



Control Number: 30617



Item Number: 96

Addendum StartPage: 0


SOAH DOCKET NO. 473-05-5029
P.U.C. DOCKET NO. 30617

APPLICATION OF CENTERPOINT	§	BEFORE THE STATE OFFICE
ENERGY HOUSTON ELECTRIC, LLC	§	
FOR A CERTIFICATE OF	§	ADMINISTRATIVE HEARINGS
CONVENIENCE AND NECESSITY (CCN)	§	
FOR A PROPOSED 69 KV	§	
TRANSMISSION LINE WITHIN	§	
BRAZORIA COUNTY	§	

**RESPONSE TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC'S
FIRST REQUEST OF INFORMATION FROM THE CITY OF FREEPORT**

Attached are the City of Freeport's responses to the request for information posed by
CenterPoint Energy. The sponsor of each of the answers is Ron Bottoms, City Manager.

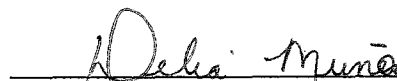
Respectfully submitted,



Ron Bottoms
City Manager
City of Freeport
200 W. 2nd St.
Freeport, Texas 77541

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents was served on all parties of record on this the 1st day of July 2005 by United States first-class mail, hand delivery, and/or facsimile.



Delia Munoz, City Secretary

Centerpoint Energy's First Request for Information to the City of Freeport all references to "the Property" are references to the property owned by the City of Freeport in the area of the proposed new transmission facilities or any property the City may be planning to acquire in the area of the proposed new transmission facilities. All references to the City of Freeport include its representatives or persons working for it.

1. Identify each person who is expected to submit prepared testimony in this proceeding on behalf of the City of Freeport

Answer: Ron Bottoms, City Manager, City of Freeport

2. For each of your witnesses who will file testimony in this proceeding and contemporaneous with the filing of the testimony, please:

- a. Provide a complete copy of the workpapers supporting the testimony of the witness;
- b. Identify all documents, including reports, models, data, or publications provided to or obtained by the witness in the course of preparing his/her testimony;
- c. Identify any expert, other than the Applicants' experts, whose testimony, publications, or work the witness reviewed, in whole or in part, in the course of the preparing his/her testimony regardless of whether the witness relied on that expert's testimony, publications, or work to support the testimony filed;
- d. Identify all persons, other than legal counsel, who the witnesses interviewed or with whom the witness discussed his/her testimony;
- e. Provide the witness' complete current resume and bibliography;
- f. Identify and provide copies of all testimony or reports the witness has presented before, or had filed with, any court or other governmental body since January 1, 1999 (you do not need to provide copies of testimony or reports filed with the Public Utility Commission of Texas, but please identify such testimony and provide the name or style of the proceeding, the docket or project number, and the date filed); and
- g. Identify and provide copies of all articles, commentaries, editorials, or written work that the witness has had published since January 1, 1999 in any journal, newspaper, magazine, or other publication.

Answer: Enclosed

3. Identify each person who will not submit testimony but will provide information on which testifying witnesses will rely.

Answer: None planned at this time.

4. Identify any consulting expert whose work has been reviewed by any of your witnesses in this proceeding and for each such consulting expert, please:

- a. Provide the expert's name and employer, and the address and telephone number by

which the expert can be contacted

- b. Identify the subject matter for which the expert was consulted;
- c. Identify all documents and facts provided to, or obtained by, the consulting expert or which formed the basis on which the consulting expert derived his/her opinions and mental impressions that are related to this proceeding;
- d. Provide the opinions and mental impressions of the consulting expert that are related to this proceeding and identify the techniques and methods the consulting expert used to reach those opinions and mental impressions;
- e. Identify all persons, other than legal counsel, who the consulting expert interviewed or with whom the consulting expert discussed his/her testimony;
- f. Provide the consulting expert's complete current resume and bibliography;
- g. Identify and provide copies of all testimony or reports the consulting expert has presented before, or had filed with, any court or other governmental body since January 1, 1999 (you do not need to provide copies of testimony or reports filed with the Public Utility Commission of Texas, but please identify such testimony and provide the name or style of the proceeding, the docket or project number, and the date filed); and
- h. Identify and provide copies of all articles, commentaries, editorials, or written work that the consulting expert has had published since January 1, 1999 in any journal, newspaper, magazine, or other publication.

Answer: Brent Luck, RLA
Public Sector Studio Leader
Land Design Partners
3345 Bee Caves Road, Suite 100
Austin, Texas 78746
(512) 327-5900

5. Provide a complete copy of the contracts with each individual identified in response to Requests Nos. 1 and 3.

Answer: Enclosed.

6. Produce the names of any person or company contacted to draft a site plan, survey, or plat of the property.

Answer: Same as 4 above.

7. Produce the dates and a detailed summary of the communications between the City of Freeport and any person or company contacted to draft a site plan, survey, or plat of the Property.

Answer: Enclosed.

8. Produce any and all documents relating to verbal and written communications whether made directly or indirectly between the City of Freeport and any person or company contacted to draft a site plan, survey, or plat of the property.

Answer: Enclosed.

9. Produce any and all documents concerning any and all meetings or communications the City of Freeport has had with any individuals that own property in the area of the proposed new transmission facilities concerning the development of property in the area of the proposed new transmission facilities or any property the City may be planning to acquire in the area of the new transmission facilities.

Answer: Enclosed.

10. Produce any and all documents Concerning any and all meetings or communications between the City of Freeport and state or federal agencies concerning the development of the property in the area of the proposed new transmission facilities or for any property the City may be planning to acquire in the area of the new transmission facilities.

Answer: Same as 9 above.

11. Produce any and all documents that identify all improvements completed or planned by the City on the property in the area of the proposed new transmission facilities or for any property the City may be planning to acquire in the area of the new transmission facilities.

Answer: Enclosed.

12. Produce any and all documents concerning any and all meetings or communications you or your representatives or persons working for you have had with any entity that has identified any plans for developing any property in the area of the proposed new transmission facilities or any property the City may be planning to acquire in the area of the new transmission facilities.

Answer: Enclosed.

13. List any existing or planned easements, including the approximate length and width of the easement, that are on or adjacent to the property owned by the City of Freeport in the study area of the application in this proceeding.

Answer: None.

14. Provide the legal documents and any amendments that created the easements or relate to the easements identified in response to Question 13.

15. Provide all site plans, surveys, and plats and any revisions to such plans, surveys, or plats that have been made of the property owned by the City of Freeport in the study area of the application in this proceeding.

Answer: Enclosed.

16. Have any site plans, surveys, or plats relating to the property been recorded in the records of Brazoria County, Texas?

a. If yes, provide a copy of each document and the legal recording data associated with the filing.

b. If not, when does the City of Freeport plan to file any site plans, surveys, or plats relating to the property in the records of Brazoria County, Texas

Answer: Enclosed

17. Provide a specific timeline, including but not limited to, the dates of each step in the development of the property, if any.

Answer: Implementation of the plan will beginning next fiscal year (October 1, 2005).

18. Produce any and all documents you provided to Centerpoint Energy or Burns & McDonnell relating to this application.

Answer: Enclosed.

