



**CITY OF FRIENDSWOOD  
PLANNING AND ZONING COMMISSION  
THURSDAY, APRIL 23, 2020 - 7:00 PM**

## **AGENDA**

**NOTICE IS HEREBY GIVEN OF A FRIENDSWOOD REGULAR MEETING TO BE HELD AT 910 S. FRIENDSWOOD DRIVE FRIENDSWOOD, TX 77549 IN THE COUNCIL CHAMBERS AT CITY HALL , REGARDING THE ITEMS OF BUSINESS ACCORDING TO THE AGENDA LISTED BELOW:**

**1. Call to order**

**2. Communication from the public/committee liaisons**

(To comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects be placed on a later regular Commission agenda for discussion and/or possible action)

**3. Public Hearing**

A. To receive comments, both oral and written, regarding:

A zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center

**4. Consent Agenda**

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner or citizen so requests in which case the item would be removed from the consent agenda and considered separately.

A. Minutes for the regular meeting held Thursday, March 26, 2020

**5. Discussion Items**

- A. Staff update regarding changes to Local Government Code Chapter 212, specifically House Bill 3167, which affects approvals and disapprovals of plats and plans

**6. Action Items**

**According to the Planning and Zoning Rules of Procedure (R2019-15), all action of the Commission shall be made by an affirmative vote of four (4) or more members of the Commission present at such Commission meetings.**

- A. Consideration and possible action regarding a recommendation to City Council for the requested zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center
- B. Consideration and possible action regarding the partial preliminary plat of Avalon at Friendswood Section One, a private subdivision, being 68.101 acres of land containing 50 lots and 18 reserve in 5 blocks, out of the Mary Fabreau Survey A-69 (along the future Friendswood Lakes Boulevard), City of Friendswood, Galveston County, Texas

**7. Consideration and possible action regarding future Planning and Zoning Commission meeting dates**

- A. Regular meeting - Thursday, May 14, 2020  
Regular meeting - Thursday, May 28, 2020

**8. Communications**

- A. From Commissioners - suggestions for future agenda items, general comments and/or updates from liaison assignments
- B. From Planning Subcommittee – update on tasks
- C. From Ordinance Subcommittee – update on tasks
- D. From City Council Liaison, Trish Hanks - general comments and communication from City Council
- E. From Staff - March DRC Report, commercial and residential project updates, City Council action and ordinance updates

**9. Adjournment**





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**Aubrey Harbin, LEED AP**  
**Director of Community Development/City Planning**

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This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made **two (2)** business days or more prior to this meeting. Please contact the City Secretary's Office at (281) 996-3270 for further information.

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**I, MELINDA WELSH, CITY SECRETARY OF THE CITY OF FRIENDSWOOD DO  
HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE  
FRIENDSWOOD PLANNING AND ZONING WAS POSTED IN A PLACE  
CONVENIENT TO THE GENERAL PUBLIC IN COMPLIANCE WITH CHAPTER 551,  
TEXAS GOVERNMENT CODE, ON**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
AT TIME

\_\_\_\_\_  
MELINDA WELSH, TRMC  
CITY SECRETARY

*All meetings of the Planning & Zoning Commission are open to the public, except when there is a necessity to meet in an Executive Session (closed to the public) under the provisions of Section 551, Texas Government Code. The Planning & Zoning Commission reserves the right to convene into Executive Session to hear any of the above described agenda items that qualifies for an executive session by publicly announcing the applicable section number of the Open Meetings Act.*



## **FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM**

Meeting Date: April 23, 2020

Subject: To receive comments, both oral and written, regarding:

A zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center

Action: Significant

### **SUMMARY / ORIGINATING CAUSE**

First Baptist Church of Friendswood is making plans for current and future building expansions. They have recently acquired additional properties and have incorporated those properties into their campus. The zoning districts of the properties vary and all allow the use of Religious Organizations with the Specific Use Permit (SUP). The underlying zoning on all tracts will remain.

They are also in the process of requesting to vacate a portion of right-of-way on E. Heritage Drive, and they will be required to plat/replat all of their properties.

The current proposal is a master plan that will guide the church development over the next 20 years.

#### Proposed Phasing:

The following is the expected timing or sequence of phases and are subject to change based on the church's need.

Phase 1A Jun 2020 - Improvement and expansion of parking at the corner of 518/E. Shadowbend (209 S. Friendswood Dr.)

Phase 1B Oct 2020 - New Welcome Center Addition and South Church Expansion (111 E. Heritage Dr.)

Phase 2 Administration building renovation and expansion (209 S. Friendswood Dr.)

Phase 3 New storage building and parking (201 E. Heritage Dr.)

Phase 4 Church North expansion, interior renovation and adjacent site improvements (111 E. Heritage Dr.)

Phase 5 Removal of Building A and completion of education building expansion (111 E. Heritage Dr.)

### IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Approving the SUP will allow the church to make improvements to the properties they have acquired and expand their campus.

### RECOMMENDATIONS

The following departments reviewed the proposed conceptual plans, and it appears that the proposed plans meet the zoning regulations of the city with the exception of the two items listed below that will require P&Z consideration: Planning, Fire Marshal, Public Works, Engineering and Police Department.

#### Request to exceed building height:

The building height of the proposed sanctuary is 44 feet 8 inches with an ornamental tower with a height of 72 feet 8 inches, with an ornamental cross on top of that which will be 90 feet 10 inches tall.

The maximum building height allowed in the Downtown District (DD) is 70 feet. An exception is allowed for certain architectural elements such as church spires, ornamental towers, etc.

#### Zoning Ordinance Section 7.Q.3. Area and height exceptions

e. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.

Below are some addresses and exceptions that were made for other structures here in Friendswood...

212 E. Parkwood Ave – communication tower/SUP - was limited to an overall height of 80 feet including the antennae; tower is 77 feet tall (2017)

606 Cedarwood Dr. – church/SUP - height exception for 57ft 3.5inches for their building (2001)

2245 Thomas Trace - community care facility/SUP – overall building height of 51.5 feet (not yet built)

505 S Friendswood Dr – 4 story office building/DD - to top of roof screen – 65 feet; top of parapet wall – 60 feet (under construction)

#### Alternative Landscaping:

Additionally, some alternate calculations were used to come up with the required landscaping. Providing credit for existing landscaping and counting landscaping on property zoned SFR (which would typically only require 1 tree per lot) was used to achieve the overall totals.

## **ATTACHMENTS**

1. FBC Application
2. FBC Deeds
3. FBC Plat and Metes and Bounds
4. First Baptist Church SUP Rezoning Report
5. FBC Aerial Map
6. FBC Location Map
7. FBC Zoning Map
8. First Baptist Church SUP- Full Set Plans



## City of Friendswood – Community Development

910 S. Friendswood Drive

Friendswood, TX 77546

Phone: 281-996-3201 Fax: 281-996-3260

www.ci.friendswood.tx.us

### Zone Change Application

CURRENT ZONE OF PROPERTY: DD

TYPE OF ZONE CHANGE (check one):

☐ Land Use Change to Zone: \_\_\_\_\_

☐ Specific Use Permit Option 1

☐ Planned Unit Development Option 1

☒ Specific Use Permit Option 2

☐ Planned Unit Development Option 2

SUP for Use(s) #: 8131

#### PROPERTY IDENTIFICATION:

Address: 111 East Heritage Drive, Friendswood, TX 77546

Platted Land – Plat Name: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Unplatted Land – Attach a certified metes and bounds description (Metes & Bounds Attached)

OWNER NAME: First Baptist Church Friendswood Phone: 281-482-7513

Owner's Mailing Address: 111 East Heritage Drive

City: Friendswood State: TX Zip: 77546 Fax: \_\_\_\_\_

Owner's Email Address: mmays@fbcfriendswood.org

AGENT'S NAME: Ziegler Cooper Architects <sup>Stephanie</sup> Kaup Phone: 713-374-0153

Agent's Mailing Address: 700 Louisiana Street, Suite 350

City: Houston State: TX Zip: 77002 Fax: \_\_\_\_\_

Agent's Email Address: skaup@zieglercooper.com

In authorizing an agent to represent the owner, the owner attests that his/her agent may make verbal or written representations and/or declarations on the owner's behalf and the owner understands and acknowledges that the City of Friendswood shall rely upon the agent's representations in matters pertaining to the above described property. The designation of an agent in this matter in no way absolves the owner of any of the owner's responsibilities outlined by the City of Friendswood. The owner must be the legal owner of record of the property at the time of submittal of the application.

The undersigned hereby request approval by the City Council on the above identified zone change.

Owner's Signature: [Signature] Date: 1-13-2020

Agent's Signature: [Signature] Date: 1-13-2020

Received By: B. Bennett  
Date of Public Hearing: 2-13 + 3-2  
Property Owner Notices: 1-31-2020

Application Number: PLAN-2020-0002  
Received Date: 1-13-2020  
Newspaper Notice: 1-17-2020  
Sign on Property: 1-31-2020

## THE STATE OF TEXAS,

COUNTY OF GALVESTON

Know All Men By These Presents:

THAT THE UNDERSIGNED, PETE LAMMON, E. W. ROBERTS and PAUL O'FARRELL, Trustees of First Baptist Church, Friendswood, Texas, an unincorporated religious organization of the County of Galveston, and State of Texas, in consideration of the debt and trust hereinafter mentioned, have... Granted, Bargained, Sold and Conveyed, and by these presents do Grant, Bargain, Sell and Convey unto J. C. Thomas, Jr. Trustee, and to his successor or substitute in this trust, and to his and their assigns hereunder forever, the following described property, situated, lying and being in the County of Galveston and State of Texas, to-wit:

**TRACT 1:** Part of Lot Two (2) in Block Two (2) in Friendswood, in Galveston County, Texas, according to the plat of said Friendswood recorded in Volume 254, Page 37, in the Office of the County Clerk of Galveston County, Texas, and being more fully described by metes and bounds as follows:

Begin at the East corner of said Lot 2;

THENCE in a Northwesterly direction along the Northeasterly line of said Lot 2, a distance of 330 feet to a point for the beginning point of the tract herein described;

THENCE continuing in a Northwesterly direction along the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southwesterly direction, parallel to the Northwesterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southeasterly direction parallel to the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Northeasterly direction parallel to the Northwesterly line of said Lot 2, a distance of 330 feet to the place of beginning. SAVE AND EXCEPT that part thereof (surface only) conveyed to the County of Galveston by deed recorded in Volume 677, Page 593, and that part (surface only) described as Second Tract in deed recorded in Volume 1001, Page 394, to the County of Galveston, both being recorded in the office of the County Clerk of Galveston County, Texas.

**TRACT 2:** Being a part of Lot Two (2), Block Two (2) of the Friendswood Subdivision of the Sarah McKissick or J. R. Williams League of land in Galveston County, Texas, described by metes and bounds as follows:

BEGINNING at the East corner of said Lot 2;

THENCE in a Northwesterly direction along the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southwesterly direction parallel to the Northwesterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southeasterly direction parallel to the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Northeasterly direction parallel with the Northwesterly line of said Lot 2, a distance of 330 feet to the place of beginning.

TO HAVE AND TO HOLD the said described property, with all the rights, members, hereditaments and appurtenances, now, or hereafter at any time before the foreclosure hereof, in any wise appertaining or belonging thereto unto the said Trustee, and to his successor or substitute hereunder, and to his and their assigns forever. And the undersigned hereby bind themselves, their heirs, executors and administrators, to warrant and forever defend all and singular the said premises, unto the said Trustee, his successor or substitute in this trust, and to his or their assigns forever, against the lawful claim or claims of all persons whomsoever.

THIS CONVEYANCE is made in trust, however, to secure and enforce the payment of one promissory note of even date herewith (hereinafter referred to as note), executed by the undersigned, payable to PASADENA SAVINGS & LOAN ASSOCIATION, or order

at Pasadena, Texas as follows: Being a Deed of Trust Note of even date herewith for the principal sum of \$100,000.00, bearing interest from date until the maturity thereof at the rate of six and one-half per cent (6-1/2%) per annum, the accrued interest on said note being due and payable on or before June 10, 1962, July 10, 1962, August 10, 1962, and September 15, 1962, and thereafter, the principal and interest of said note are payable in monthly installments of not less than \$750.00 each, with the privilege of making extra payments at any time, the first installment being due and payable on or before the 15th day of October, 1962, and one installment to become due and payable on or before the 15th day of each succeeding month thereafter until the whole principal sum and all interest are fully paid, payments, when made, shall first be credited to payment of the accrued interest, and the balance, if any, shall be credited to payment of the principal of said note; said note reciting that it is secured by the Deed of Trust Lien herein granted.

The lien herein granted is subject to the following royalty reservations:

IT IS SPECIALLY AGREED that when, as and if any accelerated maturity of any item secured by this instrument may be declared due under any term of this or any other paper evidencing the debt or any part thereof, that the maximum amount that can be collected for or on account of the debt shall be the principal amount thereof and interest accrued to the date of payment at not to exceed ten per cent. per annum. That if any possible construction of any and all of the papers may seem to indicate any possibility of a different power given to the creditor or any authority to ask for, demand, or receive any larger rate of interest the parties covenant that same is a mistake in calculation or wording which this clause is intended to override and control.

IT IS SPECIALLY AGREED that in case of any sale hereunder, all prerequisites to said sale shall be presumed to have been performed, and that in any conveyance given hereunder all statements of facts, or other recitals therein made, as to the non-payment of money secured, or as to the breach or non-performance of any of the covenants herein set forth, or as to the request of the Trustee to enforce this Trust, or as to the proper and due appointment of any substitute Trustee, or as to the advertisement of sale, or time or place or manner of sale, or as to any other preliminary act or thing, shall be taken in all courts of law or equity as prima facie evidence that the facts so stated or recited are true.

It is agreed that the proceeds of any indemnity collected from any insurance company for loss or damage to the improvements on said property, shall be applied to the repair or replacement of the damaged property unless the consent of the holder of said note in writing is obtained for application thereof otherwise.

WITNESS our hands this 26th day of March, A.D. 19 62.

*Pete Lannon*  
Pete Lannon  
*E. W. Roberts*  
E. W. Roberts  
*Paul O'Farrell*  
Paul O'Farrell  
Trustees of First Baptist Church, Friendswood,  
Texas.

## THE STATE OF TEXAS,

COUNTY OF GALVESTON

BEFORE ME, the undersigned authority,

in and for said County, Texas, on this day personally appeared PETE LANNON, E. W. ROBERTS and PAUL O'FARRELL, Trustees of First Baptist Church, Friendswood, Texas,

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of March, A.D. 19 62.

(L. S.)

Notary Public, County, Texas

My Commission Expires June, 19

## THE STATE OF TEXAS,

COUNTY OF ~~HARRIS~~ GALVESTON,

BEFORE ME, the undersigned authority,

in and for said County, Texas, on this day personally appeared PETE LANNON, E. W. ROBERTS and PAUL O'FARRELL, Trustees of First Baptist Church, Friendswood, Texas,

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 26 day of March, A.D. 19 62

(L. S.)

Mrs. Effie Albrighton  
Notary Public, Galveston County, Texas

My Commission Expires June 1st, 19 62

Filed for Record April 10, 1962 at 11:30 o'clock A. M. No. 286365

Recorded April 11, 1962 at 12:35 o'clock P. M.

JOHN R. PLATTE, County Clerk, By *R. H. Brown* Deputy.

261



201 E Heritage Dr  
#6**WARRANTY DEED**

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

Date: December 15, 2011

Grantor. ALAN KEITH STEPHENSON, ~~a single person~~ and SANDRA GEORGE, ~~xxx single personxxx~~

Grantor's Mailing Address (including county):

2702 Janet Ct.  
Pearland, Brazoria County, Tx. 77581

Grantee: FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation

Grantee's Mailing Address (including county):

111 East Heritage Drive  
Friendswood, Galveston County, Texas 77546

Consideration: For Ten and No/100 Dollars and other valuable consideration

Property (including any improvements):

Tract One (1), of a survey of part of Lot Twelve (12), in Block Two (2), of FRIENDSWOOD, a subdivision of part of the J. R. Williams or Sarah McKissick League, Galveston County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights of record; all presently recorded instruments, other than liens and conveyances, that affect the property. Taxes for the current year have been prorated and are assumed by Grantee.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's legal representatives, successors and assigns forever, Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular

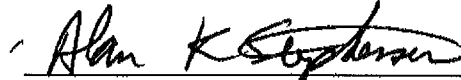
ATTN 1017899

FILED BY  
ALAMO TITLE COMPANY

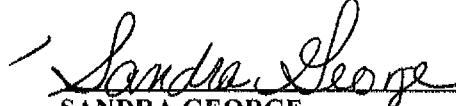


the property to Grantee and Grantee's legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except to the reservations from and exceptions to conveyance and warranty.

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



ALAN KEITH STEPHENSON



SANDRA GEORGE

a/k/a Sandra Garoge Stephenson

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 15 day of December, 2011, by  
ALAN KEITH STEPHENSON.





Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 15 day of December, 2011, by  
SANDRA GEORGE.





Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:

## EXHIBIT A

Order No.: ATH11017889

Tract 1 of a survey of part of Lot 12, Block 2 of Friendswood, a subdivision of part of the J R Williams or Sarah McKissick League, Galveston County, Texas and being more particularly described by metes and bounds as follows

BEGINNING at a half inch iron rod found at the intersection at the Northeasterly right of way of Morningside Drive (60 foot r o w ) as laid out and in use in the Southerly part of East Hentage Drive (60 foot r o w ) said half inch iron rod being the West corner of the herein described tract of land and the POINT OF BEGINNING.

THENCE South 45 degrees 00 minutes 00 seconds East along said Northeasterly right of way of Morningside Drive for a distance of 165 26 feet to a half inch iron rod found in concrete.

THENCE North 45 degrees 00 minutes 00 seconds East a distance of 115 00 feet to a 5/8 inch iron rod found for corner

THENCE North 45 degrees 00 minutes 00 seconds West a distance of 153 50 feet to a half inch iron rod found for corner in the Southerly right of way line of East Hentage Drive,

THENCE along a curve to the left, having a radius of 320 00 feet, a distance of 116.4 feet to the POINT OF BEGINNING.

NOTE: This Company does not represent that the above acreage or square footage calculations are correct

## FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Dwight D. Sullivan* 2011064225

December 20, 2011 11 14 24 AM

FEE \$24 00

Dwight D Sullivan, County Clerk  
Galveston County, TEXAS

202 E Heritage

63191

NOTICE

Prepared by the State Bar of Texas for use by Lawyers only. 8-73-5M  
To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements.

# WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS  
COUNTY OF GALVESTON

}

KNOW ALL MEN BY THESE PRESENTS:

That we, William B. Patton and wife, Myra A. Patton

of the County of Galveston and State of Texas for and  
in consideration of the sum of TEN and NO/100ths (\$10.00) DOLLARS  
and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of  
which is hereby acknowledged, and the further consideration of the execution and delivery by grantee  
of its one certain promissory note of even date herewith, in the principal sum of FORTY-  
ONE THOUSAND TWO HUNDRED FIFTY and NO/100ths (\$41,250.00) DOLLARS payable to the order  
of grantors in monthly installments and bearing interest as therein provided, containing  
the usual clauses providing for acceleration of maturity and for attorney's fees,

--- G E E R ---  
BOOK 2645 PAGE 144

the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of  
trust of even date herewith to Cecil L. Solomon, Trustee,  
have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto  
The First Baptist Church of Friendswood, Texas,  
subject to the reservations hereinafter made,  
of the County of Galveston and State of Texas, all of the following described real  
property in Galveston County, Texas, to-wit:

A tract out of Lots 1 and 2, Block 2, Friendswood Subdivision out of the Sarah  
McKissick or J. R. Williams League, Galveston County, Texas, according to the map or

D E E D

BOOK 2645 PAGE 145

plat of said Subdivision recorded in Vol. 238, Page 14, in the office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at the South corner of Lot 1, Block 2, of said Subdivision, which is also the East corner of said Lot 2, which point is in the center of a 60 foot road known as Heritage Drive; Thence North 45 deg. 00 min. West, along the common line between said Lots 1 and 2, a distance of 30 feet to the beginning corner of the tract herein described; Thence from said beginning point, South 45 deg. 00 min. West, parallel to the Southeast line of said Lot 2, a distance of 227 feet to a point for corner, which point is the intersection of the Northwest line of said Heritage Drive with the Northeast line of a 60 foot road known as Pecan Drive; Thence North 45 deg. 00 min. West, along the Northeast line of said Pecan Drive and parallel to the Northeast line of said Lot 2, a distance of 375 feet to a point for corner; Thence North 45 deg. 00 min. East, parallel to the Southeast line of said lots 2 and 1, at 227 feet cross the commonline between said Lots 2 and 1, at 391.15 feet pass a 1/2 inch pipe set on the Southwest bank of a small gully, in all a distance of 397.15 feet to the center of said gully; Thence in an Easterly direction, along the center line of said gully, a distance of approximately 80 feet; Thence South 30 deg. 43 min. 39 sec. East a distance of approximately 13.4 feet to an iron pipe set on the bank of said gully; Thence continuing South 30 deg. 43 min. 39 sec. East, a distance of 195.6 feet to a point for corner; Thence South 40 deg. 03 min. 39 sec. East, a distance 122 feet to a point for corner in the curved Northwest line of said Heritage Drive, which point is North 45 deg. 00 min. East 121.5 feet and North 45 deg. 00 min. West 13.5 feet from the South corner of said Lot 1; Thence in a Southwesterly direction, along the arc of a curve of undetermined radius in the Northwest line of said Heritage Drive, a chord of which would bear approximately South 52 deg. 44 min. West, a distance of approximately 123 feet to the place of beginning.

EXCEPT, however, that the grantors herein reserve out of the property herein-  
above described, all rights, title and interest in a fifteen (15') feet wide strip of  
land alongside and parallel to the N 45°00' E line from the N 45°00' W line across the  
commonline between said Lots 1 and 2 to the center of said gully.

SAVE and EXCEPT, and there is hereby reserved unto grantors, their heirs and  
assigns, an undivided one hundred (100%) percent interest in and to all of the oil,  
gas and other minerals in and under and that may be produced from the above described  
property, together with the right of ingress and egress at all times for the purpose  
of mining, drilling, exploring, operating and developing said lands for oil, gas and  
other minerals and removing the same therefrom.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and  
appurtenances thereto in anywise belonging unto the said grantee, its successors and ~~heirs~~ assigns  
forever; and we do hereby bind ourselves, our heirs, executors and administrators to  
WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, its succe-  
sors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part  
thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above  
described premises, is retained against the above described property, premises and improvements until the above  
described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof,  
when this Deed shall become absolute.

This conveyance is made and accepted to the following matters, to the extent  
same are in effect at this time: Any and all restrictions, covenants, conditions and  
easements, if any, relating to the hereinabove described property, but only to the ex-  
tent they are still in effect, shown of record in hereinabove mentioned County and State,  
and to all zoning laws and regulations of municipal and/or other governmental authorities,  
if any, but only to the extent that they are still in effect, relating to the hereinabove  
described property and also to the easement to Community Public Service Company of re-  
cord in Vol. 657, Page 120, in the office of the County Clerk of Galveston County,  
Texas.

EXECUTED this 15<sup>th</sup> day of December, A.D. 1975.

William B. Patton  
Myra R. Patton

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF GALVESTON

Before me, the undersigned authority, on this day personally appeared

William B. Patton and wife, Myra A. Patton

known to me to be the person..... whose name..... subscribed to the foregoing instrument, and acknowledged to me that..... they..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the

17<sup>th</sup> day of December, A. D. 1975

Notary Public in and for Galveston County, Texas.  
My Commission Expires June 1, 19

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person..... whose name..... subscribed to the foregoing instrument, and acknowledged to me that..... he..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the

day of , A. D. 19

Notary Public in and for County, Texas.

D. F. C. U.  
BOOK 2645 PAGE 147

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person..... whose name..... subscribed to the foregoing instrument, and acknowledged to me that..... he..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the

day of , A. D. 19

Notary Public in and for County, Texas.

(Corporate acknowledgment)

THE STATE OF TEXAS  
COUNTY OF

Before me, the undersigned authority, on this day personally appeared  
of

a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the

day of , A. D. 19

Notary Public in and for County, Texas.

DEED  
BOOK 2645 PAGE 148

63191

WARRANTY DEED  
WITH VENDOR'S LIEN

TO

PREPARED IN THE LAW OFFICE OF:

PLEASE RETURN TO: *W. H. Humphrey Jr.*  
*Post Office Box 46*  
*Waco, Texas 76792*

STATE OF TEXAS COUNTY OF GALVESTON  
I hereby certify that this instrument was filed on the  
date and time stamped herein by me and was duly recorded  
in the volume and page of the named records of Galveston  
County, Texas as mandated by law.



JAN 9 1976

*W. H. Humphrey Jr.*  
COUNTY CLERK, Galveston County, Texas

FILED FOR RECORD  
JAN 9 12 34 PM 1976  
COUNTY CLERK, GALVESTON COUNTY, TEXAS







2007037162

6 PGS

204 E Heritage Dr  
206 E Heritage Dr  
#10

**WARRANTY DEED**

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

**Date:** June 5, 2007

**Grantor:** JOSEPH MITCHELL WRIGHT and ARTHA T. WRIGHT, husband and wife

**Grantor's Mailing Address (including county):**

204 East Heritage Drive  
Friendswood, Galveston County, Texas 77546

**Grantee:** FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation,  
and JOSEPH MITCHELL WRIGHT and ARTHA T. WRIGHT, husband and wife,  
as to a Life Estate

**Grantee's Mailing Address (including county):**

111 East Heritage Drive  
Friendswood, Galveston County, Texas 77546

**Consideration:** For Ten and No/100 Dollars and other valuable consideration.

**Property (including any improvements):**

A tract or parcel of land containing 0.8151 acres of land, more or less, being part of Lot One (1), in Block Two (2), of FRIENDSWOOD, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 238, Page 14, in the Office of the County Clerk of Galveston County, Texas, said tract being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

**Reservations from and exceptions to Conveyance and Warranty:**

Easements, rights-of-way, and prescriptive rights of record; all presently recorded instruments, other than liens and conveyances, that affect the property. Taxes for the current year have been prorated and are assumed by Grantee.

