notice of each such public hearings to be published twice in the Brazosport Facts: 1) on or after the 20th day but before the 10th day before the date of the first of such hearings and 2) on or after the 20th day but before the 10th day before the date of the second of such hearings; shall cause notice of each such public hearing to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each such hearing and to remain posted until the date of each such hearing; and shall give additional notice thereof, to be sent by certified mail return receipt requested, to any railroad company that serves the City and is on the City's tax roll if any portion of such company's right-of-way is included in any of the area proposed for annexation.

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

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.Annx\1-1-13 Annx-Rsl

CITY OF FREEPORT

NALCO CHEMICAL COMPANY TRACT
SEPTEMBER 16, 2002

A 137,2603 acre tract of land, in the A. Calvit Labor No. 12, Abstract 50 and Maurice Henry 1/4 League, Abstract 74, Brazoria County, Texas, described in metes and bounds using survey terminology common to the Texas Coordinate System - South Central Zone, except using horizontal ground level lengths (T = 0.9998131) as follows:

BEGINNING at the position $x = 3,168,966.63$ and $y = 427,735.58$ which is the point of intersection of the north line of County Road 229 with the easterly line of Texas Farm to Market Road 1495,

THENCE Azimuth $135^{\circ} 13' 59.5''$ along and with said FM 1495 right-of-way a distance of 1,116.82 feet to the point of curve (P.C.) at the position $x = 3,168,180.24$ and $y = 428,528.41$;

THENCE with said R.O.W. along and with a curve to the right and northerly a distance on curve of 872.25 feet to the point of tangency at the position $x = 3167804.45$ and $y = 429293.26$, said curve having a radius of 1332.97 feet, and a central angle of $37^{\circ} 29$ minutes 32 seconds,

THENCE Azimuth $172^{\circ} 43$ minutes 31.3 seconds continuing along said R.O.W. a distance of 293.52 feet to a point of curve at the position $x = 3167767.16$ and $y = 429590.38$;

THENCE continuing with said R.O.W. along a curve to the left and northwesterly a distance on curve of 866.55 feet to the point of tangency at the position $x = 3167426.68$ and $y = 430374.66$, said curve having a radius of 1935.55 feet and a central angle of $32^{\circ} 20$ minutes 00.2 seconds;

THENCE Azimuth $140^{\circ} 23$ minutes 31 seconds along said F.M. 1495 R.O.W. a distance of 192.88 feet to the position $x = 3167361.19$ and $y = 430453.91$ for the northwesterly corner of this parcel,

THENCE Azimuth $231^{\circ} 22$ minutes 06 seconds a distance of 272.12 feet to the position $x = 3167574.12$ and $y = 430623.14$ for the most north corner;

THENCE Azimuth $291^{\circ} 00$ minutes 09 seconds a distance of 486.48 feet to the position $x = 3168028.23$ and $y = 430448.80$;

THENCE Azimuth $297^{\circ} 39$ minutes 13 seconds a distance of 300.64 feet to the position $x = 3168294.50$ and $y = 430309.28$;

THENCE Azimuth $304^{\circ} 23$ minutes 31 seconds a distance of 246.59 feet to the position $x = 3168497.96$ and $y = 430170.01$;

THENCE Azimuth $307^{\circ} 19$ minutes 36 seconds at 2,278.023 feet past the position $x = 3,170,309.21$ and $y = 428,768.87$ which is the point of intersection with a south line of the Maurice Henry 1/4 League and the north line of the Alexander Calvit Labor No. 12, at 3,326.33 feet past the position $x = 3,171,142.73$ and $y = 428,153.29$, the point of intersection with the east line of Labor No. 12 and an interior west line of the Maurice Henry 1/4 League, continuing Azimuth $307^{\circ} 19' 36''$ in all a distance of 4,946.868 feet to the position $x = 3,172,431.22$ and $y = 427,170.78$ for the northern most east corner of said tract of land herein described,

