

ORDINANCE NO. 14,265

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, MAKING CERTAIN FINDINGS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF BAYTOWN, TEXAS, AND THE ANNEXATION OF APPROXIMATELY 67.82 ACRES, LOCATED ALONG THE NORTHERN BOUNDARY OF EAST WALLISVILLE ROAD APPROXIMATELY 1,800 FEET WEST OF NORTH MAIN STREET, ADDRESSED AS 6427 EAST WALLISVILLE ROAD, AND SITUATED IN THE GEORGE ELLIS LEAGUE, ABSTRACT 21, HARRIS COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS FOR THE CITY OF BAYTOWN, TEXAS.

WHEREAS, there being no request for an "on-site" hearing, two public hearings before the City Council of the City of Baytown, Texas, where all interested persons were provided with an opportunity to be heard on the proposed annexation of the property described in Section 2 of this ordinance, were held during the City Council meetings on the 24th day of October, 2019, and the 18th day of November, 2019, in the City Council Chamber of City Hall of the City of Baytown, Texas; and

WHEREAS, notices of the first and second public hearings were published in a newspaper having general circulation in the City of Baytown, Texas, and in the below-described territories on the 10th day of October, 2019, and on the 31st day of October, 2019; and

WHEREAS, notice of the first and second public hearings were posted on the City of Baytown's notice board on the 8th day of October, 2019, and on the 28th day of October, 2019; and

WHEREAS, each notice posted on the City of Baytown's notice board and website remained posted until the date of the hearing referenced in the notice; and

WHEREAS, the total corporate area of the City of Baytown, Texas, on the 1st day of January, 2019, was 56.76 square miles; and

WHEREAS, the population of the City of Baytown, Texas, is approximately 81,718 inhabitants; and

WHEREAS, the below-described property lies within the extraterritorial jurisdiction of the City of Baytown, Texas; and

WHEREAS, the City Council of the City of Baytown finds that completely surrounding such area is in the public interest; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That all matters and facts set forth in the recitals hereinabove are found to be true and such recitals are hereby approved and made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings by the City Council of the City of Baytown, Texas.

Section 2: That the following described land and territories lying adjacent to and adjoining the City of Baytown are hereby added and annexed to the City of Baytown, Texas, and shall hereinafter be included within the boundary limits of the City of Baytown, Texas, and present boundary limits of such City, at the various points contiguous to the areas hereinafter described, are altered and amended so as to include said areas within the corporate limits of the City of Baytown, Texas, to-wit:

SEE EXHIBIT "A"

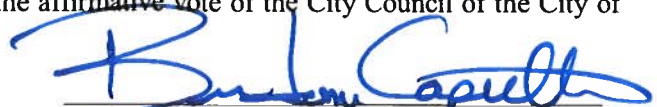
Section 3: The above-described territories and the areas so annexed shall be a part of the City of Baytown, Texas, and the property so added hereby shall bear its pro rata share of the taxes levied

by the City of Baytown, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens of the City of Baytown and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Baytown, Texas.

Section 4: In accordance with Texas Local Government Code Annotated §43.056, as amended, the service plan prepared by the City for providing municipal services to the annexed areas is hereby approved and is attached hereto as Exhibit "B," and is incorporated herein by this reference for all intents and purposes.

Section 5: This ordinance shall be published and passed in the manner provided in Article 1, Section 9, of the Charter of the City of Baytown, Texas.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown this the 18th day of November, 2019.


BRANDON CAPETILLO, Mayor

ATTEST:


LETICIA BRYSCH, City Clerk



APPROVED AS TO FORM:


IGNACIO RAMIREZ, SR., City Attorney

INTRODUCED, READ and PASSED on the SECOND AND FINAL READING this the 12th day of December, 2019.

