



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, June 22, 2021 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jason W. Childers

Council Members: Brent P. Marceaux, Becca Sitz, Floyce Brown, Jim Folse

Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER

INVOCATION & PLEDGE

Texas State Flag Pledge: *"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."*

Councilwoman Floyce Brown

CERTIFICATION OF QUORUM

MISSION STATEMENT

The City of Bay City is a community that fosters future economic growth, strives to deliver superior municipal services, invests in quality of life initiatives and is the gateway to the great outdoors. We encourage access to our unique historical and eco-cultural resources while maintaining our small-town Texas charm.

Councilwoman Floyce Brown

APPROVAL OF AGENDA

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in

response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

APPROVAL OF MINUTES

- 1. Minutes of Council Workshop meeting on May 25, 2021.**
- 2. Minutes of City Council Regular Meeting on May 25, 2021.**
- 3. Minutes of City Council Regular Meeting on June 8, 2021.**

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

CANDIDATE INTRODUCTIONS

CLOSED / EXECUTIVE SESSION

- 4. Pursuant to the Texas Government Code Section 551.074 (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: City Council Position Number 3**

OPEN SESSION

Discuss, consider and/or take action on item(s) listed in Executive/Closed Session, (if any).

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 5. Policy ~ Swearing-in of appointed official for vacancy in Council Position number 3.**
- 6. Bids ~ Discuss, consider, and/or reject all construction bids for the Cottonwood Creek Diversion Channel Improvements Project Grant GLO-CDR 20-065-048-C142. Barry Calhoun, Public Works Director**
- 7. Report ~ Receive a report from GFL (WCA) on the sanitation operations in the City of Bay City and discuss, consider, and/or approve GFL's CPI rate increase request pursuant to the Solid Waste Contract with GFL. Krystal Mason, Code Compliance Officer**
- 8. Report ~ Utility Billing Department update. Scotty Jones, Finance Director**
- 9. Property ~ Discuss, Consider, and/or grant a 15 foot wide Easement and Right of Way to AEP Texas Inc. within a tract of land containing 14,33 acres of land, more or less, out of the Thos. Cayce League, Matagorda County, Texas, and being a portion of Lot No. 5 of the Subdivision of the Elliot Lands, Matagorda County, Texas, being further described in Volume 99, Page 102, Deed Records of Matagorda County, Texas. Shawna Burkhart, City Manager**

- 10. Report ~ Report regarding sidewalk maintenance and pending sidewalks.**
Shawna Burkhart, City Manager

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized: The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, June 18, 2021 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

CITY OF BAY CITY

MINUTES • MAY 25, 2021

COUNCIL CHAMBERS | 1901 5th Street **City Council Workshop - Goal Vision** **4:00 PM**

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Jim Folse

Mayor Pro Tem

Jason W. Childers

Councilman

Brent P. Marceaux

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.

CALL TO ORDER

Mayor Robert K. Nelson called the meeting to order at 4:02 pm.

CERTIFICATION OF QUORUM**PRESENT**

Mayor Robert K. Nelson
 Mayor Pro Tem Jason W. Childers
 Councilwoman Floyce Brown
 Councilman Jim Folse
 Councilwoman Becca Sitz

ABSENT

Councilman Brent P. Marceaux

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL**1. Discussion - review and discuss City Strategic Plan and goals**

Council and Team Leaders reviewed the Strategic Plan and goals. Team leaders gave updates to accomplishments and their goals on government, community, infrastructure, quality of life and public safety. Shawna Burkhardt, City Manager, concluded with asking council to review the goals and to bring back questions and additions. Mayor Pro Tem Childers asked how are we staffed for some of these goals and Ms. Burkhardt replied that that is coming up in June budget workshop. Councilman Folse asked about employee incentives.

ADJOURNMENT

Motion made by Councilman Folse to adjourn, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried and the meeting adjourned at 4:56 pm.

PASSED AND APPROVED, this ____ day of _____, 2021.