THENCE Azimuth $33^{\circ} 27' 16''$, 80.00 feet to the position $x = 3,172,387.13$ and $y = 427,104.04$;

THENCE Azimuth $307^{\circ} 19' 36''$, 225.00 feet to the position $x = 3,172,566.03$ and $y = 426,967.63$ for the eastern most corner of said tract of land,

THENCE Azimuth $213^{\circ}27'16''$, 218.465 feet to the position $x = 3,172,448.92$ and $y = 426,790.38$ to an intersection with the northeast ROW line of said County Road (CR) # 229, said point of intersection being on a curve having a radius of curvature of 1,353.43 feet;

THENCE along said CR #229 northeast line in a northwesterly direction around said curve to the right an arc distance of 649.75 feet to the point of curve at the position $x = 3,171,823.13$ and $y = 427,007.30$;

THENCE Azimuth $123^{\circ}27'06''$, 706.74 feet to the position $x = 3,171,253.53$ and $y = 427,396.83$, the point of tangency at Station 119 + 26.4 of said CR #229 for corner,

THENCE continuing with said 229 ROW line, in a northeasterly direction around said curve to the left, said curve having a radius of 1,983.13 feet, at an arc distance of 96.66 feet pass the position $x = 3,171,171.61$ and $y = 427,448.13$, a point on curve, the point of intersection of said ROW line with the east line of Labor No. 12 and an interior west line of the Maurice Henry $\frac{1}{4}$ League, continuing with said ROW line and curve, in all a distance of 1,141.024 feet to the position $x = 3,170,177.31$ and $y = 427,725.27$, and the point of curve of said curve for corner,

THENCE continuing with said CR #229 ROW line in a westerly direction, Azimuth $90^{\circ}29'17''$, at 39.183 feet pass position $x = 3,170,138.13$ and $y = 427,725.60$, and the point of intersection of said ROW line with the common line between Tracts No. 1 & 2 in said Alexander Calvit Labor No. 12, at 64.133 feet pass the center line of ROW (50.00 feet in width) of the Union Pacific Railroad (Missouri Pacific) Company "Malco Spur", at 1,062.138 feet pass the west line of said Labor no. 12, a distance in all of 1,210.648 feet to the position $x = 3,168,966.65$ and $y = 427,735.56$ and the PLACE OF BEGINNING containing 137.2603 acres of land, more or less, including the aforesaid rights-of-way in favor of the Union Pacific Railroad (Missouri Pacific) Company, and this description is subject to said rights-of-way

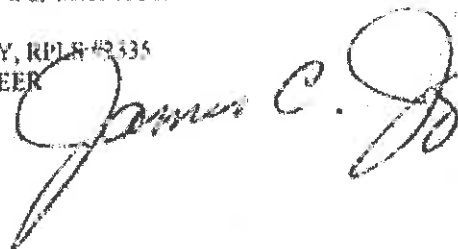
The following described tract of land is excepted and reserved from the 137.2603 acre tract of land described first above, a strip of land fifty (50') feet in width, twenty-five (25.00') feet on each side of the following described center line:

BEGINNING at the position $x = 3,169,873.89$ and $y = 427,727.85$, a point-on-curve in the center line of this easement, and the point of intersection of same with the south boundary line of the Malco tract 2, 25,000 acres, in the Alexander Calvit Labor No. 12, Abstract No. 50, Brazoria County, Texas, from which the southwest corner of said 25,000 acres bears Azimuth $90^{\circ}29'17''$ a distance of 120.772 feet;

THENCE, with said center line along a curve to the right, said curve having a central angle of $45^{\circ}03'49''.5$, a radius of 480.043 feet, and its radius point fixed at the position $x = 3,170,246.18$ and $y = 428,030.82$, in all an arc distance of 308.268 feet to the position $x = 3,169,766.59$ and $y = 428,011.18$ and the point of tangency of said curve, which point is situated at 25,000 feet, measured at right angles, from the west boundary line of said Malco Tract 2;

