



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, June 08, 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."*

Mayor Pro Tem Jason Childers

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.

Mayor Pro Tem Jason Childers

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- 1. Minutes of Council Workshop meeting on May 11, 2021**

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

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**3. Ratification of Declaration of Local State of Disaster****REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

- 4. Discussion ~ Hamman Road Drainage.** Matt Breazeale, PE; Jones & Carter
- 5. Presentation ~ Feasibility study of Public Safety Headquarters.** Stephen Lucchesi, Ziegler Cooper Architects
- 6. Planning ~ Discuss, consider and/or take action on the City's Strategic Plan / Council Goals for Fiscal Year 2022.** Shawna Burkhart, City Manager
- 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.** Shawna Burkhart, City Manager
- 8. Discussion ~ Discuss replacement options of vacated Council Position 3.** Robert K. Nelson, Mayor
- 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

CLOSED / EXECUTIVE SESSION**OPEN SESSION**

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

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 4, 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 11, 2021

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Workshop - Goal Visioning

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 4:07 am.

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**

Shawna Burkhart, City Manager, reviewed the Strategic Plan asking Council for their goals and input as well as City Directors input. Council requested to add "Housing" as a number six (6) to the goals. Library was added to "Livability and Quality of Life"

Mayor Pro Tem Childers requested a review of the Code of Ordinances. The City Secretary stated that this is due, per charter, in 2022 and is in the plans. Infrastructure and City Facilities was re-prioritized moving Water/Waste Water to number two (2). Suggestion to divest some of the City property.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn the meeting, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Meeting adjourned at 5:43 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 11, 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 6:02 pm.

INVOCATION & PLEDGE

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

Mayor asked for a moment of silence to remember Councilman BM

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

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.

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. Motion carried.

PUBLIC COMMENTS

There were no comments from the public.

APPROVAL OF MINUTES**1. Minutes of City Council Regular Meeting on April 27, 2021.**

Motion made by Mayor Pro Tem Childers to approve the minutes, 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. Budget ~ Discuss, consider, and/or approve allocating funds for building repairs of the Whitson street facility leased by Economic Action Committee.**

Shawna Burkhart, City Manager, stated that as presented it was presented at last meeting, there are costs associated with repairs and restrooms. Ms. Burkhart asked Council to commit \$44,000 now to benefit seniors and get the restrooms fixed so they can get the building open. Councilwoman Brown asked why the lessee has not kept up wear and tear. Councilwoman Sitz made motion to approve the funds to repair restrooms. Anne Marie Odefey, City Attorney, recommend that we give them list of what they need to do. There were discussions on issues of selling the property to EAC. Mayor Nelson stated we needed to make the repairs and discuss later the future terms. Anne Marie Odefey stated that a rewrite could include maintenance if wanted. Councilwoman Brown requests clarity on all repairs and ensure not messing up and not to exceed \$40,000.

Motion made by Councilwoman Sitz approved allocating funds for building repairs, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

3. Report ~ Discuss, consider, and/or approve the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending September 30, 2020.

Scotty Jones, Finance Director, presented the CAFR , 3 sections: 1st intro, 2nd financial, 3rd statistical. Shawna Burkhart, City Manager, thanked Scotty Jones and her staff for their work and putting together the CAFR book.

Motion made by Councilwoman Brown to approve the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending September 30, 2020, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

4. Finance ~ Discuss, consider, and/or approve the use of Capital Funds designated for Fiscal Year 2022 for use of reconstruction of Elliot Addition roadway.

Shawna Burkhart, City Manager, stated that we have a 5 year plan that includes Elliot, Highland, and Moore Addition roads in 2022 and 2023. Most complaints are coming from Elliot and Moore additions. Elliot really needs full reconstruction. Ms. Burkhart discussed monies spent and remaining balances from other road projects, one being the anticipated monies underbudget from Nile Valley road to be reclassified. Elliot Addition full reconstruction on roads estimated at \$1.79 million.

