



AGENDA

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE PLANNING AND ZONING COMMISSION FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON THURSDAY, MARCH 4, 2021, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

In accordance with an Order of the Office of the Governor issued March 16, 2020, this meeting scheduled is in person and open to the public at The City of Angleton Council Chambers located at 120 S. Chenango Street Angleton, Texas 77515. In order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19), seating will be limited to 50% Fire Code capacity or 24 people to allow for 6 feet of separation.

Citizens who wish to attend the Meeting in person must abide by the following requirements:

Do not enter the building if you are having symptoms. Go home.

Maintain a minimum distance of 6 feet from other citizens.

Families or persons traveling together may sit together but maintain social distancing from others.

The City will be using a telephone/video conferencing tool called ZOOM to make the meeting available to the public. You have several options to participate:

1. Click the link to join the webinar: <https://us02web.zoom.us/j/84203098540>
2. Phone in at (888) 475-4499 and enter Meeting ID: 84203098540
3. Download the ZOOM app to your phone and enter Meeting ID: 84203098540

This meeting will be streamed on Facebook at <https://www.facebook.com/cityofangleton/>

The public will be permitted to offer public comments on each agenda item by emailing the Walter Reeves wreeves@angleton.tx.us by Wednesday, March 3, 2021 at 5:00 p.m., prior to the meeting. The request must include the meeting title, speaker's name, address, and the agenda item number.

DECLARATION OF A QUORUM AND CALL TO ORDER

PUBLIC HEARINGS AND ACTION ITEMS

1. Conduct a public hearing, discussion and possible action on an ordinance to rezone an approximate 164.50 acres of land in the J. de J. Valderas Survey, Abstract No. 380,

Brazoria County, Texas from the Agricultural District (AG) to the Single-Family Residential 5 (SF-5) District. The subject property is located on the north side of Anchor Road (CR 44) approximately 2,000 feet northwest of W. Wilkens Street.

2. Conduct a public hearing, discussion, and possible action on a request to rezone an approximate 4.0 acres from the Agricultural (AG) District to the Single-Family Estate Residential 20 (SFE-20) District. The subject property is located on the south side of Kiber Street at the Kiber Street/Sims Street intersection and is more commonly known as 1236 Kiber Road.

REGULAR AGENDA

3. Discussion and possible action on a request for approval of a variance to the sidewalk requirement of Chapter 23, Section 23-14.A. Sidewalks, for the Kiber Reserve Subdivision. The requested variance is for the provision of sidewalk on the perimeter of the property along the Orange Street, Downing Street and Kiber Street frontages.
4. Discussion and possible action on a request to recommend approval of the Preliminary Replat of the Reserve. The subject property consists of 155.61-acre tract of land located at the southwest corner of Business 288 and CR 220 in the City of Angleton Extraterritorial Jurisdiction (ETJ).

EXECUTIVE SESSION

CONSIDER AND TAKE ACTION RESULTING FROM EXECUTIVE SESSION

FUTURE AGENDA ITEMS

REVIEW MEETING CALENDAR FOR CHANGES OR CANCELLATIONS

ADJOURNMENT

CERTIFICATION

I, Walter Reeves, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, www.angleton.tx.us, in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Monday, March 1, 2021 by 12:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/S/ Walter Reeves

Walter Reeves

Development Services Director

In compliance with the Americans with Disabilities Act, the City of Angleton will provide reasonable accommodations for persons attending City Council meetings. The facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary at 979-849-4364, extension 2115 or email faguilar@angleton.tx.us.

Goal One: A community in which quality housing is attractive available and affordable to all residents.

Goal Two: A variety of housing options that meets the needs of an increasingly diverse population.

Existing Land Use and Zoning

North: Undeveloped land in the ETJ and further north largely undeveloped land in the Commercial General District (C-G).

East: Undeveloped land in the Commercial General District (C-G) and the Planned Development District (PD) and developed land in the Single Family 7.2 District (SF 7.2), and undeveloped Multifamily Residential 29 (MFR-29) district for apartments having a maximum density of 29 dwelling units per acre.

South: Anchor Road (CR 44), Agricultural (AG) district with a church, single family residential development in the SF-7. 2 district and Lakeside Park.

West: Some development the ETJ across Carr Road and then some development in the Planned Development District (PD) and Commercial General (C-G) districts along SH 288.

Anchor Road is designated as a Minor Collector on the Mobility Plan in this area. Car Road is designated as a Minor Collector. Cannan/Tigner Drive is designated to extend into the property. Karankawa Lane (along the eastern property line) is designated in part as an existing Minor Collector and in-part as a proposed Minor Collector.

The proposed rezoning is consistent with the Future Land Use Plan and is supported by several goals of the Comprehensive Plan.

RECOMMENDATION:

Staff recommends approval of the proposed rezoning of 164.5 acres from the Agricultural (AG) District to the Single-Family Residential 5 (SF-5) District.

LEGEND

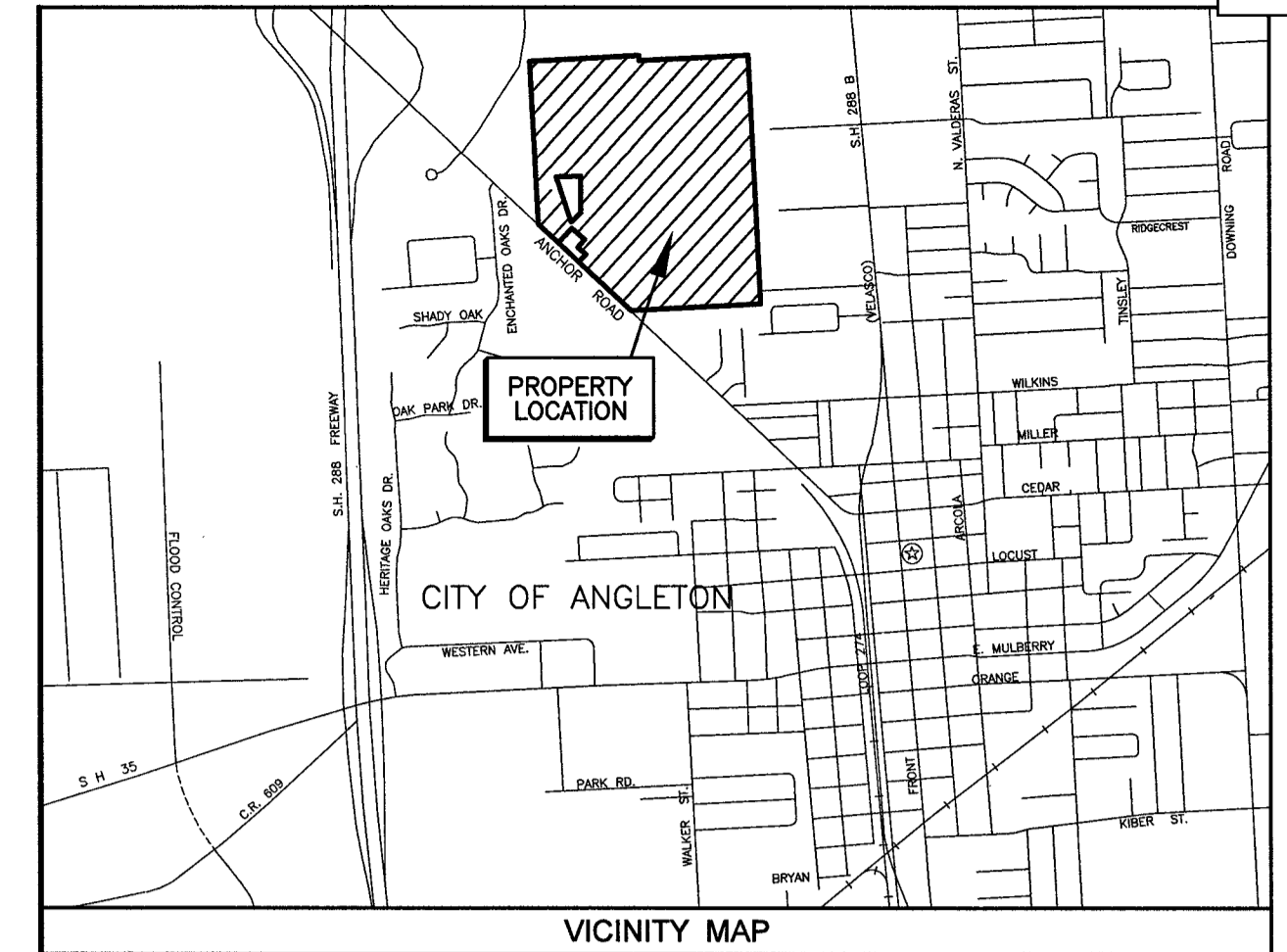
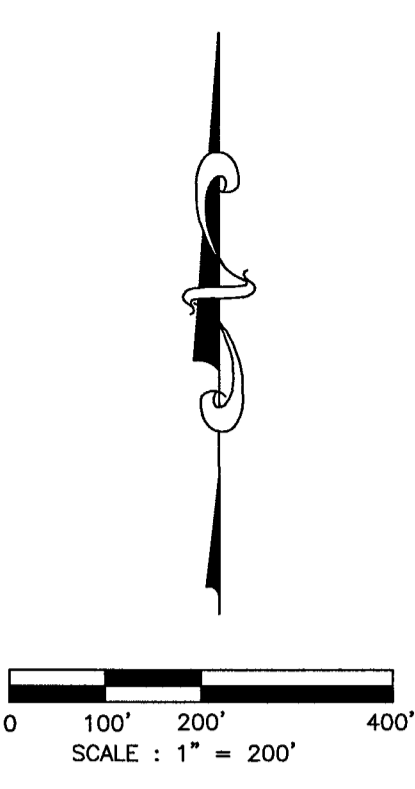
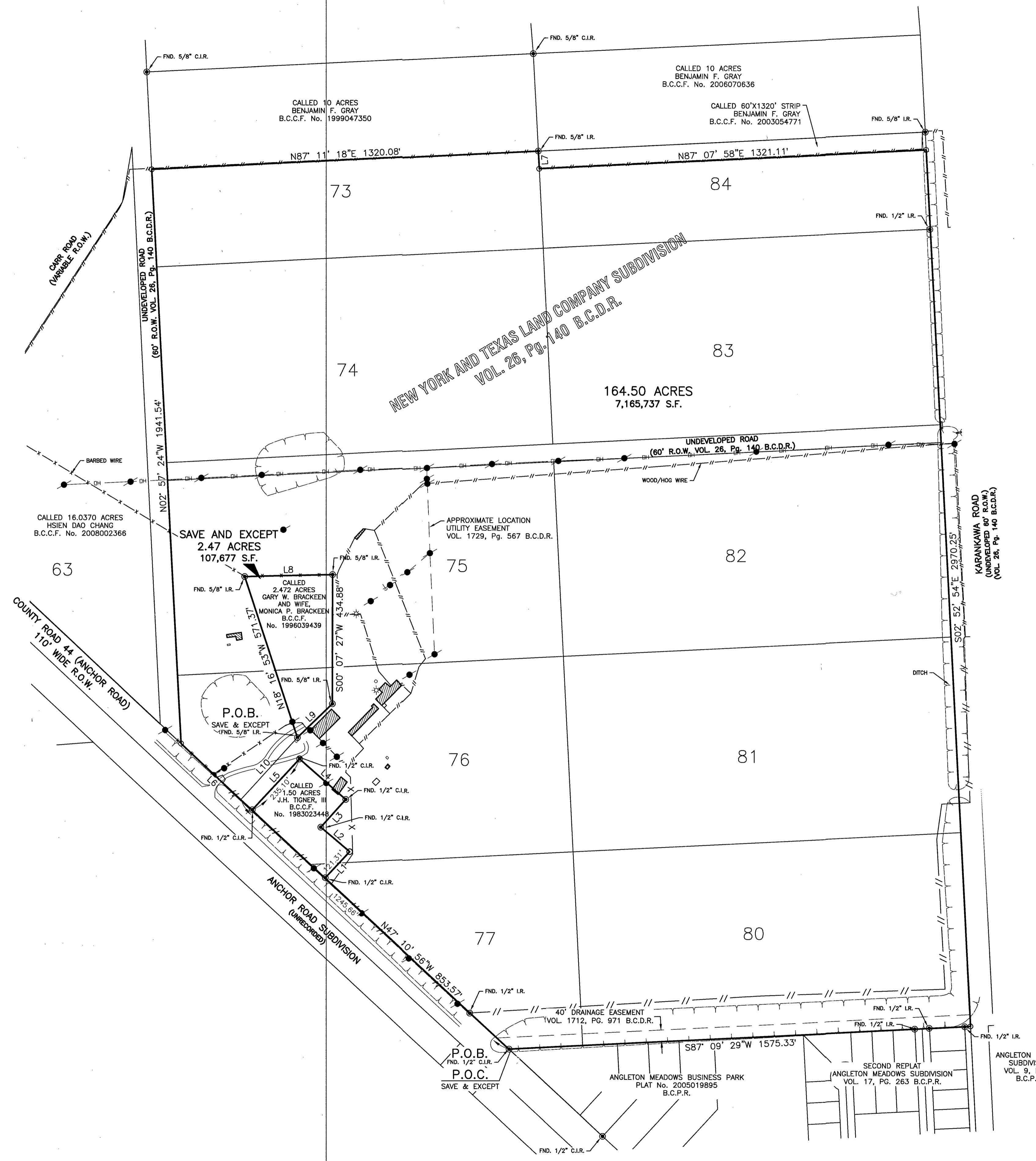
A.E. = AERIAL EASEMENT
 B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
 B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
 B.C.P.R. = BRAZORIA COUNTY PLAT RECORDS
 B.L. = BUILDING LINE
 BM = BENCHMARK
 C.I.R. = CAPPED IRON ROD
 E.E. = ELECTRIC EASEMENT
 FND = FOUND
 I.R. = IRON ROD
 I.P. = IRON PIPE
 MH = MANHOLE
 No. = NUMBER
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCEMENT
 R.O.W. = RIGHT-OF-WAY
 S.F. = SQUARE FEET
 S.S.E. = SANITARY SEWER EASEMENT
 S.T.M.S.E. = STORM SEWER EASEMENT
 U.E. = UTILITY EASEMENT
 VOL., Pg. = VOLUME, PAGE
 W.L.E. = WATER LINE EASEMENT
 BXC = BOX CULVERT
 CONC = CONCRETE
 FL = FLOWLINE
 FO = FIBER OPTIC
 GT = GUTTER
 OHP = OVERHEAD ELECTRIC POWER
 RCP = REINFORCED CONCRETE PIPE
 SAN = SANITARY
 SEW = SEWER
 STM = STORM