19. Produce any and all documents that address the potential impact of the proposed new transmission facilities on the property in the area of the proposed new transmission facilities or for any property the City may be planning to acquire in the area of the new transmission facilities.

Answer: See previous City of Freeport PUC filings.

20. Identify and provide copies of all documents, including emails, that you or any of your attorneys, consultants, or representatives have sent to or received from any other party or any attorney, consultant, or representative of any other party to this proceeding that relate to this proceeding. For purposes of this response, you do not have to identify or provide copies of filings made at the Commission or at the State Office of Administrative Hearings in this proceeding, documents sent to or received from any of the Applicants, or emails on which any representative of any of the Applicants was copied.

Answer: Enclosed.

Ron Bottoms

Experience

2002-Present

City Manager, City of Freeport

2001-2002

Capital Programs Manager, City of San Antonio

1998-2001

City Manager, City of Dumas

1992-1998

Utilities Director/Director of Public Works, City of Brenham

1990-1992

Owner/Operator

Infrared Technology Services

1989-1990

Cost Analyst, Bryan Utilities, City of Bryan

1982-1989

Captain, United States Air Force

Education

1986-1988 Troy State University

- Masters of Public Administration

1977-1981 Texas A&M University

- B.S. Industrial Distribution

March 24, 2005

Mr. Ron Bottoms
City of Freeport
200 West Second Street
Freeport, Texas 77541

Re: Revised Proposal - Levee/2nd Street Master Plan, Beach and Nature Area Master Plan, and Trails Master Plan located in Freeport, Texas

Dear Mr. Bottoms:

Land Design Partners, Inc. (LDP) is pleased to submit the following proposal for landscape architecture services on the above referenced project. We propose the following services:

I. SCOPE OF SERVICES

A. Site Analysis

The landscape architect will review existing conditions at the project site to verify base map information and identify opportunities and constraints. Photographic documentation of the site will also occur.

B. Meetings with City Staff

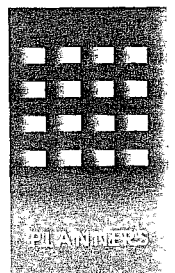
As key issues for the project site are identified, the landscape architect will facilitate meetings with City Staff to discuss park programming and desired elements. The results and comments of these meetings with City staff will be noted and captured on plan drawings.

C. Master Plan Development

After completion of the site analysis and city staff facilitation, the landscape architect will work with the client to establish an overall design for the project by determining user requirements and design objectives, project budget and potential phasing, theming and ideas for marketing and brand recognition, and compatibility for Texas Parks and Wildlife (TPWD) Texas Recreational Trails Fund Project Application and TPWD Texas Recreation and Parks Account Outdoor Recreation Grant Program Application.

Land Design Partners, Inc.
3345 Bee Caves Road, Suite 100
Austin, Texas 78746
Ph 512.327.5900 512.328.1253 Fx

LANDSCAPE ARCHITECTS



AUSTIN

DALLAS

1. Levee/2nd Street Master Plan

The landscape architect will prepare one (1) black and white concept master plan, at a scale deemed appropriate, to illustrate the concept and character for the area generally described as the Levee / 2nd Street Planning Area. Enlargement plans and character elevations will be produced to communicate design intent and character. Throughout the week long master planning process, we will make necessary revisions to the design based on client input and review design development with client and/or design team to coordinate the completion of the project's goals and objectives.

The landscape architect will then prepare one (1) rendered final concept master plan for City use and an estimate of probable construction costs for the preferred Levee / 2nd Street concept master plan for City use.

2. Beach and Nature Area Master Plan

The landscape architect will prepare one (1) black and white concept master plan, at a scale deemed appropriate, to illustrate the concept and character for the area generally described as the Beach and Nature Area Planning Area. (This area includes the 3-½ miles of City owned beach and the approximately 800 acres that is anticipated to be received from TPWD.) Enlargement plans and character elevations will be produced to communicate design intent and character. Throughout the week long master planning process, we will make necessary revisions to the design based on client input and review design development with client and/or design team to coordinate the completion of the project's goals and objectives.

The landscape architect will then prepare one (1) rendered final concept master plan for City use and an estimate of probable construction costs for the preferred Beach and Nature Area concept master plan for City use.



3. Trails Master Plan.

The landscape architect will prepare one (1) black and white concept master plan, at a scale deemed appropriate, to illustrate the connectivity, concept and character for the area connecting the Levee / 2nd Street Planning Area and the Beach and Nature Area Planning Area. Enlargement plans and character elevations will also be produced to communicate design intent and character. .

The landscape architect will then prepare one (1) rendered final concept master plan for City use and an estimate of probable construction costs for the concept master plan for City use.

D. Project Deliverables

The landscape architect will deliver to the City:

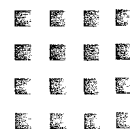
- One (1) 24x36 rendered final Levee/2nd Street Master Plan concept master plan for City use;
- One (1) 24x36 rendered final Beach and Nature Area Master Plan concept master plan for City use;
- One (1) 24x36 rendered final Trails Master Plan concept master plan for City use;
- The landscape architect will deliver ten (10) 8 ½ x 11 bound master plan documents encompassing the process and products produced during the Scope of Services as outlined in items A, B and C.

II. BASIS OF COMPENSATION

The fees for services stated will be a total not to exceed sum as follows:

<u>Item</u>	<u>Fee Basis</u>	<u>Fee</u>
• Site Analysis	Lump Sum	\$800
• City Staff Facilitation	Lump Sum	\$400
• Master Plan Development		
Levee/2 nd Street Master Plan	Lump Sum	\$3,400
Beach and Nature Area Master Plan	Lump Sum	\$3,400
Trails Master Plan	Lump Sum	\$1,200
• Reimbursable Expense	Estimated at cost plus 10%	\$1,400
	Total Fee:	\$10,600

3345 Bee Caves Road, Suite 100
Austin Texas 78746
Phone 512.327.5900
Fax 512.328.1253



L A W F O R A R C H I T E C T S

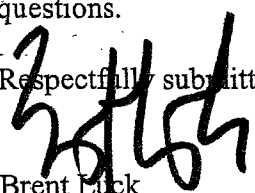
Mr. Ron Bottoms
March 24, 2005
Page 4

Billing will be monthly as work progresses.

Reimbursable expenses (cost plus 10%) and additional services (all services not shown on Scope of Services), will be billed either on an hourly basis as described in the attached Schedule of Fees or an agreed upon lump sum fee. This proposal does not include services performed prior to the execution of this agreement or services not specifically addressed in "The Scope of Services".

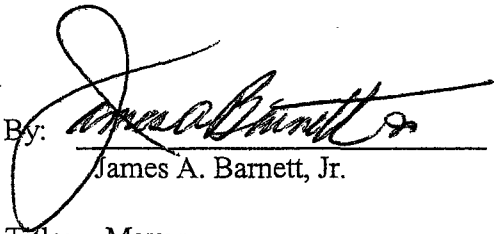
We appreciate the opportunity to be of service and look forward to assisting you in the development of this project. Upon your review of this proposal, please call if you have any questions.