FILED BY  
ALAMO TITLE COMPANY  
4231150

Return to:  
First Baptist Church of Friendswood  
204 E. Heritage Drive  
Friendswood, TX 77546 Page 19 of 217

In addition to the foregoing, Grantee, by its acceptance hereof, acknowledges and agrees that the above described property will be restricted as follows:

- 1) Allow either or both Joseph Mitchell Wright and wife, Artha T. Wright, to live on the property until they die or until they no longer wish to remain in the house. If, for example, they wish to move into a place of assisted living;
- 2) Allow a member of the immediate family to occupy the trailer home on tract B-Two (B-2) as long as either Joseph Mitchell Wright or Artha T. Wright are living in the home. Occasional parking of RV allowed;
- 3) Life Interest Property to include both Tract B-Two (B-2) and Tract B-Three (B-3). Privacy of Wright family to be protected;
- 4) The First Baptist Church of Friendswood to hold the title to the two (2) tracts of land and be responsible for taxes;
- 5) At present there is a house on Tract B-Two (B-2) and a trailer home on Tract B-Three (B-3). Improvements can be made as needed, but no additional living space is to be added. Joseph Mitchell Wright to be responsible for appropriate insurance and for all maintenance of the existing houses and improvements, plus any improvements which may be made to the property;
- 6) First Baptist Church of Friendswood to be allowed to seek re-zoning of both tracts to a category suitable for appropriate use by the church; and
- 7) First Baptist Church of Friendswood to be allowed to make limited improvements to the property, such as paving, as long as they do not impair the Wright family's access and use of the homes. Such improvements to be mutually agreeable to Grantor herein and First Baptist Church of Friendswood. Specifically, it is likely that a paved parking area will be added during the term of the Life Interest.

This restrictive covenant shall be a covenant running with the land and shall be binding on each of the parties hereto and their heirs, executors, administrators, legal representatives, successor and assigns.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's legal representatives, heirs, executors, administrators, successors and assigns forever, Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's legal representatives, heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except to the reservations from and exceptions to conveyance and warranty.

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

  
JOSEPH MITCHELL WRIGHT  
  
ARTHA T. WRIGHT

AGREED TO AND ACCEPTED BY:

FIRST BAPTIST CHURCH OF FRIENDSWOOD,  
a Texas non-profit corporation

By: [Signature]  
Name: John Knappe  
Title: Co-Trustee

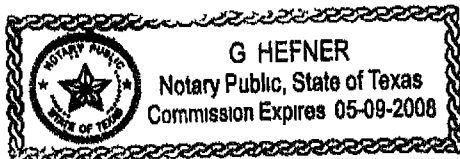
By: [Signature]  
Name: John McNeely  
Title: Co-Trustee

By: [Signature]  
Name: Robert C. Felts  
Title: Co-Trustee

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by JOSEPH MITCHELL WRIGHT.

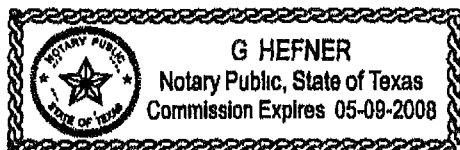


[Signature]  
Notary Public, State of Texas  
Notary's printed name:  
Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by ARTHA T. WRIGHT.

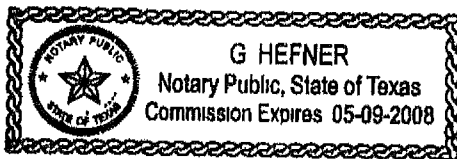


[Signature]  
Notary Public, State of Texas  
Notary's printed name:  
Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by JOHN KNAPE, Co-Trustee of FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

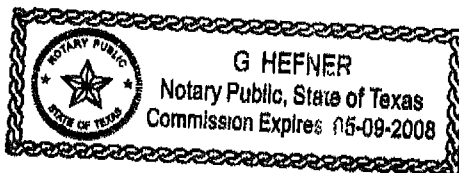
Notary's printed name:

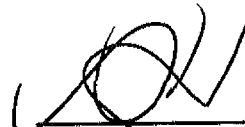
Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by JOHN MCNEELY, Co-Trustee of FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

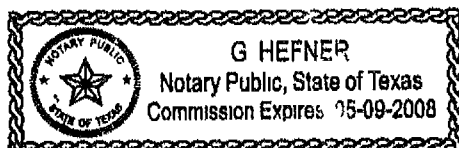
Notary's printed name:

Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by ROBERT C. FELTS, Co-Trustee of FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:

(KAM/plkH June07/42311138)

## EXHIBIT "A"

A tract or parcel of land containing 0.8151 acres of land, more or less, being part of Lot 1 in Block 2, of FRIENDSWOOD, in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 238, Page 14, in the Office of the County Clerk of Galveston County, Texas, said tract being more particularly described by metes and bounds as follows

COMMENCING at the South corner of said Lot 1, said point being in the Northwestern right-of-way line of East Heritage Drive (variable width),

THENCE North 45 deg 00 min 00 sec East, along the Northwestern right-of-way line of said East Heritage Drive, a distance of 181.50 feet to a point in the Northeasterly right-of-way line of said East Heritage Drive,

THENCE North 40 deg 03 min 39 sec West, along the Northeasterly right-of-way line of said East Heritage Drive, a distance of 77.30 feet to a ¼ inch iron rod found for the POINT OF BEGINNING of the herein described tract of land;

THENCE North 40 deg 03 min 39 sec West, along the Northeasterly right-of-way line of said East Heritage Drive, a distance of 53.00 feet to a 1-1/2 inch iron pipe found for corner,

THENCE South 49 deg 56 min 21 sec West, along the Northwestern right-of-way line of Said East Heritage Drive, a distance of 60.00 feet to a ½ inch iron rod set with cap "Survey 1", for corner,

THENCE North 30 deg 43 min 34 sec West, along the Easterly line of the First Baptist Church of Friendswood tract (3357-0002-0001-000), at a distance of 150.00 feet pass a ½ inch iron rod set with cap "Survey 1", on line and continue in all a total distance of 209.00 feet to a point for corner,

THENCE North 67 deg 10 min 33 sec East, along the Southerly line of the City-Friendswood Buyout recorded in 2001063634, and the Collins Tract recorded in 2000020038, a distance of 250.24 feet to a point for corner,

THENCE South 08 deg 56 min 21 sec West, along the Westerly line of the Manchaca Tract (3460-0002-0001-004), at a distance of 82.10 feet pass a ½ inch iron rod set with cap "Survey 1", on line and continue in all a total distance of 282.10 feet to the POINT OF BEGINNING of the herein described tract of land and containing 0.8151 acres of land, more or less

NOTE THIS COMPANY DOES NOT REPRESENT THAT THE ABOVE  
ACREAGE AND/OR SQUARE FOOTAGE ARE CORRECT

# FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2007037162

June 07, 2007 10 37 31 AM

FEE \$32 00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS



2007037164

3 PGS

208 E Heritage  
#9**WARRANTY DEED**

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

**Date:** June 5, 2007

**Grantor:** CATHERINE MANCHACA, a single person, acting herein by and through her duly authorized Agent and Attorney-in-Fact, ~~C. TODD MANCHACA~~ CLAYTON TODD MANCHACA

**Grantor's Mailing Address (including county):**

2 Drifting Wind Run  
Austin, Texas 78738

**Grantee:** FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation

**Grantee's Mailing Address (including county):**

111 East Heritage  
Friendswood, Galveston County, Texas 77546

**Consideration:** For Ten and No/100 Dollars and other valuable consideration.

**Property (including any improvements):**

A 0.9117 acre tract of land being Tract "D", "E" and "F", out of Lot One (1), in Block Two (2), of FRIENDSWOOD SUBDIVISION, a subdivision in the Sarah McKissick League, Galveston County, Texas, said tract being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

**Reservations from and exceptions to Conveyance and Warranty:**

Easements, rights-of-way, and prescriptive rights of record; all presently recorded instruments, other than liens and conveyances, that affect the property. Taxes for the current year have been prorated and are assumed by Grantee.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's legal representatives, successors and assigns forever, Grantor binds Grantor and Grantor's

FILED BY  
ALAMO TITLE COMPANY  
423 111 37

Return to:  
First Baptist Church of Friendswood  
111 East Heritage  
Friendswood, TX 77546

heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except to the reservations from and exceptions to conveyance and warranty.

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

*Catherine Manchaca* by  
CATHERINE MANCHACA

*Clayton Todd Manchaca* as

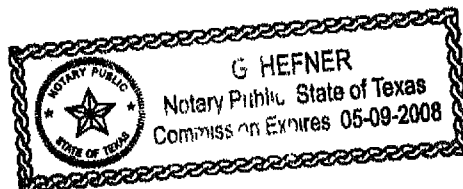
By: *Atty in Fact*

CLAYTON *C. Todd Manchaca, Agent and Attorney-in-Fact*

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by C. TODD MANCHACA, Agent and Attorney-in-Fact for CATHERINE MANCHACA, in the capacity therein stated.



*[Signature]*  
Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:



EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A 0.9117 ACRE TRACT OF LAND DESIGNATED AS TRACTS "D", "E" AND "F", OUT OF LOT 1, BLOCK 2 OF THE FRIENDSWOOD SUBDIVISION IN THE SARAH McKISSICK LEAGUE, GALVESTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1 inch iron pipe found for corner in the southeast line of the aforementioned Lot 1, which bears N 45°00'00" E a distance of 181.50 feet from the south corner of said Lot 1,

THENCE S 62°20'37" W, a distance of 37.00 feet to a ½ inch pipe rod found for corner;

THENCE N 00°28'21" E, a distance of 55.50 feet to a ½ inch iron rod set for corner;

THENCE N 40°03'39" W, a distance of 27.00 feet to a ½ inch iron pipe found for corner;

THENCE N 08°58'21" E, at a distance of 200.00 feet pass a ½ inch iron rod set for reference corner near the southwest bank of Mary's Creek, continuing in all a total distance of 271.42 feet to a point for corner in the centerline of Mary's Creek;

THENCE in a southeasterly direction along the centerline of Mary's Creek the following courses and distances:

S 60°11'22" E, a distance of 64.00 feet,

S 15°40'29" E, a distance of 21.89 feet;

S 51°31'04" E, a distance of 42.15 feet;

S 72°16'23" E, a distance of 41.47 feet;

S 45°04'33" E, a distance of 77.23 feet to a ½ inch iron rod with cap found for corner in the southeast line of Lot 1;

THENCE S 45°00'00" W, along the southeast line of said Lot 1, a distance of 258.00 feet to the PLACE OF BEGINNING and containing 0.9117 acre of land, more or less.

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2007037164

June 07, 2007 10 37 31 AM

FEE \$24.00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS

17005249

**SPECIAL WARRANTY DEED**

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

Date: March 9, 2017

Grantor: AL-HADI HOLDINGS, INC., a Texas corporation

Grantor's Mailing Address: 3560 Old Spanish Trail  
(including County) Houston TX 77021

Grantee: FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation

Grantee's Mailing Address: 111 East Heritage  
(including County) Friendswood, TX 77546

**Consideration:**

TEN DOLLARS (\$10.00) and other good and valuable consideration.

**Property (including any improvements):**

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

**Reservations from and Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the current year, which Grantee assumes and agrees to pay and subsequent assessments for this and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

**AS A MATERIAL PART OF THE CONSIDERATION FOR THIS DEED, GRANTOR IS CONVEYING THE PROPERTY "AS IS" WITH ANY AND ALL LATENT AND PATENT DEFECTS. THERE ARE NO EXPRESS OR IMPLIED WARRANTIES, EXCEPT FOR LIMITED WARRANTIES OF TITLE SET FORTH HEREIN.**

e-RECORDED BY VERITAS TITLE GF# 17005249-DU

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to warranty.

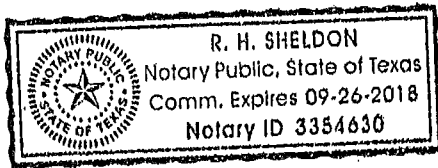
When the context requires, singular nouns and pronouns include the plural.

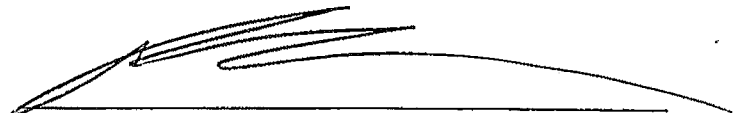
**AL-HADI HOLDINGS, INC., a Texas corporation**

By:   
**SYED HUSSAIN, President**

STATE OF TEXAS  
 COUNTY OF HARRIS

This instrument was acknowledged before me on this 9 day of March, 2017, by **SYED HUSSAIN, President of AL-HADI HOLDINGS, INC., a Texas corporation**, on behalf thereof.



  
 Notary Public, State of Texas

Return To:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

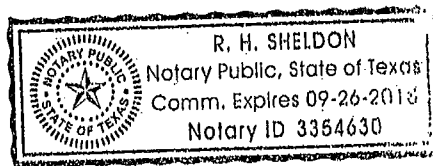


EXHIBIT "A"

BEING A TRACT OR PARCEL, CONTAINING 1.0528 ACRES (45,860 SQUARE FEET) OF LAND, MORE OR LESS, SITUATED IN THE SARAH MCKISSICK LEAGUE, ABSTRACT NUMBER 151, CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS, AND BEING PORTION OF LOT 2, BLOCK 2, OF FRIENDSWOOD SUBDIVISION RECORDED IN PLAT RECORD 7, MAP NO. 20 OF THE GALVESTON COUNTY MAP RECORDS (G.C.M.R.) AND BEING ALL OF A CALLED 46,260 SQUARE FEET OF LAND CONVEYED TO AL-HADI HOLDINGS, INC. RECORDED IN GALVESTON COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (G.C.O.P.R.R.P.) NO. 2014073259, WITH SAID 1.0528 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (BEARINGS HEREIN ARE GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (NAD 83):

**COMMENCING** AT A 1-INCH IRON PIPE FOUND AT THE INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY (R.O.W.) LINE OF PECAN DRIVE AND THE NORTHWEST R.O.W. LINE OF EAST SHADOWBEND AVENUE, AND MARKING THE SOUTH CORNER OF THE FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD, RECORDED IN PLAT NO. 18, MAP NO. 900 (G.C.M.R.), FROM WHICH A 3/4-INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD, BEARS FOR REFERENCE NORTH 41 DEG. 45 MIN. 11 SEC. EAST, A DISTANCE OF 240.00 FEET, AND FROM WHICH A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD, BEARS FOR REFERENCE NORTH 48 DEG. 14 MIN. 49 SEC WEST, A DISTANCE OF 300.60 FEET;

THENCE, SOUTH 41 DEG. 45 MIN. 11 SEC. WEST, ALONG THE NORTHWESTWEST R.O.W. LINE OF SAID EAST SHADOWBEND AVENUE, PASSING AT A DISTANCE OF 60.00 FEET THE EAST CORNER OF A CALLED 0.385 ACRE TRACT CONVEYED TO JOSEPH & MARK PRIHODA RECORDED IN CLERK'S FILE NO. 8002724 G.C.O.P.R.R.P., CONTINUING A TOTAL DISTANCE OF 160.00 FEET TO A "X" IN CONCRETE SET, MARKING THE **POINT OF BEGINNING** AND THE MOST EASTERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 41 DEG. 45 MIN. 11 SEC. WEST, CONTINUING ALONG THE NORTHWEST R.O.W. OF SAID EAST SHADOWBEND AVENUE, A DISTANCE OF 160.00 FEET TO A "X" IN CONCRETE SET IN THE INTERSECTION OF THE NORTH R.O.W. OF SOUTH FRIENDSWOOD DRIVE AND THE WEST R.O.W. OF SAID EAST SHADOWBEND AVENUE, AND MARKING THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 48 DEG. 14 MIN. 49 SEC. WEST, ALONG THE NORTHEAST R.O.W. LINE OF SAID SOUTH FRIENDSWOOD DRIVE, A DISTANCE OF 241.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE SOUTH CORNER OF A CALLED 0.589 ACRE TRACT OF LAND

CONVEYED TO LOCKWOOD NATIONAL BANK RECORDED IN CLERK'S FILE NO. 2015072418 G.C.O.P.R.R.P. AND THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 41 DEG. 45 MIN. 11 SEC. EAST, ALONG THE EAST LINE OF SAID CALLED 0.589 ACRE TRACT AND A CALLED 0.381 ACRE TRACT CONVEYED TO LOCKWOOD NATIONAL BANK RECORDED IN CLERK'S FILE NO. 8300287 G.C.O.P.R.R.P., A DISTANCE OF 260.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET IN THE SOUTHWEST R.O.W. LINE OF SAID PECAN DRIVE AND MARKING THE NORTHEAST CORNER OF SAID 0.381 ACRE TRACT, AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS FOR REFERENCE NORTH 14 DEG. 27 MIN. EAST, A DISTANCE OF 1.20 FEET;

THENCE, SOUTH 48 DEG. 14 MIN. 49 SEC EAST, ALONG THE SOUTHWEST R.O.W. LINE OF SAID PECAN DRIVE, A DISTANCE OF 73.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET IN THE SOUTHWEST R.O.W. LINE OF SAID PECAN DRIVE AND MARKING THE NORTH CORNER OF SAID 0.385 ACRE TRACT AND THE MOST NORTHERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS FOR REFERENCE, NORTH 10 DEG. 57 MIN. EAST, A DISTANCE OF 1.12 FEET;

THENCE, SOUTH 41 DEG. 45 MIN. 11 SEC. WEST, ALONG THE WEST LINE OF SAID CALLED 0.385 ACRE TRACT, A DISTANCE OF 100.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET, MARKING THE WEST CORNER OF SAID CALLED 0.385 ACRE TRACT, AND INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS FOR REFERENCE, NORTH 15 DEG. 30 MIN. EAST, A DISTANCE OF 1.17 FEET;

THENCE, SOUTH 48 DEG. 14 MIN. 49 SEC. EAST, ALONG THE SOUTH LINE OF SAID CALLED 0.385 ACRE TRACT, A DISTANCE OF 168.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.0528 ACRES OR 45,860 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 53347, PREPARED BY WINDROSE LAND SERVICES.

## FILED AND RECORDED

Instrument Number: 2017015366

Recording Fee: 38.00

Number Of Pages: 5

Filing and Recording Date: 03/10/2017 12:42PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in cursive script, reading "Dwight D. Sullivan".

Dwight D. Sullivan, County Clerk  
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

**DO NOT DESTROY** - *Warning, this document is part of the Official Public Record.*

**METES AND BOUNDS DESCRIPTION**

**0.4223 ACRES (18,397 SQ. FT.)**

**LOT 1, HARPER SUBDIVISION**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 0.4223 acres or 18,397 square feet of land situated in the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, being all of that certain called Lot 1, of Harper Subdivision, an unrecorded subdivision in Galveston County, Texas, same being all of that certain called Tract One (1), conveyed to First Baptist Church of Friendswood, by deed recorded under Galveston County Clerk's File No. 2011064225 on December 20, 2011. Said 0.4223 acres being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**BEGINNING** at a 5/8-inch iron rod with plastic cap set for corner, said corner being the northwest boundary corner of said Lot 1, same being the northwest boundary corner of said Tract One (1), the intersection of the northeast right-of-way line of Morningside Drive, a called 60-foot wide public right-of-way, with the southeast right-of-way line of East Heritage Drive, a called 60-foot wide public right-of-way, and being the beginning of a curve to the right;

**THENCE** with the northwest boundary line of said Lot 1, same being the southeast right-of-way line of said East Heritage Drive, and along said curve to the right, having a radius of 425.93 feet, a delta angle of 15° 39' 23", and a chord bearing and distance of North 49° 28' 38" East – 116.03 feet, for an arc distance of 116.39 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the northeast boundary corner of said Tract One (1), same being the northeast boundary corner of said Lot 1, and the northwest boundary corner of that certain called Lot 2, conveyed to Rosie Riley, by deed recorded under Galveston County Clerk's File No. 2009058843 on October 23, 2009;

**THENCE** South 48° 08' 50" East, along the northeast boundary line of said Lot 1, same being the northeast boundary line of said Tract One (1), and the southwest boundary line of said Lot 2, for a distance of 149.61 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the southeast boundary corner of said Tract One (1), same being the southeast boundary corner of said Lot 1, the southwest boundary corner of said Lot 2, and a point in the northwest boundary line of that certain called Lot 5, conveyed to Andrew D. Chalk and Lisa M. Camp, by deed recorded under Galveston County Clerk's File No. 2005053026 on August 4, 2005;

**THENCE** South 41° 51' 10" West, along the southeast boundary line of said Lot 1, same being the southeast boundary line of said Tract One (1), and the northwest boundary line of said Lot 5, passing the northwest boundary corner of said Lot 5, same being the northeast boundary corner of that certain called Lot 6, conveyed to Shannon Sivcoski, a single woman, by deed recorded under Galveston County Clerk's File No. 2004081588 on December 10, 2004, and continuing for a total distance of 115.00 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the southwest boundary corner of said Tract One (1), same being the southwest boundary corner of said Lot 1, the northwest boundary corner of said Lot 6, and being a point in the northeast right-of-way line of said Morningside Drive;

**THENCE** North 48° 08' 50" West, along the southwest boundary line of said Lot 1, same being the southwest boundary line of said Tract One(1), and the northeast right-of-way line of said Morningside Drive, for a distance of 165.00 feet, to the **POINT OF BEGINNING** and containing within these calls 18,397 square feet or 0.4223 acres of land.

A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | December 15, 2019





## **METES AND BOUNDS DESCRIPTION**

**0.8151 ACRES (35,508 SQ. FT.)**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 0.8151 acres or 35,508 square feet of land situated in the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, being all of that certain called 0.8151 acre tract of land, conveyed to First Baptist Church of Friendswood, and Joseph Mitchell Wright and Artha T. Wright, by deed recorded under Galveston County Clerk's File No. 2007037162 on June 7, 2007. Said 0.8151 acres being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**COMMECNING** at a 3/4-inch iron pipe found for corner, said corner being the northeast boundary corner of Lot 1, in Block 2, of Final Plat of First Baptist Church of Friendswood, a subdivision according to the map or plat thereof recorded under Plat Record 18, Map No. 900 of the Galveston County Map Records, same being the intersection of the northwest right-of-way line of said East Heritage Drive, a called 60 foot wide public right-of-way, with the southwest right-of-way line of East Heritage Drive, a called 60-foot wide public right-of-way;

**THENCE** North 43° 12' 30" West, along the northeast boundary line of said Lot 1, same being the southwest right-of-way line of said East Heritage Drive, for a distance of 122.00 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the northwest right-of-way corner of said East Heritage Drive, same being the southwest boundary corner of said 0.8151 acre tract of land, and the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE** North 33° 52' 30" West, continuing along the northeast boundary line of said Lot 1, same being the southwest boundary line of said 0.8151 acre tract, for a distance of 209.00 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at a northeasterly boundary corner of said Lot 1, same being the northwest boundary corner of said 0.8151 acre tract, and a point in the centerline of Mary's Creek;

**THENCE** North 64° 01' 42" East, along the northwest boundary line of said 0.8151 acre tract, same being the centerline of said Mary's Creek, for a distance of 250.25 feet, to a 5/8-inch iron rod with plastic cap set for corner;

**THENCE** South 05° 47' 30" West, along the east boundary line of said 0.8151 acre tract, passing the northwest boundary corner of a called 0.9117 acre tract of land, conveyed to First Baptist Church of Friendswood, by deed recorded under Galveston County Clerk's File No. 2007037164 on June 7, 2007, at a distance of 10.71 feet, and continuing along said boundary line, for a total distance of 282.11 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the southeast boundary corner of said 0.8151 acre tract, same being the southwest boundary corner of said 0.9117 acre tract, and being a point in the southwest right-of-way line of said East Heritage Drive;

**THENCE** North 43° 12' 30" West, along a southerly boundary line of said 0.8151 acre tract, same being the northeast boundary line of said East Heritage Drive, for a distance of 53.00 feet, to a 5/8-inch iron rod with plastic cap set for corner;

**THENCE** South 46° 47' 29" West, along a southerly boundary line of said 0.8151 acre tract, same being the northwest right-of-way line of said East Heritage Drive, for a distance of 60.00 feet, to the **POINT OF BEGINNING** and containing within these calls 35,508 square feet or 0.8151 acres of land.

A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | March 27, 2020



## **METES AND BOUNDS DESCRIPTION**

**0.8913 ACRES (38,824 SQ. FT.)**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 0.8913 acres or 38,824 square feet of land situated in the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, being all of that certain called 0.9117 acre tract of land, conveyed to First Baptist Church of Friendswood, by deed recorded under Galveston County Clerk's File No. 2007037164 on June 7, 2007. Said 0.8913 acres being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**COMMECNING** at a 3/4-inch iron pipe found for corner, said corner being the northeast boundary corner of Lot 1, in Block 2, of Final Plat of First Baptist Church of Friendswood, a subdivision according to the map or plat thereof recorded under Plat Record 18, Map No. 900 of the Galveston County Map Records, same being the intersection of the northwest right-of-way line of said East Heritage Drive, a called 60 foot wide public right-of-way, with the southwest right-of-way line of East Heritage Drive, a called 60-foot wide public right-of-way;

**THENCE** North 54° 40' 04" East, across said right-of-way of East Heritage Drive, for a distance of 60.57 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the intersection of the northwest right-of-way line of said East Heritage Drive, with the northeast right-of-way line of said East Heritage Drive, and being the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE** North 43° 12' 30" West, along the southwest boundary line of said 0.9117 acre tract, same being the northeast boundary line of said East Heritage Drive, for a distance of 77.30 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the southwest boundary corner of said 0.9117 acre tract, same being the southeast boundary corner of a called 0.8151 acre tract, conveyed to First Baptist Church of Friendswood, and Joseph Mitchell Wright and Artha T. Wright, by deed recorded under Galveston County Clerk's File No. 2007037162 on June 7, 2007;

**THENCE** North 05° 47' 30" East, along the west boundary line of said 0.9117 acre tract, same being the east boundary line of said 0.8151 acre tract of land, for a distance of 271.40 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the northwest boundary corner of said 0.9117 acre tract, same being the northeast boundary corner of said 0.8151 acre tract, and a point in the centerline of Mary's Creek;

**THENCE** in an easterly direction, and with the centerline of Mary's Creek, and along the northerly boundary lines of said 0.9177 acre tract, the following bearings and distances:

South 63° 20' 13" East, for a distance of 63.96 feet;

South 18° 49' 20" East, for a distance of 21.89 feet;

South 54° 39' 55" East, for a distance of 42.15 feet;

South 75° 27' 14" East, for a distance of 41.47 feet;

South 48° 13' 24" East, for a distance of 77.23 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the northeast boundary corner of said 0.9177 acre tract;

**THENCE** South 41° 51' 09" West, along the southeast boundary line of said 0.9177 acre tract, same being, for a distance of 256.00 feet, to the **POINT OF BEGINNING** and containing within these calls 38,824 square feet or 0.8913 acres of land.