SYMBOLS

⊙ = FND IMPLEMENT AS NOTED
 ○ = SET 5/8" IRON ROD
 ⊕ = BENCHMARK
 ⊕ = GAS VALVE
 ⊕ = GAS METER
 ⊕ = IRRIGATION CONTROL
 ⊕ = WATER VALVE
 ⊕ = FIRE HYDRANT
 ⊕ = GUY WIRE
 ⊕ = POWER POLE
 ⊕ = SIGNAL POLE
 ⊕ = LIGHT POLE
 ⊕ = LIGHT BOLLARD
 ⊕ = BOLLARD
 ⊕ = MONITOR WELL
 ⊕ = CLEANOUT
 ⊕ = SIGN
 ⊕ = TELE PEDESTAL
 ⊕ = TREE
 ⊕ = MANHOLE
 ⊕ = INLET

Line Table

Line No.	Length	Direction
L1	122.66'	N43°09'58"E
L2	128.89'	N49°37'04"W
L3	126.66'	N42°06'44"E
L4	208.32'	N49°03'29"W
L5	237.02'	S43°14'22"W
L6	329.32'	N47°10'56"W
L7	60.00'	S02°52'02"E
L8	299.56'	N88°50'27"E
L9	164.83'	S46°22'47"W
L10	284.35'	N42°49'04"E



- NOTES**
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE ISSUED BY ALAMO TITLE INSURANCE, G.F. No. ATCH20101286, EFFECTIVE DATE OF AUGUST 25, 2020, ISSUED DATE OF AUGUST 29, 2020, WITH REGARD TO ANY RECORDED EASEMENTS, RIGHTS-OF-WAY OR SETBACKS AFFECTING THE SURVEYED PROPERTY. NO ADDITIONAL RESEARCH REGARDING THE EXISTENCE OF EASEMENTS, RESTRICTIONS, OR OTHER MATTERS OF RECORD HAS BEEN PERFORMED BY THE SURVEYOR.
 - ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
 - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP No. 48039C0440H, REVISED DATE OF JUNE 5, 1989, REVISED BY LOMR CASE No. 03-08-2336P, EFFECTIVE OCTOBER 6, 2004, THE SURVEYED PROPERTY LIES WITHIN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
 - THE SURVEYED TRACT IS SUBJECT TO AN EASEMENT RECORDED IN VOL. 1483, Pg. 307 B.C.D.R., SURVEYOR IS UNABLE TO PLOT EASEMENT BASED ON SKETCH.
 - A METES AND BOUNDS DESCRIPTION OF THE SURVEYED PROPERTY WAS PREPARED IN CONJUNCTION WITH AND ACCOMPANIES THIS SURVEY.

FOR: TEJAS VIEJO LAND COMPANY, A TEXAS CORPORATION; AND ALAMO TITLE INSURANCE.

I CERTIFY THAT THE HEREIN PLAT AND THE SURVEY ON WHICH IT WAS BASED MEET THE MINIMUM REQUIREMENTS OF A CATEGORY 1A, CONDITION II SURVEY, AS DESCRIBED IN THE TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS - MANUAL OF PRACTICE. FIELDWORK WAS COMPLETED ON THE 9TH-16TH OF OCTOBER, 2020.

SIGNED: *Devin R. Royal* 10-16-20
 DEVIN R. ROYAL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6667

REVISED:

LAND TITLE SURVEY

164.50 ACRES
 BEING 166.97 ACRES, SAVE AND EXCEPT 2.472 ACRES
 LOTS 74, 80, 81, 82 AND 84 AND A PORTION OF LOTS 73, 75,
 76, 77 AND 84 OF NEW YORK AND TEXAS LAND COMPANY
 SUBDIVISION
 VOL. 26, Pg. 140 B.C.D.R.
 LOCATED IN THE
 J. DE J. VALDERAS SURVEY, ABSTRACT No. 380
 BRAZORIA COUNTY, TEXAS

B & L
 BAKER & LAWSON, INC.
 ENGINEERS • PLANNERS • SURVEYORS

300 EAST CEDAR ST.
 ANGLETON, TEXAS 77515
 OFFICE: (979) 849-6681
 TBPLS No. 10052500
 REG. NO. F-825

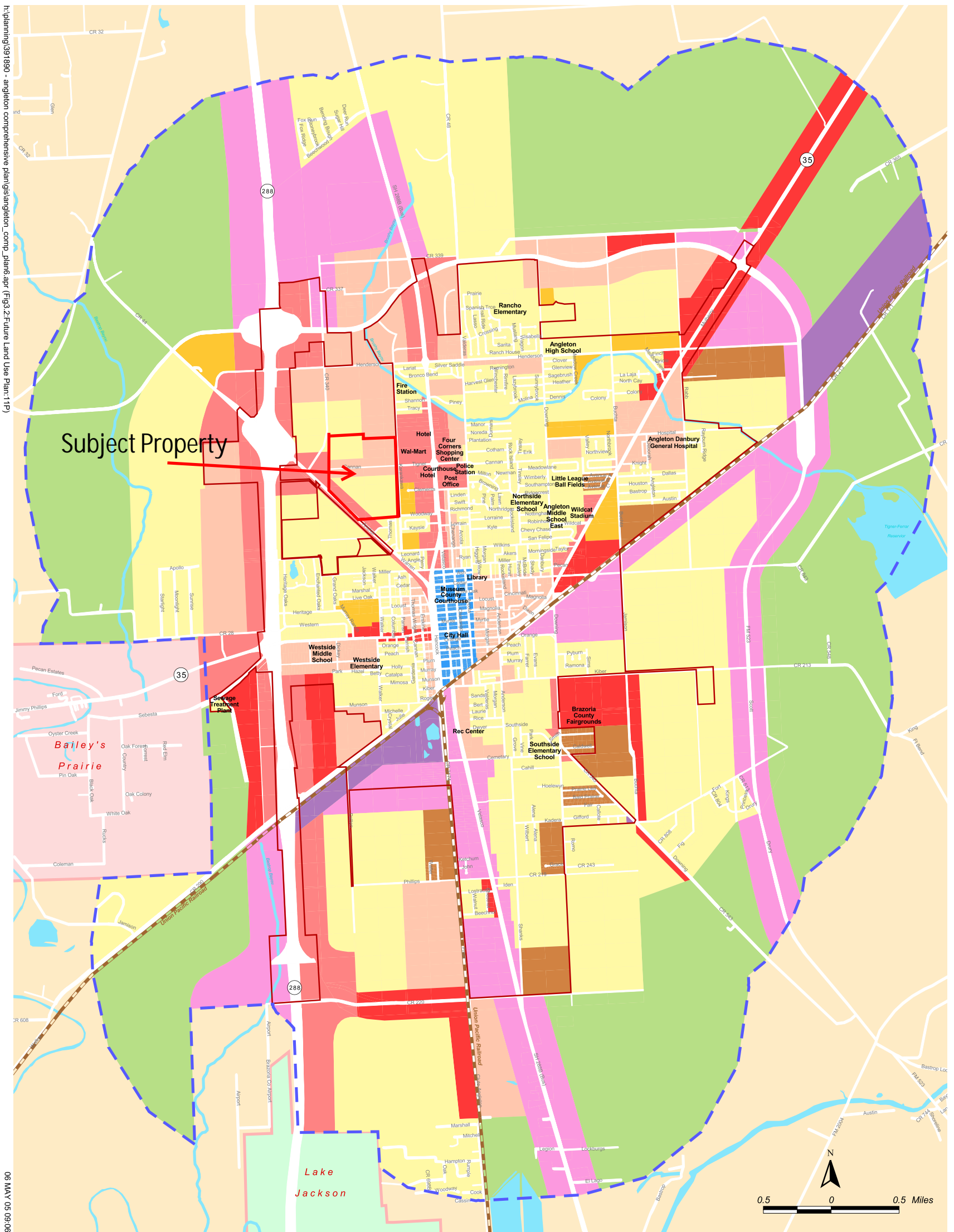
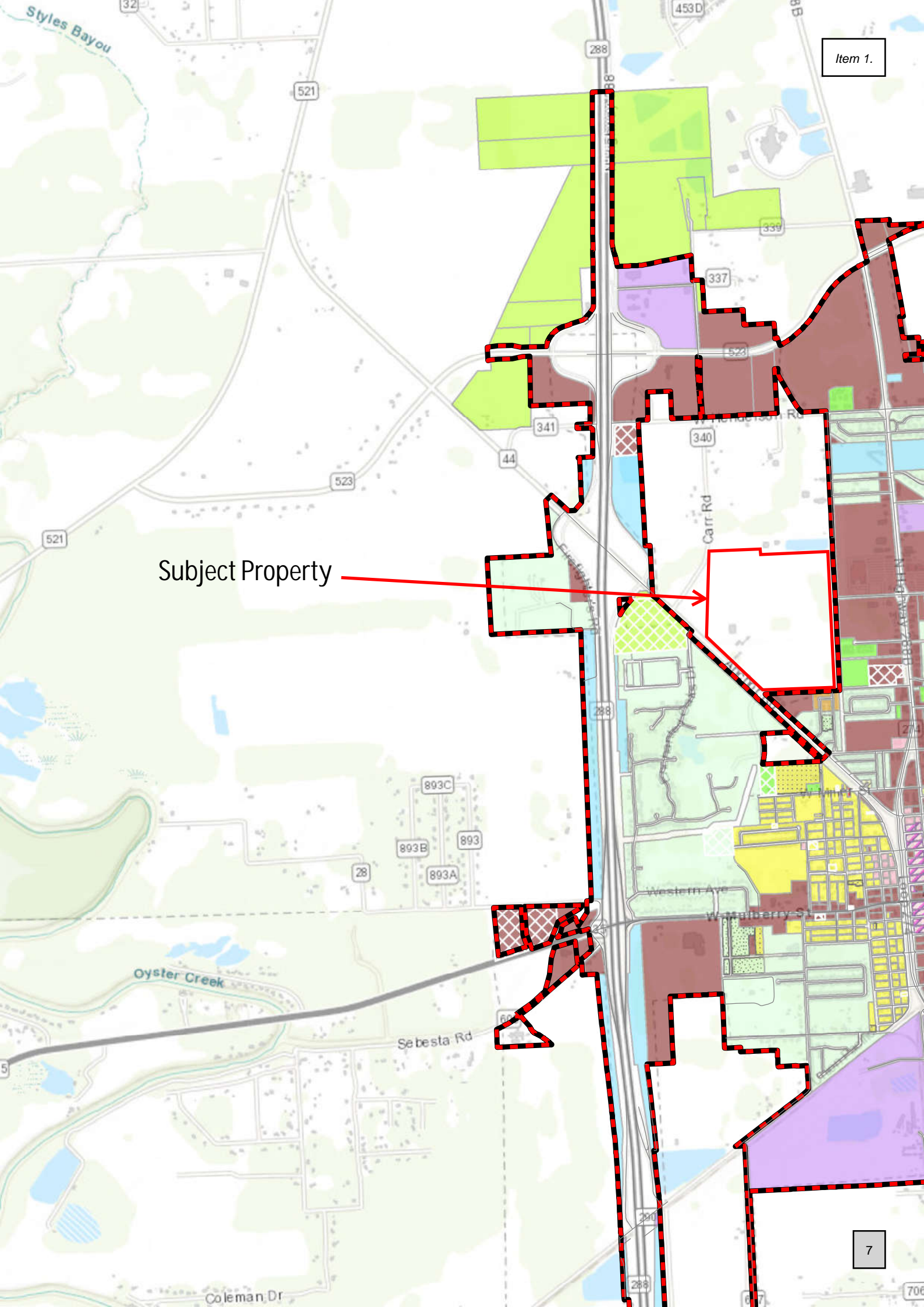