THENCE, at 25,000 feet from and parallel to the west boundary line of said Malco Tract 2, Azimuth $177^{\circ}39'18''$, pass the north line of the Alexander Calvit Labor No. 12 and a south line of the Maurice Henry $\frac{1}{4}$ League, Abstract No. 74, pass the common line between Tracts No. 1 and 2 in said $\frac{1}{4}$ League, pass the center line of the Houston Lighting & Power Company's power line easement, and in all a distance of 1231.025 feet to the position $x = 3,169,716.23$ and $y = 429,241.04$, which is the point of intersection of said center line with the north boundary of said Malco Tract 2, and the terminus of this easement, from which the north corner of said Malco Tract 2 bears Azimuth $127^{\circ}19'36''$ a distance of 32.480 feet.

Prepared By: JAMES C. JOY, RPLR #2335
CITY ENGINEER



CITY OF FREEPORT

GULF CHEMICAL & METALLURGICAL CORPORATION
32.479 ACRE PLANT SITE
OCTOBER 17, 2002

A 32.479 acre tract of land, being of record in three (3) separate deeds in the County Clerk's office in Brazoria County, Texas, 31.953 acres of which being out of Alexander Calvit labor No. 12, Abstract 50, and the remaining 0.526 acres being out of the Maurice Henry $\frac{1}{2}$ League, Abstract 74, said 32.479 acre tract being more particularly described by meets and bounds in values which use survey terminology common to the Texas Coordinate System, South Central Zone, and in which the X and Y values are the coordinate positions of the corners in feet, the azimuths are the direction of the lines referred to the central meridian of said zone where Texas Lambert North equals Azimuth 180 degrees, and the distances (linear magnitudes of lines) are exceptions and are geodetic ground level lengths (f- 9998847777), as follows:

BEGINNING at the position X = 3,170,210.94 and Y = 426,039.31, which is a point on the west boundary line of an E.J. Lavino and Company 25 acre tract and the east line of a Missouri-Pacific (Union- Pacific) Railroad 50 ft. easement, being the southwest corner of said tract of land herein described;

THENCE, with said west line of said 25.0 acre tract, and said east line of said railroad easement, and the west line of said tract of land herein described, Azimuth 177° 31' 39", a distance of 825.30 ft. to the position X = 3,170,175.34 and Y = 426,863.83, for corner;

THENCE, Azimuth 177° 31' 39.7", 712.475 ft. to an intersection with the southerly right-of-way line of County Road (CR) 229 at the position X = 3,170,144.61 and Y = 427,575.56;

THENCE, Azimuth 270° 29' 32", a distance of 31.425 ft. to a point of curvature at the position X = 3,170,176.03 and Y = 475,575.29;

THENCE, in a southeasterly direction around said curve to the right a distance on the curve of 1,054.73 ft., having a radius of 1,833.28 ft. and a central angle of 32° 57' 49", the long chord of which bears Azimuth 286° 58' 11" a distance of 1,040.24 ft. to the end of curve at position X = 3,177,170.868 and Y = 427,271.712;

THENCE, Azimuth $303^{\circ} 27' 05''$, a distance of 162.02 ft. along the southerly right-of-way line of said CR 229 to the position $X = 3,171,306.03$ and $Y = 427,182.41$, and the northeast corner of said tract of land herein described;

THENCE, Azimuth $201^{\circ} 09' 42''$ a distance of 297.05 ft., to the position $X = 3,171,198.81$ and $Y = 426,905.43$;

