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Mayor

Nancy Berry

Mayor Pro Tem

Dave Ruesink

City Manager

Glenn Brown

Council members

John Crompton

Jess Fields

Dennis Maloney

Katy-Marie Lyles

Lawrence Stewart

Agenda

College Station City Council

Regular Meeting

Thursday, June 10, 2010 at 7:00 PM

City Hall Council Chamber, 1101 Texas Avenue

College Station, Texas

1. Pledge of Allegiance, Invocation, Consider absence request.

Presentation of first place trophy to Mr. Mike Garcia for the Backhoe Rodeo in the recent Health & Safety Expo.

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 6:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.

Consent Agenda

Individuals who wish to address the City Council on a consent or regular agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

2. Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

a. Presentation, possible action, and discussion of Minutes for City Council Workshop and Regular Meeting, May 27, 2010.

b. Presentation, possible action, and discussion to approve the amendment to the original contract with First Southwest Company and the renewal of a consulting contract with First Southwest Company in an amount not to exceed \$125,000 for financial advisory services.

c. Presentation, possible action, and discussion on the application and acceptance of a U.S. Department of Justice, 2010 COPS Hiring Program (CHP) Grant.

- d. Presentation, possible action and discussion regarding approval of a resolution to award a contract to Cal's Body Shop for annual automobile & truck paint and body services. Contract amount is not to exceed \$56,000.00.
- e. Presentation, possible action and discussion regarding approval of an annual contract with Knife River for Item 1 – "Asphalt Concrete, Hot Mix Installed" at \$67.15 per ton and Item 2 – "Emulsion Installed" at \$2.30 per gallon. The cost for the total of Item 1 and Item 2 is not to exceed \$677,250.00.
- f. Presentation, possible action, and discussion regarding a resolution designating the Request for Competitive Sealed Proposals (CSP) as an alternative delivery method for the College Station Skate Park (PK-0911).
- g. Presentation, possible action and discussion approving a contingency transfer in the amount of \$145,000 for improvements related to the TxDOT 2818/Wellborn overpass project.
- h. Presentation, possible action and discussion of an ordinance amending Chapter 3, "Building Regulations", Section 2, "Right-Of-Way Maintenance", of the Code of Ordinances.
- i. Presentation, possible action, and discussion to approve the settlement Agreement with the Wellborn Special Utilities District regarding water service areas from the 2002 annexation.
- j. Presentation, possible action, and discussion on an ordinance amending Chapter 4, "Business Regulations," Section 3, "Parades and Motorcades" of the Code of Ordinances of the City of College Station, Texas, providing for an exception for neighborhood parades

Regular Agenda

Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor's reading of the agenda item. The Mayor will recognize you to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

Individuals who wish to address the City Council on an item **posted as a public hearing** shall register with the City Secretary prior to the Mayor's announcement to open the public hearing. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound at 2 1/2 minutes to signal thirty seconds remaining to conclude remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related subject. These comments will be referred to the City Council and City Manager.

1. Public Hearing, presentation, possible action, and discussion on an ordinance amending Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning from C-1 General Commercial and R-4 Multi-Family /

conditioned PDD Planned Development District to PDD Planned Development District for 42.56 acres located at 1711 Harvey Mitchell Parkway South.

2. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the City of College Station Comprehensive Plan by adopting the Central College Station Neighborhood Plan and the associated Community Character and Future Land Use Map and Bicycle, Pedestrian, and Greenways Master Plan Map amendments.
3. Presentation, possible action, and discussion of City Secretary review of amended initiative petition submission on ordinance granting consent for the incorporation of Wellborn.
4. Presentation, possible action, and discussion regarding an ordinance annexing two areas on Rock Prairie Road West and one area on Greens Prairie Trail under the exempt status.
5. Public Hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to remove parking along specific streets in the Horse Haven Subdivision.
6. Public Hearing, presentation, possible action, and discussion regarding an Amendment to Resolutions Determining Need associated with the Rock Prairie Road East Widening Project.
7. Adjourn.

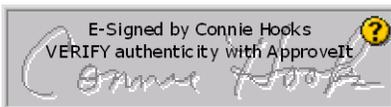
If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

APPROVED:

City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, June 10, 2010 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 7th day of June, 2010 at 2:00 p.m.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on June 7, 2010 at 2:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Thursday, June 10, 2010

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2010 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2010.

Notary Public – Brazos County, Texas My commission expires: _____

The building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Council meetings are broadcast live on Cable Access Channel 19.

June 10, 2010
Consent Agenda Item No. 2b
Financial Advisory Consulting Services

To: Glenn Brown, City Manager
From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action, and discussion to approve the amendment to the original contract with First Southwest Company and the renewal of a consulting contract with First Southwest Company in an amount not to exceed \$125,000 for financial advisory services.

Recommendation(s): Staff recommends approval of the contract amendment and renewal.

Summary: The City Council approved the original contract in June 2009. This amendment will lower the "not to exceed" amount of the contract from \$250,000 to \$125,000. In June 2009, the contract "not to exceed" amount was increased in anticipation of additional cost associated with the construction of a City owned Convention Center.

This renewal is the first of two renewal options. The City has utilized First Southwest Company since 1996 for financial advisor services.

First Southwest Company will assist the City in issuing debt, assisting in establishing timelines for issuance of debt, perform necessary analysis regarding the financial resources of the City, coordinate the assembly and transmittal of appropriate information to Bond Counsel, coordinate the preparation and submission of Notice of Sale, the Preliminary Official Statement and Official Statement and other marketing documents that may be required, advise financial publication of a forthcoming sale, coordinate the preparation of information for presentation to rating agencies, coordinate the receipt of bids and advising the city of best bid, coordinate the expeditious delivery of the bonds, deliver to the city a schedule of annual debt service requirements delivered to the purchaser and coordinate the selection of a paying agent registrar.

Budget & Financial Summary: Funds for this expenditure are budgeted and available in the various capital project funds where debt will be issued this year.

Attachments:

1. Contract Amendment
2. Renewal Agreement

**Amendment
To the
Consulting Agreement for Financial Advisory Services
Between
City of College Station and First Southwest Company**

WHEREAS, the City of College Station, Texas entered into a contract with First Southwest Company dated June 23, 2009 for financial advisory services associated with the management and issuance of debt;

WHEREAS, the contract was approved by the City Council on June 11, 2009; and

WHEREAS, the City desires to amend the original contract to revise the total amount of the contract;

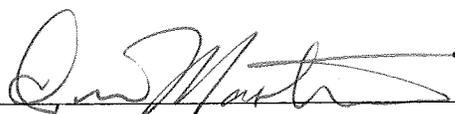
NOW THEREFORE, for and in consideration of the recitation above and the covenant expressed hereinbelow, the parties agree to amend the original contract as follows:

1. Article I, Paragraph 1.03 is hereby amended to read "The total amount of payment, including reimbursements, by the City to Contractor for all services to be performed under this contract may not, under any circumstances, exceed **One Hundred Twenty Five Thousand and no/100 (\$125,000)**".
2. All other terms and conditions of the original contract shall remain unchanged and in full force and effect.

IN WITNESS THEREOF, the parties hereto have made and executed this Amendment to Agreement for Financial Advisory Services as of June 10, 2010.

FIRST SOUTHWEST COMPANY

CITY OF COLLEGE STATION

By: 
Drew Masterson
Managing Director
Date: 5/21/10

By: _____
Mayor
Date: _____

ATTEST:

City Secretary
Date: _____

APPROVED:

City Manager

Date: _____

Adm C. Falvo

City Attorney

Date: _____

Chief Financial Officer

Date: _____

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Contract No. 09-217 for Financial Advisory Services associated with the management and issuance of debt, in an amount not to exceed one hundred twenty-five thousand and no/100 (\$125,000.00) and all other terms and conditions previously agreed to and accepted.

I understand this renewal agreement will be for the period beginning June 23, 2010 through June 22, 2011. This is the first renewal term.

FIRST SOUTHWEST COMPANY



Drew Masterson, Managing Director

5-21-10

DATE

CITY OF COLLEGE STATION

Mayor

DATE

ATTEST:

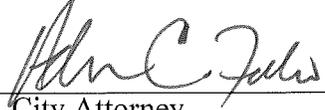
City Secretary

DATE

APPROVED:

City Manager

DATE



City Attorney

DATE

Chief Financial Officer

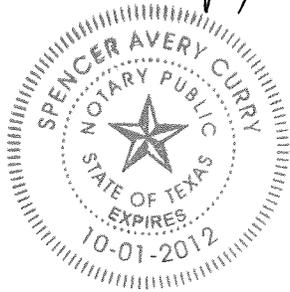
DATE

STATE OF TEXAS

CORPORATE ACKNOWLEDGMENT

COUNTY OF Harris

This instrument was acknowledged on the 21 day of May, 2010,
by Drew Masterson in his/her capacity as Managing Director of
First Southwest Company, a Delaware Corporation, on behalf of said corporation.



Spencer A. Cury
Notary Public in and for the
State of Texas

STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the _____ day of _____, 2010,
by Ben White, in his capacity as Mayor of the City of College Station, a Texas
home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas

**June 10, 2010
Workshop Agenda Item No. 2c
COPS Hiring Program (CHP) Grant**

To: Glenn Brown, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion on the application and acceptance of a U.S. Department of Justice, 2010 COPS Hiring Program (CHP) Grant.

Recommendation(s):
Staff recommends Council approval.

Summary:

In 2009, the Office of Community Oriented Policing Services (COPS Office) announced the availability of funding under the COPS Hiring Recovery Program (CHRP). At that time, the COPS Office received funds from the American Recovery and Reinvestment Act of 2009 to address the personnel needs of state, local, and tribal law enforcement. Similar to the CHRP, CHP is a competitive grant program that provides funding directly to state, local and tribal law enforcement agencies nationwide to hire and/or rehire full-time sworn officers to increase their community policing capacity and crime prevention efforts.

While the City of College Station applied for CHRP funding in 2009, the City was not selected as an award recipient at that time. Agencies with a pending 2009 CHRP application have been invited to provide targeted updates to their pending applications which will then be re-evaluated under the CHP program.

There is no local match requirement for CHP, but grant funding will only be provided for current entry-level salary and benefits. Therefore, any other associated costs will be the responsibility of the grantee agency.

CHP grants will provide 100 percent funding for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired, full-time sworn officer positions (including filling existing unfunded vacancies) or for rehired officers who have been laid off, or are scheduled to be laid off on a future date, as a result of local budget cuts.

At the conclusion of federal funding period, grantees must retain all sworn officer positions awarded under the CHP grant for a period of at least 12 months beyond the time the funding expires for a given position. The retained CHP-funded position(s) should be added to the grantees law enforcement budget with local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant.

The College Station Police Department will be applying to fund 6 full time entry level police officers identified as staffing needs in the "Blueprint for the Future" but have not yet been funded.

Budget & Financial Summary:

Anticipated fiscal impacts for these positions are as follows:

FY10/11- \$234,690; FY11/12- \$65,680; FY12/13- \$65,680; after grant expiration FY13/14- \$457,890. These costs are required costs for the proposed positions above and beyond those costs approved by the grant. These costs include such items as: equipment, uniforms, training, patrol cars, maintenance and replacement costs all which are in line with the department's "Blueprint for the Future".

Attachments:

- 1.) Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE DOCUMENTS NECESSARY FOR THE SUBMISSION OF A GRANT APPLICATION FOR COMMUNITY ORIENTED POLICING SERVICES HIRING PROGRAM (CHP) FUNDS ON BEHALF OF THE CITY AND TO ACT ON ITS BEHALF WITH RESPECT TO ANY ISSUES THAT MAY ARISE DURING PROCESSING OF SAID APPLICATION.

WHEREAS, the City Council of College Station has expressed commitment to providing for the health and safety of its citizens; and

WHEREAS, the City of College Station Police Department's current Community Oriented Policing Program has successfully demonstrated that the problem-solving approach to policing is effective in building positive relationships with citizens and neighborhoods; and

WHEREAS, the Department of Justice has issued a Notice of Funding Availability for CHP funding to assist law enforcement agencies to create and preserve sworn officer jobs and increase their community policing capacity and crime prevention efforts; and

WHEREAS, the eligible activities under CHP are consistent with the strategies identified in the Police Department's Operational Plan; and

WHEREAS, eligible activities under CHP can be expected to enhance the City's existing Community Policing services, and alleviate health and safety concerns.

WHEREAS, the City Council acknowledges that the grant requires the City to pay any associated costs above entry level sworn officer salary and benefits.

WHEREAS, the City Council acknowledges that the grant requires the City to retain said positions for at least 12 months after the 36 months of federal funding has expired for each position; now, therefore,

BE IT RESOLVED by the City Council of the City of College Station:

PART 1: That the City Council hereby authorizes the City Manager or his designees to execute documents necessary for the submission of a grant application for Community Oriented Policing Services Hiring Program funds to the U.S. Department of Justice on behalf of the City of College Station and to act on its behalf with respect to any issues that may arise during processing of said application.

PART 2: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 10th day of June, 2010.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

**June 10, 2010
Consent Agenda Item No. 2d
Annual Paint & Body Repairs**

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action and discussion regarding approval of a resolution to award a contract to Cal's Body Shop for annual automobile & truck paint and body services. Contract amount is not to exceed \$56,000.00.

Recommendation(s): Staff recommends approval of the resolution.

Summary: The City of College Station solicited bids for automotive and truck paint and body repairs. Two bids were received with Cal's Body Shop as the lowest responsible bidder.

Budget & Financial Summary: Funds are available in the Property & Casualty Fund.

Attachments:

- 1) Resolution
- 2) Bid tabulation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING AWARD OF A SERVICE CONTRACT TO CAL'S BODY SHOP FOR PAINT AND BODY REPAIR OF CITY VEHICLES AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for paint and body repair of city vehicles; and

WHEREAS, Cal's Body Shop of Bryan, Texas submitted the lowest responsible bid; and

WHEREAS, the selection of Cal's Body Shop is being recommended as the lowest responsible bidder for paint and body repair of city vehicles now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby finds that Cal's Body Shop is the lowest responsible bidder for paint and body repair services.

PART 2: That the City Council hereby approves the contract with Cal's Body Shop in an amount not to exceed \$56,000.00

PART 3: That the funding for this contract shall be budgeted from the City's Property & Casualty Fund, in an amount not to exceed \$56,000.00.

PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2010.

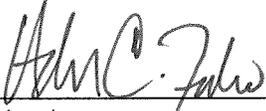
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney



**City of College Station - Purchasing Division
Bid Tabulation for #10-53**

"Annual Contract for Auto Heavy Truck Paint Body Repairs"

Open Date: Wednesday, May 5, 2010 @ 2:00 p.m.

			Cal's Body Shop (Bryan, TX)	Krause Paint and Body Shop, Inc. (Bryan, TX)
ITEM	UNIT	DESCRIPTION	UNIT PRICE	UNIT PRICE
GROUP I - CARS & LIGHT TRUCKS				
1.1	Hourly Rate	Body/Fender	\$36.00	\$38.00
1.2	Hourly Rate	Frame	\$36.00	\$38.00
1.3	Hourly Rate	Painting - Labor & Materials	\$36.00	\$58.00
1.4	Hourly Rate	Mechanical	\$36.00	\$22.00
GROUP I - TOTAL			\$144.00	\$156.00
GROUP II - HEAVY TRUCKS				
2.1	Hourly Rate	Body/Fender	\$36.00	\$38.00
2.2	Hourly Rate	Frame	\$36.00	\$38.00
2.3	Hourly Rate	Painting - Labor & Materials	\$36.00	\$58.00
2.4	Hourly Rate	Mechanical	\$36.00	\$22.00
GROUP II - TOTAL			\$144.00	\$156.00
GRAND TOTAL (GROUP I + GROUP II)			\$288.00	\$312.00
Certification of Bid			✓	✓
Prompt Payment Discount			1%	0%

June 10, 2010
Consent Agenda Item No. 2e
Annual Blanket Type D Hot Mix Installed Concrete

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action and discussion regarding approval of an annual contract with Knife River for Item 1 – “Asphalt Concrete, Hot Mix Installed” at \$67.15 per ton and Item 2 – “Emulsion Installed” at \$2.30 per gallon. The lowest bid represents an increase of 7.5% from the previous contract. The total expenditure for Item 1 and Item 2 is not to exceed \$677,250.00.

Recommendation(s): Staff recommends approval of the contract

Summary: Bids for the Annual Blanket Type D Hot Mix Installed Concrete contract were received from three vendors; Brazos Valley Services, Knife River and Brazos Paving, Inc. The bid documents state that “Item 1 and Item 2 will be awarded together, based on total low bid for both items”. Staff recommends the contract for Item 1 and Item 2 be awarded to the lowest responsible bidder, Knife River.

Budget & Financial Summary: Funding for the Annual Blanket Purchase Order for the Installation of Hot Mix Asphalt Concrete is provided from the operating budget of the Street Maintenance Division.

Attachments:

1. Resolution
2. Tabulation of Bid No. 10-58

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE Annual Blanket Type D Hot Mix Installed PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Annual Blanket Type D Hot Mix Installed Project; and

WHEREAS, the selection of Knife River - South is being recommended as the lowest responsible bidder for the construction services related to Annual Blanket Type D Hot Mix Installed Project; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby finds that Knife River - South is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Knife River - South for \$677,250.00 for the labor, materials and equipment required for the improvements related to the Annual Blanket Type D Hot Mix Installed Project.

PART 3: That the funding for this Contract shall be as budgeted from the General Fund, Street Maintenance Division, in the amount of \$677,250.00.

PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2010.

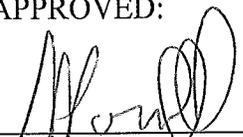
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney



City of College Station - Purchasing Department
Bid Tabulation for #10-58
"Annual Type D Hot Mix Installed"
Open Date: Monday, May 10, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Knife River		Brazos Valley Services		Brazos Paving, Inc.	
				UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE	UNIT COST	TOTAL PRICE
1	10000	tons	Asphalt Concrete, Hot Mix Installed	\$67.15	\$671,500.00	\$75.00	\$750,000.00	\$80.00	\$800,000.00
2	2500	gallons	Emulsion Installed	\$2.30	\$5,750.00	\$3.25	\$8,125.00	\$3.75	\$9,375.00
GRAND TOTAL				\$677,250.00		\$758,125.00		\$809,375.00	
Certification from bid package				✓		✓		✓	
Bid bond				✓		✓		✓	
Prompt Payment Discount				0%		0%		0%	

June 10, 2010
Consent Agenda Item No. 2f
College Station Skate Park, PK-0911
Alternate Construction Delivery Method

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding a resolution designating the Request for Competitive Sealed Proposals (CSP) as an alternative delivery method for the College Station Skate Park (PK-0911).

Recommendation(s): Staff recommends approval of the resolution.

Summary: This item provides for the use of CSP for the construction of College Station Skate Park (PK-0911). CSP is a process that allows the City to consider the qualifications of the contractor as well as the bid price in selecting a contractor once the construction plans and specifications are complete.

Certain technical aspects of the skate park design are highly specialized and require experienced contractors to perform this work. Any variations in quality of shape or finish from the design will result in a facility that is less safe with a reduced performance, functionality and an overall reduced value to the operator and the user. An understanding of these aspects, their functions and interaction through prior experience is vital to the construction of the project. Staff and the design team agree that in contracting for the construction of the skate park facility, all bidders must demonstrate this knowledge through their experience and qualifications. CSP is the delivery method that will enable this evaluation to occur.

Budget & Financial Summary: This project is funded from the 2008 Bond Authorization in the amount of \$920,000. Funds in the amount of \$189,627 have been expended or committed to date, leaving a balance of \$730,373 for construction and related expenses.

Attachments:

1. Resolution
2. Project Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING WHICH METHOD PROVIDES FOR THE BEST VALUE TO THE CITY OF COLLEGE STATION FOR THE CONSTRUCTION OF THE COLLEGE STATION SKATE PARK PROJECT AND AUTHORIZING THE USE OF THIS PROCUREMENT METHOD FOR PROJECT NUMBER PK-0911 IN ACCORDANCE WITH SECTION 271.114(a) OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, the City Council of the City of College Station, Texas, determined a need to construct the College Station Skate Park Project (Project No. PK-0911); and

WHEREAS, the City has considered using a method specified by Texas Local Government Code Section 271.113(a) other than competitive bidding; and

WHEREAS, the City Council has determined that the method which provides the best value for the City for the construction of the College Station Skate Park Project (Project No. PK-0911) is the use of competitive sealed proposals for construction services as permitted by Texas Local Government Code Section 271.113(a)(2); now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby finds that the use of competitive sealed proposals provides the best value for the City in the construction of the College Station Skate Park (Project No. PK-0911);

PART 2: That the City Council hereby authorizes the use of competitive sealed proposals as the procurement method for the College Station Skate Park Project (Project No. PK-0911);

PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

Skate Park Project Location Map

Southwood Athletic Complex

South Side of Rock Prairie Road



June 10, 2010
Consent Agenda Item No. 2g
FM 2818/Jones Butler Water Line Conflict
Contingency Transfer

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action and discussion approving a contingency transfer in the amount of \$145,000 for improvements related to the TxDOT 2818/Wellborn overpass project.

Recommendation(s): Staff recommends approval of the contingency transfer.

Summary: TxDOT is currently building a grade separation for the intersection of FM 2818 (Harvey Mitchell Pkwy) and FM 2154 (Wellborn Road), which includes a frontage road and drainage channel on the south side of FM 2818, west of FM 2154. An existing 30-inch City of College Station water transmission line, located inside the State ROW at the intersection of FM 2818 and Jones-Butler Road, was exposed during the excavation of the drainage channel. Since the City's infrastructure is located within State ROW and in conflict with TxDOT's project, the City is required to pay for the improvements necessary to resolve the conflict.

Rather than relocating the 30-inch water transmission line to resolve the conflict in State ROW, TxDOT has allowed the City to design and construct a box culvert to convey the storm in lieu of the drainage channel. Staff has estimated that the cost of constructing the box culvert is approximately half the cost of relocating the 30-inch water transmission line. Additionally, relocating the 30-inch water transmission line during the summer months could present some operational challenges for Staff.

Once the design is complete, TxDOT will negotiate a change order with the contractor constructing the grade separation for the intersection of FM 2818 and FM 2154 to include the box culvert into their scope of work.

Budget & Financial Summary: Currently there is \$145,000 budgeted as contingency the Water Capital Improvement Projects Fund for projects that arise throughout the year that are not budgeted. Contingency transfers greater than \$15,000 require Council approval. It is estimated that \$150,000 will be needed for the design and construction of these improvements. Following completion of the project design, if additional funds are needed, they will likely be transferred from another project.

Attachments:

1. Contingency Transfer
2. Location Map

REQUEST FOR CONTINGENCY TRANSFER

DATE: 6/10/10

FROM: 212-9111-973-55-02 WATER CIP CONTINGENCY ACCOUNT AMOUNT \$145,000

TO: 212-9111-973-55-02 ACCOUNT NUMBER AMOUNT \$145,000
(FM 2818/Jones Butler Water Line Conflict)

JUSTIFICATION OF NEED FOR TRANSFER:

- Why is this request of such an emergency nature that it must be made immediately?**
This project is being completed as a result of TxDOT's 2818/Wellborn Overpass project. The improvements must be made in accordance with TxDOT's time line on the overpass project.
- Why was the item not budgeted in the normal budgetary process?**
When the FY10 budget was developed, it was not known that the water line was in conflict with TxDOT's project and would require a solution.
- Justification as to why the transfer cannot be made within the division or department?**
The Capital Projects contingency is budgeted for unforeseen projects that arise throughout the year. Funds are not currently available in other Water CIP projects from which budget could be transferred.

Council Approval Required: Yes

Date Approved by Council: 6/10/10

Requested by : Dave Coleman

Budget Review: _____

Approved: 

Approved: _____

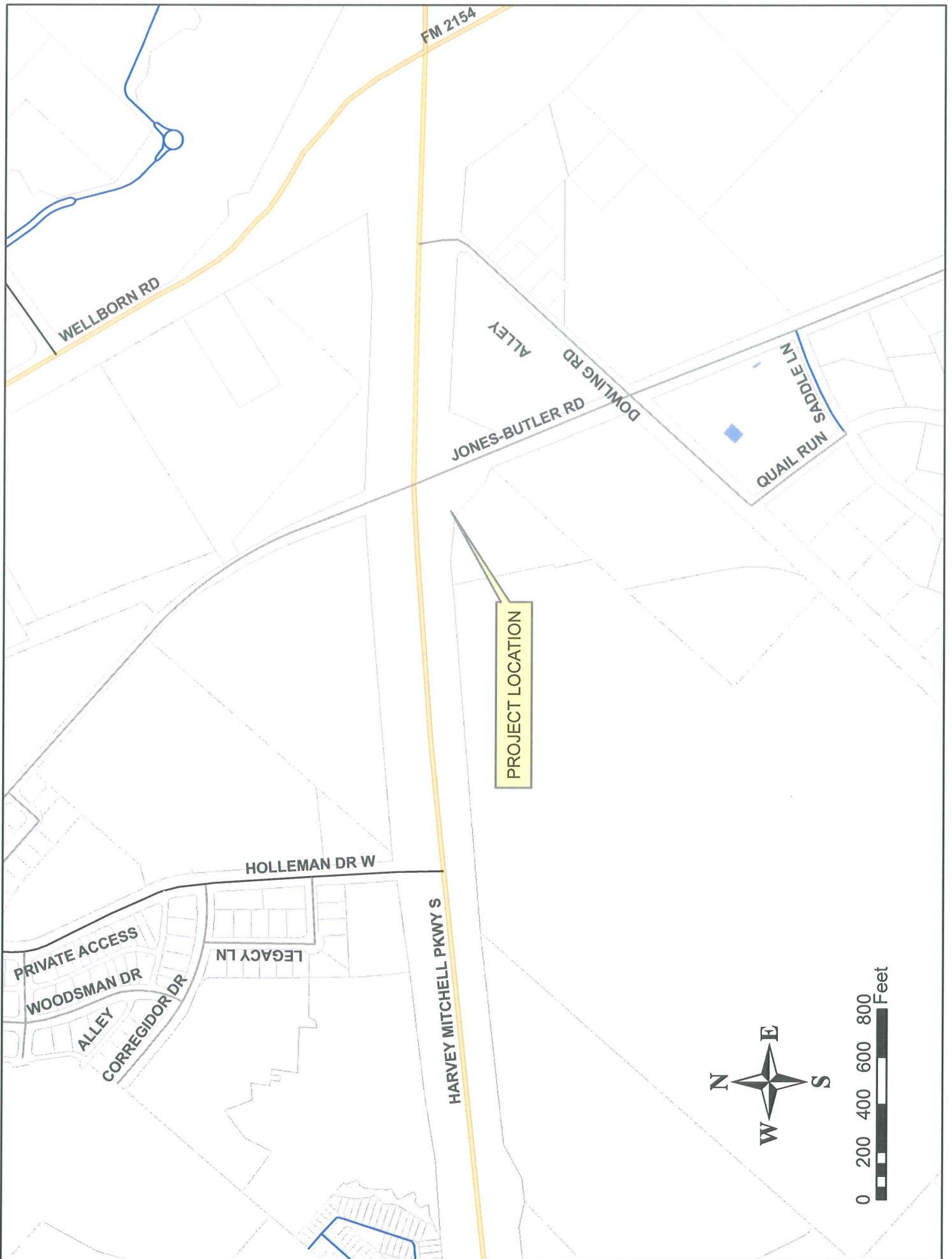
Department Head

Budget Officer

3 June 10

Approved: _____

City Manager



June 10, 2010
Consent Agenda Item No. 2h
Right-of-way Maintenance Ordinance

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action and discussion of an ordinance amending Chapter 3, "Building Regulations", Section 2, "Right-Of-Way Maintenance", of the Code of Ordinances.

Recommendation(s): Staff recommends approval of the ordinance amendment.

Summary: This ordinance amendment provides an exemption to permitting for electrical improvements sharing existing poles owned by College Station Utilities, requires that all construction of electric utility facilities be in compliance with National Electrical Safety Code (NESC) standards and establishes that plans of record for electric utilities be submitted to and maintained by College Station Utilities. These provisions will facilitate the sharing of aerial facilities by BTU and CSU.

Budget & Financial Summary:

Attachments:

1 Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 3, "BUILDING REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That Chapter 3, "Building Regulations", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carlo A. Robinson

City Attorney

EXHIBIT "A"

That Chapter 3, "Building Regulations", Section 2, "Right-Of-Way Maintenance", of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by adding subsection F, paragraph (2)(1), as set out hereafter to read as follows:

- (1) A construction permit is not required for construction of new or replacement electric facilities, or upgrading existing electric facilities, when the constructed or upgraded facilities share existing aerial facilities owned by the City.

And by adding subsection G, paragraph (20), as set out hereafter to read as follows:

- (20) All construction of electric utility facilities must be in compliance with National Electrical Safety Code (NESC) standards.

And by adding subsection H, paragraph (3), as set out hereafter to read as follows:

- (3) Plans of record for electric utilities shall be submitted to and maintained by College Station Utilities.

**June 10, 2010
Consent Agenda Item No. 2i
Settlement Agreement with Wellborn SUD**

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion to approve the settlement Agreement with the Wellborn Special Utilities District regarding water service areas from the 2002 annexation.

Recommendation: Staff recommends Council approve the settlement agreement.

Summary: Staff has negotiated a settlement agreement to the legal dispute with the Wellborn Special Utility District regarding who will provide retail water service to the areas annexed by the City in 2002. The basic deal points are:

- College Station gets Area 2, which is 1,078 acres (31% of the total area)
- Area 2 is south of Greens Prairie Road and west of Arrington Road (see attachment)
- There are 8 customers in this area, which we can take over whenever we are ready
- No cash payments by either party

Staff recommends we accept this offer as a reasonable settlement. We will get a service area that is prime development area, and we can serve it easily with existing water lines.

A brief background on this dispute:

- Prior to 2000, the City provided Wellborn SUD's water supply by contract
- Contract stipulated when City annexed, those customers turn over to the City
- WSUD notified City of intent to cancel contract in January 2000
- A three-year termination clause made the official expiration January 2003
- City annexed several areas (~3,400 acres) in November 2002
- WSUD refused to turn over these service areas, claiming contract was not valid
- City has spent over \$530,000 so far to contest this claim in multiple lawsuits
- Both District Court and TCEQ, in conflicting decisions, have both stated they do not have jurisdiction of the controversy
- Lawsuit with TCEQ has been put on hold, pending this settlement

The Wellborn SUD Board supports this settlement, and they will consider formal approval of this agreement document at their regular meeting on June 15th. This settlement will have to be conditioned upon USDA approval, since they are a lienholder in Wellborn SUD.