BRANDON CAPETILLO, Mayor

ATTEST:

LETICIA BRYSCH, City Clerk

APPROVED AS TO FORM:

IGNACIO RAMIREZ, SR., City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

File No.: 1820119445

Tract 1:

FIELD NOTES of a 58.5511 acre tract of land situated in the George Elis League, Abstract 21, Harris County, Texas and being out of and a part of Lots 14 and 15 of the Subdivision of the George Elis League according to the Map recorded in Volume 72 at Page 459 of the Deed Records of Harris County, Texas. Said 58.5511 acres being all of that same land being the residue of that certain 180.0 acres transferred to Royal D. Burnside, Jr., et al, by Will recorded in Probate #191486 and at Film Code 699-93-0548, and called the residue of that certain 120.0 acres conveyed by Royal D. Burnside, Jr., as Independent Executor of the Estate of Genevieve Burnside, Deceased, to Beverly Sansom, et al, by Deeds of record under County Clerk's File #K164705, et al, of the Deed Records of Harris County, Texas. This 58.5511 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.0000000. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

COMMENCING at a 5/8 inch iron rod, with cap (Gorrondana), found in the North right-of-way line of Wallisville Road (right-of-way width varies) for the Southeast corner of that certain 6.00 acres (Tract 1) conveyed by Royal D. Burnside, Jr., et ux, to Terry McDaniel, et ux, by Deed dated October 14, 1993 and recorded under County Clerk's File #P505805 of the Official Public Records of Real Property of Harris County, Texas. Said point being the Southernmost Southwest corner of that certain called 11.87 acres Right-of-Way and Easement granted by Royal D. Burnside, Jr., et ux, to San Jacinto River Authority by Instrument dated November 26, 1963 and recorded under County Clerk's File #C330066 of the Deed Records of Harris County, Texas and the Southernmost Southwest corner of that certain 9.2688 acres (Tract 2), surveyed this date. Said COMMENCING POINT has a State Plane Coordinate Value of Y=13,868,548.12 and X=3,243,747.09; from which a 1/2 inch iron rod found for the Southwest corner of said 6.00 acres and the Southeast corner of that certain 4.00 acres (Tract 2) conveyed to McDaniel in the heretofore mentioned Deed bears South 77°49'21" West 250.29 feet.

THENCE: North 77°51'08" East along the North right-of-way line of said Wallisville Road, the Easternmost South line of said called 11.87 acres and the Easternmost South line of said 9.2688 acres for a distance of 120.06 feet to a 5/8 inch iron rod, with cap (Gorrondana), found in the West line of said Lot 14 and the East line of said Lot 15 for the Southeast corner of said called 11.87 acres, the Southeast corner of said 9.2688 acres and the Southwest corner and POINT OF BEGINNING of this tract. Said BEGINNING POINT has a State Plane Coordinate Value of Y=13,868,573.39 and X=3,243,864.46.

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Exhibit A Legal Description

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THENCE: North 10°54'14" West along the West line of this tract, the West line of said Lot 14, the East line of said Lot 15, the Southernmost East line of said called 11.87 acres and the East line of said 9.2688 acres and at 1923.04 feet pass a ½ inch iron rod, with cap (RPLS), found for the Northeast corner of said 9.2688 acres; said point has a State Plane Coordinate Value of Y=13,870,461.70 and X=3,243,500.70; at 1939.96 feet (called 1935.22 feet) to a ½ inch iron rod, with cap (RPLS), found for the Easternmost Northeast corner of said called 11.87 acres, said point has a State Plane Coordinate Value of Y=13,870,478.32 and X=3,243,497.50; in all, a total distance of 1989.97 feet to a ½ inch iron rod, with cap (BHA), set for the Northwest corner of this tract, the Southwest corner of Block 19 of Elena Fruit & Cotton Farms Subdivision as recorded in Volume 7 at Page 48 of the Map Records of Harris County, Texas and the Southwest corner of that certain called 200 acres (being Lots 1, 2 and 3 of said Block 19) as conveyed by the Estate of Malcolm Brown, Sr., deceased, to the Malcolm Orval Brown, Sr. Family Trust by Deed dated August 1, 2004 and recorded under County Clerk's File #X954415 of the Official Public Records of Real Property of Harris County, Texas. Said point has a State Plane Coordinate Value of 13,870,527.43 and X=3,243,488.03.