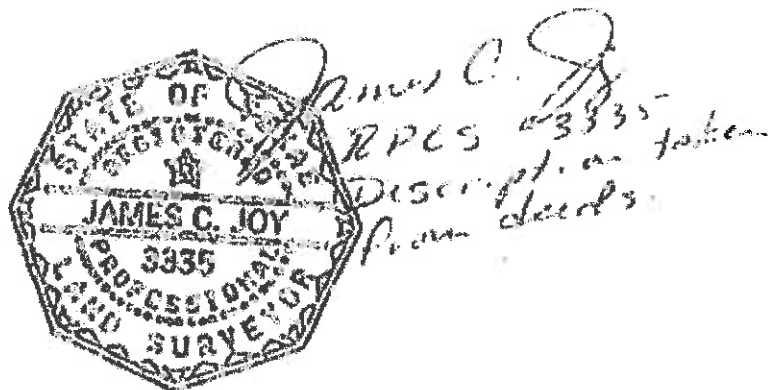
THENCE, Azimuth $87^{\circ} 41' 44''$, a distance of 4.97 ft. to position $X = 3,171,193.84$ and $Y = 426,905.23$, said position also being the northeast corner of said Lavino 25 acre tract;

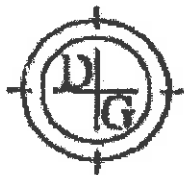
THENCE, Azimuth $357^{\circ} 40' 18''$, a distance of 550.30 ft. to a point for corner;

THENCE, Azimuth $87^{\circ} 40' 18''$, a distance of 200.00 ft. to a point for corner;

THENCE, Azimuth $357^{\circ} 40' 18''$, a distance of 275.00 ft. to a point for corner;

THENCE, Azimuth $87^{\circ} 40' 18''$, a distance of 817.32 ft., to the place of beginning, containing 32.479 acres of land, more or less.





DAMIAN/GALLION & ASSOCIATES

ENGINEERING, SURVEYING AND MAPPING
1917 N. AVENUE J
FREEPORT, TX 77541
BUSINESS (979) 233-7177
FAX (979) 233-3877

**24.46 ACRES OUT OF THE
ALEXANDER CALVITIAHOR NO.12,
ABSTRACT NO. 50, CITY OF FREEPORT,
COUNTY OF BRAZORIA, STATE OF TEXAS
MAY 24, 2005**

Being 24.46 acres of land out of a 25.59 acre Dow Chemical tract, as shown on the accompanying plat, out of a 300 Acre Dow Chemical Company tract as recorded in Volume 306, Page 115 of the Deed Records of Brazoria County Texas, out of the Alexander Calvit Labor No. 12, Abstract No. 50, City of Freeport, County of Brazoria, State of Texas, described using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD 27), except for distances which are ground level lengths (Scale Factor=0.99988496), said 24.46 acres being described as follows:

Commencing at a found concrete monument with a brass plate called Midway Triangulation Station, at the position of $x=3,167,106.71$ and $y=427,780.93$, said point being the POINT OF COMMENCEMENT;

Thence South 83 degrees 05 minutes 18.47 seconds East, a distance of 1593.71 feet to a found concrete monument with a brass plate called Midway Azimuth Mark, at the position of $x=3,168,688.6567$ and $y=427,589.1762$;

Thence South 85 degrees 01 minute 21 seconds East, a distance of 465.07 feet to a found 1/2 inch iron rod in concrete at the easterly easement line of P.M. 1495 as recorded in Volume 957, Page 600 of the Deed Records of Brazoria County, Texas, at the position of $x=3,169,151.92$ and $y=427,548.82$, said found 1/2 inch iron rod in concrete being the POINT OF BEGINNING;

Thence North 23 degrees 37 minutes 16 seconds East, a distance of 37.91 feet along said easement line of P.M. 1495 to a found concrete monument at the southerly 150 foot right-of-way line of County Road 229, at the position of $x=3,169,166.50$ and $y=427,583.82$;

Thence South 89 degrees 29 minutes 55 seconds East, a distance of 978.13 feet along said southerly line of a 150 foot wide right-of-way of County Road 229 to the northwest corner of the Gulf Chemical and Metallurgical Co. 14.447 Acre Tract as recorded in Volume 89, Page 833 of the Official Records of Brazoria County, Texas, to a found iron pipe at the position of $x=3,170,144.48$ and $y=427,575.26$ (called $x=3,170,144.61$ and $y=427,575.56$);