Motion made by Councilwoman Brown to use Capital Funds designated for Fiscal Year 2022 for use of reconstruction of Elliot Addition roadway, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

5. Discussion ~ Discuss, consider, and/or approve action regarding the downtown parking.

Shawna Burkhart, City Manager, stated downtown has been restriped. To red line and designate as compact parking is on the City. Barry Calhoun, Public Works Director, advised an ordinance would be needed to enforce compact parking.

Motion made by Councilwoman Brown to proceed with an ordinance for compact parking downtown, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 6:56 pm.

6. Pursuant to Texas Government Code 551.071(1) to consult with its attorney on attorney client matters.

OPEN SESSION

Council reconvened into a regular session at 7:32 pm. Council took no action on item 6.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Childers said this is his favorite time of the year, budget season is awesome. He suggested new councilmembers read the CAFR to see trends.

Councilman Folse asked if the mosquito trucks are scheduled to spray. Ms. Burkhart answered that they went out last night and again tonight.

Councilwoman Sitz stated that volunteers are out this evening hanging flags on light poles and volunteers working on power washing street signs.

Mayor Nelson stated that he has spoken with BASF and TxDOT, and there are collaborations to make repairs or reconstruct. He also pointed out tracks on Nichols.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman

Folse, Councilwoman Sitz. Motion carried and Council adjourned at 7:46 pm.

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

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

JEANNA THOMPSON
CITY SECRETARY



ROBERT K. NELSON
MAYOR

ORDER 2021-03

DECLARATION OF LOCAL STATE OF DISASTER

WHEREAS, THE CITY OF BAY CITY on the 24th day of May 2021, has suffered widespread or severe damage, injury, or loss of life or property (or there is imminent threat of same) resulting from Catastrophic rainfall that began on May 16, 2021

WHEREAS, THE MAYOR of BAY CITY has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF BAY CITY:

1. That a local state of disaster, effective on May 24, 2021, is hereby declared for CITY OF BAY CITY pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant of §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven (7) days from the date of this declaration unless continued or renewed by the CITY COUNCIL of BAY CITY:
3. Pursuant of §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with CITY SECRETARY.
4. Pursuant of §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the CITY emergency management plan.
5. That this proclamation shall take effect immediately from and after its issuance.

Declared this ____ day of _____, 2021.

Robert K. Nelson.
MAYOR



CITY OF BAY CITY

CITY COUNCIL GOALS FY 2022

VISION

Bay City, Texas: Clean, Safe and Prosperous

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

MISSION

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.

City of Bay City
1901 5th Street
Bay City, TX 77414

Comprehensive Master Plan- Vision 2040

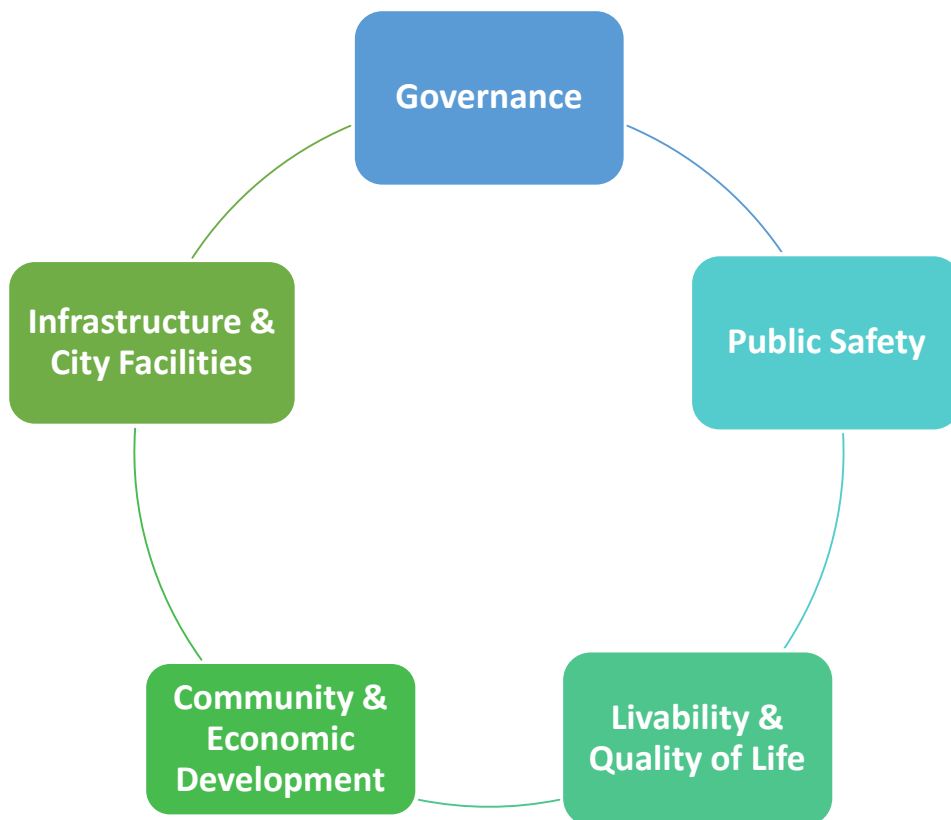
Vision 2040- Comprehensive Master Plan Summary

