

William A. 'Bert' Miller, III
Mayor
Bernie Gessner
Councilmember
Josh M. Fultz Councilmember



James Harris
Councilmember
Pattie Pederson
Councilmember

**NOTICE OF MEETING OF THE GOVERNING BODY OF THE
CITY OF NAVASOTA, TEXAS
MAY 23, 2023**

Notice is hereby given that a Special Meeting of the governing body of the City of Navasota will be held on the 23rd of May, 2023 at 6:00 PM at the City Hall in the City Council Chambers, Room No. 161, located at 200 E. McAlpine Street, Navasota, Texas 77868, at which time the following subjects will be considered, to wit:

To watch the City Council meeting live please visit the City of Navasota's Youtube here: <https://www.youtube.com/channel/UCltlx7BQt0TCIYJRiZ14g5w>

- 1 Call to Order.
- 2 Invocation
Pledge of Allegiance
- 3 Remarks of visitors: Any citizen may address the City Council on any matter. Registration forms are available on the podium and/or table in the back of the city council chambers. This form should be completed and delivered to the City Secretary by 5:45 p.m. Please limit remarks to three minutes. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.
- 4 Consideration and possible action on the second reading of Ordinance No. 1023-23, approving a voluntary annexation for a 1.909 acre tract of land located in the Jesse B. McNealy Survey, A-44, in Grimes County, Texas 77868. [Lupe Diosdado, Development Services Director]
- 5 Consideration and possible action on the second reading of Ordinance No. 1024-23, approving a voluntary annexation petition for a 0.336 acre tract of land located in the Jesse B. McNealy Survey, A-44, in Grimes County, Texas 77868. [Lupe Diosdado, Development Services Director]
- 6 Consideration and possible action on the second reading of Ordinance No. 1025-23, approving a voluntary annexation petition for a 96.618 acre tract of land located in the Jesse B. McNealy Survey, A-44, in Grimes County, Texas 77868. [Lupe Diosdado, Development Services Director]
- 7 Adjourn.

DATED THIS THE 18TH OF MAY, 2023

/JW/

BY: JASON WEEKS, CITY MANAGER

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the CITY OF NAVASOTA, is a true and correct copy of said notice and that I posted a true and correct copy of said notice in the glass bulletin board, in the foyer, on the south side of the Municipal Building as well as in the bulletin board on the north side of the Municipal Building of the City of Navasota, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on the 18th of May, 2023 at 02:25 PM and will remain posted continuously for at least 72 hours preceding the scheduled time of said meeting. Agendas may be viewed at www.navasotatx.gov.

The City Council reserves the right to convene in Executive Session at any time deemed necessary for the consideration of confidential matters under the Texas Government Code, Sections 551.071-551.089.

DATED THIS THE 18TH OF MAY, 2023

/SMH/

BY: SUSIE M. HOMEYER, CITY SECRETARY

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (936) 825-6475 OR (936) 825-6408 OR BY FAX AT (936) 825-2403.



REQUEST FOR CITY COUNCIL AGENDA ITEM #4

<p>Agenda Date Requested: <u>May 23, 2023</u></p> <p>Requested By: <u>Lupe Diosdado, Director</u></p> <p>Department: <u>Development Services</u></p> <p><input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance</p>	<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th colspan="2" style="text-align: center;">Appropriation</th></tr></thead><tbody><tr><td>Source of Funds:</td><td><u>N/A</u></td></tr><tr><td>Account Number:</td><td><u>N/A</u></td></tr><tr><td>Amount Budgeted:</td><td><u>N/A</u></td></tr><tr><td>Amount Requested:</td><td><u>N/A</u></td></tr><tr><td>Budgeted Item:</td><td><input type="radio"/> Yes <input checked="" type="radio"/> No</td></tr></tbody></table>	Appropriation		Source of Funds:	<u>N/A</u>	Account Number:	<u>N/A</u>	Amount Budgeted:	<u>N/A</u>	Amount Requested:	<u>N/A</u>	Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Appropriation													
Source of Funds:	<u>N/A</u>												
Account Number:	<u>N/A</u>												
Amount Budgeted:	<u>N/A</u>												
Amount Requested:	<u>N/A</u>												
Budgeted Item:	<input type="radio"/> Yes <input checked="" type="radio"/> No												

Exhibits: Ordinance No. 1023-23

AGENDA ITEM #4

Consideration and possible action on second reading of Ordinance No. 1023-23, approving a voluntary annexation petition for a 1.909-acre tract of land located in the Jesse B, McNealy Survey, A-44, in Grimes County, TX 77868.

SUMMARY & RECOMMENDATION

The City of Navasota received a voluntary petition for annexation by property owner Stanley Kettler & Jeannette Welch, for a 1.909-acre tract located out of the Jesse B. McNealy Survey, A-44. The area proposed for annexation is adjacent to the eastern boundary of the Navasota City Limits along the Dove Crossing Subdivision.

Since early 2022 staff have been working closely with developer Chandler Arden on a plan to provide municipal services to his proposed 96.618-acre, 400 lot single-family residential development. Also, the plan includes the construction of a City of Navasota water tower and other water facilities within the property boundaries. Staff has coordinated with contiguous property owners Jinx M. Lee, Stanley Kettler & Jeannette Welch to allow for an annexation strip connecting the proposed project area to city limits.

On May 8th the City Council approved a Resolution setting May 22nd at 6:00 pm as the date and time for the public hearing related to this voluntary annexation petition and approval of the service plan for the affected area.



On May 22, 2023, the City Council held the required public hearing to receive public comment and testimony concerning this voluntary annexation, where City Council approved the first reading of Ordinance No. 1023-23. City staff recommends the City Council approve the second reading Ordinance No. 1023-23, annexing a 1.909-acre tract of land located in the Jesse B. McNealy Survey, A-44, in Grimes County, TX 77868.

ACTION REQUIRED BY CITY COUNCIL

Approve or deny the second reading of Ordinance No. 1023-23, annexing a 1.909-acre tract of land located in the Jesse B, McNealy Survey, A-44, in Grimes County, TX 77868.

Approved for the City Council meeting agenda.



Jason B. Weeks, City Manager

5/17/23

Date

ORDINANCE NO. 1023-23

AN ORDINANCE OF THE CITY OF NAVASOTA, TEXAS FOR THE PURPOSE OF EXTENDING THE BOUNDARY LIMITS OF THE CITY OF NAVASOTA, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.909 ACRES OF LAND, HEREINAFTER MORE SPECIFICALLY DESCRIBED, TO THE CITY OF NAVASOTA, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Navasota, Texas is a Texas home-rule municipality as defined by the Texas Local Government Code; and

WHEREAS, the City Charter and Chapter 43 of the Texas Local Government Code, authorize the City of Navasota to annex territory in accordance with the procedures provided for therein; and

WHEREAS, the City of Navasota received a written request from the property owner requesting the annexation of the hereinafter described area; and

WHEREAS, the City desires to annex the area described hereinafter; and

WHEREAS, the hereinafter described area lies within the extraterritorial jurisdiction of the City of Navasota; and

WHEREAS, the area hereinafter described lies adjacent and contiguous to the present boundary limits of the City of Navasota; and

WHEREAS, notice of the appropriate public hearing was published in a newspaper having general circulation in the City of Navasota, Texas and on the City's website and the public hearing was conducted and held in accordance with applicable law; and

WHEREAS, the City of Navasota, Texas and the property owner negotiated and executed a Service Plan Agreement for the extension of municipal services into the area to be annexed; and

WHEREAS, all notices, publication and hearings have been duly given and held as required by law; and

WHEREAS, institution of annexation proceedings occurred within the period of time as prescribed by law;

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

Section 1. That the hereinafter described area of land is within the extraterritorial jurisdiction of, and is adjacent to and is contiguous to the present corporate limits of the City of Navasota, Texas, and the same is hereby, annexed to the City of Navasota, Texas for all municipal purposes and the corporate lines and limits of the City of Navasota, Texas are hereby extended to embrace the said area of land, which is described as follows:

All that certain 1.909 acres tract of land in Jesse B. McNealy Survey, A-44, Grimes County, Texas, being more particularly described in Exhibit "A" attached hereto

and incorporated herein for all purposes.

