

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.229 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 26th day of February, 2003 and the date of the second publication being the 19th day of March, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 14th day of February, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit 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 did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and the property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 Single Family Residential District as defined in Section 155.030 of said Code of Ordinances.

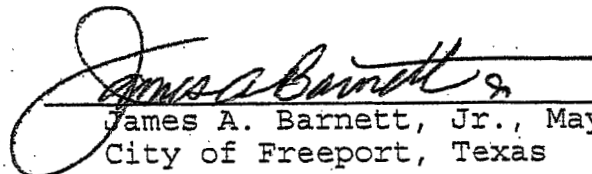
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

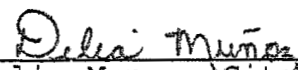
SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

READ, PASSED AND ADOPTED this 6th day of May, 2003.


James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Muñoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

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

C:\Freeport.Ord\Bch#1Anx.Ord

CITY OF FREEPORT

ANNEXATION IN THE VICINITY OF STATE F M # 1495
SOUTH OF THE SOUTH PROTECTION LEVEE

February 03, 2003

A 0.220 SQUARE MILE TRACT OF LAND, BEING OUT OF THE J.G. MCNEEL SURVEY, ABSTRACT 335, BRAZORIA COUNTY, TEXAS, LYING ALONG F M #1495, SOUTH FROM THE SOUTH PROTECTION LEVEE RIGHT-OF-WAY, AND BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS, AS FOLLOWS:

BEGINNING at the point of intersection (POB) of the eastern right-of-way (ROW) line of said F M #1495 with said south line of said Freeport South Protection Levee, said beginning point also lying on the South City Limits line, as annexed by Ordinance No. 1275, dated November 20, 1073;

THENCE; S10° 22'E, 178.37 ft. along said F M #1495 eastern ROW line, to a point for corner;

THENCE; S28° 20'E, continuing along said F M #1495 eastern ROW line, pass the centerline of the Louisiana - Texas Gulf Intracoastal Waterway at 2,294.44 ft., in all a distance of 5,143.81 ft to a point on the ETJ line of Freeport, Texas for corner;

THENCE; S69° 24' 43"W, 1,151.97 ft. to a point on the said Freeport ETJ line for corner;

THENCE; N28° 20'W, 4,983.54 ft., along a line that is parallel to, 1,000 ft. measured at a right angle to, and west of the west ROW line of said F M #1495, to a point for corner;

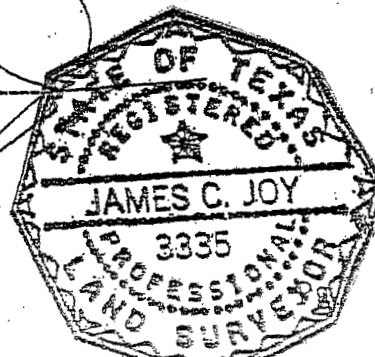
THENCE; N42° 53' 26"W, 218.75 ft. to a point for corner;

THENCE; N28° 20'W, 163.53 ft. to the point of intersection with the southeast ROW line of said Freeport South Protection Levee and said Freeport South City Limits line, for corner;

THENCE; N70° 56'E, along said south line of said Freeport South Protection Levee ROW line and said South City Limits line, a distance of 1,276.72 ft to the PLACE OF BEGINNING, containing 0.220 square miles of land, more or less.

Certified Correct: _____

James C. Joy, RPLS
Texas #3335





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

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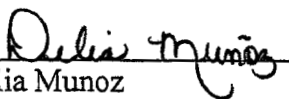
Certification

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. 2003-2018 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. 2003-2018

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 0.970 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, BETWEEN THE BRAZORIA 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-2 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. 2003-2002, read, passed and adopted on the 6th day of May, 2003, hereinafter "the Resolution", the City Council directed that on the 16th day of June, 2003, beginning at 6:00 o'clock, p.m., and on the 7th day of July, 2003, beginning at 6:00 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.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.970 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 3rd day of June, 2003 and the date of the second publication being the 24th day of June, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 14th day of May, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 16th day of June, 2003, beginning at 6:00 o'clock, p.m., and on the 7th day of July, 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 did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and the property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 Single Family Residential District as defined in Section 155.030 of said Code of Ordinances.