Thence South 02 degrees 28 minutes 46 seconds East, a distance of 600.81 feet along the westerly line of said 14.447 Acre Gulf Chemical Tract (called South 2 degrees 28 minutes 20 seconds East, a distance of 600.50 feet) and along the easterly line of a 50 foot wide Missouri Pacific Rail Road Easement as recorded in Volume 814, Page 187 of the Deed Records of Brazoria County, Texas, to a found 1/2" iron rod at the northwesterly corner of a 16.048 Acre Gulf Chemical and Metallurgical Co. Tract as recorded in Volume 1516, Page 774 of the Official Records of Brazoria County, Texas at the position of $x=3,170,170.47$ and $y=426,975.06$ (called $x=3,170,170.51$ and $y=426,975.69$).

Thence South 02 degrees 29 minutes 11 seconds East, a distance of 111.81 feet (called South 2 degrees 28 minutes 21 seconds East, a distance of 111.92 feet) along the westerly line of said 16.048 Acre Gulf Chemical Tract and along same easterly line of said Rail Road Easement, to a found 1/2" iron rod at the position of $x=3,170,175.32$ and $y=426,863.37$;

Thence South 02 degrees 28 minutes 31 seconds East, a distance of 657.92 feet along the same westerly line of said 16.048 Acre Tract and along same easterly line of said Rail Road Easement, to a called northwest corner of a 6.986 Acre Mineral Research and Development Corporation Tract as recorded in Volume 1146, Page 762 of the Deed Records of Brazoria County, Texas;

Thence South 02 degrees 28 minutes 20 seconds East, a distance of 263.20 feet along the westerly line of said 6.986 Acre Mineral Research Tract and along same easterly line of said Rail Road Easement, to a found 1/2 inch iron rod at the position of $X=3,170,215.09$ and $y=425,943.21$ at the northerly line of Ethylene Road (private) at the point of curvature of a non-tangent curve, concave to the south, having a radius of 459.00 feet, a central angle of 58 degrees 10 minutes 28 seconds, and a chord of 439.81 feet bearing South 74 degrees 27 minutes 43 seconds West;

Thence westerly along said curve, an arc length of 459.32 feet along the northerly line of said Ethylene Road (private) to a found 1/2 inch iron rod at the position of $x=3,169,791.06$ and $y=425,826.64$;

Thence South 45 degrees 22 minutes 41 seconds West, a distance of 120.01 feet along the northerly line of said Ethylene Road (private) to a found 1/2 inch iron rod at the position of $x=3,169,705.65$ and $y=425,742.35$ at the point of curvature of a reverse curve, concave to the north, having a radius of 230.00 feet, a central angle of 51 degrees 28 minutes 45 seconds, and a chord of 192.77 feet bearing South 71 degrees 06 minutes 51 seconds West;

Thence South 85 degrees 21 minutes 29 seconds West, a distance of 16.66 feet to a set 1/2 inch iron rod at the position of $x=3,169,689.05$ and $y=425,741.00$ at the northerly line of Ethylene Road (private);

Thence North 32 degrees 29 minutes 43 seconds West, a distance of 35.22 feet along the edge of an existing asphalt road to a set 1/2" iron rod with D/C cap at the position of $x=3,169,670.13$ and $y=425,770.71$;

Thence North 03 degrees 07 minutes 20 seconds East, a distance of 100.34 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/C cap at the position of $x=3,169,675.59$ and $y=425,678.82$;

Thence North 03 degrees 47 minutes 03 seconds East, a distance of 105.57 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/C cap at the position of $x=3,169,692.56$ and $y=425,976.21$;

Thence North 03 degrees 49 minutes 55 seconds East, a distance of 110.27 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/C cap at the position of $x=3,169,689.93$ and $y=426,086.22$;