Budget & Financial Summary: No additional cost. This will end the litigation in this matter.

Attachment:

Settlement Agreement (Available in City Secretary's office)

**June 10, 2010
Consent Agenda Item No. 2j
Neighborhood Parade Permits**

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning & Development Services

Agenda Caption: Presentation, possible action, and discussion on an ordinance amending Chapter 4, "Business Regulations," Section 3, "Parades and Motorcades" of the Code of Ordinances of the City of College Station, Texas, providing for an exception for neighborhood parades.

Recommendation(s): Staff recommends approval of the proposed amendment.

Summary: At the request of City Council and representatives of various neighborhoods, Staff was asked to bring forth an ordinance amendment to exempt Neighborhood Parades from having to seek a Parade Permit.

The proposed amendment exempts neighborhood parades from the permitting process, along with any applicable fees with the condition that neighborhood parades coordinate with the College Station Police Department. The amendment also provides a definition for "neighborhood parades".

Budget & Financial Summary: N/A

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4, "BUSINESS REGULATIONS," SECTION 3, "PARADES AND MOTORCADES" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING THE SPECIFIED SECTION AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 4, "Business Regulations," Section 3, "Parades and Motorcades" of the Code of Ordinances of the City of College Station, be amended as set out in Exhibits "A" and "B", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

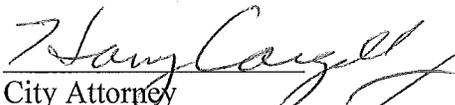
ATTEST

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

EXHIBIT "A"

That Chapter 4, "Business Regulations," Section 3, "Parades and Motorcades" of the Code of Ordinances of the Code of the City of College Station, Texas, is hereby amended by adding the following definition to read as follows:

A. **DEFINITIONS**

(3) Neighborhood Parade:

A parade that is organized by a residential subdivision's homeowner's association, neighborhood group or resident of the subdivision, and that takes place wholly within the subdivision.

EXHIBIT "B"

That Chapter 4, "Business Regulations," Section 3, "Parades and Motorcades" of the Code of Ordinances of the Code of the City of College Station, Texas, is hereby amended by amending the application fee to read as follows:

N. Exemptions

Neighborhood parades as defined in A.3 shall be required to register with the Police Department but shall not be subject to an application fee.

**June 10, 2010
Regular Agenda Item No. 1
Campus Village Rezoning
1711 Harvey Mitchell Parkway South**

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning & Development Services

Agenda Caption: Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning from C-1 General Commercial and R-4 Multi-Family / conditioned PDD Planned Development District to PDD Planned Development District for 42.56 acres located at 1711 Harvey Mitchell Parkway South.

Recommendation(s): The Planning & Zoning Commission considered this item at their regular meeting on May 10, 2010 and unanimously recommended approval (4-0) as presented by Staff. Staff also recommends approval.

Summary: The Unified Development Ordinance provides the following review criteria for zoning map amendments:

RELATION TO PREVIOUS REZONING REQUEST

In January of this year, a PDD zoning for this property was conditionally approved by Council. It was approved with the condition that the PDD would only become effective if a deed was executed by the current owner to sell the property on or before June 15, 2010. If a deed was not recorded by that date, the property would retain its current zoning of C-1 General Commercial. The applicant has continued to move forward with the design and financing of the project. This request has been brought back due to the applicant's request to extend that time period to on or before November 15, 2010. Since this condition was part of an ordinance, a new ordinance is required to amend that date.

In addition to the time extension, the applicant has requested a few other revisions to the original request that have arisen as they started designing the project. One revision is to Note 21 on the Concept Plan to clarify that cross access easements will be required on the central drive aisle when the property is further subdivided for separate ownership. Also, the uses for the Mixed Use area have been clarified to state that in addition to Health Care, Medical Clinic and Drive-in / thru window uses, the allowable uses are based on those in the UDO Use Table for the P-MUD Planned Mixed Use District in effect on the date of the rezoning ordinance. The final change is to the double landscape island requirements for parking along the right-of-way. Double islands were already exempted for the Mixed Use area if it develops as vertical mixed use and this change would exempt double islands in the Multi-Family area as well if canopy trees are planted along the multi-use path that are equal in number to the reduction in landscape islands, with one tree for every single-sized island area that would otherwise be required. If a complete site plan application for vertical mixed use has not been submitted within five years of the effective date of the zoning ordinance, then the islands in the Multi-Family area will be modified to comply with the double island standard. The remainder of the PDD request is as previously approved.

REVIEW CRITERIA

1. **Consistency with the Comprehensive Plan:** The Comprehensive Plan designates the subject property as Urban, Commercial, and Natural Areas Reserved and part of Growth Area VI. This Urban Growth Area is described as an area “for intense land use activities including general commercial, office uses, townhomes, high-density apartments, and vertical mixed-use.” The proposed development includes commercial uses at the corner of Southwest Parkway and Wellborn Road with the potential of multi-family units above the ground floor to create vertical mixed use, multi-family uses on the center portion of the property, and commercial uses at the south driveway along Harvey Mitchell Parkway. The FEMA 100-year floodplain is being retained as Natural Area Reserved and the location for the multi-use path shown on the Bike and Pedestrian Master Plan is being accommodated and may be constructed in lieu of Neighborhood Park Development fees as discussed later.
2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The property at the rear and many in the general area are zoned and developed as multi-family. The property to the north across Southwest Parkway is zoned and developed for commercial uses.
3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The proposed PDD zoning provides for a mix of uses on the subject property. This mix allows the proposed and surrounding multi-family uses to utilize the smaller scale commercial areas that are being retained while allowing them to become more integrated than what would likely occur if developed independently. The proposed development also retains the floodplain as open space and proposes to construct the multi-use path along the Bee Creek tributary through the development to allow better pedestrian and bicycle connectivity.
4. **Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The property is located at the intersection of two major arterials (Harvey Mitchell Parkway and Wellborn Road) and also has frontage on a minor arterial (Southwest Parkway). This type of frontage is typically well suited for commercial uses. Access to the property is somewhat limited due to constraints associated with the grade separation of Harvey Mitchell Parkway and Wellborn Road currently under construction. Though it is also over 40 acres in size, the subject property is relatively narrow in depth for large scale commercial uses and slopes to the rear, thus reducing its visibility from the adjacent roadways.
5. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** C-1 General Commercial zoned property is generally considered marketable in College Station. The property was zoned C-1 General Commercial in 1975 and has remained undeveloped.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing 12-inch water mains along the property’s northern, eastern, and western borders, which will be looped and extended with site development. The subject property is also supported by a series of 10-inch, 18-inch, and 24-inch sanitary sewer mains. Drainage is mainly to the north within the Tributary “B” portion of the Bee Creek Drainage Basin. The site is partially encumbered by the FEMA 100-year floodplain along its northern property line.

The development proposes to take access with one driveway to Southwest Parkway, one to Wellborn Road, and two to Harvey Mitchell Parkway. These driveway points will help distribute traffic and provide alternate routes to destinations. While the traffic impact analysis (TIA) states the proposed development will result in approximately 823 weekday AM peak hour trips and 1,153 weekday PM peak hour trips, adequate levels of service will be maintained on the adjacent public roadways. In addition, the number of trips from the proposed development is less than what would occur if the existing zoning of C-1 General Commercial remains and solely commercial uses were developed.

REVIEW OF CONCEPT PLAN

The applicant has provided the following information related to the purpose and intent of the proposed zoning district:

“The purpose of the development is to provide an urban pedestrian and bike friendly development containing multi-family housing, retail, and related uses in close proximity to Texas A&M University. The intent of the overall development is to provide for housing with the retail, restaurant, and related commercial uses being integrated in the overall development that will support not only the development, but nearby residential as well as pass by traffic.”

In accordance with this purpose statement, the Concept Plan proposes three different use areas. Commercial uses are proposed at the corner of Southwest Parkway and Wellborn Road with the potential of multi-family units above that would create vertical mixed use. This area will allow for the uses permitted in the P-MUD Planned Mixed Use District as per the current Use Table with addition of Health Care, Medical Clinic and Drive-in / thru window uses and will follow the dimensional standards and requirements of the C-1 General Commercial district as provided in the UDO. The center portion is a multi-family area that will adhere to the uses and standards of the R-6 High Density Multi-family district, while the commercial area to the south along Harvey Mitchell Parkway will follow the uses and standards of the C-1 General Commercial district. The 100-year floodplain is retained as Natural Areas Reserved and the Concept Plan accommodates the relocation of the existing hike and bike trail easement so the multi-use path may be constructed.

The applicant proposes some specific aspects to help create a pedestrian, urban-like environment. A maximum height of five-stories, or roughly 65 feet, is proposed with a minimum height of two-stories for the primary buildings in the mixed use and multi-family areas. Accessory structures, ADA accessible dwelling units, and commercial only buildings may be one-story. A maximum setback of 100 feet is proposed in the mixed use area. The areas developed with residential uses will have a minimum density of 15 dwelling units per acre or 40 bedrooms per acre, whichever is less. The Natural Area Reserved / Open Space and multi-use path areas may be deducted from the total area calculated for density.

Other provisions include that Parking Areas and Access will have pedestrian connections to the multi-use path and that solid fencing is not permitted adjacent to the public right-of-way or to the multi-use path. Only parallel parking will be allowed along the main central drive which will not be gated and will have a cross access easement if the property is subdivided in the future. Upon development, the existing traffic circles will be modified to meet fire apparatus road standards and turning radii.

If structured parking is provided in the mixed use or multi-family areas, it will be screened from the right-of-way by another building or be designed to be compatible in material and

design to the primary buildings which are adjacent to it. The non-residential buildings and areas in the commercial and mixed use portions will meet the Non-Residential Architecture Standards contained in Section 7.9 of the Unified Development Ordinance for building plots with uses in excess of 50,000 gross square feet in area.

At the time of site plan and plat, the project will need to meet all applicable standards required by the Unified Development Ordinance. Staff is currently undertaking an effort to create new zoning districts to implement the different character areas envisioned by the Comprehensive Plan. In the absence of a defined urban zoning district, the applicant and Staff have negotiated through various standards to seek to attain an urban-style appropriate for this portion of the City, while seeking to retain flexibility for both parties. Through the PDD, the additional standards already described above are intended to achieve this objective along with the applicant's request for the following meritorious modifications:

- **Section 3.17 "Administrative Adjustment" of the Unified Development Ordinance**
The applicant is requesting that the Administrator be granted additional authority and flexibility to grant adjustments. Instead of being limited to up to 10% adjustments on only setbacks and parking standards, the Administrator may grant such adjustments to any design standard such as landscaping. This will allow the Administrator to exercise additional discretion in the development of the mixed use and urban areas as necessary.
- **Section 5.2 "Residential Dimensional Standards" and 5.4 "Non-Residential Dimensional Standards" of the Unified Development Ordinance**
The applicant is requesting that the minimum building setbacks for internal property lines shall be 5 feet. An internal property line is defined as a property line not bounded by a public right-of-way. The effect is to reduce the side and rear setbacks internal to the development to facilitate more dense and urban-like development.
- **Section 7.2.C.7 Subsection of "Dimensions and Access" of the Unified Development Ordinance**
The applicant is requesting a reduction in the "double island" requirement for parking in the multi-family area located within 15 feet of a right-of-way. Instead of a double island (18' x 20') required for every seven parking spaces, a "single" nine-foot wide island will be required for every 15 parking spaces. As part of this reduction, canopy trees will be planted along the multi-use path that are equal in number to the reduction in the number of landscape islands, with one tree for every single sized island area that would have otherwise been required. If a site plan application for vertical mixed use has not been submitted within five years of the effective date of the zoning ordinance, then the islands in this area will be modified to comply with the double island standard.
- **Section 7.2.E "Interior Islands" of the Unified Development Ordinance**
The applicant is requesting that landscape areas between abutting head-in parking are allowed to be counted toward the interior landscape island requirements. To qualify the middle island area will need to be at least 8 feet in width. This will allow greater flexibility in the placement of islands and create a more natural appearance than if limited only to the interior or end of parking rows.
- **Section 7.4.N "Freestanding Commercial Signs" of the Unified Development Ordinance**
The subject property is part of a building plot over 85 acres in area, which includes The Woodlands of College Station development at rear of the site. Existing sign regulations would limit this building plot to two freestanding signs. The applicant is requesting two

additional freestanding signs be permitted within the building plot to allow The Woodlands of College Station, which does not have frontage to a public street, signage on Harvey Mitchell Parkway and Southwest Parkway. The proposed signs would be limited 10 feet in height and 100 square feet in area each.

· **Section 7.6.F “Buffer Standards” of the Unified Development Ordinance**

The applicant is requesting that no buffer be required between the proposed commercial and mixed use areas and the existing and proposed multi-family uses. The existing multi-family uses in the area are already buffered from the proposed commercial uses by floodplain and open space while the proposed multi-family uses are being integrated with the proposed commercial uses.

· **Section 8.2.A.9.b “Utility Easements” of the Unified Development Ordinance**

The applicant is requesting that public utility easements not be required on internal lot lines if the property is replatted. Easements will be required to serve infrastructure to each lot. The UDO requires easements on the rear of all lots when platting. Due to the likely configuration of the future lots, this requirement would otherwise require easements in floodplain or areas with existing vegetation.

· **Section 8.2.A.10 “Blocks” of the Unified Development Ordinance**

The applicant is requesting that the property will not be subject to block length requirements if the property is replatted. When the property was originally platted in 2006, the Commission granted block length variances. In addition, the existing Christine Lane right-of-way was abandoned. The property ranges between 400 and 600 feet in depth with floodplain and developed property at the rear and access that is constrained by the Harvey Mitchell Parkway / Wellborn Road grade separation. In lieu of block length (the construction of public streets), the applicant has proposed to construct the central drive with a minimum 24-foot paving width, 5-foot sidewalks on both sides, allow parallel parking and meet driveway spacing standards for a minor collector and geometry, including centerline radii, for fire apparatus access roads.

· **Section 8.2.A.13 “Sidewalks” of the Unified Development Ordinance**

The applicant is requesting that when the property is developed, sidewalks will not be required along Harvey Mitchell Parkway. With the Harvey Mitchell Parkway / Wellborn Road grade separation, no pedestrian or bicycle facilities will be provided at grade across the railroad or on the overpass over it. Pedestrian and bicycle modes will be accommodated away from Harvey Mitchell Parkway on the multi-use path and central drive that is to be constructed with a sidewalk on each side. Sidewalks will be provided on Wellborn Road and Southwest Parkway.

· **Section 8.7 “Requirements for Parkland Dedication” of the Unified Development Ordinance**

The applicant is requesting that in lieu of the Neighborhood Park Development Fee (\$622 per dwelling unit), the developer may design and construct the multi-use path and receive dollar-for-dollar credit against the neighborhood park development fee. The Parks and Recreation Advisory Board and Greenways Program Manager have recommended approval of this modification. Fees in lieu of Neighborhood Park land acquisition and Community Park land acquisition and development, equaling \$1,024 per multi-family unit, will still be required. The multi-use path will be designed with Phase 1 of the development and will be constructed and dedicated to the City prior to Certificates of Occupancy of Phase 2. The design is to meet City specifications for a public multi-use path and include exercise stations. The developer may opt out of the path construction

but will be required to pay the fee in lieu of Neighborhood Park development for all units.

The following meritorious modifications apply to the mixed use area only if it is developed as vertical mixed use. The modifications of these standards are intended to be in keeping with the intent of an urban, vertical mixed use environment and be incentives for its development. To qualify as vertical mixed use at least 20% of the gross floor area must consist of residential uses above the ground floor.

- **Section 7.2.C.7 Subsection of “Dimensions and Access” of the Unified Development Ordinance**
The applicant is requesting a reduction in the “double island” requirement for parking located within 15 feet of a right-of-way. Instead of a double island (18’ x 20’) required for every seven parking spaces, a “single” nine-foot island will be required for every 15 parking spaces.
- **Section 7.4 “Signs” of the Unified Development Ordinance**
The applicant is requesting that the area developed as vertical mixed use be permitted to utilize Hanging Signs and Projection Signs as allowed in the Northgate districts as described in Section 5.6.B.12.c.3 and 4.
- **Section 7.4 “Signs” of the Unified Development Ordinance**
The applicant is requesting that banners be permitted on light poles internal to the site and allow a community flag for the residential development.
- **Section 7.9.E.3 “Landscaping” of the Unified Development Ordinance**
The applicant is requesting that the vertical mixed use area not be subject to the double landscaping points required for a building plot in excess of 50,000 square feet. While double landscaping points would be required if only commercial were developed, the more intense vertical mixed use would meet the standard landscaping requirements.

The applicant has also requested that if approved, the ordinance “will not become effective unless a deed executed by Brazos County Markets, LLC is recorded in the Official Records of Brazos County, Texas on or before the 15th day November, 2010.” This allows the developer the opportunity to finalize financing while allowing the owner to retain the C-1 General Commercial zoning if the property is not closed on by that date.

The Unified Development Ordinance provides the following review criteria for PDD Concept Plans:

1. **The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;** The Concept Plan proposes a mix of multi-family and commercial uses. As designated on the Comprehensive Plan, the subject property is proposed as Urban, Commercial, and Natural Areas Reserved. A mixed-use environment potentially allows better opportunities for residents to shop, dine and work where they live, thus reducing traffic on nearby streets and encouraging a more walkable environment.
2. **The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section:** The proposed Concept Plan is in general conformity with the policies, goals and objectives of the Comprehensive

Plan. The Future Land Use and Character Map designates this area for Urban and Commercial uses, which is what is proposed.

3. **The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development:** The proposed development includes the potential for a vertical mixed-use structure on the corner of Southwest Parkway and Wellborn Road with separate multi-family and commercial uses on the remainder of the property. Properties in the area are developed as similar commercial or multi-family uses and other vacant properties are anticipated to be developed in a similar fashion.
4. **Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association:** The proposed development has frontage to three major roadways: Harvey Mitchell Parkway, Wellborn Road, and Southwest Parkway. The multi-family units and commercial uses will access these roadways through a network of private drive aisles as depicted on the Concept Plan.
5. **The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities:** The development proposes to construct the multi-use path located within and adjacent to the floodplain on the subject property. This will help facilitate bike and pedestrian movements away from the vehicular modes on Harvey Mitchell Parkway and Wellborn Road.
6. **The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:** The subject property and surrounding area is designated for Urban and Commercial uses. The proposed development will be complimentary with other uses in the vicinity.
7. **The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area:** The TIA demonstrates that the proposed development will not adversely impact the surrounding uses and streets with an undue traffic burden as the most significant traffic impacts will be retained within the proposed development. Though additional trips will be generated, the proposed development provides alternate vehicular, bicycle and pedestrian circulation routes as well as additional commercial opportunities that are not currently available in the area.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning & Zoning Commission Minutes – May 20, 2010
4. Ordinance

BACKGROUND INFORMATION:

NOTIFICATIONS

Advertised Commission Hearing Date: May 20, 2010
Advertised Council Hearing Dates: June 10, 2010

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: Nine
Contacts in support: None
Contacts in opposition: None
Inquiry contacts: None

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Commercial (across Southwest Parkway, a minor arterial)	C-1 General Commercial	Commercial Shopping Center
South	Urban (across Harvey Mitchell Parkway, a major arterial)	C-1 General Commercial and R-1 Single-Family Residential	Vacant
East	Urban and Natural Area Reserved	R-4 Multi-Family; A-O Agricultural Open; C-1 General Commercial	Multi-family Development; Undeveloped City Park; Vacant Commercial Lot
West	Urban and Natural Area Reserved (across Wellborn Road, a major arterial and the Union Pacific Railroad)	R-1 Single-Family Residential	Vacant

DEVELOPMENT HISTORY

Annexation: 1969
Zoning: C-1 General Commercial and R-4 Multi-Family (1975)
Final Plat: A portion of the subject property near Southwest Parkway was platted in 1982 with the remainder platted in 2006.
Site development: A portion of the property has been developed as driveway access for the existing The Woodlands of College Station development located behind the subject property. A site plan application has been submitted for development of a multi-family portion of this property.



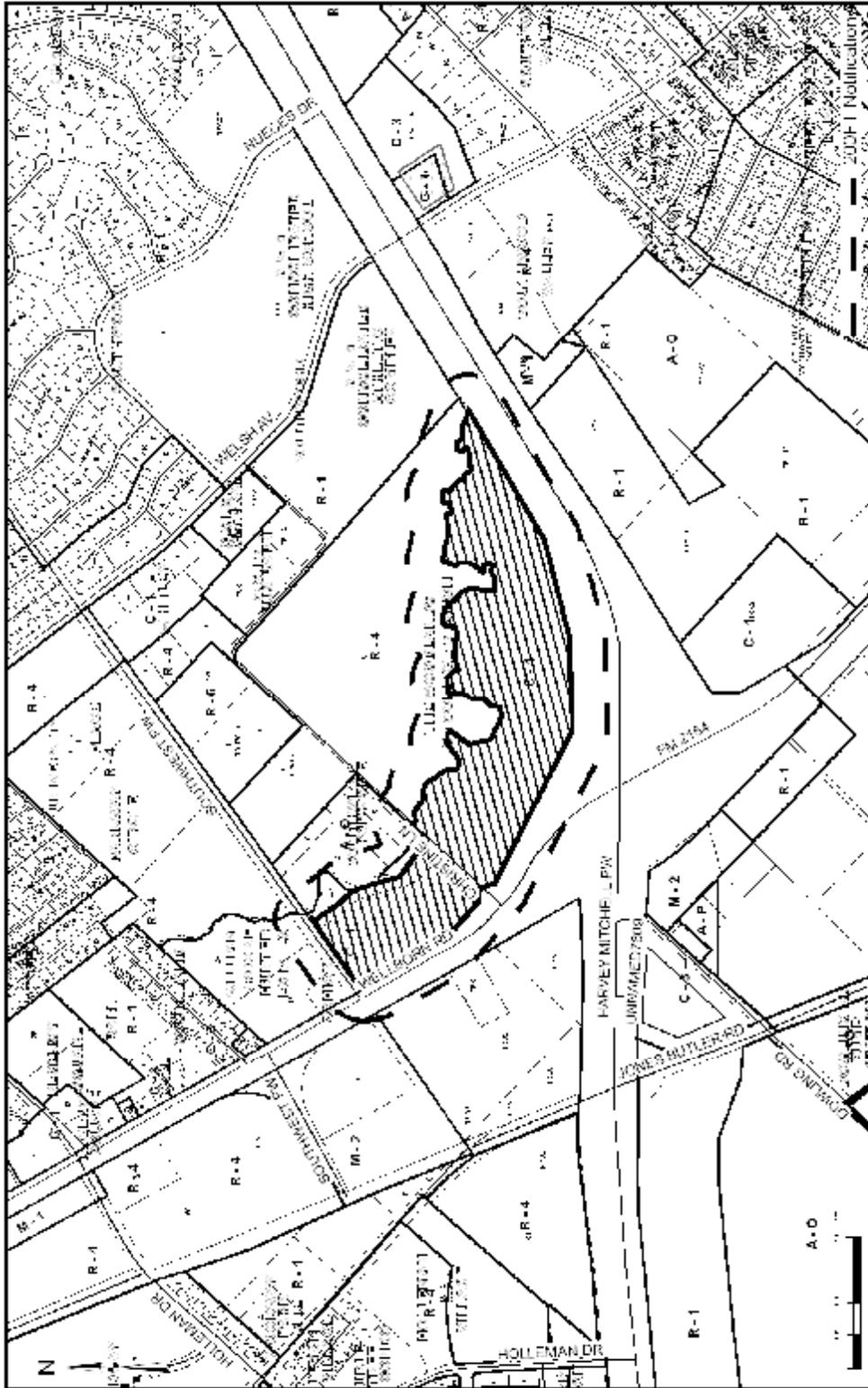
REZONING

Case: 10-062

CAMPUS VILLAGE

DEVELOPMENT REVIEW





2024 I. Notifications

Zoning Districts	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	R-11	R-12	R-13	R-14	R-15	R-16	R-17	R-18	R-19	R-20	R-21	R-22	R-23	R-24	R-25	R-26	R-27	R-28	R-29	R-30	R-31	R-32	R-33	R-34	R-35	R-36	R-37	R-38	R-39	R-40	R-41	R-42	R-43	R-44	R-45	R-46	R-47	R-48	R-49	R-50	R-51	R-52	R-53	R-54	R-55	R-56	R-57	R-58	R-59	R-60	R-61	R-62	R-63	R-64	R-65	R-66	R-67	R-68	R-69	R-70	R-71	R-72	R-73	R-74	R-75	R-76	R-77	R-78	R-79	R-80	R-81	R-82	R-83	R-84	R-85	R-86	R-87	R-88	R-89	R-90	R-91	R-92	R-93	R-94	R-95	R-96	R-97	R-98	R-99	R-100
A-1	Ag. 1st Class	Ag. 2nd Class	Ag. 3rd Class	Ag. 4th Class	Ag. 5th Class	Ag. 6th Class	Ag. 7th Class	Ag. 8th Class	Ag. 9th Class	Ag. 10th Class	Ag. 11th Class	Ag. 12th Class	Ag. 13th Class	Ag. 14th Class	Ag. 15th Class	Ag. 16th Class	Ag. 17th Class	Ag. 18th Class	Ag. 19th Class	Ag. 20th Class	Ag. 21st Class	Ag. 22nd Class	Ag. 23rd Class	Ag. 24th Class	Ag. 25th Class	Ag. 26th Class	Ag. 27th Class	Ag. 28th Class	Ag. 29th Class	Ag. 30th Class	Ag. 31st Class	Ag. 32nd Class	Ag. 33rd Class	Ag. 34th Class	Ag. 35th Class	Ag. 36th Class	Ag. 37th Class	Ag. 38th Class	Ag. 39th Class	Ag. 40th Class	Ag. 41st Class	Ag. 42nd Class	Ag. 43rd Class	Ag. 44th Class	Ag. 45th Class	Ag. 46th Class	Ag. 47th Class	Ag. 48th Class	Ag. 49th Class	Ag. 50th Class	Ag. 51st Class	Ag. 52nd Class	Ag. 53rd Class	Ag. 54th Class	Ag. 55th Class	Ag. 56th Class	Ag. 57th Class	Ag. 58th Class	Ag. 59th Class	Ag. 60th Class	Ag. 61st Class	Ag. 62nd Class	Ag. 63rd Class	Ag. 64th Class	Ag. 65th Class	Ag. 66th Class	Ag. 67th Class	Ag. 68th Class	Ag. 69th Class	Ag. 70th Class	Ag. 71st Class	Ag. 72nd Class	Ag. 73rd Class	Ag. 74th Class	Ag. 75th Class	Ag. 76th Class	Ag. 77th Class	Ag. 78th Class	Ag. 79th Class	Ag. 80th Class	Ag. 81st Class	Ag. 82nd Class	Ag. 83rd Class	Ag. 84th Class	Ag. 85th Class	Ag. 86th Class	Ag. 87th Class	Ag. 88th Class	Ag. 89th Class	Ag. 90th Class	Ag. 91st Class	Ag. 92nd Class	Ag. 93rd Class	Ag. 94th Class	Ag. 95th Class	Ag. 96th Class	Ag. 97th Class	Ag. 98th Class	Ag. 99th Class	Ag. 100th Class

DEVELOPMENT REVIEW

CAMPUS VILLAGE

REZONING

Case: **10-062**



MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
May 20, 2010, 7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Chairman John Nichols, Doug Slack, Paul Greer and Mike Ashfield

COMMISSIONERS ABSENT: Hugh Stearns, Tom Woodfin, and Scott Shafer

CITY COUNCIL MEMBERS PRESENT: Mayor Nancy Berry

CITY STAFF PRESENT: Senior Planner Jason Schubert, Graduate Civil Engineer Erika Bridges, Senior Assistant City Engineer Carol Cotter, Greenways Program Manager Venessa Garza, Transportation Planning Coordinator Joe Guerra, Planning Administrator Molly Hitchcock, Assistant Director Lance Simms, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins, and Administrative Support Specialist Brittany Caldwell

1. Call meeting to order.

Chairman Nichols called the meeting to order at 7:05 p.m.

2. Hear Citizens.

None

Regular Agenda

5. Public hearing, presentation, possible action, and discussion regarding a Rezoning from C-1 General Commercial and R-4 Multi-Family / Conditioned PDD Planned Development District to PDD Planned Development District for 42.56 acres located at 1711 Harvey Mitchell Parkway. **Case #10-00500062 (JS)**

Senior Planner Jason Schubert presented the rezoning request and recommended approval.

There was general discussion amongst the Commission regarding the rezoning.

Chairman Nichols opened the public hearing.

Chuck Ellison, representing the applicant, stated that the reason the rezoning was being brought back to the Commission is due to the applicant's request to extend the conditioned time period for the deed to on or before November 15, 2010. He also stated that during the design of the project there were a few revisions to the original request.

Robert Rose, 3201 Walnut Creek Court, Bryan, Texas, asked what material would be used to construct the multi-use path, as well as what the width would be. He also asked if lighting would be provided and who would maintain the path.

Greenways Program Manager Venessa Garza stated that concrete would be used to construct the path and it would be 10-feet wide. She said that lighting would not be provided because it is not part of the scope and would require additional funding. She also stated that Public Works would maintain the path.

Chairman Nichols closed the public hearing.

Commissioner Greer motioned to recommend approval of the rezoning. Commissioner Ashfield seconded the motion, motion passed (4-0).

8. Adjourn.

Commissioner Greer motioned to adjourn the meeting. Commissioner Ashfield seconded the motion, motion passed (4-0).

The meeting was adjourned at 8:50 p.m.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and Exhibit "B", and as shown graphically in Exhibit "C" and Exhibit "D", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: Said Ordinance will not become effective unless a deed executed by Brazos County Markets, LLC is recorded in the Official Records of Brazos County, Texas on or before the 15th day of November, 2010.

PASSED, ADOPTED and APPROVED this 10th day of June, 2010

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property is rezoned from C-1 General Commercial and R-4 Multi-Family / conditioned PDD Planned Development District to PDD Planned Development District: Lot 2R and Lot 3R, The Woodlands of College Station Subdivision.

EXHIBIT "B"

The applicant has provided the following information related to the purpose and intent of the proposed zoning district:

"The purpose of the development is to provide an urban pedestrian and bike friendly development containing multi-family housing, retail, and related uses in close proximity to Texas A&M University. The intent of the overall development is to provide for housing with the retail, restaurant, and related commercial uses being integrated in the overall development that will support not only the development, but nearby residential as well as pass by traffic."