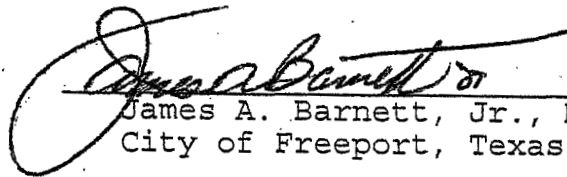
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

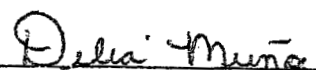
SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

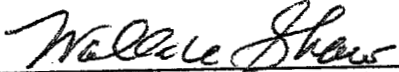
READ, PASSED AND ADOPTED this 4th day of August, 2003.


James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport.Ord\Bch#2Anx.Ord

**CITY OF FREEPORT
BRAZORIA COUNTY, TEXAS**

**PROPOSED ANNEXATION ALONG FM 1495
BETWEEN THE INTRACOASTAL WATERWAY
AND THE GULF OF MEXICO**

MAY 13, 2003

A 0.970 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 143, 146, 335, 597 AND 653, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, STATE FM 1495 AND THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2013, DATED MAY 06, 2003.

BEGINNING at the point located on the east right-of-way line of said State FM 1495, said beginning point also being the most southeast corner of said 0.220 square mile tract of land annexed by said Ordinance No. 2003-2013, and being also on the Freeport South City Limits Line;

THENCE, S 28° 20' 00"E, along the east right-of-way line of State FM 1495 and its southerly extension, and along the western most City Limits line of the Town of Quintana, a distance of 1,600 ft., more or less, to an intersection with the mean low water (MLW) line of said Gulf of Mexico for corner;

THENCE, in a southwesterly direction, along said Gulf of Mexico MLW line, with its meanders, on an approximate bearing of S 49° 12' 56 W, a distance of 5,480 ft., more or less, to the point of intersection with the Freeport Extra Territorial Jurisdiction (ETJ) line, said ETJ line being on a curve having a radius of curvature of 5,280 ft. and an approximate central angle of 38° 45' 32";

THENCE, along said Freeport ETJ line in a northwest direction around said curve to the right, a distance of 3,571.76 ft. more or less, to the point of tangency (PT) of said curve;

THENCE, N 28° 20' W, continuing along said Freeport ETJ line a distance of 1,581.10 ft. to the point of intersection with the south right-of-way line of said Louisiana-Texas Gulf Intracoastal Waterway, said right-of-way being 300 ft. in width;

THENCE, N 57° 01' 37" E, 4,151.22' along said Gulf Intracoastal Waterway south right-of-way line, to the PT of a curve to the right, said curve having a central angle of 9° 29' 23" and a radius of curvature of 5,593.34 ft., said PT being at said Gulf Intracoastal Waterway centerline Station No. 228+740.04;

THENCE, around said curve to the right a distance of 926.41 ft. to the point of curve (PC) of said curve, which is at said Gulf Intracoastal Waterway centerline Station 227+788.80;

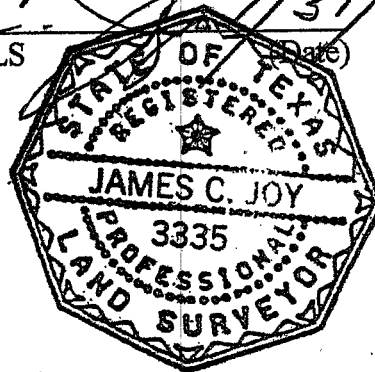
THENCE, N 61° 32' 00" E, 295.38 ft. continuing along said Gulf Intracoastal Waterway south right-of-way line, to a point of intersection with the Freeport west City Limits Line of said 0.220 square mile tract that was annexed by said Ordinance No. 2003-2013;

THENCE, S 28° 20' 00" E, a distance of 2,531.64 ft. along said Freeport west City Limits Line to a point for corner;

THENCE, N 29° 24' 43" E, a distance of 1,151.97 ft. continuing along the said Freeport south City Limits line to the PLACE OF BEGINNING, containing 0.970 square miles of land, more or less.