Bay City adopted the Comprehensive plan in 2014 consisting of five areas of emphasis as shown in the graph below. This plan reflects the priorities of the City and serves as a guide of city-wide action. The City is committed to fostering future economic growth by building economic partnerships, continually improving our infrastructure, expanding our tax base and creating a culture, which retains as well as attracts new business and investments.

The City will work to deliver quality services in a healthy and safe environment by consolidating our assets and resources and empowering our employees while encouraging volunteer citizen involvement.

We will enhance our tourism opportunities by promoting our City.

We will commit our resources, talents and energy to achieve economic well-being and improve the quality of life for our citizens. **Below are the Vision 2040 Plan Elements.**



Fiscal Year 2022 Strategic Focus

Governance

- Improving the Image of Bay City
 - Evaluate City Properties & Trust Properties
 - Move to Tax Rolls
- Organizational & Operational Effectiveness
 - Ordinance Codification/Revisions
- Enhance Communication & Customer Service
 - Promote City's Efforts - *Celebrate Successes*

Bay City residents are well informed and involved with the affairs of local city government.

Public Safety

- Public Safety Building
 - Site Evaluation and Feasibility Study
- Safe Community
 - Lower Crime Statistics for Bay City
- Code Enforcement- Fire Marshal
- Enhance Communication & Customer Service
 - Town Hall Meetings
 - National Night Out

Bay City residents are safe and secure living, working, and raising their families in Bay City.

Livability & Quality of Life

- Parks & Recreation - walking trails, pools, & other amenities
 - Engineer and Rebuild 16th Street Pool
 - Promote Park locations (i.e. brochure)
 - Playground Improvements
- Theater & Arts
 - Develop a Plan of Action (Community Input on Ideas of Use)
- City-wide Clean-up Campaign
- Library

Bay City residents enjoy a safe and clean community with great amenities and affordable living.

Community & Economic Development

- Housing
 - Single Family Sub-Division
- Downtown Revitalization/Historic Preservation
 - North Downtown Plan
 - Business Recruitment in unoccupied spaces
- Tourism - *Becoming a Destination Location*
 - Promote Bay City and surrounding communities
 - Promote Bay City through Digital Sign
- Land Use
 - Planning Commission
 - Incorporate in TIRZ process for future development
- Improve Educational Opportunities for citizens and students, including skills training and higher education.

Bay City is known for encouraging economic development opportunities, creating a business development program that is responsive to existing business needs, and actively promoting tourism.