Figure 3.2
Future Land Use Plan

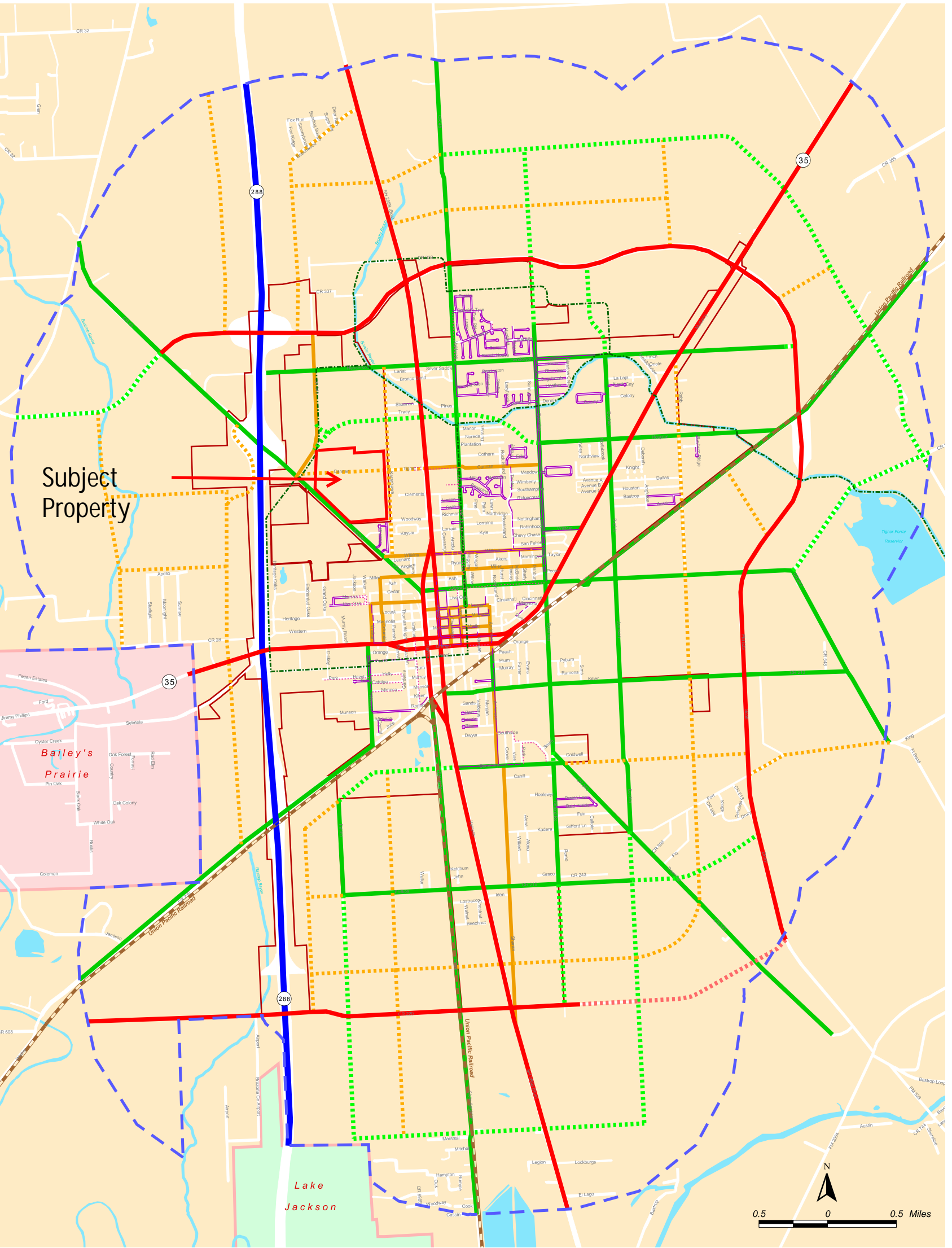
- | | |
|--|-----------------------|
| Agricultural | Industrial/Commercial |
| Single Family Residential | Industrial |
| Multi-Family Residential | Downtown |
| Manufactured Housing | Right Of Way |
| Office/Retail/Multi-Family Residential | Angleton Study Area |
| Office/Retail | Angleton City Limits |
| Commercial | |

NOTE: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.





Subject Property



h:\planning\391890 - angleton comprehensive plan\angleton_comp_plan7.apr (Fig4.1\Mobility Plan.11P)

05 JAN 05 11:37

Figure 4.1
Mobility Plan

- | | | | |
|--|--------------------------|--|----------------------|
| | Existing Freeway | | Rail |
| | Existing Arterial | | Existing Sidewalk |
| | Existing Major Collector | | Proposed Sidewalk |
| | Existing Minor Collector | | Proposed Trail |
| | Proposed Arterial | | Angleton Study Area |
| | Proposed Major Collector | | Angleton City Limits |
| | Proposed Minor Collector | | |

ORDINANCE NO. 2021XXXX-000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS REZONING 164.5 ACRES FROM ARTICLE III ZONING DISTRICTS SECTION 28-42 AG AGRICULTURAL DISTRICT TO ARTICLE III ZONING DISTRICTS SECTION 28-43 SFE-20 SINGLE FAMILY ESTATE RESIDENTIAL 20 DISTRICT OF THE CODE OF ORDINANCES CITY OF ANGLETON, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing regulation of land use, structures, businesses, and related activities; and

WHEREAS, the City Council further finds that the rules and regulations governing land use, structures, and related activities within the territorial limits of the City promote the safe, orderly, and healthful development of the City; and

WHEREAS, on March 4, 2021 the Angleton Planning and Zoning Commission conducted a public hearing regarding a request by Texas Viejo Land Company on behalf of property owners:

Leah Tigner, Individually and as Independent Executrix of the Estate of John Hughes Tigner, III Deceased; Williams Marshall Tigner, II with a reservation of Life Estate of Williams Marshall Tigner; Tiffany Aleece Tigner Schlensker with a reservation of Life Estate of Williams Marshall Tigner; and Williams Marshall Tigner;

to rezone 164.5 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances City of Angleton, Texas following lawful publication of the notice of said public hearing; and

WHEREAS, on March 4, 2021 after considering the public testimony received at such hearing, if any, the Planning and Zoning Commission has recommended that the request by Texas Viejo Land Company on behalf of property owners:

Leah Tigner, Individually and as Independent Executrix of the Estate of John Hughes Tigner, III Deceased; Williams Marshall Tigner, II with a reservation of Life Estate of Williams Marshall Tigner; Tiffany Aleece Tigner Schlensker with a reservation of Life Estate of Williams Marshall Tigner; and Williams Marshall Tigner;

to rezone 164.5 acres from Chapter 28 Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District be approved; and

WHEREAS, on March 9, 2021 the City Council of the City of Angleton conducted a public hearing regarding a request by Texas Viejo Land Company on behalf of property owners:

Leah Tigner, Individually and as Independent Executrix of the Estate of John Hughes Tigner, III Deceased; Williams Marshall Tigner, II with a reservation of Life Estate of Williams Marshall Tigner; Tiffany Aleece Tigner Schlensker with a reservation of Life Estate of Williams Marshall Tigner; and Williams Marshall Tigner;

to rezone 164.5 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances City of Angleton, Texas following lawful publication of the notice of said public hearing; and

WHEREAS, on March 9, 2021 the City Council of the City of Angleton, Texas approved the request by Texas Viejo Land Company on behalf of property owners:

Leah Tigner, Individually and as Independent Executrix of the Estate of John Hughes Tigner, III Deceased; Williams Marshall Tigner, II with a reservation of Life Estate of Williams Marshall Tigner; Tiffany Aleece Tigner Schlensker with a reservation of Life Estate of Williams Marshall Tigner; and Williams Marshall Tigner;

to rezone 164.5 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances City of Angleton, Texas following lawful publication of the notice of said public hearing; and

WHEREAS, each and every applicable requirement set forth in Chapter 211, Subchapter A, Texas Local Government Code and the Code of Ordinance of the City of Angleton, Texas, concerning public notices, hearings and other procedural matters have been fully met; and

WHEREAS, the City Council desires to 164.5 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances, City of Angleton, Texas;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS;

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof as if copied herein verbatim.

SECTION 2. The request by Texas Viejo Land Company on behalf of property owners:

Leah Tigner, Individually and as Independent Executrix of the Estate of John Hughes Tigner, III Deceased; Williams Marshall Tigner, II with a reservation of Life Estate of Williams Marshall Tigner; Tiffany Aleece Tigner Schlensker with a reservation of Life Estate of Williams Marshall

Tigner; and Williams Marshall Tigner, as described and depicted in Exhibit “A,” from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances, City of Angleton, Texas be approved.

SECTION 3. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of the Ordinance occurs shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5. In the event any clause, phrase provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be on or more parts.

SECTION 6. This ordinance shall be effective and in full force immediately upon its adoption.

SECTION 7. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code

PASSED AND APPROVED THIS THE 9th DAY OF MARCH 2021.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, CMC
City Secretary



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 3, 2021

PREPARED BY: Walter E. Reeves Jr., AICP

AGENDA CONTENT: Conduct a public hearing, discussion, and possible action on a request to rezone an approximate 4.0 acres from the Agricultural (AG) District to the Single-Family Estate Residential 20 (SFE-20) District. The subject property is located on the south side of Kiber Street at the Kiber Street/Sims Street intersection and is more commonly known as 1236 Kiber Road.

AGENDA ITEM SECTION: Public Hearing

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

This is a request from Mr. Jacobo De La Garza to rezone approximately 4.0 acres of land located on the south side of Kiber Street at the Kiber Street/Sims Street intersection, more commonly known as 1236 Kiber Road from the Agricultural (AG) zoning district to the Single-Family Estate Residential 20 (SFE-20) zoning district. The SFE-20 requires a 20,000 sq. ft. minimum lot size. Mr. De La Garza wishes to rezone the property in order to subdivide into two lots to allow construction of a home for a family member.