Certified Correct:

James C. Joy
James C. Joy, RPLS
Texas # 3335



Doc# 2004037141
Pages 15
06/24/2004 3:22PM
Official Records of
BRAZORIA COUNTY
JOYCE HUDMAN
COUNTY CLERK
Fees \$42.00

Joyce Hudman



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

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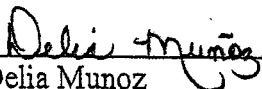
Certification

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. 2003-2029 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. 2003-2029

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 A 1.011 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 143,195 AND 653, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2018 DATED AUGUST 4, 2003, AND THE WEST EXTRATERRITORIAL JURISDICTION LINE RELATED TO SAID AUGUST 4, 2003, ANNEXATION, AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, 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-2 DISTRICT, SINGLE FAMILY RESIDENTIAL, 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 for water or sewer service in a populous municipality do not apply to a municipality 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. 2003-2028, read, passed and adopted on the 4th day of August, 2003, hereinafter "the Resolution", the City Council directed that on the 8th day of September, 2003, beginning at 6:00 o'clock, p.m., and on the 22nd day of September, 2003, beginning at 6:00 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.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.970 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 26th day of August, 2003 and the date of the second publication being the 9th day of September, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 8th day of August, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 8th day of August, 2003, beginning at 6:00 o'clock, p.m., and on the 22nd day of September, 2003, beginning at 6:00 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 did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and the property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 District, Single Family Residential as defined in Section 155.030 of said Code of Ordinances.

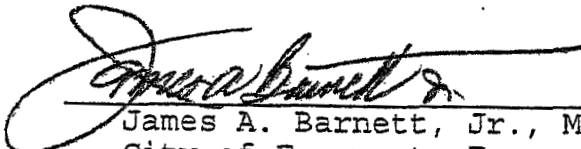
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

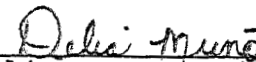
SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.

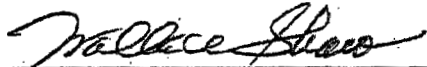
READ, PASSED AND ADOPTED this 20th day of October, 2003.


James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

A handwritten signature in cursive script, appearing to read "Wallace Shaw", is written over a horizontal line.

Wallace Shaw, City Attorney,
City of Freeport, Texas

C\Freeport.Ord\Bch#3Anx.Ord

**CITY OF FREEPORT
BRAZORIA COUNTY, TEXAS**

**PROPOSED ANNEXATION WEST OF FM 1495
BETWEEN THE INTRACOASTAL WATERWAY
AND THE GULF OF MEXICO
PHASE III**

AUGUST 29, 2003

A 1.011 SQUARE MILE TRACT OF LAND, MORE OR LESS, BEING OUT OF ABSTRACTS 143, 195, AND 653, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2018 DATED AUGUST 04, 2003, AND THE WEST EXTRATERRITORIAL JURISDICTION LINE RELATED TO THE SAID AUGUST 04, 2003 ANNEXATION.

BEGINNING at the point (POB) located on the south right-of-way line (ROW) of the Louisiana-Texas Gulf Intracoastal Waterway (Intracoastal Waterway), said ROW being 300' in width, said POB also lying on the most northerly corner of said 0.970 square mile tract of land annexed by said Ordinance No. 2003-2018, and also lying on the Freeport City Limits Line;

THENCE, S 28° 20' 00"E, along the west line of said 0.970 square mile tract of land annexed by said Ordinance No. 2003-2018 and the Freeport City Limits line, a distance of 1,581.10 ft., more or less, to the point of tangency of a curve to the left, said curve having a radius of curvature of 5,280 ft. and a central angle 38° 45' 32";

THENCE, in a southwesterly direction, continuing along said west line of said 0.970 square mile tract of land, around said curve to the left, a distance of 3,571.76 ft. more or less, to the point of intersection with the Gulf of Mexico north most mean low water (MLW) line and the southwest corner of said 0.970 square mile annexed tract of land ;

THENCE, along said Gulf of Mexico north most MLW line, with its meanders, on an approximate bearing of S 49° 12' 56" W and distance of 5,484.39 ft., more or less, to the point of intersection with the Freeport west Extraterritorial Jurisdiction (ETJ) line, said ETJ line being on a curve to the right having a radius of curvature of 10,560 ft. and an approximate central angle of 27° 21' 30.5";

THENCE, along said Freeport west ETJ line, in a northwest direction, around said curve to the right, a distance of 5,042.35 ft. more or less, to the point of tangency (PT) of said curve;

THENCE, N 28° 20' 00" W, continuing along said Freeport west ETJ line, a distance of 689.03 ft. more or less, to the point of intersection with the south ROW line of said Intracoastal Waterway;