Infrastructure

- Transportation- *Improve Traffic Flow*
 - Nile Valley Bridge Rehabilitation
 - Streets Striping
 - Downtown Parking

- Airport
 - Taxiway Relocation
 - Wildlife Mitigation Fence
 - New Public Water Well
- Repair Water and Wastewater System
 - Texas Water Development Board Project
 - Water Meter Replacement
 - Sewer Plant Rehabilitation
- Improve Drainage System
 - Drainage Study & Implement Findings

Bay City residents enjoy new community infrastructure and enhancements to the transportation network and systems.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: April 26, 2021

Grantor: Tenaris Bay City, Inc., a Delaware Corporation
4000 Avenue F, Suite A
Bay City, Texas 77414

Grantee: City of Bay City
1901 5th Street
Bay City, Texas 77414

Consideration: Terms of the Economic Development and Non-Annexation Agreement between City of Bay City, Texas and Maverick Tube Corporation and its affiliate Tenaris Bay City, Inc., each a Delaware Corporation dated June 5, 2014.

Property (including any improvements):

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 called 1,010.23 acre tract recorded under County Clerk's File Number 20133675, Official Records, Matagorda County, Texas. Said 2.00 acres of land being more particularly described in Exhibit "A" attached hereto and made a part hereof.

SUBJECT to any and all easements, restrictions, reservations, and documents appearing of record affecting the hereinabove described property.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: None, except all easements, restrictions, reservations or any other documents appearing of record affecting the above described property.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and/or assigns forever. Grantor binds Grantor and Grantor's successors and/or assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and/or assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

This Deed was prepared with information provided by the parties. Roberts, Odefey, Witte & Wall, LLP, Attorneys at Law, did not perform any title research. Our preparation of these documents did not include research as to ownership of the property, encroachments, taxes, judgments or other liens, or access to the property. This law firm has undertaken no duty with respect to the quality or quantity of the title or other interest. This law firm will not act as the reporting agent for IRS 1099 S reporting requirements.

GRANTOR:

TENARIS BAY CITY, INC., a Delaware Corporation

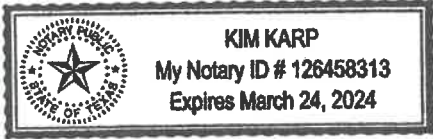
L. Venta
By: Laura Venta
Title: Legal Senior Director & Secretary

**STATE OF TEXAS §
COUNTY OF MATAGORDA §**

CERTIFICATE OF ACKNOWLEDGMENT

Before me, the undersigned Notary Public, on this day personally appeared Tenaris Bay City, Inc., a Delaware Corporation, by Laura Venta, its Legal Sr Dir & Secretary, who is personally known to me (or proved to me on the oath of _____ or through _____) to be the person whose name is subscribed to the foregoing instrument, and who has acknowledged to me that he/she executed the instrument for the purposes and considerations expressed.

Given under my hand and seal of office on this 18th day of May, 2021.



Kim Karp
Notary Public in and for the State of Texas

AGREED TO AND ACCEPTED BY:

CITY OF BAY CITY

By: Robert K. Nelson, Mayor

STATE OF TEXAS §
COUNTY OF MATAGORDA §

CERTIFICATE OF ACKNOWLEDGMENT

Before me, the undersigned Notary Public, on this day personally appeared Robert K. Nelson, Mayor of City of Bay City, who is personally known to me (or proved to me on the oath of _____ or through _____) to be the person whose name is subscribed to the foregoing instrument, and who has acknowledged to me that he executed the instrument for the purposes and considerations expressed.

Given under my hand and seal of office on this _____ day of _____, 2021.

Notary Public in and for the State of Texas

PREPARED IN THE OFFICE OF:
Roberts, Odefey, Witte & Wall, LLP
P. O. Box 9
Port Lavaca, Texas 77979

RETURN TO:
Roberts, Odefey, Witte & Wall, LLP
P. O. Box 9
Port Lavaca, Texas 77979

2.00 Acre Water Plant Site

J. Duncan Survey, Abstract 150
M. O'Connell Survey, Abstract 476
Matagorda County, Texas

STATE OF TEXAS §
COUNTY OF MATAGORDA §

A METES & BOUNDS description of a 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 called 1,010.23 acre tract recorded under County Clerk's File Number 20133675, Official Records, Matagorda County, Texas, with all bearings based upon the Texas Coordinate System, South Central Zone, NAD83, based on GPS observations.