Section 2. That the inhabitants, if any, of the property hereby annexed to the City of Navasota, Texas shall be entitled to all the rights and privileges of said citizens of the City of Navasota, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Navasota, Texas.

Section 3. That the Service Plan Agreement which is attached hereto as Exhibit "B" is hereby incorporated herein as part of this Ordinance for all purposes.

Section 4. That the official map and boundaries of the City of Navasota, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned area as part of the City of Navasota, Texas.

Section 5. That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Navasota, Texas to add the territory hereby annexed as required by law.

Section 6. That this Ordinance shall become effective after its passage.

Section 7. That the Mayor is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk, and to perform all other acts necessary to notify the appropriate entities of the City's annexation of territory by this Ordinance.

Section 8. If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or

if any portion of said property is incapable of being annexed by the City of Navasota, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

Section 9. That the meetings at which this Ordinance was considered and enacted were open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meetings was given as required by the Texas Open Meetings Act.

PASSED ON FIRST READING THIS THE 22ND DAY OF MAY, 2023.

HON. BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

PASSED ON SECOND AND FINAL READING THIS THE 23RD DAY OF MAY, 2023.

HON. BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

METES AND BOUNDS DESCRIPTION
of a
1.909 Acre Easement – 20 ft. wide
Jesse B. McNealy, A-44, Grimes County, Texas
April 24, 2023

All that certain tract or parcel of land lying and being situated in Grimes County, Texas, out of the Jesse B. McNealy Survey, Abstract No. 44, being a part of an undivided $\frac{1}{2}$ interest in a called 275.13 acre tract as described in a Distribution Special Warranty Deed from Stanley Kettler, Trustee to Jeannette Welch, dated October 31, 2016, of record in Volume 1626, Page 647 of the Real Property Records of Grimes County, Texas, being a part of an undivided $\frac{1}{2}$ interest in the same called 275.13 acre tract as described in a Distribution Special Warranty Deed from Stanley Kettler, Trustee to Stanley Kettler, dated October 31, 2016, of record in Volume 1626, Page 644 of the Real Property Records of Grimes County, Texas, being a part of Second Tract, called 30 acres, as described in a Deed from Edwin H. Kettler, et ux to The Edwin H. Kettler & Leona Kettler Revocable Living Trust, dated October 1, 1997, of record in Volume 871, Page 137 of the Real Property Records of Grimes County, Texas, being a part of a called 189.48 acre tract as described in a Deed from Edwin H. Kettler, et ux to The Edwin H. Kettler & Leona Kettler Revocable Living Trust, dated October 1, 1997, of record in Volume 871/147) of the Real Property Records of Grimes County, Texas and more fully described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron rod, at the Northerly base of an 8 inch cedar fence corner post, for the Northeast corner of Lot 11, Block 7, Replat of Dove Crossing (Plat – 907-386), for the Northwest corner of the called 30 acre tract mentioned above (871-137 – 2nd Tract), a Northwest corner of the called 189.48 acre tract mentioned above (871/147), for a Southerly angle point of a called 5.624 acre tract as described in a Deed to Richard Krolcxyk, et uc (1186/279) and same being the Westerly Northwest corner of the tract of land herein described;

THENCE N 66°32'17" E, 69.46 ft., along a portion of a generally fenced and Northwest line of the called 30 and 189.48 acre tracts mentioned above and a South line of said 5.624 acre Krolcxyk tract to a found $\frac{1}{2}$ inch iron rod, 1.7 ft. North of a 6 inch cedar fence post with gate, for the Southeast corner thereof and same being in an apparent Southwest corner of the residue of a called 300 acre tract as described in a Deed to Fritz Thane (193/595);

THENCE N 66°20'43" E, 785.90 ft., along a portion of a generally fenced and Northwest line of the called 189.48 acre tract mentioned above, a portion of the Southeast line of said 300 acre Thane tract (193/595) and the Southeast line of a called 40.79 acre tract as described in a Deed to Marius Thane, et ux (299/288) to a found $\frac{1}{2}$ inch iron rod, at the Southerly base of a x-tie fence corner post, for the Southeast corner thereof and the Southwest corner of a called 4.36 acre tract as described in a Deed to Farron Elizabeth Prescott (1534/610);

THENCE N 66°31'35" E, 120.92 ft., along a portion of the generally fenced and Northwest line of the called 189.48 acre tract mentioned above and the Southeast line of said 4.36 acre Prescott tract (1534/610) to a found 1 inch iron pipe, projecting 24 inches and at the Southerly base of a fence corner post, for the Southeast corner thereof and the Southwest corner of a called 4.36 acre tract as described in a Deed to Danny Joe Meekins (1091/80);

THENCE N 66°31'35" E, 811.49 ft., along a portion of a generally fenced and Northwest line of the called 189.48 acre tract mentioned above, the South line of said 4.36 acre Meekins tract (1091/80) and the South line of a called 4.36 acre tract as described in a Deed to Loy C. Coffey, et ux (1592/81) to a found $\frac{1}{2}$ inch iron rod, 1.6 ft. West of a 3 inch iron pipe fence corner post in concrete, for the Southeast corner of said Coffey tract and an interior corner of said 189.48 acre tract;

THENCE N 23°29'14" W, along a generally fenced and Southwest line of the called 189.48 acre tract mentioned above, the Northeast line of said 4.36 acre Coffey tract and **PASSING** at 433.58 ft. a found $\frac{1}{2}$ inch iron rod 1.68 ft. right of line (appears to have been disturbed) and along the Northeast line of a called 4.355 acre tract, more or less, as described in a Deed to Dennis Underwood, et ux (1309/47) for a **TOTAL DISTANCE** of 1,101.76 ft. to a found 3/8 inch iron rod, at the Northerly base of a 6 inch bois'd arc fence corner post, for the Northeast corner thereof, the Northerly Northwest corner of said 189.48 acre tract and same being in the generally fenced and South line of the residue of a called 75 acre tract as described in a Deed to Jinx M. Lee (610/824, 585/445, 557/66, 554/488, 526/29 & 495/795), from which a found $\frac{1}{2}$ inch iron rod, at the Easterly base of an 8 inch cedar fence corner post, for the Southwest corner of said Lee residue tract brs. S 64°37'41" W, 373.79 ft.;