A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | March 27, 2020



## **METES AND BOUNDS DESCRIPTION**

**1.0528 ACRES (45,860 SQ. FT.)**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 1.0528 acres or 45,860 square feet of land, situated within the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, and being portion of Lot 2, Block 2, of Friendswood subdivision recorded in Plat Record 7, Map No. 20 of the Galveston County Map Records, same being all of that certain called 1.0528 acres of land conveyed to First Baptist Church of Friendswood, recorded under Galveston County Clerk's File No. 2017015366 on March 10, 2017. Said 1.0528 acre tract being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**COMMENCING** at a 1-inch iron pipe found at the intersection of the northeast right-of-way line of Pecan Drive, a called 60 foot wide public right-of-way, with the northwest right-of-way line of East Shadowbend Avenue, a called 60 foot wide public right-of-way, same being the southeast corner of the Final Plat of First Baptist Church of Friendswood, a subdivision according to the map or plat thereof recorded in Plat Record 18, Map No. 900 of the Galveston County Map Records;

**THENCE**, South 41° 51' 10" West, along the northwesterly right-of-way line of said East Shadowbend Avenue, passing the northeast right-of-way line of said Pecan Drive, at a distance of 60.00 feet, and continuing for a total distance of 160.00 feet to a chiseled "X" in concrete found for corner, said "X" being the southeast boundary corner of a called 0.385 acre tract, conveyed to Joseph & Mark Prihoda, by deed recorded under Galveston County Clerk's File No. 80-02724, and being the **POINT OF BEGINNING** of the herein described tract;

**THENCE**, South 41° 51' 10" West, continuing along the northwest right-of-way line of said East Shadowbend Avenue, same being the southeast boundary line of said 1.0528 acre tract, for a distance of 160.00 feet to a chiseled "X" in concrete found for corner, said corner being the southeast boundary corner of said 1.0528 acre tract, same being the intersection of the northeast right-of-way line of South Friendswood Drive, a called 80 foot wide public right-of-way, with the northwest right-of-way line of said East Shadowbend Avenue;

**THENCE**, North 48° 08' 50" West, along the southwest boundary line of said 1.0528 acre tract, same being the northeast right-of-way line of said South Friendswood Drive, a distance of 241.00 feet, to a 5/8-inch iron rod with plastic cap found for corner, said corner being the southeast boundary corner of a called 0.589 acre tract of land, conveyed to Lockwood National Bank, by deed recorded under Galveston County Clerk's File No. 2015072418;

**THENCE**, North 41° 51' 10" East, along the easterly line of said called 0.589 acre tract, and a called 0.381 acre tract, conveyed to Lockwood National Bank, by deed recorded under Galveston County Clerk's File No. 83-00287, for a distance of 260.00 feet to a 5/8-inch iron rod with plastic cap found for corner, said corner being the northeast boundary corner of said 0.589 acre tract, same being the northwest boundary corner of said 1.0528 acre tract;

**THENCE**, South 48° 08' 50" East, along the southwest right-of-way line of said Pecan Drive, for a distance of 73.00 feet, to a 5/8-inch iron rod with plastic cap, found in the southwest right-of-way line of said Pecan Drive, said corner being the northwest boundary corner of said 0.385 acre tract;

**THENCE**, South 41° 51' 10" West, along the northwest boundary line of said 0.385 acre tract, for a distance of 100.00 feet, to a 5/8-inch iron rod with plastic cap found for corner;

**THENCE**, South 48° 08' 50" East, along the southwest boundary line of said 0.385 acre tract, for a distance of 168.00 feet, to the **POINT OF BEGINNING** and containing within these calls 45,860 square feet or 1.0528 acres of land.

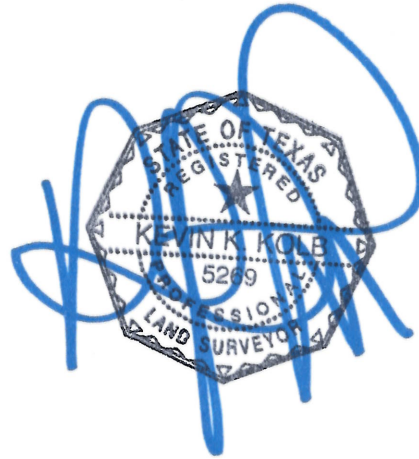
A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | March 27, 2020





**PROJECT BENCHMARK:**

HARRIS COUNTY FLOODPLAIN REFERENCE MARK NUMBER 210195  
HGCSO STAINLESS STEEL ROD STAMPED HGCSO 37 1986 AT US  
59 AND NEWCASTLE DRIVE LOCATED S. OF INTERSECTION,  
INSIDE CITY OF HOUSTON WATER TANKS, 46 FT W. OF ROAD &  
60 FT NE OF POWER TRANSFORMER IN KEYMAP 4912.  
ELEVATION: 55.079 FEET NAVD 1988, 2001 ADJUSTED.

**F.E.M.A. FLOOD ZONE STATEMENT:**

I HAVE EXAMINED THE FLOOD INSURANCE RATE MAP, COMMUNITY  
PANEL NO. 49201G1065 M, DATED JANUARY 6th 2017 AND HAVE  
DETERMINED THAT THE TRACT HEREBY SURVEYED LIES PARTIALLY  
WITHIN ZONE "X" OR AREAS DETERMINED TO BE OUTSIDE THE  
100-YEAR FLOODPLAIN AND PARTIALLY WITHIN ZONE "X SHADED" OR  
AREAS DETERMINED TO BE INSIDE THE 500-YEAR FLOODPLAIN.  
NOTE: THE INFORMATION IN THIS STATEMENT WAS OBTAINED FROM THE  
FEMA FLOOD MAP SERVICE CENTER. THIS MAP IS FOR USE IN  
ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM. IT  
DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO  
FLOODING UNDER SPECIFIC CONDITIONS.

**GENERAL SURVEYORS NOTES:**

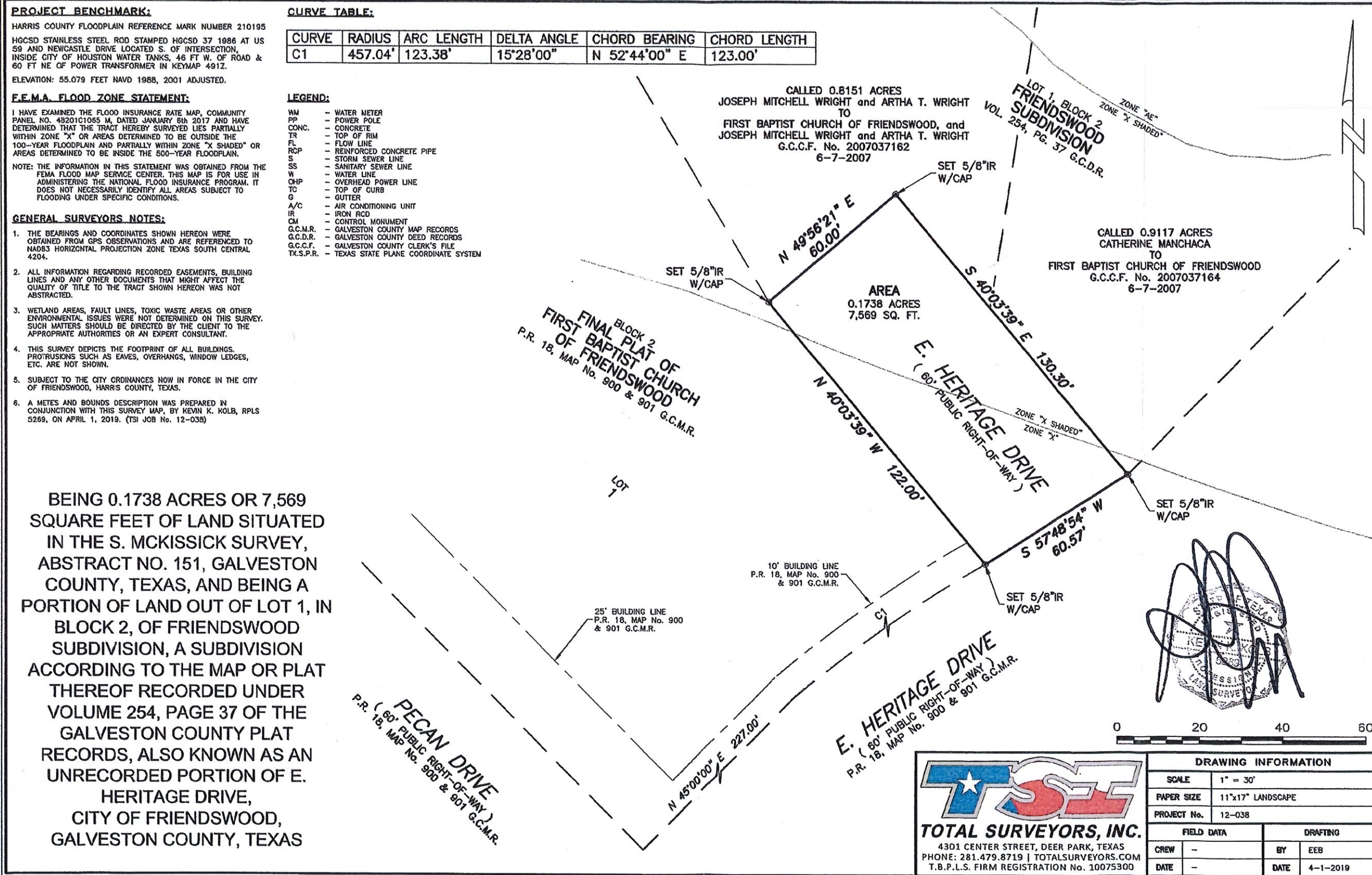
1. THE BEARINGS AND COORDINATES SHOWN HEREON WERE  
OBTAINED FROM GPS OBSERVATIONS AND ARE REFERENCED TO  
NAD83 HORIZONTAL PROJECTION ZONE TEXAS SOUTH CENTRAL  
4204.
2. ALL INFORMATION REGARDING RECORDED EASEMENTS, BUILDING  
LINES AND ANY OTHER DOCUMENTS THAT MIGHT AFFECT THE  
QUALITY OF TITLE TO THE TRACT SHOWN HEREON WAS NOT  
ABSTRACTED.
3. WETLAND AREAS, FAULT LINES, TOXIC WASTE AREAS OR OTHER  
ENVIRONMENTAL ISSUES WERE NOT DETERMINED ON THIS SURVEY.  
SUCH MATTERS SHOULD BE DIRECTED BY THE CLIENT TO THE  
APPROPRIATE AUTHORITIES OR AN EXPERT CONSULTANT.
4. THIS SURVEY DEPICTS THE FOOTPRINT OF ALL BUILDINGS,  
PROTRUSIONS SUCH AS EAVES, OVERHANGS, WINDOW LEDGES,  
ETC. ARE NOT SHOWN.
5. SUBJECT TO THE CITY ORDINANCES NOW IN FORCE IN THE CITY  
OF FRIENDSWOOD, HARRIS COUNTY, TEXAS.
6. A METES AND BOUNDS DESCRIPTION WAS PREPARED IN  
CONJUNCTION WITH THIS SURVEY MAP, BY KEVIN K. KOLB, RPLS  
5269, ON APRIL 1, 2019. (TSI JOB No. 12-038)

**CURVE TABLE:**

| CURVE | RADIUS  | ARC LENGTH | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|---------|------------|-------------|---------------|--------------|
| C1    | 457.04' | 123.38'    | 15°28'00"   | N 52°44'00" E | 123.00'      |

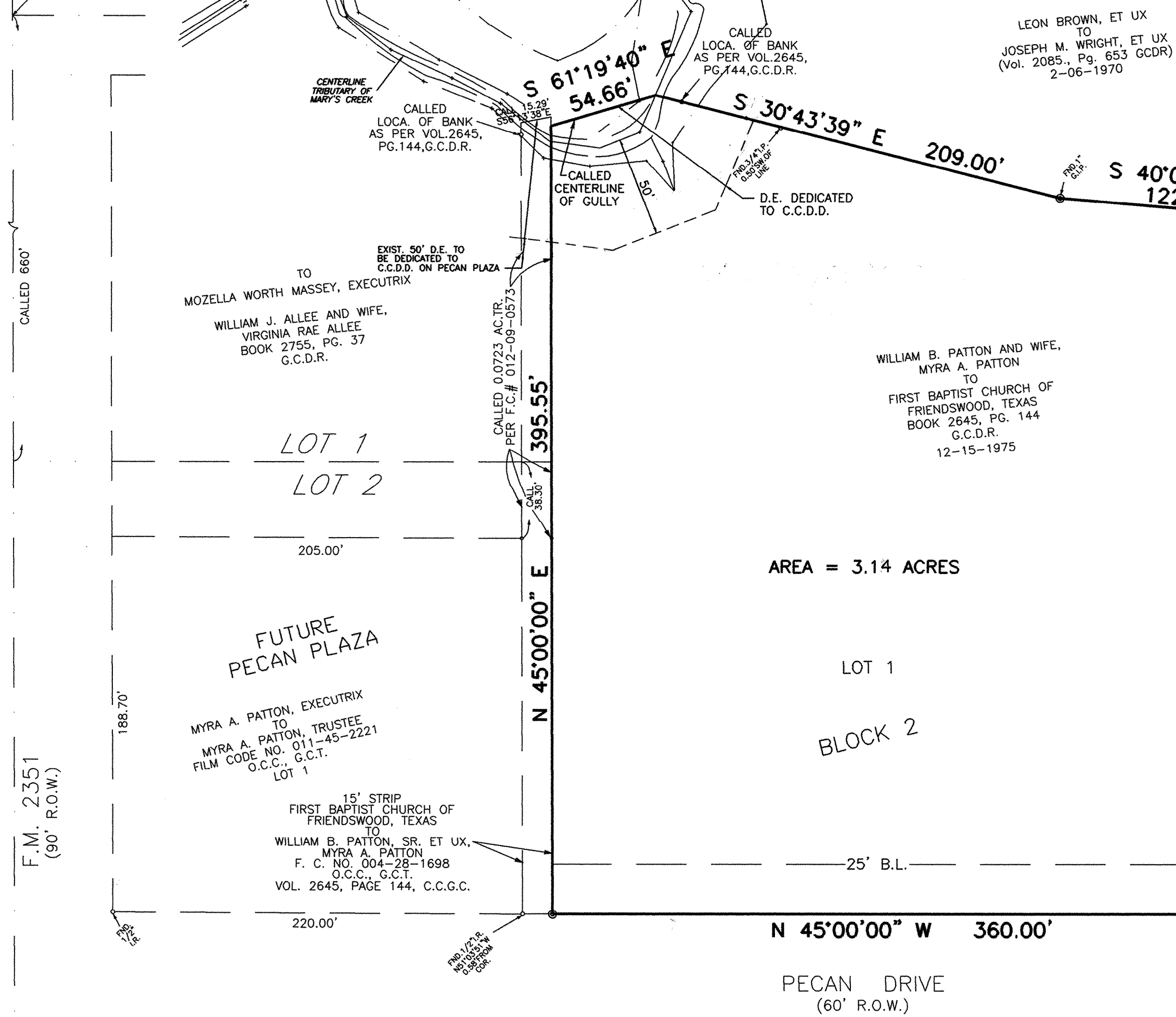
**LEGEND:**

WM - WATER METER  
PP - POWER POLE  
CONC. - CONCRETE  
TR - TOP OF RIM  
FL - FLOW LINE  
RCP - REINFORCED CONCRETE PIPE  
S - STORM SEWER LINE  
SS - SANITARY SEWER LINE  
W - WATER LINE  
OHP - OVERHEAD POWER LINE  
TC - TOP OF CURB  
G - GUTTER  
A/C - AIR CONDITIONING UNIT  
IR - IRON ROD  
CM - CONTROL MONUMENT  
G.C.M.R. - GALVESTON COUNTY MAP RECORDS  
G.C.D.R. - GALVESTON COUNTY DEED RECORDS  
G.C.C.F. - GALVESTON COUNTY CLERK'S FILE  
TX.S.P.R. - TEXAS STATE PLANE COORDINATE SYSTEM





CALL WEST COR. OF LOT 4, BLOCK 3, FRIENDSWOOD SUB. PER PLAN OF MELODY PLAZA, SEC. 2, DATED AUG. 1997



STATE OF TEXAS  
COUNTY OF GALVESTON

WE, FIRST BAPTIST CHURCH OF FRIENDSWOOD, Owners of the property subdivided in the above and foregoing map of PART OF LOTS 1 AND 2, BLOCK 2, FRIENDSWOOD SUBDIVISION, do hereby make subdivision of said property according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown and designate said subdivision as FIRST BAPTIST CHURCH OF FRIENDSWOOD, located in Friendswood, Galveston County, Texas and dedicate to the public use as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated or occasioned by the alteration of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors, and assigns to warrant and forever defend the title to the land so dedicated.

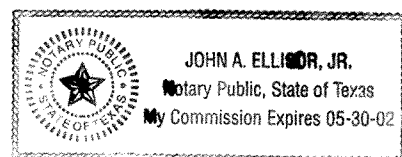
Truman Taylor, John Knappe, Ken Suit  
TRUMAN TAYLOR, TRUSTEE  
JOHN KNAPE, TRUSTEE  
KEN SUIT, TRUSTEE

STATE OF TEXAS  
COUNTY OF GALVESTON

BEFORE ME, the undersigned authority, on this day personally appeared Truman Taylor, John Knappe and Ken Suit known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 8th day of March, 1999.

John A. Ellison Jr.  
Notary Public in and for Galveston County, Texas  
My commission expires



WE, FIRST COMMUNITY BANK, N.A., Owners of a lien upon said property, do hereby ratify and conform said subdivision and dedication, and do hereby in all things subordinate to said subdivision and dedication the lien against said landowner held by us.

By: Ruth Henry, V.P. Deputy

STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM H. DAHLKAMP, TRUSTEE of First Community Bank, N.A., a Texas banking corporation, known to me to be the person whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9th day of March, 1999.  
Sandra K. Fletcher  
Notary Public, State of Texas  
Commission Expires 6-25-00  
Sandra K. Fletcher  
Notary Public in and for Brazoria County, Texas

I, DON DENSON, do hereby certify that this plat correctly represents a survey made under my supervision on the ground, in accordance with the information provided me and correctly represents the facts as found at the time of survey and is true and correct, and that all lot and block corners, angle points, and points of curvature will be properly marked with iron rods.

WITNESS MY HAND AND SEAL this 25th day of January, 1999.

DON DENSON  
Registered Professional Land Surveyor No. 2068

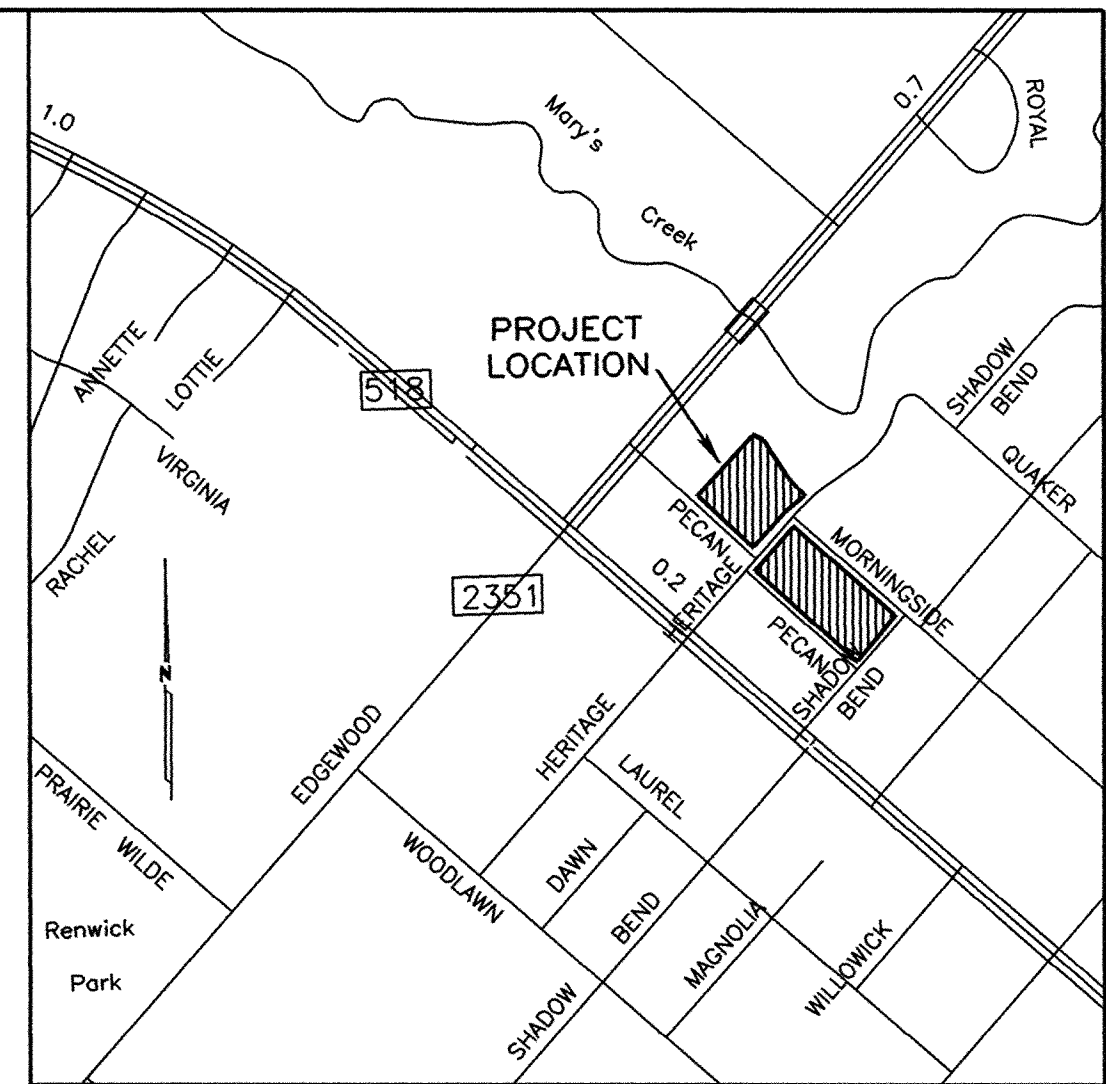
CITY OF FRIENDSWOOD  
This is to certify that the City Planning Commission of the City of Friendswood, Texas has approved this plat and subdivision of FIRST BAPTIST CHURCH OF FRIENDSWOOD as shown hereon.

In Testimony Whereof, witness the official signature of the Chairman and Development Coordinator of the City Planning Commission of the City of Friendswood, Texas this 19th day of May, 1999.

Ruth Henry  
W.P. Finner  
RUTH HENRY - DEVELOPMENT COORDINATOR  
WILLIAM R. FINNER - CHAIRMAN

FLOOD STATEMENT - BASE FLOOD ELEV. 24.00  
TRACT LIES OUTSIDE 500 YEAR FLOOD PLAIN (ZONE "X")  
AS PER F.I.R.M. PANEL # 485468 0005 E. PRELIMINARY DATE 9-30-97  
EXCEPT MOST NORTHWESTERLY PORTION WHICH LIES IN ZONE "AO"  
WITHIN 100 YEAR FLOOD PLAIN.  
FLOOD PLAIN LINE DETERMINED BY TOPOGRAPHIC SURVEY  
BENCHMARK N.G.S. MARKER #459  
LOCATED ON THE WEST SIDE OF BRIARMEADOW  
APPROX. 185± WEST OF CENTERLINE OF  
SUNSET BLVD.  
ELEV. 28.34 (1978 ADJ.)  
PROJECT BENCHMARK ELEVATION = 32.92 (1978 DATUM)  
B.M. #65 CITY OF FRIENDSWOOD BM SYSTEM  
SE. COR. METAL BASE PLATE ON LIGHT POLE  
IN FRONT OF OLD POST OFFICE BLDG. NEAR  
EXIT DRIVEWAY.  
T.B.M. - F.H. ON WESTERLY SIDE OF E. HERITAGE  
DRIVE AT MORNINGSIDE DRIVE.

APPROVED BY CLEAR CREEK DRAINAGE DISTRICT  
SUPERVISOR  
DATE  
SUPERVISOR  
DATE



VICINITY MAP  
SCALE: 1" = 2000'

- NOTES
- PERMANENT STRUCTURES, INCLUDING FENCES, SHALL NOT BE ERRECTED IN A DRAINAGE EASEMENT WHICH WILL INHIBIT FREE FLOW OF WATER IN THE DITCH OR ACCESS TO THE EASEMENT BY DRAINAGE CREWS OR EQUIPMENT.
  - DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR PURPOSES OF DRAINAGE WORK.
  - THERE ARE NO PIPELINES OR PIPELINE EASEMENTS ON THIS TRACT, OR WITHIN 100' OF SAME, OTHER THAN THOSE SHOWN.
  - FOUR FOOT(4') WIDE SIDEWALKS SHALL BE PROVIDED BY THE OWNER AT THE TIME OF CONSTRUCTION.
  - CONTACT THE CLEAR CREEK DRAINAGE DISTRICT AT 482-0404 48 HOURS TO COMMENCING CONSTRUCTION AND UPON COMPLETION FOR FINAL INSPECTION.
  - BACKFLOW PREVENTION EQUIPMENTS ARE REQUIRED AT ALL WATER OUTLETS AND ANY OTHER CONNECTION THAT MAY CAUSE CONTAMINATION.
  - NO BUILDING PERMIT SHALL BE ISSUED FOR ANY DEVELOPMENT ON THIS SITE UNTIL A DETENTION AND DRAINAGE PLAN HAS BEEN APPROVED BY THE CLEAR CREEK DRAINAGE DISTRICT.
  - TO CONVERT PROJECT BENCHMARK DATUM SUBTRACT 0.12' FROM PROJECT BENCHMARK ELEVATION 32.92.
  - ALL OVERHEAD POWER ON-SITE TO BE REMOVED AND UNDERGROUND INSTALLED.