Thence North 01 degree 54 minutes 30 seconds East, a distance of 102.44 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/C cap at the position of $x=3,169,593.34$ and $y=426,188.59$;

24.46 acres
Page 3

Thence North 01 degree 35 minutes 26 seconds West, a distance of 93.48 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/G cap at the position of $x=3,169,690.73$ and $y=426,282.02$;

Thence North 02 degrees 53 minutes 22 seconds West, a distance of 97.70 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/G cap at the position of $x=3,169,685.85$ and $y=426,372.58$;

Thence North 08 degrees 46 minutes 28 seconds West, a distance of 36.55 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/G cap at the position of $x=3,169,680.27$ and $y=426,415.70$;

Thence North 13 degrees 45 minutes 33 seconds West, a distance of 36.16 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/G cap at the position of $x=3,169,665.02$ and $y=426,469.74$;

Thence North 24 degrees 47 minutes 24 seconds West, a distance of 43.32 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/G cap at the position of $x=3,169,646.86$ and $y=426,509.07$;

Thence North 31 degrees 00 minutes 47 seconds West, a distance of 3.69 feet along the edge of said existing asphalt road to a set 1/2" iron rod at the position of $x=3,169,644.96$ and $y=426,512.22$, said point being on the easterly line of F.M. 1495 and being at the point of curvature of a non-tangent curve, concave to the west, having a radius of 1512.91 feet, a central angle of 41 degrees 13 minutes 50 seconds, and a chord of 1079.10 feet bearing North 24 degrees, 09 minutes 54 seconds West;

Thence northerly continuing along same curve, an arc length of 1102.73 feet along said easterly line of F.M. 1495 to a found 1/2 inch iron rod at the position of $x=3,169,203.55$ and $y=427,496.78$;

Thence North 44 degrees 46 minutes 26 seconds West, an arc length of 73.32 feet along said easterly line of said F.M. 1495 to the POINT OF BEGINNING, said tract containing 24.46 acres more or less as shown on the accompanying plat of survey.

THE REMAINING 1.13 acre tract of land out of the 25.59 acre Dow tract being more particularly described by metes and bounds as follows:

A 1.13 acre tract of land out of a 25.59 acre Dow Tract, as shown on accompanying plat, out of the 500 acre Dow Chemical Company tract as recorded in Volume 506, Page 115 of the Deed Records of Brazoria County Texas, out of the Alexander Calvit Labor No. 12, Abstract No. 50, City of Freeport, County of Brazoria, State of Texas, described using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone, (NAD 27) except for distances which are ground level lengths (Scale Factor=0.9998496), said 1.13 acres being described as follows:

Beginning at a found 1/2 inch iron rod in concrete at the north line of the 70 foot right-of-way of Ethylene Road (private) and at the east easement line of State Highway F.M. 1495 as recorded in Volume 957, Page 600 and Volume 921, Page 292 of the Deed Records of Brazoria County, Texas, at the position of $x=3,169,516.86$ and $y=425,677.70$ said point being the POINT OF BEGINNING;

Thence North 60 degrees 13 minutes 34 seconds East, a distance of 59.88 feet along said easement line of F.M. 1495 to a found 1/2 inch iron rod in concrete at the position of $x=3,169,568.63$ and $y=425,707.43$;

Thence North 15 degrees 13 minutes 34 seconds East, a distance of 10.00 feet along same easement line to a found 1/2 inch iron rod in concrete at the position of $x=3,169,581.76$ and $y=425,755.67$;

Thence North 10 degrees 05 minutes 16 seconds East, a distance of 764.59 feet along same easement line of said P.M. 1495 to a found 1/2 inch iron rod at the position of $x=3,169,628.10$ and $y=426,016.14$;

Thence North 02 degrees 07 minutes 33 seconds East, a distance of 210.30 feet along same easement line to a found concrete monument at the point of curvature of a non-tangent curve, concave to the west at the position of $x=3,169,635.90$ and $y=426,226.27$, having a radius of 1532.91 feet, a central angle of 10 degrees 42 minutes 37 seconds, and a chord of 266.13 feet bearing North 01 degree 40 minutes 54 seconds East;