Respectfully submitted,


Brent Luck
Public Sector Studio Leader
BL/kd

CLIENT:
City of Freeport

By:


James A. Barnett, Jr.

Title: Mayor

Date:

April 1, 2005

LANDSCAPE ARCHITECT:
Land Design Partners,
Inc.

By:


Brent Luck, ASLA

Title: Public Sector Studio Leader

Date: March 24, 2005

3345 Bee Caves Road, Suite 100
Austin, Texas 78746
Phone 512.327.5900
Fax 512.328.1253



LANDSCAPE ARCHITECTS

Council

MEMORANDUM

to: Mayor and City Council

from: Ron Bottoms

re: Landscape architect services

date: February 16, 2005

Attached is a proposal from Land Design Partners (LDP) for landscape architecture services with regards to the old river area, downtown area, and Bryan Beach. What they are proposing is to develop a master landscape plan for these areas over an intense one week period. The cost of this proposal is \$10,620. The plan that would result from these efforts will be very beneficial in assisting the city move forward in developing these areas. I recommend council's approval.

from the desk of...

Ron Bottoms
City Manager
City of Freeport
200 West 2nd Street
Freeport, Texas 77541

(979) 233-3526
Fax: (979) 233-8867

Council

MEMORANDUM

to: Mayor and City Council

from: Ron Bottoms

re: **Transfer of Bryan Beach property from Texas Parks and Wildlife**

date: December 3, 2004

Based on our previous work session discussion I recommend that the council agree to accept the 878 acres from Texas Parks and Wildlife. This is a very unique opportunity that should be very beneficial to the city. We will continue to pursue funding opportunities. In the meantime the impact to the City of Freeport should be minimal.

from the desk of...

Ron Bottoms
City Manager
City of Freeport
200 West 2nd Street
Freeport, Texas 77541

(979) 233-3526
Fax: (979) 233-8867

Ron Bottoms

From: Luck, Brent [bluck@landdesignpartners.com]
Sent: Wednesday, April 27, 2005 6:13 AM
To: rbottoms@freeport.tx.us
Subject: Freeport Master Plan

Good morning Ron -

I received your message from Monday and YES we are still on for next week. Thank you for the information on the hotel; we will book there upon your recommendation. We will be coming in late Sunday evening and will be ready to hit the ground running first thing Monday morning.

I will call you Thursday to further clarify the schedule for the first couple of days.

We look forward to the process and working with you next week.

Brent

Brent Luck, RLA
Public Sector Studio Leader
Land Design Partners
3345 Bee Caves Road, Suite 100
Ph.512.327.5900 Fx. 512.328.1253
www.landdesignpartners.com

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Checked by AVG Anti-Virus.
Version: 7.0.308 / Virus Database: 266.10.3 - Release Date: 4/25/2005

7/1/2005

Ron Bottoms

From: Luck, Brent [bluck@landdesignpartners.com]
Sent: Tuesday, March 01, 2005 9:03 AM
To: Ron Bottoms
Subject: RE: Master Plan Update

I certainly understand and appreciate your situation there. Thank you for the update and we will wait to here from you towards the end of the month. We look forward to it.

Brent

-----Original Message-----

From: Ron Bottoms [mailto:rbottoms@freeport.tx.us]
Sent: Tuesday, March 01, 2005 9:00 AM
To: Luck, Brent
Subject: RE: Master Plan Update

Brent,

Here's the deal - the new building in the park has become somewhat controversial, especially in light of the \$300,000 overage. We are rebidding this project. I did not want to move forward with the park planning due to the environment at the council meeting, and risk getting it voted down, so I requested that the item be tabled for now. I will probably wait until mid March or the first of April to put this back on. I really don't see a major problem with this project and I feel pretty confident that the council will elect to move forward, but I need to give it it's best shot and the environment at the last meeting was not conducive to this.

Ron

-----Original Message-----

From: Luck, Brent [mailto:bluck@landdesignpartners.com]
Sent: Tuesday, March 01, 2005 8:47 AM
To: Ron Bottoms (E-mail)
Subject: Master Plan Update

Good morning Ron -

I wanted to touch base with you to see if the proposal for the park master planning had been approved by council and, if it had, to talk dates with you. Please let me know when you have a moment.

Brent

Brent Luck
Public Sector Studio Leader
Land Design Partners, Inc.
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Ron Bottoms

From: Luck, Brent [bluck@landdesignpartners.com]
Sent: Tuesday, March 01, 2005 8:47 AM
To: Ron Bottoms (E-mail)
Subject: Master Plan Update

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Brent

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Ron Bottoms

From: Luck, Brent [bluck@ldp-austin.com]
Sent: Thursday, February 10, 2005 2:04 PM
To: Ron Bottoms (E-mail)
Subject: Thank you for the update

We will look forward to hearing from you again after the 22nd. It sounds like your last council meeting was pretty entertaining!

Brent

Brent Luck
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Ron Bottoms

From: Luck, Brent [bluck@ldp-austin.com]
Sent: Tuesday, February 01, 2005 2:13 PM
To: Ron Bottoms
Subject: RE: Revised Master Plan Proposal

Great! We look forward to hearing from you after Monday.

Brent

-----Original Message-----

From: Ron Bottoms [mailto:rbottoms@freeport.tx.us]
Sent: Tuesday, February 01, 2005 2:07 PM
To: Luck, Brent
Subject: RE: Revised Master Plan Proposal

Brent,

Thanks for the refinement. I feel more confident now that the council will okay this proposal. I will probably present the proposal at this monday night's council meeting.

Ron

-----Original Message-----

From: Luck, Brent [mailto:bluck@ldp-austin.com]
Sent: Tuesday, February 01, 2005 12:41 PM
To: Ron Bottoms
Subject: Revised Master Plan Proposal

Ron -

Please see attached a revised proposal for the master planning of the area along the levee and 2nd street and the master planning of the Beach and Nature Area. Hopefully the revised fee will be more palatable to the council.

Please let me know when you have had a chance to review and let's talk schedule.

Brent

[Luck, Brent] -----Original Message-----

From: Ron Bottoms [mailto:rbottoms@freeport.tx.us]
Sent: Monday, January 31, 2005 5:00 PM
To: Luck, Brent
Subject: RE: Master Plan Proposal

Brent,

I like your proposal, but I think the cost is on the high side, as far as how the council will respond to it. Would you look at the costs and see if they can be further refined. Thanks. I look forward to hearing from you. By the way the

7/1/2005

TP&W commission approved the transfer of 878 acres last week. So we're ready to move forward.

Ron

-----Original Message-----

From: Luck, Brent [mailto:bluck@ldp-austin.com]

Sent: Monday, January 24, 2005 11:44 AM

To: rbottoms@freeport.tx.us

Subject: Master Plan Proposal

Ron:

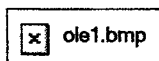
Again I appreciate the opportunity to have met with you and Mary last Thursday. Your vision for enhancing the City is very exciting and the possibilities of what that vision could mean to the City of Freeport are endless.