The Future Land Use Plan from the Angleton Comprehensive Plan Update designates the subject property as being appropriate for commercial development as it is near the Brazoria County Fairgrounds. While the proposed rezoning is inconsistent with the Future Land Use Plan, the surrounding land (south/east/west) is in the City's Extraterritorial Jurisdiction and appears to be parking area for the fairgrounds and is unlikely to ever develop as commercial uses. The proposed rezoning is supported by Goal 1 of Chapter 3 Land Use as well as Goal 2 of Chapter 8 Housing of the Comprehensive Plan.

Chapter 3 – Land Use

Goal One: High quality development that promotes sensible growth patterns and respects the small-town atmosphere and image of the community.

Chapter 8 – Housing

Goal Two: A variety of housing options that meets the needs of an increasingly diverse population.

Existing Land Use and Zoning

North: Single family residential use in the Single Family 7.2 District (SF 7.2).

East: Undeveloped land in the ETJ that appears to be parking for the fairgrounds.

South: Undeveloped land in the ETJ that appears to be parking for the fairgrounds and the fairgrounds.

West: Single family residential development in the ETJ and undeveloped land.

Kiber Street is designated as a Major Collector on the Mobility Plan in this area. Rezoning of the property will have little effect on the functionality of the street.

The proposed rezoning is while inconsistent with the Future Land Use Plan is supported by several goals of the Comprehensive Plan and is supportable given the unlikelihood of development for commercial uses.

RECOMMENDATION:

Staff recommends approval of the ordinance to rezone an approximate 4.0 acres from the Agricultural (AG) District to the Single- Family Estate Residential 20 (SFE-20) District.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, JACOBO DELAGARZA ACTING HEREIN, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HERENAFOVE DESCRIBED PROPERTY AS A SUBDIVISION PLAT OF A 3.996 ACRE TRACT OUT OF A 5.985 ACRE TRACT, OUT OF TRACTS 74 AND 75 OF THE BRYAN AND KIBER SUBDIVISION IN THE I.T. TINSLEY SURVEY, ABSTRACT 375, BRAZORIA COUNTY, TEXAS, A SUBDIVISION IN THE JURISDICTION OF THE CITY OF ANGLETON, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS, ALLEYS AND PUBLIC PARKLAND SHOWN THEREON. THE STREETS, ALLEYS AND PARKLAND ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF ANGLETON. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF ANGLETON'S USE THEREOF. THE CITY OF ANGLETON AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF ANGLETON AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING PERMISSION FROM ANYONE.

OWNER:
JACOBO DELAGARZA
1236 EAST KIBER
ANGLETON, TEXAS 77515
832-630-4975

SURVEYOR:
RANDY L. STROUD, P.E.
201 SOUTH VELASCO
ANGLETON, TEXAS 77515
979-849-3141

STATE OF TEXAS
COUNTY OF BRAZORIA

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

JACOBO DELAGARZA, OWNER

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED JACOBO DELAGARZA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND, IN THE CAPACITY, THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC
STATE OF TEXAS

MY COMMISSION EXPIRES _____

APPROVED THIS _____ DAY OF _____, 20____.

CITY MANAGER

CITY SECRETARY

STATE OF TEXAS
COUNTY OF BRAZORIA

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 20____, BY _____, BY _____, CITY SECRETARY, CITY OF ANGLETON, ON BEHALF OF THE CITY.

NOTARY PUBLIC
STATE OF TEXAS

SURVEYOR'S CERTIFICATION

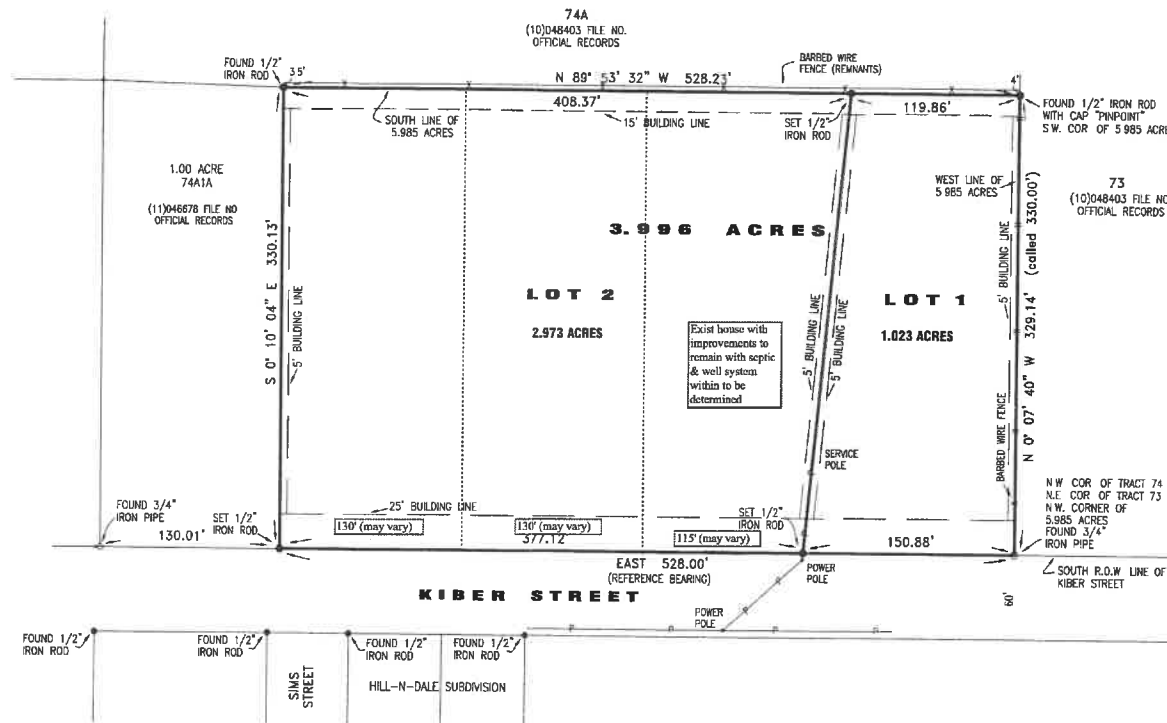
STATE OF TEXAS
COUNTY OF BRAZORIA

KNOW ALL MEN BY THESE PRESENTS:

THAT I, RANDY L. STROUD, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY FOUND UNDER MY SUPERVISION

Randy L. Stroud
RANDY L. STROUD, RPLS 2112 DATE 5-22-20

FROM THE OFFICE OF:
RANDY L. STROUD, P.E.
FIRM NO 10020500
201 SOUTH VELASCO
ANGLETON, TEXAS 77515
979-849-3141



NOTES

- 1 ALL SET 1/2" IRON RODS HAVE CAP STAMPED "STROUD, RPLS 2112.
- 2 THE PURPOSE OF THIS SUBDIVISION PLAT IS TO DIVIDE A 3.996 ACRE TRACT INTO TWO LOTS ONE BEING A 1.023 ACRE TRACT (CALLED LOT 1) AND A 2.973 ACRE TRACT (CALLED LOT 2)
- 3 NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ANGLETON AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- 4 NOTICE: PLAT APPROVAL SHALL NOT BE DEEMED TO OR PRESUMED TO GIVE AUTHORITY TO VIOLATE, NULLIFY, VOID, OR CANCEL ANY PROVISIONS OF LOCAL, STATE, OR FEDERAL LAWS, ORDINANCES, OR CODES
- 5 NOTICE: THE APPLICANT IS RESPONSIBLE FOR SECURING ANY FEDERAL PERMITS THAT MAY BE NECESSARY AS THE RESULT OF PROPOSED DEVELOPMENT ACTIVITY. THE CITY OF ANGLETON IS NOT RESPONSIBLE FOR DETERMINING THE NEED FOR, OR ENSURING COMPLIANCE WITH ANY FEDERAL PERMIT.
- 6 NOTICE: APPROVAL OF THIS PLAT DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD OR REGISTERED PUBLIC LAND SURVEYOR IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SUBMITTAL WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY THE CITY ENGINEER.
- 7 NOTICE: ALL RESPONSIBILITY FOR THE ADEQUACY OF THIS PLAT REMAINS WITH THE ENGINEER OR SURVEYOR WHO PREPARED THEM IN APPROVING THESE PLANS. THE CITY OF ANGLETON MUST RELY ON THE ADEQUACY OF THE WORK OF THE ENGINEER AND/OR SURVEYOR OF RECORD.

FIELD NOTES OF A 3.996 ACRE TRACT OUT OF A 5.985 ACRE TRACT OUT OF TRACTS 74 AND 75 OF THE BRYAN AND KIBER SUBDIVISION IN THE I.T. TINSLEY SURVEY, ABSTRACT 375, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED IN VOLUME 29, PAGE 75 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS; SAID 5.985 ACRE TRACT BEING DESCRIBED IN A DEED RECORDED IN FILE 2011-017943 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, AND SAID 3.996 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" iron pipe found marking the Northwest corner of Tract 74 and the Northeast corner of Tract 73 of the Bryan and Kiber Subdivision, said pipe being in the South right-of-way line of Kiber Street (60 feet wide - City of Angleton) and said pipe also marking the Northwest corner of said 5.985 acre tract,

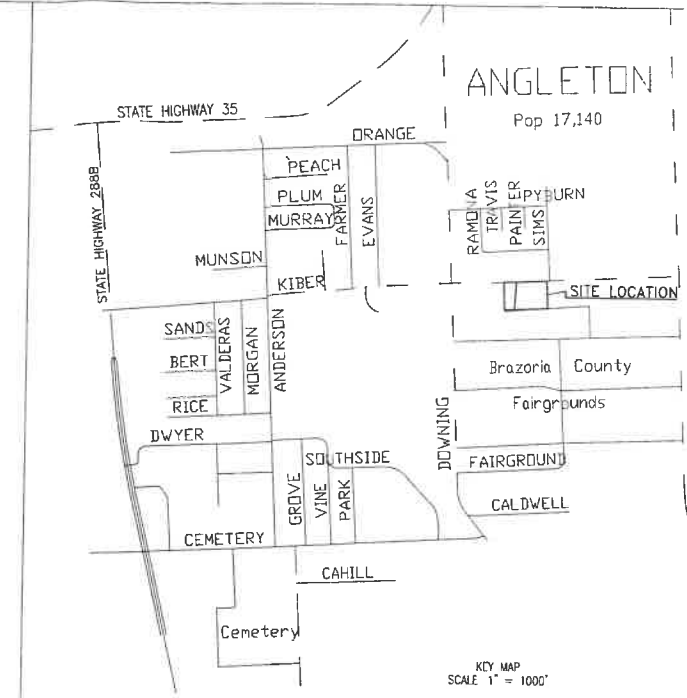
THENCE, East (Reference Bearing - North 90° 00' 00" East) 528.00 feet, along the South right-of-way line of Kiber Street, to a 1/2" iron rod set for corner at the Northwest corner of a 1.00 acre tract out of said 5.985 acre tract; said 1.00 acre tract being described in a deed recorded in File 2011-046678 of the Official Records of Brazoria County, Texas,

THENCE, South 0° 10' 04" East 330.13 feet to a 1/2" iron rod found for corner in the South line of said 5.985 acre tract,

THENCE, North 89° 53' 32" West 528.23 feet, along the South line of said 5.985 acre tract, to a 1/2" iron rod, with plastic cap stamped "Pinpoint", found for corner at the Southwest corner of said 5.985 acre tract in the West line of Tract 74 and the East line of Tract 73;

THENCE, North 0° 07' 40" West 329.14 feet, along the West line of said 5.985 acre tract, the West line of Tract 74, and the East line of Tract 73, to the place of beginning.

Said tract therein containing 3.996 acres of land.