### SURVEYOR

LAND DATA SURVEYS, INC.  
P.O. BOX 890027  
HOUSTON, TEXAS 77289-0027  
PHONE: (281) 332-7050

### ENGINEER

MUNICIPAL ENGINEERING CO., INC.  
3301 FEDERAL STREET  
PASADENA, TEXAS 77504  
PHONE: (713) 941-8988

### OWNER

FIRST BAPTIST CHURCH  
OF FRIENDSWOOD  
111 E. HERITAGE  
TRUMAN TAYLOR, TRUSTEE  
JOHN KNAPE, TRUSTEE  
KEN SUIT, TRUSTEE  
FRIENDSWOOD, TEXAS 77546  
PHONE: (281)482-7573

### FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD

A 6.12 ACRE TRACT OF LAND BEING PART OF LOT 1 & LOT 2, BLOCK 2, OF FRIENDSWOOD, A SUBDIVISION OF LAND ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 254, PAGE 37, IN THE OFFICE OF THE COUNTY CLERK, GALVESTON COUNTY, TEXAS.

2 LOTS  
2 BLOCKS  
FEBRUARY 19, 1999  
SCALE: 1" = 50'  
C.O.F. REV. 3/12/99  
C.O.F. REV. 3/7/99  
(SHT. 1 OF 2)



METES AND BOUNDS DESCRIPTION

DESCRIPTION OF 2.98 ACRE TRACT

A TRACT OF LAND CONTAINING 2.98 ACRES, MORE OR LESS, BEING PART OF AND OUT OF LOT 2, BLOCK 2 OF FRIENDSWOOD, A SUBDIVISION OF LAND ACCORDING TO THE MAP OF PLAT THEREOF RECORDED IN VOLUME 254, PAGE 37 IN THE OFFICE OF THE COUNTY CLERK, GALVESTON COUNTY, TEXAS; SAID 2.98 ACRES, MORE OR LASS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTH CORNER OF LOT 1 OF SAID BLOCK 2, SAME BEING ON THE NORTHEASTERLY LINE OF SAID LOT 2;

THENCE , S 45°00'00" E, ALONG THE COMMON LINE OF LOTS 1 AND 12, A CALLED DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE NORTHEASTERLY LINE OF MORNINGSIDE DRIVE (60 FEET WIDE) WITH THE SOUTHEASTERLY LINE OF EAST HERITAGE DRIVE (BASED ON A WIDTH OF CALLED 60 FEET);

THENCE , S 45°00'00" W, ACROSS MORNINGSIDE DRIVE RIGHT-OF-WAY, FOR A DISTANCE OF 60.00 FEET TO A 5/8-INCH IRON ROD SET FOR THE INTERSECTION OF THE SOUTHWESTERLY LINE OF MORNINGSIDE DRIVE (60 FEET WIDE) WITH THE SOUTHEASTERLY LINE OF EAST HERITAGE DRIVE (BASED ON WIDTH OF CALLED 60 FEET), AND BEING THE POINT OF BEGINNING;

THENCE S 45°00'00" E, ALONG THE SAID SOUTHWESTERLY LINE OF MORNINGSIDE DRIVE, FOR A DISTANCE OF 541.40 FEET TO A POINT FOR CORNER MARKING THE INTERSECTION OF THE SAID SOUTHWESTERLY LINE OF MORNINGSIDE DRIVE WITH THE NORTHWESTERLY LINE OF EAST SHADOWBEND AVENUE FROM WHICH A FOUND 3/4-INCH BOLT BEARS WITNESS AT N 45°00'00"E, A DISTANCE OF 0.15 FEET;

THENCE , S 45°00'00" W, ALONG THE NORTHWESTERLY LINE OF EAST SHADOWBEND AVENUE, FOR A DISTANCE OF 240.00 FEET TO TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF EAST SHADOWBEND AVENUE WITH THE NORTHEASTERLY LINE OF PECAN DRIVE (CALLED 60 FEET WIDE), FROM WHICH A FOUND 1/2-INCH IRON PIPE BEARS WITNESS AT 45°00'00" E, A DISTANCE OF 0.10 FEET;

THENCE , N 45°00'00" W, ALONG THE NORTHEASTERLY LINE OF PECAN DRIVE, PASSING A FOUND 1/2-INCH IRON ROD AT 4.86 FEET AND CONTINUING FOR TOTAL DISTANCE OF 541.40 FEET TO A 1/2-INCH IRON ROD FOUND MARKING THE INTERSECTION OF THE SAID OCCUPIED NORTHEASTERLY LINE PECAN DRIVE WITH THE AFORESAID SOUTHEASTERLY LINE OF EAST HERITAGE DRIVE;

THENCE , N 45°00'00" E, ALONG THE SAID SOUTHWESTERLY LINE OF EAST HERITAGE DRIVE, FOR A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING, OF A TRACT CONTAINING 2.98 ACRES, MORE OR LESS.

DESCRIPTION OF 3.14 ACRE TRACT

A TRACT OF LAND CONTAINING 3.14 ACRES, MORE OR LESS, BEING PART OF AND OUT OF LOT 1 AND 2, BLOCK 2 OF FRIENDSWOOD, A SUBDIVISION OF LAND ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254, PAGE 37 IN THE OFFICE OF THE COUNTY CLERK, GALVESTON COUNTY, TEXAS; SAID 3.14 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTH CORNER OF LOT 1 OF SAID BLOCK 2, SAME BEING ON THE CALLED CENTERLINE OF EAST HERITAGE DRIVE;

THENCE, N 45°00'00" WEST, ALONG THE COMMON LINE OF SAID LOTS 1 AND 2, A CALLED DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, ON THE NORTHWESTERLY LINE OF EAST HERITAGE DRIVE (CALLED 60 FEET WIDE), FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS WITNESS AT S 67°20'08" W A DISTANCE OF 0.37 FEET;

THENCE, S 45°00'00" W, ALONG THE SAID NORTHWESTERLY LINE OF EAST HERITAGE DRIVE, FOR A DISTANCE OF 227.00 FEET TO A 1/2 INCH IRON PIPE FOUND FOR A CORNER, SAME BEING THE INTERSECTION OF THE NORTHEASTERLY LINE OF PECAN CRIVE (CALLED 60 FEET WIDE) WITH THE SAID NORTHWESTERLY LINE OF EAST HERITAGE DRIVE;

THENCE, N 45°00'00" W, ALONG THE SAID NORTHEASTERLY LINE OF PECAN DRIVE, FOR A DISTANCE OF 360.00 FEET TO THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 45°00'00" E, FOR A DISTANCE OF 395.55 FEET TO THE CENTERLINE OF MARY'S CREEK;

THENCE, S 61°19'40" E, GENERALLY ALONG THE CALLED CENTERLINE OF SAID MARY'S CREEK, FOR A DISTANCE OF 54.66 FEET (CALLED) TO A POINT FOR CORNER;

THENCE, S 30°43'39" E, ALONG A NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT, FOR A DISTANCE OF 209.00 FEET TO A 1 INCH GALVANIZED IRON PIPE FOUND MARKING AN

THENCE, S 40°03'39" E, FOR A DISTANCE OF 122.00 FEET TO A 3/4 INCH IRON PIPE FOUND FOR CORNER, AT THE P.C. OF A CURVE TO THE LEFT,

ON THE SAID NORTHWESTERLY LINE OF EAST HERITAGE DRIVE;

THENCE FOLLOWING SAID CURVE TO THE LEFT HAVING A RADIUS OF 457.04 FEET, A CENTRAL ANGLE OF 15°28'00", CHORD BEARING AND DISTANCE -SOUTH 52°44'00" WEST - 123.00 FEET, AN ARC DISTANCE OF 123.37 FEET TO THE POINT OF BEGINNING, OF A TRACT CONTAINING 3.14 ACRES OF LAND, MORE OR LESS.

SURVEYOR

LAND DATA SURVEYS, INC.  
P.O. BOX 890027  
HOUSTON, TEXAS 77289-0027  
PHONE: (281) 332-7050

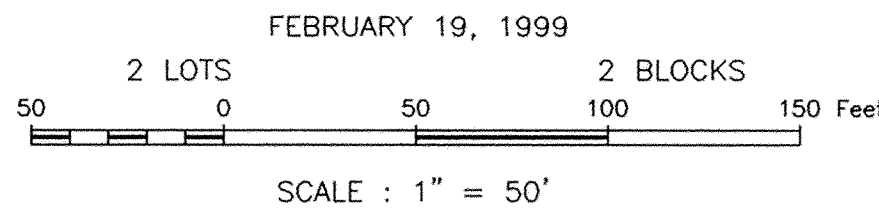
ENGINEER

MUNICIPAL ENGINEERING CO., INC.  
3301 FEDERAL STREET  
PASADENA, TEXAS 77504  
PHONE: (713) 941-8988

OWNER

FIRST BAPTIST CHURCH  
OF FRIENDSWOOD  
111 E. HERITAGE  
TRUMAN TAYLOR, TRUSTEE  
JOHN KNAPE, TRUSTEE  
KEN SUIT, TRUSTEE  
FRIENDSWOOD, TEXAS 77546  
PHONE: (281)482-4023

FINAL PLAT  
OF  
FIRST BAPTIST CHURCH  
OF FRIENDSWOOD



C.O.F. REV. 3/12/99  
CCDD REV. 2/19/99 ADDED CREEK (SHT. 2 OF 2)

# **Rezoning Report**

April 2020

**Project:** Zone Change

**Address:** Several Tracts for First Baptist Church; main address - 111 E. Heritage Drive

**Legal:** 111 E Heritage Drive – 2.983 acres Lot 1, Block 1 Final Plat of First Baptist Church of Friendswood, City of Friendswood, Galveston County, Texas

202 E Heritage Dr – 2.98 acres described as Lot 1, Block 2 Final Plat of First Baptist Church of Friendswood, City of Friendswood, Galveston County, Texas

209 S. Friendswood Drive – 1.0528 acres being a portion of Lot 2, Block 2 of the Friendswood Subdivision recorded in Plat Record 7, Map No. 20 of the Galveston County Map Records, situated in the Sarah McKissick League, Abstract Number 151, City of Friendswood, Galveston County, Texas

201 E. Heritage Drive - .4223 acres of land being all of that certain called Lot 1 of Harper Subdivision, an unrecorded subdivision the Sarah McKissick Survey, Abstract No. 151, City of Friendswood, Galveston County, Texas

204 and 206 E Heritage Drive - .8151 acres of land, being all of that certain called .8151 acre tract of land, conveyed by deed recorded under Galveston County Clerk's File No. 2007037162, City of Friendswood, Galveston County, Texas

208 E Heritage Dr. - .8913 acres of land being all of that certain called .9117 acre tract of land, conveyed by deed recorded under Galveston County Clerk's File No. 2007037164, City of Friendswood, Galveston County, Texas

ROW - .1738 acres out of Lot 1, in Block 2 of Friendswood Subdivision, a subdivision according to the map or plat thereof recorded under Volume 254, Page 37, also known as an unrecorded portion of E. Heritage Drive, City of Friendswood, Galveston County, Texas (pending request to vacate)

**Request:** Zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage

Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center

Request to exceed building height:

The building height of the proposed sanctuary is 44 feet 8 inches with an ornamental tower with a height of 72 feet 8 inches, with an ornamental cross on top of that which will be 90 feet 10 inches tall.

The maximum building height allowed in the Downtown District (DD) is 70 feet. An exception is allowed for certain architectural elements such as church spires, ornamental towers, etc.

*Zoning Ordinance Section 7.Q.3. Area and height exceptions*

*e. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.*

Alternative Landscaping:

Additionally, some alternate calculations were used to come up with the required landscaping. Providing credit for existing landscaping and counting landscaping on property zoned SFR (which would typically only require 1 tree per lot) was used to achieve the overall totals.

Proposed Phasing:

The following is part of the Master Plan for the church to guide 20+ years of future development and the expected timing or sequence of phases are subject to change based on the church's need.

|          |                                                                                                                  |
|----------|------------------------------------------------------------------------------------------------------------------|
| Phase 1A | Jun 2020 - Improvement and expansion of parking at the corner of 518/E. Shadowbend Bend (209 S. Friendswood Dr.) |
| Phase 1B | Oct 2020 - New Welcome Center Addition and South Church Expansion (111 E. Heritage Dr.)                          |
| Phase 2  | Administration building renovation and expansion (209 S. Friendswood Dr.)                                        |
| Phase 3  | New storage building and parking (201 E. Heritage Dr.)                                                           |
| Phase 4  | Church North expansion, interior renovation and adjacent site improvements (111 E. Heritage Dr.)                 |
| Phase 5  | Removal of Building A and completion of education building expansion (111 E. Heritage Dr.)                       |
| Phase 6  | Family Life Center addition and adjacent parking expansion (202 E. Heritage Dr.)                                 |

## Applicable Zoning Ordinance Excerpts

### Appendix C Zoning Ordinance

#### G. *Specific use permits.*

1. *Purpose.* This section provides the city council the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual nuisance characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgment relative to the location and site plan of the proposed use are required.

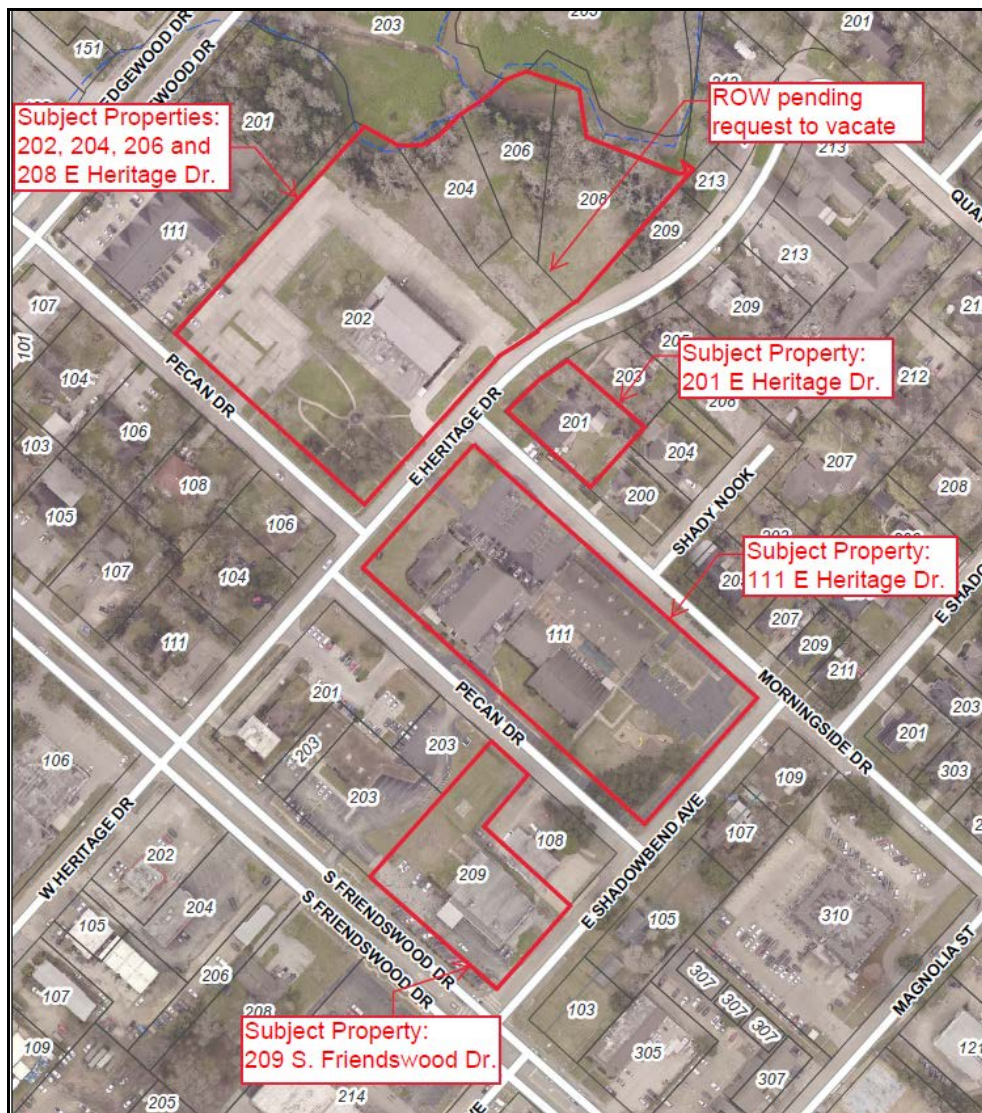
...

5. *Conditions for approval.* A specific use permit shall be issued only if all of the following conditions have been found:
  - a. That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;
  - b. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
  - c. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
  - d. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
  - e. The adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
  - f. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
  - g. That there are sufficient landscaping and screening to ensure harmony and compatibility with adjacent property; and
  - h. That the proposed use is in accordance with the comprehensive plan.
6. *Additional conditions.* In authorizing a specific use permit, the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.



**Existing Use/Site Attributes:**

The main sanctuary and administrative offices are located at 111 E. Heritage Drive. The Family Life Center is across the street at 202 E. Heritage Drive. The church has acquired several other tracts including three residential tracts known as 204, 206 and 208 E. Heritage Drive, a residential tract known as 201 E. Heritage Drive, and a commercial tract located at 209 S. Friendswood Drive (formerly Kings Kids Daycare). The request to vacate the right-of-way that served 204, 206 and 208 E. Heritage is in process.



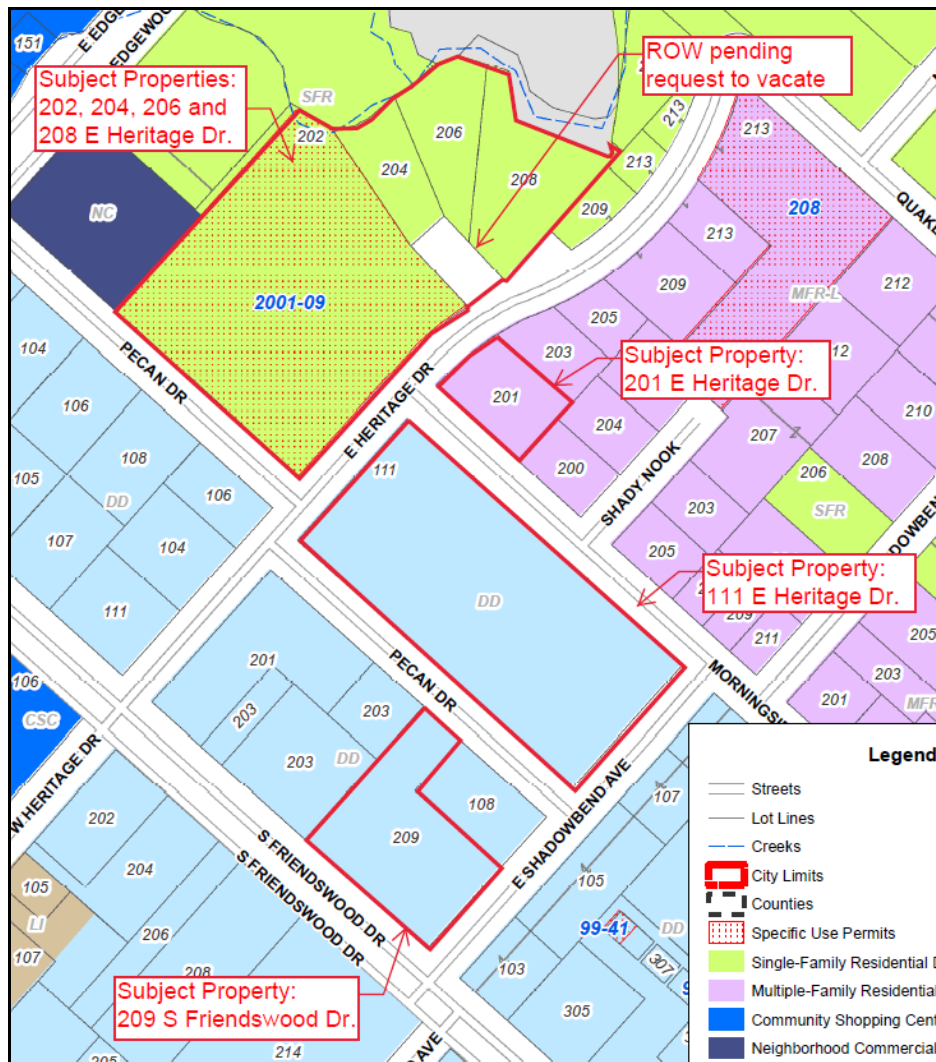
City of Friendswood GIS Aerial Map

**Zoning History:**

The zoning of the property varies...two of the tracts are within the Downtown District boundary and are zoned Downtown District (DD). The tracts located at 202-208 E. Heritage Drive are all zoned Single Family Residential (SFR). The one tract located at 201 E. Heritage Drive is zoned Multi-Family Residential-Low Density (MFR-L).

### Adjacent Zoning/Land Use:

The property is surrounded by lots with similar zoning including Downtown District (DD), Single Family Residential (SFR) and Multi-Family Residential-Low Density (MFR-L).



City of Friendswood Zoning Map

### Platting Analysis:

The property will require a replat prior to development to incorporate the recently acquired tracts into the First Baptist Church Plat.

### Planning Analysis:

The existing church use is classified as a non-conforming use, as the Zoning Ordinance allowed the use previously, but was changed at some point. If left unchanged, the use would be allowed to continue as-is, but expanding the use requires the church to come into compliance with current requirements. The current requirement per the Permitted Use Table is that a Specific Use Permit (SUP) is required as an overlay on all of the varying zoning districts.

The Specific Use Permit acts as an overlay on the underlying zoning districts; therefore, the owner must comply with the setbacks of the underlying district, which they meet.

**Comprehensive Planning Analysis:**

The Future Land Use Map identifies 111 E. Heritage and 209 S. Friendswood Drive developing as mixed use since they are located in the Downtown District (DD). The remaining tracts are outside of the Downtown District boundary and are identified as developing as Low Density Residential.



*2008 Future Land Use Map*

**Infrastructure/Service Delivery Impacts**

**Storm Water Management and Floodplain Issues:**

The property owner will be required to provide on-site detention.

**Utilities:**

Water and sewer services are existing to all tracts. Existing service lines will need to be evaluated for capacity and upgraded if needed.

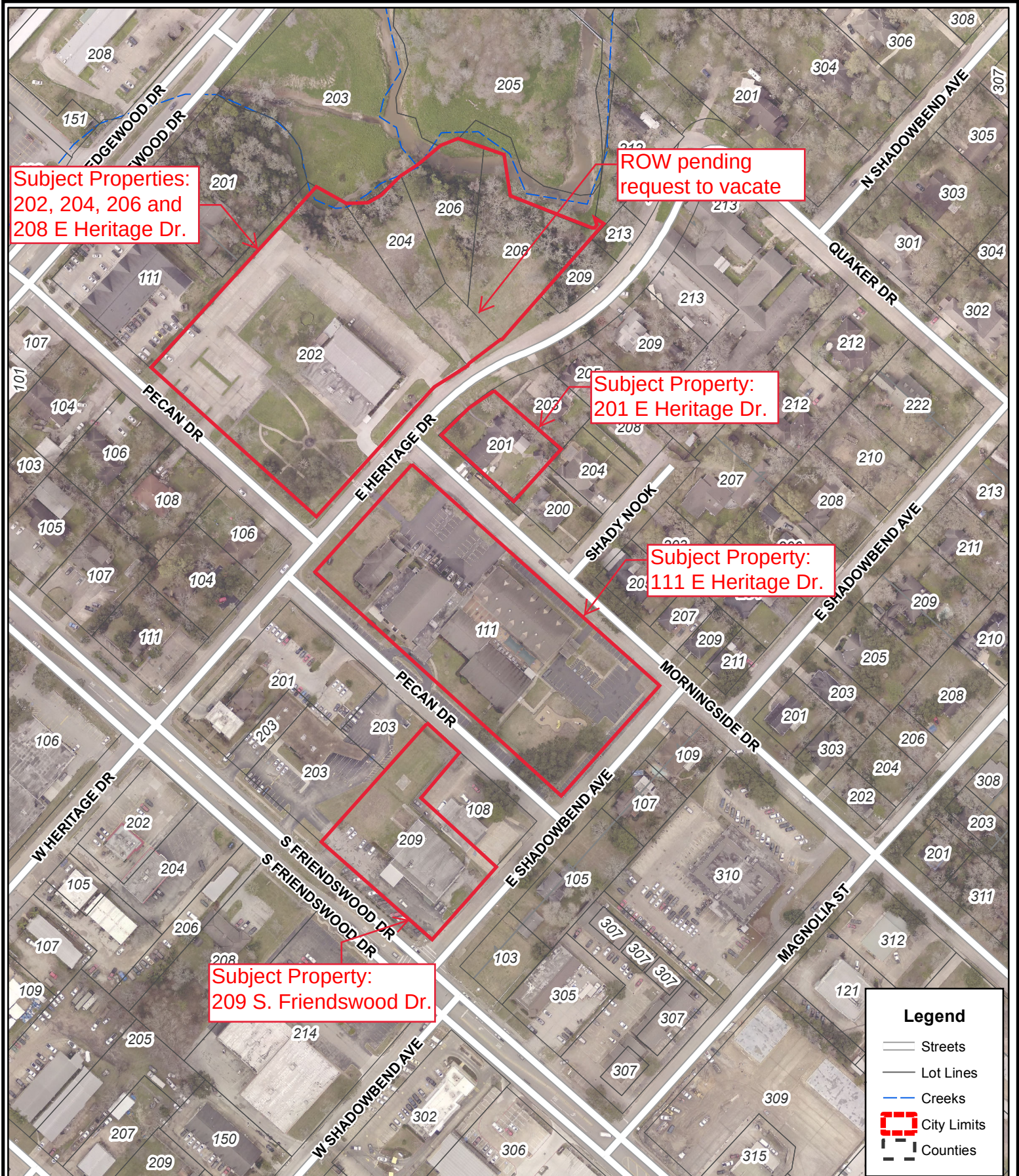
**Access:**

All of the tracts are accessible with existing roadways including S. Friendswood Drive (FM 518), E. Heritage Drive, Pecan Drive, Morningside Drive, and E. Shadowbend Ave.

**Park/Open Space:**

Park Dedication Fees do not apply since this is not a residential development.