Over the weekend I put together a scope and fees for the master planning process we discussed. See attached. Essentially it calls for the master planning of the area along the levee and 2nd street, the master planning of the Beach and Nature Area, and the master planning for the connection of those two areas. It also includes the delivery of those color master plans at 24x 36 and as reductions (11x17). The reductions will be included in an executive summary that is presentable to council members, key stakeholders, etc.

Please review and call me with your comments. We are excited about the possibility of working with you and the City.

Brent

<<City of Freeport-pro.doc>>



Brent Luck

Public Sector Studio Leader

Land Design Partners, Inc.

3345 Bee Caves Road, Suite 100

Austin, TX 78746

P (512) 327-5900

F (512) 328-1253

www.landdesignpartners.com

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Ron Bottoms

From: Luck, Brent [bluck@ldp-austin.com]
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Please let me know when you have had a chance to review and let's talk schedule.

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[Luck, Brent] -----Original Message-----

From: Ron Bottoms [mailto:rbottoms@freeport.tx.us]
Sent: Monday, January 31, 2005 5:00 PM
To: Luck, Brent
Subject: RE: Master Plan Proposal

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Ron

-----Original Message-----

From: Luck, Brent [mailto:bluck@ldp-austin.com]
Sent: Monday, January 24, 2005 11:44 AM
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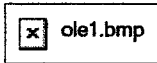
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7/1/2005

working with you and the City.

Brent

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Brent Luck

Public Sector Studio Leader

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www.landdesignpartners.com

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7/1/2005

Ron Bottoms

From: Luck, Brent [bluck@ldp-austin.com]
Sent: Tuesday, February 01, 2005 7:51 AM
To: Ron Bottoms
Subject: RE: Master Plan Proposal

Good morning Ron. Let us see if we can refine the numbers here and get back with you. I will try to get a revised proposal to you later on this afternoon.
Congratulations on officially acquiring the 878 acres!!

Brent

-----Original Message-----

From: Ron Bottoms [mailto:rbottoms@freeport.tx.us]
Sent: Monday, January 31, 2005 5:00 PM
To: Luck, Brent
Subject: RE: Master Plan Proposal

Brent,

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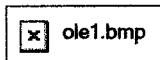
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<<City of Freeport-pro.doc>>

7/1/2005



Brent Luck

Public Sector Studio Leader

Land Design Partners, Inc.

3345 Bee Caves Road, Suite 100

Austin, TX 78746

P (512) 327-5900

F (512) 328-1253

www.landdesignpartners.com

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Ron Bottoms

From: Luck, Brent [bluck@ldp-austin.com]
Sent: Monday, January 24, 2005 11:44 AM
To: rbottoms@freeport.tx.us
Subject: Master Plan Proposal

Ron:

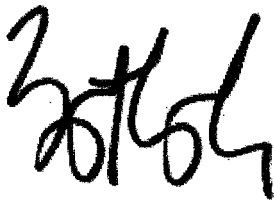
Again I appreciate the opportunity to have met with you and Mary last Thursday. Your vision for enhancing the City is very exciting and the possibilities of what that vision could mean to the City of Freeport are endless.

Over the weekend I put together a scope and fees for the master planning process we discussed. See attached. Essentially it calls for the master planning of the area along the levee and 2nd street, the master planning of the Beach and Nature Area, and the master planning for the connection of those two areas. It also includes the delivery of those color master plans at 24x 36 and as reductions (11x17). The reductions will be included in an executive summary that is presentable to council members, key stakeholders, etc.

Please review and call me with your comments. We are excited about the possibility of working with you and the City.

Brent

<<City of Freeport-pro.doc>>

**Brent Luck**

Public Sector Studio Leader
Land Design Partners, Inc.
3345 Bee Caves Road, Suite 100
Austin, TX 78746
P (512) 327-5900
F (512) 328-1253
www.landdesignpartners.com

7/1/2005

Ron Bottoms

From: Rick Fuller [rfuller@cbpd.net]
Sent: Friday, June 10, 2005 10:39 AM
To: 'Ron Bottoms'
Subject: RE: Statement of route adequacy

Ron,

I like it.

Rick Fuller
Coastal Bend Property Development, LP
4558 FM 2351
Friendswood, TX 77546
281/648-1268 Fax 281/648-0832
rfuller@cbpd.net

From: Ron Bottoms [mailto:rbottoms@freeport.tx.us]
Sent: Friday, June 10, 2005 10:07 AM
To: rfuller@cbpd.net
Subject: Statement of route adequacy

Rick,

This is what I plan on submitting. Any comments?

*Ron Bottoms
City Manager
Freeport, Texas
(979) 233-3526*

7/1/2005

Ron Bottoms

From: Ifan [lfansher@freeport.tx.us]
Sent: Wednesday, June 08, 2005 6:31 AM
To: osmana@brazoria-county.com
Subject: Re: FW: QUINTANA BOAT RAMP

Paperwork....Oh yes. Always!

What are the chances of working in a restroom w/ modest outdoor shower accommodations, maybe a short pair as well as a picnic area along with a boat ramp? Can we talk the TXPW into paying for the construction costs on all this?



-----Original Message-----

From: osmana@brazoria-county.com
Date: 06/07/05 08:59:33
To: lfansher@freeport.tx.us
Subject: FW: QUINTANA BOAT RAMP

It seems like you guys will be getting new boat ramp in the near future? There is a lot work and timeless paper work ahead, though.

Osman Arauz
Parks Superintendent
Brazoria County
(979) 864-1541
(979) 849-2693 Fax

-----Original Message-----

From: pct1-payne
Sent: Monday, June 06, 2005 8:37 PM
To: pct1-kelli
Cc: parks-mark; parks-osman
Subject: RE: QUINTANA BOAT RAMP
Sensitivity: Private

KELLI, WE NEED TO E-MAIL THIS TO HAL CROFT AT THE GLO! THANKS, DUDE

-----Original Message-----

From: pct1-kelli
Sent: Monday, June 06, 2005 4:45 PM
To: 'joe@patterson-edquist.com'
Cc: pct1-payne
Subject: RE: QUINTANA BOAT RAMP
Sensitivity: Private

Joe,

Thanks and I definitely like this appraisal a lot better than TxDOT's.

7/1/2005

Kelli Smith, Assistant

Commissioner Donald "Dude" Payne

Brazoria County Pct. 1

979-265-3953 or Ext. 1523

-----Original Message-----

From: Joseph Patterson [mailto:joe@patterson-edquist.com]

Sent: Monday, June 06, 2005 4:31 PM

To: 'Kelli Smith'

Cc: pct1-payne

Subject: RE: QUINTANA BOAT RAMP

Sensitivity: Private

Kelly,

Received the appraisal today. Robert put around \$300 per front foot on it, and it came to \$160,000.00. Am having lunch in Freeport Wednesday and will drop a copy by your office either on the way or way back.

Joseph Patterson

Patterson & Edquist

120 West Myrtle Street

Angleton, Texas 77515

979.848.3433

979.848.8307 FAX

From: Kelli Smith [mailto:kellis@brazoria-county.com]

Sent: Monday, June 06, 2005 7:10 AM

To: joe@patterson-edquist.com

Cc: pct1-payne

Subject: RE: QUINTANA BOAT RAMP

Sensitivity: Private

Thank you for following up on this. Please let me know when you receive the appraisal from Robert.