 ROBERT K. NELSON, MAYOR
 CITY OF BAY CITY, TEXAS

 JEANNA THOMPSON
 CITY SECRETARY

CITY OF BAY CITY

MINUTES • MAY 25, 2021

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Jim Folse

Mayor Pro Tem

Jason W. Childers

Councilman

Brent P. Marceaux

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

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CALL TO ORDER

Mayor Robert K. Nelson called the meeting to order at 6:00 pm

INVOCATION & PLEDGE

Texas State Flag Pledge: *"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."*

Councilman James Folse

CERTIFICATION OF QUORUM**PRESENT**

Mayor Robert K. Nelson
 Mayor Pro Tem Jason W. Childers
 Councilwoman Floyce Brown
 Councilman Jim Folse
 Councilwoman Becca Sitz

ABSENT

Councilman Brent P. Marceaux

MISSION STATEMENT

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Councilman James Folse

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Childers to approve the agenda, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

PUBLIC COMMENTS

Residents from Chateaux Drive off Hamman Road spoke to Council regarding their concerns with the repeated flooding of homes on their street. David Torrez spoke regarding his concerns about what those residents had to say.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**1. Ratify Professional Service Agreement with Maddox Developer**

Shawna Burkhart, City Manager, requested a ratification of an agreement between Maddox and the City regarding development fee. Anne Marie Odefey, City Attorney,

added that the fees are for permits and to replenish expenditure. Maddox has deposited \$25000.

Motion made by Mayor Pro Tem Childers to approve the ratification of the Professional Service Agreement, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

2. **Project ~ Discuss, consider, and/or approve the Hamman Road Drainage Project.**

Alyssa Dibbern, Engineering Tech, presented an exhibit, left out survey so new cost is \$200100. Phase 1a to gather water from apartments surface and redirect and put in ditch and hopefully collect water in backyards off Chateaux. This is a temporary fix. Mayor Pro Tem Childers asked about amount of whole project - \$600000+. Ms. Dibbern stated that the water was not sheeting as they thought, so there is sheeting off the apartment complex at an angle and is why engineers went with phase 1a. Mr. Ryman, Chateaux Drive resident, showed pictures of Chateaux Drive, and stated that it does not matter how many culverts the city puts in but need to get the majority of water redirect to Cottowood Creek. He recommended dig ditch until it can be done correctly. Jerry Smidt, 31 year resident on Chateaux, added that when they filled ditch and put in 36in pipe is when the flooding started. Mayor Nelson stated that he wants to get with engineers and Mayor Pro Tem Childers also wants to meet with them and believe we need to move quickly at moving water.

Motion made by Mayor Pro Tem Childers to fund the Hamman Road Drainage Project, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

3. **Resolution ~ Discuss, consider, and/or approve a Resolution supporting "Bay City Southern Railway" application to the Texas Department of Transportation's 2021 Transportation Alternatives Set-Aside (TA) Call for projects.**

Alyssa Dibbern, Engineering Tech, presented a resolution for application to extend safe routes from Cottonwood to Moore on old railway line providing the community for pedestrian and cyclist paths. 100% grant funded.

Motion made by Councilwoman Brown to approve the Resolution, Seconded by Councilwoman Sitz.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

4. Report ~ Receive and discuss the Bay City Public Library Status Report.

Samantha Denbow, Library Director, presented the Library status report, reviewing in-progress and completed projects.

5. Presentation ~ 2020 Texas Municipal Library Directors Association (TMLDA) Achievement in Library Excellence Award.

Samantha Denbow, Library Director, presented 2020 Texas Municipal Library Directors Association (TMLDA) Achievement in Library Excellence Award, the 4th consecutive year. Ms. Denbow discussed the requirements to win the award and what they submitted. Ms. Denbow also presented a video that was viewed regarding the award.

6. Agreement ~ Discuss, consider and/or approve an Interlocal Agreement and funding for the Hazardous Mitigation Action Plan.