THENCE, N60° 41' 39"E, 2,829.89 ft. continuing along said Intracoastal Waterway south ROW line to the point of tangency (PT) of a curve to the left, said curve having a central angle of 30° 40' 02" and a radius of curvature of 5,879.58 ft., said PT being at said Intracoastal Waterway center line Station No. 235+409.37;

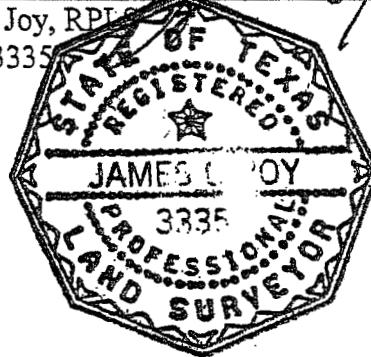
THENCE, continuing along said Intracoastal Waterway south ROW line around said curve to the left, a distance of 366.72 ft. to point of curve (PC) of said curve, said PC being at said Intracoastal Waterway centerline Station 235+042.59;

THENCE, N 57° 01' 37" E, 2,151.33 ft., along said Intracoastal Waterway south right-of-way line, to the PLACE OF BEGINNING, containing 1.011 square miles of land, more or less.

Certified Correct:

James C. Joy, RPLS
Texas # 3335

(Date)



Doc# 2004037138
Pages 15
06/24/2004 3:22PM
Official Records of
BRAZORIA COUNTY
JOYCE HUDMAN
COUNTY CLERK
Fees \$42.00

Joyce Hudman



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

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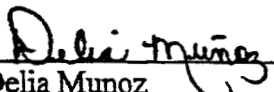
Certification

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. 2004-2033 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. 2004-2033

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 A 1.160 SQUARE MILE TRACT OF LAND BEING OUT OF ABSTRACTS 141, 151 AND 195, BRAZORIA COUNTY, TEXAS, LYING BETWEEN THE LOUISIANA-TEXAS GULF INTRACOASTAL WATERWAY ON THE NORTH, THE GULF OF MEXICO ON THE SOUTH, THE WEST LINE OF THE TRACT ANNEXED BY ORDINANCE NO. 2003-2029 DATED OCTOBER 20, 2003, AND THE WEST EXTRATERRITORIAL JURISDICTION LINE RELATED TO SAID OCTOBER 20, 2003, ANNEXATION, AND ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF FREEPORT, TEXAS, 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-2 DISTRICT, SINGLE FAMILY RESIDENTIAL, 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 for water or sewer service in a populous municipality do not apply to a municipality 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. 2003-2035, read, passed and adopted on the 20th day of October, 2003, hereinafter "the Resolution", the City Council directed that on the 1st day of December, 2003, beginning at 6:00 o'clock, p.m., and on the 15th day of December, 2003, beginning at 6:00 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.

(2) Before the 30th day before the first of such hearings, additional notice thereof was sent by certified mail, to each property owner, any public or private entity providing utility services, and any railroad company that serves the City that is on the City's tax roll if any portion of such company's right-of-way is included in the area proposed for annexation.

(3) The population of the City is currently more than 5,000 but less than 25,000 inhabitants.

(4) The area proposed for annexation contains 0.970 square miles, more or less, lying adjacent to the corporate limits of the City, being a contiguous unincorporated area, not part of another municipality, within the exclusive extraterritorial jurisdiction of the City and more than one thousand (1,000) feet in width at its narrowest point and is contiguous to municipal territory that is more than 1,000 feet in width at its narrowest point.

(5) In the Resolution, the City Council established a Service Plan Committee for the City consisting of the City Manager, as chairman, and so many other employees of the City as he may deem appropriate, having expertise in the areas of police and fire protection, emergency medical services, taxation, solid waste collection, water, waste water, streets, drainage, zoning, and standard codes enforcement, and directed the committee to prepare a service plan for the area proposed for annexation conforming to Section 43.056 of the Local Government Code and to file such plan with the City Secretary prior to the convening of the first of the public hearings called by the Resolution.

(6) A Service Plan for the area proposed for annexation was prepared and filed with the City Secretary on the same day as but prior to the convening of the first of the public hearings called by the Resolution and is attached to this ordinance.