Kelli Smith, Assistant

7/1/2005

Commissioner Donald "Dude" Payne

Brazoria County Pct. 1

979-265-3953 or Ext. 1523

-----Original Message-----

From: Joseph Patterson [mailto:joe@patterson-edquist.com]

Sent: Saturday, June 04, 2005 4:55 PM

To: 'Kelli Smith'

Cc: 'Bill Henry'

Subject: RE: QUINTANA BOAT RAMP

Sensitivity: Private

Kelli,

Talked with Robert Friday, and expect to have the appraisal in hand Monday or Tuesday. Look like it will come in around \$150K.

Joseph Patterson

Patterson & Edquist

120 West Myrtle Street

Angleton, Texas 77515

979.848.3433

979.848.8307 FAX

From: Kelli Smith [mailto:kellis@brazoria-county.com]

Sent: Friday, June 03, 2005 9:24 AM

To: joe@patterson-edquist.com

Cc: pct1-payne

Subject: RE: QUINTANA BOAT RAMP

Sensitivity: Private

Thank you...

7/1/2005

Kelli Smith, Assistant

Commissioner Donald "Dude" Payne

Brazoria County Pct. 1

979-265-3953 or Ext. 1523

-----Original Message-----

From: Joseph Patterson [mailto:joe@patterson-edquist.com]

Sent: Friday, June 03, 2005 9:16 AM

To: 'Kelli Smith'

Cc: 'Bill Henry'

Subject: RE: QUINTANA BOAT RAMP

Sensitivity: Private

Received a call from Robert yesterday (was stuck in meetings all afternoon) and he needs to visit about his appraisal. I'll try to get with him today and will give you the benefit of whatever preview I develop.

Joseph Patterson

Patterson & Edquist

120 West Myrtle Street

Angleton, Texas 77515

979.848.3433

979.848.8307 FAX

From: Kelli Smith [mailto:kellis@brazoria-county.com]

Sent: Thursday, June 02, 2005 1:57 PM

To: 'Joseph Patterson'

Subject: FW: QUINTANA BOAT RAMP

Sensitivity: Private

fyi...

7/1/2005

Kelli Smith, Assistant

Commissioner Donald "Dude" Payne

Brazoria County Pct. 1

979-265-3953 or Ext. 1523

-----Original Message-----

From: pct1-payne
Sent: Thursday, June 02, 2005 1:51 PM
To: pct1-kelli
Subject: RE: QUINTANA BOAT RAMP
Sensitivity: Private

HAL CROFT TOLD ME THE LAND WAS GOING TO BE SENT TO THE GLO FROM THE GOV.'S OFFICE IN SEPT. THE LAND IS IN WITH OTHER LAND TRACKS THE GLO WILL BE RECEIVING AND YES IT WILL BE SURPLUS BUT THEY WANT THE APPRAISED VALUE OF THE LAND. HAL CROFT STILL HAD THE LAND AT 445K AND THAT WAS THE 1992 APPRAISAL. I TOLD HIM THAT TDOT HAD GOTTEN THE LAND APPRAISED LAST YEAR AND THAT APPRAISAL WAS 225K. I THINK THAT IS STILL TO HIGH AND TOLD HAL THAT. THAT IS WHY WE NEED ROBERT'S APPRAISAL.

-----Original Message-----

From: pct1-kelli
Sent: Thursday, June 02, 2005 10:32 AM
To: pct1-payne
Subject: FW: QUINTANA BOAT RAMP
Sensitivity: Private

Kelli Smith, Assistant

Commissioner Donald "Dude" Payne

Brazoria County Pct. 1

979-265-3953 or Ext. 1523

-----Original Message-----

From: Joseph Patterson [mailto:joe@patterson-edquist.com]
Sent: Thursday, June 02, 2005 9:40 AM
To: 'Kelli Smith'
Cc: 'Bill Henry'
Subject: RE: QUINTANA BOAT RAMP

7/1/2005

Sensitivity: Private

Thanks Kelli,

I talked early this week with Robert Salisbury about the appraisal, and he advised they were fast-tracking it. My guess is a week or maybe 2. If you don't mind, keep after me on this. And do you happen to know if the parcel we are interested in has formally been tagged as surplus and transferred under the GLO umbrella for disposition yet?

Joseph Patterson

Patterson & Edquist

120 West Myrtle Street

Angleton, Texas 77515

979.848.3433

979.848.8307 FAX

From: Kelli Smith [mailto:kellis@brazoria-county.com]

Sent: Thursday, June 02, 2005 8:54 AM

To: joe@patterson-edquist.com

Subject: RE: QUINTANA BOAT RAMP

Sensitivity: Private

Joe,

I'm rattling your cage...

Kelli Smith, Assistant

Commissioner Donald "Dude" Payne

Brazoria County Pct. 1

7/1/2005

979-265-3953 or Ext. 1523

-----Original Message-----

From: Joseph Patterson [mailto:joe@patterson-edquist.com]

Sent: Thursday, May 26, 2005 2:17 PM

To: 'Kelli Smith'

Cc: pct1-payne; 'Bill Henry'

Subject: RE: QUINTANA BOAT RAMP

Sensitivity: Private

Kelli,

I have on my list of things to do, following up on our appraisal for use in this matter. Look for a heads up by tomorrow or Monday—but if by Wednesday you're feeling ignored, feel free to rattle my cage via email!!

Joseph Patterson

Patterson & Edquist

120 West Myrtle Street

Angleton, Texas 77515

979.848.3433

979.848.8307 FAX

From: Kelli Smith [mailto:kellis@brazoria-county.com]

Sent: Thursday, May 26, 2005 12:12 PM

To: Joseph Patterson

Cc: pct1-payne

Subject: FW: QUINTANA BOAT RAMP

Sensitivity: Private

Joe,

Commissioner Payne has not received a response from Mr. Henry regarding this e-mail. Could you please look into this and get back with us.

7/1/2005

Thanks,

Kelli Smith, Assistant

Commissioner Donald "Dude" Payne

Brazoria County Pct. 1

979-265-3953 or Ext. 1523

-----Original Message-----

From: pct1-payne

Sent: Monday, May 23, 2005 8:04 AM

To: 'Bill Henry'

Cc: cjudge-john; cjudge-kent; pct1_kelli; 'RON BOTTOMS'; 'TONYA - QUINTANA'

Subject: QUINTANA BOAT RAMP

Sensitivity: Private

BILL, DID YOU GET THE APPRAISAL ON THE 6 ACRES THAT ROBERT SALISBURY WAS GOING TO DO? I TALK TO HAL CROFT AT THE GLO AND WE ARE STILL GOING TO NEED THE APPRAISAL. JUDGE WILLIE AND I MET WITH HAL CROFT ABOUT THREE WEEKS AGO AND JUDGE WILLIE PROPOSED THE COUNTY TRADE THE STATE THE 20 ACRES ON BUSINESS 288 THAT THE COUNTY HAS FOR THE 6 ACRES. WE ARE GOING TO NEED TO GET AN APPRAISAL ON THE 20 ACRES, TOO. I HAVE TALK WITH DENNIS BONNEN'S OFFICE ABOUT THIS LAND SWAP BECAUSE THE 6 ACRES IS IN THE GOVERNOR'S OFFICE AND WILL BE TRANSFER TO THE GLO WITH OTHER PROPERTIES IN SEPTEMBER. DENNIS IS GOING TO TRY TO SPEED THIS UP! THANKS, DUDE