BEGINNING at a brass disc found in concrete stamped "6251" for the upper west corner of said called 1,010.23 acre tract, same being the north corner of an adjoining called 23.04 acre tract recorded under County Clerk's File Number 027501, Official Records, Matagorda County, Texas, for the west corner and Place of Beginning of the herein described tract, said point being in the southeast right-of-way line of State Highway 35 (190-foot wide);

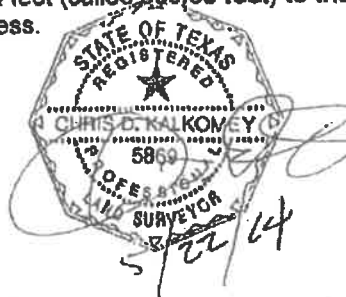
Thence North 54 degrees 40 minutes 13 seconds East (called North 54 degrees 37 minutes 02 seconds East) along the northwest line of the herein described tract and said called 1,010.23 acre tract, same being the southeast right-of-way line of State Highway 35, 289.49 feet to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for the north corner of the herein described tract;

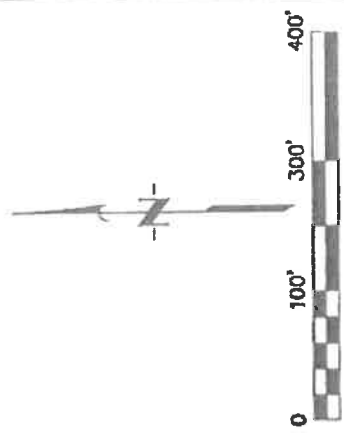
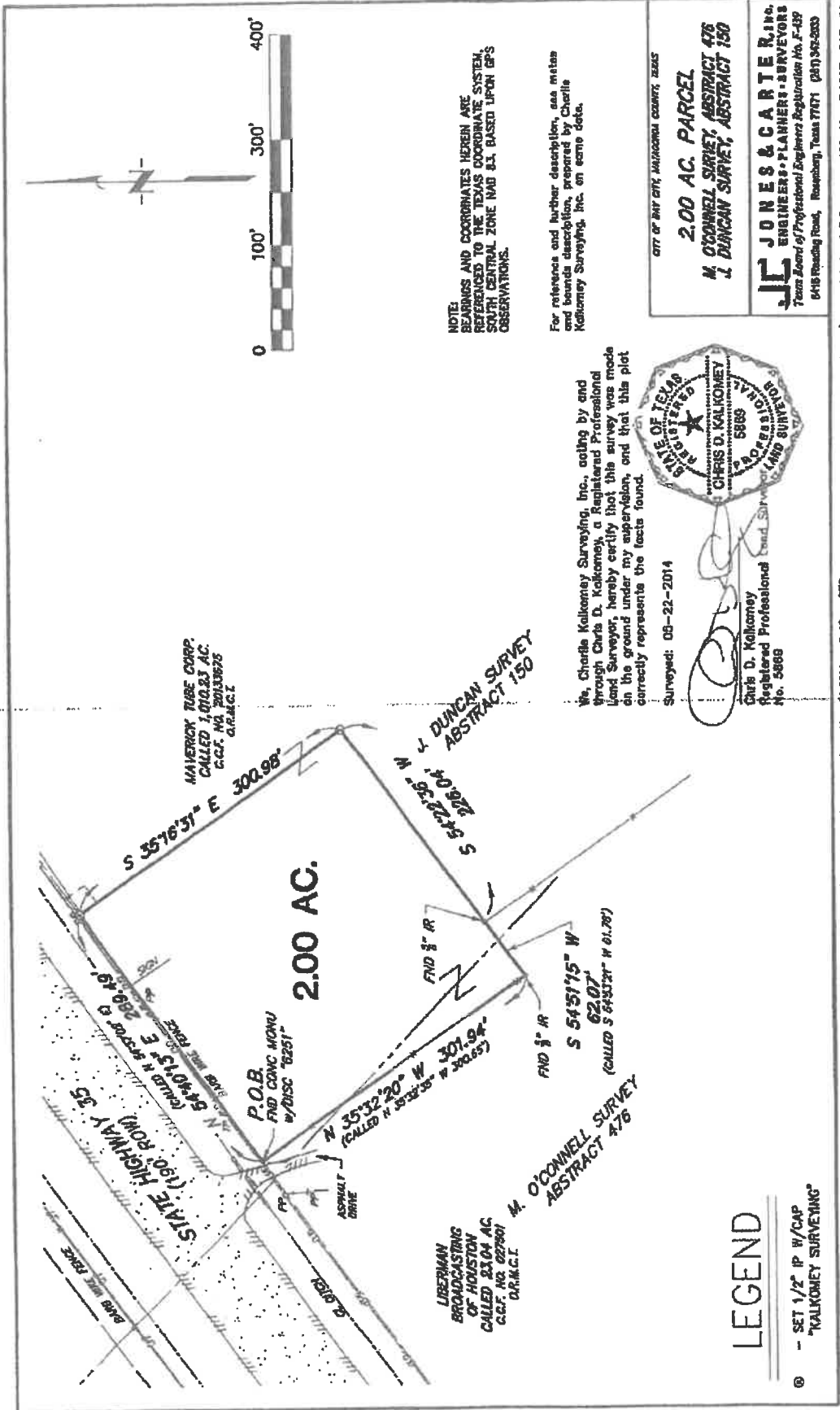
Thence South 35 degrees 16 minutes 31 seconds East establishing the northeast line of the herein described tract, 300.98 feet to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for the east corner of the herein described tract;