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



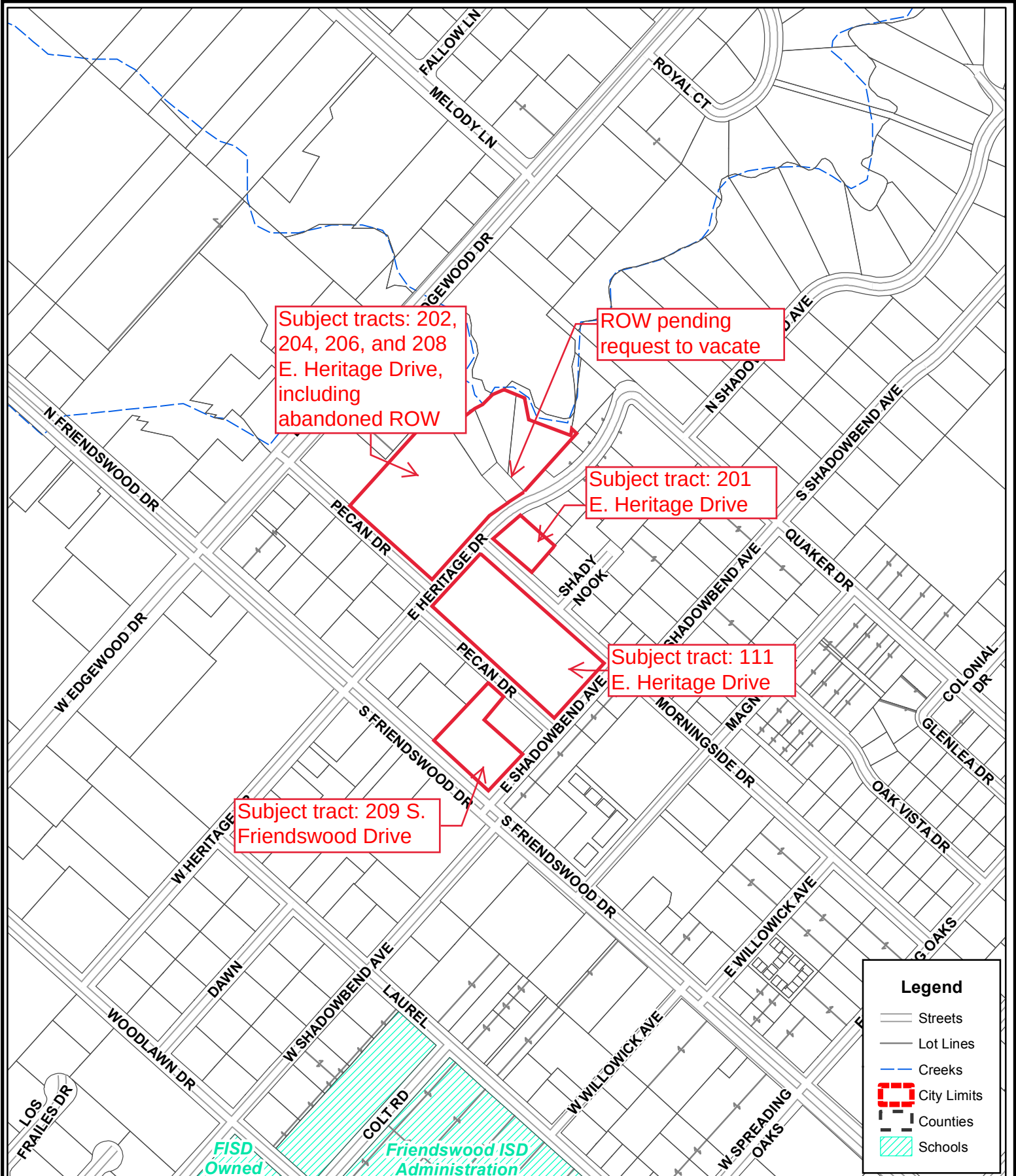
**City of Friendswood**  
910 South Friendswood Drive  
Friendswood, Texas 77546  
(281) 996-3200  
[www.ci.friendswood.tx.us](http://www.ci.friendswood.tx.us)

# Friendswood GIS Mapping



1" = 205'  
Page 50 of 217





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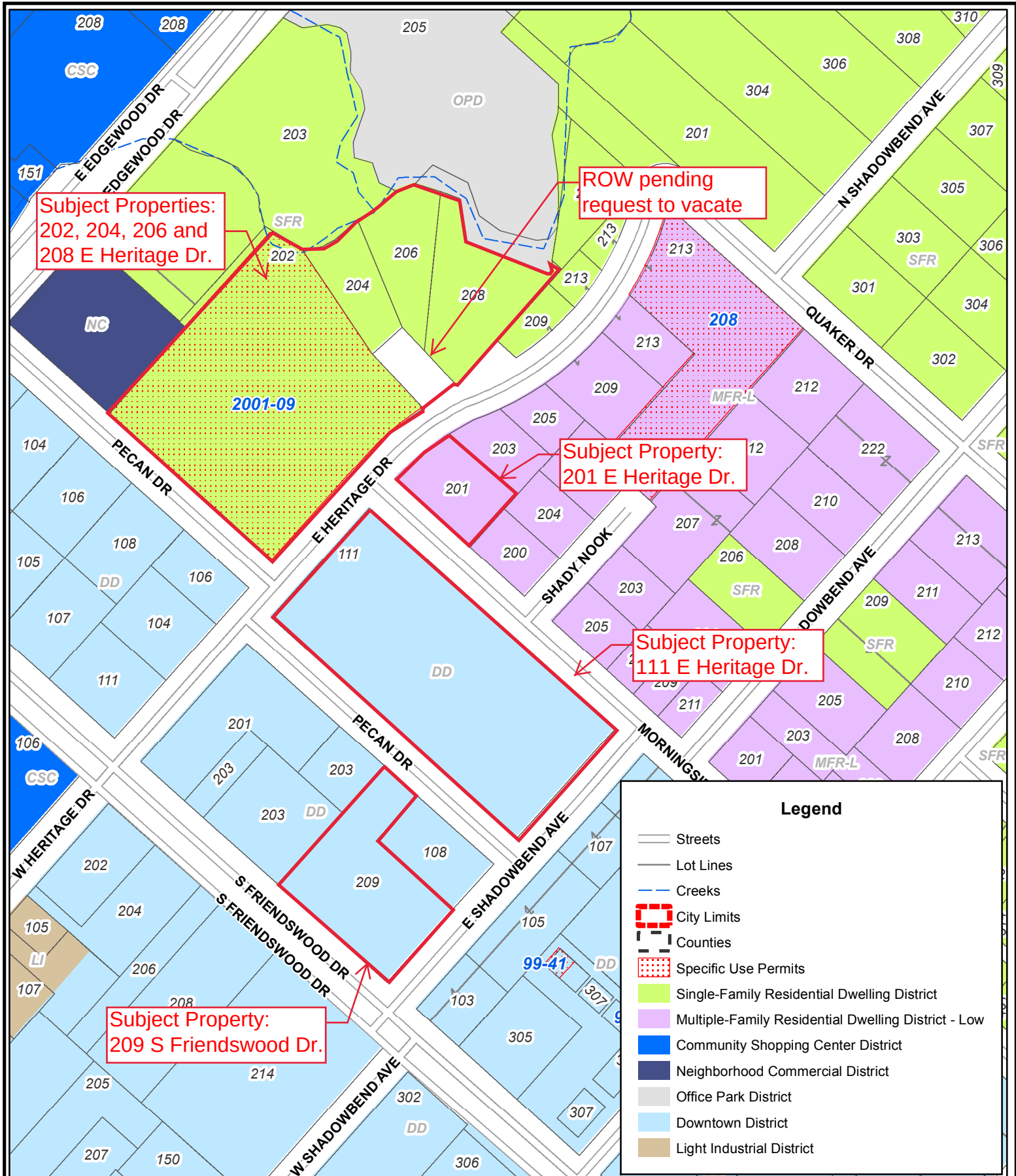


**City of Friendswood**  
 910 South Friendswood Drive  
 Friendswood, Texas 77546  
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[www.ci.friendswood.tx.us](http://www.ci.friendswood.tx.us)

# Friendswood GIS Mapping



1" = 410'  
 Page 51 of 217



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# Friendswood GIS Mapping

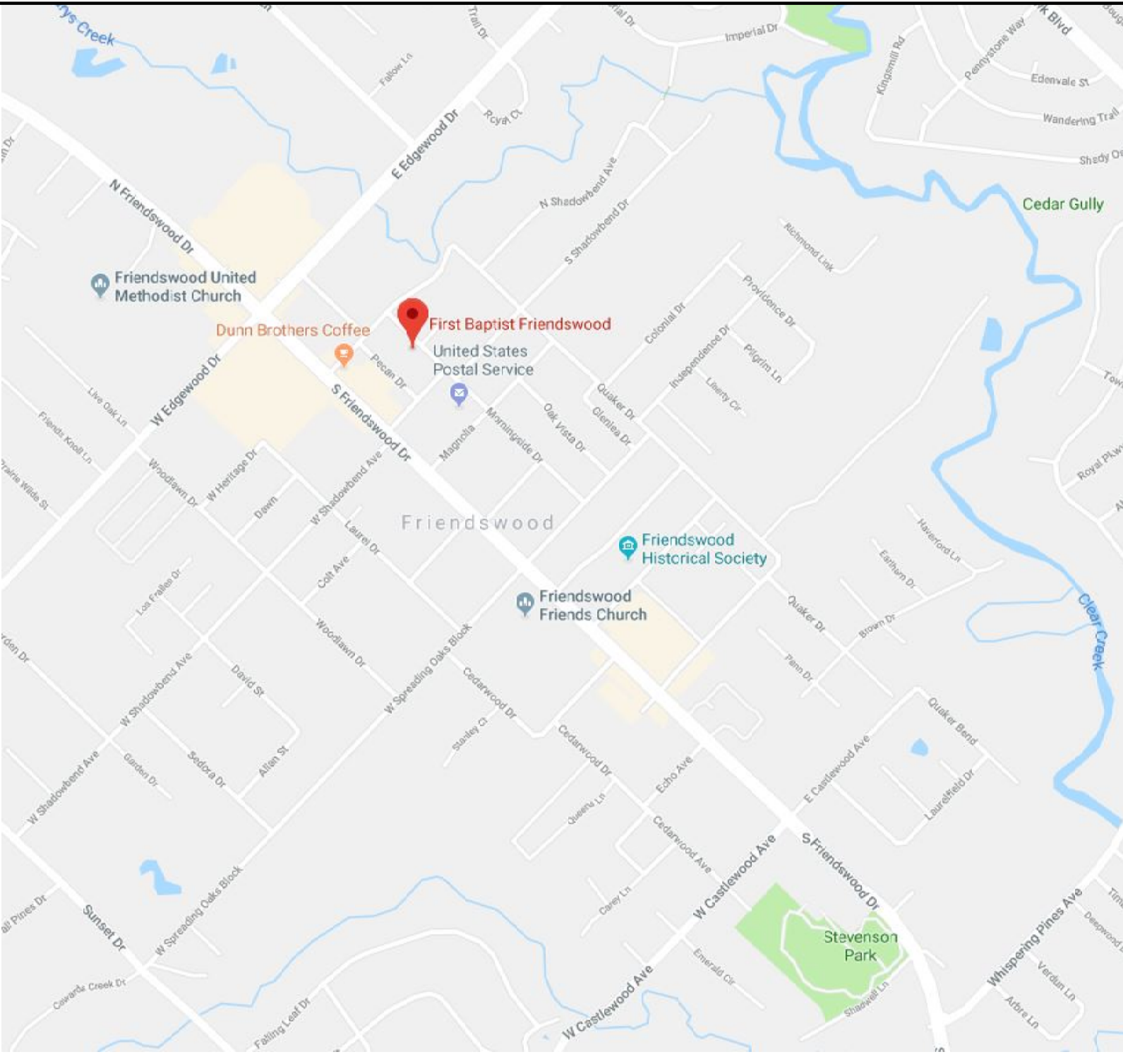


1" = 205'  
Page 52 of 217





700 Louisiana Street, Suite 350  
Houston, Texas 77002  
713.374.0000  
www.zieglercooper.com



VICINITY MAP  
SCALE= 1:1,000

1

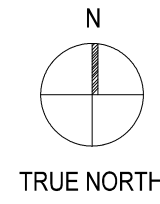
FIRST BAPTIST CHURCH FRIENDSWOOD  
111 EAST HERITAGE DRIVE  
FRIENDSWOOD, TEXAS 77546  
JANUARY 10, 2020

SPECIFIC USE PERMIT OPTION 2 SUBMITTAL

DRAWING INDEX

- COVER SHEET
- SUBMITTAL DRAWINGS:
- SUP 1.10 SITE PLAN
  - SUP 2.10 LANDSCAPE PLAN/ TREE SURVEY/ MITIGATION STUDY
  - SUP 3.10 PHOTOMETRIC PLAN
  - SUP 4.10 BUILDING PERSPECTIVES
  - SUP 4.11 ADMINISTRATION BUILDING ELEVATIONS
  - SUP 4.12 CHURCH ADDITION ELEVATION
  - SUP 4.13 STORAGE BUILDING ELEVATIONS
  - SUP 4.14 FAMILY LIFE CENTER ELEVATIONS

| ISSUES  |               |
|---------|---------------|
| DATE    | DESCRIPTION   |
| 1-10-20 | SUP SUBMITTAL |
| 3-9-20  | CITY REVISION |
| 3-30-20 | CITY REVISION |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |



FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
COVER SHEET

SHEET NUMBER  
COVER

ZCA PROJECT # 1104901

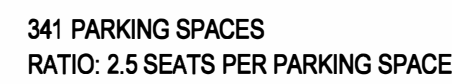


[illegible]

SHEET NUMBER

**SUP 1.10**

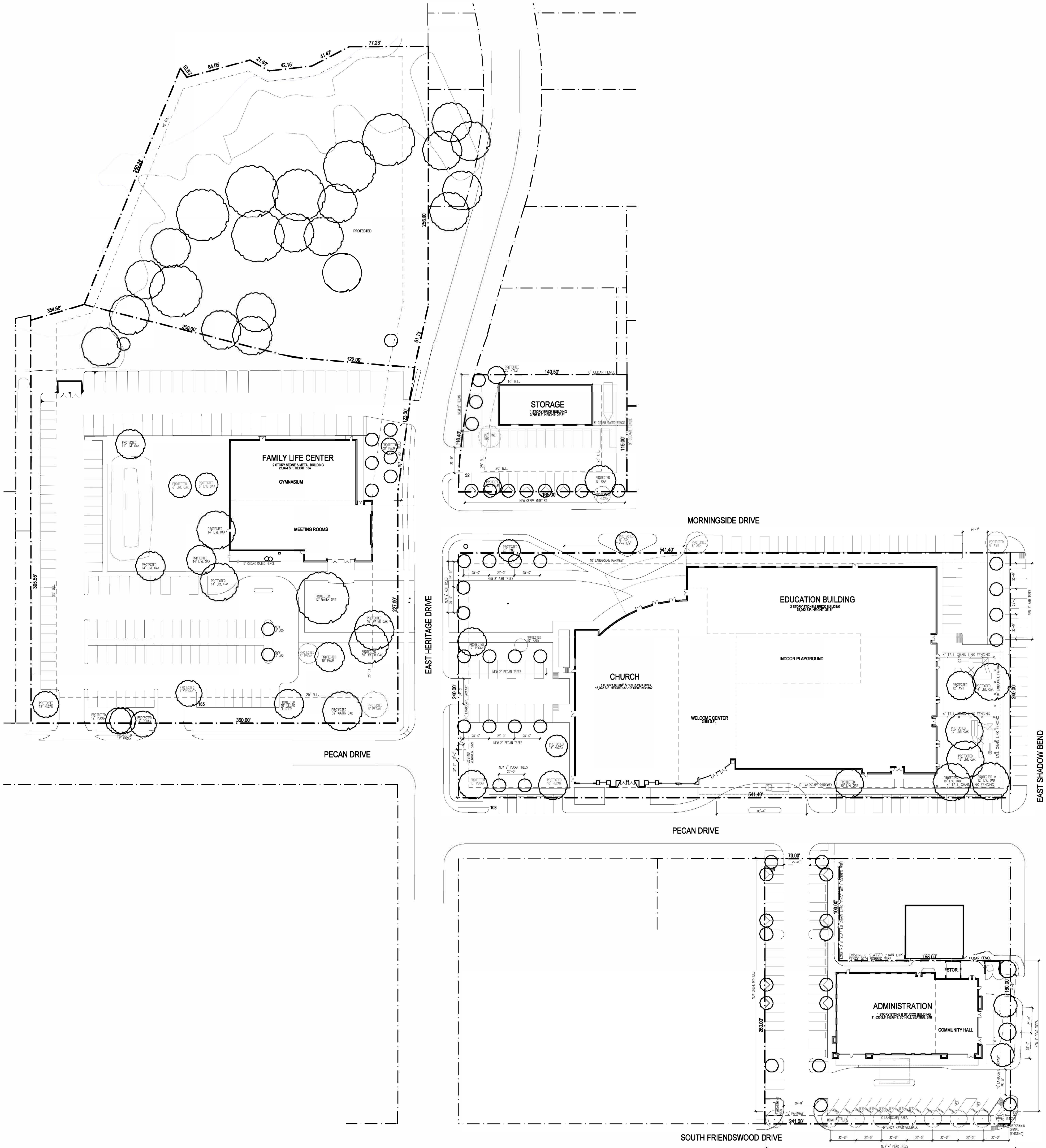
ZCA PROJECT # 1104901



**SITE PLAN**  
SCALE= 1:50



| TREES GREATER THAN 12"                         | TREES TO REMAIN OR BE MITIGATED               |
|------------------------------------------------|-----------------------------------------------|
| CHURCH BLOCK (111 EAST HERITAGE DRIVE)         |                                               |
| 20" PINE                                       | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 30" PALM                                       | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 20" LIVE OAK                                   | TO REMAIN                                     |
| 18" LIVE OAK                                   | TO REMAIN                                     |
| 12" LIVE OAK                                   | TO REMAIN                                     |
| 18" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 12" ASH                                        | TO REMAIN                                     |
| FAMILY LIFE CENTER (202 EAST HERITAGE DRIVE)   |                                               |
| 30" PALM                                       | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 12" WATER OAK                                  | TO REMAIN                                     |
| 18" WATER OAK                                  | TO REMAIN                                     |
| 30" WATER OAK                                  | TO REMAIN                                     |
| 18" PALM                                       | TO REMAIN                                     |
| 32" WATER OAK                                  | TO REMAIN                                     |
| 40" CEDAR CLUSTER                              | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 18" PECAN                                      | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| STORAGE BUILDING LOT (201 EAST HERITAGE DRIVE) |                                               |
| 20" PINE                                       | 3" ASH AT FLC TO SCREEN METAL BUILDING FACADE |
| 32" PALM                                       | TO REMAIN                                     |
| 12" OAK                                        | TO REMAIN                                     |