Commissioner Dude Payne

Brazoria County Precinct 1

979-265-3953 or Ext. 1523

979-265-5409 fax

FREE Emoticons for your email! [Click Here!](#)



7/1/2005

Ron Bottoms

From: Dude Payne [dudep@brazoria-county.com]
Sent: Friday, April 01, 2005 1:31 PM
To: 'RON BOTTOMS'
Subject: FW: Quintana Boat Ramp Update
Sensitivity: Private

-----Original Message-----

From: Joseph Patterson [mailto:joe@patterson-edquist.com]
Sent: Thursday, March 31, 2005 3:46 PM
To: 'Bill Henry'; 'Dude Payne'
Subject: RE: Quintana Boat Ramp Update
Sensitivity: Private

Haven't received the appraisal report, but will give it a gentle push. Suspect that GLO will be a less rigid seller, and it will be worth the wait.

From: Bill Henry [mailto:BHenry@freeportlng.com]
Sent: Thursday, March 31, 2005 3:02 PM
To: joe@patterson-edquist.com
Subject: Fw: Quintana Boat Ramp Update
Sensitivity: Private

Fyi

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Dude Payne <dudep@brazoria-county.com>
To: Bill Henry <BHenry@freeportlng.com>
CC: pct1_kelli <pct1_kelli@ch_exchange.BrazoriaCounty.com>; parks_mark <parks_mark@ch_exchange.BrazoriaCounty.com>
Sent: Thu Mar 31 14:21:50 2005
Subject: Quintana Boat Ramp Update

Quintana "boat ramp" property update:

The General Land Office has included this property in their report to the Governor as surplus property. If the Governor approves this report, the GLO will then take control of this property. Per a representative of Dennis Bonnen's office, they advised we need to wait and try to negotiate with the GLO. This process should take approximately 4-6 months. Have you received a copy of Robert Salisbury's appraisal from Joe Patterson?

Also, would you be interested in giving a LNG update at the Business Roundtable held on Thursday mornings? If you are willing, please let me know what date you are available.

Thanks,

Commissioner Dude Payne
Brazoria County Precinct 1
979-265-3953 or Ext. 1523

7/1/2005

979-265-5409 fax

--

Internal Virus Database is out-of-date.

Checked by AVG Anti-Virus.

Version: 7.0.308 / Virus Database: 266.5.7 - Release Date: 3/1/2005

Ron Bottoms

From: Dude Payne [dudep@brazoria-county.com]
Sent: Friday, April 01, 2005 1:31 PM
To: 'RON BOTTOMS'
Subject: FW: TX Dot Property in Quintana
Sensitivity: Private

-----Original Message-----

From: Shera Eichler [mailto:Shera.Eichler@house.state.tx.us]
Sent: Thursday, March 31, 2005 3:21 PM
To: Kelli Smith; Dude Payne
Subject: RE: TX Dot Property in Quintana
Sensitivity: Private

Commissioner Payne and Kelli:

I contacted Mr. Hal Croft with the General Land Office to get an update on what's happening with the Quintana Bridge property. He is in the Asset Management Division and is their State Property expert.

In a nutshell, here is some history behind the situation:

Every 4 years, the GLO evaluates all state agency-owned surplus property and issues recommendations. During this past cycle, they included Quintana in their recommendations report issued in 2003. However, there are "no teeth" to this report. It is simply used as an evaluation tool.

The second part of this process is for them to issue a formal report to the Governor designating surplus property. This is a list of properties they'd "like to push a transaction on." They will be presenting this report to the Governor within the next week to 10 days and it will include the Quintana property. The Governor then has 90 days to review and then the respective agencies have 60 days to review. If approved, the Governor's report would give the GLO the authority to sell the Quintana property on TxDOT's behalf. Until then, it is under TxDOT's jurisdiction.

I inquired of Mr. Croft whether leasing would be an option once the GLO has jurisdiction over the property---or would they only be allowed to sell the property. He assured me that leasing is an option and they would be more than happy to work with the county and our office at that time.

I discussed with Mr. Croft and with Dennis the best course of action. Both agreed that there really is no incentive for TxDOT to lease the property at this time. Their recommendation is for the county to wait until the surplus property report moves through the process and the GLO has jurisdiction. Once this happens, please do not hesitate to work through our office on this issue. We are always more than happy to assist in any way possible.

Please let me know if you have any questions.

Thank you!

Shera Eichler
Chief of Staff
Office of Rep. Dennis Bonnen
512-463-0564
512-463-8414 (fax)

From: Kelli Smith [mailto:kellis@brazoria-county.com]
Sent: Wednesday, March 30, 2005 2:14 PM
To: Shera Eichler

7/1/2005

Cc: pct1_payne
Subject: TX Dot Property in Quintana
Sensitivity: Private

Shera,

I spoke with Ned Polk at GLO today in regards to the TX Dot property in Quintana the county is interested in for a new boat ramp. He said this property is scheduled to be included in a report to the Governor designating it as surplus property. This should take place in the next 3-4 months. Until that time he said the GLO does not have any jurisdiction over this property and all dealings would have to be made with TX Dot. Mr. Polk also gave me the name and phone number of the TX Dot contact if we considered trying to lease this property.

Our question is...do you think we should approach TX Dot about possibly leasing this property or wait until it becomes surplus property and then try and negotiate with the GLO?

Thanks,

Kelli Smith, Assistant
Commissioner Donald "Dude" Payne
Brazoria County Pct. 1
979-265-3953 or Ext. 1523

--

Internal Virus Database is out-of-date.
Checked by AVG Anti-Virus.
Version: 7.0.308 / Virus Database: 266.5.7 - Release Date: 3/1/2005

DEED WITHOUT WARRANTY

N

STATE OF TEXAS }

COUNTY OF BRAZORIA }

KNOW ALL MEN BY THESE PRESENTS:

Texas Parks and Wildlife Department, as Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED and CONVEYED, and by these presents does GRANT and CONVEY unto the city of Freeport, a home-rule city organized and existing under the laws of the State of Texas, whose mailing address is 200 West 2d Street, Freeport, Texas 77541, as Grantee, that certain 878 acres of land, more or less, in Brazoria County, Texas, out of the Henry Burt Survey, as outlined in yellow on the attached Exhibit A and in red on the attached Exhibit B. It is the intent of Grantor to convey to Grantee all of the land now owned by Grantor in the said Henry Burt Survey on the east side of the New Brazos River and known as the Bryan Beach State Park, as shown by the Deed Records of Brazoria County, Texas, and reference is here made to such records for all purposes. The land hereby conveyed must be used for public park purposes or title will revert to Grantor.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee and its successors and assigns, forever.