THENCE: North 77°49'56" East along the North line of this tract, the South line of said Block 19 and the South line of said called 200 acres for a distance of 1265.27 feet to a ½ inch iron rod, with cap (BHA), set for the Northeast corner of this tract. Said point has a State Plane Coordinate Value of Y=13,870,794.11 and X=3,244,724.88.

THENCE: South 12°20'52" East along the East line of this tract and at 60.0 feet pass a ½ inch iron rod, with cap, set for the Northwest corner of that certain 60.0513 acres conveyed by Beverly Sansom, et al, to Goose Creek Consolidated Independent School District by Deed dated November 4, 2003 and recorded under County Clerk's File #X179591 of the Official Public Records of Real Property of Harris County, Texas and Platted as G. C. I. S. D. New High School under Film Code #827111 of the Plat Records of Harris County, Texas; said point has a State Plane Coordinate Value of Y=13,870,745.27 and X=3,244,735.57; from which a ½ inch iron rod, with cap (BHA), found in the West right-of-way line of North Main Street for the Northeast corner of said 60.0513 acres bears North 77°56'22" East 1360.01 feet; at 1803.10 feet pass a ½ inch iron rod, with cap (BHA), set for the Northeast corner of that certain 1.528 acres conveyed by Beverly Sansom, et al, to County of Harris for a Detention Easement by Instrument dated February 21, 2012 and recorded under County Clerk's File #20120086194 of the Official Public Records of Real Property of Harris County, Texas; from which a found ½ inch iron rod, with cap, bears South 06°26'11" West 0.72 feet; in all, a total distance of 1988.20 feet to a ½ inch iron rod, with cap (BHA), set in the North right-of-way line of said Wallisville Road for the Southeast corner of this tract, the Southeast corner of said Detention Easement Tract and the Southwest corner of said 60.0513 acres. Said point has a State Plane Coordinate Value of Y=13,868,871.44 and X=3,245,145.77.

THENCE: South 77°46'52" West along the Easternmost South line of this tract, the Easternmost South line of said Detention Easement Tract and the North right-of-way line of said Wallisville Road for a distance of 43.32 feet to a ½ inch iron rod, with cap (BHA), set for an exterior corner of this tract and an exterior corner of said Detention Easement Tract, in the East line of that certain 0.1288 of an acre tract of land conveyed by Beverly Sansom, et al, to Comm Site Towers, Inc. by Deed dated October 31, 2001 and recorded under County Clerk's File #V413297 of the Official Public Records of Real Property of Harris County, Texas.

THENCE: North 16°10'18" West along an interior line of this tract, an interior line of said Detention Easement Tract and the East line of said 0.1288 of an acre for a distance of 66.12 feet to a 5/8 inch iron

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rod found for an interior corner of this tract, an interior corner of said Detention Easement Tract and the Northeast corner of said 0.1288 of an acre.

THENCE: South 77°57'57" West along an interior line of this tract, an interior line of said Detention Easement Tract and the North line of said 0.1288 of an acre for a distance of 75.00 feet to a ½ inch iron rod, with cap (BHA), found for an interior corner of this tract, an interior corner of said Detention Easement Tract and the Northwest corner of said 0.1288 of an acre.

THENCE: South 16°10'18" East along an interior line of this tract, an interior line of said Detention Easement Tract and the West line of said 0.1288 of an acre for a distance of 56.34 feet to a ½ inch iron rod found in the North right-of-way line of said Wallisville Road for the Northeast corner of a 0.232 of an acre tract conveyed by Beverly Sansom, et al, to County of Harris for Easement for Road and Drainage by Instrument dated February 20 and 21, 2012 and recorded under County Clerk's File #20120086195 of the Official Public Records of Real Property of Harris County, Texas. Said point being an exterior corner of this tract and an exterior corner of said Detention Easement Tract.