THENCE N 64°52'58" E, 1,267.58 ft., along a portion of the generally fenced and Southeast line of said Lee residue tract (610/824) and a Northwest line of the called 189.48 acre tract mentioned above to a found 3/8 inch iron rod, at the Northerly base of an 8 inch bois'd arc fence corner post, for the Northeast corner thereof and same being a Northwest corner of a called 1,239.10 acre tract as described in a Deed to Pecan Hill Acquisition, LLC (2021-320767);

THENCE S 23°52'47" E, 20.00 ft., along a portion of the generally fenced and Northeast line of the called 189.48 acre tract mentioned above and a portion of a Southwest line of said 1,239.10 acre Pecan Hill Acquisition, LLC tract (2021-320767) to a set 5/8 inch iron rod for the Southeast corner of the herein described easement, from which a found 5/8 inch iron rod at the base of a disturbed 3/8 inch iron rod for the Southeast corner of said 189.48 acre tract and a Southwest corner of said 1,239.10 acre Pecan Hill Acquisition, LLC tract brs. S 23°52'47" E, 3,790.64 ft.;


THENCE along the Southerly and Easterly lines of the herein described easement as follows:

- 1.) S 64°52'58" W, 1,247.71 ft., to a set 5/8 inch iron rod,
- 2.) S 23°29'14" E, 1,102.33 ft., to a set 5/8 inch iron rod,
- 3.) S 66°31'35" W, 952.38 ft., to a set 5/8 inch iron rod,
- 4.) S 66°20'43" W, 785.90 ft., to a set 5/8 inch iron rod and
- 5.) S 66°32'17" W, 69.43 ft., to a set 5/8 inch iron rod for the Southwest corner of the herein described easement, being in the Southwest line of the called 30 and 189.48 acre tracts mentioned above and same being in the generally fenced and Northeast line of Lot 11, Block 7, Dove Crossing, from which a found 1/2 inch iron rod for the Southeast corner of Dove Crossing and the Southwest corner of said 30 acre tract brs. S 23°38'27" E, 1,697.43 ft.;

THENCE N 23°38'27" W, 20.00 ft., along a portion of the generally fenced and Southwest line of the called 30 acre and 189.48 acre tracts mentioned above and a portion of the Northeast line of Lot 11, Block 7, Dove Crossing to the **PLACE OF BEGINNING** and containing 1.909 acres of land.

BASIS OF BEARINGS & DISTANCES:

Grid North, State Plane Coordinate System of 1983, Central Zone, Leica RTK Network. All distances and areas are grid and can be converted to surface by dividing by a combined scale factor of 0.999 933 503 43.


Steven M. Wisnoski April 24, 2023
Registered Professional Land Surveyor
State of Texas No. 6006
Job #: 2023-04-06-01





Scale: 1" = 200'

BASE OF BEARINGS & DISTANCES
Grid North, State Plane Coordinate System
of 1983, Central Zone, Loran BTT Network

JESSE B. McNEALY SURVEY A-44

LEGEND	
Set 1/4" M	
Police	

Residue of called 75 Acres
Jesse B. Lee
(810-824, 585-442, 557-66,
554-488, 526-28 495-795)

Called 1,219.10 Acres
Pocahontas Acquisition, LLC
(2021-328797)

1.909 ACRE BASEMENT

Point Of Beginning

Lot 11, Block 7
Terry Watson, et al
(2021-118051)

Dave Crossing Subdivision
- Reginald -
(907-1866)



NOTES:
1) All deed references are of the Deed Records of Grimes County, Texas.
2) All distances & areas are grid and can be converted to surface by dividing by a combined scale factor of 0.999 933 563 43.

Client: The City of Newcastle, Texas

I, Steven M. Winkler, Registered Professional Land Surveyor No. 6008 of the State of Texas do hereby certify that this plat represents an on the ground survey made under my personal and direct supervision.

Steven M. Winkler Date: April 24, 2023
R.P.L.S. 6008

Winkler Land Surveying, LLC
PO Box 2784
Newcastle, Texas 77858
836-070-7188
TXPLS Form No. L6008500 © 2021-04-01

Situated in Grimes County, Texas, out of the Jesse B. McNealy Survey, Abstract No. 44, being a part of an undivided 1/4 interest in a called 375.13 acre tract as described in a Distribution Special Warranty Deed from Stanley Kettler, Trustee to James H. Whipple, dated October 31, 2016, of record in Volume 1626, Page 647 of the Real Property Records of Grimes County, Texas, being a part of an undivided 1/4 interest in the same called 375.13 acre tract as described in a Distribution Special Warranty Deed from Stanley Kettler, Trustee to Stanley Kettler, dated October 31, 2016, of record in Volume 1626, Page 644 of the Real Property Records of Grimes County, Texas, being a part of Second Tract, called 30 acres, as described in a Deed from Edwin H. Kettler, et al to The Edwin H. Kettler & Lorna Kettler Revocable Living Trust, dated October 1, 1997, of record in Volume 871, Page 137 of the Real Property Records of Grimes County, Texas, being a part of a called 189.48 acre tract as described in a Deed from Edwin H. Kettler, et al to The Edwin H. Kettler & Lorna Kettler Revocable Living Trust, dated October 1, 1997, of record in Volume 871/147 of the Real Property Records of Grimes County, Texas.

CITY OF NAVASOTA, TEXAS

ANNEXATION SERVICE PLAN AGREEMENT

Introduction:

Pursuant to the Local Government Code, Chapter 43, Section 43.0672, the City of Navasota has prepared this service plan agreement for the delivery of municipal services to the territory being proposed for annexation to the City. The area proposed for annexation consists of one tract of land containing a total of 1.909 acres. The area proposed for annexation is located on and along the Eastern city limits line. The annexation of this property is requested by Stanley Kettler & Jeannette Welch, by a petition dated April 26th & 27th, 2023. The property boundaries are contiguous with the existing city limits and are entirely within the City's extraterritorial jurisdiction (ETJ). There are no industrial businesses in this area. The land is Agricultural Open Space (AO) in all areas.

FOR SERVICES ON THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION

The City of Navasota, Texas, and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Navasota, Texas, with similar topography, land use and population density within the newly annexed area.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City of Navasota, Texas, is presently serviced by the Navasota Fire Department, which will provide fire protection and emergency medical services to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Navasota, Texas, with similar topography, land use and population density within the City.

3. SOLID WASTE COLLECTION

At the present time the City of Navasota, Texas, is using a franchised contractor for collection of solid waste and refuse within the city limits of the City of Navasota, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced.

4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water and wastewater facilities owned or maintained by the City of Navasota, Texas, and situated in the area at the time of the proposed annexation shall continue to be maintained by the City of Navasota, Texas. Any and all water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Navasota, Texas, to the extent of its ownership. The now existing water and wastewater mains at their existing locations, or as may be extended, shall be available for point of use

extension based upon the current City's standard water and wastewater extension policies now existing or as may be amended.

5. MAINTENANCE OF ROADS AND STREETS

The City Council of the City of Navasota, Texas, is not aware of the existence of any roads or streets now located in the area proposed for annexation. In the event any such roads or streets do exist and are public facilities owned by or dedicated to the City of Navasota, Texas, the City will maintain such areas to the same extent and degree that it maintains roads and streets and other similar facilities of the City of Navasota, Texas. Any and all roads or streets which have been dedicated to and accepted by the City of Navasota, Texas, or which are owned by the City of Navasota, Texas, shall be maintained to the same degree and extent that other roads and streets are maintained in areas with similar topography, land use and population density. Any and all lighting of road and streets which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Navasota, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Navasota, Texas, is not aware of the existence of any parks, playgrounds or public swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Navasota, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Navasota, Texas.