Thence South 54 degrees 22 minutes 36 seconds West establishing the southeast line of the herein described tract, 226.04 feet to a 5/8 inch iron rod found for angle point, said point being the lower north corner of the aforementioned adjoining called 23.04 acre tract, and being a reentry corner to said called 1010.23 acre tract;

Thence South 54 degrees 51 minutes 15 seconds West (called South 54 degrees 53 minutes 21 seconds West) along the common line of the herein described tract and said adjoining called 23.04 acre tract, 62.07 feet (called 61.78 feet) to a 5/8 inch iron rod found for the south corner of the herein described tract and a south corner of said called 1,010.23 acre tract, same being a reentry corner to said adjoining called 23.04 acre tract;

Thence North 35 degrees 32 minutes 20 seconds West (called North 35 degrees 32 minutes 35 seconds West) continuing along said common line, 301.94 feet (called 300.65 feet) to the Place of Beginning and containing 2.00 acres of land, more or less.





NOTE: BEARINGS AND COORDINATES HEREIN ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE NAD 83, BASED UPON GPS OBSERVATIONS.

For reference and further description, see metas and bounda description, prepared by Cherie Kalkomey Surveying, Inc. on same date.

2.00 AC. PARCEL
M. O'CONNELL SURVEY, ABSTRACT 476
J. DUNCAN SURVEY, ABSTRACT 150

JC JONES & CARTER, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 Texas Board of Professional Engineers Registration No. F-139
 6418 Peachtree Road, Roseburg, Texas 77071 (817) 562-2003



We, Cherie Kalkomey Surveying, Inc., acting by and through Chris D. Kalkomey, a Registered Professional Land Surveyor, hereby certify that this survey was made on the ground under my supervision, and that this plot correctly represents the facts found.