The Concept Plan proposes three use areas. The Commercial area along Harvey Mitchell Parkway will follow the uses and standards of the C-1 General Commercial district. The Multi-Family area located in the center portion will adhere to the uses and standards of the R-6 High Density Multi-Family district. The Mixed Use area is located at the corner of Southwest Parkway and Wellborn Road. The Mixed Use area requires non-residential uses on the ground floor with the option for multi-family units and/or other non-residential uses above the ground floor to create a vertical mixed use. The Mixed Use area utilizes P-MUD Planned Mixed Use District uses in effect at this time this ordinance was adopted with addition of Health Care, Medical Clinic and Drive-in / thru window as permitted uses. The Mixed Use area will follow the standards of the C-1 General Commercial district except as otherwise provided in this ordinance. The 100-year floodplain is retained as Natural Areas Reserved and the Concept Plan accommodates the relocation of the existing hike and bike trail easement for the proposed multi-use path. The Concept Plan in Exhibit "C" is divided into four sheets which graphically depicts the development and provides notes which are incorporated herein to describe additional details and development standards.

Through the PDD, the following meritorious modifications have been granted:

1. Section 3.17 "Administrative Adjustment" of the Unified Development Ordinance

The Administrator has the authority to grant Administrative Adjustments for up to 10% of any design standard in addition to the dimensional standards already authorized.

2. Section 5.2 "Residential Dimensional Standards" and 5.4 "Non-Residential Dimensional Standards" of the Unified Development Ordinance

Required setbacks along internal property lines shall be reduced to 5 feet. An internal property line is defined as a property line not bounded by Southwest Parkway, Wellborn Road, or Harvey Mitchell Parkway.

3. Section 7.2.E "Interior Islands" of the Unified Development Ordinance

Landscape areas between abutting head-in parking can count toward the interior island requirement. To qualify, the island will need to be at least 8 feet in width between the spaces.

4. Section 7.2.C.7 Subsection of “Dimensions and Access” of the Unified Development Ordinance

In the Multi-Family area, the requirement for parking spaces located within 15 feet of a right-of-way to provide a double landscape island (18-foot wide) for every 7 parking spaces is reduced to a single (9-foot wide) island for every 15 parking spaces. As part of this reduction, canopy trees are to be planted along the multi-use path that are equal in number to the reduction in the number of landscape island areas, with one canopy tree for every single-sized island area that would have otherwise been required. For example, if this Subsection would require 15 double islands (an area equal to 30 single-sized islands) and this reduction only requires 12 single island areas then 18 canopy trees are to be planted along the multi-use path, the difference in the number of single island areas as a result of the reduction. Also, if a complete site plan application for vertical mixed use has not been submitted within five years of the effective date of this zoning ordinance then the islands in the multi-family area will be modified to comply with the double island requirement.

5. Section 7.4.N “Freestanding Commercial Signs” of the Unified Development Ordinance

Two additional freestanding signs are permitted within the building plot consisting of the entire The Woodlands of College Station Subdivision in addition to the two freestanding signs permitted by Section 7.4.N. The additional signs will be placed at the existing driveways to Harvey Mitchell Parkway and Southwest Parkway and are limited to 10 feet in height and 100 square feet in area each.

6. Section 7.6.F “Buffer Standards” of the Unified Development Ordinance

No buffer is required between the commercial and mixed use areas and the proposed and existing multi-family uses. The Natural Areas Reserved serves as the buffer in most areas.

7. Section 8.2.A.9.b “Utility Easements” of the Unified Development Ordinance

Public utility easements are not required on internal lot lines if the property is replatted. Public utility easements in alternate locations will be required if necessary to serve utilities to each of the proposed lots.

8. Section 8.2.A.10 “Blocks” of the Unified Development Ordinance

In lieu of block length requirements, the central drive will be constructed with a minimum 24-foot paving width, 5-foot sidewalks on both sides between the traffic circles, allow parallel parking (with a wider paving width), meet driveway spacing standards for a minor collector and the geometry, including centerline radii, for fire apparatus access roads.

9. Section 8.2.A.13 “Sidewalks” of the Unified Development Ordinance

Sidewalks are not required along Harvey Mitchell Parkway as alternative pedestrian routes are provided with the multi-use path and the central drive between the traffic circles to be constructed with a sidewalk on each side. Sidewalks will be provided on Wellborn Road and Southwest Parkway.

10. Section 8.7 “Requirements for Parkland Dedication” of the Unified Development Ordinance

In lieu of the Neighborhood Park Development Fee, the developer may design and construct the multi-use path and receive dollar-for-dollar credit against the neighborhood park development fee. The multi-use path will be designed with the first phase of development and will be constructed and dedicated to the City prior to issuance of Certificates of Occupancy of the second phase. The design is to meet City specifications for a public multi-use path and include exercise stations. The developer may opt out of the path construction but will be required to pay the Neighborhood Park Development Fee for all units.

The following four meritorious modifications apply to the Mixed Use area only if it is developed as vertical mixed use. To qualify as vertical mixed use at least 20% of the gross floor area of the development must consist of residential uses above the ground floor.

11. Section 7.2.C.7 Subsection of “Dimensions and Access” of the Unified Development Ordinance

The requirement for parking spaces located within 15 feet of a right-of-way to provide a double landscape island (18-foot wide) for every 7 parking spaces is reduced to a single (9-foot wide) island for every 15 parking spaces.

12. Section 7.4 “Signs” of the Unified Development Ordinance

The area developed as vertical mixed use may utilize the Hanging Signs and Projection Signs as allowed in the Northgate districts as described in Section 5.6.B.12.c.3 and 4.

13. Section 7.4 “Signs” of the Unified Development Ordinance

Banners are permitted on light poles internal to the site and a community flag for the residential development is allowed.

14. Section 7.9.E.3 “Landscaping” of the Unified Development Ordinance

The double landscaping points for building plots in excess of 50,000 gross square feet are not required. The standard landscaping points and requirements will apply.



NOTES:

1. MAXIMUM BUILDING HEIGHT: 5 STORIES (47-65')
2. 100-YEAR FLOODPLAIN LINE SHOWN ON PLAN
3. REFER TO SITE PLAN FOR DESIGNATED PARKING AREAS
4. REFER TO SITE PLAN FOR BUILDING SITES (IDENTIFIED AS P.B.A.)
5. REFER TO "PROPOSED USE" LEGEND FOR BUILDING SITE USAGE
6. ALL BUILDING SITES, PARKING AREAS AND PEDESTRIAN ACCESS WILL BE ARTIFICIALLY LIT
7. OPEN SPACES AND CONSERVATION AREAS INCLUDE AREAS IN AND AROUND THE FLOODWAY AND COURTYARDS AROUND BUILDINGS
8. GREENWAYS INCLUDE TRAILS AND PARKWAYS
9. REFER TO SITE PLAN FOR STREETS AND ACCESS
10. THERE ARE NO PUBLICLY DEDICATED PARKS SHOWN ON THE SITE PLAN
11. THERE ARE NO SCHOOLS SHOWN ON THE SITE PLAN
12. THE APPROXIMATE LOCATION OF THE 10' HIKE AND BIKE TRAIL IS SHOWN ON THE SITE PLAN. LOCATION WILL VARY WITH FINAL DESIGN
13. THERE ARE NO PROPOSED BUFFER AREAS
14. INDIVIDUAL PHASES SHALL PROVIDE ADEQUATE EMERGENCY VEHICLE ACCESS
15. EXISTING TRAFFIC CIRCLES SHALL BE MODIFIED TO COMPLY WITH THE CURRENT FIRE TRUCK TURN RADIUS AT THE TIME OF CONSTRUCTION OF THE ADJOINING PHASE

16. MINIMUM HEIGHT FOR PRIMARY USE BUILDINGS IN THE MULTIFAMILY AND MIXED USE AREAS SHALL BE 2 STORIES. ACCESSORY BUILDINGS AND ADA ACCESSIBLE DWELLING UNITS MAY BE ONE STORY. COMMERCIAL ONLY BUILDINGS IN THE MIXED USE AREA MAY BE ONE STORY
17. MINIMUM DENSITY IN THE MULTIFAMILY AREA SHALL BE 15 UNITS PER ACRE OR 40 BEDROOMS PER ACRE, WHICHEVER IS LESS. MINIMUM DENSITY MAY BE CALCULATED NET OF NATURAL AREAS RESERVED AND HIKE AND BIKE TRAIL AREAS
18. MIXED USE AREAS SHALL HAVE A MAXIMUM BUILDING SETBACK OF 100' FROM THE PUBLIC RIGHT-OF-WAY
19. SOLID FENCING IS NOT PERMITTED ADJACENT TO THE PUBLIC RIGHT-OF-WAY OR ADJACENT TO A HIKE AND BIKE TRAIL TO QUALIFY AS MIXED USE. AT LEAST 20% OF THE GROSS FLOOR AREA OF THE USES IN THE AREA DESIGNATED MIXED USE ON THE PLAN NEEDS TO CONSIST OF RESIDENTIAL USES
20. ABOVE THE GROUND FLOOR
21. THE CENTRAL DRIVE WILL NOT BE GATED AND GROSS ACCESS EASEMENTS OVER THE CENTRAL DRIVE WILL BE GRANTED WHEN ANY PART OF THE PROPERTY BECOMES SEPARATELY OWNED
22. IF STRUCTURED PARKING IS PROVIDED IN THE MIXED USE OR MULTIFAMILY AREAS, THE GARAGE WILL BE SCREENED FROM THE RIGHT-OF-WAY BY ANOTHER BUILDING OR BE DESIGNED TO BE COMPATIBLE IN MATERIAL AND DESIGN TO THE PRIMARY BUILDINGS WHICH ARE ADJACENT TO IT
23. SIDEWALK STYLE PEDESTRIAN CONNECTIONS NOT TO EXCEED A WIDTH OF 5 FEET WILL BE PROVIDED FROM PARKING AREAS AND ACCESS AREAS TO THE 10' HIKE AND BIKE TRAIL
24. COMMERCIAL AND MIXED USE AREAS WILL MEET THE NON-RESIDENTIAL ARCHITECTURAL STANDARDS CONTAINED IN SECTION 7.9 OF THE UNIFIED DEVELOPMENT ORDINANCE FOR BUILDING PLOTS WITH BUILDINGS IN EXCESS OF 50,000 GROSS SQUARE FEET IN AREA, EXCEPT AS OTHERWISE PROVIDED IN THIS ORDINANCE

OWNER
 THE UNIVERSITY OF TEXAS
 1850 TAMMOTHY ROAD, SUITE 201
 AUSTIN, GEORGIA 30602
 TEL. NO. (770) 352-9100
 FAX NO. (770) 352-9101

APPLICANT/DEVELOPER
 KEVIN MACRAW
 4503 N. GRAND CANYON AVENUE
 SUITE 100
 DALLAS, TEXAS 75242
 CONTACT: KEVIN MACRAW
 TEL. NO. (972) 782-2122
 FAX NO. (972) 782-2122

CIVIL ENGINEER
 WOLF PARK AND ASSOCIATES, INC.
 1000 PARKWAY DRIVE, SUITE 1000
 DALLAS, TEXAS 75201
 CONTACT: JACK O'BRIEN
 TEL. NO. (972) 775-1200
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ARCHITECT
 O'BRIEN AND ASSOCIATES, INC.
 5010 HARVEST HILL ROAD, SUITE 108
 DALLAS, TEXAS 75246
 CONTACT: JACK O'BRIEN
 TEL. NO. (972) 786-1626
 FAX NO. (972) 786-1626

**CONCEPTUAL PDD
 SITE PLAN
 CAMPUS VILLAGE**

LOTS 2R & 3R
 OF THE WOODLANDS
 OF COLLEGE STATION
 SUBDIVISION
 NORTHEAST CORNER OF
 HARVEST HILL ROAD AND
 WELLSBORO ROAD
 CITY OF COLLEGE STATION, TEXAS
 APPROXIMATELY 42.56 ACRES



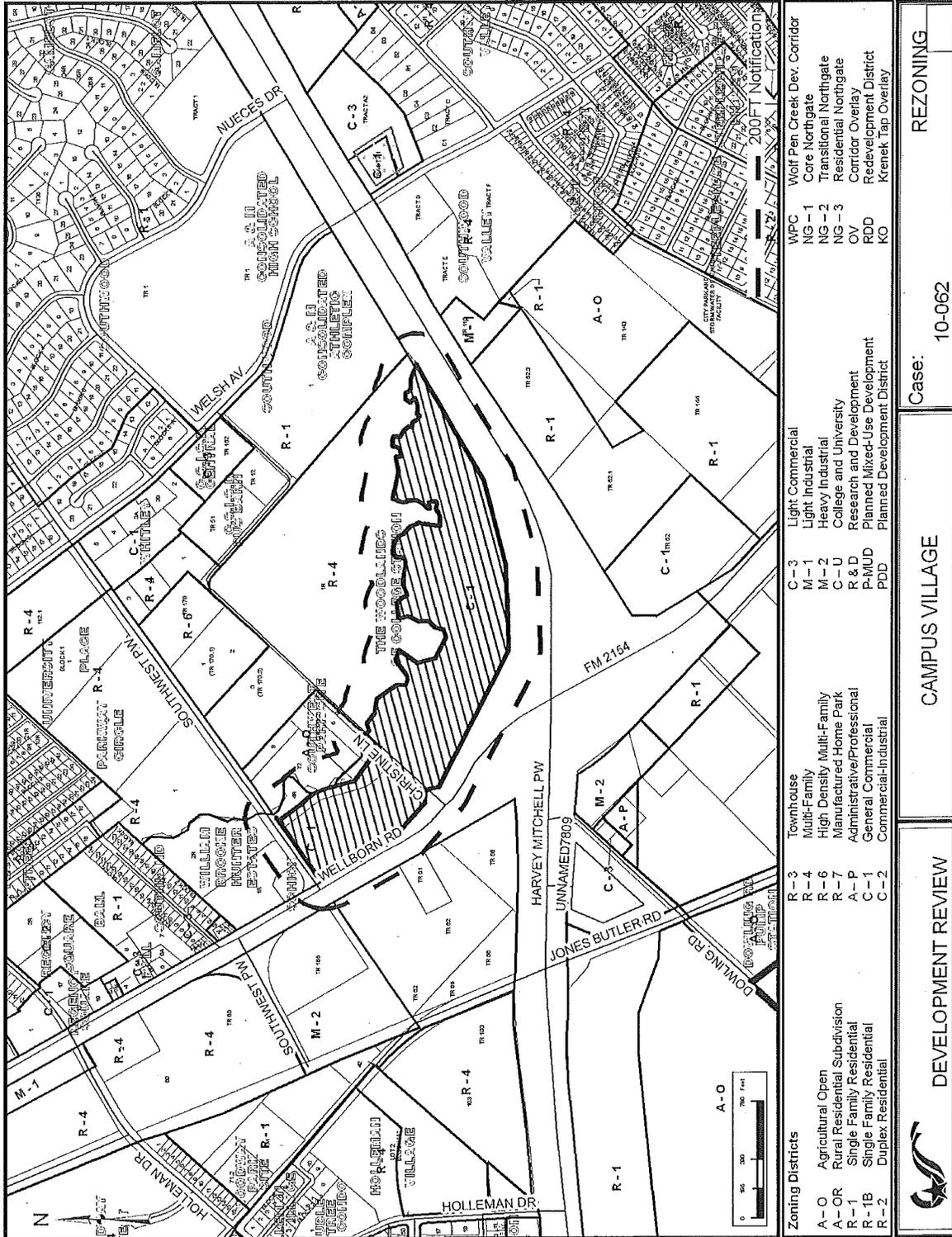
Campus
 Village
 Communities

C-PDD-SP-04
 SCALE: N.T.S. • 0209.2003 • SUBMITTAL DATE: 10/20/09
 APPROVED BY: _____ DATE: _____



O'BRIEN

EXHIBIT "D"



REZONING

Case: 10-062

CAMPUS VILLAGE

DEVELOPMENT REVIEW



June 10, 2010
Regular Agenda Item No. 2
Central College Station Neighborhood Plan

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning and Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the City of College Station Comprehensive Plan by adopting the Central College Station Neighborhood Plan and the associated Community Character and Future Land Use Map and Bicycle, Pedestrian, and Greenways Master Plan Map amendments.

Recommendation(s): The Planning and Zoning Commission will hear this item at the June 3rd meeting of the Commission. Their recommendation will be presented to Council at the meeting.

Summary: This item is for consideration of the Central College Station Neighborhood Plan. This Plan is the first in a series of neighborhood, district, and corridor plans that are created to implement the City's Comprehensive Plan vision to create, promote, and enhance places of distinction.

The process for the plan began in August, 2009 with the selection and establishment of the Neighborhood and Planning Resource Teams. Over the past nine months, Staff has worked with the neighborhood to develop a plan to address community character and land use, neighborhood integrity, mobility, and sustainability. Over the course of the planning process, three community-wide meetings were held, along with an online survey. Additionally, representatives from CSISD and TAMU student groups were involved in the process.

The Plan focuses on four goals:

1. Promote and protect the suburban residential character in the core of Central College Station balanced with the need to provide denser redevelopment options along the neighborhood fringe.
2. Improve neighborhood organizations, property maintenance and City code compliance in owner-occupied areas to elevate the attractiveness of Central College Station's subdivisions as an affordable, family-friendly neighborhood.
3. Promote a safe, well-connected, context-sensitive, multi-modal transportation system to better connect Central College Station to the rest of the community and its local neighborhood centers.
4. Increase awareness and participation in resource conservation efforts.

The plan incorporates 25 strategies, and 148 action items to be implemented over the next five to seven years. Example strategies include coordinated public investments, effective training and organizational support, and on-going evaluation and indicator systems. Through the implementation of these strategies, the City aims to stabilize and protect this area as an attractive and stable single-family neighborhood for future residents of College Station.

Staff provided a final draft copy of the Plan as well as an overview of the document to the City Council on May 27th.

Budget & Financial Summary: Capital and operations and maintenance costs are noted in the Neighborhood Plan.

Attachments:

1. The Central College Station Neighborhood Plan is on file at the City Secretary's Office.
2. Adopted Ordinance #3186
3. Ordinance

ORDINANCE NO. 3186

AN ORDINANCE REPEALING THE OFFICIAL CITY OF COLLEGE STATION COMPREHENSIVE PLAN (ADOPTED BY ORDINANCE NO. 2617) AND ADOPTING A NEW COMPREHENSIVE PLAN AND ALL PREVIOUS AND SUBSEQUENT PLANS AS APPLICABLE, AS THE "OFFICIAL CITY OF COLLEGE STATION COMPREHENSIVE PLAN," AS SET OUT BELOW, AND PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That the Official City of College Station Comprehensive Plan (adopted by Ordinance No. 2617) is hereby repealed and a new Comprehensive Plan is hereby adopted as the "Official City of College Station Comprehensive Plan" as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.
- PART 2: That the Official City of College Station Comprehensive Plan (Comprehensive Plan) includes all plans, studies and amendments as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.
- PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 4: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 28th day of May, 2009.

ATTEST:


City Secretary

APPROVED:


MAYOR

APPROVED:


City Attorney

EXHIBIT "A"

The City of College Station's official Comprehensive Plan consists of the following documents that have been previously adopted by resolution and / or ordinance; all other documents previously adopted as a part of the Comprehensive Plan are superseded by the adoption of this Comprehensive Plan:

- The Northgate Redevelopment Plan dated November 1996
- The Revised Wolf Pen Creek Master Plan dated 1998
- A Network of Greenways for College Station dated May 1999
- Bikeway and Pedestrian Master Plan dated October 2002
- Northgate Redevelopment Implementation Plan dated July 2003
- East College Station Transportation Study dated December 2007
- Parks, Recreation and Open Space Master Plan dated May 2005
- Park Land Dedication Neighborhood Park Zones Map dated January 2009
- Park Land Dedication Community Park Zones Map dated April 2009

Any subsequent plans and studies amending the Comprehensive Plan shall be adopted by ordinance and incorporated as part of the Official City of College Station Comprehensive Plan.

The Comprehensive Plan is to be used as a guide for growth and development for the entire City and its Extraterritorial Jurisdiction (ETJ). The Comprehensive Plan depicts generalized locations of items such as proposed future land uses and thoroughfares that are subject to modification.

The Comprehensive Plan, in particular the Future Land Use and Character Map, and any adopted amendments thereto, shall not be nor be considered to be a zoning map; shall not constitute zoning regulations or establish zoning boundaries; and shall not be site or parcel specific, but shall be used to illustrate generalized locations.

The Comprehensive Plan, in particular the Thoroughfare Plan map, and any adopted amendments thereto, shall depict generalized locations of future thoroughfares, subject to modification. Alignments within 1,000 feet of the alignments shown will not require a Thoroughfare Plan amendment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF COLLEGE STATION COMPREHENSIVE PLAN ORDINANCE 3186 BY ADOPTING THE **CENTRAL COLLEGE STATION NEIGHBORHOOD PLAN**, FOR THE AREA GENERALLY LOCATED BETWEEN HARVEY MITCHELL PARKWAY SOUTH, TEXAS AVENUE SOUTH, ROCK PRAIRIE ROAD, AND WELLBORN ROAD AS SET OUT BELOW, AMENDING THE **COMMUNITY CHARACTER AND FUTURE LAND USE MAP** FOR THE FOLLOWING AREAS LAREDO COURT, TEXAS AVENUE SOUTH AT DEACON DRIVE, 1813 SARA DRIVE, EAST SIDE OF LONGMIRE DRIVE SOUTH OF SARA DRIVE, WEST SIDE OF LONGMIRE DRIVE SOUTH OF PONDEROSA, SOPHIA LANE, AND PINION LOOP, AMENDING THE **COMMUNITY ASSETS AND IMAGE CORRIDORS MAP** BY ADDING NEIGHBORHOOD IMAGE CORRIDORS ON RIO GRANDE BOULEVARD AND DEACON DRIVE, AND AMENDING THE **BICYCLE, PEDESTRIAN, AND GREENWAYS PLAN** AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That Part 1 and Part 2 of Ordinance 3186 adopting the "Official City of College Station Comprehensive Plan" as adopted on May 28, 2009 shall remain in full force and effect.
- PART 2: That the "Central College Station Neighborhood Plan" as set out in Exhibit "A" and made a part of this ordinance for all purposes, is hereby adopted and approved.
- PART 3: That the "Official City of College Station Comprehensive Plan" be amended by amending the "**Community Character and Future Land Use Map**" as set out in Exhibits "B", "C", "D", "E", "F", "G", "H", and "I" for the identified area and made a part of this ordinance for all purposes.
- PART 4: That the "Official City of College Station Comprehensive Plan" be amended by amending the "**Community Assets and Image Corridor Plan**" as set out in Exhibits "B", " and "J" for the identified area and made a part of this ordinance for all purposes.
- PART 5: That the "Official City of College Station Comprehensive Plan" be amended by amending the "**Bicycle, Pedestrian, and Greenways Master Plan**" as set out in Exhibits "B", "K", and "L" for the identified area and made a part of this ordinance for all purposes.
- PART 6: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 7: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

City Attorney

Henry Carzoli

ORDINANCE NO. _____

Page 3

EXHIBIT "A"

CENTRAL COLLEGE STATION NEIGHBORHOOD PLAN

EXHIBIT "B"

I

**AMENDED AREA OF
COLLEGE STATION COMMUNITY CHARACTER AND FUTURE LAND USE MAP**

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the College Station Land Use Plan Map as follows:

The approximately 2.4 acres generally located at Laredo Court is amended from Neighborhood Conservation to Urban, as shown on the attached Exhibit "C".

II

**AMENDED AREA OF
COLLEGE STATION COMMUNITY CHARACTER AND FUTURE LAND USE MAP**

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the College Station Land Use Plan Map as follows:

The approximately 7 acres generally located at Texas Avenue South and Deacon Drive is amended from General Commercial to Urban, with the following conditions, and as shown on the attached Exhibit "D".

Condition: This area may incorporate commercial, multi-family, or a mix of the two uses similar to requirements for Urban character allowances in Growth Areas.

III

**AMENDED AREA OF
COLLEGE STATION COMMUNITY CHARACTER AND FUTURE LAND USE MAP**

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the College Station Land Use Plan Map as follows:

The approximately 0.4 acres generally located at 1813 Sara Drive is amended from General Commercial to Urban, as shown on the attached Exhibit "E".

IV

**AMENDED AREA OF
COLLEGE STATION COMMUNITY CHARACTER AND FUTURE LAND USE MAP**

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the College Station Land Use Plan Map as follows:

The approximately 14 acres generally located east of Longmire Drive at Ponderosa Drive is amended from General Commercial to Business Park, with the following conditions, as shown on the attached Exhibit "F".

Condition: Development in this areas should be designed with Suburban Commercial building and site standards. This would include lower building heights, residential design components and roof tops, and adequate landscaping to lend a more residential feel to the developments.

V
**AMENDED AREA OF
COLLEGE STATION COMMUNITY CHARACTER AND FUTURE LAND USE MAP**

That the “Comprehensive Plan” of the City of College Station, Texas, is hereby amended by amending the College Station Community Character and Land Use Plan Map as follows:

The approximately 11.7 acres generally located west of Longmire Drive at Ponderosa Drive is amended from General Commercial to Suburban Commercial, as shown on the attached Exhibit “G”.

VI
**AMENDED AREA OF
COLLEGE STATION COMMUNITY CHARACTER AND FUTURE LAND USE MAP**

That the “Comprehensive Plan” of the City of College Station, Texas, is hereby amended by amending the College Station Community Character and Land Use Plan Map as follows:

The approximately 2.8 acres generally located at Sophia Lane is amended from Urban to Neighborhood Conservation, as shown on the attached Exhibit “H”.

VII
**AMENDED AREA OF
COLLEGE STATION COMMUNITY CHARACTER AND FUTURE LAND USE MAP**

That the “Comprehensive Plan” of the City of College Station, Texas, is hereby amended by amending the College Station Community Character and Land Use Plan Map as follows:

The 7.5 acres generally located at Pinion Loop is amended from Urban to General Suburban, as shown on the attached Exhibit “I”.

VIII
**AMENDED AREA OF
COMMUNITY ASSETS AND IMAGE CORRIDOR MAP**

That the “Comprehensive Plan” of the City of College Station, Texas, is hereby amended by amending the Community Assets and Image Corridor Map as follows:

Adding Neighborhood Image Corridors on Rio Grande Boulevard and Deacon Drive, as shown on the attached Exhibit “J”.

IX
**AMENDED AREA OF
BICYCLE, PEDESTRIAN, AND GREENWAYS PLAN**

That the “Comprehensive Plan” of the City of College Station, Texas, is hereby amended by amending the Bicycle, Pedestrian, and Greenway Plan Proposed Bicycle Facilities Map as follows:

Adding a multi-use path between Balcones Drive to the library property through Fitch Park, as shown on the attached Exhibit “K”.

X
**AMENDED AREA OF
BICYCLE, PEDESTRIAN, AND GREENWAYS PLAN**

That the “Comprehensive Plan” of the City of College Station, Texas, is hereby amended by amending the Bicycle, Pedestrian, and Greenway Plan Proposed Pedestrian Facilities Map as follows:

Adding a multi-use path between Balcones Drive to the library property through Fitch Park, as shown on the attached Exhibit “L”,

Adding a sidewalk on Todd Trail between Brothers Boulevard and Longmire Drive, as shown on the attached Exhibit “L”, and

Moving the sidewalk on Adrienne Drive between Deacon Drive and Ponderosa Drive to Normand Drive, as shown on the attached Exhibit “L”.