EXECUTED this 16th day of February, 2005.

TEXAS PARKS AND WILDLIFE DEPARTMENT

by:

Robert L. Cook
Executive Director

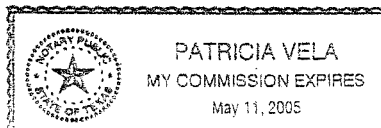
STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on Feb. 16, 2005, by Robert L. Cook, as Executive Director of the Texas Parks and Wildlife Department.

Patricia Vela
Notary Public

Stamp:





March 4, 2005

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FORT WORTH

ROBERT L. COOK
EXECUTIVE DIRECTOR

Mr. Ron Bottoms, City Manager
200 West 2nd Street
Freeport, Texas 77541

Re: Transfer of Property at Bryan Beach from Texas Parks and
Wildlife Department (TPWD) to City of Freeport

Dear Mr. Bottoms:

Enclosed please find a certified copy of the Deed Without Warranty for the
above referenced. If you have any questions or we can be of further assistance
please contact me @ (512) 389-4520.

Sincerely,

Ted Hollingsworth
Senior Project Manager

TH:sm

Enc.

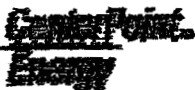


Take a kid
hunting or fishing

• • •

Visit a state park
or historic site

*3-9-05
TH Hollingsworth sending GIS disc
or original data
Done*



**69 kV FREEPORT LNG TRANSMISSION LINE
PUBLIC OPEN HOUSE QUESTIONNAIRE**

September 30, 2004

1. In your opinion, has the need for the project been adequately explained to you?

Yes ☒ No ☐

2. What areas do you believe should be considered of greatest concern (avoided if possible) in routing the transmission line? (If you have multiple concerns, please rank them 1st, 2nd, etc.)

Agricultural land	<u>8</u>	Schools	<u>3</u>
Floodplains or wetlands	<u>9</u>	Churches	<u>4</u>
Recreational or park areas	<u>1</u>	Cemeteries	<u>5</u>
Residential areas or subdivisions	<u>2</u>	Historic Sites	<u>6</u>
Commercial areas	<u> </u>	Wildlife	<u>7</u>
		Others (please specify)	<u> </u>

3. What existing linear facilities do you believe are important for the route to follow?

roads	<u> </u>	electrical lines	<u>1</u>
pipelines	<u> </u>	railroads	<u> </u>
property lines	<u> </u>	ditches	<u> </u>
		others (please specify)	<u> </u>

4. If you have a concern with a particular alternative transmission line segment(s) shown on the displays and on the attached map, please indicate the segment letter and describe your concern.

E-O-T-N

The City of Freeport is attempting to develop Bryan Beach as a destination. These segments would detract from this objective.

5. How did you learn about this Open House?
Newspaper Notice _____ Invitation Letter ☒ Other _____ Please specify _____

6. Did the information and exhibits provided at the Open House meet your needs and expectations?
(How could we have improved on this effort?)
Yes ☒ No _____

7. Your name, address, and phone number are optional, except if you want someone to contact you regarding an issue or concern.

Name Don Bottoms, City Mgr Freeport

Address 200 W 1st St

City Freeport Zip 77541

Telephone (home) _____ (work) (979) 233-3526

Please contact me Yes _____ No _____ (Check one.)

8. Do you have any additional comments or questions?

Preferred route: B-H-I-J-K to include going under the intercoastal canal

THANK YOU FOR YOUR COMMENTS!

We would prefer that you drop off your completed questionnaire at the door as you leave the meeting tonight, but if you need to take it home to complete it, please mail or fax it to:

David C. McAden, Staff Regulatory Advisor
CenterPoint Energy Transmission Operations
P.O. Box 1700
Houston, TX 77251-1700
Phone: (713) 207-6680; Fax: (713) 207-9122

Work Session

- A. Administration Report
- B. Presentation by Brent Luck of Land Design Partners regarding landscape services.
- C. Discussion concerning a Blues Festival/Motorcycle rally to benefit Main Street program. Pg. 610
- D. Discussion concerning a new baseball field – PBK Architect.

Executive Session

- A. Section 551.071 Government Code
Consultation with City Attorney concerning pending or contemplated litigation settlement offers or other matter in which his duty to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

(1) Marina

- B. Section 551.074, Government Code

Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, to wit;

(1) City Manager

Adjourn

NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE COUNCIL, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS AS LISTED.

This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code)

In compliance with the American with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meetings. Please contact the City Secretary office at 979.233.3526.

I, Delia Munoz, City Secretary, City of Freeport, Texas, hereby certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hour a day public access, 200 W. 2nd Street, Freeport, Texas on, June 2, 2005 at or before 5:00 p.m.

Delia Muñoz, City Secretary
City of Freeport, Texas



200 WEST SECOND STREET / FREEPORT, TEXAS 77541 / PHONE (979) 233-3526 / FAX (979) 233-8867 / www.freeport.tx.us

PROPERTY MANAGEMENT

Our Fax No. (979) 233-8867

FAX TRANSMISSION

TO:

Mike Sardelich
Brazoria County Engineer's Office
Angleton TX 77515

FAX NO.

979-864-1270

FROM: Nat Hickey
City of Freeport
200 West 2nd Street
Freeport TX 77541

FAX NO. (979) 233-8867
Phone: (979) 233-3526

This transmission contains 1 sheets, including the cover sheet

MESSAGE

January 11, 2005

Confirming our telephone conversation this morning, the following ordinances and field notes are filed in the Official Records of the County regarding the annexation of Bryan Beach as follows:

- a. 2004037140
- b. 2004037141
- c. 2004037138
- d. 2004037139
- c. 2004037137

N C Hickey
Property Manager



200 WEST SECOND STREET / FREEPORT, TEXAS 77541 / PHONE (979) 233-3526 / FAX (979) 233-8867 / www.freeport.tx.us

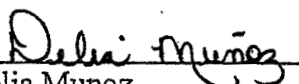
Certification

State of Texas
County of Brazoria
City of Freeport, Texas

I, Delia Munoz, City Secretary of the City of Freeport, Texas, am the custodian of records for the City of Freeport, Texas. I hereby certify that the attached Ordinance No. 2003-2013 of the City of Freeport, Texas is a true and correct copy of the original document on file in the office of the City Secretary of the City of Freeport, Texas.

Witness my hand and official seal this 23rd day of June 2004.