Shawna Burkhart, City Manager, stated that County Emergency Coordinator Amanda Campos has asked the City to enter into an interlocal agreement. A 3rd party group will assist drawing up the Hazardous Mitigation Action plan. Palacios, Bay city, and Matagorda each will submit payment for cost.

Motion made by Mayor Pro Tem Childers to approve the Interlocal Agreement, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

7. Property ~ Discuss, consider and/or approve Police Department Support Services use of City property located at 2001 5th Street (formerly leased by House of Refuge).

Motion made by Councilwoman Sitz to approve the use of 2001 5th Street property by the Police Department, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Council asked about spraying for mosquitos, Ms. Burkhart replied that they are spraying this weekend. Councilwoman Sitz stated that the flags are back on the light poles and also stated that acetone can be purchased by the gallon to remove graffiti. Councilwoman Brown stated that things are getting cleaned up.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried and the meeting adjourned at 7:10 pm.

PASSED AND APPROVED, this ____ day of _____, 2021.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • JUNE 08, 2021

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Jim Folse

Mayor Pro Tem

Jason W. Childers

Councilman

Brent P. Marceaux

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.

CALL TO ORDER

Mayor Robert K. Nelson called the meeting to order at 6:00 p.m.

INVOCATION & PLEDGE

Texas State Flag Pledge: *"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."*

Mayor Pro Tem Jason Childers

CERTIFICATION OF QUORUM**PRESENT**

Mayor Robert K. Nelson
Mayor Pro Tem Jason W. Childers
Councilwoman Floyce Brown
Councilman Jim Folse
Councilwoman Becca Sitz

ABSENT

Councilman Brent P. Marceaux

MISSION STATEMENT

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Mayor Pro Tem Jason Childers

APPROVAL OF AGENDA

Motion made by Councilwoman Brown to approve the agenda, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

APPROVAL OF MINUTES**1. Minutes of Council Workshop meeting on May 11, 2021**

Motion made by Councilwoman Brown to approve the minutes of May 11, 2021 workshop, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

2. Minutes of City Council Regular Meeting on May 11, 2021.

Motion made by Councilwoman Brown to approve the minutes of May 11, 2021 Regular meeting, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

PUBLIC COMMENTS

David Torrez, 1616 Cottonwood, is discouraged by City not maintaining their mowing. Mr. Torrez also spoke regarding high water bills, pot holes, and what to do with excess trash.

Jerry Schmitt, Chateaux Drive, hasn't seen the mosquito fogger.

Ernestine Evans, 3407 Weinletrap Dr., spoke about her high water bill, giving a background of past amounts. She had called the City who told her she has a leak, but she did not find any leaks.

Scotty Jones, City Finance Director, addressed Council regarding the recent water bills. Ms. Jones explained that the meter collectors were down for two months and the City had to do estimate meter readings. Consumption from the February freeze where residents left water running also was a contributor. The City is giving credit plans, sewer caps for hardships, and doing a physical meter reading. So far they have done up to 161 sewer credits and bill adjustments as well. Mayor Pro Tem asked to put this discussion on the June 22nd agenda to discuss calculations of water billing.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

3. Ratification of Declaration of Local State of Disaster

Motion made by Mayor Pro Tem Childers to approve the consent items, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion Carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

4. Discussion ~ Hamman Road Drainage.

Matt Breazeale, PE; Jones & Carter, gave a presentation of the Hamman Road drainage showing the water sheeting and directional flows. Mayor Pro Tem Childers asked about Holly Lane and would a ditch help. Mr. Breazeale replied that the south is higher and would be going against grade. Mr. Breazeale also added that to put ditch along Hamman would be deep and wide 24' wide and poses a traffic safety issue. He advised to increase inlet at Chateaux and Hamman. Mr. Breazeale also proposed to capture, reroute and upsize inlets.