Surveyed: 09-22-2014

LEGEND

- ⊗ - SET 1/2" IP W/CAP "KALKOMEY SURVEYING"

F:\PROJECTS\150017 - City of Bay City\0915-01 - Water Main and Service Tie\Survey\09g File\WATER PLANT SURVEY.dwg May 22, 2014 - 2:42pm PED SURVEYOR - C.D.K./DRATSMAN-P.E.C. JOB No. R0017-015-01

PETITION FOR THE CREATION OF A
PUBLIC IMPROVEMENT DISTRICT WITHIN THE
CORPORATE LIMITS OF THE CITY OF BAY CITY, TEXAS,

TO: THE HONORABLE MAYOR AND COUNCIL OF BAY CITY, TEXAS

This petition (the “Petition”) is submitted and filed with the City Secretary of the City of Bay City, Texas (the “City”), by _____ (collectively, the “Owners”), acting under the provisions of Chapter 372, Texas Local Government Code, as amended (the “Act”), requesting that the City create a public improvement district (the “District”) to include property owned by the Owners and located within the corporate limits of the City (the “Property”), more particularly described in Exhibit A and depicted in Exhibit B. In support of this Petition, the Owners present the following:

Section 1. General Nature of the Authorized Improvements. The purposes of the District include the design, acquisition, and construction of public improvement projects authorized by §372.003(b) of the Act that are necessary for development of the Property, such public improvements (collectively, the “Authorized Improvements”), will include: (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to storm drainage improvements; (iii) design, construction and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities, (iv) design, construction and other allowed costs related to parks, open space, and recreational improvements, including trails and landscaping related thereto; and, (v) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District (vi) payment of expenses incurred in the establishment, administration and operation of the District; and, (vii) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with issuance and sale of revenue bonds secured by assessments levied against the Property. These Authorized Improvements shall promote the interests of the City and confer a special benefit on the Property.

Section 2. Estimated Cost of the Authorized Improvements. As set forth in the Development Agreement, the estimated total cost of the Authorized Improvements is \$9,000,000.

Section 3. Boundaries of the Proposed District. The District is proposed to include the Property as set forth in Exhibits A and B.

Section 4. Proposed Method of Assessment., The City shall levy an assessment on each lot within the District to pay the cost of the Authorized Improvements in a manner that results in imposing equal shares of the cost on property similarly benefited. Once levied, each assessment may be paid in full at any time (including accrued and unpaid interest) or may be paid in annual installments (including interest and debt). The annual installments must be paid in amounts necessary to meet annual costs for the Authorized Improvements and must continue for a period necessary to retire the indebtedness on the Authorized Improvements.

Section 5. Proposed Apportionment of Cost between the District and the City. The City shall not be obligated to provide any funds to finance the Authorized Improvements. The cost of the Authorized Improvements will be paid from the assessments and from other sources of funds, if any, available to the developer of the Property, which may include revenues from a tax increment financing district established by the City.

Section 6. Management of the District. The Owners propose that the District be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.

Section 7. Owners Request Establishment of the District. The persons signing this Petition request the establishment of the District.

Section 8. Advisory Board. The Owners propose that the District be established and managed without the creation of an advisory body.

This Petition has been signed by (1) the owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located; and (2) the record owners of real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal.

This Petition may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

This Petition is hereby respectfully submitted on the ___ of _____, 2021 to be filed with the City Secretary of the City in support of the creation of the District by the City Council as herein provided. The undersigned request that the City Council of the City call a public hearing on the advisability of the Authorized Improvements, give notice thereof as provided by law.

[Remainder of page intentionally left blank. Execution pages follow.]

OWNER:

By: _____

By: _____

THE STATE OF TEXAS §
 §
COUNTY OF MATAGORA §

This instrument was acknowledged before me on this the _____ day of _____, 2021, by _____.

Notary Public in and for the
State of T E X A S

(SEAL)

OWNER:

By: _____

By: _____

THE STATE OF TEXAS §
 §
COUNTY OF MATAGORA §

This instrument was acknowledged before me on this the _____ day of _____, 2021, by _____.

Notary Public in and for the
State of T E X A S

(SEAL)

OWNER:

By: _____

By: _____

THE STATE OF TEXAS §
 §
COUNTY OF MATAGORA §

This instrument was acknowledged before me on this the _____ day of _____, 2021, by _____.

Notary Public in and for the
State of T E X A S

(SEAL)

EXHIBIT B
DEPICTION OF THE PROPERTY

ITEM #9.

#8064826.1