EXHIBIT "C"



EXHIBIT "D"

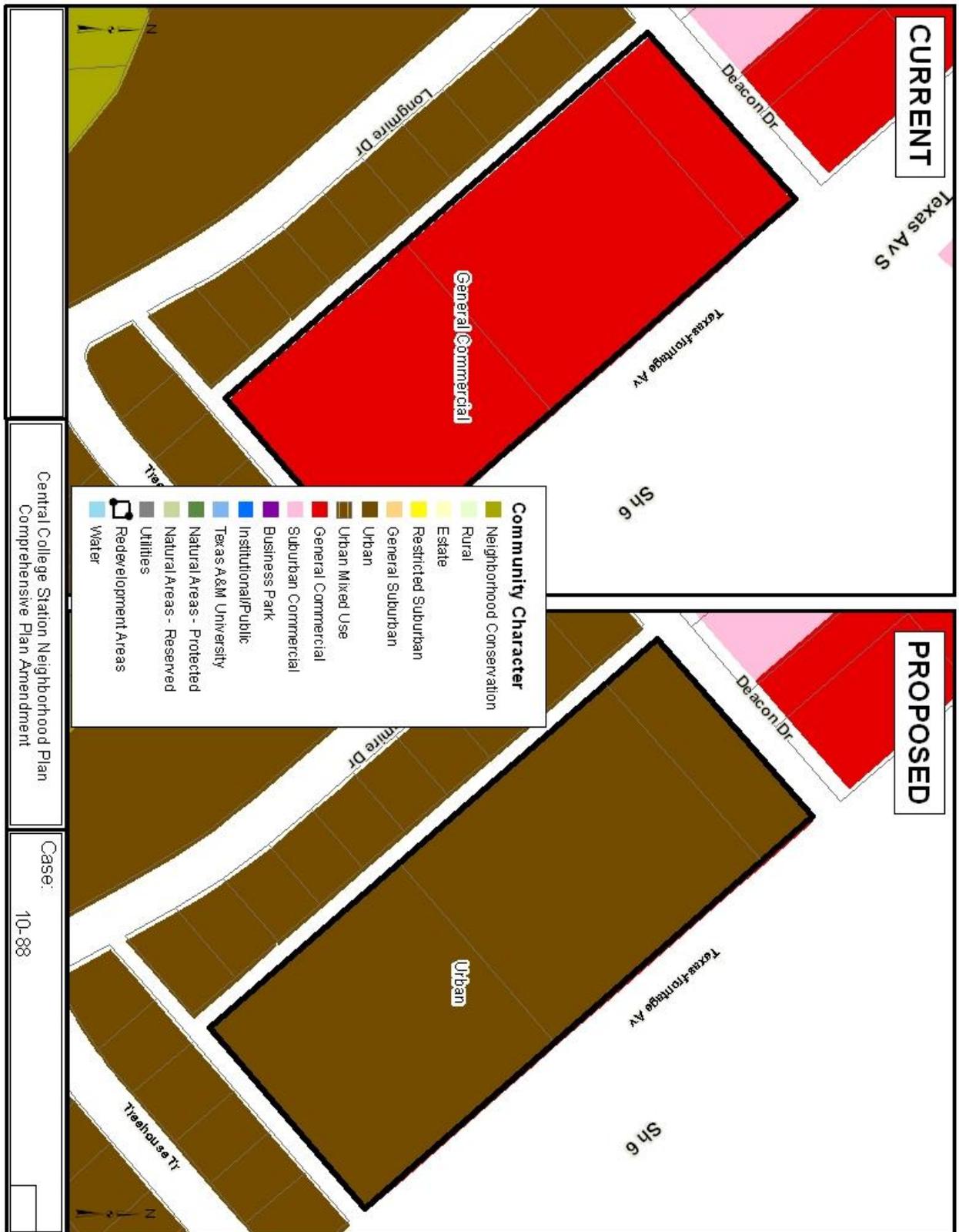


EXHIBIT "E"

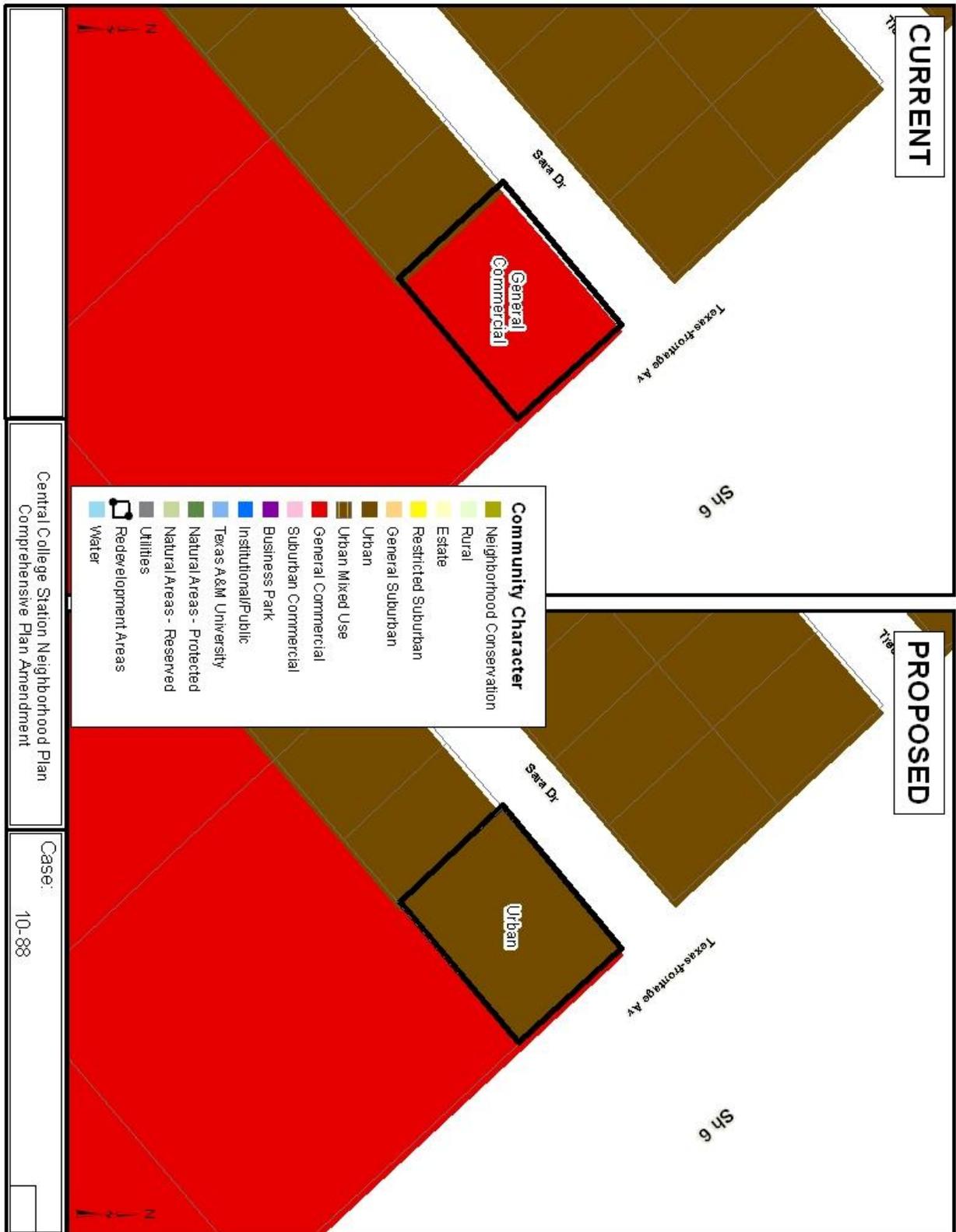


EXHIBIT "F"

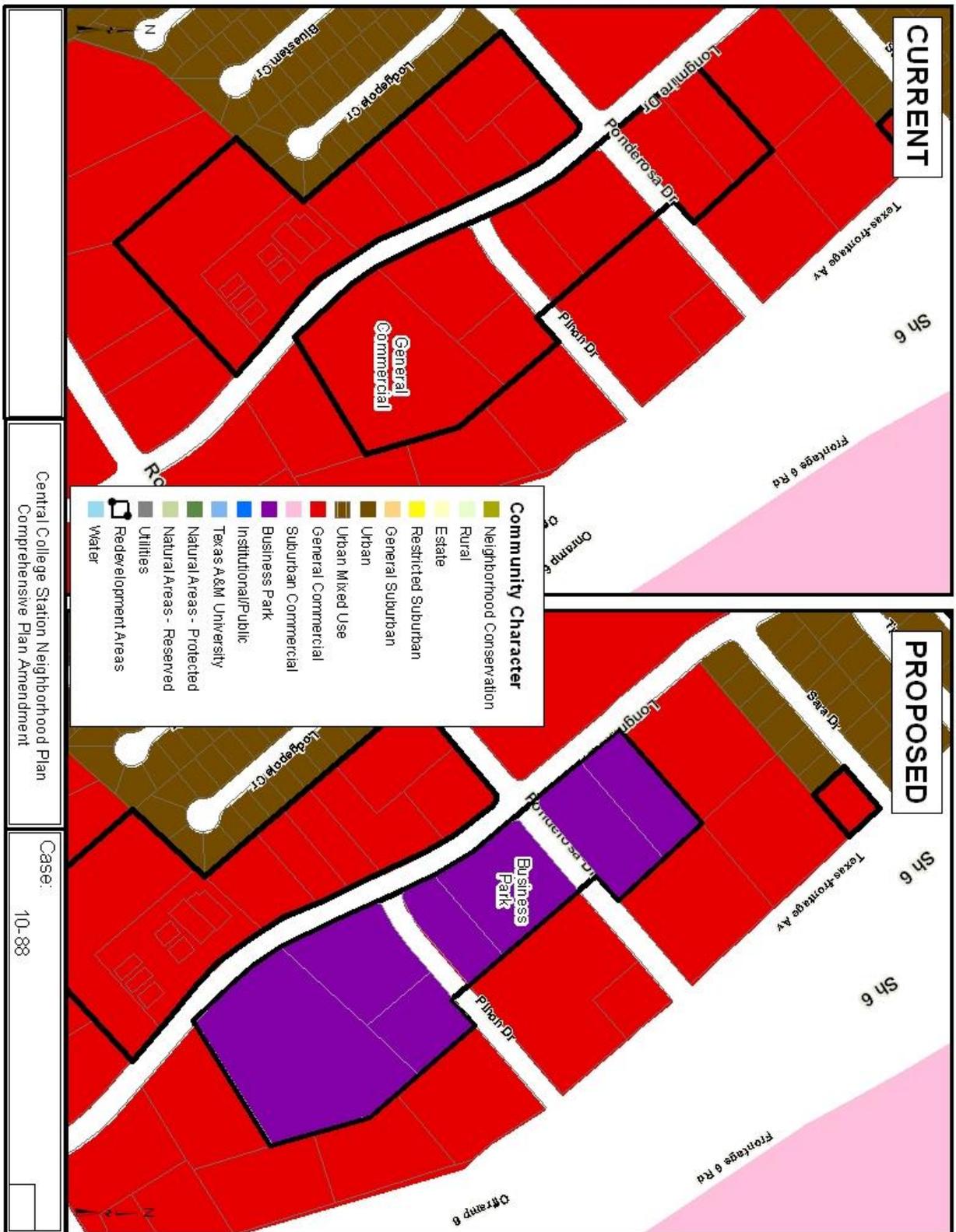


EXHIBIT "G"

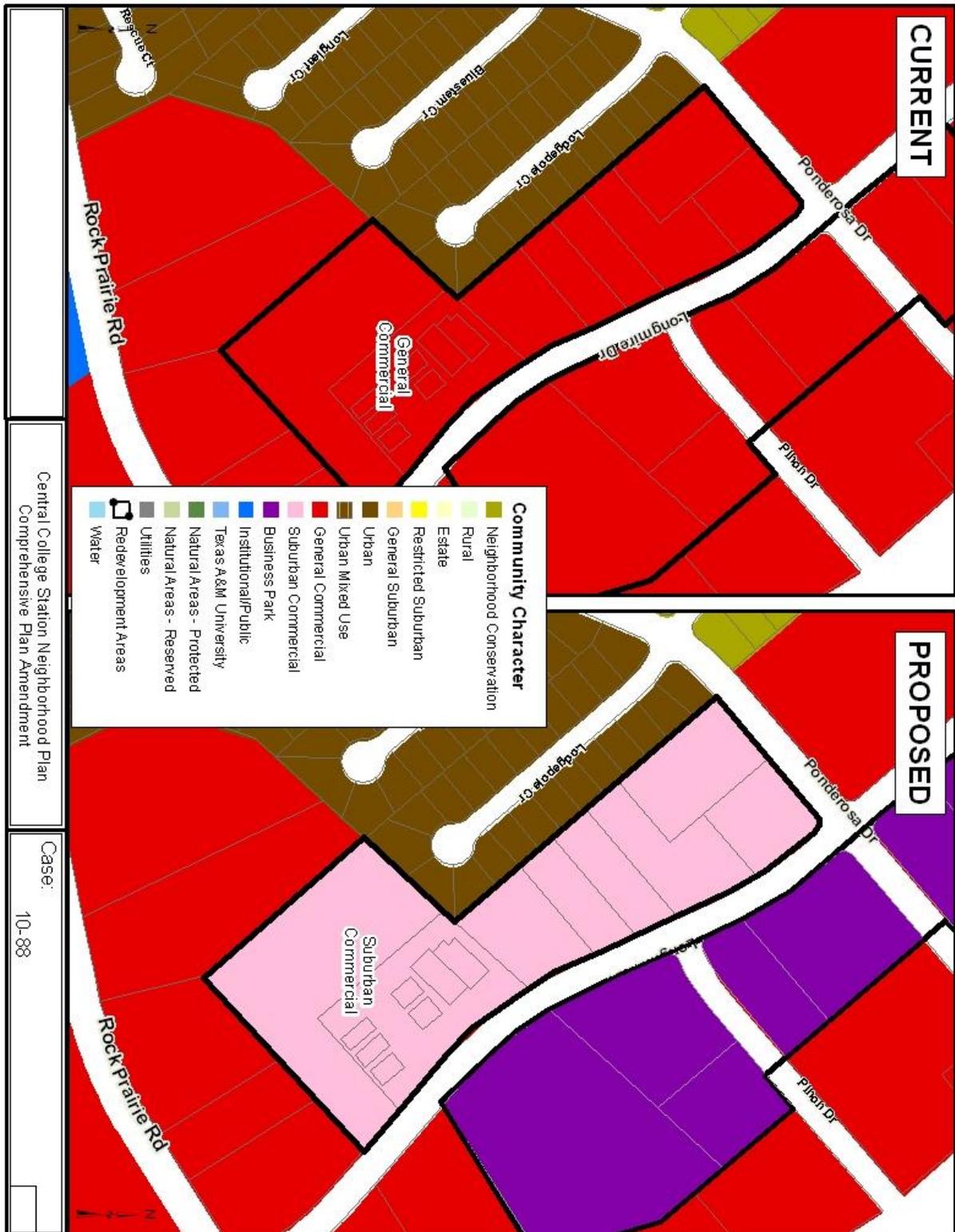


EXHIBIT "H"



EXHIBIT "I"

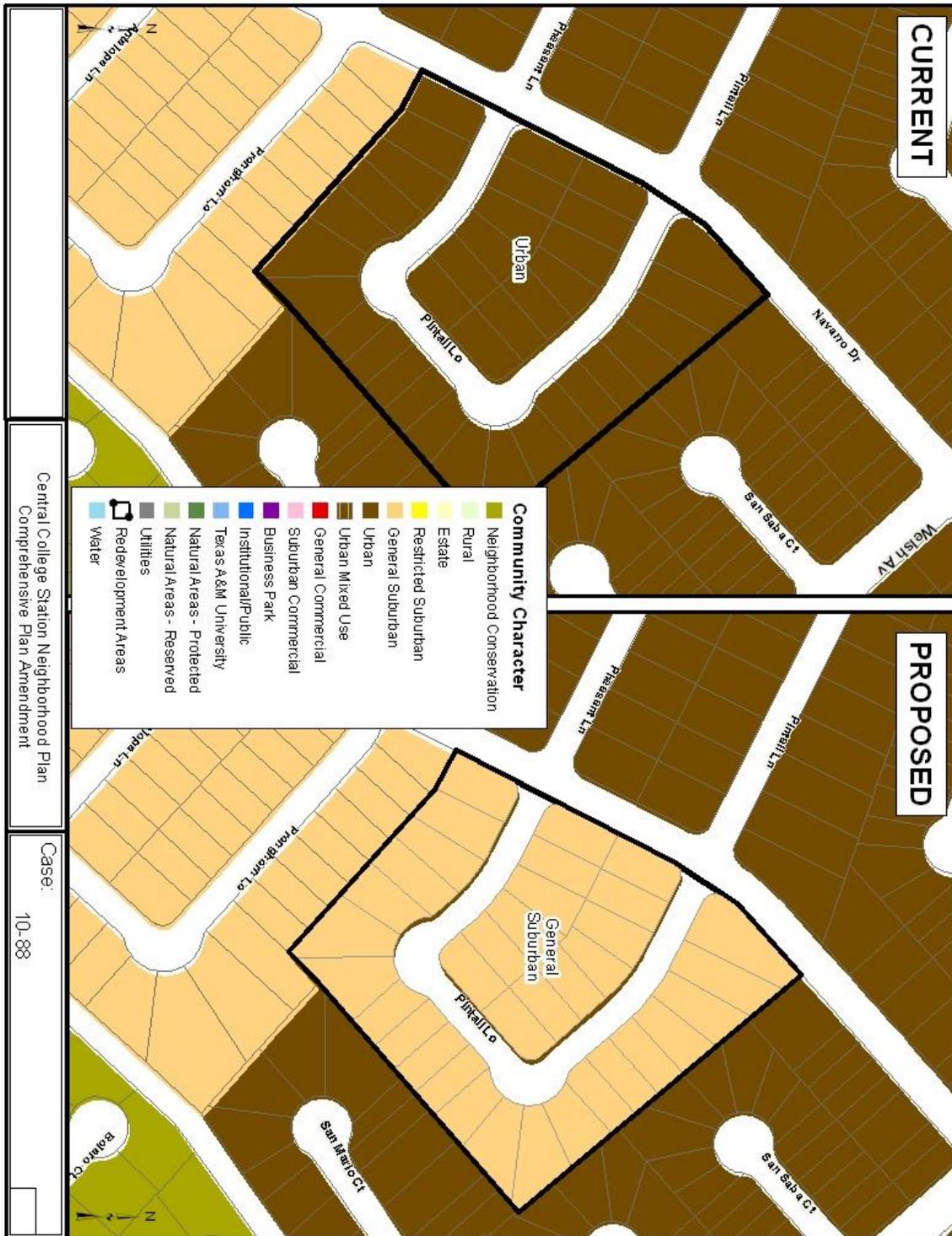


EXHIBIT "J"



EXHIBIT "K"

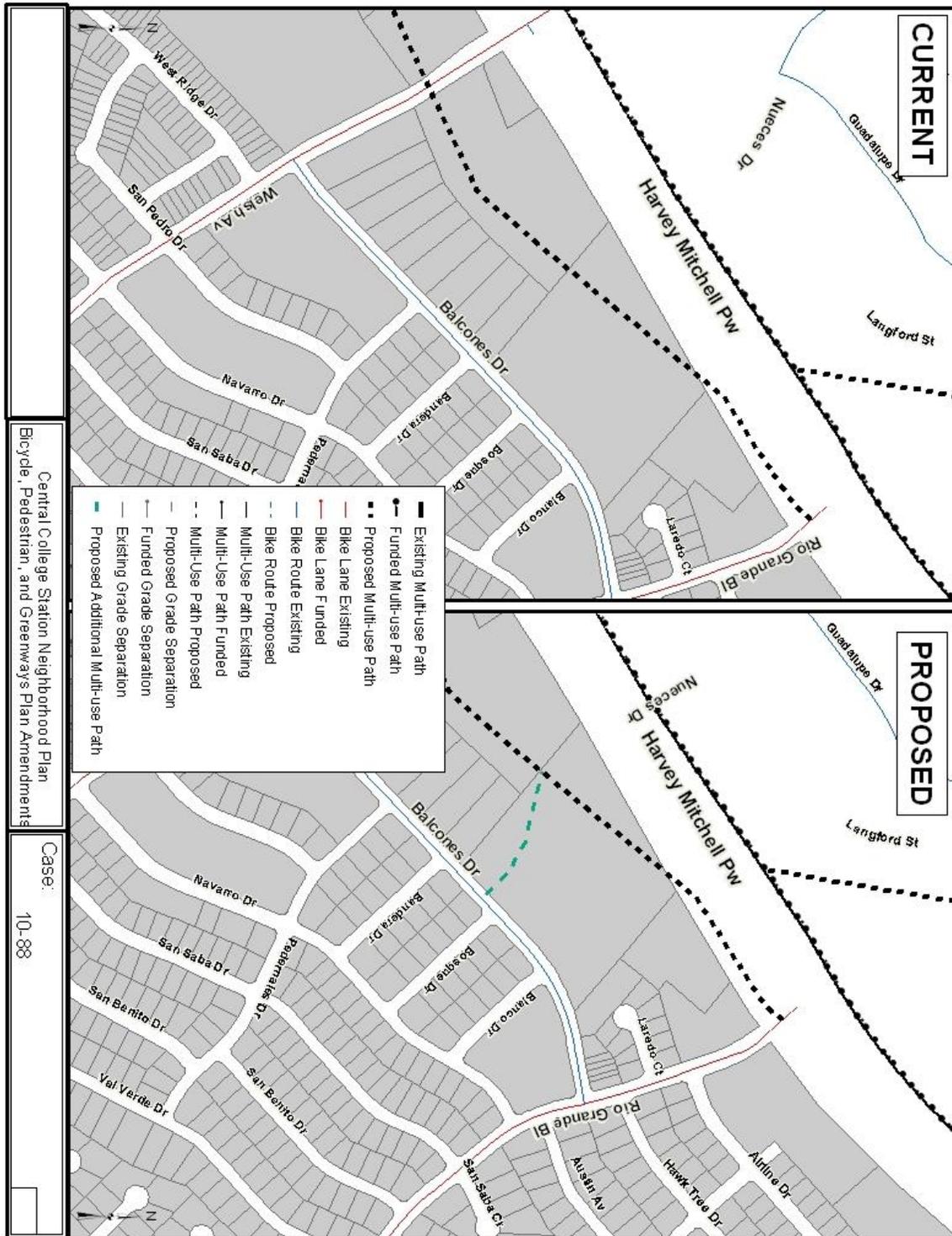
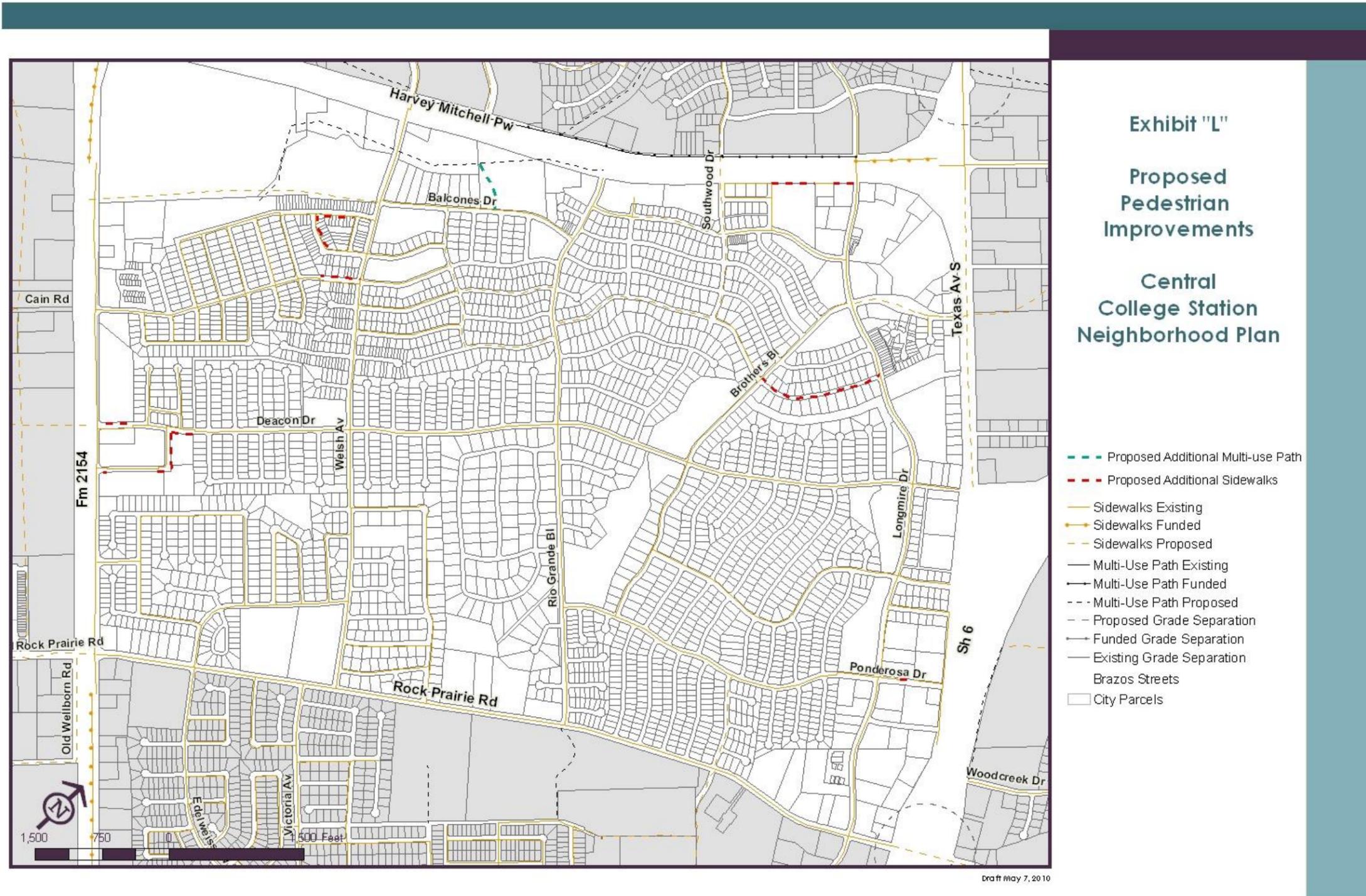


EXHIBIT "L"



**June 10, 2010
Regular Agenda Item No. 3
Initiative Petition**

To: Glenn Brown, City Manager

From: Connie Hooks, City Secretary

Agenda Caption: Presentation, possible action, and discussion of City Secretary review of amended initiative petition submission on ordinance granting consent for the incorporation of Wellborn.

Summary: On Tuesday, May 4, an initiative petition and ordinance were submitted to the City from members of the Petition circulators. The petition contained language that directed the College Station City Council to either adopt an ordinance granting consent to the citizens of Wellborn for an election on the proposition of the incorporation of Wellborn as a municipality, or call an election placing the proposition before the voters in College Station. The City Secretary examined the petition and presented the results to the City Council at its workshop meeting on May 17, 2010. The petition was declared invalid in accordance with process defined in Article X of the City Charter.

On May 27, 2010, Mrs. Cohen and members of the Citizens for Wellborn committee submitted supplemental documents to the original petition within the time frame required by the City Charter Section 87.

The City Secretary reviewed the amended petition and concluded it is insufficient based on the following issues.

- 1) Not clear in all sworn affidavits that a complete initiative ordinance was presented to voters.

If an incomplete ordinance was presented to the voters it is vague, ambiguous and invalid.

- 2) The concerns stated by the City Attorney in his letter to City Secretary are not resolved.

Members of the petition circulation committee are College Brian Alg, Elizabeth Becker, Louis Bouse, Teri Gerst, and Marcy Halterman, College Station registered voters.

Recommendation: No action is required by City Council.

Attachments:

1. May 4, 2010 Letter from Mrs. Jane Cohen (Citizens for Wellborn)
2. Filer's Certification
3. Initiative Petition (signature sheet)
4. Ordinance granting consent to Incorporation including Exhibit A (plat)
5. Amended Affidavit of Circulators
6. May 13 memo to City Secretary from City Attorney
7. May 27, 2010 Letter from Mrs. Jane Cohen (Citizens for Wellborn)
8. May 28, 2010 Letter from City Attorney to Alan Bojorquez, Attorney for Citizens for Wellborn

President Jane W. Cohen
Citizens for Wellborn
690-3500
j-cohen@aggienetwork.com

City Secretary



Vice Pres. A. P. Boyd & Cindy Robinson
Secretary Karen Severn
Treasurer Robert S. Cohen
P.O. Box 422, Wellborn, TX 77881

May 4, 2010

Connie Hooks, City Secretary
1101 Texas Ave., P.O. Box 9960
College Station, TX 77842

HAND

MAY - 4 2010

DELIVERED

Dear Ms. Hooks:

The Committee of Collectors, Brian K. Alg, Elizabeth (Beth) J. Becker, Louis F. Bouse, Teri L. Gerst, and Marcy Halterman, who are registered voters of the City of College Station, respectfully submit the attached Initiative Petition and Ordinance to be adopted or to hold a special election within the City of College Station allowing the voters of College Station to vote to allow Wellborn residents the right to vote on incorporation. This Initiative Petition and Ordinance is governed by Article X of the College Station City Charter.

The residents of College Station wish that the College Station City Council adopt the Ordinance or to call a special election on the issue of incorporation at the earliest possible date under the terms of the City's Charter; to allow Wellborn the right to vote and meet the required deadlines imposed by State law for such an election. Furthermore, Article X, Section 86 of the City's Charter requires that you review and certify the attached petition and signatures **no later than ten (10) days** after the petition is submitted to you. This petition is being filed with you on May 4, 2010, therefore, we expect your review and certification to the City Council to be completed by May 14, 2010, and placement of this Ordinance on the next City Council agenda after your verification is complete.

If you have any questions, please feel free to contact any of the Committee of Collectors, me (979-690-3500), or our legal counsel, Alan J. Bojorquez (512) 250-0411.

Thank you,

Jane W. Cohen

Jane W. Cohen
3655 McCullough Road
College Station, Tx 77845-6889

City Secretary

FILER'S CERTIFICATION

The document entitled, "*Initiative Petition Submission An Ordinance Granting Consent for the Incorporation of Wellborn*", was personally submitted by us to the Office of the City Secretary for the City of College Station, Brazos County, Texas, on this, the 4th day of May 2010.

Louis F. Bouse
Louis F. Bouse

Elizabeth (Beth) J. Becker
Elizabeth (Beth) J. Becker

Teri Lee Gerst
Teri Lee Gerst

Brian Alg
Brian Alg

NOTARIZATION

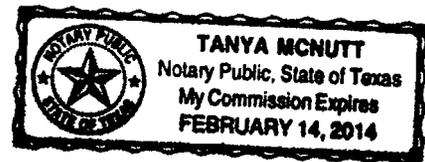
BEFORE ME, the undersigned authority, on this day personally appeared Louis F. Bouse, Elizabeth (Beth) J. Becker, Teri Lee Gerst, Brian Alg, who acknowledged to me and by oath stated that the facts herein stated above are true and correct.

GIVEN UNDER MY HAND & SEAL of office this, the 4th day of May, 2010.

Tanya McNutt
Signature of Notary Public

Tanya McNutt
Printed Name of Notary Public

Commission expires: 2/14/14



INITIATIVE PETITION SUBMISSION AN ORDINANCE GRANTING CONSENT FOR THE INCORPORATION OF WELLBORN

11

WHEREAS, the citizens of the historic community commonly known as Wellborn seek to exercise their right to vote on whether to incorporate the area as a municipality; and
 WHEREAS, the proposed municipality is located in the extraterritorial jurisdiction of the City of College Station, Texas, and
 WHEREAS, the undersigned individuals favor allowing the citizens of Wellborn the opportunity to vote on whether to incorporate the community as a municipality; and
 WHEREAS, the undersigned individuals propose the attached ordinance, *Exhibit "A"*, either be approved by the College Station City Council, or be placed on an election ballot for the electors of the City of College Station to determine whether to grant consent for Wellborn to incorporate; and
 WHEREAS, this Petition is made pursuant to College Station City Charter: Art. X, Sections 83, 85, 86, 88, and 90; and
 WHEREAS, the undersigned individuals are qualified voters/electors within the municipal limits of the City of College Station; and
 NOW THEREFORE, through the power of Initiative, the Petitioners direct the College Station City Council to either adopt the attached ordinance or call an election placing the proposition before the voters in accordance with the Charter.

Circulated by 1) Louis F. Bouse, 811 Plum Hollow Drive, College Station, Tx, 2) Brian K. Alg, 2003 Longmire Court #3, College Station, Tx, 3) Teri L. Gerst, 3923 Hawk Owl Cove, College Station, Tx, 4) Beth J. Becker, 15203 Post Oak Bend, College Station, Tx, 5) Marcy Halterman, 1605 Rock Prairie Road #222, College Station, Tx.