Thence northerly along said curve and along same easement line, an arc length of 286.55 feet to a found 1/2 inch iron rod at the easterly edge of an existing 16 foot wide asphalt road at the position of $x=3,169,644.96$ and $y=426,512.22$;

Thence South 31 degrees 00 minutes 47 seconds East, a distance of 3.69 feet along the edge of said existing asphalt road to a set 3/4" iron rod with D/G cap at the position of $x=3,169,646.86$ and $y=426,509.07$;

Thence South 24 degrees 47 minutes 24 seconds East, a distance of 43.32 feet along the edge of the same asphalt road to a set 3/4" iron rod with D/G cap at the position of $x=3,169,665.02$ and $y=426,469.74$;

Thence South 15 degrees 45 minutes 33 seconds East, a distance of 56.16 feet along the edge of the same asphalt road to a set 3/4" iron rod with D/G cap at the position of $x=3,169,680.27$ and $y=426,415.70$;

Thence South 08 degrees 46 minutes 28 seconds East, a distance of 36.55 feet along the edge of the same asphalt road to a set 3/4" iron rod with D/G cap at the position of $x=3,169,685.85$ and $y=426,379.58$;

Thence South 02 degrees 52 minutes 22 seconds East, a distance of 97.70 feet along the edge of the same asphalt road to a set 1/2" iron rod with D/G cap at the position of $x=3,169,690.75$ and $y=426,292.02$;

Thence South 01 degree 35 minutes 26 seconds East, a distance of 93.48 feet along the edge of the same asphalt road to a set 3/4" iron rod with D/G cap at the position of $x=3,169,693.34$ and $y=426,188.59$;

Thence South 01 degree 54 minutes 30 seconds West, a distance of 102.44 feet along the edge of the same asphalt road to a set 3/4" iron rod with D/G cap at the position of $x=3,169,689.93$ and $y=426,086.23$;

Thence South 03 degrees 49 minutes 55 seconds West, a distance of 110.27 feet along the edge of the same asphalt road to a set 3/4" iron rod with D/G cap at the position of $x=3,169,682.36$ and $y=425,976.21$;

Thence South 02 degrees 47 minutes 03 seconds West, a distance of 105.57 feet along the edge of the same asphalt road to a set 1/2" iron rod with D10 cap at the position of x=3,169,675.59 and y=425,870.88;

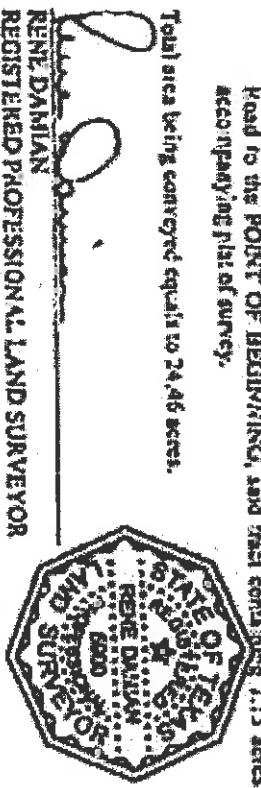
Thence South 03 degrees 07 minutes 20 seconds West, a distance of 100.14 feet along the edge of the same asphalt road to a set 1/2" iron rod with D10 cap at the position of x=3,169,670.13 and y=425,770.71;

Thence South 32 degrees 29 minutes 43 seconds East, a distance of 15.22 feet along the edge of the same asphalt road to a set 1/2" iron rod with D10 cap at the position of x=3,169,689.05 and y=425,741.00;

Thence North 85 degrees 21 minutes 39 seconds East, a distance of 16.66 feet to the point of curvature of a curve, reverse to the north, to a found 1/2" iron rod at the position of x=3,169,705.65 and y=425,742.35 at the northern line of Elbylane Road (privately), having a radius of 230.00 feet, a central angle of 51 degrees 28 minutes 45 seconds, and a chord of 195.77 feet bearing South 71 degrees 05 minutes 51 seconds West;

Thence westerly along said curve, an arc length of 206.65 feet along the northerly line of said Elbylane Road to the POINT OF BEGINNING, said tract containing 1.13 acres more or less, as shown on the accompanying plat of survey.