5. Presentation ~ Feasibility study of Public Safety Headquarters.

Stephen Lucchesi with Ziegler Cooper Architects presented Council the feasibility of the proposed location for the Public Safety Headquarters and space utilization.

Shawna Burkhart, City Manager, stated that they will bring a comparison to rebuilding versus building new.

6. Planning ~ Discuss, consider and/or take action on the City's Strategic Plan / Council Goals for Fiscal Year 2022.

Motion made by Councilwoman Brown to approve the City's Strategic Plan/Council Goals for Fiscal Year 2022, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

7. Property ~ Discuss, consider and/or approve the acceptance of a Special Warranty Deed from grantor Tenaris Bay City, Inc. of property being 2.00 acre tract of land in the M. O'Connell Survey, Abstract 476, and the J. Duncan Survey, Abstract 150, Matagorda County, Texas, being out of and a part of that certain call 1,010.23 acre tract recorded under County Clerk's File Number 20133675, Official Records, Matagorda County, Texas.

Motion made by Mayor Pro Tem Childers to approve the acceptance of the Special Warranty Deed, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

8. Discussion ~ Discuss replacement options of vacated Council Position 3.

Mayor Nelson discussed with Council that they need to appoint someone to fill the vacancy left by Brent Marceaux. Mayor Nelson emphasized the need for a quorum as we are reviewing the budget and approving the budget and tax rates. Mayor Nelson gave three names for consideration, Councilman Folse added a name. Councilwoman Brown had some reservations. Mayor Pro Tem Childers requested that Council move quickly. Anne Marie Odefey, City Attorney, recommended that the four names submit a resume, put an add in the paper for more interested candidates. Deadline to receive resumes will be Friday, June 18th. Candidates may give brief introduction at next June 22nd meeting. Ms. Odefey continued that Council could select the candidate of their choice in the Executive Session and swear in the candidate afterwards.

9. Petition ~ Discuss, consider, and/or accept the Petition for the creation of a Public Improvement District within the corporate limits of the City of Bay City, Texas. Shawna Burkhart, City Manager

Item removed from agenda.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Sitz requested that the sidewalks pending down Highway 35 and also maintenance on sidewalks on highway 60 be brought up in an open session. Councilwoman Brown stated that a utility line was repaired on Willow Street, but the City did not properly

repair the road. Councilman Folse questioned the brush pickup. Councilwoman Sitz requested a report on garbage collection.

ADJOURNMENT

Motion made by Mayor Pro Tem Childers to adjourn the meeting, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried and the meeting adjourned at 7:41 p.m.

PASSED AND APPROVED, this ____ day of _____, 2021.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY



CITY OF BAY CITY

1901 FIFTH STREET
BAY CITY, TEXAS 77414
(979) 245-2137
FAX: (979) 323-1626

AGENDA ITEM SUBMISSION FORM

Any item(s) to be considered for action by the City Council, must be included on this form, and be submitted along with any supporting documentation. Completed Agenda Item Submission forms must be submitted to the City Secretary's Office no later than 4:00 p.m. on the Monday of the week prior to the Regular Council meeting.

Citizen City Staff Council Member

Requestor Name: Krystal Mason Date Submitted: 06/08/2021

Position Title (If City Staff): Code Compliance Officer

Council Meeting Date: 06/22/2021

Type of Agenda Item:

- Consent Agenda Presentation
- Regular Item for Discussion
- Public Hearing
- Executive Session

Agenda Wording:

RECEIVE A REPORT FROM GFL (WCA) ON THE SANITATION OPERATIONS IN THE CITY OF BAY CITY AND DISCUSS, CONSIDER AND/OR APPROVE GFL'S CPI RATE INCREASE REQUEST PURSUANT TO THE SOLID WASTE CONTRACT WITH GFL.

Executive Summary of Item:

City Staff and GFL (WCA) will provide an update on the sanitation operations in the City of Bay City. In addition, GFL (WCA) representatives will discuss the annual Consumer Price Index (CPI) rate increase request pursuant to the Solid Waste contract with GFL (WCA).