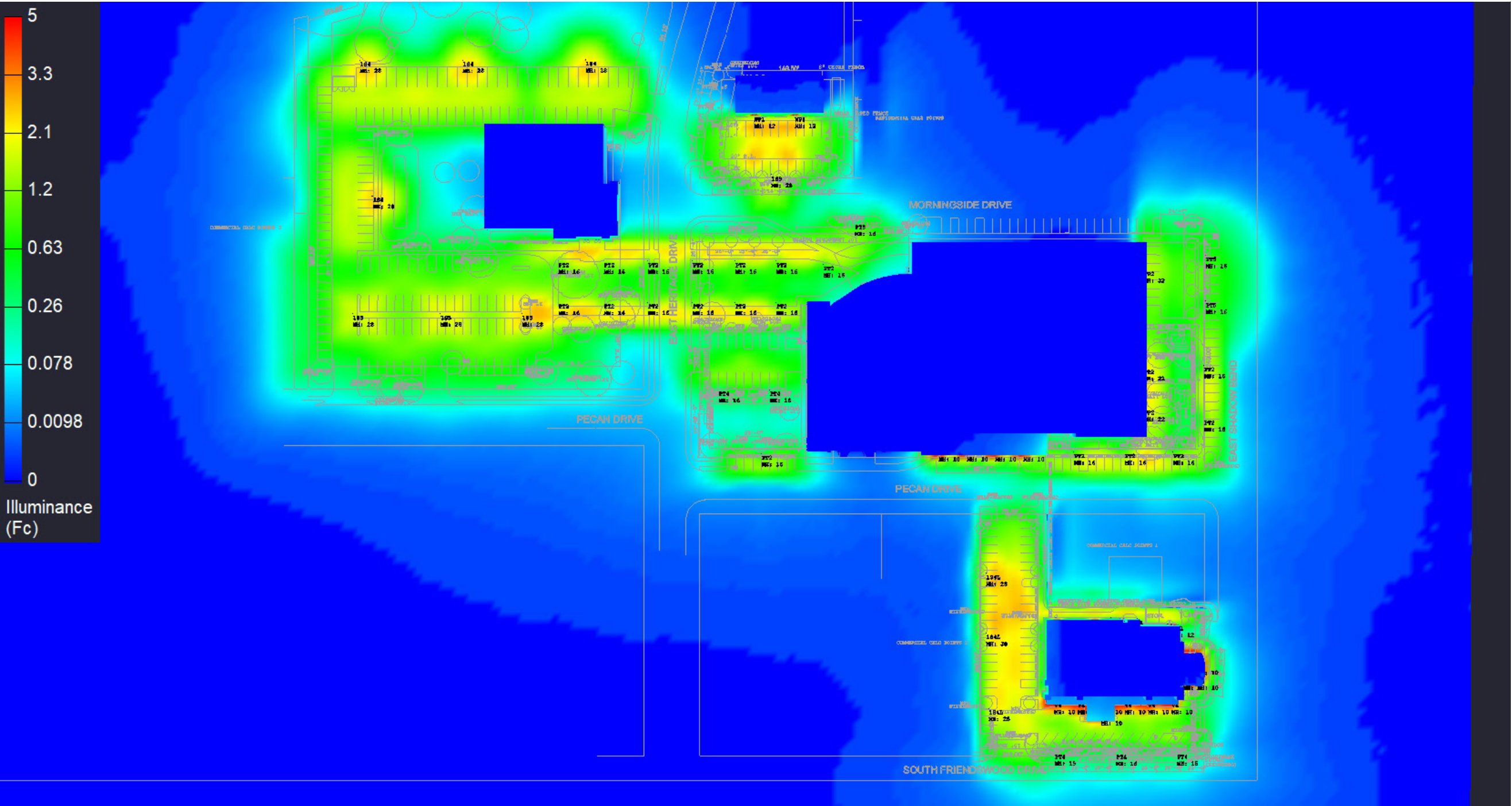


PROJECT NORTH

TRUE NORTH

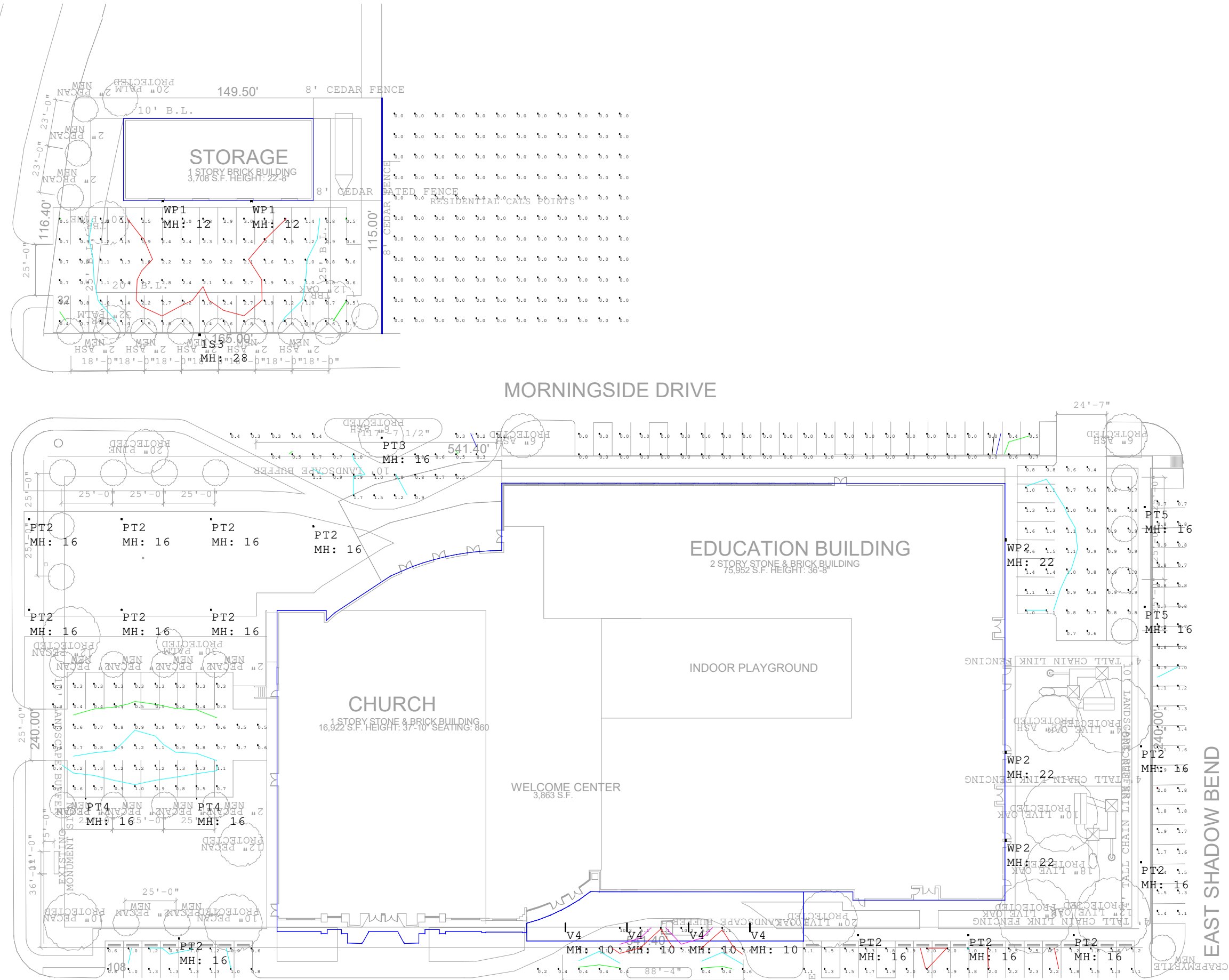
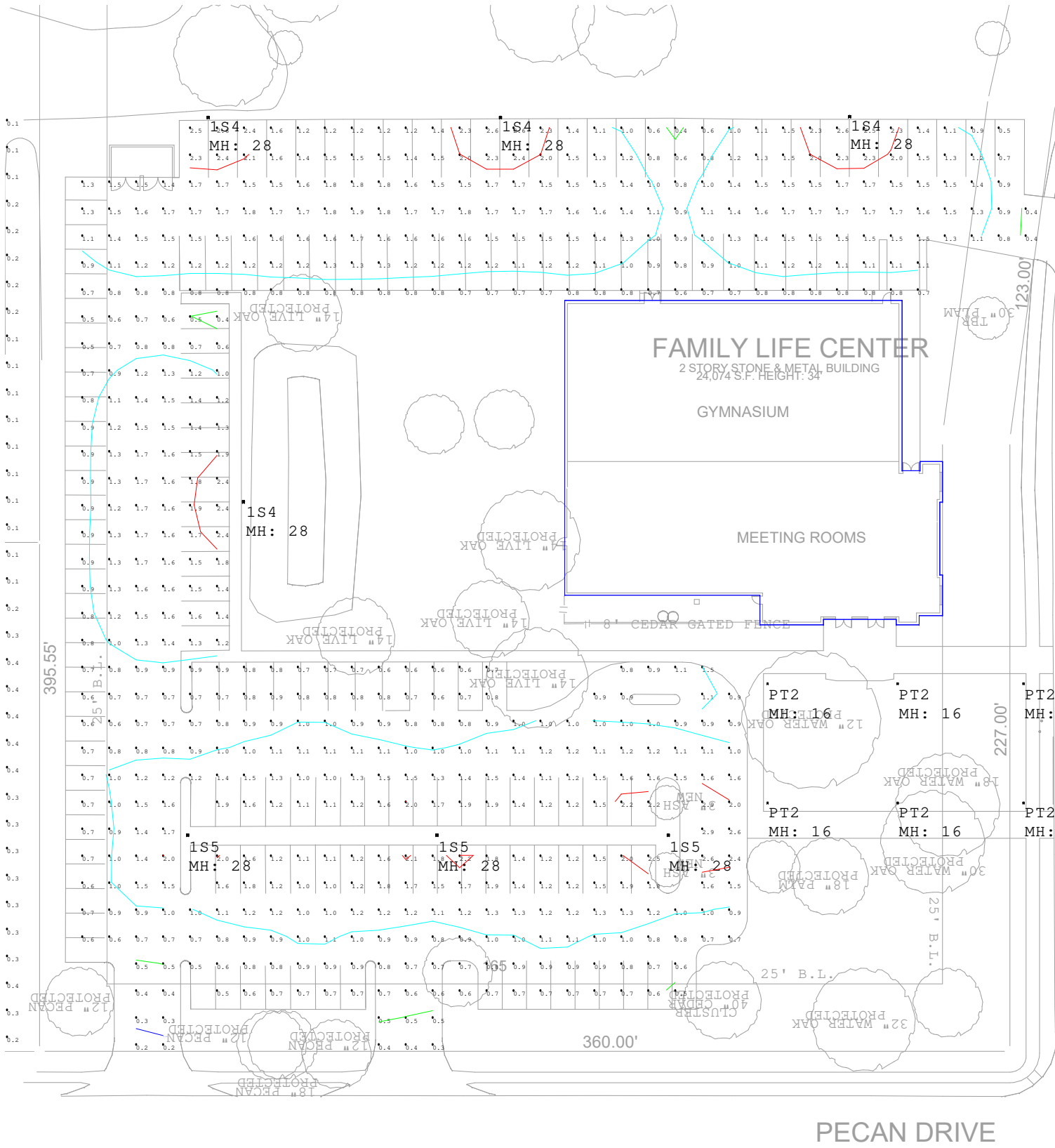
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| Luminaire Schedule                                                                  |     |       |             |             |       |                                      |
|-------------------------------------------------------------------------------------|-----|-------|-------------|-------------|-------|--------------------------------------|
| Symbol                                                                              | Qty | Label | Arrangement | Lum. Lumens | LLF   | Description                          |
|  | 1   | LS3   | SINGLE      | 18931       | 0.850 | LSI # SLM-LED-18L-SIL-3-40-70CRI     |
|  | 4   | LS4   | SINGLE      | 18843       | 0.850 | LSI # SLM-LED-18L-SIL-FT-40-70CRI    |
|  | 3   | LS4L  | SINGLE      | 12044       | 0.850 | LSI # SLM-LED-18L-SIL-FT-40-70CRI-IL |
|  | 3   | LS5   | SINGLE      | 17562       | 0.850 | LSI # SLM-LED-18L-SIL-5W-40-70CRI    |
|  | 19  | PT2   | SINGLE      | 4246        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T2MDL14 |
|  | 1   | PT3   | SINGLE      | 4185        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T3MDL14 |
|  | 5   | PT4   | SINGLE      | 4166        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T4MDL14 |
|  | 2   | PT5   | SINGLE      | 4386        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T5MDL14 |
|  | 15  | V4    | SINGLE      | 3823        | 0.850 | FORUM # AQD-x4-95LED40-SAT-C X 4'-WH |
|  | 6   | WP1   | SINGLE      | 3088        | 0.850 | LSI # XWM-2-LED-03L-40               |
|  | 3   | WP2   | SINGLE      | 6025        | 0.850 | LSI # XWM-2-LED-06L-40               |

| Calculation Summary       |             |       |      |      |     |         |         |  |
|---------------------------|-------------|-------|------|------|-----|---------|---------|--|
| Label                     | CalcType    | Units | Avg  | Max  | Min | Avg/Min | Max/Min |  |
| ADMIN BUILDING PARKING    | Illuminance | Fc    | 1.85 | 12.8 | 0.5 | 3.70    | 25.60   |  |
| CHURCH SMALL LOT          | Illuminance | Fc    | 0.69 | 1.3  | 0.3 | 2.30    | 4.33    |  |
| COMMERCIAL CALC POINTS 1  | Illuminance | Fc    | 0.03 | 0.2  | 0.0 | N.A.    | N.A.    |  |
| COMMERCIAL CALC POINTS 2  | Illuminance | Fc    | 0.49 | 0.8  | 0.2 | 2.45    | 4.00    |  |
| COMMERCIAL CALC POINTS 3  | Illuminance | Fc    | 0.22 | 0.4  | 0.1 | 2.20    | 4.00    |  |
| E SHADOW BEND PARKING     | Illuminance | Fc    | 1.22 | 2.0  | 0.7 | 1.74    | 2.86    |  |
| MORNINGSIDE DRIVE PARKING | Illuminance | Fc    | 0.30 | 1.7  | 0.0 | N.A.    | N.A.    |  |
| PECAN DRIVE PARKING       | Illuminance | Fc    | 1.81 | 10.2 | 0.2 | 9.05    | 51.00   |  |
| PLAYGROUND PARKING        | Illuminance | Fc    | 0.95 | 1.6  | 0.4 | 2.38    | 4.00    |  |
| RESIDENTIAL CALC POINTS   | Illuminance | Fc    | 0.00 | 0.0  | 0.0 | N.A.    | N.A.    |  |
| STORAGE PARKING           | Illuminance | Fc    | 1.54 | 3.0  | 0.3 | 5.13    | 10.00   |  |
| WEST CHURCH LOT           | Illuminance | Fc    | 1.21 | 2.9  | 0.2 | 6.05    | 14.50   |  |



| Revisions |      |          |
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SUP 3.10



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FRIENDSWOOD

SHEET TITLE

PERSPECTIVES

SHEET NUMBER

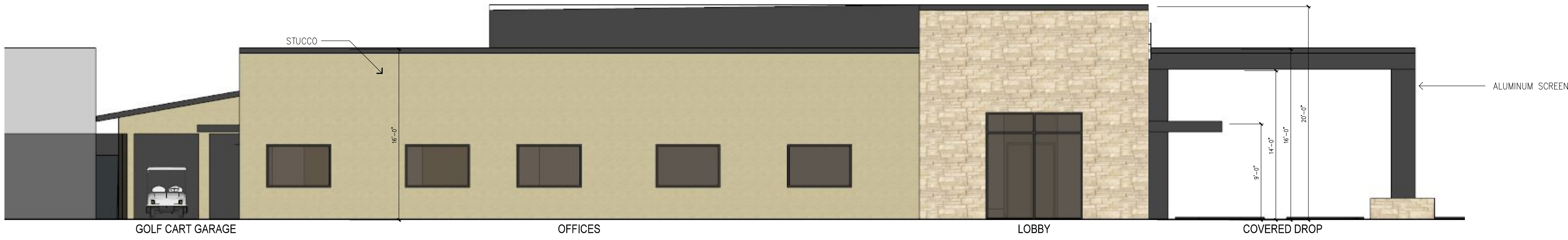
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ZCA PROJECT #

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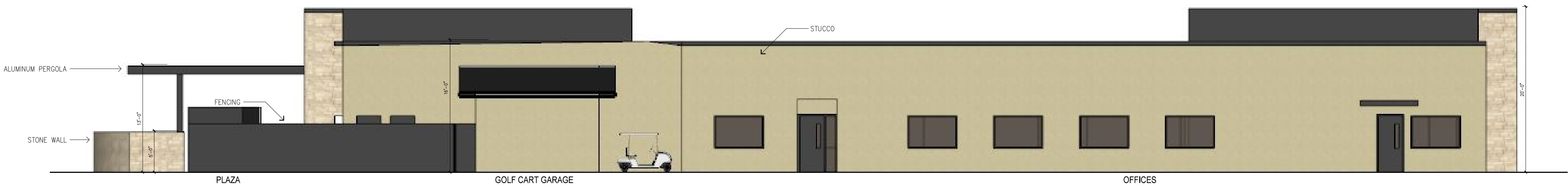




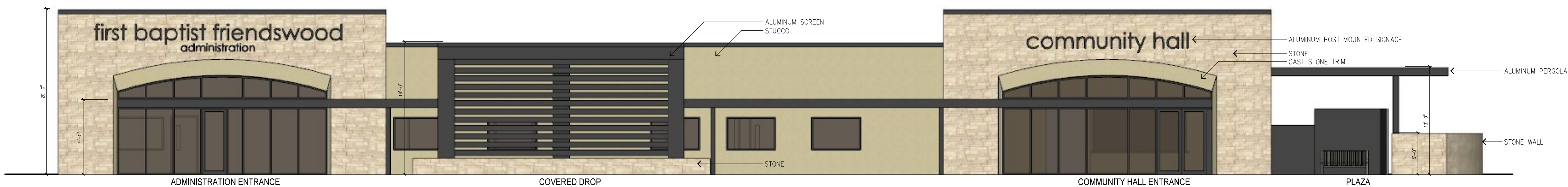
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EAST ELEVATION 3  
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NORTH ELEVATION 2  
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SOUTH ELEVATION 1  
SCALE: 1"=1/8"

ISSUES

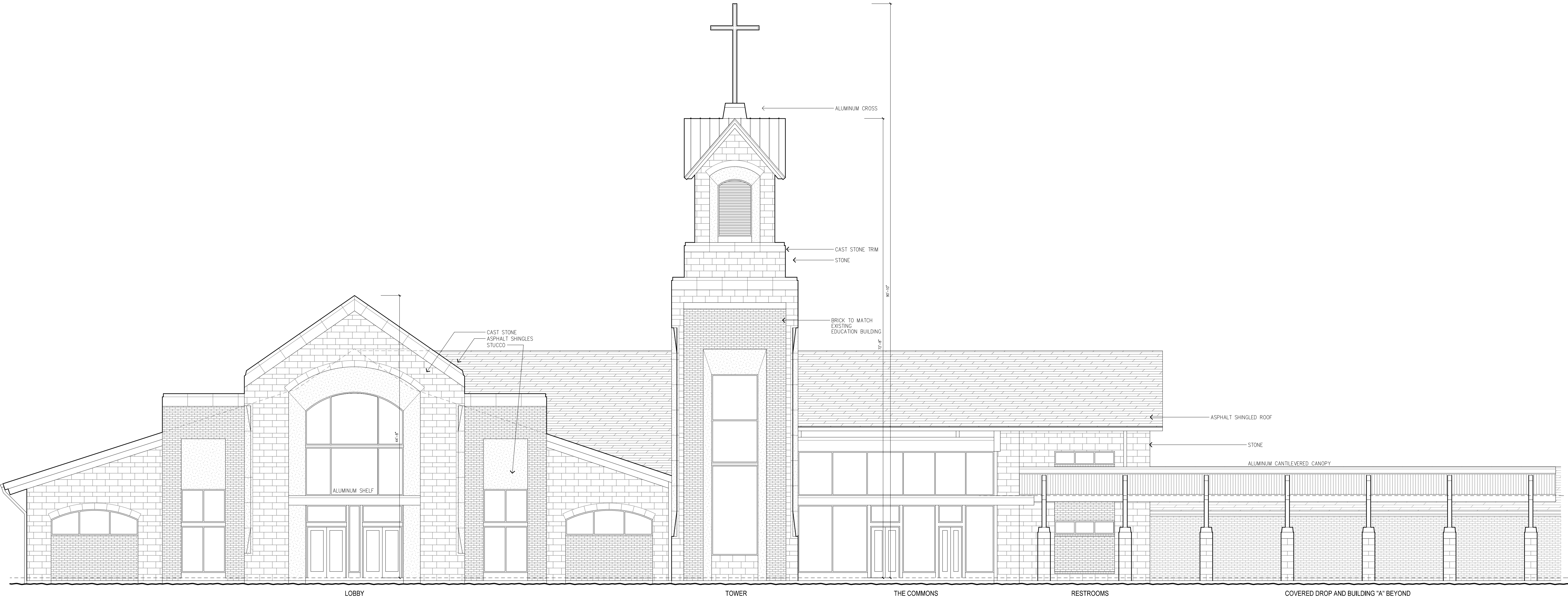
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SHEET TITLE  
ELEVATIONS  
NEW ADMIN BUILDING

SHEET NUMBER  
SUP 4.11  
ZCA PROJECT # 1104901





SOUTH ELEVATION 1  
SCALE: 1/8"=1'-0"



700 Louisiana Street, Suite 350  
Houston, Texas 77002  
713.374.0000  
www.zieglercooper.com

| ISSUES  |               |
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| 1-10-20 | SUP SUBMITTAL |
| 3-09-20 | CITY REVISION |
| 3-30-20 | CITY REVISION |
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FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
ELEVATIONS  
CHURCH ADDITION

SHEET NUMBER  
SUP 4.12  
ZCA PROJECT # 1104901

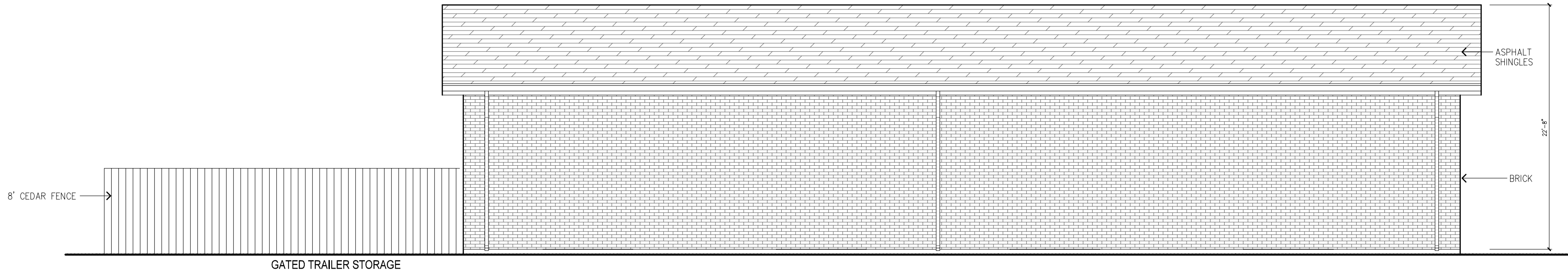


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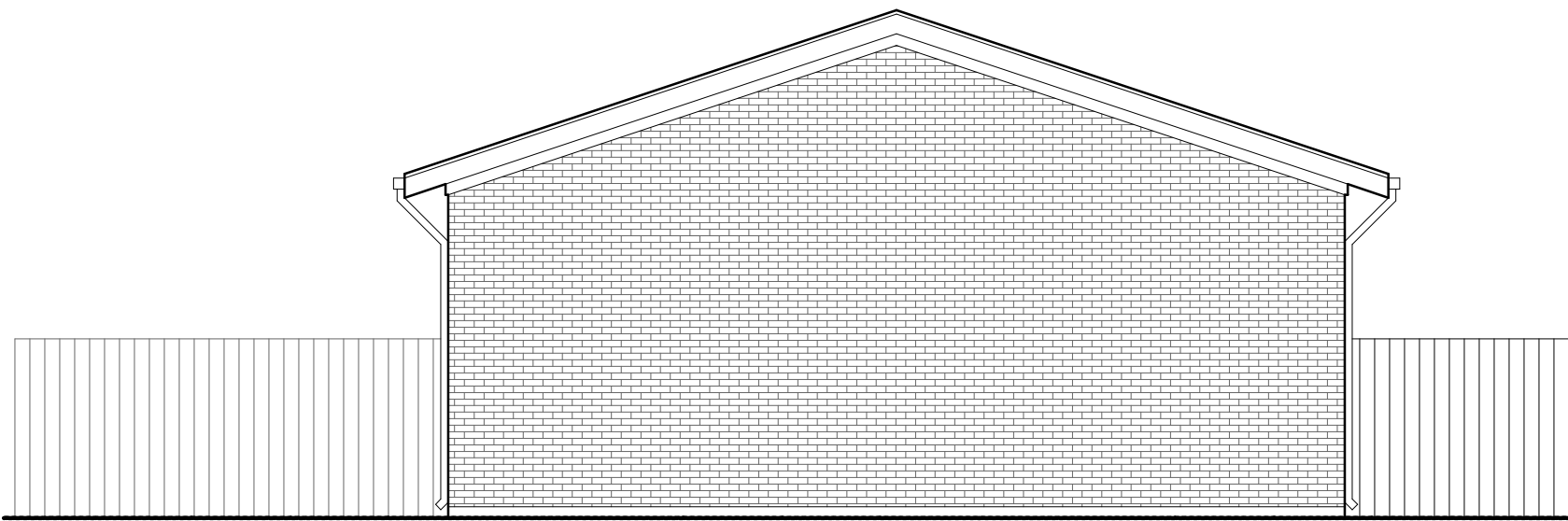
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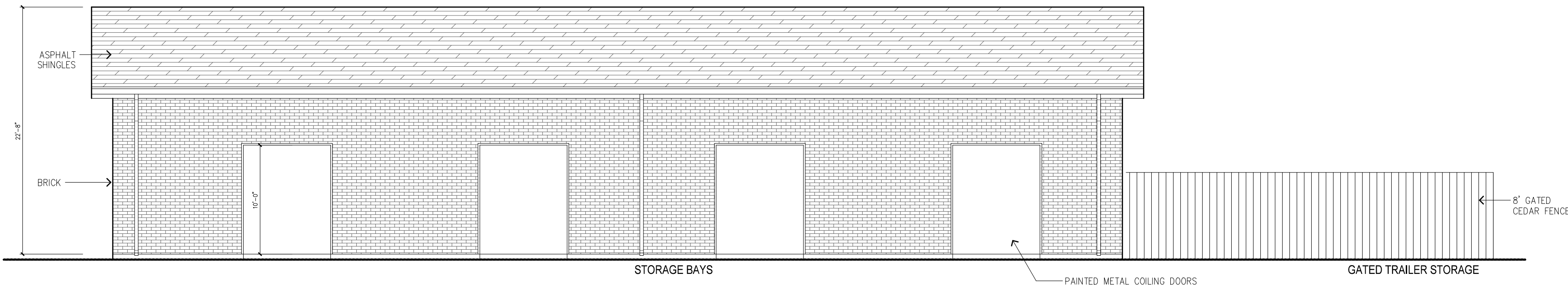
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ZCA PROJECT # 1104901



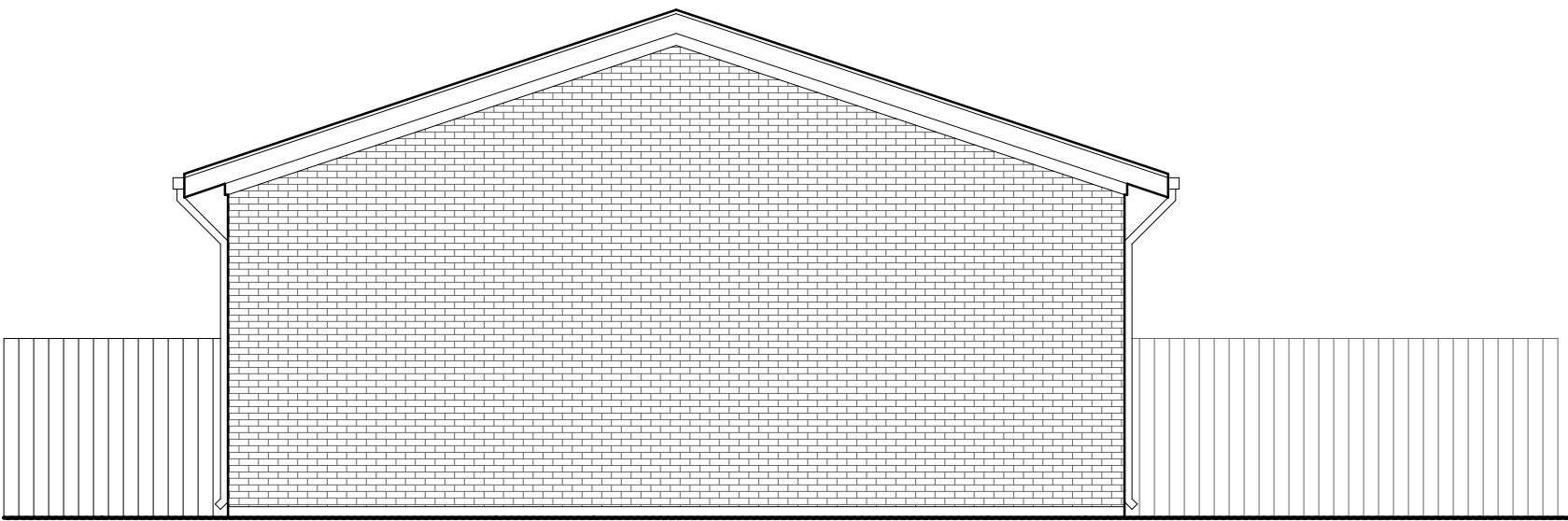
STORAGE BUILDING - SOUTH ELEVATION 2  
SCALE: 1"=1/8"



STORAGE BUILDING - WEST ELEVATION 1  
SCALE: 1"=1/8"



STORAGE BUILDING - SOUTH ELEVATION 2  
SCALE: 1"=1/8"

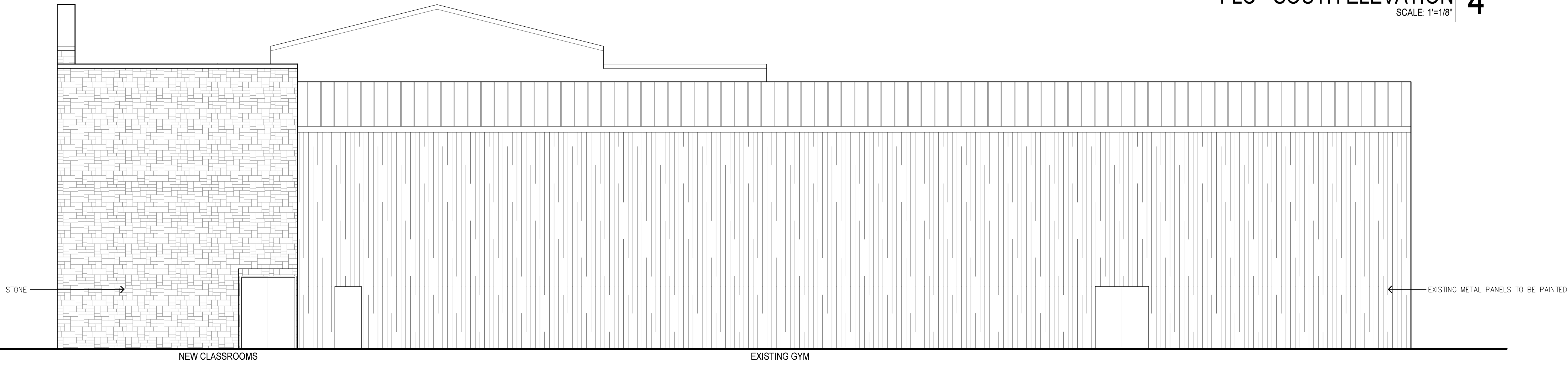


STORAGE BUILDING - WEST ELEVATION 1  
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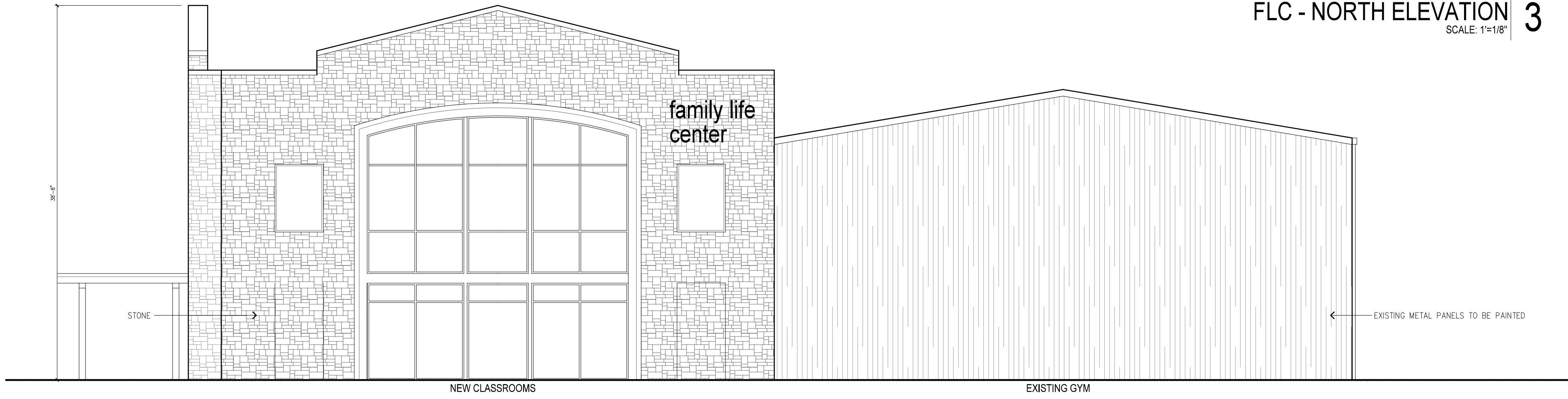




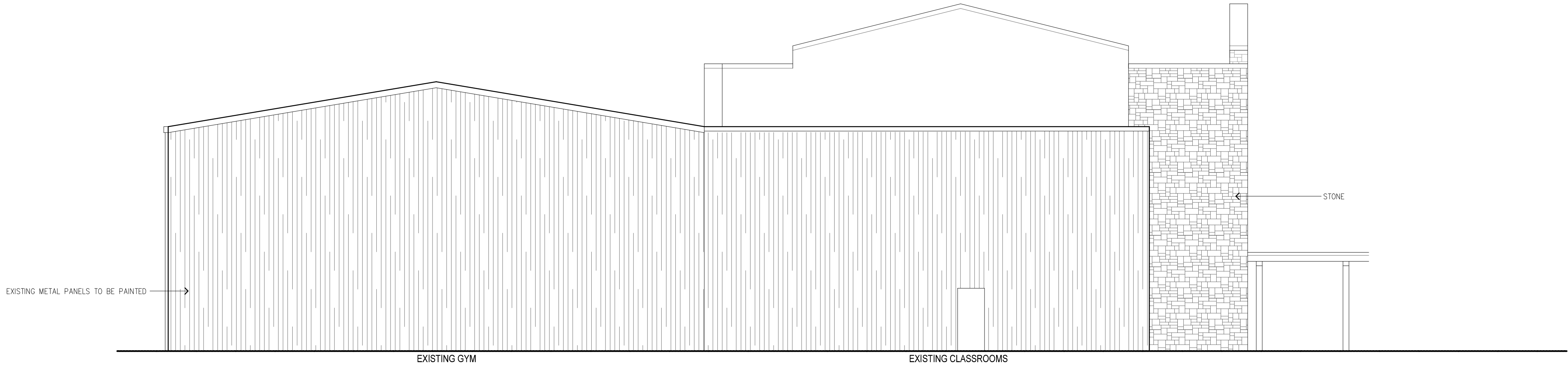
FLC - SOUTH ELEVATION 4  
SCALE: 1'=1/8"



FLC - NORTH ELEVATION 3  
SCALE: 1'=1/8"



FLC - EAST ELEVATION 2  
SCALE: 1'=1/8"



FLC - WEST ELEVATION 1  
SCALE: 1'=1/8"

| ISSUES  |               |
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| DATE    | DESCRIPTION   |
| 1-10-20 | SUP SUBMITTAL |
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FIRST BAPTIST  
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FRIENDSWOOD

SHEET TITLE  
ELEVATIONS  
FLC ADDITION

SHEET NUMBER

SUP 4.14

ZCA PROJECT # 1104901



## ***FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM***

Meeting Date: April 23, 2020

Subject: Minutes for the regular meeting held Thursday, March 26, 2020

Action: Choose an Option

### **SUMMARY / ORIGINATING CAUSE**

### **IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

### **RECOMMENDATIONS**

### **ATTACHMENTS**

1. 3-26-2020 P and Z Minutes



**CITY OF FRIENDSWOOD  
PLANNING AND ZONING COMMISSION  
THURSDAY, MARCH 26, 2020 - 7:00 PM**

## **MINUTES**

**MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT GOTOMEETING.COM  
(CONNECTION INFORMATION BELOW)**

**ONLINE MEETING INFORMATION**

1. In accordance with the Texas Governor Abbott's suspension of various Open Meetings Act requirements pursuant to the Coronavirus Disaster Declaration (changes effective March 16, 2020 per TEX GOV'T CODE 418.016(e)), the Planning and Zoning Commission meeting will be held via teleconference. Connection information is below.