ANGLETON DRAINAGE DISTRICT

ACCEPTED THIS _____ DAY OF _____, 20____, BY THE ANGLETON DRAINAGE DISTRICT

THE BOARD OF SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT WARRANT, REPRESENT OR GUARANTEE:

- 1 THAT DRAINAGE FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION ARE AVAILABLE TO RECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT
- 2 THAT DRAINAGE FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN EXCESS OF ANGLETON DRAINAGE DISTRICT MINIMUM REQUIREMENTS
- 3 THAT BUILDING ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE ANGLETON DRAINAGE DISTRICT
- 4 THAT THE DISTRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION, OR MAINTENANCE OF SUBDIVISION DRAINAGE FACILITIES

THE DISTRICT'S REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR REVIEW, AND ON THE RELIANCE OF THE REPORT SUBMITTED BY THE TEXAS REGISTERED PROFESSIONAL ENGINEER. THE DISTRICT'S REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE OVERALL RESPONSIBILITY AND/OR DECISION MAKING POWER OF THE PART SUBMITTING THE PLAT OR PLAN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS

DAVID SPOOR
RONNIE SLATE
WELDON ZGARBA

BRYAN AND KIBER SUBDIVISION
SUBDIVISION PLAT
2 LOTS - 3.996 ACRES

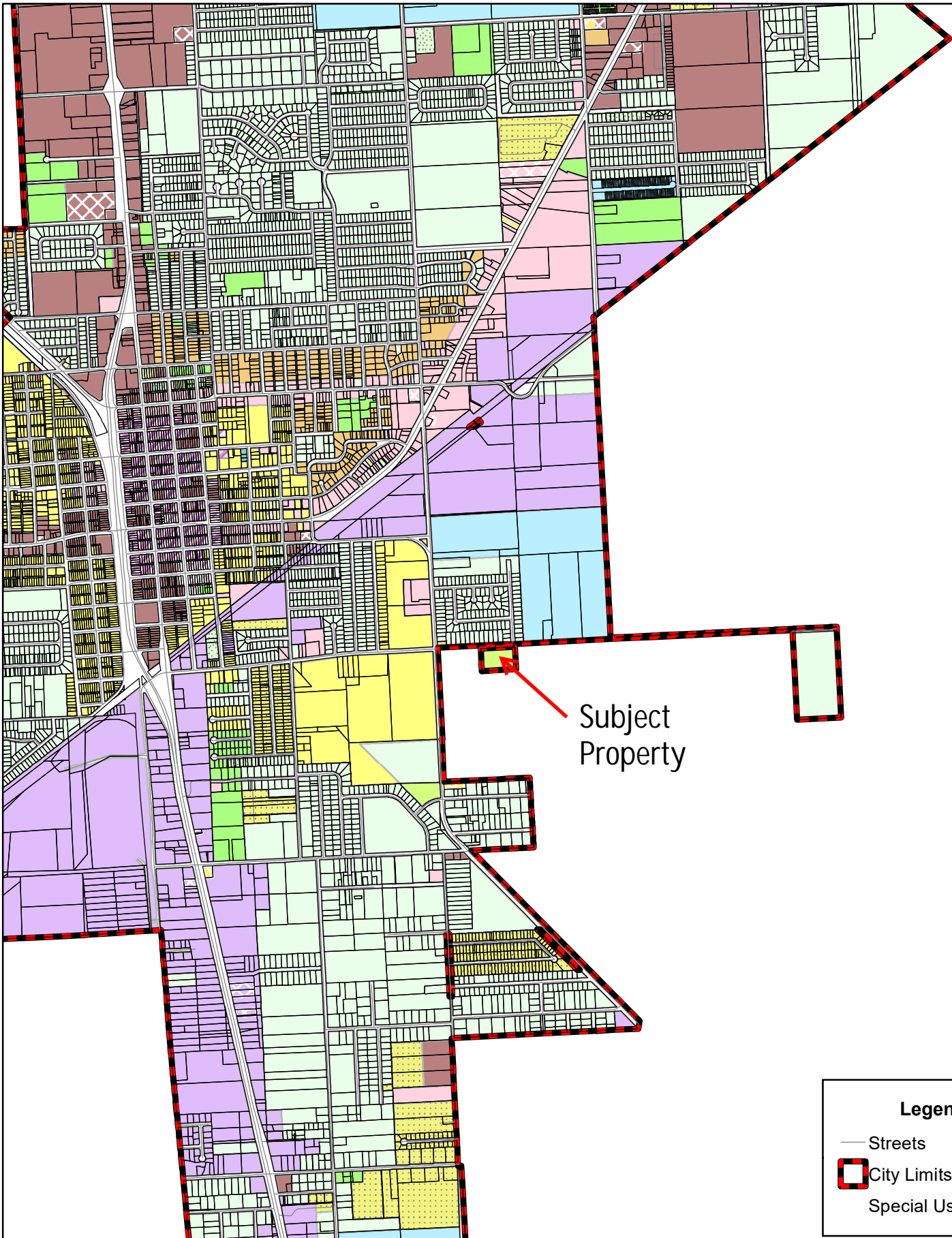
A SUBDIVISION PLAT OF A 3.996 ACRE TRACT OUT OF A 5.985 ACRE TRACT OUT OF TRACTS 74 AND 75 OF THE BRYAN AND KIBER SUBDIVISION IN THE I.T. TINSLEY SURVEY, ABSTRACT 375, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED IN VOLUME 29, PAGE 75 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS; SAID 5.985 ACRE TRACT BEING DESCRIBED IN A DEED RECORDED IN FILE 2011-017943 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS.



SCALE: 1" = 60'



5-20-20

41 27,270 43-97(M-469)



Subject Property

Legend

- Streets
-  City Limits
-  Special Use Permit

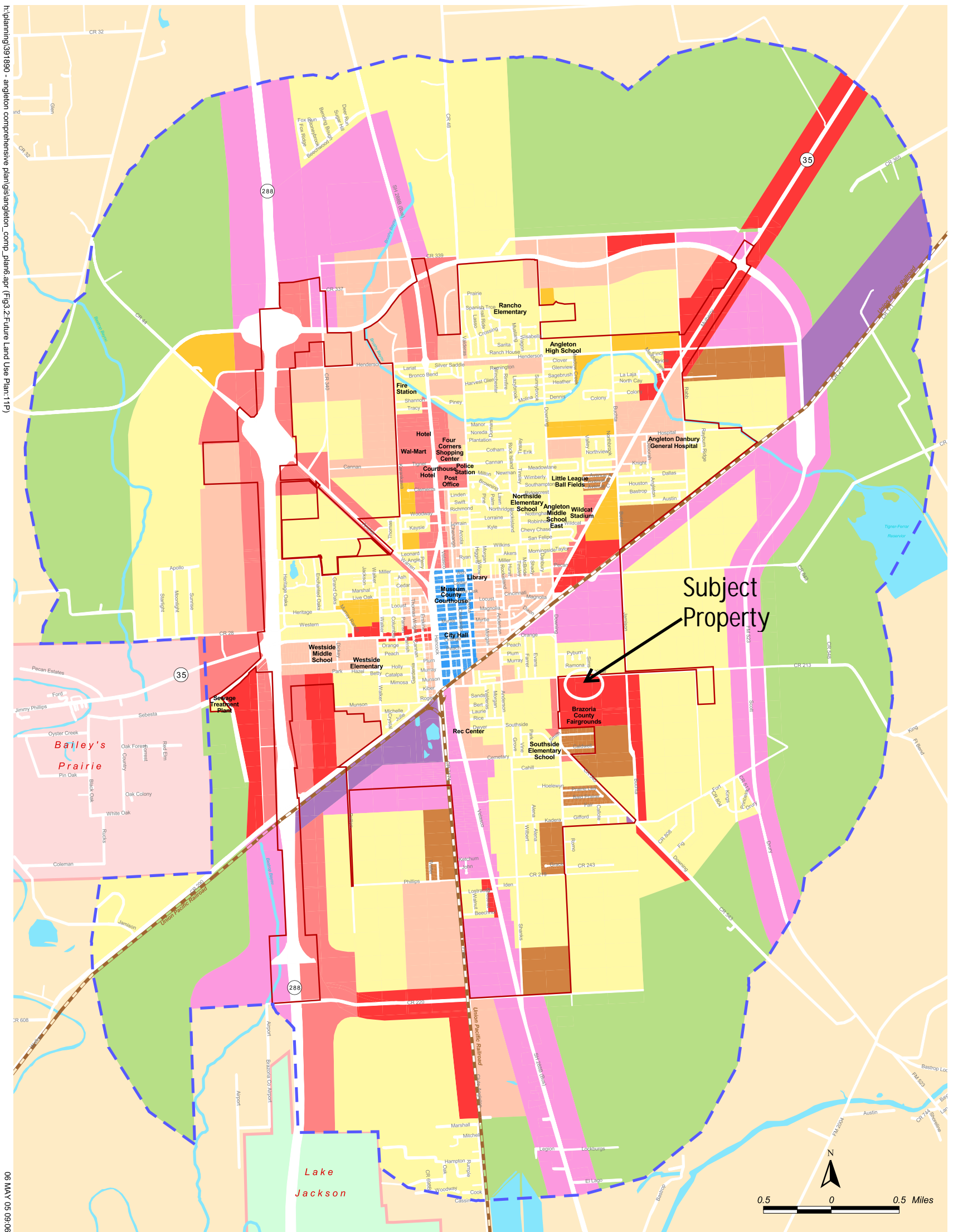
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.



Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1" = 1,976'



h:\planning\391890 - angleton comprehensive plan\angleton_comp_plans\app (Fig3.2\Future Land Use Plan.1)P

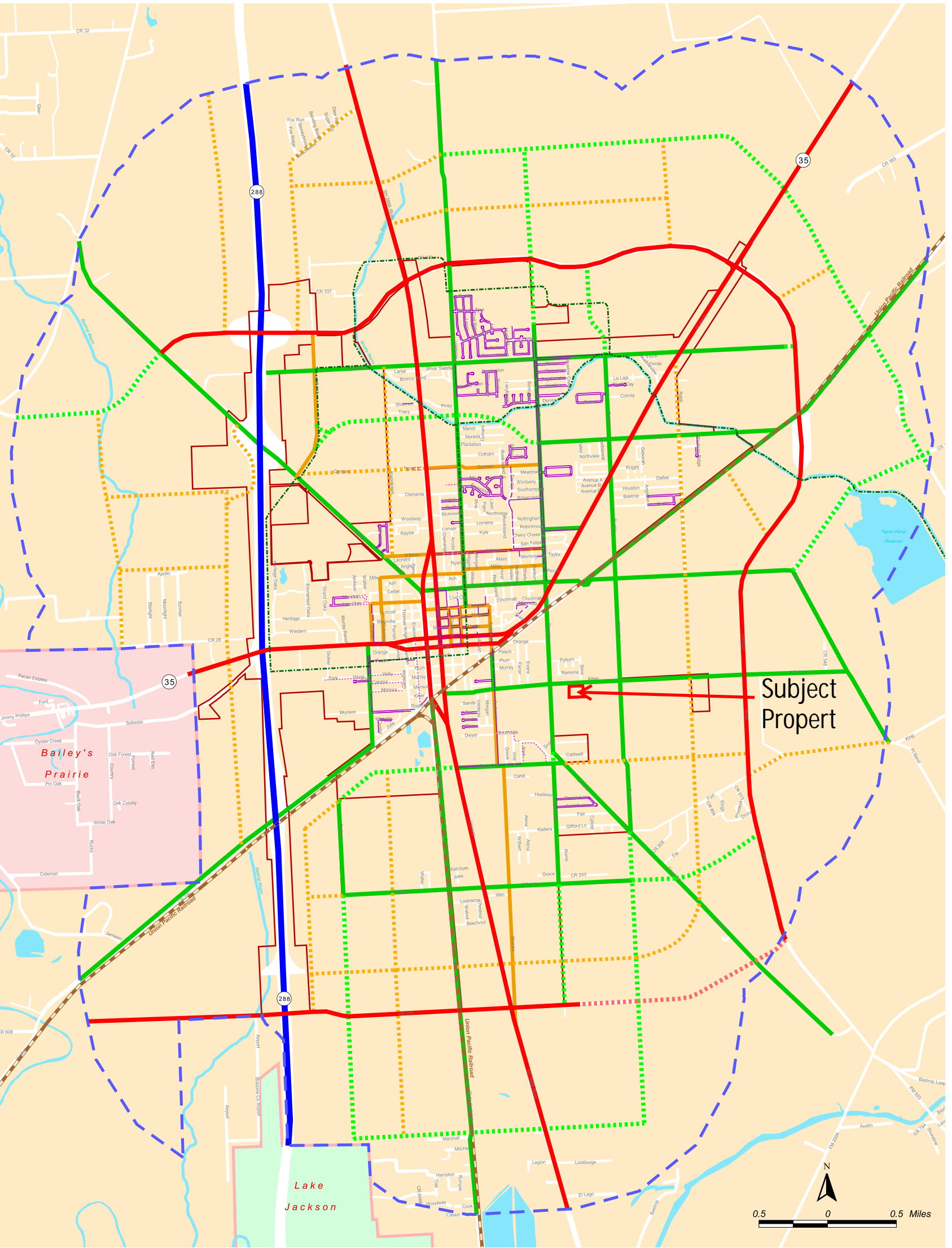
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Figure 3.2
Future Land Use Plan