THENCE: South 77°46'51" West along the Westernmost South line of this tract, the Westernmost South line of said Detention Easement Tract, the North line of said 0.232 of an acre and the North right-of-way line of said Wallisville Road for a distance of 18.48 feet to a ½ inch iron rod, with cap (ESOR), found for the BEGINNING POINT of a curve to the left, concave Southerly.

THENCE: Along and around said curve to the left, in a Westerly direction, along the Westernmost South line of this tract, the Westernmost South line of said Detention Easement Tract, the North line of said 0.232 of an acre and the North right-of-way line of said Wallisville Road, said curve having a radius of 2000.00 feet, a central angle of 04°45'31" and a chord bearing and distance of South 75°24'04" West 166.06 feet, and at an arc length of 66.11 feet pass a ½ inch iron rod, with cap (BHA), set for the Southwest corner of said Detention Easement Tract, in all, a total arc length of 166.11 feet to a ½ inch iron rod, with cap (ESOR), found for the TERMINATION POINT of said curve.

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THENCE: South 73°01'11" West along the Westernmost South line of this tract, the North line of said 0.232 of an acre and the North right-of-way line of said Wallisville Road for a distance of 228.47 feet to a ½ inch iron rod, with cap (BHA), set for the BEGINNING POINT of a curve to the right, concave Northerly. Said point has a State Plane Coordinate Value of Y=13,868,743.54 and X=3,244,630.08.

THENCE: Along and around said curve to the right, in a Westerly direction, along the Westernmost South line of this tract, the North line of said 0.232 of an acre and the North right-of-way line of said Wallisville Road, said curve having a radius of 1200.00 feet, a central angle of 04°45'40" and a chord bearing and distance of South 75°24'01" West 99.69 feet, for an arc length of 99.72 feet to a ½ inch iron rod, with cap (ESOR), found for the TERMINATION POINT of said curve and the Westernmost corner of said 0.232 of an acre. Said point has a State Plane Coordinate Value of Y=13,868,718.41 and X=3,244,533.61.

THENCE: South 77°46'16" West along the Westernmost South line of this tract and the North right-of-way line of said Wallisville Road for a distance of 684.68 feet to the PLACE OF BEGINNING and containing within these boundaries 58.5511 acres of land, more or less.

Tract 2:

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FIELD NOTES of a 9.2688 acre tract of land situated in the George Ellis League, Abstract 21, Harris County, Texas and being out of and a part of Lot 15 of the Subdivision of the George Ellis League according to the Map recorded in Volume 72 at Page 459 of the Deed Records of Harris County, Texas. Said 9.2688 acres being part of the residue of that certain 180.0 acres transferred to Royal D. Burnside, Jr., et al, by Will recorded in Probate #191486 and at Film Code 699-93-0548, and called the residue of that certain 120.0 acres conveyed by Royal D. Burnside, Jr., as Independent Executor of the Estate of Genevieve Burnside, Deceased, to Beverly Sansom, et al, by Deeds of record under County Clerk's File #K164705, et al, of the Deed Records of Harris County, Texas and including a portion of that certain called 11.87 acres described in Right-of-Way and Easement from Royal D. Burnside, Jr., et ux, to San Jacinto River Authority dated November 26, 1963 and recorded under County Clerk's File #C330066 of the Deed Records of Harris County, Texas. This 9.2688 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 1.0000000. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at a 5/8 inch iron rod, with cap (Gorrondana), found in the North right-of-way line of Wallisville Road (right-of-way width varies) for the Southeast corner of that certain 6.00 acres (Tract 1) conveyed by Royal D. Burnside, Jr., et ux, to Terry McDaniel, et ux, by Deed dated October 14, 1993 and recorded under County Clerk's File #P505805 of the Official Public Records of Real Property of Harris County, Texas. Said point being the Southernmost Southwest corner of said called 11.87 acres and the Southernmost Southwest corner and POINT OF BEGINNING of this tract. Said BEGINNING POINT has a State Plane Coordinate Value of Y=13,868,548.12 and X=3,243,747.09; from which a 1/2 inch iron rod found for the Southwest corner of said 6.00 acres and the Southeast corner of that certain 4.00 acres (Tract 2) conveyed to McDaniel in the heretofore mentioned Deed bears South 77°49'21" West 250.29 feet.