CP 460 (OH/UG) Rev. (01/21)
 Town: Bay City
 Submitted by: fg

TX211301
 WR#76878890

EASEMENT AND RIGHT OF WAY

BAY CITY ("Grantor"), for and in consideration of Ten & 00/100 Dollars (\$10.00), and other good and valuable consideration to Grantor in hand paid by **AEP TEXAS INC.**, a Delaware Corporation, whose address is P.O. Box 2121, Corpus Christi, Texas 78403 ("Grantee") the receipt and sufficiency of which is hereby acknowledged and confessed, has GRANTED, SOLD, and CONVEYED, and by these presents does GRANT, SELL, and CONVEY unto Grantee, its successors and assigns, a perpetual easement and right of way for electric distribution lines, consisting of poles made of wood, metal, or other materials, cross arms, static wires, guys, wire circuits, underground cables and conduits, communication circuits, metering equipment and all necessary or desirable appurtenances (including, but not limited to, transformers, meters, vaults, and service pedestals) over, under, across, and upon a portion of the following described land located in Matagorda County, Texas, to wit:

A tract of land containing 14.33 acres of land, more or less, out of the Thos. Cayce League, Matagorda County, Texas, and being a portion of Lot No. 5 of the Subdivision of the Elliot Lands, Matagorda County, Texas, being further described in Volume 99, Page 102, Deed Records of Matagorda County, Texas.

More specifically, the strip of land covered by this Easement and Right of Way shall be 15 feet in width, 7.5 feet on each side of a centerline as described by GPS waypoints and as depicted on Exhibit "A", attached hereto, made a part hereof and incorporated herein for all applicable purposes. Notwithstanding the foregoing, the actual as-built location of the electric line shall locate, define and establish the centerline of the easement. (the "Easement Area")

Together with the right of ingress and egress over, under, across and upon the Easement Area and Grantor's adjacent land for the purpose of constructing, operating, reconstructing on poles or burying and replacing underground cables and conduits (including necessary ditching and backfilling), enlarging, inspecting, patrolling, repairing, maintaining, upgrading and removing said lines, circuits, underground cables and conduits, poles, wires and appurtenances; the right to relocate along the same general direction of said lines, cables, and conduits; and the right to remove from the Easement Area all structures, obstructions, trees and parts thereof, using generally accepted vegetation management practices, (whether from the Easement Area or that could grow into the Easement Area) which may, in the reasonable judgment of Grantee, endanger or interfere with the safe and efficient operation and/or maintenance of said lines, cables, conduits or appurtenances or ingress and egress to, from or along the Easement Area.

Grantor reserves the right to use the Easement Area subject to said Easement and Right of Way in any way that will not interfere with Grantee's exercise of the rights hereby granted. However, Grantor shall not construct or permit to be constructed any house or other above ground structure on or within the Easement Area containing Grantee's improvements without the express written consent of Grantee.

TO HAVE AND TO HOLD the above described easement and rights unto the Grantee, its successors and assigns forever. Grantor binds itself, assigns, and legal representatives to warrant and forever defend all and singular the above described easement and rights unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, 2021.

[Rest of this page intentionally left blank-Signature page follows]

TX211301
WR#76878890

GRANTOR: BAY CITY

By: _____

Title: _____

ACKNOWLEDGMENT

**STATE OF TEXAS
COUNTY OF MATAGORDA**

This instrument was acknowledged before me on this _____ day of _____, 2021,
by _____ as _____ for Bay City, Texas.