- | | |
|--|-----------------------|
| Agricultural | Industrial/Commercial |
| Single Family Residential | Industrial |
| Multi-Family Residential | Downtown |
| Manufactured Housing | Right Of Way |
| Office/Retail/Multi-Family Residential | Angleton Study Area |
| Office/Retail | Angleton City Limits |
| Commercial | |

NOTE: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.





h:\planning\391890 - angleton comprehensive plan\angleton_comp_plan7.apr (Fig4.1\Mobility Plan.11P)

05 JAN 05 11:37

Figure 4.1
Mobility Plan

- | | | | |
|--|--------------------------|--|----------------------|
| | Existing Freeway | | Rail |
| | Existing Arterial | | Existing Sidewalk |
| | Existing Major Collector | | Proposed Sidewalk |
| | Existing Minor Collector | | Proposed Trail |
| | Proposed Arterial | | Angleton Study Area |
| | Proposed Major Collector | | Angleton City Limits |
| | Proposed Minor Collector | | |

ORDINANCE NO. 2021XXXX-000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS REZONING 3.996 ACRES FROM ARTICLE III ZONING DISTRICTS SECTION 28-42 AG AGRICULTURAL DISTRICT TO ARTICLE III ZONING DISTRICTS SECTION 28-43 SFE-20 SINGLE FAMILY ESTATE RESIDENTIAL 20 DISTRICT OF THE CODE OF ORDINANCES CITY OF ANGLETON, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing regulation of land use, structures, businesses, and related activities; and

WHEREAS, the City Council further finds that the rules and regulations governing land use, structures, and related activities within the territorial limits of the City promote the safe, orderly, and healthful development of the City; and

WHEREAS, on March 4, 2021 the Angleton Planning and Zoning Commission conducted a public hearing regarding a request by Mr. Jacobo De La Garza to rezone 3.996 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances City of Angleton, Texas following lawful publication of the notice of said public hearing; and

WHEREAS, on March 4, 2021 after considering the public testimony received at such hearing, if any, the Planning and Zoning Commission has recommended that the request by Mr. Jacobo De La Garza to rezone 3.996 acres from Chapter 28 Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District be approved; and

WHEREAS, on March 9, 2021 the City Council of the City of Angleton conducted a public hearing regarding a request by Mr. Jacobo De La Garza to rezone 3.996 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances City of Angleton, Texas following lawful publication of the notice of said public hearing; and

WHEREAS, on March 9, 2021 the City Council of the City of Angleton, Texas approved the request by Mr. Jacobo De La Garza to rezone 3.996 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances City of Angleton, Texas following lawful publication of the notice of said public hearing; and

WHEREAS, each and every applicable requirement set forth in Chapter 211, Subchapter A, Texas Local Government Code and the Code of Ordinance of the City of Angleton, Texas, concerning public notices, hearings and other procedural matters have been fully met; and

WHEREAS, the City Council desires to 3.996 acres from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances, City of Angleton, Texas;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS;

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof as if copied herein verbatim.

SECTION 2. The request by Mr. Jacobo De La Garza, as described and depicted in Exhibit “A,” from Article III Zoning Districts Section 28-42 AG Agricultural District to the Article III Zoning Districts Section 28-43 SFE-20 Single Family Estate Residential 20 District of the Code of Ordinances, City of Angleton, Texas be approved.

SECTION 3. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of the Ordinance occurs shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5. In the event any clause, phrase provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be on or more parts.

SECTION 6. This ordinance shall be effective and in full force immediately upon its adoption.

SECTION 7. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code
PASSED AND APPROVED THIS THE 9th DAY OF MARCH 2021.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, CMC
City Secretary



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 4, 2021

PREPARED BY: Walter E. Reeves Jr., AICP

AGENDA CONTENT: Discussion and possible action on a request for approval of a variance to the sidewalk requirement of Chapter 23, Section 23-14.A. Sidewalks, for the Kiber Reserve Subdivision. The requested variance is for the provision of sidewalk on the perimeter of the property along the Orange Street, Downing Street and Kiber Street frontages.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

This is a request for approval of a variance to the sidewalk requirement of Chapter 23, Section 23-14.A. Sidewalks for the Kiber Reserve Subdivision. The requested variance is for the provision of sidewalk on the perimeter of the property along Kiber Street, Downing Street and Orange Street.

A preliminary plat of the proposed subdivision was recommended for approval by the Planning and Zoning Commission on July 9, 2020 without any phases proposed and approved by the City Council on July 14, 2020. Subsequently the developer decided to develop the project in phases. LDC Section 23-18 requires phasing to be done with the preliminary plat and as a result a new preliminary plat for Phase 1 was submitted. The Phase 1 preliminary plat was recommended by the Planning and Zoning Commission February 4, 2021 and approved by City Council on February 9, 2021. The provision of sidewalks along the perimeter streets were a part of the discussion at the Planning and Zoning Commission meeting

Pursuant to Section 23-102 B. *Variance approval standards*. Variances may be granted when:

1. There are circumstances specific to the property that create an undue hardship that generally do not apply to surrounding properties; such as, but not limited to, its shape, or topography;

The developer's engineer has provided reasoning applicable to this standard of review.

2. Special consideration is necessary to allow an applicant the same right of use enjoyed under the LDC by surrounding properties;

There do not appear to be sidewalks along the respective streets in adjacent subdivisions.

3. Consideration is unique to the subject property and would not generally set an adverse precedent for other applications;

The developer's engineer has provided reasons unique to the subject property. A variance would not generally set an adverse precedent for other applications.

4. The hardship was not created by the applicant; and

The hardship is not created by the applicant

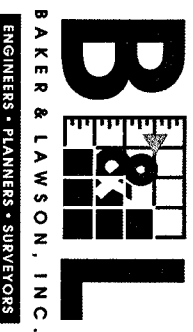
5. A variance would not be detrimental to any adjacent properties or to public health and safety.

It is hard to imagine how a variance would be detrimental to any adjacent properties or to public health and safety as there are no sidewalks along the respective streets in this area.

Staff has provided pictures of the existing condition along the respective streets.

RECOMMENDATION:

Staff recommends approval of the requested variance to Section 23-14.A Sidewalks along the Orange Street, Downing Street and Kiber Street frontages.



January 24, 2020

Mr. Chris Whittaker
 City Manager
 City of Angleton
 121 S. Velasco
 Angleton, Texas 77515

Mr. Whittaker,

This letter is provided to request a variance for the Kiber Reserve Subdivision, Phase 1 and Phase 2. The variance is made by Baker and Lawson on the behalf of the Waterstone Development Group. The following is requested.

The owner requests a variance to Section 23-14 A(1)c of the Land Development Code and Angleton Construction Manual. The excerpt is provided.

Sec. 23-14. Sidewalks and Accessibility.

A. Sidewalks.

1. Required.

c. For an existing development that does not have sidewalks along adjoining public streets and is proposed to be expanded, sidewalks shall only be required for the portion of the property where the expansion is proposed. The City Council may consider a variance when there are significant engineering constraints that result in practical difficulties from locating or extending a sidewalk or when a sidewalk should not be extended for other practical considerations.

We stated the following reasons to support this variance request.

1. Downing, Orange, and Kiber are rural style roadways. As noted, they possess steep ditches that pose a safety hazard to the citizens of Angleton.
 - a. For instance, the roadside ditch of Downing, called Ditch A, owned by the Angleton Drainage District, possesses flowline elevations between 19-20 feet and side slopes steeper than 3:1. The existing elevation of the roadway is approximately 26.0 ft. The proposed natural grade of Kiber Reserve at the ROW line is approximately 25 ft. Placing a sidewalk along Ditch A would create fall hazards of 5-7. As reference to OSHA standards, fall protection requirements are triggered at 4 feet.
 - b. The roadside ditch of Kiber, owned by the City, possess a flowline elevation between 20-21 feet and side slopes steeper than 3:1. The natural grade is approximately 25 ft. therefore, a sidewalk would create a fall hazard of 4-5 feet.
 - c. The roadside ditch of Orange, owned by the City, possess a flowline elevation between 19-23 feet and side slopes at 3:1. The natural grade is approximately 25 ft. therefore a sidewalk would create a fall hazard of 2-5 feet.

DOUGLAS B. ROESLER, P.E. - Principal Engineer
 300 EAST CEDAR, ANGLETON, TEXAS 77515
 (979) 849-6681 • Fax (979) 849-4689

2. Sidewalk improvements need to be done within the ROW. All three roadways fully use the ROW for pavement and roadside ditch. There is no room to add sidewalks.

A preliminary plat for the subdivision was approved July 9, 2020 by Planning and Zoning Commission and July 14, 2020 without restriction or requirement for sidewalks. Our client relied on this approval to move forward with Kiber Reserve. Subsequently, the Client chose to divide the already approved subdivision into two sections for actual construction.

The preliminary plat for Kiber Reserve Phase 1 was approved by the Planning and Zoning Commission (on February 4, 2021) and City Council (on February 10, 2021), contingent on a sidewalk variance.

The construction plans for Kiber Reserve Phase 1 have been approved by the City Engineer (on January 28, 2021), contingent on a sidewalk variance.

Thank you for consideration of this request.

Sincerely,



Miguel Saucedo, P.E.



Item 3.



Item 3.



Item 3.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 4, 2021

PREPARED BY: Walter E. Reeves Jr., AICP

AGENDA CONTENT: Discuss and consider possible action on a request to recommend approval of the Preliminary Replat of the Reserve. The subject property consists of 155.61-acre tract of land located at the southwest corner of Business 288 and CR 220 in the City of Angleton Extraterritorial Jurisdiction (ETJ).

AGENDA ITEM SECTION: (Regular Agenda)

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

This is a request for a recommendation of approval of the preliminary replat of the Reserve. The subject property consists of a total of 155.61-acres located at the southwest corner of the Business 288/CR 220 intersection in the City of Angleton ETJ. The proposed one lot subdivision will be the location of 725 manufactured home rental sites. Except as otherwise noted in the City Engineer's memo, the proposed preliminary replat meets all City of Angleton requirements

RECOMMENDATION:

Staff recommends approval of the proposed preliminary replat of the Reserve subject to the condition that the City Engineer's comments are cleared with any final plat application.

February 26, 2021

Mr. Walter Reeves
Director of Development Services
City of Angleton
121 S. Velasco
Angleton, TX 77515

Re: On-Going Services
Plat Review of The Reserve in Angleton Subdivision Plat – 1st Submittal Review
Angleton, Texas
HDR Job No. 2021

Dear Mr. Reeves:

HDR Engineering, Inc. (HDR) has reviewed the plat for the above referenced property and offers the following comments:

1. Indicate location of future phases on the plat per LDC Sec. 23-18.
2. The proposed detention pond shall be shown as a reserve on the plat per LDC Sec. 23-19.
3. Include enough space for notary seal on the administrative plate certificate block.
4. Provide dedicated water meter easement for location of proposed commercial water meter.
5. Verify and notate if 60-ft unimproved roadway is abandoned. Provide additional information in notes to describe this item (i.e. Owner and abandonment information)
6. Provide owner name on the Owner's Acknowledgement certificate block.