Planning and Zoning Commission Meeting March 26, 2020  
Thu, Mar 26, 2020 7:00 PM - 9:00 PM (CDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/826397837>

You can also dial in using your phone.  
(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (571) 317-3122  
- One-touch: tel:+15713173122,,826397837#

Access Code: 826-397-837

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## **PUBLIC HEARINGS**

### 1. Call to order

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, MARCH 26, 2020, AT 07:02 PM GOTOMEETING.COM (CONNECTION INFORMATION BELOW)

CHAIRMAN JOE MATRANGA  
VICE-CHAIRMAN RICHARD SASSON  
COMMISSIONER RICHARD CLARK  
COMMISSIONER BRETT BANFIELD  
COMMISSIONER ERIC GUENTHER  
COMMISSIONER LISA LUNDQUIST  
COMMISSIONER MARCUS PERRY  
COUNCIL LIAISON TRISH HANKS  
CITY ATTORNEY MARY KAY FISCHER  
DIRECTOR OF CDD/PLANNER AUBREY HARBIN  
DEVELOPMENT COORDINATOR BECKY BENNETT

### 2. Receive comments, both oral and written regarding

- a. Lundy Lane Estates Replat, a subdivision of 7.61 acres in the B.S. & F. Survey No. 5, A-625, also being a replat of the Abrahamson Estates Subdivision recorded in Volume 18, Page 855 of the Map Records of Galveston County, City of Friendswood, Galveston County, Texas, property also known as 1922 Lundy Lane

Harbin explained the owners of 1922 Lundy Lane were proposing to subdivide the lot into three residential lots. She said the existing home would remain with access to Lundy Lane while the two new lots would have access via Schulte Lane. Harbin said the owners would be required to extend a water line to the new lots plus add a fire hydrant before the plat could be recorded.

Glen Dickson/resident asked if the new properties would have one or two driveways. Cathy Fontenot/Survey 1 stated each lot would most likely have its own driveway but that would be determined when the new lots were developed. Harbin added that any new driveway would require a culvert and need approval from the Galveston County Consolidated Drainage District (GCCDD).

- b. A request to vacate a 0.1738 acre (7,569 SQ) portion of a 60' right-of-way of East Heritage Drive, being a portion of land out of Lot 1, Block 2, of Friendswood Subdivision, a subdivision according to the map or plat thereof recorded under Volume 254, Page 37 of the Galveston County Plat Records Friendswood, Galveston County, Texas.

Harbin explained First Baptist Church owns the four lots directly abutting the subject right-of-way (ROW). She said the ROW is unimproved and that the city has no plans to extend or utilize the land. Harbin said the church has long term plans to expand their campus and wishes to clean up this unused portion of ROW prior to platting.

Stephanie Kaup/architect said the church has no plans to develop this portion of land, just to consolidate the area.

3. Adjourn

This public hearing was adjourned at 07:11 PM.

### **REGULAR MEETING**

1. Call to order

The regular meeting was called to order at 7:11 PM with the same people in attendance.

2. Communication from the public/committee liaisons  
*(To comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects be placed on a later regular Commission agenda for discussion and/or possible action.)*

No comments.

3. Consent Agenda  
*These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner or citizen so requests in which case the item would be removed from the consent agenda and considered separately.*

- a. Minutes from the regular meeting held Thursday, March 12, 2020

**\*\*Commissioner Marcus Perry moved to approve Minutes from the regular meeting held Thursday, March 12, 2020. Seconded by Commissioner Lisa Lundquist. The motion was approved unanimously.**

#### Action Items

*According to the Planning and Zoning Rules of Procedure (R2019-15), all action of the Commission shall be made by an affirmative vote of four (4) or more members of the Commission present at such Commission meetings.*

- a. Consideration and possible action regarding the Lundy Lane Estates Replat, a subdivision of 7.61 acres in the B.S. & F. Survey No. 5, A-625, also being a replat of the Abrahamson Estates Subdivision recorded in Volume 18, Page 855 of the Map Records of Galveston County, City of Friendswood, Galveston County, Texas, property also known as 1922 Lundy Lane

**\*\*Commissioner Richard Clark moved to approve Consideration and possible action regarding the Lundy Lane Estates Replat, a subdivision of 7.61 acres in the B.S. & F. Survey No. 5, A-625, also being a replat of the Abrahamson Estates Subdivision recorded in Volume 18, Page 855 of the Map Records of Galveston County, City of Friendswood, Galveston County, Texas, property also known as 1922 Lundy Lane. Seconded by Commissioner Eric Guenther. The motion was approved unanimously.**

Clark asked if the lots would be considered estate lots. Harbin said the properties are zoned Single Family Residential (SFR). Lundquist asked if the lots could be further subdivided. Harbin explained the GCCDD is requiring a 100-foot easement so there would not be much buildable room left to subdivide. She said any further subdivision would require another replat and PZ approval. Lundquist commented that even after subdividing into three lots, 2-acre properties are still large and in line with the surrounding properties.

Sasson asked what it would entail to convert Schulte Lane from a private road to a public road. Harbin said all the owners would need to participate in a replat to dedicate the land plus improve the road to meet city standards. She said it would be difficult but easements are being dedicated for long term utility plans and maybe a public street, eventually.



- b. Consideration and possible action regarding a recommendation to City Council for the request to vacate a 0.1738 acre (7,569 SQ) portion of a 60` right-of-way of East Heritage Drive, being a portion of land out of Lot 1, Block 2, of Friendswood Subdivision, a subdivision according to the map or plat thereof recorded under Volume 254, Page 37 of the Galveston County Plat Records Friendswood, Galveston County, Texas.

\*\*Commissioner Brett Banfield moved to approve Consideration and possible action regarding a recommendation to City Council for the request to vacate a 0.1738 acre (7,569 SQ) portion of a 60` right-of-way of East Heritage Drive, being a portion of land out of Lot 1, Block 2, of Friendswood Subdivision, a subdivision according to the map or plat thereof recorded under Volume 254, Page 37 of the Galveston County Plat Records Friendswood, Galveston County, Texas.. Seconded by Commissioner Lisa Lundquist. The motion was approved unanimously.

5. Communications

- a. From Commissioners - suggestions for future agenda items, general comments and/or updates from liaison assignments

Lundquist said Keep Friendswood Beautiful did not meet due to current social distancing recommendations.

Banfield said a good job to Chairman Matranga and staff for setting up the online meeting. He reminded everyone to shop local, when possible. Matranga also thanked staff for setting up the online meeting.

- b. From Planning Subcommittee – update on tasks

No comments.

- c. From Ordinance Subcommittee – update on tasks

No comments.

- d. From City Council Liaison, Trish Hanks - general comments and communication from City Council

Council Liaison Hanks said staff already had a pandemic plan and was prepared when the counties announced "stay at home" orders. She congratulated PZ Commission on holding an online meeting and stated the Commission was the only board to hold their meeting, so far.

- e. From Staff - commercial and residential project updates, City Council action and ordinance updates

Harbin said staff received a few submittals that do have legal deadlines so the Commission may be meeting online again in April. Lundquist asked if the city could extend the deadlines for projects. Harbin explained the deadlines are state requirements and staff is attempting to keep projects moving. She said City Hall is closed to the public but staff is still working and accepting applications on line and via a drop box outside City Hall.

City Attorney Fischer congratulated the Commission and staff that the online meeting went well.

6. Adjournment

This meeting was adjourned at 07:33 PM.



## ***FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM***

Meeting Date: April 23, 2020

Subject: Staff update regarding changes to Local Government Code Chapter 212, specifically House Bill 3167, which affects approvals and disapprovals of plats and plans

Action: Significant

### **SUMMARY / ORIGINATING CAUSE**

Effective September 1, 2019, the State enacted some changes to Chapter 212 of the Local Government Code regarding approval of plats and plans. The very last page of the attachment called "H.B. 3167 Q&A Final" includes a flow chart that explains the new process.

The Commission can approve, conditionally approve or disapprove a plat. If conditionally approved or disapproved, each condition or reason specified must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable, and conditions or reasons may not be arbitrary. Additionally, re-consideration by the Commission is required until the plat is approved.

### **IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY**

The bill was meant to force cities to speed up the subdivision plat approval process and provide more information when a plan/plat is not approved; however, with the resubmittal requirement, it may actually add more time to the process.

### **RECOMMENDATIONS**

Staff is working on amendments to the Subdivision Ordinance that will align with the new state law.

### **ATTACHMENTS**

1. HB-3167-QA-FINAL
2. Local Government Code Chapter 212

**H.B. 3167 (2019)**  
**Legal Q&A**  
**Scott Houston**

**1. What is H.B. 3167?**

[House Bill 3167](#) by Rep. Tom Oliverson (R – Houston) is legislation that becomes effective on September 1, 2019. The bill makes numerous changes to the site plan and subdivision platting approval process, and it will require most cities to make changes to their subdivision ordinance, zoning ordinance, and/or unified development code approval processes. A chart of the process required by the bill is included at the end of this Q&A.

**2. Why was the bill needed?**

The Texas House Land and Resource Management Committee Report states that:

Concerns have been raised regarding the process for plat and land development application approval by political subdivisions. It has been suggested that some political subdivisions circumvent statutory timelines for approving an application by simply denying the application with generic comments that do not fully address specific deficiencies with the application. C.S.H.B. 3167 seeks to provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications.

In other words, the bill is meant to force cities to speed up the site plan/subdivision plat approval process, and to provide more information when a plan or plat isn't approved. In reality, it may create red tape that slows the process down and/or results in substandard planning. A list of witnesses for and against the bill is available at:

<https://capitol.texas.gov/tlodocs/86R/witlistbill/pdf/HB03167H.pdf#navpanes=0>.

**3. What types of development applications are subject to H.B. 3167?**

The bill applies to plans and plats. It defines a “plan” to mean a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan. TEX. LOC. GOV'T CODE § 212.001(2). It defines “plat” to include a preliminary plat, general plan, final plat, and replat. *Id.* § 212.001(3).

Many have questioned the meaning of these terms. Does the reference to “site plan” only refer to that term as used in Chapter 212, Subchapter B? And what does the term “general plan” refer to? That term is mentioned in current law in a handful of places. *Id.* §§ 212.010; 212.044; 212.047. As mentioned in those sections, the term may be referring to the city's comprehensive plan. In the context of H.B. 3167, the term is included in the definition of “plat.” The City of Houston's ordinance, which was praised by some developers, defines the term “general plan” as “a site plan submitted for the purpose of establishing a street system for a large tract to be developed in sections. The General Plan is submitted with the subdivision plat for the first section being platted. The General Plan is valid for 4 years and can be extended by planning commission



action. Upon planning commission approval, the General Plan establishes the street system for future development.” Thus, it appears that the term “general plan” in H.B. 3167 means something different than where it appears in other places in Chapter 212.

The bill also provides that the approval procedures as amended by the bill apply to a city regardless of whether it has entered into an interlocal agreement, including an interlocal agreement between the city and county relating to extraterritorial jurisdiction subdivision platting agreement as required by state law. *Id.* § 212.0085.

#### **4. What application materials are included in the definition of “plan?”**

Looking at the definitions in the question above, some say that essentially any type of plan that shows the layout of a project is subject to the bill. The bill uses some terms that aren’t common in planning, such as including “general plan” in the definition of “plan.” No one is certain what a “general plan” means, so each city should decide and define that term in its ordinance(s).

The bill amends Local Government Code Chapter 212, which relates to subdivision platting. It seems to insert a “site plan” and “site development plan” into the subdivision plat approval process, but those are traditionally based on the zoning authority in Chapter 211. As such, most attorneys argue that a zoning site plan isn’t subject to the bill’s requirements.

Because of the ambiguity, each city may wish to define certain term(s) in its ordinance for clarity.

#### **5. How does H.B. 3167 change the plan/plat approval timeline?**

The bill requires the municipal authority responsible for approving plats to take the following action with regard to the “initial approval” of a plan or plat within 30 days after the date the plan or plat is filed: (1) approve, (2) approve with conditions, or (3) disapprove with explanation. *Id.* § 212.009(a).

Current law defines “the municipal authority responsible for approving plats” as the municipal planning commission or, if the city has no planning commission, the governing body of the city. Also under current law, the governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission. *Id.* § 212.006(a).

If an ordinance requires that a plan or plat be approved by the governing body of the city in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission, and a plan or plat is approved by the governing body unless it is approved with conditions or disapproved within that period.

#### **6. May the city and applicant agree to extend the deadline in the question above?**

Yes, but only if the applicant (not the city) requests the extension. The parties may extend the 30-day period described above for a period not to exceed 30 days if: (1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and (2) the municipal authority or governing body, as applicable, approves the extension request. *Id.* § 212.009(b-2).

**7. What does a city do when it approves a plan or plat?**

If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. *Id.* § 212.009(c).

**8. What if the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove with explanation a plan or plat within the prescribed period?**

A plan or plat is approved by the municipal authority unless it is disapproved within the periods described above and in accordance with the bill's procedures. *Id.* § 212.009(b).

If that happens, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. *Id.* § 212.009(d).

**9. What must a city do with regard to approval, approval with conditions, or disapproval with explanation?**

A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. *Id.* § 212.0091(a).

Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* § 212.0091(b).

**10. If the municipal authority approves with conditions or disapproves with explanation, what is the applicant entitled to do?**

After the conditional approval or disapproval with explanation of a plan or plat, the applicant may submit to the municipal authority or governing body a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided, and the municipal authority or governing body may not establish a deadline for an applicant to submit the response. *Id.* § 212.0093.

**11. What must the city do with regard to the applicant's written response?**

A municipal authority or governing body that receives a written response shall determine whether to “approve” or “disapprove [with explanation]” the applicant’s previously conditionally-approved or disapproved plan or plat not later than the 15th day after the date the response was submitted. *Id.* § 212.0095(a). Again, a city may not establish a deadline before which the applicant must submit the response. *Id.* § 212.0093

A municipal authority or governing body that receives a response shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval. *Id.* § 212.0095(c).

A previously conditionally-approved or disapproved plan or plat is approved if: (1) the applicant files a response that adequately addresses each condition of the conditional approval or each reason for disapproval, and (2) the municipal authority or governing body that receives the response does not disapprove the plan or plat on or before the 15th day the response was submitted. *Id.* § 212.0095(d).

The two paragraphs above mean the plan or plat must be approved if: (1) the applicant’s written response addresses all the issues raised in the city’s prior approval with conditions or disapproval with explanation; and (2) no new issues are raised by the applicant’s written response. *Id.* § 212.0095(d)(2). What to do when new issues are raised by the applicant’s written response is the subject of some debate and is addressed in question 12, below.

## **12. What if the applicant’s written response changes the plan or plat in a way that creates new issues?**

At least two schools of thought exist in relation to what happens once the city receives the applicant’s written response: (1) the written response and 15-day decision period of the city continues repeatedly in relation to new issues raised by corrections; or (2) the city must disapprove with explanation a submission that creates new issues, which starts the process from the beginning.

Under the first process, it appears that – if the applicant’s written response raises new issues – a city may, once again, “approve” or “disapprove with explanation” the plan or plat on or before the 15<sup>th</sup> day the response was submitted. Section 212.0095(d) supports that conclusion:

(d) A previously conditionally approved or disapproved plan or plat is approved if: (1) the applicant filed a response that meets the requirements of Subsection (c); and (2) the municipal authority or governing body that received the response *does not disapprove the plan or plat* on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Disapproval must follow the process spelled out previously:

- A municipal authority or governing body that conditionally approves or disapproves a plan or plat shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific

condition for the conditional approval or reason for disapproval. *Id.* §§ 212.0095(b); 212.0091(a) (Note that (a) includes the “conditional approval” option, but a city can’t use that. It can only disapprove with explanation because it is limited to doing so by Section 212.0095(d)(2)).

- Each condition or reason specified in the written statement: (1) must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and (2) may not be arbitrary. *Id.* §§ 212.0095(b); 212.0091(b) (Again, only disapproval with conditions is allowed at this stage).

Presumably, the approval or disapproval with explanation for new issues within 15 days allows the applicant to once again submit a written response, which once again triggers the 15 day deadline. That process could conceivably continue until all issues have been addressed.

The second process presumes that the applicant’s written submission and the city’s response to it within 15 days is a “one-and-done” proposition. That process interprets Sections 212.0095(b)(2) and (c)-(d) to allow approval if all of the items are corrected or disapproved with explanation if not. The disapproval with explanation would mean that the applicant starts again at the beginning by resubmitting the plan or plat.

### **13. Does the bill provide for an alternative plan or plat approval procedure?**

Yes, but only if they applicant agrees. An applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a city if the process allows for a shorter approval period than the approval process described in the questions above. *Id.* § 212.0096.

An applicant that elects to seek approval under the alternative approval process described above is not: (1) required to satisfy the requirements of the statutory approval process in the bill above before bringing an action challenging a disapproval of a plan or plat; or (2) prejudiced in any manner in bringing the action described by (1), including satisfying a requirement to exhaust any and all remedies. *Id.* § 212.0096(b).

This alternative approval procedure may be a way to grant more authority to staff and speed up internal processes. An applicant would usually have nothing to lose by trying a city’s alternative process because the applicant could always opt back in to the procedures in the bill.

### **14. May a city require an applicant to waive any deadlines or procedures in the bill?**

Maybe, but only with regard to a plan, not a plat. A municipal authority responsible for approving plats or the governing body of a city may not request or require an applicant to waive a deadline or other approval procedure. *Id.* § 212.0097. The waiver prohibition applies only to “plats” and not to “plans,” which could allow a city to require a waiver for anything other than an actual plat, which is defined in the bill as a preliminary plat, general plan, final plat, and



replat. Of course, the prohibition against establishing a deadline by which the applicant must submit a written response remains in place. *Id.* § 212.0093.

**15. What is the burden of proof in a legal action challenging the disapproval of a plan or plat?**

In a legal action challenging a disapproval of a plan or plat, the city has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of the subdivision platting law or any applicable case law, and the court may not use a “deferential standard.” *Id.* § 212.0099.

**16. May a city require a plan or plat to meet administrative completeness requirements before being considered “filed?” May a city have a submittal calendar that corresponds to the city’s internal meetings process?**

The bill doesn’t appear to modify the authority of a city to require an administrative completeness review (i.e., meet a checklist of requirements) prior to being accepted for filing. A city could also continue to have a submittal calendar that corresponds, for example, to planning and zoning commission meetings. In other words, the bill doesn’t make any additions related to acceptance for filing requirements. Thus, if a city believes it had the authority to do so prior to the bill, it should be able to continue those practices.

One exception is that, if a groundwater availability certification is required, the 30-day period begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body, as applicable. *Id.* § 212.009(b-1).

**17. How does the bill interact with Chapter 245 (the “permit vesting statute”)?**

Chapter 245, in sections 245.001(a) and (b), provides in relevant part that:

Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time: (1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or (2) a plan for development of real property or plat application is filed with a regulatory agency.

Rights to which a permit applicant is entitled under this chapter accrue on the filing of an original application or plan for development or plat application that gives the regulatory agency fair notice of the project and the nature of the permit sought. An application or plan is considered filed on the date the applicant delivers the application or plan to the regulatory agency or deposits the application or plan with the United States Postal Service by certified mail addressed to the regulatory agency. A certified mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the date the application or plan was deposited with the United States Postal Service.

The above means that an applicant could submit something for approval that would trigger vesting, but that doesn't necessarily mean that the application is "filed" for purposes of H.B. 3167. However, Section 245.001(e) provides that:

(e) A regulatory agency may provide that a permit application expires on or after the 45th day after the date the application is filed if:

(1) the applicant fails to provide documents or other information necessary to comply with the agency's technical requirements relating to the form and content of the permit application;

(2) the agency provides to the applicant not later than the 10th business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and

(3) the applicant fails to provide the specified documents or other information within the time provided in the notice.

The subsection above provides additional authority for a city to require "administrative completeness" prior to an application being considered as "filed" for purposes of H.B. 3167.

## **18. What are best practices and practical tips for compliance with the bill?**

The following suggestions were provided by planners and land use attorneys:

- Review ordinances to make sure they: (1) include all grounds for approval with conditions or denial with explanation; and (2) specifically reference/cross-reference the development code, municipal code, charter, criterial manuals, and other rules that may be cited as a result of H.B. 3167.
- Conduct a study of the cost to provide service for the required staffing levels necessary to meet H.B. 3167 timelines. For instance, a city may need additional engineering services. Adopt new fees that require development to cover the associated costs.
- Establish a detailed internal review process with internal deadlines.
- If a city doesn't have both the planning commission and governing body approval process (as allowed in Local Government Code Section 212.006), it should consider adopting such a process so that if one misses something (e.g., an item that needs to be conditionally approved), the other one can address it.
- Define "filed" in the city's ordinance to mean the day the administrative review process is finished and the plan or plat is placed on the planning and zoning commission agenda.
- Create a waiver form and make it available to applicants. The city can't request a waiver for plats, but it arguably can for plans (see question 14, above), and staff could point out that the process may actually be longer without one.
- Develop standard forms with fill-in-the-blanks and have a comment bank that includes citations to point out frequent errors.

- Establish a detailed quality control checklist (with code citations) and require it to be submitted, and stamped by the submitting engineer, as part of the completeness review.
- Host meeting/informational sessions for the development community to roll out process changes.
- Require pre-application conferences before applicants can submit.
- Limit filing to a schedule or certain day(s) of week.
- Consider whether you need to add dates to the planning and zoning commission meeting schedule, and consider what happens to the application if the commission is unable to meet within the 30-day timeframe (e.g., because of a lack of quorum).
- Delegate any applications to staff rather than the “authority responsible for approving plats” to avoid the 30-day provisions.
- Require supporting “studies” (i.e. traffic impact analysis, drainage study, etc.) be submitted prior to the first application for development.
- Consider requiring submission and approval of preliminary utility plans, potentially as part of a service availability determination, separate and prior to any submission of the actual preliminary plan or plat. Consider the same regarding: utility evaluations (city and third party); TxDOT or county road approvals (curb cuts/driveways); traffic impact analysis; variance approvals; and any other submissions that need to be made to the county and ESD (or any other governmental entity that needs to review) prior to filing.
- Do not accept a final plat for review until subdivision construction plans are approved and either a fiscal surety is filed or the infrastructure improvements are constructed.
- Call responses “notices of code deficiency” that state “your submission fails to comply with section \_\_\_\_\_ regarding \_\_\_\_\_” or “does not adequately address section \_\_\_\_\_ regarding \_\_\_\_\_.”