7. MAINTENANCE OF ANY PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Navasota, Texas, is not aware of the existence of any publicly owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly owned facility, building or municipal service does exist and are public facilities, the City of Navasota, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Navasota, Texas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2-1/2 YEARS:

1. POLICE PROTECTION, FIRE PROTECTION & SOLID WASTE COLLECTION

The City Council of the City of Navasota, Texas, finds and determines it to be unnecessary to acquire or construct any capital improvement within 2-1/2 years of the effective date of the annexation of the particular annexed area for the purposes of providing police protection, fire protection or solid waste collection. The City Council finds and determines

that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Navasota, Texas, with the same or similar topography, land use and population density.

2. WATER AND WASTEWATER FACILITIES

For the next 2-½ years the City Council of the City of Navasota, Texas, believes that City water and wastewater mains exist, or may be extended, for points of connection for serviceable extensions to provide water and wastewater service within the area to be annexed pursuant to the City's standard water extension policies now in existence or as may be amended by the City Council.

3. ROADS AND STREETS

Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density.

4. MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS, AND THE MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE

To the extent that it becomes necessary because of development demands, population growth, and a bona fide need, the City Council of the City of Navasota, Texas, will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

SPECIFIC FINDINGS

The City Council of the City of Navasota, Texas, finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Furthermore, the City Council of the City of Navasota, Texas, finds and determines the nature of the area is characteristically different from other developed areas within the corporate limits of the City of Navasota, Texas. Consequently, because of the differing characteristics of topography, land use and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided to other areas of the City of Navasota, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Navasota, Texas, will undertake to perform consistent with this service plan so as to provide this newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Navasota, Texas, who reside in areas of similar topography, land use and population density.

APPROVED on this the 8th day of May 2023.

CITY OF NAVASOTA, TEXAS



HON. BERT MILLER, Mayor

ATTEST:



SUSIE HOMEYER, City Secretary



LAND OWNERS



STANLEY KETTLER



JEANNETTE WELCH



REQUEST FOR CITY COUNCIL AGENDA ITEM #5

Agenda Date Requested: <u>May 23, 2023</u>	Appropriation
Requested By: <u>Lupe Diosdado, Director</u>	Source of Funds: <u>N/A</u>
Department: <u>Development Services</u>	Account Number: <u>N/A</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance	Amount Budgeted: <u>N/A</u>
	Amount Requested: <u>N/A</u>
	Budgeted Item: <input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance No. 1024.23

AGENDA ITEM #5

Consideration and possible action on second reading of Ordinance No. 1024-23, approving a voluntary annexation petition for a 0.336-acre tract of land located in the Jesse B, McNealy Survey, A-44, in Grimes County, TX 77868.

SUMMARY & RECOMMENDATION

The City of Navasota received a voluntary petition for annexation by property owner Jinx M. Lee, for a 0.336-acre tract located out of the Jesse B. McNealy Survey, A-44. The area proposed for annexation is adjacent to the eastern boundary of the Navasota City Limits along the Dove Crossing Subdivision.

Since early 2022 staff have been working closely with developer Chandler Arden on a plan to provide municipal services to his proposed 96.618 acre, 400 lot single-family residential development. Also, the plan includes the construction of a City of Navasota water tower and other water facilities within the property boundaries. Staff has coordinated with contiguous property owners Jinx M. Lee, Stanley Kettler & Jeannette Welch to allow for an annexation strip connecting the proposed project area to city limits.

On May 8th the City Council approved a resolution setting May 22nd at 6:00 pm as the date and time for the public hearing related to this voluntary annexation petition and approval of the service plan for the affected area.

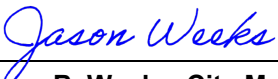


On May 22, 2023, the City Council held the required public hearing to receive public comment and testimony concerning this voluntary annexation, where City Council approved the first reading of Ordinance No. 1024-23. City staff recommends the City Council approve the second reading of Ordinance No. 1024-23, annexing a 0.336-acre tract of land located in the Jesse B. McNealy Survey, A-44, in Grimes County, TX 77868.

ACTION REQUIRED BY CITY COUNCIL

Approve or deny the second reading of Ordinance No. 1024.23, annexing a 0.336-acre tract of land located in the Jesse B, McNealy Survey, A-44, in Grimes County, TX 77868.

Approved for the City Council meeting agenda.



Jason B. Weeks, City Manager

5/17/23

Date

ORDINANCE NO. 1024-23

AN ORDINANCE OF THE CITY OF NAVASOTA, TEXAS FOR THE PURPOSE OF EXTENDING THE BOUNDARY LIMITS OF THE CITY OF NAVASOTA, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY .336 ACRES OF LAND, HEREINAFTER MORE SPECIFICALLY DESCRIBED, TO THE CITY OF NAVASOTA, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Navasota, Texas is a Texas home-rule municipality as defined by the Texas Local Government Code; and

WHEREAS, the City Charter and Chapter 43 of the Texas Local Government Code, authorize the City of Navasota to annex territory in accordance with the procedures provided for therein; and

WHEREAS, the City of Navasota received a written request from the property owner requesting the annexation of the hereinafter described area; and

WHEREAS, the City desires to annex the area described hereinafter; and

WHEREAS, the hereinafter described area lies within the extraterritorial jurisdiction of the City of Navasota; and

WHEREAS, the area hereinafter described lies adjacent and contiguous to the present boundary limits of the City of Navasota; and

WHEREAS, notice of the appropriate public hearing was published in a newspaper having general circulation in the City of Navasota, Texas and on the City's website and the public hearing was conducted and held in accordance with applicable law; and

WHEREAS, the City of Navasota, Texas and the property owner negotiated and executed a Service Plan Agreement for the extension of municipal services into the area to be annexed; and

WHEREAS, all notices, publication and hearings have been duly given and held as required by law; and

WHEREAS, institution of annexation proceedings occurred within the period of time as prescribed by law;

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

Section 1. That the hereinafter described area of land is within the extraterritorial jurisdiction of, and is adjacent to and is contiguous to the present corporate limits of the City of Navasota, Texas, and the same is hereby, annexed to the City of Navasota, Texas for all municipal purposes and the corporate lines and limits of the City of Navasota, Texas are hereby extended to embrace the said area of land, which is described as follows:

All that certain .336 acres tract of land in Jesse B. McNealy Survey, A-44, Grimes County, Texas, being more particularly described in Exhibit "A" attached hereto

and incorporated herein for all purposes.

Section 2. That the inhabitants, if any, of the property hereby annexed to the City of Navasota, Texas shall be entitled to all the rights and privileges of said citizens of the City of Navasota, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Navasota, Texas.

Section 3. That the Service Plan Agreement which is attached hereto as Exhibit "B" is hereby incorporated herein as part of this Ordinance for all purposes.

Section 4. That the official map and boundaries of the City of Navasota, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned area as part of the City of Navasota, Texas.

Section 5. That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Navasota, Texas to add the territory hereby annexed as required by law.

Section 6. That this Ordinance shall become effective after its passage.