Date	Applicant's Signature	Printed Name of Applicant	Date of Birth (M/D/Y)	Residence Address (Street/City/State/Zip)	Voter Registration Number
4/13/10	<i>Charlynn Beason</i>	Charlynn Beason	6/22/1953	2105 FAIRFAX College Station, TX 77845	1040670180 ✓
4/13/10	<i>John M Brown</i>	JOHN M BROWN	6/28/38	8706 DRIETWOOD PAL COLLEGE STATION TEXAS	1040900585 ✓
4/13/10	<i>Vicente Hernandez</i>	Vicente Hernandez	9/10/50	6606 - 2603 Cumberland College station TX 77845	1041295631 ✓
4/13/10	<i>George Luber</i>	GEORGE LUBER	5/14/37	2510 ANTIETAM DR C/S TX 77845	1009461271 ✓
4/13/10	<i>F. Heaney</i>	Frederick Heaney	1/27/42	3511 Merrimac CT C/S TX 77845	1041352932 ✓
4/13/10	<i>Shayne Kinard</i>	^{Rhonda} Shayne Kinard	4/4/65	7806 Appomattox C.S. TX 77845	1040826119 ✓
4/13/10	<i>B. Keith Hall</i>	^{Brian} B. Keith Hall	9/10/62	9228 Brookwater C.S. TX 77845	1041559156 ✓
4/13/10	<i>Nancy Ann Fink</i>	Nancy Ann Fink	11/10/37	8203 Raintree Dr C/S TX 77845	1040670870 ✓
4/13/2010	<i>Jane A Callahan</i>	JANE A CALLAHAN	2/18/1946	8706 APPOMATTOX DRIVE C.S. TX 77845	1040616402 ✓
4/13/2010	<i>Mark Saunders</i>	MARK SAUNDERS	7/21/1959	2501 Monitor Ct C.S. TX 77845	1146954777 ✓
4/13/2010	<i>Kurt Ritter</i>	Kurt Ritter	06/18/1944	1806 Rosebud Court College Station TX 77845	1040695134 ✓

Circulator's Initials *BA*

JC Page 132 of 153

**ORDINANCE GRANTING CONSENT
TO THE INCORPORATION OF WELLBORN**

**AN ORDINANCE OF THE CITY OF COLLEGE STATION,
TEXAS, GRANTING CONSENT TO THE CITIZENS OF
WELLBORN, TEXAS, FOR AN ELECTION ON THE
PROPOSITION OF THE INCORPORATION OF THE
WELLBORN AREA AS A MUNICIPALITY UNDER THE
LAWS OF TEXAS; PROVIDING AN EFFECTIVE DATE;
AND PROPER NOTICE AND OPEN MEETING**

WHEREAS, the City of College Station's annexations have caused the historical community known as Wellborn to become wholly located within extraterritorial jurisdiction of College Station; and

WHEREAS, a significant number of citizens of Wellborn have expressed their desire to incorporate the area as a separate municipality, and have sought consent from the College Station City Council through submission of an APPLICATION FOR CONSENT TO CONDUCT AN INCORPORATION ELECTION; and

WHEREAS, Chapter 5 of the Texas Local Government Code provides for incorporation of a territory as a general-law municipality; and

WHEREAS, Chapter 42 of the Texas Local Government Code allows a territory located in an existing municipality's extraterritorial jurisdiction to incorporate after obtaining consent from the existing municipality by ordinance or resolution; and

WHEREAS, a significant number of electors College Station, have expressed their desire to grant the citizens of Wellborn consent to incorporate the area as a separate municipality, and have submitted an INITIATIVE PETITION SUBMITTING AN ORDINANCE GRANTING CONSENT FOR THE INCORPORATION OF WELLBORN; and now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION,
TEXAS:**

Section 1: This Ordinance constitutes the governing body of the City of College Station's consent to the incorporation of the proposed municipality of Wellborn, Texas, in the proposed boundaries delineated on the attached plat.

Section 2: This Ordinance shall take effect immediately from and after its passage and publication as required by governing law and the City's Charter.

Section 3: A copy of this Ordinance shall be conveyed to the County Judge of Brazos County immediately upon having been signed by the mayor and verified by the city secretary.

PASSED & APPROVED by the City Council of College Station on this, the ___th day of _____, 2010.

CITY OF COLLEGE STATION:

Honorable Mayor

ATTEST:

City Secretary

AFFIDAVIT OF CIRCULATOR

STATE OF TEXAS

COUNTY OF BRAZOS

BEFORE ME, the undersigned, on this May 25, 2010, personally appeared Louis F. Bouse, (name of person who circulated petition) who being duly sworn, deposes and says: "I called each signer's attention to the petition statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I had petition forms, ordinance Exhibit A, plat, and supporting information on the 140 year old community of Wellborn for each petition signing. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct."

Louis F. Bouse collected 11 signatures on page 1 of 153 pages.

SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE

Louis F Bouse

Signature of Circulator

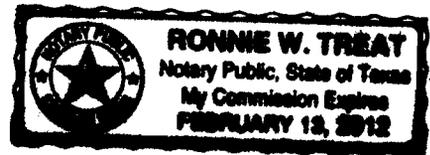
Ronnie W. Treat

Signature of officer administering oath

(SEAL)

Notary Public

Title of officer administering oath



AFFIDAVIT OF CIRCULATOR

STATE OF TEXAS

COUNTY OF BRAZOS

BEFORE ME, the undersigned, on this May 25, 2010, personally appeared Elizabeth (Beth) J. Becker, (name of person who circulated petition) who being duly sworn, deposes and says: "I called each signer's attention to the petition statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I had petition forms, ordinance Exhibit A, plat, and supporting information on the 140 year old community of Wellborn for each petition signing. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct."

Elizabeth (Beth) J. Becker collected 6 signatures on page 100 of 153 pages.

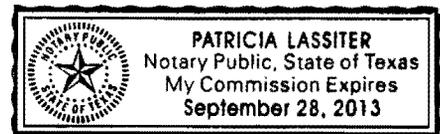
SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE

Elizabeth J. Becker
Signature of Circulator

Patricia Lassiter
Signature of officer administering oath

(SEAL)

Notary Public
Title of officer administering oath



AFFIDAVIT OF CIRCULATOR

STATE OF TEXAS

COUNTY OF BRAZOS

BEFORE ME, the undersigned, on this May 25, 2010, personally appeared Teri L. Gerst, (name of person who circulated petition) who being duly sworn, deposes and says: "I called each signer's attention to the petition statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I had petition forms, ordinance Exhibit A, plat, and supporting information on the 140 year old community of Wellborn for each petition signing. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct."

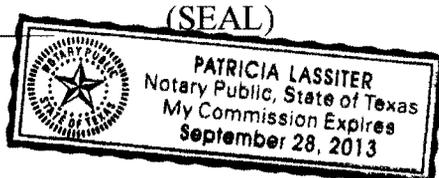
Teri L. Gerst collected 11 signatures on page 130 of 153 pages.

SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE

Teri Gerst
Signature of Circulator

Patricia Lassiter
Signature of officer administering oath

Notary Public
Title of officer administering oath



AFFIDAVIT OF CIRCULATOR

STATE OF TEXAS

COUNTY OF BRAZOS

BEFORE ME, the undersigned, on this May 25, 2010, personally appeared Dr. Marcy Halterman, (name of person who circulated petition) who being duly sworn, deposes and says: "I called each signer's attention to the petition statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I had petition forms, ordinance Exhibit A, plat, and supporting information on the 140 year old community of Wellborn for each petition signing. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct."

Dr. Marcy Halterman collected 7 signatures on page 152 of 153 pages.

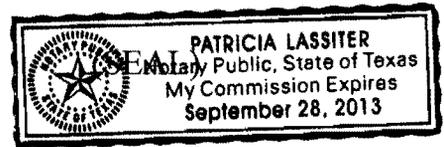
SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE

Clay Halterman Cox

Signature of Circulator

Patricia Lassiter

Signature of officer administering oath



Notary Public

Title of officer administering oath

AFFIDAVIT OF CIRCULATOR

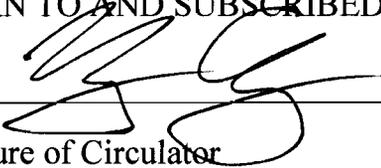
STATE OF TEXAS

COUNTY OF BRAZOS

BEFORE ME, the undersigned, on this May 25, 2010, personally appeared Brian Alg, (name of person who circulated petition) who being duly sworn, deposes and says: "I called each signer's attention to the petition statements and read them to the signer before the signer affixed their signature to the petition. I witnessed the affixing of each signature. The correct date of signing is shown on the petition. I had petition forms, ordinance Exhibit A, plat, and supporting information on the 140 year old community of Wellborn for each petition signing. I verified each signer's registration status and believe that each signature is the genuine signature of the person whose name is signed and that the corresponding information for each signer is correct."

Brian Alg collected 11 signatures on page 149 of 153 pages.

SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE



Signature of Circulator

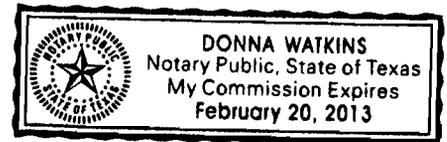


Signature of officer administering oath

(SEAL)



Title of officer administering oath



MEMORANDUM

TO: Connie Hooks, City Secretary
FROM: Harvey Cargill, Jr., City Attorney
DATE: May 13, 2010
RE: Wellborn

1. As we discussed, I agree with your conclusion that the Petition submitted for an Initiative Ordinance is invalid because it does not have attached to each petition paper an affidavit signed by the circulator and does not contain the full text of the proposed ordinance. Section 86 of the Charter specifically requires that the City Secretary "shall" declare the petition invalid if the circulator requirement is not met.

2. Additionally, the ordinance attached to the Initiative petition proposing that consent be granted provides it is for the area delineated on the attached plat. There is no plat attached to the ordinance. By the Charter, the full text of the proposed ordinance must be contained in the petition papers.

If this petition with the ordinance was shown to the voters signing the Petition without the plat attached, the voters were given no idea of what area was to be incorporated, and the ordinance is vague and invalid. If a plat was shown to each voter and represented to the voters as being the area to be incorporated, the voters would know what area is to be incorporated and the plat can be added to the Petition documents. However, the circulators would have to swear the plat was attached and represented to each voter as being the area to be incorporated. At this point the City does not know what area is to be incorporated by Wellborn, and the Charter requirements have not been met.

3. Further, as was stated in the letter of March 29, 2010, if a plat was shown to the voters, and it was the same plat or map that Wellborn previously submitted to the City Council, the area does not constitute a city/town as provided by Section 6.001, 7.001 and 8.001 of the Texas Local Government Code.

As provided in the 2003 edition of the Municipal Law & Procedure Manual, "Before incorporation under any statute, there must be an unincorporated community in existence with a compact center or nucleus of population around which a city or town or village has developed." *State ex rel Needham v. Wilbank*, 595 S.W. 2d 849 (Tex. 1980). If the incorporation is challenged, the Court will look at whether there is a community in a fairly compact area. There should be a nucleus or center which can be shown by such things as businesses, a community hall, a post office or school in fairly close proximity. The area proposed for incorporation must be capable of receiving municipal services on a reasonable basis. This is the language that appeared before Mr. Bojorquez took over editing the Manual, and it is the current law.

If the area proposed in the Initiative Petition ordinance to be incorporated is the previously set out area, it does not meet the legal requirements for incorporation.

4. In order to incorporate Wellborn must comply with Section 42.041 of the Texas Local Government Code. The first step is to request consent to incorporate from the City Council. If consent is not given, the statute provides for a specific second step, to request the area be annexed, after getting 50% of the landowners to request annexation. If the City of College Station fails to annex within 6 months, by operation of law, consent to incorporate is given.

There is no step for circulating an Initiative petition instead of following §42.041. Texas courts have held that a city can no more add a step to the process than it can omit one. Annexation issues are not subject to direct democracy voting through referendum, but are reserved to representative democracy (City Council). The State has set up how and when an area can be incorporated, and the process needs to be followed.

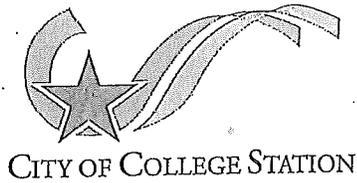
In conclusion, you have determined that as presented the Initiative Petition lacks the affidavits as required by the Charter, and the Petition must be declared invalid. If the Petition is corrected to include the affidavits, the ordinance remains invalid unless the plat is attached to the proposed ordinance and the circulators can swear that the plat was shown to each voter. If the plat shows the same area to be incorporated as was presented earlier, the area does not meet the legal requirements for incorporation. The purpose of incorporation is to recognize that an area has become an urban, compact, contiguous area of homes, not to incorporate a rural area then have folks come. Simply put, Wellborn is not an existing town. Finally, state law provides a process to be followed for incorporation, and an Initiative Petition is not part of that statutory process.

If consent is given by College Station, it can't be taken back. The result is growth in College Station in the southern direction will be cut off by Wellborn's string of properties. Wellborn is already talking about filling in gaps to areas to be incorporated. The decision the City Council makes will be a decision that will decide present and future needs and growth patterns for College Station.

Ultimately, the decision should be what is in the best interests of the citizens of College Station.

Attachment: March 29, 2010 letter to Alan Bojorquez

cc: Mayor Ben White & Members of the City Council and Mayor Elect Nancy Berry and Council Member Elect Jess Fields
Glenn Brown
David Neeley
Kathy Merrill
Carla Robinson
Mary Ann Powell
Bob Cowell



March 29, 2010

Mr. Alan J. Bojorquez
Attorney at Law
12325 Hymeadow Drive
Suite 2-100
Austin, Texas 78750

RE: Initiative Petition Wellborn

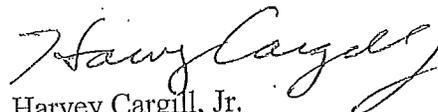
Dear Alan:

I saw in the March 25 newspaper that your clients are going to circulate a petition to authorize the incorporation of Wellborn.

Please be advised that as City Attorney I will recommend to the City Council that no election be called if a petition is submitted. The precedent as established by case law is for zoning and annexation cases, both setting out specific discrete state processes to follow, that "no additional" steps in the process can be imposed and that these processes are "not subject to City Charter initiative or referendum."

Please call if you have questions.

Sincerely,


Harvey Cargill, Jr.
City Attorney

Legal Department
P.O. BOX 9960 • 1101 TEXAS AVENUE
COLLEGE STATION • TEXAS • 77842
TEL. 979.764.3507 • FAX. 979.764.3481

www.cstx.gov

President Jane W. Cohen
Citizens for Wellborn
690-3500
j-cohen@aggienetwork.com



Vice Pres. A. P. Boyd & Cindy Robinson
Secretary Karen Severn
Treasurer Robert S. Cohen
P.O. Box 422, Wellborn, TX 77881

May 27, 2010

Connie Hooks, City Secretary
1101 Texas Ave., P.O. Box 9960
College Station, TX 77842

HAND
MAY 27 2010
DELIVERED

Dear Ms. Hooks:

Per your e-mail of May 18, with a letter of May 14 to the CS City Council, enclosed are supplementary petition papers of almost 600 additional printed pages of materials to amend the original Initiative Petition and Ordinance to let Wellborn vote on incorporation, signed by 1500 registered voters of College Station, submitted May 4 by the College Station Committee of Collectors - Brian K. Alg, Elizabeth (Beth) J. Becker, Louis F. Bouse, Teri L. Gerst, and Marcy Halterman, including - 70 affidavits by Bouse for pages 1-70, 70 ordinances (front and back), 70 maps 29 affidavits by Becker for pages 72-100, 29 ordinances (front and back), 29 maps 29 affidavits by Gerst for pages 102 - 130, 29 ordinances (front and back), 29 maps 18 affidavits by Alg pages 132 - 149, 18 ordinances (front and back), 18 maps 2 affidavits by Halterman pages 151-152, 2 ordinances (front and back), and 2 maps.

My understanding of the CS Charter requirements was that certification by the City Secretary should have been done at the next regular meeting, not a workshop. Reference - CS Charter, Article X, Section 86, page 16-17.

Thank you,

A handwritten signature in black ink that reads "Jane W. Cohen".

Jane W. Cohen
Citizens for Wellborn
P.O. Box 422
Wellborn, Tx 77881



May 28, 2010

Mr. Alan J. Bojorquez
Attorney at Law
12325 Hymeadow Drive
Suite 2-100
Austin, Texas 78750

RE: Letter of May 27, 2010

Dear Alan:

The City Secretary has not completed her review of the supplemental petition. At the completion of her review she will set out her findings.

The first point I will make is that this is not a red-light camera initiative/petition situation. The current case law provides that annexation issues are controlled by the statutes dictating your next step. Wellborn's next step is to request annexation by College Station.

By letter of March 29, 2010, I told you that I would recommend that no initiative election be called because the precedent, as established by case law, is that zoning and annexation are not subject to initiative petition. I sent that letter in March so that Wellborn and you would know what my recommendation would be and not be surprised or expend energy circulating the petition, and then complain the City never told Wellborn that the law might bar Wellborn's request.

In spite of the letter, Wellborn has proceeded. My recommendation stands as before. I believe for Wellborn to prevail, it will have to change the law as it currently exists.

For your convenience, look at the cases cited below.

Sincerely,

Harvey Cargill, Jr.
City Attorney

Hitchcock v. Longmire, 572 S.W.2d 122
Vora v. Houston, 583 S.W.2d 935
San Pedro v. San Antonio, 562 S.W.2d 260
Hatten v. Houston, 373 S.W.2d 525

Legal Department

P.O. BOX 9960 • 1101 TEXAS AVENUE
COLLEGE STATION • TEXAS • 77842
TEL. 979.764.3507 • FAX. 979.764.3481

www.cstx.gov

Page 2
Alan J. Bojorquez
May 28, 2010

Enclosure: Letter of March 29, 2010

cc: Connie Hooks, City Secretary
Mayor & Council
Glenn Brown, City Manager



March 29, 2010

Mr. Alan J. Bojorquez
Attorney at Law
12325 Hymeadow Drive
Suite 2-100
Austin, Texas 78750

RE: Initiative Petition Wellborn

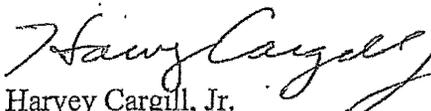
Dear Alan:

I saw in the March 25 newspaper that your clients are going to circulate a petition to authorize the incorporation of Wellborn.

Please be advised that as City Attorney I will recommend to the City Council that no election be called if a petition is submitted. The precedent as established by case law is for zoning and annexation cases, both setting out specific discrete state processes to follow, that "no additional" steps in the process can be imposed and that these processes are "not subject to City Charter initiative or referendum."

Please call if you have questions.

Sincerely,


Harvey Cargill, Jr.
City Attorney

10 June 2010
Regular Agenda Item No. 4
Annexation Ordinance

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning and Development Services

Agenda Caption: Presentation, possible action, and discussion regarding an ordinance annexing two areas on Rock Prairie Road West and one area on Greens Prairie Trail under the exempt status.

Recommendation: Staff recommends approval of the ordinance as presented.

Summary: This ordinance provides for the annexation of area three areas on the west side of the City (further described in the attachments). Council approved an ordinance directing staff to prepare an annexation service plan for the areas on 8 April 2010. Two annexation public hearings were also held before the City Council, one on 17 May 2010 and another on 18 May 2010.

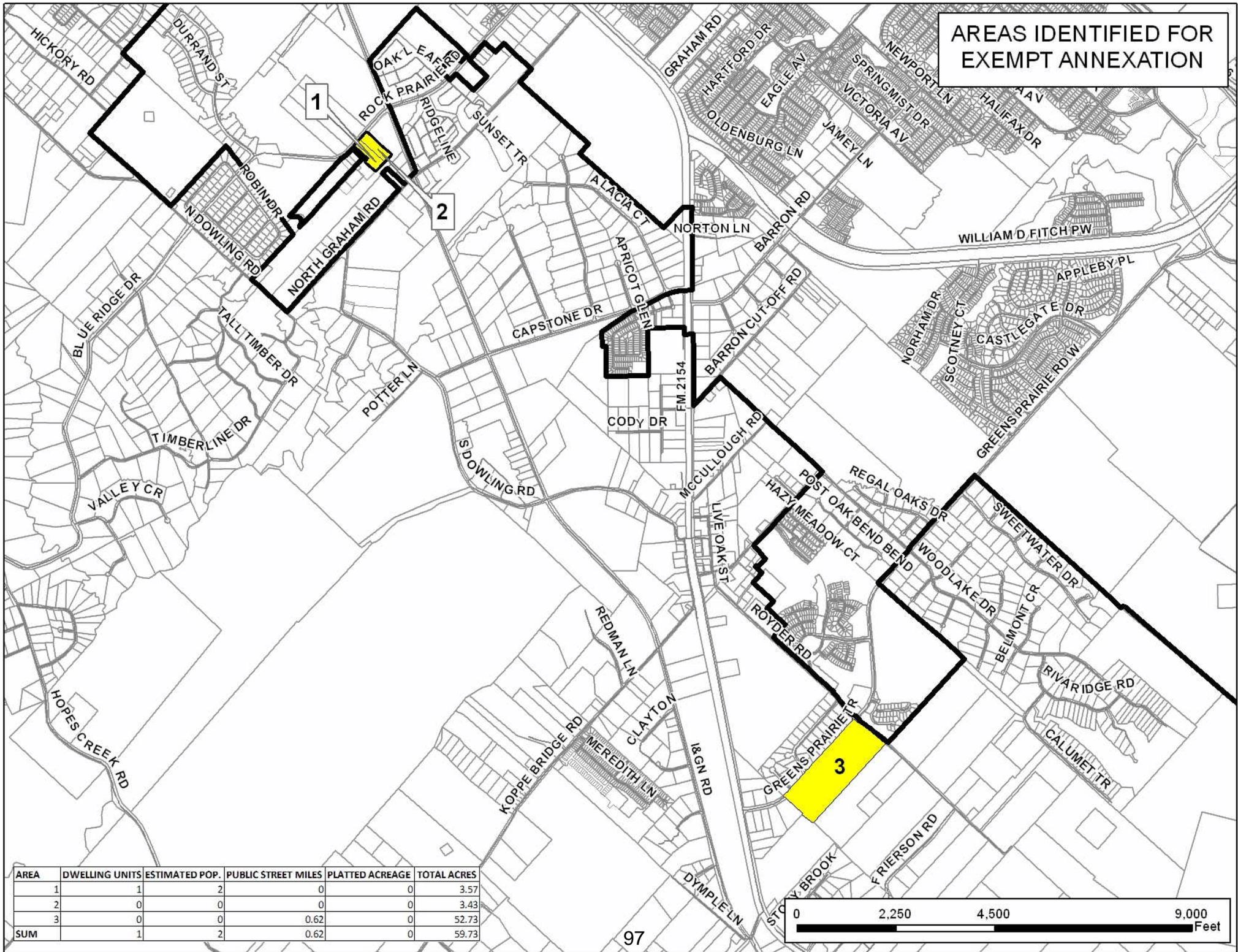
The annexation service plan is attached to the ordinance and effectively acts as a contract between the City and the residents of the annexed areas.

Budget & Financial Summary:

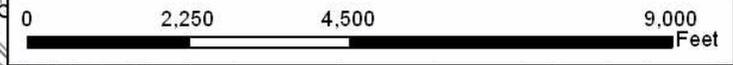
Attachments:

1. Annexation Area Map
2. Ordinance

AREAS IDENTIFIED FOR EXEMPT ANNEXATION



AREA	DWELLING UNITS	ESTIMATED POP.	PUBLIC STREET MILES	PLATTED ACREAGE	TOTAL ACRES
1	1	2	0	0	3.57
2	0	0	0	0	3.43
3	0	0	0.62	0	52.73
SUM	1	2	0.62	0	59.73



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COLLEGE STATION, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF COLLEGE STATION, ANNEXING CERTAIN TERRITORY ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF COLLEGE STATION; APPROVING A SERVICE PLAN FOR THE ANNEXED PROPERTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of College Station has the power by ordinance to fix the boundary limits of the City of College Station and to provide for the extension of such boundary limits and the annexation of additional territory lying adjacent to City of College Station by the City Charter of the City of College Station, Texas, Article II, Section 7; and

WHEREAS, on April 8, 2010, the City Council of the City of College Station directed staff to prepare a service plan for approximately 59.74 acres of land identified for annexation; and

WHEREAS, the City Council finds that all the required notices were given in the time and manner required by law; and

WHEREAS, public hearings before the City Council were held in the Council Chambers on May 17, 2010 and May 18, 2010, both dates being on or after the 20th day but before the 40th day before the date of the institution of the annexation proceedings to allow all interested persons to state their views regarding the annexation; and

WHEREAS, the City Council finds that the annexation will ensure consistent and orderly development of the annexed areas; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: The tracts of land described in Exhibit "A-1", "A-2", and "A-3" attached hereto and made a part of this ordinance for all purposes, is hereby added to and annexed to the City of College Station, Texas.
- PART 2: The Service Plan, Exhibit "B", attached hereto and made a part of this ordinance for all purposes, which provides for the extension of municipal services to the annexed property, is approved as part of this ordinance. The Service Plan was made available for public inspection and explained at the public hearings held on May 17, 2010 and May 18, 2010.
- PART 3: Should any part of this ordinance be held illegal or invalid for any reason, the holding shall not affect the remaining sections or portion of sections or provisions of this ordinance.
- PART 4: That upon final approval and after the effective date of this ordinance, all property annexed shall be zoned A-O (Agricultural Open).
- PART 5: That, upon final passage hereof and after the effective date of this ordinance, the annexed territory shall be a part of the City of College Station, Texas, and the property situated shall bear its pro rata portion of the taxes levied by the City of College Station and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of College Station.

ORDINANCE NO. _____

Page 2

PART 6: That this ordinance shall become effective immediately upon approval by the City Council.

PASSED, ADOPTED and APPROVED this 10th day of June, 2010.

APPROVED:

Nancy Berry, Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT A-1

Proposed Annexation Area 1 - 3.58 Acres
Remainder of Edna Goodman Tract
Peter Norton Survey A-186
Brazos County, Texas
February 22, 2010

All of that certain tract of land lying and being situated in the Peter Norton Survey, Abstract no. 186, in Brazos County, Texas, being a part of that 8.000 acre tract conveyed to Edna Faye Goodman by deed recorded in Volume 6525, Page 148 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Commencing at the intersection of the northeast line of the said Goodman tract and the southeast right-of-way line of Rock Prairie Road West, at a corner of the existing City Limits as described in City of College Station Ordinance no. 3049, from where the City of College Station 1994 GPS monument no. 117 bears N 58° 25' 59" E – 2148.9 feet.

Thence S 41° 46' 38" W – 206.83 feet, along said southeast right-of-way line, also being along a line of the said City Limits, to the west corner of that 3.43 acre tract conveyed by deed from Edna Goodman to Chad Jackson and recorded in Volume 9506, Page 99 of the Official Public Records of Brazos County, Texas, and being the **Point of Beginning** of this tract;

Thence S 48° 13' 22" E – 723.95 feet, through the said Goodman tract, along the southwest line of the said Jackson tract, to another line of the said City Limits;

Thence S 43° 09' 06" W – 278.17 feet, along said City Limits line, to the south corner of the said 8.000 acre Goodman tract;

Thence N 47° 49' 48" W – 290.00 feet, along an existing City Limits line and southwest line of the said 8.000 acre tract, to the south corner of that 1.000 acre tract conveyed by deed from Edna Goodman to Monique Goodman and recorded in Volume 7678, Page 264 of the Official Public Records of Brazos County, Texas;

Thence N 42° 10' 12" E – 100.00 feet, along an existing City Limits line, to the east corner of the said Monique Goodman tract;

Thence N 47° 49' 48" W – 427.98 feet, along an existing City Limits line and northeast line of the said 1.000 acre tract, to the southeast right-of-way line of Rock Prairie Road West;

Thence N 41° 46' 38" E – 173.17 feet, along the southeast right-of-way line of Rock Prairie Road West, also being a line of the existing City Limits, to the Point of Beginning and containing 3.58 acres of land more or less.

Bearings are Texas State Plane, NAD-83 datum, based on City of College Station 1994 GPS control points and GPS observations.

ORDINANCE NO. _____

Page 4

This document was prepared under 22 TAC §663.21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration the boundary of the political subdivision for which it was prepared.

See survey plat dated February 2010.

EXHIBIT A-2

Proposed Annexation Area 2 - 3.43 Acres
Chad Jackson Tract
Peter Norton Survey A-186
Brazos County, Texas
February 22, 2010

All of that certain tract of land lying and being situated in the Peter Norton Survey, Abstract no. 186, in Brazos County, Texas, being a 3.43 acre tract conveyed to Chad Jackson by deed recorded in Volume 9506, Page 99 of the Official Public Records of Brazos County, Texas, which is a part of that 8.000 acre tract conveyed to Edna Faye Goodman by deed recorded in Volume 6525, Page 148 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at the intersection of the northeast line of the said Goodman tract and the southeast right-of-way line of Rock Prairie Road West, at a corner of the existing City Limits as described in City of College Station Ordinance no. 3049, from where the City of College Station 1994 GPS monument no. 117 bears N 58° 25' 59" E – 2148.9 feet.

Thence S 48° 00' 02" E – 728.85 feet, along a line of the said City Limits, to the east corner of the said Goodman 8.000 acre tract;

Thence S 43° 09' 06" W – 204.06 feet, along another line of the said City Limits, being the southeast line of the said Goodman tract, to the most southerly corner of this tract;

Thence N 48° 13' 22" W – 723.95 feet, along the southwest line of the said Jackson 3.43 acre tract, to the southeast right-of-way line of Rock Prairie Road West;

Thence N 41° 46' 38" E – 206.83 feet, along the southeast line of Rock Prairie Road West, being a line of the said existing City Limits, to the Point of Beginning and containing 3.43 acres of land more or less.

Bearings are Texas State Plane, NAD-83 datum, based on City of College Station 1994 GPS control points and GPS observations.

This document was prepared under 22 TAC §663.21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration the boundary of the political subdivision for which it was prepared.

See survey plat dated February 2010.