Total area being conveyed equals to 24.46 acres.



RENE DAMLAN
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 3960
DAMIANGALLION AND ASSOCIATES

PROPOSED SCHENECTADY SITE

61.70542 acres of land, lying and situated in the Maurice Henry 1/4 League, Abstract No. 74, Brazoria County, Texas, out of that certain tract of land which was conveyed to The Dow Chemical Company ^{by D. J. Sullivan} by deed dated the 6th day of December, 1940, recorded in Volume 334, page 587 of the Deed Records of said county, described in meters and bounds, using survey terminology which refers to the Texas Coordinate System, South Central Zone, except the distances which are the horizontal ground level lengths, as follows:

BEGINNING at the position $x = 3,169,961.22$ and $y = 434,196.62$ for the north corner, which corner is situated in the proposed relocation of the southeast Right-of-way line of Texas State Highway F.M. No. 523 at station 212+11.18;

THENCE Azimuth $357^{\circ}24'24.2$ in all a distance of 3046.541 feet to the position $x = 3,170,099.05$ and $y = 431,153.55$ for the south corner;

(2)

61.70542 Acres continued:

THENCE Azimuth $125^{\circ}48'45.93''$ in all a distance of 2237.185 feet to the position $x=3,162,308.18$ and $y=432,493.92$, for the west corner, which is the point of intersection with the proposed relocation of the southeast right-of-way line of said highway Rth. 525;

THENCE, with and along said right-of-way line, along a curve to the right and northeast which has its radius point fixed at the position $x=3,172,727.46$ and $y=422,081.64$, a sector central angle of $8^{\circ}21'41.35''$ and a radius of 5639.58 feet, in all a distance of 823.015 feet, arc length, to the position $x=3,162,852.10$ and $y=433,110.48$ and the point of tangency of said curve, which point of tangency is also station $825+63.73$ in said right-of-way line;

THENCE, continue with said right-of-way line, Azimuth $225^{\circ}35'59''$ in all a distance of 1552.554 feet to the position $x=3,162,961.22$ and $y=434,126.62$, which is the point of beginning, locating and enclosing 61.70542 acres of land.

Henry D. Smith,
Registered Public Surveyor



Pg. 673

1/2/73

NOTICE OF PUBLIC HEARING ON PROPOSED
ANNEXATIONS TO THE CITY OF FREEPORT, TEXAS

TO ALL INTERESTED PERSONS, INCLUDING ALL INHABITANTS OF THE CITY OF FREEPORT, IN BRAZORIA COUNTY, TEXAS, AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS RESIDING UPON OR OWNING ANY PORTION OF THE BELOW DESCRIBED LAND OR ANY INTEREST IN SUCH LAND OR ANY LAND WITHIN ONE (1) MILE THEREOF:

The City Council of the City of Freeport, Texas, will conduct two (2) public hearings, one (1) such hearing to be held on Monday, December 3, 2012, and one (1) of such hearings to be held on Monday, December 10, 2012, both of such hearings to begin at 6:00 p.m., and to be held in the Municipal Courtroom of the Police Department located at 430 Brazosport Boulevard, Freeport, Brazoria County, Texas, concerning whether or not the corporate limits of said City should be expanded by annexing some or all of the following described real property lying contiguous and adjacent thereto described in the Property Descriptions attached hereto and made a part hereof for the following landowners: Nalco, Gulf Chemical and SI Group (Schenectday).

BY ORDER OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, this
____ day of _____, 2012.

Delia Munoz, City Secretary
City of Freeport, Texas