Section 7. That the Mayor is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk, and to perform all other acts necessary to notify the appropriate entities of the City's annexation of territory by this Ordinance.

Section 8. If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or

if any portion of said property is incapable of being annexed by the City of Navasota, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

Section 9. That the meetings at which this Ordinance was considered and enacted were open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meetings was given as required by the Texas Open Meetings Act.

PASSED ON FIRST READING THIS THE 22ND DAY OF MAY, 2023.

HON. BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

PASSED ON SECOND AND FINAL READING THIS THE 23RD DAY OF MAY, 2023.

HON. BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

METES AND BOUNDS DESCRIPTION
of a
0.336 Acre Easement – 20 ft. wide
Jesse B. McNealy, A-44, Grimes County, Texas
April 24, 2023

All that certain tract or parcel of land lying and being situated in Grimes County, Texas, out of the Jesse B. McNealy Survey, Abstract No. 44, being a part of the residue of First Tract, called 75 acres, as described in a Deed from Adeline T. Boehm to Jinx M. Lee, dated February 2, 1988, of record in Volume 610, Page 824 of the Real Property Records of Grimes County, Texas and more fully described by metes and bounds as follows:

BEGINNING at a found 3/8 inch Iron rod, at the Southeast base of a 12 inch bois'd arc fence corner post, for the Southeast corner of the residue of the called 75 acre tract mentioned above, an interior corner of a called 1,239.10 acre tract as described in a Deed to Pecan Hill Acquisition, LLC (2021-320767) and the Southeast corner of the herein described easement;

THENCE S 64°47'10" W, 252.04 ft., along a portion of the generally fenced and Southeast line of the called 75 acre residue tract mentioned above and a Northwest line of said 1,239.10 acre Pecan Hill Acquisition, LLC tract (2021-320767) to a found 3/8 inch Iron rod, at the Northerly side of an 8 inch bois'd arc fence corner post, for a Northwest corner thereof and same being the Northeast corner of a called 189.48 acre tract as described in a Deed to The Edwin H. Kettler & Leona Kettler Revocable Living Trust tract (871/147, 1626/637, 1626/644);

THENCE S 64°52'58" W, 20.00 ft., along a portion of the generally fenced and Southeast line of the called 75 acre residue tract mentioned above and a portion of a Northwest line of said 189.48 acre Kettler Revocable Living Trust tract (871/147) to a set 5/8 inch iron rod for the Southwest corner of the tract of land herein described, from which a found 3/8 inch iron rod for the Northwest corner of said 189.48 acre Kettler tract and the Northeast corner of a called 4.355 acre tract, more or less, as described in a Deed to Dennis Underwood, et ux (1309/47) brs. S 64°52'58" W, 1,247.58 ft.;

THENCE crossing into the 75 acre residue tract mentioned above and along the Westerly and Northerly lines of the herein described easement as follows:

- 1.) N 23°52'43" W, 20.00 ft., to a set 5/8 inch iron rod,
- 2.) N 64°47'10" E, 252.09 ft., to a set 5/8 inch iron rod,
- 3.) N 23°39'27" W, 438.99 ft., to a set 5/8 inch iron rod,
- 4.) N 24°03'18" W, 20.00 ft., to a set 5/8 inch iron rod and
- 5.) N 66°08'38" E, 20.00 ft., to a set 5/8 inch iron rod for the Northeast corner of the herein described easement in the Northeast line of said 75 acre residue tract and same being in a Southwest line of a called 96.618 acre tract as described in a Deed to Grimes Altamira, LLC (2022-322555), from which a found 3/8 inch iron rod for a Northwest corner of said 96.618 acre Grimes Altamira, LLC tract brs. N 24°03'13" W, 775.26 ft.;

THENCE S 24°03'13" E, 20.00 ft., along a portion of the generally fenced and Northeast line of the called 75 acre residue tract mentioned above and along a portion of a Southwest line of said 96.618 acre Grimes Altamira, LLC tract (2022-322555) to a found 3/8 inch iron rod, at the Easterly base of a 6 inch treated fence corner post, for the Southwest corner thereof and a Northwest corner of said 1,239.10 acre Pecan Hill Acquisition, LLC tract (2021-320767);

THENCE S 23°39'27" E, 458.55 ft., along a portion of the generally fenced and Northeast line of the called 75 acre residue tract mentioned above and a Southwest line of said 1,239.10 acre Pecan Hill Acquisition, LLC tract to the **PLACE OF BEGINNING** and containing 0.336 acre of land.

BASIS OF BEARINGS & DISTANCES:

Grid North, State Plane Coordinate System of 1983, Central Zone, Leica RTK Network. All distances and areas are grid and can be converted to surface by dividing by a combined scale factor of 0.999 933 503 43.



Steven M. Wisnoski April 24, 2023
Registered Professional Land Surveyor
State of Texas No. 6006
Job #: 2023-04-06-01





Scale: 1" = 200'

BASIS OF BEARINGS & DISTANCES
Grid North, State Plane Coordinate System
of 1983, Central Zone, Leica RTK Network

JESSE B. MCNEALY SURVEY
A-44

LEGEND

● Set $\frac{1}{8}$ " IR

— Fence

Called 96.618 Acres
Grimes Altamira, LLC
(2022-322555)

N66°08'38"E 20.00'
N24°03'18"W 20.00'
S24°03'13"E 20.00'
(Fd) $\frac{1}{8}$ " IR

0.336 ACRE EASEMENT

- 20' wide -

Point Of Beginning
(Fd) $\frac{1}{8}$ " IR

Residue of called 75 Acres
Jinx M. Lee
(610-824, 585-445, 557-66,
554-488, 526-29, 495-795)

N23°52'43"W 20.00'
N64°47'10"E 252.09'
S64°47'10"W 252.04'
(Fd) $\frac{1}{8}$ " IR
S64°52'58"W 20.00'

Called 1,239.10 Acres
Pecan Hill Acquisition, LLC
(2021-320767)

Called 189.48 Acres
The Edwin H. Kettler & Leona
Kettler Revocable Living Trust
(871-147)

Called $\frac{1}{2}$ Interest in
approximately 275.13 Acres
Jeannette Wekh
(1626-637)

Called $\frac{1}{2}$ Interest in
approximately 275.13 Acres
Stanley Kettler
(1626-644)

Called 4.355 Acres,
more or less
Dennis Underwood, et ux
(1309-47)

Client: The City of Navasota, Texas

I, Steven M. Wisnoski, Registered Professional Land
Surveyor No. 6006 of the State of Texas do hereby certify
that this plat represents an on the ground survey made
under my personal and direct supervision.

Steven M. Wisnoski
R.P.L.S. 6006

Date: April 24, 2023



Wisnoski Land Surveying, LLC
PO Box 1744
Navasota, Texas 77888
938-870-7100
TBPELS Firm No. 10085300 ©

Job #
2023-04-06-01

Situated in Grimes County, Texas, out of the Jesse B.
McNealy Survey, Abstract No. 44 & being a part of the
residue of First Tract, called 75 acres, as described in a
Deed from Adeline T. Boehm to Jinx M. Lee, dated
February 2, 1988, of record in Volume 610, Page 824
of the Real Property Records of Grimes County, Texas.