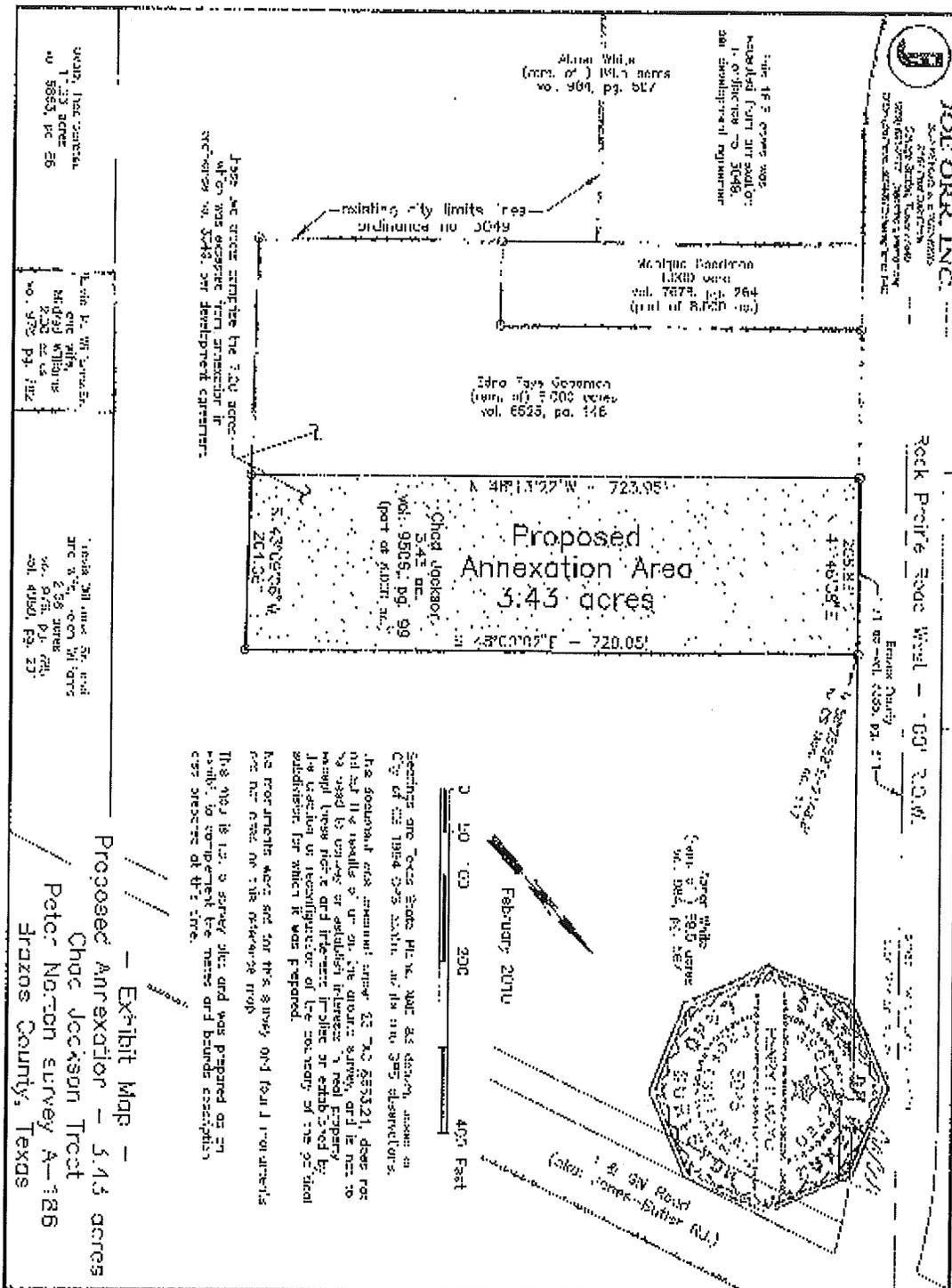


EXHIBIT A-3

Proposed Annexation Area 3 - 52.73 Acres
(CSISD Tract)
Samuel Davidson Survey, Abstract No. 13,
Brazos County, Texas
16 February 2010

All that certain tract or parcel of land lying and being situated in the Samuel Davidson Survey, Abstract No. 13, in Brazos County, Texas, being bounded on the northeast by Creek Meadows Section 5, Phase 1, described by plat recorded in Volume 8989, Page 39 of the Official Public Records of Brazos County, Texas, on the northwest by the northwest right-of-way line of Greens Prairie Trail as described in Volume 1243, Page 274 of the Official Public Records of Brazos County, Texas, on the southwest by Crossroad Woods as described by plat recorded in Volume 1697, Page 219 of the Official Public Records of Brazos County, Texas, and that 42.214 acre tract conveyed to John M. Duncum and wife, Diane Duncum by deed recorded in Volume 2724, Page 215 of the Official Public Records of Brazos County, Texas, on the southeast by that 0.515 acre tract conveyed to John M. Duncum and wife, Diane Duncum by deed recorded in Volume 5819, Page 227 of the Official Public Records of Brazos County, Texas, and that 35.39 acre tract conveyed to Travis E. Nelson by deed recorded in Volume 7178, Page 80 of the Official Public Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at the common corner of the said Creek Meadows Section 5, Phase 1 and the Southside Ranch, LLC 50 acre tract described in Volume 8993, Page 20 of the Official Public Records of Brazos County, Texas, being a south corner of the current City Limits of College Station as defined by Ordinance no. 3056, from where the City of College Station 1994 GPS monument no. 134 bears N 42° 43' 12" W – 6504.1 feet.

Thence along the southwest boundary line of the said Creek Meadows Section 5, Phase 1, also being the current City Limits boundary, as follows:

N 49° 54' 34" W – 162.76 feet;

N 53° 20' 01" W – 231.81 feet;

N 54° 27' 23" W – 149.54 feet;

N 51° 59' 25" W – 261.98 feet;

N 38° 39' 53" W – 139.16 feet, across Greens Prairie Trail, to the south corner of that 171.043 acre Tract One conveyed to Creek Meadows Partners, L.P. and described in Volume 7068, Page 220 of the Official Public Records of Brazos County, Texas;

Thence S 42° 17' 28" W – 128.79 feet, crossing Royder Road and departing from the current City Limits boundary, to a radius point in the northwest right-of-way line of Greens Prairie Trail, and the southeast line of Estates of Royder Ridge Phase One as described by plat recorded in Volume 4119, Page 120 of the Official Public Records of Brazos County, Texas;

Thence S 42° 21' 34" W – 2206.47 feet, along the northwest line of Greens Prairie Trail to the beginning of a tangent curve to the right (R=904.93'), also being in the southeast line of Estates of Royder Ridge Phase Two as described by plat recorded in and Volume 4377, Page 205 of the Official Public Records of Brazos County, Texas;

Thence along the arc of said curve through a central angle of 7° 46' 53" to the east corner of Lot 1 in Block One of the said Crossroad Woods addition;

Thence S 47° 56' 03" E – 101.12 feet across Greens Prairie Trail, to west corner of that 46.027 tract conveyed to College Station Independent School District by deed recorded in Volume 8256, Page 42 of the Official Public Records of Brazos County, Texas

Thence S 48° 02' 08" E – 504.17 feet along the line between the said C.S.I.S.D. tract and Lot 1 in Block 2 of the said Crossroad Woods addition;

Thence S 41° 41' 43" W - 41.35 feet along the southeast line of the said Crossroad Woods addition, to a common corner of the said 42.214 acre Duncum tract and the said C.S.I.S.D. 46.027 acre tract;

Thence S 47° 25' 26" E – 314.44 feet along the common line between the said Duncum 42.214 acre tract and the C.S.I.S.D. tract, to the common corner of the said Duncum 0.515 acre tract and the said C.S.I.S.D. tract;

Thence N 43° 00' 17" E – 2483.05 feet along the line between the said C.S.I.S.D. tract and the said Duncum 0.515 acre and Nelson 35.39 acre tract, to the common corner of the said Nelson and C.S.I.S.D. tracts in the southwest line of Royder Road;

Thence N 42° 49' 25" E – 58.78 feet across Royder Road, to the Point of Beginning and containing 52.73 acres of land more or less.

Bearings are Texas State Plane, NAD-83 datum, based on City of College Station 1994 GPS control points and GPS observations.

This document was prepared under 22 TAC §663.21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

See survey plat dated February 2010.

EXHIBIT B

**CITY OF COLLEGE STATION SERVICE PLAN
FOR AREAS TO BE ANNEXED
EFFECTIVE 10 JUNE 2010**

I. ANNEXATION AREAS

The annexation areas are located on the southwest side of the City of College Station, in the City's Extraterritorial Jurisdiction. These properties are illustrated in Figure 1 and described below.

- Area 1-** located generally at the intersection of Rock Prairie Road West and I&GN Road and containing approximately 3.57 acres
- Area 2 -** located generally at the intersection of Rock Prairie Road West and I&GN Road and containing approximately 3.43 acres.
- Area 3 -** located generally at the intersection of Greens Prairie Trail and Royder Road and containing approximately 52.73 acres.

II. INTRODUCTION

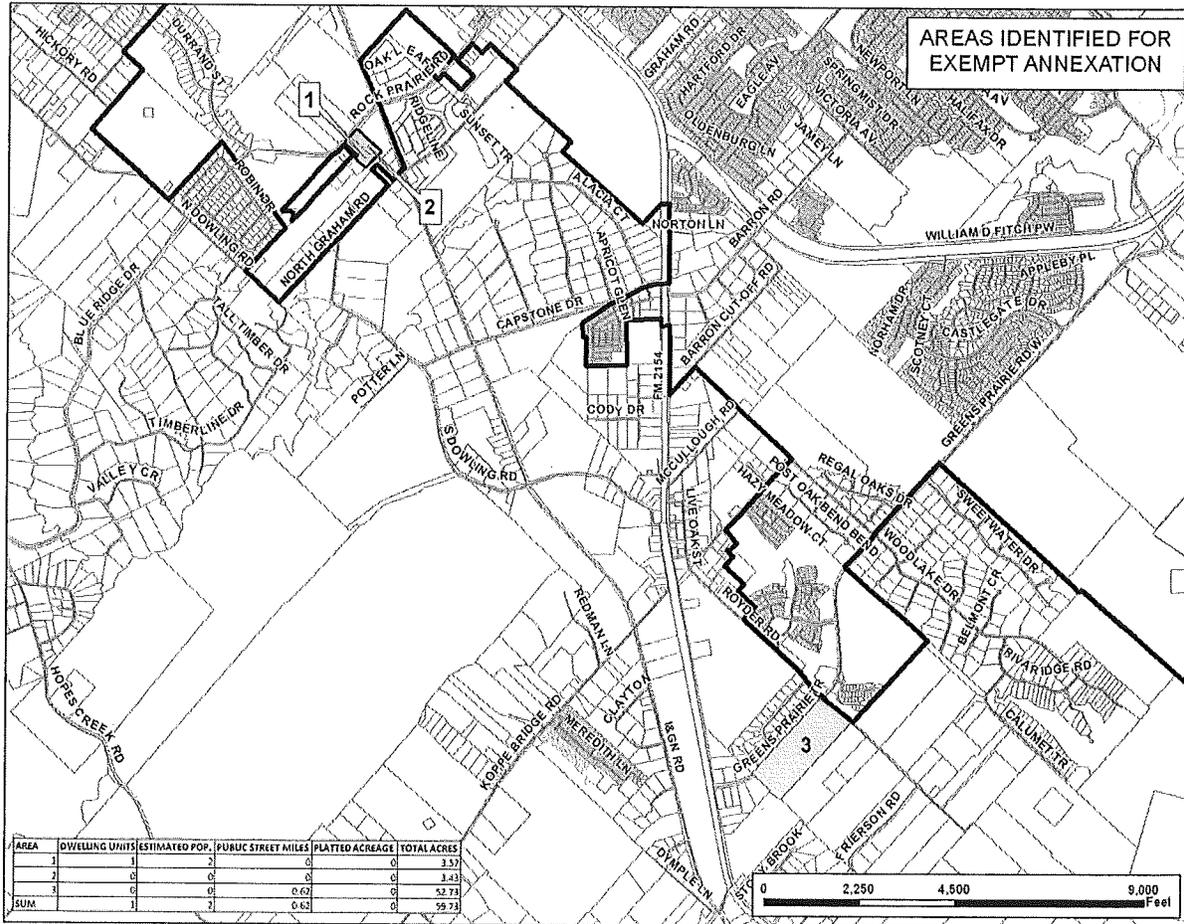
This service plan has been prepared in accordance with the TEXAS LOCAL GOVERNMENT CODE, Sections 43.021, 43.065, and 43.056(b)-(o) (Vernon 2008, AND VERNON SUPP. 2009, as amended from time to time). Municipal facilities and services to the annexed areas described above will be provided or made available on behalf of the City in accordance with the following plan. This plan provides a program under which the City of College Station will provide full municipal services to the annexed areas. All services will be provided within the time provided in TEXAS LOCAL GOVERNMENT CODE, Section 43.056(B).

This Service Plan does not:

- require the creation of another political subdivision;
- require a landowner in the area to fund the capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395, Texas Local Government Code; or
- provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

The level of services, infrastructure, and infrastructure maintenance provided to the annexed areas is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those contemplated or projected in the annexed area.

FIGURE 1



III. SERVICE COMPONENTS

This plan contains three service components: (1) Immediate Services, (2) Additional Services, and (3) Capital Improvement Program.

Immediate Services

As required by TEXAS LOCAL GOVERNMENT CODE, SECTION 43.056(B), certain municipal services will be provided by the City of College Station immediately upon the effective date of annexation. These services include:

- police protection;
- fire protection;
- emergency medical services;
- solid waste collection, except as provided by Subsection 43.056(o);
- operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- operation and maintenance of roads, and streets, including road and street lighting;*
- operation and maintenance of public parks, playgrounds, and swimming pools; and
- operation and maintenance of any other publicly owned facility, building, or service.

*Note: Street lighting will be maintained for fixtures located within the service territory of College Station Utilities.

A. Police Protection

The College Station Police Department will provide police service, including routine patrol, traffic enforcement, and dispatch response to emergency and non-emergency service calls.

B. Fire Protection

The College Station Fire Department will provide fire protection, including response to emergency calls for assistance, fire prevention education, pre-fire planning, and target hazard inspections. In general, the Fire Department's goal is to provide a fire response time of five minutes or less.

Construction and development activities undertaken after the effective date of annexation shall comply with all building, life safety and fire safety codes of the City of College Station. All structures shall comply with the address standards of the College Station Code of Ordinances within ninety (90) days of the effective annexation date.

C. Emergency Medical Services

The College Station Fire Department will provide emergency medical services (EMS). Each Fire Department ambulance, engine, and ladder truck is capable of providing EMS, including defibrillation, medical administration, IV therapy, advanced airway management, and initial treatment of injuries. In general, the Fire Department's goal is to provide an EMS response time of five minutes or less.

D. Solid Waste Collection

The College Station Public Works Department will provide fee-based solid waste collection service for residential and commercial customers. Customers in the annexed area may elect to continue using a private solid waste management service provider for a period of two years after the effective date of annexation in accordance with provisions of the TEXAS LOCAL GOVERNMENT CODE. The City will not charge a fee to a person who continues to use the services of a privately owned solid waste management service provider.

Residential Service – Residential solid waste collection (including brush and bulk items) is provided once per week. All residential service will be provided at a point of collection adjacent to, and accessible from, a public right-of-way or an improved surface acceptable to the City. Residential solid waste collection vehicles will not conduct operations on private property. However, residential service may be provided on private streets that comply with the Sanitation Division's requirements for surface material, vehicle clearance and turning radii. In the case of multiple residences located on a privately owned road or drive, the City may require the establishment of a mass collection point at an area adjacent to the nearest public right-of-way. The City will provide residential solid waste containers.

Commercial Service - Containers and collection points may be located on private property provided they can be easily accessed from a public right-of-way and the route of access and the collection point meet the Sanitation Division's requirements for approved surfaces, vehicle clearance, and turning radii. The City will provide standard commercial containers.

In order to secure solid waste collection services in the annexed areas, each property owner must establish a utility account with the City of College Station. The City will not be responsible for damage to private drives, streets, or parking areas by service trucks servicing solid waste containers.

E. Water and Wastewater Facilities

The City of College Station will provide water and wastewater service to areas that are not located within the certificated service territory of another utility through existing facilities located within or adjacent to the area. The level of water and wastewater service, infrastructure and infrastructure maintenance provided in the annexed area will be comparable to the level of services, infrastructure and infrastructure maintenance available in other parts of the City before annexation with topography, land use, and population density similar to those reasonably contemplated or projected in the area. Municipal services to be provided within the annexed area may be provided by any of the methods in which the City provides services to other comparable areas.

F. Roads and Streets

The Public Works Department will maintain public roads and streets at a level comparable to the maintenance prior to annexation. These services include emergency pavement repair and preventative street maintenance. Right-of-way mowing activities along State highways are addressed in the City's maintenance agreement with Texas Department of Transportation and will be added to the City's maintenance activities immediately following annexation. Maintenance priorities are determined on a City-wide basis taking into consideration factors such as age, traffic volume, surface conditions, the nature of the maintenance, public safety hazards, and available funding.

Existing street and traffic control signs shall conform to the City of College Station's standards within ninety (90) days of the effective date of annexation. The City will install traffic control signs in accordance with College Station's standards for same within ninety (90) days of the effective date of annexation.

G. Parks and Recreation Facilities

The City of College Station is not aware of the existence of any public parks, playgrounds, or swimming pools in the areas proposed for annexation. In the event any such public facilities exist, they will be maintained to the same degree and extent that the City maintains public parks, playgrounds and swimming pools within the current City limits.

H. Other Publicly Owned Buildings and Facilities

The City of College Station is not aware of the existence of any publicly owned buildings in the areas proposed for annexation. In the event any such public facilities exist, they will be maintained to the same degree and extent that the City maintains such facilities within the current City limits.

Additional Services**A. Building Permitting and Inspections**

Upon the effective date of annexation, the City will provide building permits and inspection services. This service will be made available to the annexed areas on the same basis and at the same level of service as similar facilities throughout the City. Service is provided on a “cost recovery” basis, and permit fees partially offset the costs of services delivered. Construction activities underway prior to annexation may continue provided that all construction after annexation complies with City codes and ordinances.

All permits required by City codes and ordinances must be obtained for construction underway at the time of annexation. Permit fees will be waived for building construction underway prior to annexation.

B. Planning and Development Services

Planning and development services will be made available on the effective date of the annexation. Upon annexation, planning and development services will be provided by way of the Unified Development Ordinance and other applicable codes and standards. The College Station City Council adopted the current Comprehensive Plan in May of 2009. The Comprehensive Plan contains a Land Use Plan that designates future land uses and a growth management and capacity section designed to manage the quality and quantity of growth by matching land use intensity with planned infrastructure. Upon annexation, all properties will be zoned A-O (Agricultural Open). The City's Comprehensive Plan will be used as the basis for evaluating rezoning requests after properties are annexed.

C. Animal Control

The Police Department will provide animal control service upon the effective date of annexation. Animal control services include response and investigation of reported animal bites, response to reports of stray or “at large” animals, and response and investigation of animal cruelty and neglect reports.

D. Code Enforcement

Code enforcement services will be made available on the effective date of annexation. Code enforcement services include response and investigation of sanitation issues, illegal signs, abandoned or inoperable motor vehicles, and zoning violations.

E. Recycling Collection

For residential customers electing solid waste collection from the City of College Station, curbside recycling collection is also provided once per week. Items accepted in the curbside recycling program include:

- Newspapers and magazines
- Aluminum and steel food cans
- Clear and brown glass
- Plastic bottles
- Lead acid car batteries

IV. WATER AND WASTEWATER SERVICE PROVISION

This Water and Wastewater Service Plan ("Plan") provides a program under which the City of College Station will provide full municipal services to the annexed area. For the purpose of this plan, "full municipal services" includes water and sewer services provided by the City within its full-purpose boundaries. The level of water and sewer service, infrastructure and infrastructure maintenance provided in the annexed area will be comparable to the level of services, infrastructure and infrastructure maintenance available in other parts of the City before annexation with topography, land use, and population density similar to those reasonably contemplated or projected in the area. The City will not provide water or wastewater service in areas where another entity holds the CCN to do so unless or until the City of College Station acquires the CCN. Municipal services may be provided by any of the methods by which the City provides services to other comparable areas within the City. All services will be provided within the time provided in TEXAS LOCAL GOVERNMENT CODE SEC. 43.056(B). The City may extend facilities under this plan or otherwise serve these areas through the use of *Impact Fees* as permitted under CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.

Wastewater facilities for future development that increases densities beyond the capital improvements specified in this plan will be extended in accordance with the City's Water and Wastewater policy in existence at the time of development. The water and wastewater extension policy is discussed in Section V, Water and Wastewater Capital Improvements. In general, the policy for extension of utility service is "development driven", meaning that utility line extensions are typically installed by developers, in conjunction with major development projects. The City may accept ownership and maintenance of major facilities, such as gravity sewer lines, manholes, lift stations and/or wastewater package plants, as required by the particular development. The City may elect to pay for upgrades or oversize of infrastructure projects being installed by developers. As an area develops, developers or homeowners extend water distribution and wastewater collection lines to individual lots.

Until an area becomes densely populated, the cost of utility extension is not feasible to be borne by a few lot owners. Also, in the case of wastewater treatment, developments with large lots will normally be constructed with on-site sewage facilities that are privately owned and operated.

AREA 1***Water***

Annexation Area #1 is in the water CCN service territory of Wellborn Special Utility District. This area is currently served by a water line that runs along the south side of Rock Prairie Road West (see Exhibit A). The City of College Station does not have the right to provide water service in annexation Area #1, therefore, no water infrastructure will be provided by the City in the area after annexation.

Wastewater

Properties within Annexation Area #1 are currently served by private on-site sewer facilities (OSSF). As in other areas of College Station with similar topography, land use, and population density, this area will remain on private systems until such time as significant development occurs to warrant the extension of an organized sanitary sewer collection system.

AREA 2***Water***

Annexation Area #2 is in the water CCN service territory of Wellborn Special Utility District. This area is currently served by a water line that runs along the south side of Rock Prairie Road West (see

Exhibit A). The City of College Station does not have the right to provide water service in annexation Area #2, therefore, no water infrastructure will be provided by the City in the area after annexation.

Wastewater

Currently, no structures are located within Annexation Area #2. However, a new development is planned within Annexation Area #2. Given the nature and intensity of the proposed development in this area, it is anticipated that sewer service will be provided via a private OSSF. As in other similarly developed areas of College Station, Area #2 will remain on private systems until such time as significant development occurs to warrant the extension of an organized sanitary sewer collection system.

AREA 3

Water

Annexation Area #3 is in the water CCN service territory of Wellborn Special Utility District. This area is currently served by a water line that runs along the south side of Greens Prairie Trail (see Exhibit B). The City of College Station does not have the right to provide water service in annexation Area #3, therefore, no water infrastructure will be provided in the area by the City after annexation.

Wastewater

Currently, there are no structures located within Annexation Area #3. However, this property is owned by College Station ISD and a new elementary school is proposed on the eastern portion of the property. Sewer service is available to Annexation Area #3 via a sewer lift station and sewer force main located on an adjacent tract. Exhibit "B" illustrates the location of this lift station and force main. As currently proposed, development in Area #3 may access the existing wastewater infrastructure through a combination of gravity lines and/or force mains. Should the future land use or density in Area #3 develop as something other than an educational facility, the wastewater infrastructure for this area may have to be expanded to accommodate additional flows or flow characteristics.

V. CAPITAL IMPROVEMENTS

Should the City make capital improvements to serve the annexed areas, the City reserves the right to levy an impact fee to the properties annexed according to Chapter 395 of the Texas Local Government Code and the City's Code of Ordinances. The City may, from time to time, include construction of new, expanded or replacement facilities in its Capital Improvements Program (CIP). Facilities to be included in the CIP shall be determined on a City-wide basis. Priorities shall be established by the CIP plans of the City, projected growth trends, and the City Council through its development plans and policies.

A. Police Protection (including animal control)

Police protection will be provided to the annexed areas through existing City facilities at a level of service comparable to the level of service in other parts of the City before annexation with topography, land use, and population density similar to those reasonable contemplated or projected in the area.

B. Fire Protection (including EMS)

Fire protection will be provided to the annexed areas through existing City facilities and mutual aid agreements at a level of service comparable to the level of service in other parts of the City before annexation with topography, land use and population density similar to those reasonable contemplated or projected in the area.

The City will evaluate and update, as needed, its Strategic Plan to address the response time, personnel, facility and equipment needs for these areas of the City as the annexed areas develop.

C. Solid Waste Collection

Solid waste collection services will be provided to the annexed areas through the City's existing facilities or through franchise agreements with private services at a level of service comparable to the level of service in other parts of the City before annexation with topography, land use and population density similar to those reasonable contemplated or projected in the area.

D. Maintenance of Public Roads and Streets

Right-of-way maintenance will be provided through the existing facilities at a level of service not less than exists in the area immediately preceding annexation. The improvement and enlargement of roads within existing rights-of-way will be included in future capital improvements programs as practical and where needed to facilitate the maneuvering of emergency and sanitation service vehicles.

E. Parks, Playgrounds and Swimming Pools

Parks and recreation services will be provided through the existing facilities at a level of service not less than exists in the area immediately preceding annexation.

Additional park development in the annexed areas will be addressed through the development standards and procedures of the City as residential development occurs. Such park development includes, but is not limited to, dedication of park land and/or money in lieu of land in accordance with the City of College Station Subdivision Regulations and an existing interlocal agreement with the College Station ISD.

F. Other Public Building and Facilities

Other public facilities, buildings or services will be provided through the existing facilities at a level of service not less than exists in the area immediately preceding annexation.

WATER AND WASTEWATER CAPITAL IMPROVEMENTS

The water and wastewater utility extension policy of the City of College Station is as follows:

The cost of off-site extension of water and wastewater facilities to serve a lot, tract, plat, or land development shall be borne by the owner or developer of the lot, tract, plat, or land by direct installation or through the use of *Impact Fees*. Where such extension is consistent with plans for the development of the City and its utility system the City may, by decision of the City Council, participate in the cost of construction so as to provide for additional capacity for the overall development of an area.

The cost of water and wastewater facilities necessary to serve existing lots or new development within a subdivision plat or land development shall be borne by the lot owner or developer of the plat or land by direct installation or through the use of *Impact Fees*. Standard tap fees or other installation fees in effect on a citywide basis are in addition to impact fees levied.

AREA 1*Water*

No water infrastructure will be provided to this area after annexation. Area #1 is located within the water CCN service territory of WSUD. Therefore, these properties will continue to be served by WSUD after annexation.

Wastewater

Area #1 will continue to be served by private on-site sewer treatment systems until such time as development warrants the extension of an organized sanitary collection system.

AREA 2*Water*

No water infrastructure will be provided to this area after annexation. Area #2 is located within the water CCN service territory of WSUD. Therefore, future development will be served by WSUD after annexation.

Wastewater

Area #2 will be served by private on-site sewer treatment systems until such time as development warrants the extension of an organized sanitary collection system.

AREA 3*Water*

No water infrastructure will be provided to this area after annexation. Area #3 is located within the water CCN service territory of WSUD. Properties located within the water CCN service territory of WSUD will continue to be served by WSUD after annexation.

Wastewater

As currently proposed, future development within Area #3 will be served by the City of College Station via existing sewer infrastructure located to the east (across Royder Road).

VI. LEVEL OF SERVICES TO BE PROVIDED

It is the intent of the City of College Station to provide the level of services required by State law. The City Council finds and determines that the services, infrastructure and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the City with topography, land use, and population density reasonably similar to the annexed area and will not reduce the level of services available to the territory prior to annexation.

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

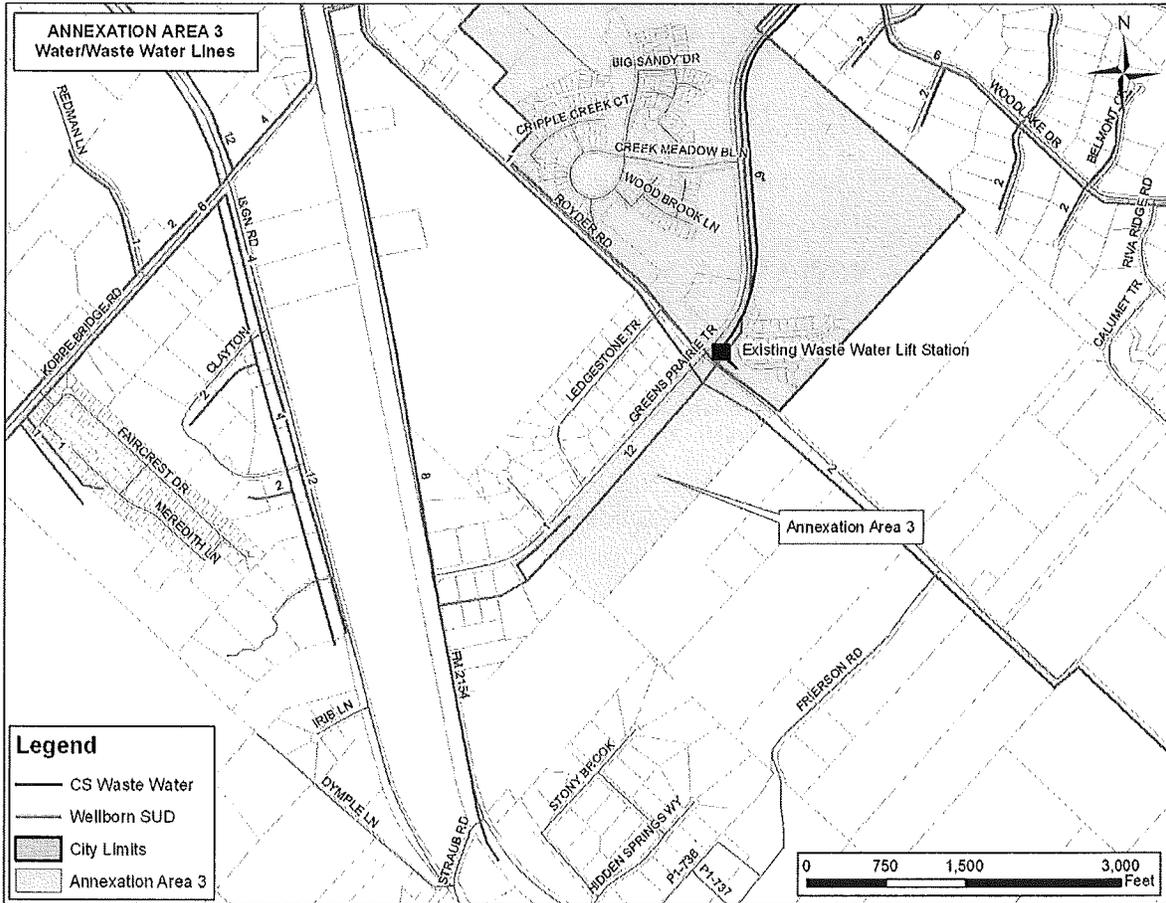
VII. TERM

This service plan shall be valid for a term of ten (10) years. Renewal of the service plan shall be at the discretion of the City Council.

VIII. AMENDMENTS

The service plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this service plan unworkable or obsolete. The City Council may amend the service plan to conform to the changed conditions or subsequent occurrences pursuant to the TEXAS LOCAL GOVERNMENT CODE, Section 43.056 (VERNON 2008 and VERNON SUPP. 2009).

Exhibit B



June 10, 2010
Regular Agenda Item No. 5
Horse Haven Subdivision Parking Removal

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Public hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to remove parking along specific streets in the Horse Haven Subdivision.

Recommendation(s): Staff recommends approval of the ordinance amendment.

Summary: Horse Haven is a residential subdivision located off the northbound SH 6 Frontage Road behind Gander Mountain. Due to the higher density land usage in this subdivision, on-street parking along Horse Haven Lane, Horseback Drive, Horseback Court, and Horseshoe Drive is such that it is impossible for an emergency vehicle to travel through. Now that houses are being constructed on Mandi Court, this street will soon be congested with on-street parking.