ATTEST:


Delia Munoz
City Secretary
City of Freeport, Texas

ORDINANCE NO. 2003-2013

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, ADOPTED PURSUANT TO THE PROVISIONS OF SECTION 1.03 OF THE HOME RULE CHARTER OF SAID CITY, ANNEXING 0.220 SQUARE MILES OF LAND, MORE OR LESS, ADJACENT TO AND INCLUDING THE RIGHT-OF-WAY OF STATE FM #1495, LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, AND SOUTH OF THE VELASCO DRAINAGE DISTRICT SOUTH PROTECTION LEVEE, SUCH AREA CONSTITUTING A CONTIGUOUS AND UNINCORPORATED AREA LYING WITHIN THE EXCLUSIVE EXTRATERRITORIAL JURISDICTION OF SAID CITY AND BEING MORE PARTICULARLY DESCRIBED IN THE PROPERTY DESCRIPTION ATTACHED HERETO; CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT REGARDING SUCH ANNEXATION AND ITS COMPLIANCE WITH THE PROVISIONS OF SAID CHARTER AND THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS; APPROVING THE SERVICE PLAN ATTACHED THERETO AND PROVIDING THAT ANY FUTURE INHABITANTS THEREOF SHALL BE ENTITLED TO ALL OF THE RIGHTS AND PRIVILEGES OF THE INHABITANTS OF SAID CITY AND SHALL BE BOUND BY THE ACTS AND ORDINANCES OF SAID CITY; PROVIDING THAT THE ZONING CLASSIFICATION OF SAID AREA SHALL BE R-1 DISTRICT, HEAVY MANUFACTURING, IN ACCORDANCE WITH THE COMPREHENSIVE ZONING ORDINANCE OF SAID CITY; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO CAUSE THE CAPTION OF THIS ORDINANCE TO BE PUBLISHED TWICE IN THE BRAZOSPORT FACTS AFTER THE ADOPTION OF THIS ORDINANCE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTIONS.

WHEREAS, Section 1.03 of the Home Rule Charter of the City of Freeport, Texas, authorizes the City Council of said City, being the governing body thereof, to annex additional territory with or without the consent of the territory and the inhabitants annexed, in accordance with the Municipal Annexation Act codified as Chapter 43 of the Local Government Code, hereinafter called "the Code"; and,

WHEREAS, Section 43.052 of the Code exempts from inclusion in the annexation plan of a municipality an area proposed for annexation which contains less than 100 tracts of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.061 of the Code provides that Subchapter C-1 of Chapter 43 applies to an area proposed for annexation that is not required to be included in a municipal annexation plan under Section 43.052 of the Code; and,

WHEREAS, Section 43.062 of Subchapter C-1 of the Code provides that Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, 43.0567 and 43.057 of Subchapter C of the Code apply to the annexation of an area to which Subchapter C-1 of Chapter 43 applies; and,

WHEREAS, Section 43.051 of the Code allows a municipality to annex an area not owned by the municipality only if such area is within the extraterritorial jurisdiction of such municipality; and,

WHEREAS, Section 42.021(2) of the Code defines extraterritorial jurisdiction, for a municipality with a population of more than 5,000 but less than 25,000, as being all of the contiguous unincorporated area, not a part of any other municipality, located within one (1) mile of the corporate limits thereof; and,

WHEREAS, Section 43.054 of the Code prohibits a municipality with a population of less than 1.6 million from annexing a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream or creek, having a width at its narrowest point of less than 1,000 feet unless the boundaries of the municipality are contiguous to the area on at least two (2) sides, the annexation is initiated on the written petition of the owners or of a majority of the qualified voters of the area or the area abuts or is contiguous to another jurisdictional boundary; and,

WHEREAS, Section 43.0545(a) and (b) of the Code prohibits a municipality from annexing an area located in the extraterritorial jurisdiction of the municipality only because the area is either contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point or is contiguous to municipal territory that was annexed before September 1, 1999, and was in the extraterritorial jurisdiction of the municipality because the territory was contiguous to municipal territory that was less than 1,000 feet in width at its narrowest point; and,

WHEREAS, Section 43.055 of the Code prohibits a municipality, in a calendar year, from annexing a total area greater than 10 percent of the incorporated area of the municipality as of January 1 of that year; and,

WHEREAS, Sections 43.0565 and 43.0567 of the Code providing for arbitration regarding the enforcement of a service plan and provision of water or sewer service in a populous municipality do not apply to a municipality having a population of less than 1.6 million; and,

WHEREAS, Section 43.062(b) of the Code requiring that notice of an annexation under Subchapter C-1 be given to property owners, public or private entities and railroad companies applies to an area containing fewer than 100 separate tract of land on which one or more residential dwellings are located on each tract; and,

WHEREAS, Section 43.063(a) of the Code provides that, before a municipality may institute annexation proceedings under Subchapter C-1 of Chapter 43 of the Code, the governing body of the annexing municipality shall provide an opportunity for all interested persons to be heard at two (2) public hearings to be held not more than forty (40) nor less than twenty (20) days prior to the institution of such proceedings; and,

WHEREAS, Section 43.063(b) of the Code provides that at least one (1) of such public hearings shall be held within the area proposed to be annexed if, within ten (10) days after the publication of the required notice, more than twenty (20) adult residents who reside in the territory proposed to be annexed protest in writing to the city secretary of the annexing municipality the institution of annexation proceedings; and,

WHEREAS, Section 43.063(c) of the Code provides that notice of each such hearing shall be published in a newspaper having general circulation within such municipality and in the territory proposed to be annexed at least once not more than twenty (20) nor less than ten (10) days prior to that hearing, that if the municipality has an Internet website, notice of each hearing must be posted on such website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing, and that additional notice must be given by certified mail before the 30th day before the first of such hearings;

WHEREAS, Section 43.063(c) of the Code provides that additional notice thereof shall be sent by certified mail, to each property owner, public or private entity providing utility services and any railroad companies then serving the municipality and on the municipality's tax roll where the right-of-way thereof is included in the territory proposed for annexation; and,

WHEREAS, Section 43.064(a) of the Code provides that the annexation of an area under Subchapter C-1 of Chapter 43 of the Code must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void; and

WHEREAS, Section 43.065(a) of the Code requires that, prior to the publication of notice of the first hearing required by Section 43.063 of the Code, the governing body of the municipality shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed and provides that the municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality; and,

WHEREAS, Section 43.065(b) of the Code provides that Section 43.056(b)-(o) of the Code, relating to the provisions of services to annexed areas and including a requirement that the service plan be attached to the ordinance annexing the area and approved as a part of the ordinance, apply to an annexation pursuant to Subchapter C-1 of Chapter 43 of the Code.

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

SECTION 1. Findings of Fact.

The City Council of the City of Freeport, Texas ("the City") finds and determines as a matter of fact that:

(1) By its Resolution No. 2003-1997, read, passed and adopted on the 3rd day of February, 2003, hereinafter "the Resolution", the City Council directed that on the 17th day of March, 2003, beginning at 6:00 o'clock, p.m., and on the 31st day of March, 2003, beginning at 5:30 o'clock, p.m., in the Municipal Courtroom of the Police and Courts Building thereof located in the City at 430 Brazosport Boulevard, in Brazoria County, Texas, the City Council of the City would hold two (2) public hearings giving all interested persons an opportunity to appear and be heard on whether or not the City should annex the tract of land described in the Property Description attached hereto, hereinafter "the area proposed for annexation", and directed the City Secretary to cause notice of each such public hearings to be published once in the Brazosport Facts, the official newspaper of said city, not more than twenty (20) days nor less than ten (10) days prior to the date of the public hearing as required by the Code, to cause notice of each of such public hearings to be posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of each of such hearings and to remain posted on such website until the date of each of such hearings.