THENCE: North 10°54'14" West along the Southernmost West line of this tract, the Southernmost West line of said called 11.87 acres, the East line of said 6.00 acres and the East line of Highlands Ranch Subdivision as recorded under Film Code #608002 of the Map Records of Harris County, Texas and at 1000.82 feet pass a fence corner for the Northeast corner of said 6.00 acres and the Southeast corner of said Highlands Ranch Subdivision; in all, a total distance of 1848.16 feet to a 5/8 inch iron rod found for an interior corner of this tract, the Northeast corner of said Highlands Ranch Subdivision and the BEGINNING POINT of a curve to the left along the Southernmost West line of said called 11.87 acres. Said point has a State Plane Coordinate Value of Y=13,870,362.92 and X=3,243,397.48.

THENCE: South 77°55'18" West along the Westernmost South line of this tract and the North line of said Highlands Ranch Subdivision for a distance of 2305.49 feet to a 1/2 inch iron rod, with cap (BHA), set in the East right-of-way line of Garth Road (80 feet wide right-of-way) for the Westernmost Southwest corner of this tract and the Northwest corner of said Highlands Ranch Subdivision. Said point has a State Plane Coordinate Value of Y=13,809,880.49 and X=3,241,143.03; from which a 5/8 inch iron rod (found) bears South 26°48'03" East 2.75 feet.

THENCE: North 10°53'58" West along the Northernmost West line of this tract and the East right-of-way

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line of said Garth Road for a distance of 75.02 feet to a 1/2 inch iron rod, with cap (BHA), set for the Northwest corner of this tract, the Westernmost Southwest corner of said called 11.87 acres and the Southwest corner of that certain 6.611 acres conveyed by Royal D. Bumside, Jr., et al, to San Jacinto River Authority by Deed dated July 22, 1994 and recorded under County Clerk's File #P986695 of the Official Public Records of Real Property of Harris County, Texas. Said point has a State Plane Coordinate Value of Y=13,869,954.17 and X=3,241,128.84; from which a found 5/8 inch iron rod, with cap (Costello), bears South 28°04'22" East 2.57 feet.

THENCE: North 77°55'18" East along the North line of this tract, the Westernmost South line of said called 11.87 acres and at 2214.18 feet pass a 1/2 inch iron rod, with cap (BHA), set for the TERMINATION POINT of the heretofore mentioned curve along the Southernmost West line of said called 11.87 acres; in all, a total distance of 2425.55 feet to a 1/2 inch iron rod, with cap (RPLS), found in the East line of said Lot 15, the West line of Lot 14 of said George Ellis League Subdivision, the Southernmost East line of said called 11.87 acres and the West line of that certain 58.5511 acres (Tract 1) surveyed this date, for the Northeast corner of this tract and the Southeast corner of said 6.611 acres. Said point has a State Plane Coordinate Y=13,870,461.70 and X=3,243,500.70.

THENCE: South 10°54'14" East along the East line of this tract, the Southernmost East line of said called 11.87 acres, the East line of said Lot 15, the West line of said Lot 14 and the West line of said 58.5511 acres for a distance of 1923.04 feet to a 5/8 inch iron rod, with cap (Gorrodana), found in the North right-of-way line of said Wallisville Road for the Southeast corner of this tract, the Southeast corner of said called 11.87 acres and the Southwest corner of said 58.5511 acres. Said point has a State Plane Coordinate Value of Y=13,868,573.39 and X=3,243,864.46.