The city's Traffic Management Team discussed this item and recommends that parking be removed from one side of the street. To further improve emergency vehicle response, the team recommends that the parking be removed from the fire hydrant side of the street.

Letters were mailed to everyone who owns property adjacent to the proposed NO PARKING areas to notify them of tonight's public hearing.

Budget & Financial Summary: The "NO PARKING" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operation budget.

Attachments:

1. Ordinance
2. Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 4E "NO PARKING" TO INCLUDE PROHIBITING PARKING ON HORSE HAVEN LANE, HORSE SHOE DRIVE, HORSEBACK COURT, HORSEBACK DRIVE, AND MANDI COURT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1: That Chapter 10, "Traffic Code", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed liable for a civil offense and/or guilty of a Class C misdemeanor, and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), or upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

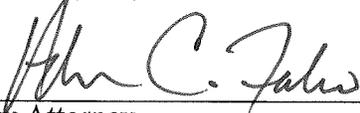
APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That the Traffic Control Device Inventory - Schedule XII as referenced in Chapter 10, "Traffic Code", Section 4, "Administrative Adjudication of Parking Violations," Sub-section E is hereby amended to include the following:

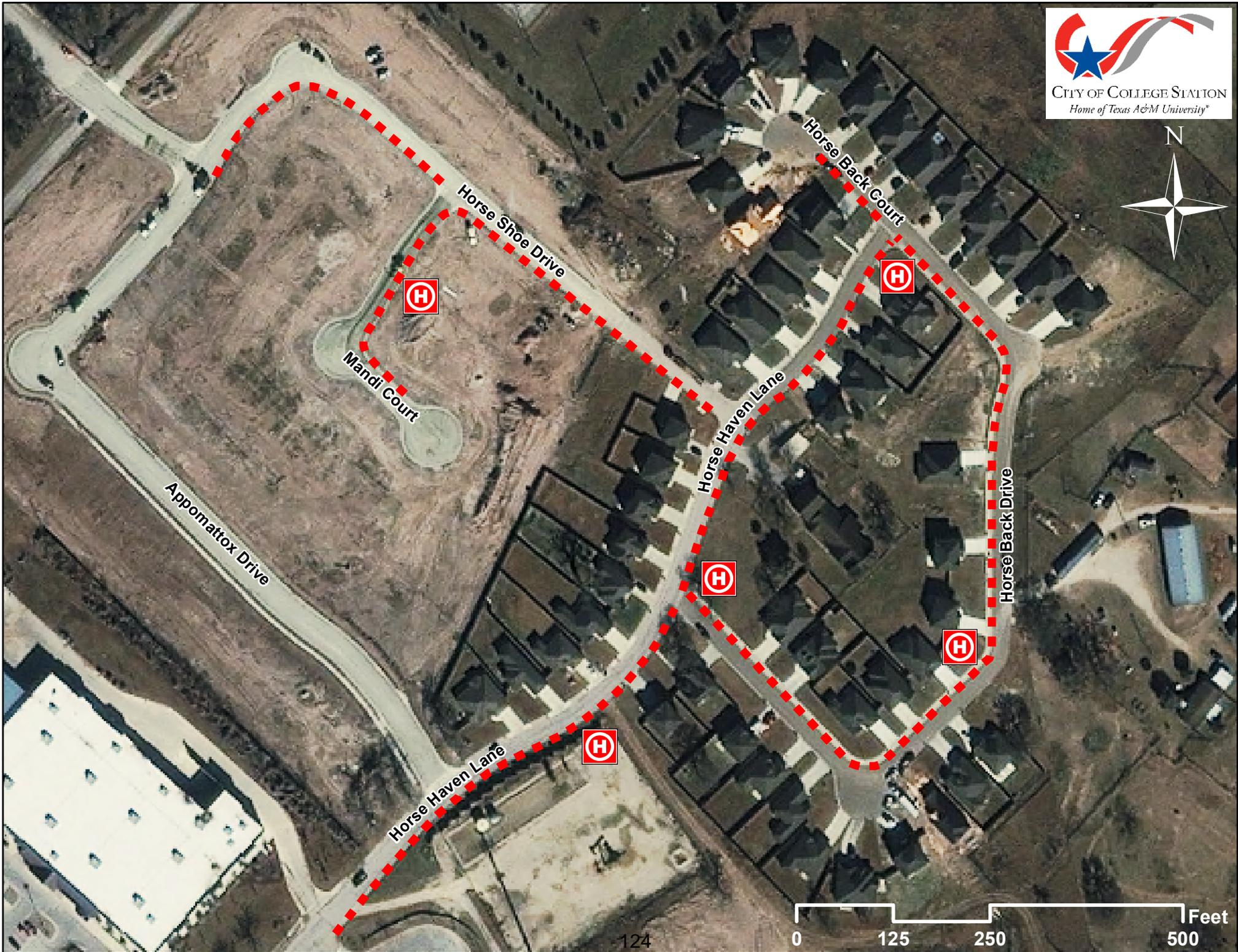
Horse Haven Lane – No Parking on the south side of Horse Haven Lane beginning 200 feet west of the intersection with Appomattox Drive and extending to the intersection with Horseback Court.

Horseback Drive – For the western section of this looped street, No Parking will be allowed on the east of the roadway beginning at the intersection with Horse Haven Lane. For the southern section of this street, parking shall be prohibited on the north side of the street. For the eastern section of the street, parking shall be prohibited on the west side of the street and ending at the intersection with Horse Haven Lane.

Horseback Court – No Parking on the west side of Horseback Court beginning at the intersection with Horse Haven Lane and extending north to the cul-de-sac.

Horse Shoe Drive – No Parking on the west and south sides of Horse Shoe Drive beginning at the intersection with Horse Haven Lane and ending at the intersection with Appomattox Drive.

Mandi Court – No Parking on the south and east sides of Mandi Court beginning at the intersection with Horse Shoe Drive and ending at the cul-de-sac.



June 10, 2010
Regular Agenda Item No. 6
Rock Prairie Road East Widening Project
Amendment to Resolutions Determining Need

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an Amendment to Resolutions Determining Need associated with the Rock Prairie Road East Widening Project.

Recommendation(s): Staff recommends approval of the Amendment.

Summary: Council has previously approved three resolutions associated with right-of-way acquisition along Rock Prairie Road East, from State Highway 6 to William D. Fitch Parkway. At its September 11, 2008 meeting, Council directed staff to postpone right-of-way acquisition until the Comprehensive Plan was complete. The Comprehensive Plan was recently adopted by Council, and Staff is prepared to resume acquiring right-of-way for this future roadway expansion project.

Rock Prairie Road was once classified as a major arterial (120-foot wide ROW) for the entire length between State Highway 6 and William D. Fitch Parkway. Revisions to the Thoroughfare Plan resulting from the East College Station Transportation Study completed in December 2007 require a 118-foot wide ROW from SH 6 to the proposed re-alignment of Bird Pond Road (a 4 lane major arterial), a 91-foot wide ROW from the proposed re-aligned Bird Pond Road to Bradley Road (a 2 lane major collector w/median), and a 115-foot wide ROW between Bradley Road and William D. Fitch Parkway (a 4 lane minor arterial). The Comprehensive Plan, adopted by Council on May 28, 2009, included updates and revisions to the Thoroughfare Plan, but did not change the right-of-way widths recommended in the East College Station Transportation Study for Rock Prairie Road East.

Approval of this Amendment will affect the dedication of right-of-way and easements when development (platting) occurs, and authorize staff to purchase right-of-way and utility easements along Rock Prairie Road East from State Highway 6 to William D. Fitch Parkway.

Budget & Financial Summary: The total current budget for the Rock Prairie Road East Widening Project is \$2,969,000. Funding for this project is from the 2003 general obligation bond authorization. Funds in the amount of \$879,981.82 have been expended or committed to date, leaving a balance of \$2,089,018.18. Remaining funds are for surveying and land acquisition. Funds for construction are not included in this project budget.

Attachments:

1. Resolution
2. Exhibit "A" – Part 1 – On File in City Secretary's Office
3. Exhibit "A" – Part 2 – On File in City Secretary's Office
4. Project Location Map

AMENDMENT TO RESOLUTIONS DETERMINING NEED

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AUTHORIZING AN AMENDMENT TO THREE PREVIOUSLY APPROVED RESOLUTIONS DETERMINING NEED BY REPLACING THE PROPERTY DESCRIPTIONS OF ALL THREE RESOLUTIONS WITH A NEW PROPERTY DESCRIPTION.

WHEREAS, the City Council of College Station, Texas ("City") previously authorized three resolutions for the Rock Prairie Road East Widening Project, being Resolution No. 12-14-2006-13.03 on December 14, 2006; Resolution No. 3-8-2007-2c on March 8, 2007; and Resolution No. 3-22-2007-2d on March 22, 2007; and

WHEREAS, the City desires to substitute and replace the descriptions of the property to be acquired (the "Right-of-Way and Easements") in the previously approved resolutions with a new description for the Right of Way and Easements; now therefore;

BE IT RESOLVED by the City Council of the City of College Station, Texas:

PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that the Right-of-Way and Easements described in Exhibit "A", which is attached to this resolution, shall, upon execution of this resolution, substitute and replace the previously approved Right-of-Way and Easements in their entirety and shall become incorporated in the above referenced resolutions as though written fully therein.

PART 2: That all other parts of the previously authorized resolutions shall remain unchanged.

PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

Exhibit "A" to Amendment to Resolutions Determining Need

Rock Prairie Road East Widening Project (ST0417)
City of College Station, Brazos County, Texas
State Highway 6 through William D. Fitch Parkway Intersection
May 2010

All tracts listed below are more particularly described and depicted by the accompanying "Ownership Map" prepared by Joe Orr, Inc. Said map is made part of this Exhibit "A".

Right-of-Way – Fee Simple Interest – SH 6 through the intersection of the proposed re-aligned Bird Pond Road

Being all those tracts or parcels of land necessary to widen the right-of-way of Rock Prairie Road from the east frontage road of State Highway 6 through the intersection of the proposed re-aligned Bird Pond Road and through the Dale W. Conrad and Reba Conrad tract and the Willis S. Ritchey and Peggy J. Ritchey tract as described below. Right-of-Way shall be widened from the present irregular width to a total right-of-way width of one hundred eighteen feet (118'). The proposed north and south right-of-way boundary lines shall be parallel to the existing centerline of Rock Prairie Road and fifty nine feet (59') from the centerline. Said right-of-way tracts or parcels of land shall be acquired from the following lands:

Now or formerly owned by Edward Uvacek and Beatrice G. Uvacek

All that certain tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being a part of that 15.00 acre - Tract Four and that 4.507 acre - Tract Two conveyed to Edward Uvacek, Jr. and wife, Beatrice Uvacek by deed recorded in Volume 274, Page 383 of the Deed Records of Brazos County, Texas, and a part of that 23.233 acre - Tract One and that 7.00 acre - Tract Two conveyed to Edward Uvacek, Jr. by deed recorded in Volume 321, Page 664 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 14.714 acres.)

Now or formerly owned by Riviera Day Spa, Inc.

All that certain 1.354 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, designated as Lot 1, Block 1 on plat of Riviera Addition described by plat recorded in Volume 6607, Page 97 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Dr. Roy R. Luepnitz

All that certain 0.96 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dr. Roy R. Luepnitz by deed recorded in Volume 4792, Page 42 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Marguerite Carroll Trust

All that certain tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being described in deed to Marguerite H. Carroll, trustee, and Linda Carroll Lantz recorded in Volume 4297, Page 194 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is 0.5824 acres.)

Now or formerly owned by Britton L. Rice

All that certain 45.23 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Britton Rice by deed recorded in Volume 3387, Page 115 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Britton L. Rice

All that certain 45.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Britt Rice by deed recorded in Volume 3636, Page 85 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Dale W. Conrad and Reba Conrad

All that certain 26.25 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dale W. Conrad and wife, Reba J. Conrad by deed recorded in Volume 460, Page 505 of the Deed Records of Brazos County, Texas.

Now or formerly owned by College Station Independent School District

All that certain 30.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to College Station Independent School District by deed recorded in Volume 1033, Page 534 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Brian Howard Perry

All that certain 25.79 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Stewart Thompson, trustee for the Brian Howard Perry Trust, by deed recorded in Volume 1980, Page 272 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Jo Ann Atkins

All that certain 10.846 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Jo Ann Atkins by deed recorded in Volume 267, Page 483 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Willis S. Ritchey and Peggy J. Ritchey, et al

All that certain 341.60 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to W.G. Ritchey and wife, Sybil D. Ritchey by deed recorded in Volume 237, Page 29 of the Deed Records of Brazos County, Texas, and to John David Ritchey by deed recorded in Volume 6907, Page 75 of the Official Records of Brazos County, Texas, and to Thomas Glenn Ritchey by deed recorded in Volume 6907, Page 79 of the Official Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 222.136 acres.)

Now or formerly owned by Willis S. Ritchey and Peggy J. Ritchey

All that certain 11.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Willis S. Ritchey by deed recorded in Volume 260, Page 466 of the Deed Records of Brazos County, Texas.

Right-of-Way – Fee Simple Interest – From past the intersection of the proposed re-aligned Bird Pond Road to Bradley Road

Being all those tracts or parcels of land necessary to widen the right-of-way of Rock Prairie Road from past the intersection of the proposed re-aligned Bird Pond Road, beginning at the eastern property lines of the Dale W. Conrad and Reba Conrad tract and the Willis S. Ritchey and Peggy J. Ritchey tract, to Bradley Road. Right-of-Way shall be widened from the present irregular width to a total right-of-way width of ninety one feet (91'). The proposed north and south right-of-way boundary lines shall be parallel to the existing centerline of Rock Prairie Road and forty five and one half feet (45.5') from the centerline. Said right-of-way tracts or parcels of land shall be acquired from the following lands:

Now or formerly owned by Flying Ace Ranch, Ltd.

All that certain 26.25 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Flying Ace Ranch, Ltd. by deed recorded in Volume 3767, Page 237 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Thirumala Enterprises, LLC

All that certain 20.023 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Thirumala Enterprises, LLC by deed recorded in Volume 7929, Page 88 of the Official Records of Brazos County, Texas.

Now or formerly owned by Wellborn SUD

All that certain 0.06 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being Tract 3 conveyed to Wellborn Special Utility District by deed recorded in Volume 3991, Page 197 of the Official Public Records of Brazos County, Texas. (Property not shown on Brazos County Appraisal District.)

Now or formerly owned by Lawrence C. Wolken

All that certain 4.45 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Lawrence Craig Wolken and wife, Olivia Gay Wolken by deed recorded in Volume 401, Page 689 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 0.8 acres.)

Now or formerly owned by Carter Lake Development Company

All that certain 210.92 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Carter Lake Development Corporation by deed recorded in Volume 250, Page 330 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now a 1.75 acre tract.)

Now or formerly owned by Carter Lake Home Owners Corporation

All that certain 3.57 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract designated as Harris Drive and conveyed to Carter Lake Home Owners Corporation by deed recorded in Volume 2414, Page 20 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Robert R. Poling and Lauren Poling

All that certain 4.24 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Robert R. Poling et ux, Lauren K. Poling by deed recorded in Volume 1326, Page 264 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Willis S. Ritchey and Peggy J. Ritchey, et al

All that certain 341.60 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to W.G. Ritchey and wife, Sybil D. Ritchey by deed recorded in Volume 237, Page 29 of the Deed Records of Brazos County, Texas, and to John David Ritchey by deed recorded in Volume 6907, Page 75 of the Official Records of Brazos County, Texas, and to Thomas Glenn Ritchey by deed recorded in Volume 6907, Page 79 of the Official Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 222.136 acres.)

Now or formerly owned by Charles Aline (Charlene) Taylor

All that certain 14.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Hoyett Taylor, Jr. and Charlene Taylor by deed recorded in Volume 235, Page 194 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 2.53 acres.)

Now or formerly owned by Regina L. Jamieson

All that certain 2.996 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Regina L. Jamieson by deed recorded in Volume 1199, Page 418 of the Official Records of Brazos County, Texas.

Now or formerly owned by Houston White

All that certain 2.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Houston White by deed recorded in Volume 1249, Page 612 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Archie P. Clark and Darleen Fay Clark

All that certain 19.61 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Archie P. Clark by deed recorded in Volume 561, Page 28 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 2.24 acres.)

Now or formerly owned by Eugene Bernard Savage III and Grace Lynn Savage Family Trust

All that certain 19.69 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that Tract Eight conveyed to Eugene Bernard Savage III and Grace Lynn Savage, trustees of the Eugene Bernard Savage III and Grace Lynn Savage Family Trust by deed recorded in Volume 7912, Page 265 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 2.24 acres.)

Right-of-Way – Fee Simple Interest – From Bradley Road through William D. Fitch Parkway

Being all those tracts or parcels of land necessary to widen the right-of-way of Rock Prairie Road from Bradley Road through William D. Fitch Parkway. Right-of-Way shall be widened from the present irregular width to a total right-of-way width of one hundred fifteen feet (115'). The proposed north and south right-of-way boundary lines shall be parallel to the existing centerline of Rock Prairie Road and fifty seven and one half feet (57.5') from the centerline. Said right-of-way tracts or parcels of land shall be acquired from the following lands:

Now or formerly owned by John W. Bradley, Sr. Decedent's Trust

All that certain 11.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Mary B. Bradley, trustee, by deed recorded in Volume 4108, Page 223 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Roger Pompa

All that certain 1.41 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Roger Pompa and wife, Nancy Pompa by deed recorded in Volume 448, Page 236 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Kay H. Durr

All that certain 10.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Marshall C. Durr and wife, S. Kay Durr by deed recorded in Volume 414, Page 238 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Nita Marlene Holliday

All that certain 3.37 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Nita Marlene Holliday by deed recorded in Volume 4148, Page 164 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Dolly Olden

All the remainder of that certain 200 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dolly Dymple Olden by deed recorded in Volume 244, Page 433 of the Deed Records of Brazos County, Texas, and to Arthur D. Olden Family Trust by deed recorded in Volume 3711, Pages 139 and 142 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now 66.39 acres.)

Now or formerly owned by Arthur D. Olden Family Trust

All that certain tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, designated as Lot 1, Olden Homeplace Addition on plat of Olden Homeplace Addition described by plat recorded in Volume 7114, Page 101 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now 28.61 acres.)

Now or formerly owned by Dolly Olden

All that certain 49.44 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dolly C. Olden by deed recorded in Volume 8276, Page 158 of the Official Records of Brazos County, Texas.

Now or formerly owned by Lily Caroline Watson (Quitclaim Parcel)

Remnant of all that certain 50.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Lily Caroline Watson by deed recorded in Volume 252, Page 375 of the Deed Records of Brazos County, Texas.

Now or formerly owned by James Todd Carll

All the remainder of that certain 50.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to James Todd Carll by deed recorded in Volume 252, Page 439 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now 9.5 acres.)

Now or formerly owned by Joe and Janet Johnson Land and Investments, L.P.

All that certain 39.44 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being a part of that Tract One conveyed to Joe and Janet Johnson Land and Investments, L.P. by deed recorded in Volume 7803, Page 244 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is one large tract of 68.73 acres.)

Now or formerly owned by Joe and Janet Johnson Land and Investments, L.P.

All that certain 29.29 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being a part of that Tract Two conveyed to Joe and Janet Johnson Land and Investments, L.P. by deed recorded in Volume 7803, Page 244 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now one large tract of 68.73 acres.)

Now or formerly owned by James Todd Carll (Quitclaim Parcel)

Remnant of all that certain 50.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to James Todd Carll by deed recorded in Volume 252, Page 439 of the Deed Records of Brazos County, Texas.

Now or formerly owned by James Todd Carll (Quitclaim Parcel)

Remnant of all that certain 75.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to James Todd Carll by deed recorded in Volume 252, Page 434 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Jean S. Stanley

All that certain 1.583 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Jean S. Stanley by deed recorded in Volume 5201, Page 160 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Hartzell B. Elkins

All that certain 35.37 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Hartzell Elkins by deed recorded in Volume 1920, Page 323 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by City of College Station (Regional Park)

All that certain 66.68 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that 66.32 acre tract conveyed to the City of College Station by deed recorded in Volume 4480, Page 135 of the Official Public Records of Brazos County, Texas and that 0.36 acre tract described by Quit Claim recorded in Volume 4443, Page 17 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is one large tract of 68.56 acres.)

Now or formerly owned by City of College Station (Forestry Shop)

All that certain 1.88 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that 1.81 acre tract conveyed to the City of College Station by deed recorded in Volume 6382, Page 234 of the Official Public Records of Brazos County, Texas and that 0.07 acre tract described by Quit Claim recorded in Volume 6362, Page 208 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is one large tract of 68.56 acres.)

Now or formerly owned by Brazos Valley Solid Waste Management Agency

All that certain 75.17 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Brazos Valley Solid Waste Management Agency by deed recorded in Volume 1235, Page 59 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now of 7.17 acres.)

Now or formerly owned by Brazos Valley Solid Waste Management Agency

All that certain 119.53 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Brazos Valley Solid Waste Management Agency by deed recorded in Volume 1231, Page 288 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by City of College Station (BVSWM Soil Mining)

All that certain 76.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to the City of College Station by deed recorded in Volume 7159, Page 261 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by College Station Independent School District

All that certain 44.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to the College Station Independent School District by deed recorded in Volume 8413, Page 291 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Pebble Creek Development Company

All that certain 677.49 acre tract lying and being situated in the Nathan Clampitt Survey, Abstract No. 90 and the S.W. Robertson Survey, Abstract No. 202, in College Station, Brazos County, Texas, being that tract conveyed to Pebble Creek Development Company as Tract Five by deed recorded in Volume 1671, Page 276 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now of 186.801 acres.)

Public Utility Easement – State Highway 6 to William D. Fitch Parkway

Being all those tracts or parcels of land necessary to make a continuous twenty foot (20') wide public utility easement along and adjoining the north side of the proposed north right-of-way boundary line of Rock Prairie Road and all those tracts or parcels of land necessary to make up a continuous twenty foot (20') wide public utility easement along and adjoining the south side of the proposed south right-of-way boundary line of Rock Prairie Road, from the east frontage road of Texas Avenue (State Highway 6) to the east side of William D. Fitch Parkway. Said easement tracts or parcels of land shall be acquired from the following lands:

Now or formerly owned by The Plazas at Rock Prairie Road, Ltd.

All that certain tract or parcel of land lying and being situated in the Robert Stevenson League, Abstract No. 54 and the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being a part of the Plazas at Rock Prairie by plat recorded in Volume 7560, Page 225 of the Official Records of Brazos County.

Now or formerly owned by Edward Uvacek and Beatrice G. Uvacek

All that certain tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being a part of that 15.00 acre - Tract Four and that 4.507 acre - Tract Two conveyed to Edward Uvacek, Jr. and wife, Beatrice Uvacek by deed recorded in Volume 274, Page 383 of the Deed Records of Brazos County, Texas, and a part of that 23.233 acre - Tract One and that 7.00 acre - Tract Two conveyed to Edward Uvacek, Jr. by deed recorded in Volume 321, Page 664 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 14.714 acres.)

Now or formerly owned by Riviera Day Spa, Inc.

All that certain 1.354 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, designated as Lot 1, Block 1 on plat of Riviera Addition described by plat recorded in Volume 6607, Page 97 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Dr. Roy R. Luepnitz

All that certain 0.96 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dr. Roy R. Luepnitz by deed recorded in Volume 4792, Page 42 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Marguerite Carroll Trust

All that certain tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being described in deed to Marguerite H. Carroll, trustee, and Linda Carroll Lantz recorded in Volume 4297, Page 194 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is 0.5824 acres.)

Now or formerly owned by Britton L. Rice

All that certain 45.23 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Britton Rice by deed recorded in Volume 3387, Page 115 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Britton L. Rice

All that certain 45.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Britt Rice by deed recorded in Volume 3636, Page 85 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Dale W. Conrad and Reba Conrad

All that certain 26.25 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dale W. Conrad and wife, Reba J. Conrad by deed recorded in Volume 460, Page 505 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Flying Ace Ranch, Ltd.

All that certain 26.25 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Flying Ace Ranch, Ltd. by deed recorded in Volume 3767, Page 237 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Thirumala Enterprises, LLC

All that certain 20.023 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Thirumala Enterprises, LLC by deed recorded in Volume 7929, Page 88 of the Official Records of Brazos County, Texas.

Now or formerly owned by Wellborn SUD

All that certain 0.06 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being Tract 3 conveyed to Wellborn Special Utility District by deed recorded in Volume 3991, Page 197 of the Official Public Records of Brazos County, Texas. (Property not shown on Brazos County Appraisal District.)

Now or formerly owned by Lawrence C. Wolken

All that certain 4.45 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Lawrence Craig Wolken and wife, Olivia Gay Wolken by deed recorded in Volume 401, Page 689 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 0.8 acres.)

Now or formerly owned by Carter Lake Development Company

All that certain 210.92 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Carter Lake Development Corporation by deed recorded in Volume 250, Page 330 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now a 1.75 acre tract.)

Now or formerly owned by Carter Lake Home Owners Corporation

All that certain 3.57 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract designated as Harris Drive and conveyed to Carter Lake Home Owners Corporation by deed recorded in Volume 2414, Page 20 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Kenneth McCadden and Linda McCadden

All that certain tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being Lot 1 in Carter Lake Acres as described by plat recorded in Volume 2517, Page 177 of the Official Public Records of Brazos County, Texas and being that tract conveyed to Kenneth McCadden and wife, Linda McCadden by deed recorded in Volume 7875, Page 163 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Robert R. Poling and Lauren Poling

All that certain 4.24 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Robert R. Poling et ux, Lauren K. Poling by deed recorded in Volume 1326, Page 264 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by John W. Bradley, Sr. Decedent's Trust

All that certain 11.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Mary B. Bradley, trustee, by deed recorded in Volume 4108, Page 223 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Roger Pompa

All that certain 1.41 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Roger Pompa and wife, Nancy Pompa by deed recorded in Volume 448, Page 236 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Kay H. Durr

All that certain 10.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Marshall C. Durr and wife, S. Kay Durr by deed recorded in Volume 414, Page 238 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Nita Marlene Holliday

All that certain 3.37 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Nita Marlene Holliday by deed recorded in Volume 4148, Page 164 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Dolly Olden

All the remainder of that certain 200 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dolly Dymple Olden by deed recorded in Volume 244, Page 433 of the Deed Records of Brazos County, Texas, and to Arthur D. Olden Family Trust by deed recorded in Volume 3711, Pages 139 and 142 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now 66.39 acres.)

Now or formerly owned by Arthur D. Olden Family Trust

All that certain tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, designated as Lot 1, Olden Homeplace Addition on plat of Olden Homeplace Addition described by plat recorded in Volume 7114, Page 101 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now 28.61 acres.)

Now or formerly owned by Dolly Olden

All that certain 49.44 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Dolly C. Olden by deed recorded in Volume 8276, Page 158 of the Official Records of Brazos County, Texas.

Now or formerly owned by James Todd Carll

All the remainder of that certain 50.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to James Todd Carll by deed recorded in Volume 252, Page 439 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now 9.5 acres.)

Now or formerly owned by Joe and Janet Johnson Land and Investments, L.P.

All that certain 39.44 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being a part of that Tract One conveyed to Joe and Janet Johnson Land and Investments, L.P. by deed recorded in Volume 7803, Page 244 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is one large tract of 68.73 acres.)

Now or formerly owned by Joe and Janet Johnson Land and Investments, L.P.

All that certain 29.29 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being a part of that Tract Two conveyed to Joe and Janet Johnson Land and Investments, L.P. by deed recorded in Volume 7803, Page 244 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now one large tract of 68.73 acres.)

Now or formerly owned by Jean S. Stanley

All that certain 1.583 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Jean S. Stanley by deed recorded in Volume 5201, Page 160 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Hartzell B. Elkins

All that certain 35.37 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Hartzell Elkins by deed recorded in Volume 1920, Page 323 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by College Station Independent School District

All that certain 30.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to College Station Independent School District by deed recorded in Volume 1033, Page 534 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Brian Howard Perry

All that certain 25.79 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Stewart Thompson, trustee for the Brian Howard Perry Trust, by deed recorded in Volume 1980, Page 272 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Jo Ann Atkins

All that certain 10.846 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Jo Ann Atkins by deed recorded in Volume 267, Page 483 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Willis S. Ritchey and Peggy J. Ritchey, et al

All that certain 341.60 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to W.G. Ritchey and wife, Sybil D. Ritchey by deed recorded in Volume 237, Page 29 of the Deed Records of Brazos County, Texas, and to John David Ritchey by deed recorded in Volume 6907, Page 75 of the Official Records of Brazos County, Texas, and to Thomas Glenn Ritchey by deed recorded in Volume 6907, Page 79 of the Official Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 222.136 acres.)

Now or formerly owned by Willis S. Ritchey and Peggy J. Ritchey

All that certain 11.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Willis S. Ritchey by deed recorded in Volume 260, Page 466 of the Deed Records of Brazos County, Texas.

Now or formerly owned by Willis S. Ritchey and Peggy J. Ritchey, et al

All that certain 341.60 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to W.G. Ritchey and wife, Sybil D. Ritchey by deed recorded in Volume 237, Page 29 of the Deed Records of Brazos County, Texas, and to John David Ritchey by deed recorded in Volume 6907, Page 75 of the Official Records of Brazos County, Texas, and to Thomas Glenn Ritchey by deed recorded in Volume 6907, Page 79 of the Official Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 222.136 acres.)

Now or formerly owned by Charles Aline (Charlene) Taylor

All that certain 14.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Hoyett Taylor, Jr. and Charlene Taylor by deed recorded in Volume 235, Page 194 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 2.53 acres.)

Now or formerly owned by Regina L. Jamieson

All that certain 2.996 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Regina L. Jamieson by deed recorded in Volume 1199, Page 418 of the Official Records of Brazos County, Texas.

Now or formerly owned by Houston White

All that certain 2.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Houston White by deed recorded in Volume 1249, Page 612 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by Archie P. Clark and Darleen Fay Clark

All that certain 19.61 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Archie P. Clark by deed recorded in Volume 561, Page 28 of the Deed Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 2.24 acres.)

Now or formerly owned by Eugene Bernard Savage III and Grace Lynn Savage Family Trust

All that certain 19.69 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that Tract Eight conveyed to Eugene Bernard Savage III and Grace Lynn Savage, trustees of the Eugene Bernard Savage III and Grace Lynn Savage Family Trust by deed recorded in Volume 7912, Page 265 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District, the property is now 2.24 acres.)