(7) Notice of the each public hearing called by the Resolution was published twice in the Brazosport Facts, a newspaper having general circulation in the City and in the area proposed for annexation and the official newspaper of the City, the date of the first publication being the 15th day of November, 2003 and the date of the second publication being the 30th day of November, 2003, such dates being, respectively, not more than twenty (20) days and not less than ten (10) days prior to the dates of the public hearings called by the Resolution.

(8) Notice of each hearing was posted on the Internet website of the City on or after the 20th day but before the 10th day before the date of the hearing, to-wit, on the 31st day of October, 2003, and remained posted until after the date of the second hearing called by the Resolution.

(9) Not more than forty (40) days nor less than twenty (20) days prior to the introduction of this ordinance, to-wit on the 1st day of December, 2003, beginning at 6:00 o'clock, p.m., and on the 15th day of December, 2003, beginning at 6:00 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 did hold the two (2) public hearings called by the Resolution

(10) At each of the public hearings called by the Resolution, all interested persons, including citizens of the City and property owners of the area proposed for annexation or the representatives of such owners, were given an opportunity to be heard.

(11) No persons claiming to be residents of the area proposed for annexation filed a written protest of such annexation requiring an on-site hearing.

(12) All of the notice and hearing provisions of the Constitution and laws of the State of Texas applicable to such proceeding, including the Code and the Home Rule Charter of the City, have been fully complied with; that all required notices have been given, posted, published and sent in the manner and for the length of time required thereby; that the two public hearings called by the Resolution were conducted at the time and in the location and manner required thereby; and that each of the statements of fact set forth in this section of this ordinance are true.

(13) In the calendar year 2003, the City has not annexed a total area greater than 10 percent of the incorporated area of the municipality as of January 1st of that year and will not do so by annexing the area proposed for annexation.

(14) By adopting this Ordinance, the City Council has deleted 0.022 square miles of the area described in the above mentioned notices as proposed for annexation because such deleted area is located within the intersection of the Brazos River Diversion Channel and the Gulf Intracoastal Waterway.

SECTION 2. Corporate Boundary Limits Extended and Territory Annexed.

Pursuant to the provisions of the Constitution and laws of the State of Texas and Section 1.03 of the Home Rule Charter of the City, the corporate boundary limits of the City are hereby extended and fixed to include the following area proposed for annexation more fully described in the Property Description attached hereto and made a part hereof for all appropriate purposes.

SECTION 3. Service Plan Approved.

As required by Section 43.056(j) of the Code, the City Council of the City, being the governing body thereof, hereby approves the service plan which is attached hereto and made a part hereof for all proposes.

SECTION 4. Rights and Duties of Territory Annexed.

As provided in Section 1.03 of the Home Rule Charter of the City, the territory above described and hereby annexed shall hereinafter be a part of the City and said area and any residents thereof shall be entitled to all the rights and privileges of the residents of the City and shall be bound by the acts and ordinances of the City.

SECTION 5. Publication of Descriptive Caption.

As required by Section 3.11 of the Home Rule Charter of the City, after the passage and adoption of this ordinance, the City Secretary is hereby authorized and directed to cause the descriptive caption of this ordinance to be published twice in the Brazosport Facts.

SECTION 6. Zoning of Annexed Territory.

As required by Section 155.020(E) of Chapter 155 of the Code of Ordinances of the City, being the codification of the current Comprehensive Zoning Ordinance of the City, all of the area hereby annexed is hereby classified as R-1 District, Single Family Residential as defined in Section 155.030 of said Code of Ordinances.

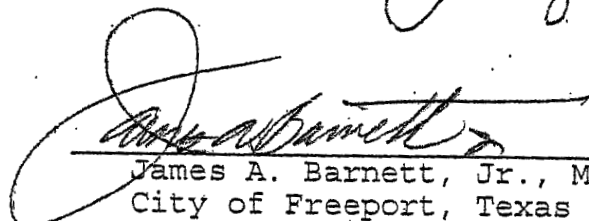
SECTION 7. Severance Clause.

In the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

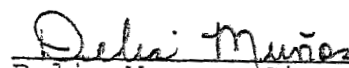
SECTION 8. Effective Date.

This ordinance shall take effect and be in force from and after the date of its passage and adoption.


READ, PASSED AND ADOPTED this 5th day of January, 2004.


James A. Barnett, Jr., Mayor,
City of Freeport, Texas

ATTEST:


Delia Munoz, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:



Wallace Shaw, City Attorney,
City of Freeport, Texas

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