Exhibit "B"

CITY OF NAVASOTA, TEXAS

ANNEXATION SERVICE PLAN AGREEMENT

Introduction:

Pursuant to the Local Government Code, Chapter 43, Section 43.0672, the City of Navasota has prepared this service plan agreement for the delivery of municipal services to the territory being proposed for annexation to the City. The area proposed for annexation consists of one tract of land containing a total of 0.336 acres. The area proposed for annexation is located on and along the Eastern city limits line. The annexation of this property is requested by Jinx Lee, by a petition dated May 4th, 2023. The property boundaries are contiguous with the existing city limits and are entirely within the City's extraterritorial jurisdiction (ETJ). There are no industrial businesses in this area. The land is Agricultural Open Space (AO) in all areas.

FOR SERVICES ON THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION

The City of Navasota, Texas, and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Navasota, Texas, with similar topography, land use and population density within the newly annexed area.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City of Navasota, Texas, is presently serviced by the Navasota Fire Department, which will provide fire protection and emergency medical services to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Navasota, Texas, with similar topography, land use and population density within the City.

3. SOLID WASTE COLLECTION

At the present time the City of Navasota, Texas, is using a franchised contractor for collection of solid waste and refuse within the city limits of the City of Navasota, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced.

4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water and wastewater facilities owned or maintained by the City of Navasota, Texas, and situated in the area at the time of the proposed annexation shall continue to be maintained by the City of Navasota, Texas. Any and all water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Navasota, Texas, to the extent of its ownership. The now existing water and wastewater mains at their existing locations, or as may be extended, shall be available for point of use

extension based upon the current City's standard water and wastewater extension policies now existing or as may be amended.

5. MAINTENANCE OF ROADS AND STREETS

The City Council of the City of Navasota, Texas, is not aware of the existence of any roads or streets now located in the area proposed for annexation. In the event any such roads or streets do exist and are public facilities owned by or dedicated to the City of Navasota, Texas, the City will maintain such areas to the same extent and degree that it maintains roads and streets and other similar facilities of the City of Navasota, Texas. Any and all roads or streets which have been dedicated to and accepted by the City of Navasota, Texas, or which are owned by the City of Navasota, Texas, shall be maintained to the same degree and extent that other roads and streets are maintained in areas with similar topography, land use and population density. Any and all lighting of road and streets which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Navasota, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Navasota, Texas, is not aware of the existence of any parks, playgrounds or public swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Navasota, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Navasota, Texas.

7. MAINTENANCE OF ANY PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Navasota, Texas, is not aware of the existence of any publicly owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly owned facility, building or municipal service does exist and are public facilities, the City of Navasota, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Navasota, Texas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2-1/2 YEARS:

1. POLICE PROTECTION, FIRE PROTECTION & SOLID WASTE COLLECTION

The City Council of the City of Navasota, Texas, finds and determines it to be unnecessary to acquire or construct any capital improvement within 2-1/2 years of the effective date of the annexation of the particular annexed area for the purposes of providing police protection, fire protection or solid waste collection. The City Council finds and determines

that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Navasota, Texas, with the same or similar topography, land use and population density.

2. WATER AND WASTEWATER FACILITIES

For the next 2-½ years the City Council of the City of Navasota, Texas, believes that City water and wastewater mains exist, or may be extended, for points of connection for serviceable extensions to provide water and wastewater service within the area to be annexed pursuant to the City's standard water extension policies now in existence or as may be amended by the City Council.

3. ROADS AND STREETS

Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density.

4. MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS, AND THE MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE

To the extent that it becomes necessary because of development demands, population growth, and a bona fide need, the City Council of the City of Navasota, Texas, will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

SPECIFIC FINDINGS

The City Council of the City of Navasota, Texas, finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Furthermore, the City Council of the City of Navasota, Texas, finds and determines the nature of the area is characteristically different from other developed areas within the corporate limits of the City of Navasota, Texas. Consequently, because of the differing characteristics of topography, land use and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided to other areas of the City of Navasota, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Navasota, Texas, will undertake to perform consistent with this service plan so as to provide this newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Navasota, Texas, who reside in areas of similar topography, land use and population density.

APPROVED on this the 8th day of May 2023.

CITY OF NAVASOTA, TEXAS

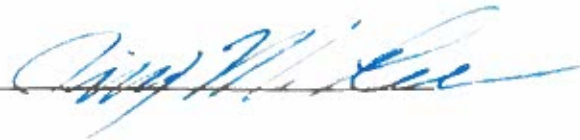

HON. BERT MILLER, Mayor

ATTEST:

SUSIE HOMEYER, City Secretary



LAND OWNER


JINX LEE



REQUEST FOR CITY COUNCIL AGENDA ITEM #6

Agenda Date Requested: <u>May 23, 2023</u>	Appropriation
Requested By: <u>Lupe Diosdado, Director</u>	Source of Funds: <u>N/A</u>
Department: <u>Development Services</u>	Account Number: <u>N/A</u>
<input type="radio"/> Report <input type="radio"/> Resolution <input checked="" type="radio"/> Ordinance	Amount Budgeted: <u>N/A</u>
	Amount Requested: <u>N/A</u>
	Budgeted Item: <input type="radio"/> Yes <input checked="" type="radio"/> No

Exhibits: Ordinance No. 1025-23

AGENDA ITEM #6

Consideration and possible action on second reading of Ordinance No. 1025-23, approving a voluntary annexation petition for a 96.618-acre tract of land located in the Jesse B, McNealy Survey, A-44, in Grimes County, TX 77868.

SUMMARY & RECOMMENDATION

The City of Navasota received a voluntary petition for annexation by property owner Grimes Altamira, LLC, (Chandler Arden) for a 96.618-acre tract located out of the Jesse B. McNealy Survey, A-44. The area proposed for annexation is adjacent to the eastern boundary of the Navasota City Limits along the Dove Crossing Subdivision.

Since early 2022 staff have been working closely with developer Chandler Arden on a plan to provide municipal services to his proposed 96.618 acre, 400 lot single-family residential development. Also, the plan includes the construction of a City of Navasota water tower and other water facilities within the property boundaries. Staff has coordinated with contiguous property owners Jinx M. Lee, Stanley Kettler & Jeannette Welch to allow for an annexation strip connecting the proposed project area to city limits.

On May 8th the City Council approved a resolution setting May 22nd at 6:00 pm as the date and time for the public hearing related to this voluntary annexation petition and approval of the service plan for the affected area.



On May 22, 2023, the City Council held the required public hearing to receive public comment and testimony concerning this voluntary annexation, where City Council approved the first reading of Ordinance No. 1025-23. City staff recommends the City Council approve the second reading of Ordinance No. 1025-23, annexing a 96.618-acre tract of land located in the Jesse B. McNealy Survey, A-44, in Grimes County, TX 77868.

ACTION REQUIRED BY CITY COUNCIL

Approve or deny the second reading of Ordinance No. 1025-23, annexing a 96.618-acre tract of land located in the Jesse B, McNealy Survey, A-44, in Grimes County, TX 77868.

Approved for the City Council meeting agenda.