Now or formerly owned by City of College Station (Regional Park)

All that certain 66.68 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that 66.32 acre tract conveyed to the City of College Station by deed recorded in Volume 4480, Page 135 of the Official Public Records of Brazos County, Texas and that 0.36 acre tract described by Quit Claim recorded in Volume 4443, Page 17 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is one large tract of 68.56 acres.)

Now or formerly owned by City of College Station (Forestry Shop)

All that certain 1.88 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that 1.81 acre tract conveyed to the City of College Station by deed recorded in Volume 6382, Page 234 of the Official Public Records of Brazos County, Texas and that 0.07 acre tract described by Quit Claim recorded in Volume 6362, Page 208 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is one large tract of 68.56 acres.)

Now or formerly owned by Brazos Valley Solid Waste Management Agency

All that certain 75.17 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Brazos Valley Solid Waste Management Agency by deed recorded in Volume 1235, Page 59 of the Official Public Records of Brazos County, Texas. (According to Brazos County Appraisal District the property is now of 7.17 acres.)

Now or formerly owned by Brazos Valley Solid Waste Management Agency

All that certain 119.53 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to Brazos Valley Solid Waste Management Agency by deed recorded in Volume 1231, Page 288 of the Official Public Records of Brazos County, Texas.

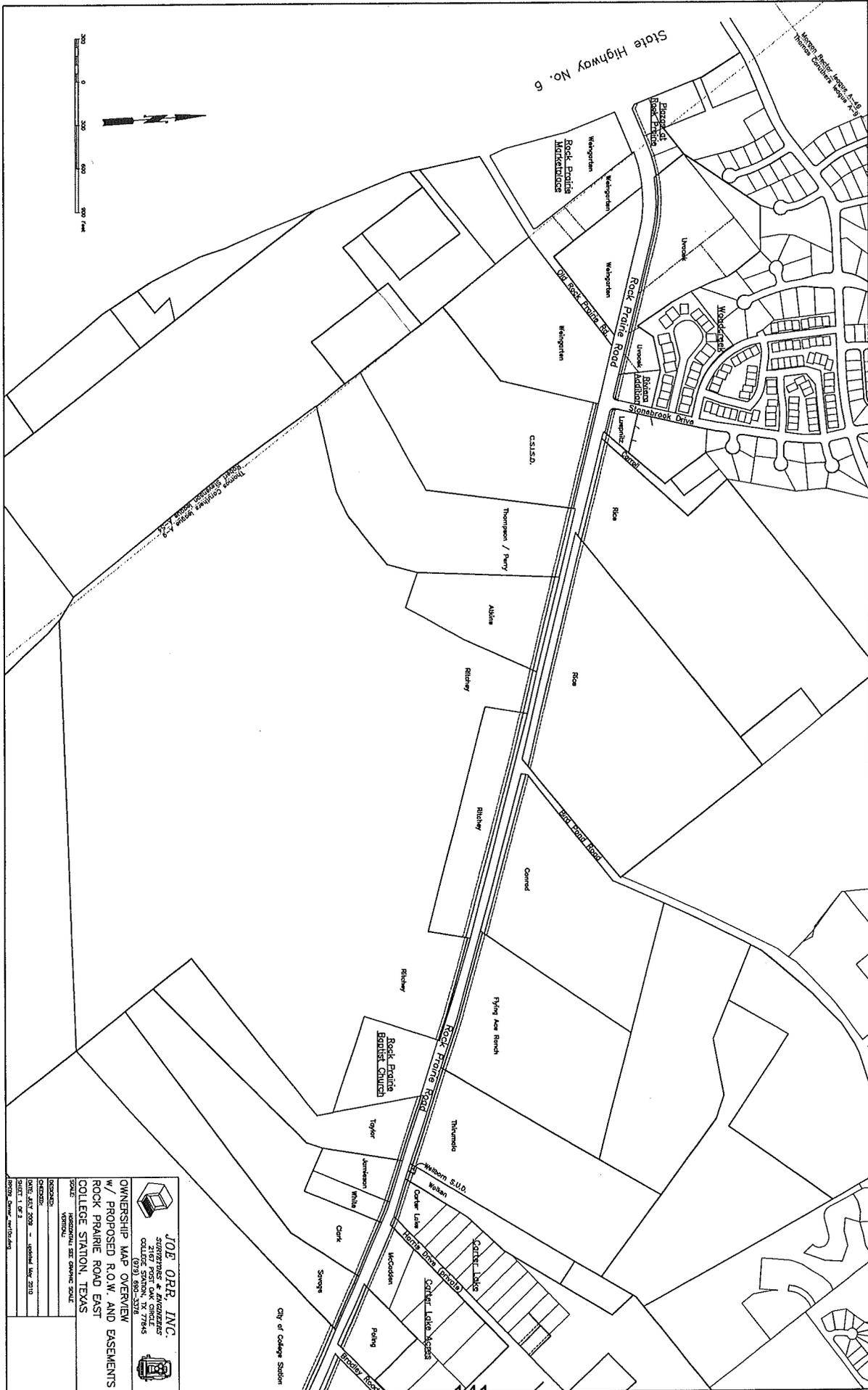
Now or formerly owned by City of College Station (BVSWMA Soil Mining)

All that certain 76.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to the City of College Station by deed recorded in Volume 7159, Page 261 of the Official Public Records of Brazos County, Texas.

Now or formerly owned by College Station Independent School District

All that certain 44.00 acre tract lying and being situated in the Thomas Caruthers League, Abstract No. 9, in College Station, Brazos County, Texas, being that tract conveyed to the College Station Independent School District by deed recorded in Volume 8413, Page 291 of the Official Public Records of Brazos County, Texas.

All tracts listed above are more particularly described and depicted by the accompanying "Ownership Map" prepared by Joe Orr, Inc. Said map is made part of this Exhibit "A".

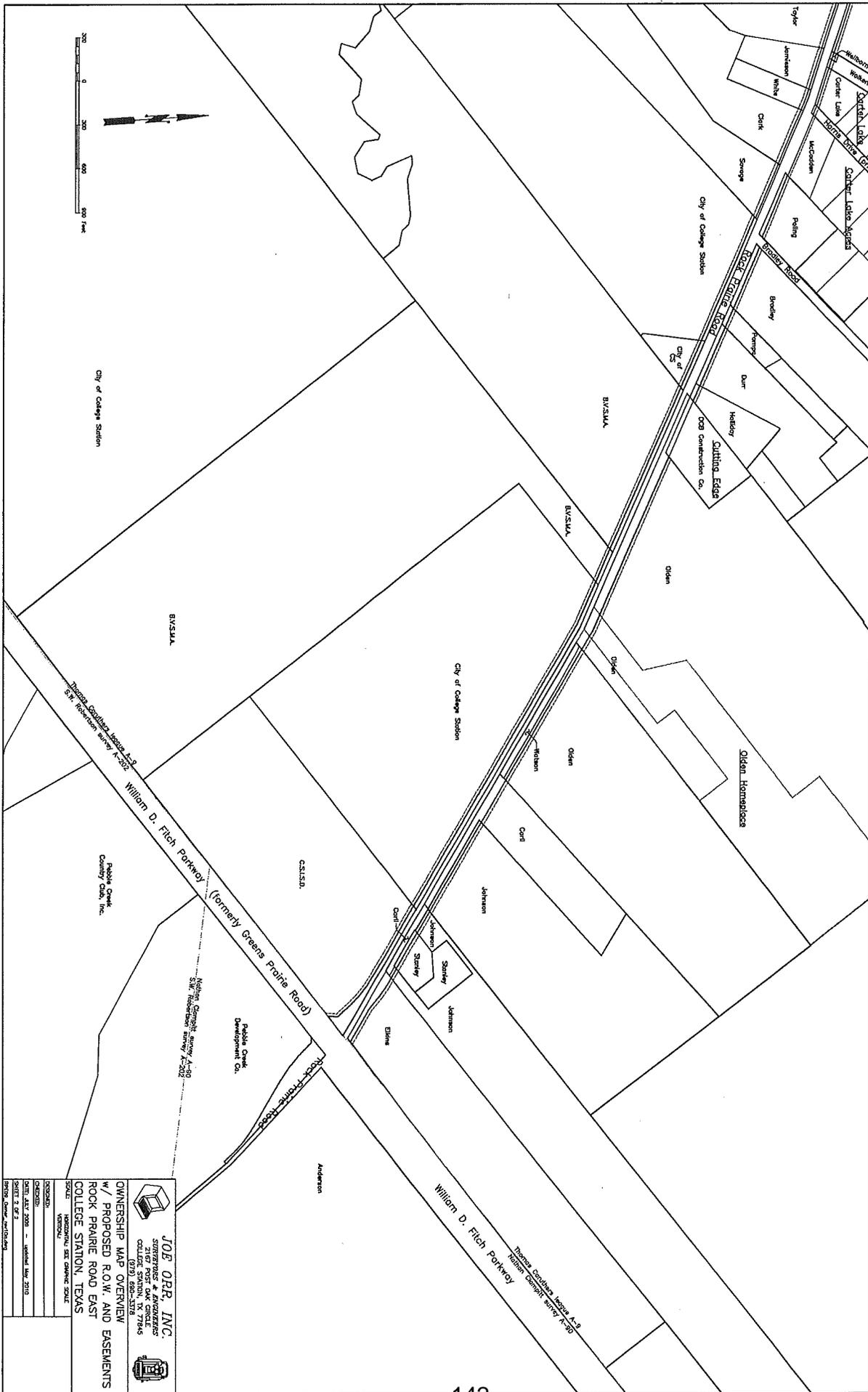


JOE ORR, INC.
 SURVEYORS & ENGINEERS
 6210E GARDNER, N. W. 77845
 (979) 890-3378

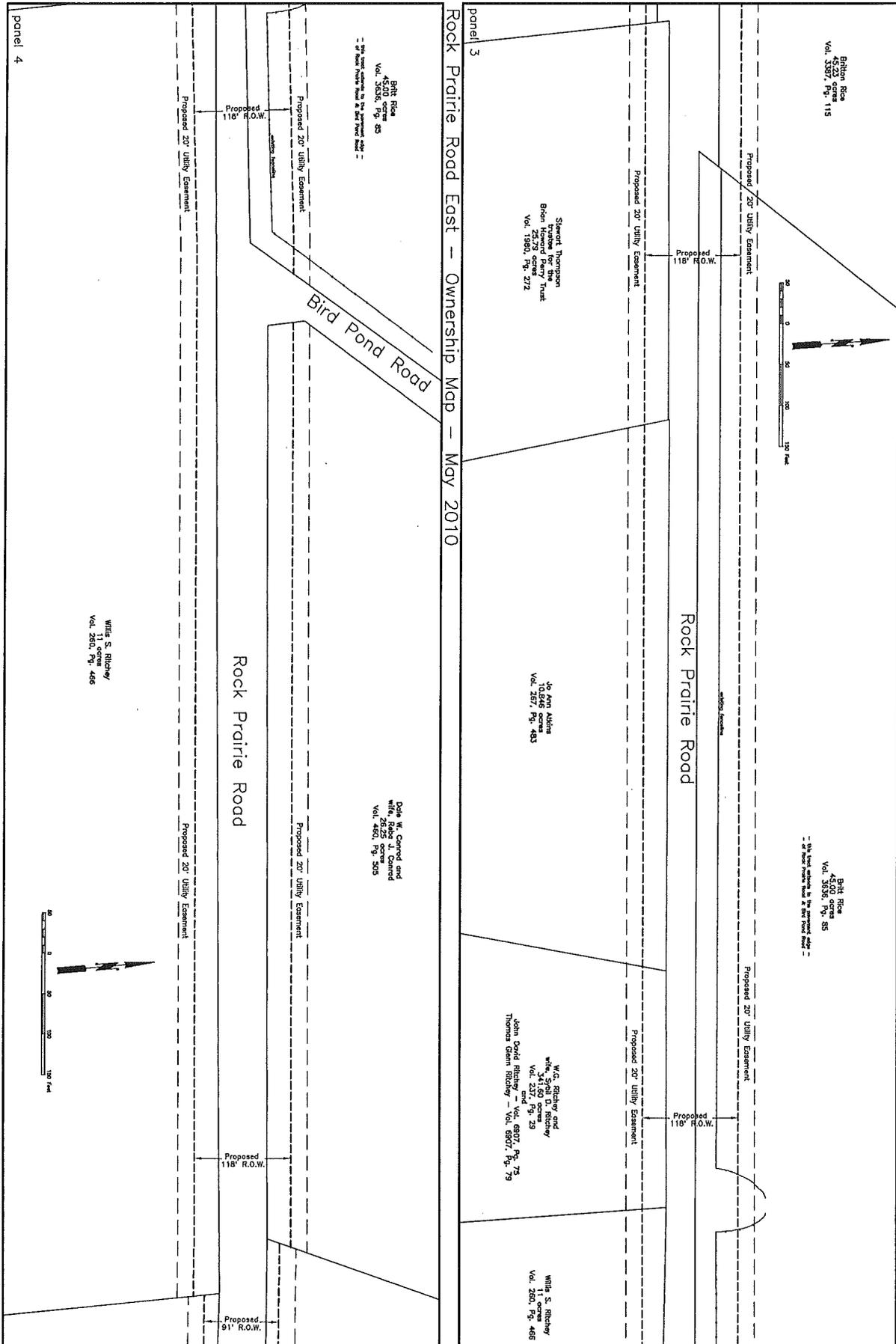
OWNERSHIP MAP OVERVIEW
 W/ PROPOSED R.O.W. AND EASEMENTS
 ROCK PRAIRIE ROAD EAST
 COLLEGE STATION, TEXAS

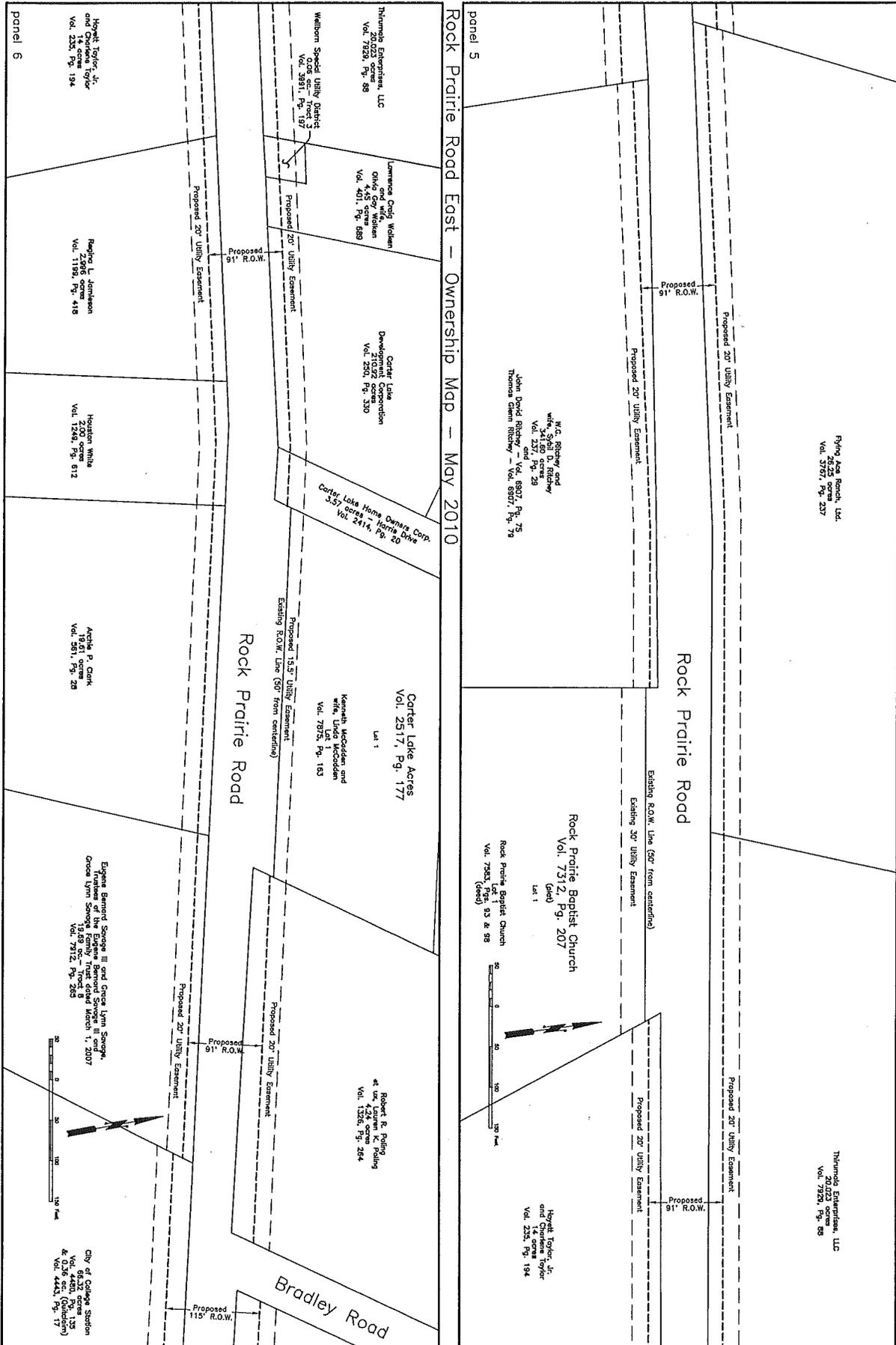
SCALE: VERTICAL
 HORIZONTAL: 1" = 200' HORIZ. SCALE

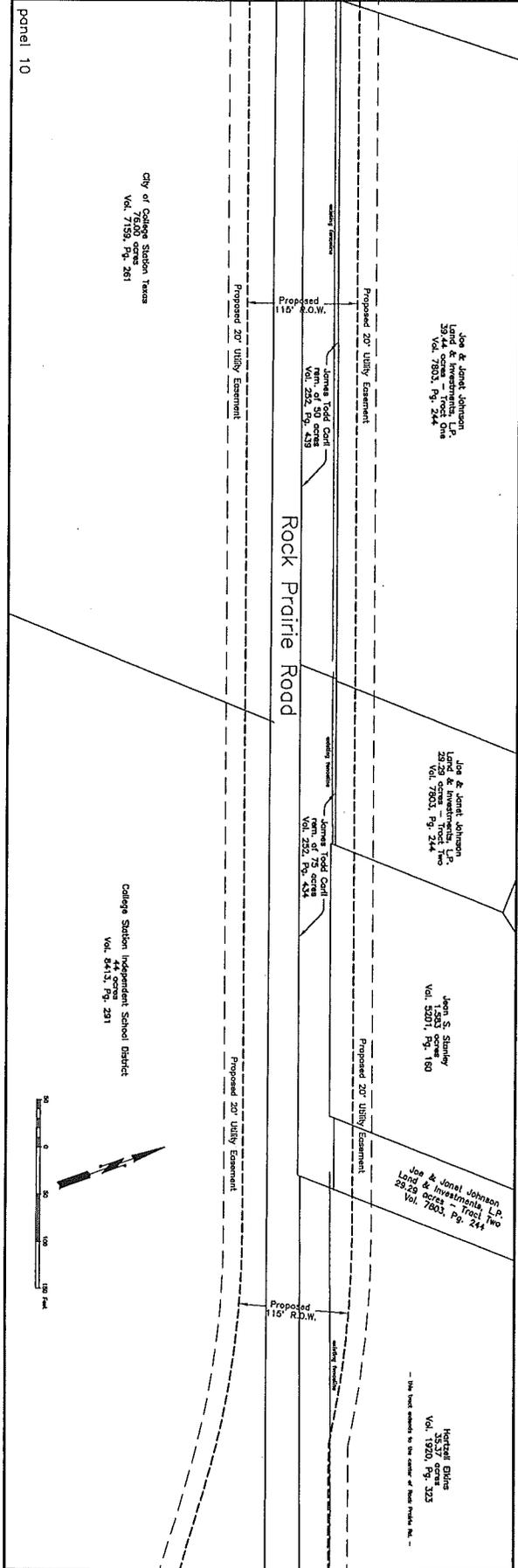
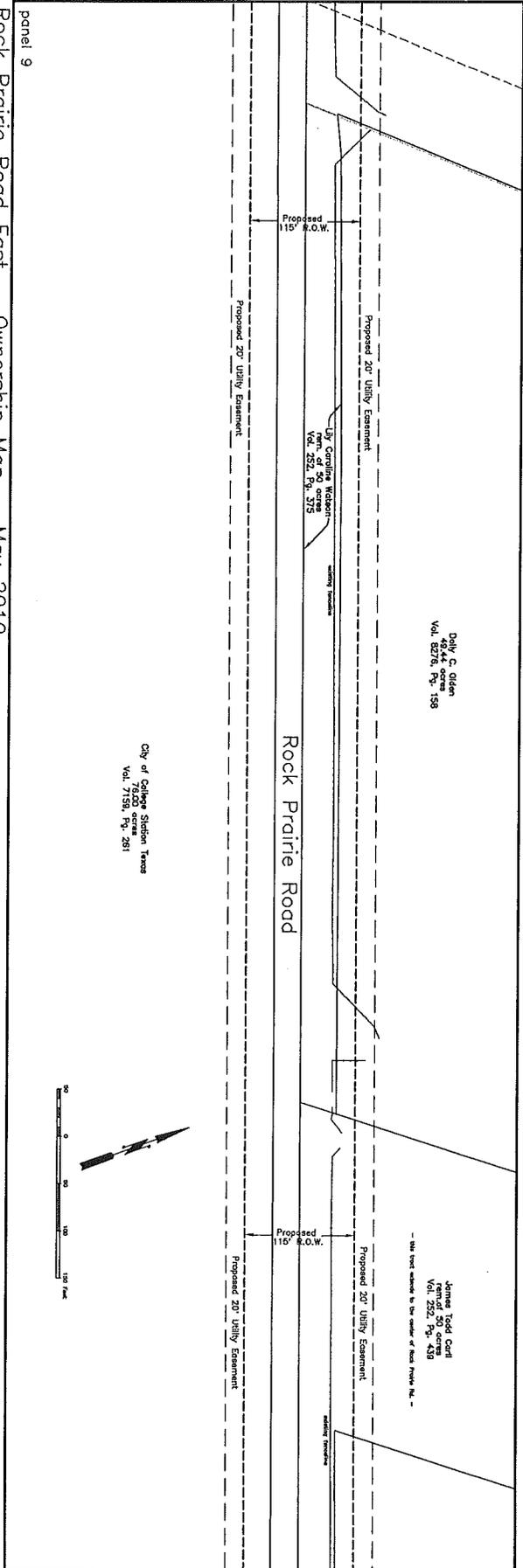
DATE: MAY 2009 - REVISED MAY 2010
 SHEET 1 OF 3
 10/20/09 Owner and/Or/As

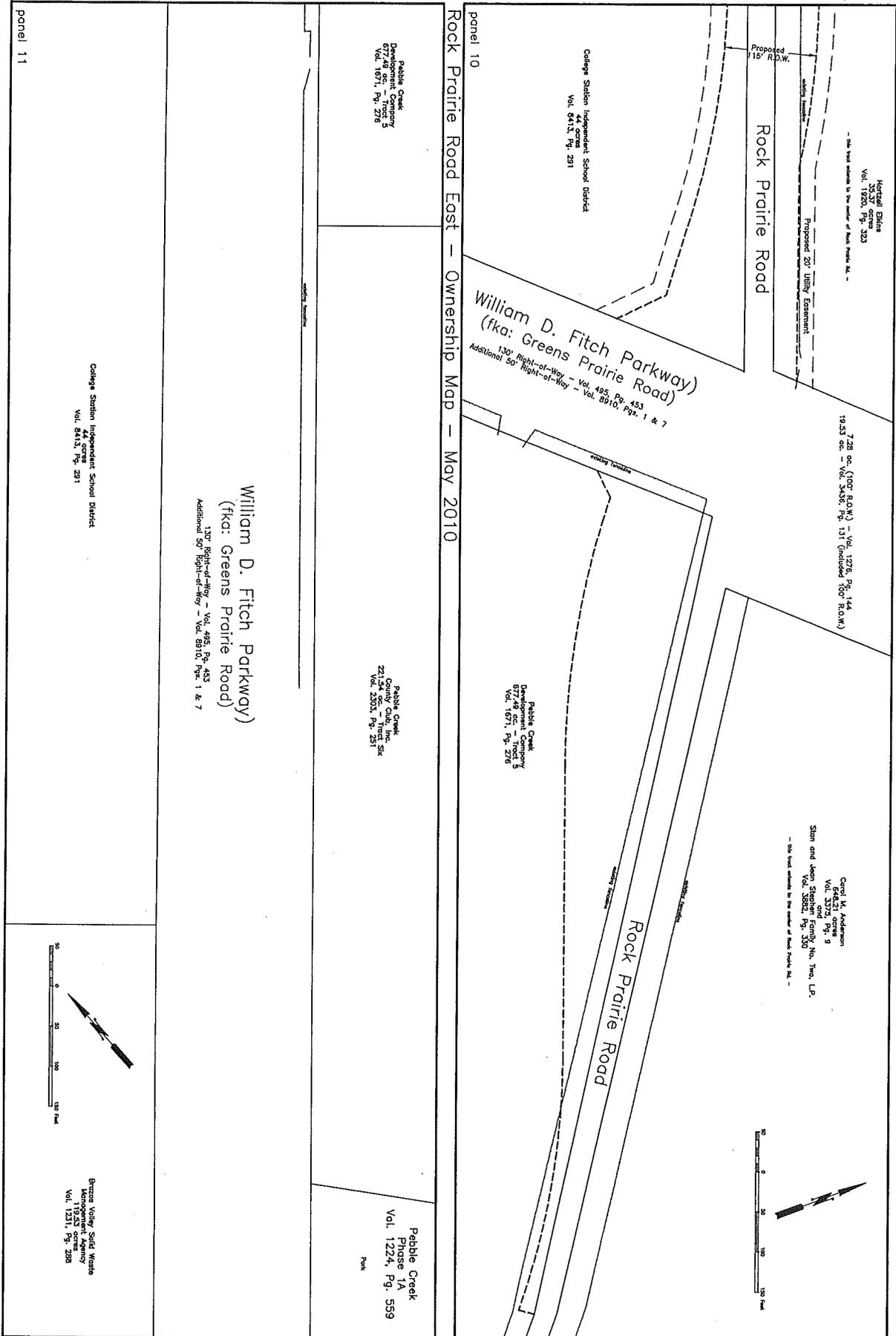


<p>JOE ORR, INC. SURVEYORS & ENGINEERS 2101 POST OAK CIRCLE DALLAS, TEXAS 75201 (972) 680-3378</p>	
<p>OWNERSHIP MAP OVERVIEW W/ PROPOSED R.O.W. AND EASEMENTS ROCK PRAIRIE ROAD EAST COLLEGE STATION, TEXAS</p>	
SCALE	AS SHOWN
DATE	MAY 2010
PROJECT	2 OF 2
BY	OWNER

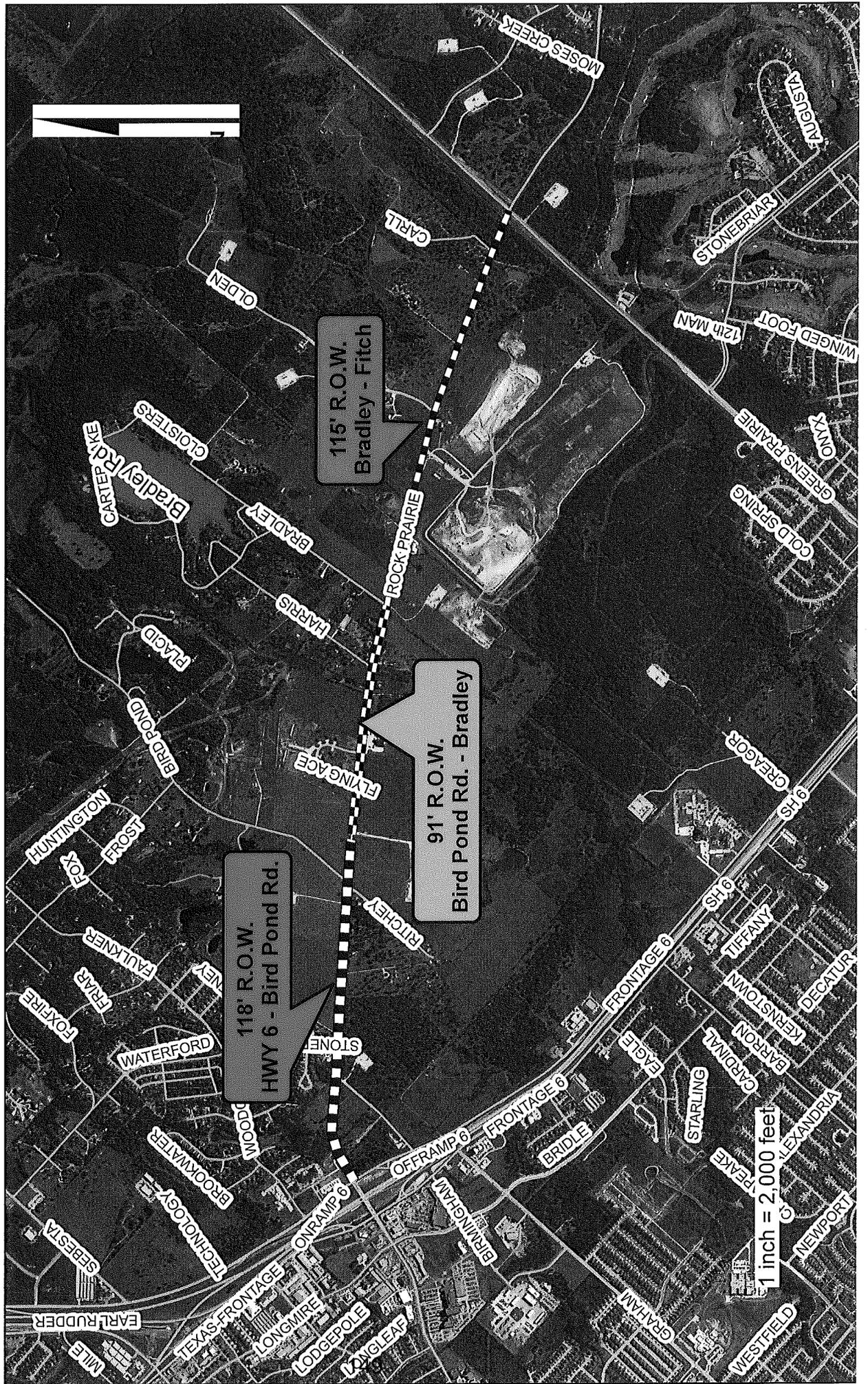








Rock Prairie Road East Needs Resolution Project Location Map



Rock Prairie Road East Needs Resolution Project Location Map