The proposed plat is incomplete. We are unable to complete the review until the recommended corrections/changes are made and the additional information requested is submitted. HDR recommends that The Reserve in Angleton Subdivision Plat be Revised and Resubmitted.

If you have any questions, please feel free to contact us at our office (713)-622-9264.

Sincerely,

HDR Engineering, Inc.

Javier Vasquez, P.E., CFM
Project Engineer

cc: Files (2021)

Attachments

DEDICATION STATEMENT:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT MICHAEL HOLIGAN, Managing Member of HOLIGAN COMMUNITIES, INC., does hereby adopt this plat designating the hereinabove described property as THE RESERVE IN ANGLETON SUBDIVISION, a subdivision in the jurisdiction of the City of Angleton, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and public parkland shown thereon. The streets, alleys and parkland are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Angleton. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Angleton's use thereof. The City of Angleton and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Angleton and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time of procuring permission from anyone.

DRAINAGE AND DETENTION EASEMENT

This plat is hereby adopted by the Owners and approved by the City of Angleton (called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: The portion of Block 1, as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of stormwater run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Detention Easement as herein above defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement.

OWNER'S ACKNOWLEDGEMENT:

STATE OF TEXAS § COUNTY OF BRAZORIA §

The owner of land shown on this plat, in person, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

MANAGING MEMBER

STATE OF TEXAS § COUNTY OF BRAZORIA §

Provide Owner Name

Before me, the undersigned, personally appeared MICHAEL HOLIGAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and, in the capacity, therein stated. Given under my hand and seal of office this ____ day of _____, 20____.

Notary Public State of Texas

PLANNING AND ZONING COMMISSION AND CITY COUNCIL:

APPROVED this ____ day of _____, 20____, by the Planning and Zoning Commission, City of Angleton, Texas.

BILL GARWOOD, Chairman, Planning and Zoning Commission

FRANCES AGUILAR, City Secretary

APPROVED this ____ day of _____, 20____, by the City Council, City of Angleton, Texas.

JASON PEREZ, Mayor

FRANCES AGUILAR, City Secretary

STATE OF TEXAS § COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20____, by

FRANCES AGUILAR, City Secretary, City of Angleton, on behalf of the City.

Notary Public State of Texas

ANGLETON DRAINAGE DISTRICT

ANGLETON DRAINAGE DISTRICT ACCEPTED, THIS THE ____ DAY OF _____, 20____. THE BOARD OF SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT WARRANT, REPRESENT OR GUARANTEE:

- 1. THAT DRAINAGE FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION PLAT ARE AVAILABLE TO RECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT.
2. THAT DRAINAGE FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN EXCESS OF ANGLETON DRAINAGE DISTRICT MINIMUM REQUIREMENTS.
3. THAT BUILDING ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE ANGLETON DRAINAGE DISTRICT.
4. THAT THE DISTRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION OR MAINTENANCE OF SUBDIVISION DRAINAGE FACILITIES.

THE DISTRICT'S REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR REVIEW, AND ON THE RELIANCE ON THE REPORT SUBMITTED BY THE TEXAS REGISTERED PROFESSIONAL ENGINEER.

THE DISTRICT'S REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE OVERALL RESPONSIBILITY AND/OR DECISION MAKING POWER OF THE PARTY SUBMITTING THE PLAT OR PLAN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS.

CHAIRMAN, BOARD OF SUPERVISORS BOARD MEMBER

BOARD MEMBER

SIGNED: DOUGLAS B. ROESLER, REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS REGISTRATION NO. 56739

SIGNED: DEVIN R. ROYAL, REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS REGISTRATION NO. 6667

FIELD NOTES FOR 155.610 ACRE TRACT

Being a tract of land containing 155.610 acres (6,778,372 square feet), located within the Edwin Waller Survey, Abstract Number (No.) 134, in Brazoria County, Texas; Said 155.610 acres being all of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, a part of Lots 1, 7, 8, 14 and 15 Block 7, a part of Block 8 and a part of a sixty-foot abandoned road of the subdivision of the west 1/2 of the Edwin Waller League, Volume (Vol.) 19, Page 165 of the Brazoria County Deed Records (B.C.D.R.); Said 155.610 acres being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System of 1983, (NAD83) South Central Zone, per GPS observations):

BEGINNING at 5/8-inch iron rod with cap found on the west line of the Missouri Pacific Railroad (one hundred foot right-of-way (R.O.W.)), on the south R.O.W. line of County Road 220 (width varies, Vol. 1322, Page 773 B.C.D.R.), for the northeast corner of the herein described tract;

THENCE, with the west line of said Railroad, South 05 degrees 09 minutes 44 seconds East, a distance of 2,953.54 feet to a 1/2-inch iron rod with cap found at the northeast corner of a called 1.12 acre tract recorded in the name of Larrett Gene Tribble and Artist Dan Tribble, III under Brazoria County Clerk's File (B.C.C.F.) No. 2015026361, for an angle point;

THENCE, with the north lines of said 1.12 acre tract and a called 3.00 acre tract recorded in the name of Eddie Gentry and Tamela Gentry under B.C.C.F. No. 2008037325, South 86 degrees 22 minutes 40 seconds West, a distance of 396.05 feet to a 1/2-inch iron rod with cap found at the northwest corner of said 3.00 acre tract, for an interior corner of the herein described tract;

THENCE, with the west lines of said 3.00 acre tract and a called 12.00 acre tract recorded in the name of Eddie Gentry and Tamela Gentry under B.C.C.F. No. 1995026416, South 03 degrees 37 minutes 20 seconds East, a distance of 803.73 feet to a 1/2-inch iron pipe found at the southwest corner of said 12.00 acre tract, for an interior corner of the herein described tract;

THENCE, with the south lines of said 12.00 acre tract, the following three (3) courses:
1. North 86 degrees 22 minutes 40 seconds East, a distance of 527.15 feet to a 1-inch iron pipe found for an angle point;
2. South 77 degrees 56 minutes 00 seconds East, a distance of 69.23 feet to a 1-inch iron pipe found for an angle point;
3. North 87 degrees 22 minutes 47 seconds East, a distance of 223.44 feet to a 1/2-inch iron rod found on the west line of said Railroad, at the southeast corner of said 12.00 acre tract, for an angle point;

THENCE, with the west line of said Railroad, South 06 degrees 04 minutes 57 seconds East, a distance of 11,911 feet to a 1/2-inch iron rod found at the northeast corner of a called 30.09 acre tract (Tract 2) recorded in the name of Aigas USA, LLC under B.C.C.F. No. 2017017266, for the southeast corner of the herein described tract;

THENCE, with the north line of said 30.09 acre tract, South 87 degrees 07 minutes 49 seconds West, at a distance of 2,379.94 feet pass a 5/8-inch iron rod with cap found on the bank of a ditch for reference, continue in all a distance of 2,449.56 feet to a point on an interior corner of a called 23.283 acre tract recorded in the name of Lauren B. Buchanan under B.C.C.F. No. 2013035594, for the southwest corner of the herein described tract;

THENCE, with the east line of said 23.283 acre tract, North 03 degrees 18 minutes 33 seconds West, a distance of 2,430.61 feet to a point for the southwest corner of a called 8.255 acre tract (Tract 1) recorded in the name of Lauren B. Buchanan under B.C.C.F. No. 2012027896, for the west northwest corner of the herein described tract;

THENCE, with the south line of said 8.255 acre tract, North 81 degrees 39 minutes 06 seconds East, at a distance of 89.46 feet pass a 1/2-inch iron rod with cap found for reference, continue in all a distance of 901.14 feet to a 1/2-inch iron rod with cap found at the southeast corner of said 8.255 acre tract, for an interior corner of the herein described tract;

THENCE, with the east line of said 8.255 acre tract, North 02 degrees 07 minutes 57 seconds East, a distance of 780.89 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set at the northeast corner of said 8.255 acre tract, at the southeast corner of a called 2.048 acre tract recorded in the name of Timothy Shawn Land under B.C.C.F. No. 2020037048, for an angle point;

THENCE, with the east line of said 2.048 acre tract, North 03 degrees 25 minutes 59 seconds West, a distance of 15.25 feet to a 1/2-inch iron rod with cap found at the southwest corner of a called 1.00 acre tract (Tract 3) recorded in the name of Lamm Sain Holdings, LLC under B.C.C.F. No. 2011043234, for a northwesterly corner of the herein described tract;

THENCE, with the south line of said Tract 3, North 82 degrees 43 minutes 59 seconds East, a distance of 209.42 feet to a 1/2-inch iron rod found at the southeast corner of said Tract 3, for an interior corner of the herein described tract;

THENCE, with the east line of said Tract 3, North 03 degrees 09 minutes 32 seconds West, a distance of 201.25 feet to a 5/8-inch iron rod with cap stamped "Baker & Lawson" set at the northeast corner of said Tract 3, at the southeast corner of a called 1.00 acre tract (Tract 2) recorded in the name of Lamm Sain Holdings, LLC under B.C.C.F. No. 2011043234, for an angle point;

THENCE, with the east line of said Tract 2, North 03 degrees 04 minutes 26 seconds West, a distance of 209.42 feet to a 5/8-inch iron rod found on the south R.O.W. line of said County Road 220, at the northeast corner of said Tract 2, for the north northwest corner of the herein described tract;

THENCE, with the south R.O.W. line of said County Road 220, North 82 degrees 40 minutes 01 seconds East, a distance of 60.19 feet to a 1/2-inch iron rod found at the northwest corner of a called 1.00 acre tract (Tract 1) recorded in the name of Lamm Sain Holdings, LLC under B.C.C.F. No. 2011043234, for an angle point;

THENCE, with the west line of said Tract 1 and a called 0.9913 acre tract recorded in the name of Lamm Sain Holdings, LLC under B.C.C.F. No. 2018024208, South 03 degrees 04 minutes 23 seconds East, a distance of 407.89 feet to a 1/2-inch iron rod found at the southwest corner of said 0.9913 acre tract, for an interior corner of the herein described tract;

THENCE, with the south line of said 0.9913 acre tract, North 86 degrees 56 minutes 44 seconds East, a distance of 208.50 feet to a 1/2-inch iron rod with cap stamped "Baker & Lawson" set at the southeast corner of a called 4.0000 acre tract recorded in the name of Pelletier Builders Inc. under B.C.C.F. No. 1995000231, for an angle point;

THENCE, with the south line of said 4.0000 acre tract, North 86 degrees 58 minutes 08 seconds East, a distance of 339.59 feet to a 1-1/2-inch iron rod with cap stamped "Baker & Lawson" set at the southeast corner of said 4.0000 acre tract, for an interior corner of the herein described tract;

THENCE, with the east line of said 4.0000 acre tract, North 03 degrees 00 minutes 35 seconds West, a distance of 445.45 feet to a 5/8-inch iron rod found on the south R.O.W. line of said County Road 220, at the northeast corner of said 4.0000 acre tract, for an angle point;