Jason B. Weeks, City Manager

5/17/23

Date

ORDINANCE NO. 1025-23

AN ORDINANCE OF THE CITY OF NAVASOTA, TEXAS FOR THE PURPOSE OF EXTENDING THE BOUNDARY LIMITS OF THE CITY OF NAVASOTA, TEXAS; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 96.618 ACRES OF LAND, HEREINAFTER MORE SPECIFICALLY DESCRIBED, TO THE CITY OF NAVASOTA, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Navasota, Texas is a Texas home-rule municipality as defined by the Texas Local Government Code; and

WHEREAS, the City Charter and Chapter 43 of the Texas Local Government Code, authorize the City of Navasota to annex territory in accordance with the procedures provided for therein; and

WHEREAS, the City of Navasota received a written request from the property owner requesting the annexation of the hereinafter described area; and

WHEREAS, the City desires to annex the area described hereinafter; and

WHEREAS, the hereinafter described area lies within the extraterritorial jurisdiction of the City of Navasota; and

WHEREAS, the area hereinafter described lies adjacent and contiguous to the present boundary limits of the City of Navasota; and

WHEREAS, notice of the appropriate public hearing was published in a newspaper having general circulation in the City of Navasota, Texas and on the City's website and the public hearing was conducted and held in accordance with applicable law; and

WHEREAS, the City of Navasota, Texas and the property owner negotiated and executed a Service Plan Agreement for the extension of municipal services into the area to be annexed; and

WHEREAS, all notices, publication and hearings have been duly given and held as required by law; and

WHEREAS, institution of annexation proceedings occurred within the period of time as prescribed by law;

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

Section 1. That the hereinafter described area of land is within the extraterritorial jurisdiction of, and is adjacent to and is contiguous to the present corporate limits of the City of Navasota, Texas, and the same is hereby, annexed to the City of Navasota, Texas for all municipal purposes and the corporate lines and limits of the City of Navasota, Texas are hereby extended to embrace the said area of land, which is described as follows:

All that certain 96.618 acres tract of land in Jesse B. McNealy Survey, A-44, Grimes County, Texas, being more particularly described in Exhibit "A" attached hereto

and incorporated herein for all purposes.

Section 2. That the inhabitants, if any, of the property hereby annexed to the City of Navasota, Texas shall be entitled to all the rights and privileges of said citizens of the City of Navasota, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Navasota, Texas.

Section 3. That the Service Plan Agreement which is attached hereto as Exhibit "B" is hereby incorporated herein as part of this Ordinance for all purposes.

Section 4. That the official map and boundaries of the City of Navasota, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned area as part of the City of Navasota, Texas.

Section 5. That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to amend the official map of the City of Navasota, Texas to add the territory hereby annexed as required by law.

Section 6. That this Ordinance shall become effective after its passage.

Section 7. That the Mayor is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk, and to perform all other acts necessary to notify the appropriate entities of the City's annexation of territory by this Ordinance.

Section 8. If any section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance be found to be illegal, invalid or unconstitutional or

if any portion of said property is incapable of being annexed by the City of Navasota, Texas, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and as to this end the provisions of this Ordinance are declared to be severable.

Section 9. That the meetings at which this Ordinance was considered and enacted were open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meetings was given as required by the Texas Open Meetings Act.

PASSED ON FIRST READING THIS THE 22ND DAY OF MAY, 2023.

HON. BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

PASSED ON SECOND AND FINAL READING THIS THE 23RD DAY OF MAY, 2023.

HON. BERT MILLER, MAYOR

ATTEST:

SUSIE M. HOMEYER, CITY SECRETARY

Exhibit A

FIELD NOTES 96.618 ACRES

Being all that certain tract or parcel of land lying and being situated in the JESSE B. McNEALY SURVEY, Abstract No. 44, Grimes County, Texas and being comprised of all of the called 50.00 acre tract described in the deed from Kenneth Robert Skillern, Independent Executor of the Estate of Patricia Wier Skillern to Kenneth Robert Skillern recorded in Volume 1746, Page 24 of the Real Property Records of Grimes County, Texas (R.P.R.G.C.) and part of called 50.66 acre tract described in the deed from Kenneth Robert Skillern, Independent Executor of the Estate of Patricia Wier Skillern to Jess Henry H. Beal recorded in Volume 1746, Page 29 (R.P.R.G.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at a 3/8-inch iron rod marking the most easterly corner of this herein described tract, said iron rod also marking the south corner of the called 28.63 acre Frederick Buchanan Sullivan tract recorded in Volume 1445, Page 478 (R.P.R.G.C.) and being in the northwesterly line of the called 461.68 Gerard W. Trione tract recorded in Volume 1002, Page 484 (R.P.R.G.C.) bearing system shown herein are NAD83 (Texas State Plane Central Zone Grid North) and as established by gps observation. Distances shown herein are grid distances to determine surface distances multiply by a combined scale factor of 1.0000787723;

THENCE: along the fenced common lines of this tract, the called 50.66 acre Beal tract, the called 50.00 acre Skillern tract and the called 461.68 acre Trione tract for the following four (4) calls:

- 1) S 66°37'18" W (DEED CALL: S 69°22'13" W) for a distance of 911.45 feet to a found 3/8-inch iron rod for angle,
- 2) S 37°39'28" W (DEED CALL: S 40°24'21" W) for a distance of 292.51 feet to a found 1/2-inch iron rod for corner,
- 3) S 20°02'59" E (DEED CALL: S 17°18'04" E) for a distance of 10.32 feet to a found 3/8-inch iron rod for corner, and
- 4) S 50°06'55" W (DEED CALL: S 52°51'50" W) for a distance of 1,199.39 feet to a found 3/8-inch iron rod marking the most southerly corner of this tract, said iron rod also marking the west corner of the called 461.068 acre Trione tract, the north corner of the called 38.947 acre Jinx M. Lee tract recorded in Volume 610, Page 824 (R.P.R.G.C.) and being in the fenced east line of the called 75 acre Jinx M. Lee tract recorded in Volume 380, Page 617 of the Grimes County Deed Records (G.C.D.R.);

THENCE: N 24°01'49" W (DEED CALL: S 21°16'54" W) along the common line of this tract, the called 50.00 acre Skillern tract and the called 75 acre Lee tract (380/617) for a distance of 775.04 feet to a found 3/8-inch iron rod marking the lower most westerly corner of this tract, said iron rod also marking the northeast corner of the called 75 acre Lee tract (380/617), the southeast corner of the called 4.99 acre James Bailey, et ux tract recorded in Volume 836, Page 14 (R.P.R.G.C.) and the southwest corner of the called 4.79 acre MNL Properties, LLC tract recorded in Volume 1754, Page 605 (R.P.R.G.C.);

THENCE: along the fenced common lines of the this tract, the called 50.00 acre Skillern tract and the called 4.79 acre MNL Properties, LLC tract for the following two (2) calls:

- 1) N 65°57'01" E (DEED CALL: N 68°41'56" E) for a distance of 267.69 feet to a found 3/8-inch iron rod for corner, and
- 2) N 28°07'48" W (DEED CALL: N 25°22'53" W) for a distance of 924.94 feet to a found 1/2-inch iron rod marking the upper westerly corner of this herein described tract, said iron rod also marking the north corner of the called 4.79 acre MNL Properties, LLC tract and being in the southeast margin of State Highway No. 90;

THENCE: along the southeast margin of said State Highway No. 90 for the following ten (10) calls:

- 1) N 41°14'53" E (DEED CALL: N 43°59'48" E) for a distance of 199.83 feet to a 1/2-inch iron rod set for angle,
- 2) N 37°11'05" E (DEED CALL: N 39°56'00" E) for a distance of 139.06 feet to a 1/2-inch iron rod set for angle,
- 3) N 35°15'05" E (DEED CALL: N 38°00'00" E) for a distance of 138.17 feet to a 1/2-inch iron rod set for angle,
- 4) N 32°08'05" E (DEED CALL: N 34°53'00" E) for a distance of 176.81 feet to a 1/2-inch iron rod set for angle,
- 5) N 28°33'05" E (DEED CALL: N 31°18'00" E) for a distance of 137.58 feet to a 1/2-inch iron rod set for angle,
- 6) N 27°02'05" E (DEED CALL: N 29°47'00" E) for a distance of 277.78 feet to a 1/2-inch iron rod set for angle,
- 7) N 26°09'05" E (DEED CALL: N 28°54'00" E) for a distance of 238.11 feet to a 1/2-inch iron rod set for angle,
- 8) N 24°59'05" E (DEED CALL: N 27°44'00" E) for a distance of 138.03 feet to a 1/2-inch iron rod

set for angle,

- 9) N 23°53'05" E (DEED CALL: N 26°38'00" E) for a distance of 138.42 feet to a 1/2-inch iron rod set for angle, and
- 10) N 23°04'05" E (DEED CALL: N 25°49'00" E) for a distance of 30.98 feet to a 1/2-inch iron rod set for the northwest corner of this tract, from whence a found 1-inch iron bar marking the north corner of the called 50.66 acre Beal tract and the west corner of the called 5.2 acre Fredrick Buchanan Sullivan and Tammie Jones Sullivan tract recorded in Volume 1421, Page 832 (R.P.R.G.C.) bears N 21°43'18" E at a distance of 417.09 feet for reference;

THENCE: into and through the called 50.66 acre Beal tract and along an existing fence for the following two (2) calls:

- 1) S 65°35'05" E for a distance of 400.89 feet to a 4-inch round fence post for corner, and
- 2) N 23°43'10" E for a distance of 451.86 feet to a 1/2-inch iron rod set for corner, said iron rod also being in the fenced southwest line of the called 5.2 acre Sullivan tract (1421/832).

THENCE: S 70°25'55" E (DEED CALL: S 67°41'00" E) along the fenced common line of this tract, the called 50.66 acre Beal tract and the called 5.2 acre Sullivan tract (1421/832) for a distance of 314.98 feet to a found 3/8-inch iron rod marking an angle point in the tract, said iron rod also marking an angle point in the 50.66 acre Beal tract, the south corner of the called 5.2 acre Sullivan tract (1421/832) and being in the southwest line of the called 28.63 acre Sullivan tract (1445/478);

THENCE: S 23°37'55" E (DEED CALL: S 20°53'00" E) along the fenced common line of this tract, the called 50.66 acre Beal tract, the called 28.63 acre Sullivan tract (1445/478) for a distance of 1,952.63 feet to the POINT OF BEGINNING and containing 96.618 acres of land (calculated surface).

Exhibit "B"

CITY OF NAVASOTA, TEXAS

ANNEXATION SERVICE PLAN AGREEMENT

Introduction:

Pursuant to the Local Government Code, Chapter 43, Section 43.0672, the City of Navasota has prepared this service plan agreement for the delivery of municipal services to the territory being proposed for annexation to the City. The area proposed for annexation consists of one tract of land containing a total of 96.618 acres. The area proposed for annexation is located on and along the Eastern city limits line. The annexation of this property is requested by Chandler Arden, with Grimes Altamira, LLC, by a petition dated April 28th, 2023. The property boundaries are contiguous with the existing city limits and are entirely within the City's extraterritorial jurisdiction (ETJ). There are no industrial businesses in this area. The land is Agricultural Open Space (AO) in all areas.

FOR SERVICES ON THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION

The City of Navasota, Texas, and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Navasota, Texas, with similar topography, land use and population density within the newly annexed area.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City of Navasota, Texas, is presently serviced by the Navasota Fire Department, which will provide fire protection and emergency medical services to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Navasota, Texas, with similar topography, land use and population density within the City.

3. SOLID WASTE COLLECTION

At the present time the City of Navasota, Texas, is using a franchised contractor for collection of solid waste and refuse within the city limits of the City of Navasota, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced.

4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water and wastewater facilities owned or maintained by the City of Navasota, Texas, and situated in the area at the time of the proposed annexation shall continue to be maintained by the City of Navasota, Texas. Any and all water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Navasota, Texas, to the extent of its ownership. The now existing water and wastewater

mains at their existing locations, or as may be extended, shall be available for point of use extension based upon the current City's standard water and wastewater extension policies now existing or as may be amended.

5. MAINTENANCE OF ROADS AND STREETS

The City Council of the City of Navasota, Texas, is not aware of the existence of any roads or streets now located in the area proposed for annexation. In the event any such roads or streets do exist and are public facilities owned by or dedicated to the City of Navasota, Texas, the City will maintain such areas to the same extent and degree that it maintains roads and streets and other similar facilities of the City of Navasota, Texas. Any and all roads or streets which have been dedicated to and accepted by the City of Navasota, Texas, or which are owned by the City of Navasota, Texas, shall be maintained to the same degree and extent that other roads and streets are maintained in areas with similar topography, land use and population density. Any and all lighting of road and streets which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Navasota, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Navasota, Texas, is not aware of the existence of any parks, playgrounds or public swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Navasota, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Navasota, Texas.

7. MAINTENANCE OF ANY PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Navasota, Texas, is not aware of the existence of any publicly owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly owned facility, building or municipal service does exist and are public facilities, the City of Navasota, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Navasota, Texas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2-1/2 YEARS:

1. POLICE PROTECTION, FIRE PROTECTION & SOLID WASTE COLLECTION

The City Council of the City of Navasota, Texas, finds and determines it to be unnecessary to acquire or construct any capital improvement within 2-1/2 years of the effective date of the annexation of the particular annexed area for the purposes of providing police

protection, fire protection or solid waste collection. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Navasota, Texas, with the same or similar topography, land use and population density.

2. **WATER AND WASTEWATER FACILITIES**

For the next 2-½ years the City Council of the City of Navasota, Texas, believes that City water and wastewater mains exist, or may be extended, for points of connection for serviceable extensions to provide water and wastewater service within the area to be annexed pursuant to the City's standard water extension policies now in existence or as may be amended by the City Council.

3. **ROADS AND STREETS**

Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density.

4. **MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS, AND THE MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE**

To the extent that it becomes necessary because of development demands, population growth, and a bona fide need, the City Council of the City of Navasota, Texas, will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

SPECIFIC FINDINGS

The City Council of the City of Navasota, Texas, finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Furthermore, the City Council of the City of Navasota, Texas, finds and determines the nature of the area is characteristically different from other developed areas within the corporate limits of the City of Navasota, Texas. Consequently, because of the differing characteristics of topography, land use and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided to other areas of the City of Navasota, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Navasota, Texas, will undertake to perform consistent with this service plan so as to provide this newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Navasota, Texas, who reside in areas of similar topography, land use and population density.

APPROVED on this the 8th day of May 2023.

CITY OF NAVASOTA, TEXAS


HON. BERT MILLER, Mayor

ATTEST:


SUSIE HOMEYER, City Secretary



LAND OWNER


CHANDLER ARDEN - GRIMES ALTAMIRA, LLC