NOTARY PUBLIC, State of Texas

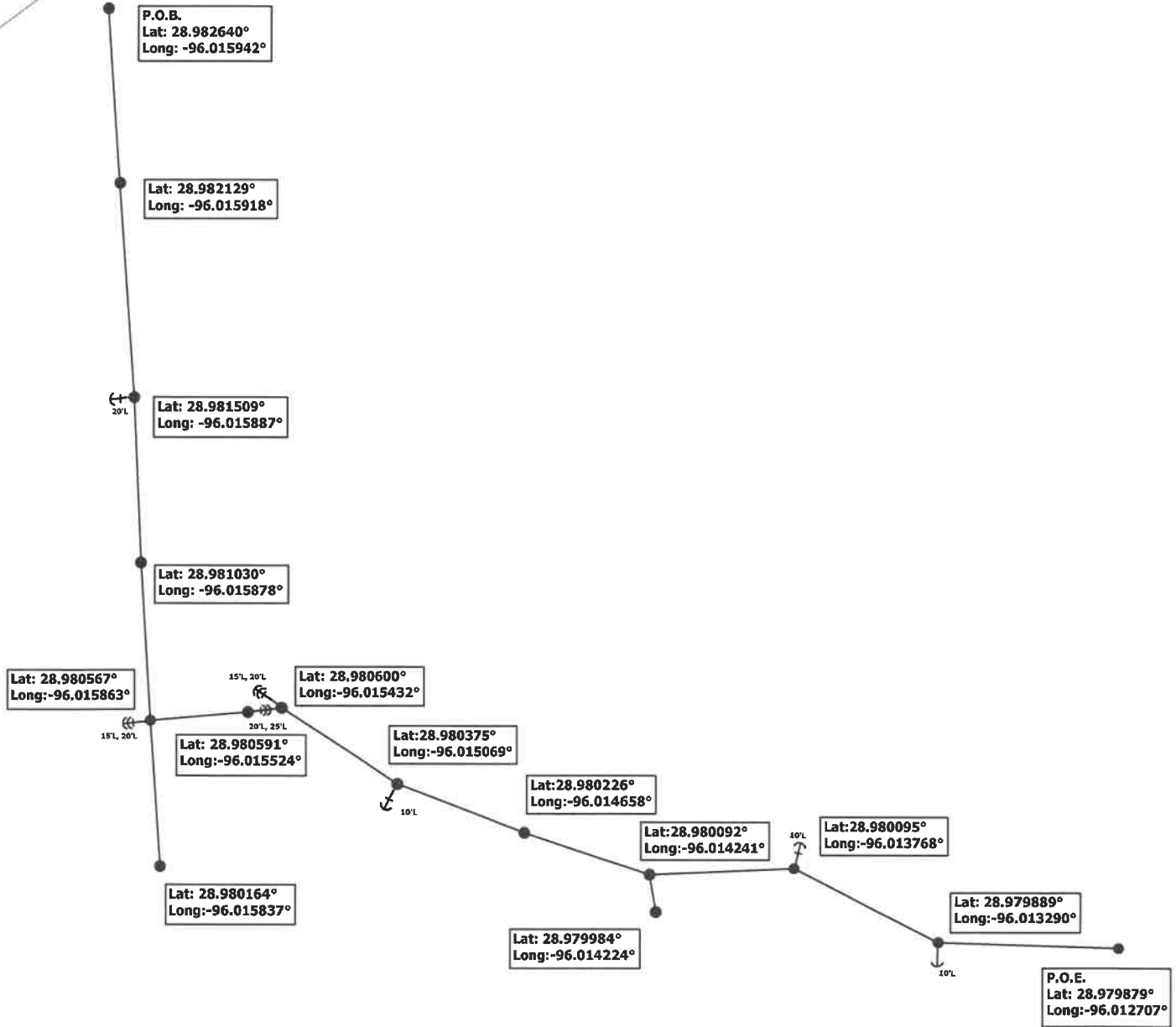
(Seal)

Exhibit "A"

WR: 76878890

Center Line Depiction of a 15' wide AEP Easement
LeTulle Park Reconductor and OH Line Relocation

State Highway 35



Town: Bay City
County: Matagorda

Coordinate System
Map Datum: NAD 1983
Texas South Central

3.38 miles Northeast of the St. 468 Intersection