THENCE: South 77°51'08" West along the Easternmost South line of this tract, the Easternmost South line of said called 11.87 acres and the North right-of-way line of said Wallisville Road for a distance of 120.06 feet to the PLACE OF BEGINNING and containing within these boundaries 9.2688 acres of land, more or less.

Exhibit "B"



City of Baytown Municipal Annexation Staff Report

Applicant:.....Goose Creek Consolidated Independent School District (G.C.C.I.S.D.)

Requested Action:.....Expand the municipal boundaries via voluntary annexation by approximately 67.82 acres

Subject area:Generally located along the northern boundary of East Wallisville Road approximately 1,800 feet west of North Main Street.

Date:.....October 7, 2019

Purpose of the Annexation:

The applicant is requesting to be annexed into the City of Baytown jurisdiction to obtain city services for future development. Annexation of the subject area will allow the subject property to be governed by the standards administered by the City of Baytown.

Existing Conditions:

The subject area is undeveloped and is classified by Harris County Appraisal District (HCAD) as residential use. The subject area adjacent to mixed residential at low to medium densities (SF2) which is developed as a public high school. The subject parcel has direct access onto East Wallisville Road.

Adjacent Land Use

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning Designation</i>	Unincorporated Harris County	Unincorporated Harris County	Mixed Residential at Low to Medium Densities	Unincorporated Harris County
<i>Land Use</i>	Vacant and Cemetery	Residential Neighborhood	Public High School	Residential Neighborhood

Comprehensive Plan Land Use Designation

The City of Baytown Future Land Use Plan (FLUP) designates the subject area to be Lower Density Residential.

➤ Low Density Residential (Yellow)

- Includes rural residential to conventional single-family residential on larger lots.
- Large tracts and undeveloped land with limited public utilities.

- Uses including places of assembly, schools, parks, and other community facilities such as libraries with pedestrian links to residential.

Voluntary Annexation Considerations

1. Is the subject property included in an annexation study area or annexation plan?

No. The Annexation strategy prioritized other areas; the 2017-2019 Annexation strategy has been completed.

2. Will the annexation of the subject area protect the best interest, health, safety and welfare of the public in general?

If City Council decides to annex the subject area, it will not have an adverse impact on the general welfare of the public or the service delivery to the area.

3. What is the relation of the proposed change to the city's Comprehensive Plan?

The applicant's purpose for annexation is to gain access to the City services. The applicant desires to use the subject parcel for a junior high school which is supported by the FLUP.

4. What effect will the annexation have upon the natural environment, social and economic conditions, and property values in the vicinity and in the City as a whole?

The proposed annexation would expand the city's jurisdictional boundary and assure that development is consistent with other development in the city.

Service Plan Summary:

Fire Department: The subject properties of the proposed annexation will be assigned to District Seven (7).

The proposed annexation is located in Emergency Service District (ESD) 75 and already receives response and services from the Baytown Fire Department. Upon annexation, the area will continue to receive comparable levels of service as any area within the Baytown. Therefore, the annexation will not affect existing response times.

Police Department: The proposed annexation will not add to the response times. The subject area will be assigned to Police District 10.

Health Department: The proposed annexation will have no impact on the service delivery from this department.

Parks and Recreation Department: The proposed annexation will have no impact on the service delivery from this department.

Building Division: The proposed annexation will have no immediate impact. Inspection times will be dependent upon the volume and the types of development in the future.

Public Works Department: The individual proposed annexation will not negatively affect response times.

Engineering Department: No construction and/or expansion of any other service facility or any capital improvement is required of the City of Baytown.

Utility Billing Department: The subject properties of the proposed annexation will be assigned to Route 390. There are no existing service accounts in the proposed annexation area. The proposed annexation will not affect existing service delivery.

Staff Recommendation:

Staff recommends approval of the proposed annexation.