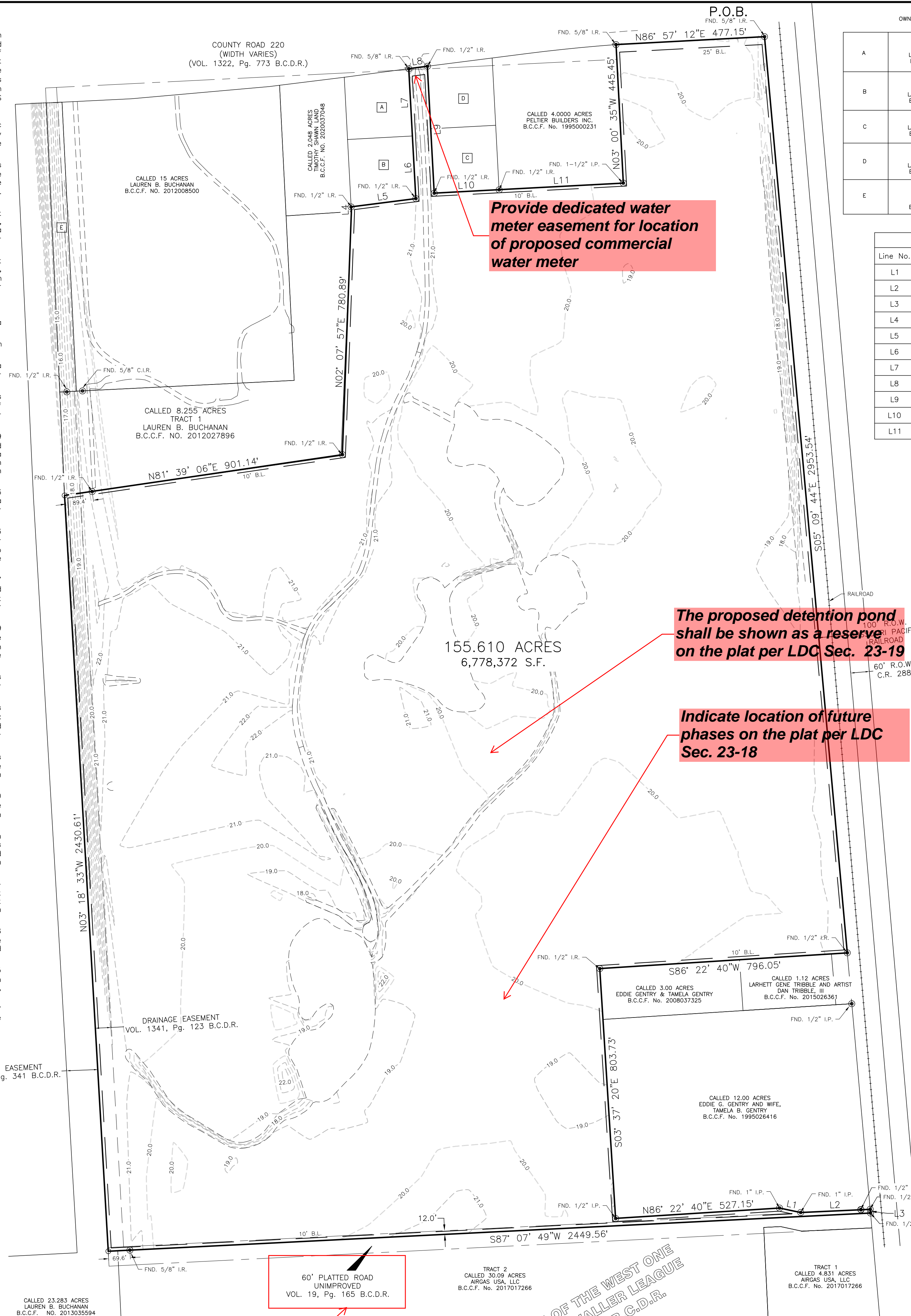
THENCE, with the south R.O.W. line of said County Road 220, North 86 degrees 57 minutes 12 seconds East, a distance of 477.15 feet to the POINT OF BEGINNING of the herein described tract.

KNOW ALL MEN BY THESE PRESENTS: That I, DOUGLAS B. ROESLER, do hereby certify that proper engineering consideration has been provided in this plat. To the best of my knowledge, this plat conforms to all requirements of the Angleton LDC, except for any variances that were expressly granted by the City Council.

SIGNED: DOUGLAS B. ROESLER, REGISTERED PROFESSIONAL ENGINEER TEXAS REGISTRATION NO. 56739

KNOW ALL MEN BY THESE PRESENTS: That I, Devin R. Royal, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

SIGNED: DEVIN R. ROYAL, REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS REGISTRATION NO. 6667



Provide dedicated water meter easement for location of proposed commercial water meter

The proposed detention pond shall be shown as a reserve on the plat per LDC Sec. 23-19

Indicate location of future phases on the plat per LDC Sec. 23-18

60' PLATTED ROAD UNIMPROVED VOL. 19, Pg. 165 B.C.D.R.

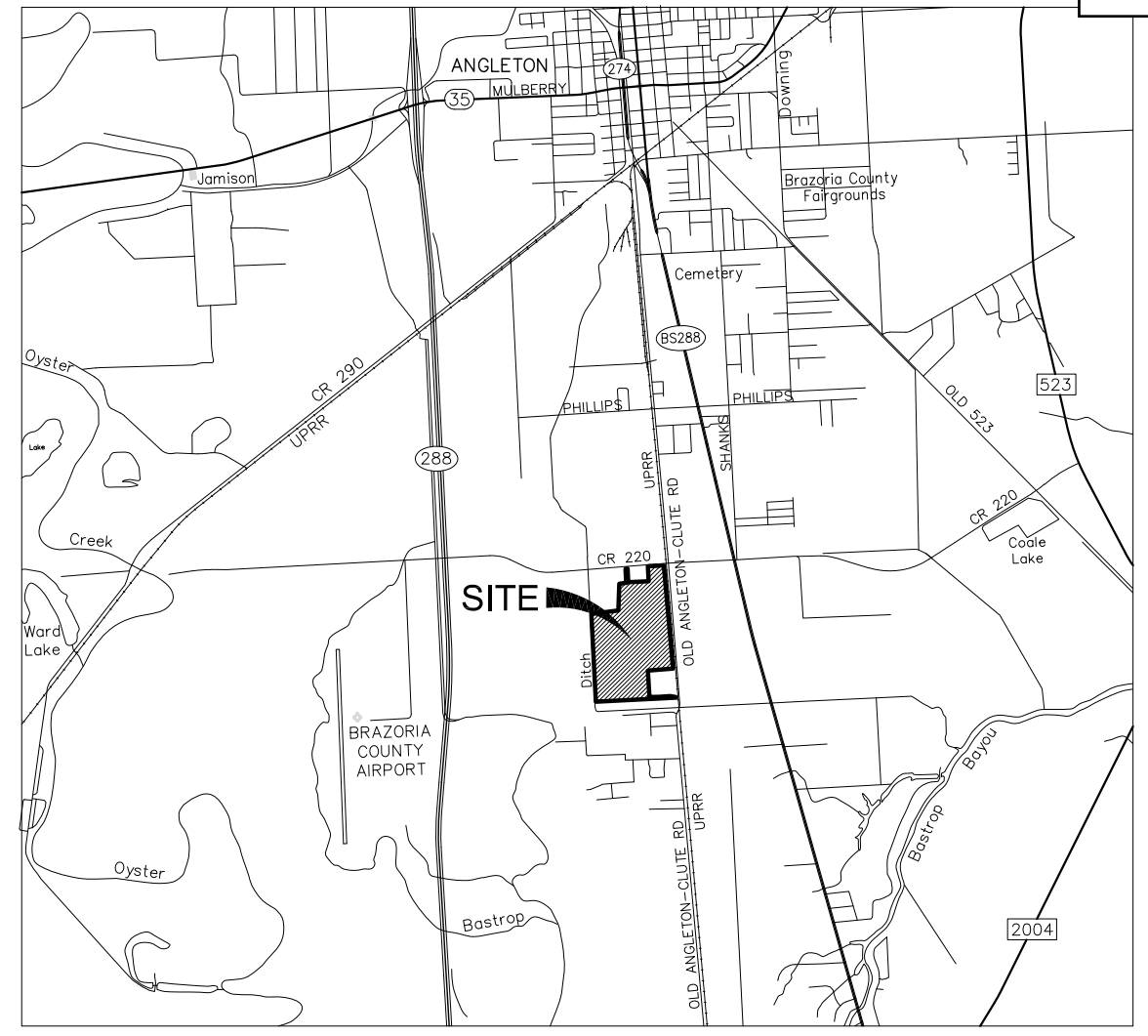
Verify and notate if roadway is abandoned. Provide additional information in notes to describe this item (i.e. Owner and abandonment information)

SUBDIVISION OF THE WEST ONE HALF OF THE E. WALLER LEAGUE VOL. 19, Pg. 165 B.C.D.R.

OWNER: MICHAEL HOLIGAN HOLIGAN COMMUNITIES, INC.

OWNERSHIP CHART table with columns A, B, C, D, E and descriptions of tracts and owners.

Line Table with columns Line No., Length, and Direction.



LEGEND and SYMBOLS section defining abbreviations and symbols used in the plat.

- NOTES: 1. ALL BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD-83, U.S. SURVEY FEET. 2. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP No. 48039C0610K, REVISED DATE OF DECEMBER 30, 2020, THE SURVEYED PROPERTY LIES WITHIN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. 3. THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES OR SUBSURFACE CONDITIONS OTHER THAN THOSE SHOWN MAY AFFECT THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY SHOWN HEREON. 4. NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ANGLETON AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS. 5. NOTICE: PLAT APPROVAL SHALL NOT BE DEEMED TO OR PRESUMED TO GIVE AUTHORITY TO VIOLATE, NULLIFY, VOID, OR CANCEL ANY PROVISIONS OF LOCAL, STATE, OR FEDERAL LAWS, ORDINANCES, OR CODES. 6. NOTICE: THE APPLICANT IS RESPONSIBLE FOR SECURING ANY FEDERAL PERMITS THAT MAY BE NECESSARY AS THE RESULT OF PROPOSED DEVELOPMENT ACTIVITY. THE CITY OF ANGLETON IS NOT RESPONSIBLE FOR DETERMINING THE NEED FOR, OR ENSURING COMPLIANCE WITH ANY FEDERAL PERMIT. 7. NOTICE: APPROVAL OF THIS PLAT DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD OR REGISTERED PUBLIC LAND SURVEYOR IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SUBMITTAL WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY THE CITY ENGINEER. 8. NOTICE: ALL RESPONSIBILITY FOR THE ADEQUACY OF THIS PLAT REMAINS WITH THE ENGINEER OR SURVEYOR WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF ANGLETON MUST RELY ON THE ADEQUACY OF THE WORK OF THE ENGINEER AND/OR SURVEYOR OF RECORD. 9. SIDEWALKS SHOULD BE REQUIRED PER ANGLETON LDC SEC. 23.14 - SIDEWALKS AND ACCESSIBILITY. 10. PROJECT BENCHMARK: NGS MONUMENT ANGLETON (AW1178) - A BRASS DISK SET IN CONCRETE ON THE NORTH SIDE OF COUNTY ROAD 220, APPROXIMATELY 0.8 MILE NORTHEAST OF INTERSECTION OF SH 288. ELEVATION = 25.81 FEET, NOV29. SITE BENCHMARKS: BM 1 - A 60D NAIL SET IN A POWERPOLE ON THE SOUTH LINE OF COUNTY ROAD 220, AT THE NORTHEAST CORNER OF THE SURVEYED TRACT. ELEVATION = 21.59 FEET, NOV29. BM 2 - A BOX CUT IN A CONCRETE HEADWALL ON THE SOUTH LINE OF COUNTY ROAD 220, NEAR THE CROSSING OF ANGLETON DITCH 7. ELEVATION = 20.25 FEET, NOV29. 11. THE REASON FOR THIS REPLAT IS TO COMBINE LOTS 2,3,4,5,6,9,10,11,12 AND 13, A PART OF LOTS 1,7,8,14 AND 15, BLOCK 7 A PART OF BLOCK 8 AND A PART OF A 60' ABANDONED ROAD INTO ONE LOT.

PRELIMINARY/FINAL REPLAT THE RESERVE IN ANGLETON SUBDIVISION A 155.610 ACRE, 1 RESERVE, 1 BLOCK SUBDIVISION LOTS 2,3,4,5,6,9,10,11,12 AND 13, A PART OF LOTS 1,7,8,14 AND 15, BLOCK 7 A PART OF BLOCK 8 AND A PART OF THE WEST ONE HALF OF THE SUBDIVISION OF THE WEST 1/2 OF THE EDWIN WALLER LEAGUE, VOL. 19, PG. 165 B.C.D.R. LOCATED IN THE EDWIN WALLER SURVEY, ABSTRACT No. 134 IN BRAZORIA COUNTY, TEXAS



300 EAST CEDAR ST. ANGLETON, TEXAS 77515 OFFICE: (979) 849-6681 TBPLS No. 10052500 REG. NO. F-825

PROJECT NO.: 13226 SCALE: 1" = 200' DRAWN BY: CAP DRAWING NO.: 13226 PLAT DATE: 01/18/2021 CHECKED BY: DRR