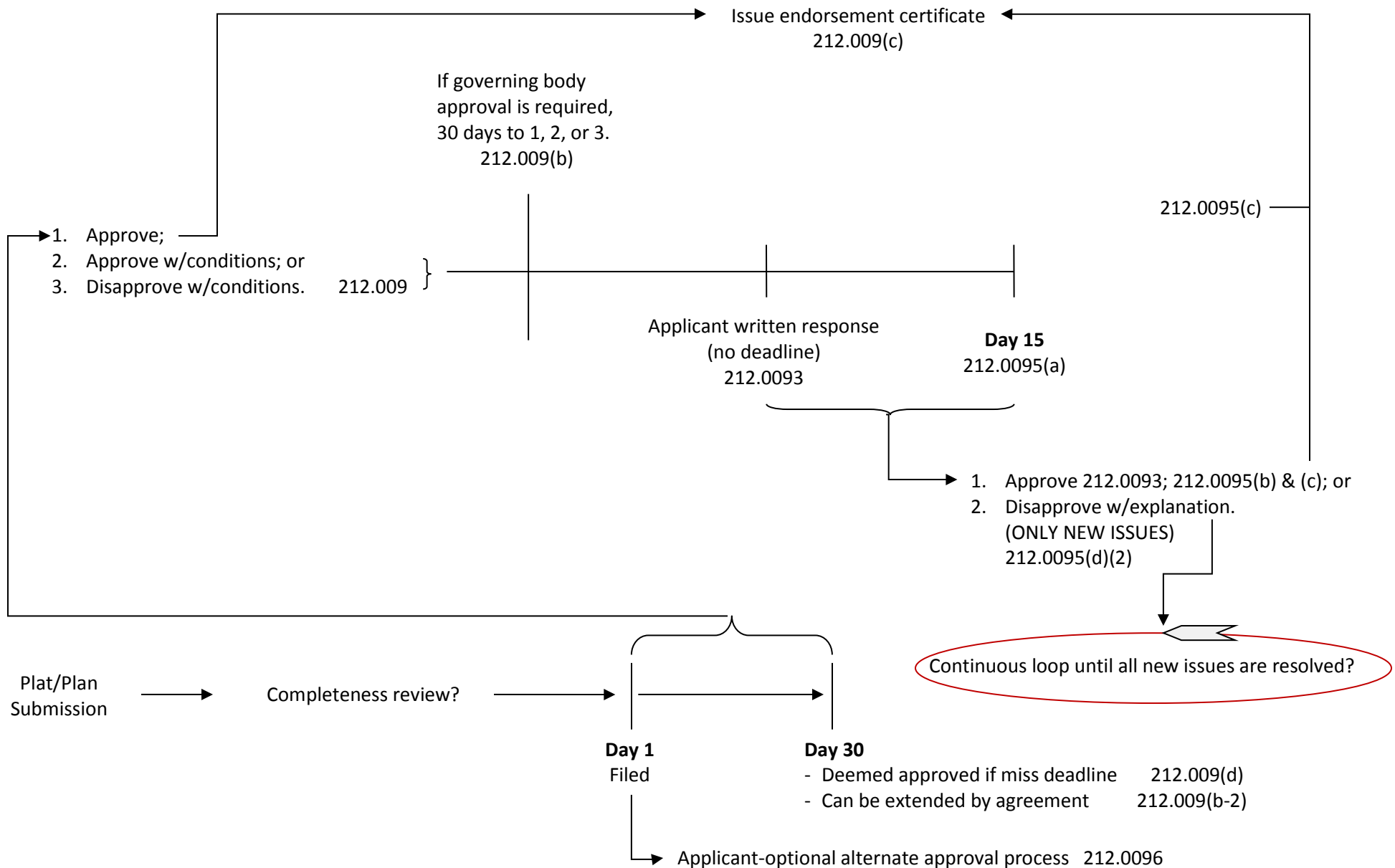
## **19. Does the bill contain any beneficial provisions?**

Yes. With regard to the approval of replats, the bill provides that:

1. a replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat: (a) is signed and acknowledged by only the owners of the property being replatted; (b) is approved by the municipal authority responsible for approving plats; and (c) does not attempt to amend or remove any covenants or restrictions (*Id.* § 212.014); and
2. for a replat that, during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot: (a) if the proposed replat requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the city and; (b) if a proposed replat does not require a variance or exception, the city shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll; (c) sections (a) and (b) do not apply to a proposed replat if the municipal planning commission or the governing body of the city holds a public hearing and gives notice of the hearing in the

manner provided by section (b); (d) the notice of a replat approval required by section (b) must include: (i) the zoning designation of the property after the replat; and (ii) a telephone number and e-mail address an owner of a lot may use to contact the city about the replat (*Id.* § 212.015).





## LOCAL GOVERNMENT CODE

## TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

## SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

## CHAPTER 212. MUNICIPAL REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT

## SUBCHAPTER A. REGULATION OF SUBDIVISIONS

Sec. 212.001. DEFINITIONS. In this subchapter:

(1) "Extraterritorial jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42, except that for a municipality that has a population of 5,000 or more and is located in a county bordering the Rio Grande River, "extraterritorial jurisdiction" means the area outside the municipal limits but within five miles of those limits.

(2) "Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.

(3) "Plat" includes a preliminary plat, general plan, final plat, and replat.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 1, eff. September 1, 2019.

Sec. 212.002. RULES. After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.0025. CHAPTER-WIDE PROVISION RELATING TO REGULATION OF PLATS AND SUBDIVISIONS IN EXTRATERRITORIAL JURISDICTION. The authority of a municipality under this chapter relating to the regulation of plats or subdivisions in the municipality's extraterritorial jurisdiction is subject to any applicable limitation prescribed by an agreement under Section [242.001](#).

Added by Acts 2003, 78th Leg., ch. 523, Sec. 6, eff. June 20, 2003.

Sec. 212.003. EXTENSION OF RULES TO EXTRATERRITORIAL JURISDICTION. (a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section [212.002](#) and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section [13.002](#), Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health. However, unless otherwise authorized by state law, in its extraterritorial jurisdiction a municipality shall not regulate:

- (1) the use of any building or property for business, industrial, residential, or other purposes;
- (2) the bulk, height, or number of buildings constructed on a particular tract of land;
- (3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;
- (4) the number of residential units that can be built per acre of land; or
- (5) the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if:
  - (A) the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities; and
  - (B) the developed tract of land is:

(i) located in a county with a population of 2.8 million or more; and

(ii) served by:

(a) on-site septic systems constructed before September 1, 2001, that fail to provide adequate services; or

(b) on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water.

(b) A fine or criminal penalty prescribed by the ordinance does not apply to a violation in the extraterritorial jurisdiction.

(c) The municipality is entitled to appropriate injunctive relief in district court to enjoin a violation of municipal ordinances or codes applicable in the extraterritorial jurisdiction.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 822, Sec. 6, eff. Sept. 1, 1989; Acts 2001, 77th Leg., ch. 68, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 731, Sec. 3, eff. Sept. 1, 2003.

Sec. 212.004. PLAT REQUIRED. (a) The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

(b) To be recorded, the plat must:



- (1) describe the subdivision by metes and bounds;
  - (2) locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part; and
  - (3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
- (c) The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.
- (d) The plat must be filed and recorded with the county clerk of the county in which the tract is located.
- (e) The plat is subject to the filing and recording provisions of Section [12.002](#), Property Code.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 624, Sec. 3.02, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 1046, Sec. 1, eff. Aug. 30, 1993.

Sec. 212.0045. EXCEPTION TO PLAT REQUIREMENT: MUNICIPAL DETERMINATION. (a) To determine whether specific divisions of land are required to be platted, a municipality may define and classify the divisions. A municipality need not require platting for every division of land otherwise within the scope of this subchapter.

(b) In lieu of a plat contemplated by this subchapter, a municipality may require the filing of a development plat under Subchapter B if that subchapter applies to the municipality.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

Sec. 212.0046. EXCEPTION TO PLAT REQUIREMENT: CERTAIN PROPERTY ABUTTING AIRCRAFT RUNWAY. An owner of a tract of land is not required to prepare a plat if the land:

- (1) is located wholly within a municipality with a population of 5,000 or less;

- (2) is divided into parts larger than 2-1/2 acres; and
- (3) abuts any part of an aircraft runway.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 1046, Sec. 2, eff. Aug. 30, 1993.

Sec. 212.006. AUTHORITY RESPONSIBLE FOR APPROVAL GENERALLY.

(a) The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.

(b) In a municipality with a population of more than 1.5 million, at least two members of the municipal planning commission, but not more than 25 percent of the membership of the commission, must be residents of the area outside the limits of the municipality and in which the municipality exercises its authority to approve subdivision plats.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

Sec. 212.0065. DELEGATION OF APPROVAL RESPONSIBILITY. (a) The governing body of a municipality may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve:

- (1) amending plats described by Section [212.016](#);
- (2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or

(3) a replat under Section [212.0145](#) that does not require the creation of any new street or the extension of municipal facilities.

(b) The designated person or persons may, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.

(c) The person or persons shall not disapprove the plat and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section [212.009](#).

Added by Acts 1989, 71st Leg., ch. 345, Sec. 1, eff. Aug. 28, 1989.  
Amended by Acts 1995, 74th Leg., ch. 92, Sec. 1, eff. Aug. 28, 1995;  
Acts 1997, 75th Leg., ch. 566, Sec. 1, eff. June 2, 1997; Acts 1999, 76th Leg., ch. 1130, Sec. 2, eff. June 18, 1999; Acts 2001, 77th Leg., ch. 402, Sec. 13, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 316 (H.B. [2281](#)), Sec. 1, eff. June 15, 2007.

Sec. 212.007. AUTHORITY RESPONSIBLE FOR APPROVAL: TRACT IN EXTRATERRITORIAL JURISDICTION OF MORE THAN ONE MUNICIPALITY. (a) For a tract located in the extraterritorial jurisdiction of more than one municipality, the authority responsible for approving a plat under this subchapter is the authority in the municipality with the largest population that under Section [212.006](#) has approval responsibility. The governing body of that municipality may enter into an agreement with any other affected municipality or with any other municipality having area that, if unincorporated, would be in the extraterritorial jurisdiction of the governing body's municipality delegating to the other municipality the responsibility for plat approval within specified parts of the affected area.

(b) Either party to an agreement under Subsection (a) may revoke the agreement after 20 years have elapsed after the date of the agreement unless the parties agree to a shorter period.

(c) A copy of the agreement shall be filed with the county clerk.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.008. APPLICATION FOR APPROVAL. A person desiring approval of a plat must apply to and file a copy of the plat with the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.0085. APPROVAL PROCEDURE: APPLICABILITY. The approval procedures under this subchapter apply to a municipality regardless of whether the municipality has entered into an interlocal agreement, including an interlocal agreement between a municipality and county under Section 242.001(d).

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 2, eff. September 1, 2019.

Sec. 212.009. APPROVAL PROCEDURE: INITIAL APPROVAL. (a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a plan or plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the plan or plat within 30 days after the date the plan or plat is approved by the planning commission or is approved by the inaction of the commission. A plan or plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

(b-1) Notwithstanding Subsection (a) or (b), if a groundwater availability certification is required under Section 212.0101, the 30-day period described by those subsections begins on the date the applicant submits the groundwater availability certification to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable.



(b-2) Notwithstanding Subsection (a) or (b), the parties may extend the 30-day period described by those subsections for a period not to exceed 30 days if:

(1) the applicant requests the extension in writing to the municipal authority responsible for approving plats or the governing body of the municipality, as applicable; and

(2) the municipal authority or governing body, as applicable, approves the extension request.

(c) If a plan or plat is approved, the municipal authority giving the approval shall endorse the plan or plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a plan or plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the plan or plat was filed and that the authority failed to act on the plan or plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

(e) The municipal authority responsible for approving plats shall maintain a record of each application made to the authority and the authority's action taken on it. On request of an owner of an affected tract, the authority shall certify the reasons for the action taken on an application.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 3, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 4, eff. September 1, 2019.

Sec. 212.0091. APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS. (a) A municipal authority or governing body that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of

the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) must:

(A) be directly related to the requirements under this subchapter; and

(B) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 5, eff. September 1, 2019.

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a plan or plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 5, eff. September 1, 2019.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a plan or plat following the submission of a response under Section 212.0093:

(1) must comply with Section 212.0091; and

(2) may disapprove the plan or plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plan or plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 5, eff. September 1, 2019.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a plan or plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a plan or plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 5, eff. September 1, 2019.

Sec. 212.0097. APPROVAL PROCEDURE: WAIVER PROHIBITED. A municipal authority responsible for approving plats or the governing body of a municipality may not request or require an applicant to waive a deadline or other approval procedure under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 5, eff. September 1, 2019.

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a plan or plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

Added by Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 5, eff. September 1, 2019.

Sec. 212.010. STANDARDS FOR APPROVAL. (a) The municipal authority responsible for approving plats shall approve a plat if:

- (1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;
  - (2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
  - (3) a bond required under Section 212.0106, if applicable, is filed with the municipality; and
  - (4) it conforms to any rules adopted under Section 212.002.
- (b) However, the municipal authority responsible for approving plats may not approve a plat unless the plat and other documents have been prepared as required by Section 212.0105, if applicable.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989.



Sec. 212.0101. ADDITIONAL REQUIREMENTS: USE OF GROUNDWATER.

(a) If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the municipal authority responsible for approving plats by ordinance may require the plat application to have attached to it a statement that:

(1) is prepared by an engineer licensed to practice in this state or a geoscientist licensed to practice in this state; and

(2) certifies that adequate groundwater is available for the subdivision.

(b) The Texas Commission on Environmental Quality by rule shall establish the appropriate form and content of a certification to be attached to a plat application under this section.

(c) The Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board, by rule shall require a person who submits a plat under Subsection (a) to transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:

(1) performing groundwater conservation district activities;

(2) conducting regional water planning;

(3) maintaining the state's groundwater database; or

(4) conducting studies for the state related to groundwater.

Added by Acts 1999, 76th Leg., ch. 460, Sec. 1, eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 99, Sec. 2(a), eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 515 (S.B. 662), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1430 (S.B. 3), Sec. 2.29, eff. September 1, 2007.

Sec. 212.0105. WATER AND SEWER REQUIREMENTS IN CERTAIN COUNTIES. (a) This section applies only to a person who:

(1) is the owner of a tract of land in a county in which a political subdivision that is eligible for and has applied for financial assistance through Subchapter K, Chapter 17, Water Code;

(2) divides the tract in a manner that creates any lots that are intended for residential purposes and are five acres or less; and

(3) is required under this subchapter to have a plat prepared for the subdivision.

(b) The owner of the tract:

(1) must:

(A) include on the plat or have attached to the plat a document containing a description of the water and sewer service facilities that will be constructed or installed to service the subdivision and a statement of the date by which the facilities will be fully operable; and

(B) have attached to the plat a document prepared by an engineer registered to practice in this state certifying that the water and sewer service facilities described by the plat or on the document attached to the plat are in compliance with the model rules adopted under Section 16.343, Water Code; or

(2) must:

(A) include on the plat a statement that water and sewer service facilities are unnecessary for the subdivision; and

(B) have attached to the plat a document prepared by an engineer registered to practice in this state certifying that water and sewer service facilities are unnecessary for the subdivision under the model rules adopted under Section 16.343, Water Code.

(c) The governing body of the municipality may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the water and sewer service facilities must be fully operable if the governing body finds the extension is reasonable and not contrary to the public interest. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner. An extension is not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services.

Added by Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 422, Sec. 7, eff. Sept. 1, 1991.

Amended by:

Acts 2005, 79th Leg., Ch. 927 (H.B. 467), Sec. 13, eff. September 1, 2005.

Sec. 212.0106. BOND REQUIREMENTS AND OTHER FINANCIAL GUARANTEES IN CERTAIN COUNTIES. (a) This section applies only to a person described by Section 212.0105(a).

(b) If the governing body of a municipality in a county described by Section 212.0105(a)(1)(A) or (B) requires the owner of the tract to execute a bond, the owner must do so before subdividing the tract unless an alternative financial guarantee is provided under Subsection (c). The bond must:

(1) be payable to the presiding officer of the governing body or to the presiding officer's successors in office;

(2) be in an amount determined by the governing body to be adequate to ensure the proper construction or installation of the water and sewer service facilities to service the subdivision but not to exceed the estimated cost of the construction or installation of the facilities;

(3) be executed with sureties as may be approved by the governing body;

(4) be executed by a company authorized to do business as a surety in this state if the governing body requires a surety bond executed by a corporate surety; and

(5) be conditioned that the water and sewer service facilities will be constructed or installed:

(A) in compliance with the model rules adopted under Section 16.343, Water Code; and

(B) within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

(c) In lieu of the bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or other acceptable financial guarantee.

(d) If a letter of credit is used, it must:

(1) list as the sole beneficiary the presiding officer of the governing body; and

(2) be conditioned that the water and sewer service facilities will be constructed or installed:

(A) in compliance with the model rules adopted under Section 16.343, Water Code; and

(B) within the time stated on the plat or on the document attached to the plat for the subdivision or within any extension of that time.

Added by Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989.

Sec. 212.011. EFFECT OF APPROVAL ON DEDICATION. (a) The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the municipality any duty regarding the maintenance or improvement of any dedicated parts until the appropriate municipal authorities make an actual appropriation of the dedicated parts by entry, use, or improvement.

(b) The disapproval of a plat is considered a refusal by the municipality of the offered dedication indicated on the plat.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.0115. CERTIFICATION REGARDING COMPLIANCE WITH PLAT REQUIREMENTS. (a) For the purposes of this section, land is considered to be within the jurisdiction of a municipality if the land is located within the limits or in the extraterritorial jurisdiction of the municipality.

(b) On the approval of a plat by the municipal authority responsible for approving plats, the authority shall issue to the person applying for the approval a certificate stating that the plat has been reviewed and approved by the authority.

(c) On the written request of an owner of land, a purchaser of real property under a contract for deed, executory contract, or other executory conveyance, an entity that provides utility service, or the governing body of the municipality, the municipal authority responsible for approving plats shall make the following



determinations regarding the owner's land or the land in which the entity or governing body is interested that is located within the jurisdiction of the municipality:

(1) whether a plat is required under this subchapter for the land; and

(2) if a plat is required, whether it has been prepared and whether it has been reviewed and approved by the authority.

(d) The request made under Subsection (c) must identify the land that is the subject of the request.

(e) If the municipal authority responsible for approving plats determines under Subsection (c) that a plat is not required, the authority shall issue to the requesting party a written certification of that determination. If the authority determines that a plat is required and that the plat has been prepared and has been reviewed and approved by the authority, the authority shall issue to the requesting party a written certification of that determination.

(f) The municipal authority responsible for approving plats shall make its determination within 20 days after the date it receives the request under Subsection (c) and shall issue the certificate, if appropriate, within 10 days after the date the determination is made.

(g) If both the municipal planning commission and the governing body of the municipality have authority to approve plats, only one of those entities need make the determinations and issue the certificates required by this section.

(h) The municipal authority responsible for approving plats may adopt rules it considers necessary to administer its functions under this section.

(i) The governing body of a municipality may delegate, in writing, the ability to perform any of the responsibilities under this section to one or more persons. A binding decision of the person or persons under this subsection is appealable to the municipal authority responsible for approving plats.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989.

Amended by Acts 1989, 71st Leg., ch. 624, Sec. 3.03, eff. Sept. 1, 1989; Acts 1997, 75th Leg., ch. 567, Sec. 1, eff. June 2, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 978 (H.B. [1823](#)), Sec. 1, eff.  
September 1, 2005.

Sec. 212.012. CONNECTION OF UTILITIES. (a) Except as provided by Subsection (c), (d), or (j), an entity described by Subsection (b) may not serve or connect any land with water, sewer, electricity, gas, or other utility service unless the entity has been presented with or otherwise holds a certificate applicable to the land issued under Section [212.0115](#).

(b) The prohibition established by Subsection (a) applies only to:

- (1) a municipality and officials of a municipality that provides water, sewer, electricity, gas, or other utility service;
- (2) a municipally owned or municipally operated utility that provides any of those services;
- (3) a public utility that provides any of those services;
- (4) a water supply or sewer service corporation organized and operating under Chapter [67](#), Water Code, that provides any of those services;
- (5) a county that provides any of those services; and
- (6) a special district or authority created by or under state law that provides any of those services.

(c) An entity described by Subsection (b) may serve or connect land with water, sewer, electricity, gas, or other utility service regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land issued under Section [212.0115](#) if:

- (1) the land is covered by a development plat approved under Subchapter B or under an ordinance or rule relating to the development plat;
- (2) the land was first served or connected with service by an entity described by Subsection (b)(1), (b)(2), or (b)(3) before September 1, 1987; or
- (3) the land was first served or connected with service by an entity described by Subsection (b)(4), (b)(5), or (b)(6) before September 1, 1989.

(d) In a county to which Subchapter B, Chapter [232](#), applies, an entity described by Subsection (b) may serve or connect land with

water, sewer, electricity, gas, or other utility service that is located in the extraterritorial jurisdiction of a municipality regardless of whether the entity is presented with or otherwise holds a certificate applicable to the land issued under Section 212.0115, if the municipal authority responsible for approving plats issues a certificate stating that:

(1) the subdivided land:

(A) was sold or conveyed by a subdivider by any means of conveyance, including a contract for deed or executory contract, before:

(i) September 1, 1995, in a county defined under Section 232.022(a)(1);

(ii) September 1, 1999, in a county defined under Section 232.022(a)(1) if, on August 31, 1999, the subdivided land was located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42; or

(iii) September 1, 2005, in a county defined under Section 232.022(a)(2);

(B) has not been subdivided after September 1, 1995, September 1, 1999, or September 1, 2005, as applicable under Paragraph (A);

(C) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before:

(i) May 1, 2003, in a county defined under Section 232.022(a)(1); or

(ii) September 1, 2005, in a county defined under Section 232.022(a)(2); and

(D) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code;

(2) the subdivided land is a lot of record as defined by Section 232.021(6-a) that is located in a county defined by Section 232.022(a)(1) and has adequate sewer services installed that are fully operable to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code; or

(3) the land was not subdivided after September 1, 1995, in a county defined under Section 232.022(a)(1), or September 1, 2005, in a county defined under Section 232.022(a)(2), and:

(A) water service is available within 750 feet of the subdivided land; or

(B) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.

(e) An entity described by Subsection (b) may provide utility service to land described by Subsection (d)(1), (2), or (3) only if the person requesting service:

(1) is not the land's subdivider or the subdivider's agent; and

(2) provides to the entity a certificate described by Subsection (d).

(f) A person requesting service may obtain a certificate under Subsection (d)(1), (2), or (3) only if the person is the owner or purchaser of the subdivided land and provides to the municipal authority responsible for approving plats documentation containing:

(1) a copy of the means of conveyance or other documents that show that the land was sold or conveyed by a subdivider before September 1, 1995, before September 1, 1999, or before September 1, 2005, as applicable under Subsection (d);

(2) for a certificate issued under Subsection (d)(1), a notarized affidavit by the person requesting service that states that construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 2003, in a county defined by Section 232.022(a)(1) or September 1, 2005, in a county defined by Section 232.022(a)(2), and the request for utility connection or service is to connect or serve a residence described by Subsection (d)(1)(C);

(3) a notarized affidavit by the person requesting service that states that the subdivided land has not been further subdivided after September 1, 1995, September 1, 1999, or September 1, 2005, as applicable under Subsection (d); and

(4) evidence that adequate sewer service or facilities have been installed and are fully operable to service the lot or dwelling



from an entity described by Subsection (b) or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code.

(g) On request, the municipal authority responsible for approving plats shall provide to the attorney general and any appropriate local, county, or state law enforcement official a copy of any document on which the municipal authority relied in determining the legality of providing service.

(h) This section may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a subdivider for a violation of a state or local law, regardless of the date on which the violation occurred.

(i) In this section:

(1) "Foundation" means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the residential structure rests.

(2) "Subdivider" has the meaning assigned by Section 232.021.

(j) Except as provided by Subsection (k), this section does not prohibit a water or sewer utility from providing in a county defined by Section 232.022(a)(1) water or sewer utility connection or service to a residential dwelling that:

(1) is provided water or wastewater facilities under or in conjunction with a federal or state funding program designed to address inadequate water or wastewater facilities in colonias or to residential lots located in a county described by Section 232.022(a)(1);

(2) is an existing dwelling identified as an eligible recipient for funding by the funding agency providing adequate water and wastewater facilities or improvements;

(3) when connected, will comply with the minimum state standards for both water and sewer facilities and as prescribed by the model subdivision rules adopted under Section 16.343, Water Code; and

(4) is located in a project for which the municipality with jurisdiction over the project or the approval of plats within the project area has approved the improvement project by order,

resolution, or interlocal agreement under Chapter 791, Government Code.

(k) A utility may not serve any subdivided land with water utility connection or service under Subsection (j) unless the entity receives a determination that adequate sewer services have been installed to service the lot or dwelling from the municipal authority responsible for approving plats, an entity described by Subsection (b), or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366, Health and Safety Code.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989; Acts 1997, 75th Leg., ch. 1062, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 18.34, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 404, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 708 (S.B. 425), Sec. 1, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1239 (S.B. 2253), Sec. 1, eff. June 19, 2009.

Sec. 212.013. VACATING PLAT. (a) The proprietors of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(c) The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

(d) On the execution and recording of the vacating instrument, the vacated plat has no effect.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.014. REPLATTING WITHOUT VACATING PRECEDING PLAT. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) is signed and acknowledged by only the owners of the property being replatted;
- (2) is approved by the municipal authority responsible for approving plats; and
- (3) does not attempt to amend or remove any covenants or restrictions.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. 3167), Sec. 6, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1242 (H.B. 3314), Sec. 1, eff. September 1, 2019.

Sec. 212.0145. REPLATTING WITHOUT VACATING PRECEDING PLAT: CERTAIN SUBDIVISIONS. (a) A replat of a part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) is signed and acknowledged by only the owners of the property being replatted; and
- (2) involves only property:
  - (A) of less than one acre that fronts an existing street; and
  - (B) that is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention.

(b) An existing covenant or restriction for property that is replatted under this section does not have to be amended or removed if:

- (1) the covenant or restriction was recorded more than 50 years before the date of the replat; and

(2) the replatted property has been continuously used by the nonprofit corporation for at least 10 years before the date of the replat.

(c) Sections [212.014](#) and [212.015](#) do not apply to a replat under this section.

Added by Acts 1999, 76th Leg., ch. 1130, Sec. 1, eff. June 18, 1999.

Sec. 212.0146. REPLATTING WITHOUT VACATING PRECEDING PLAT: CERTAIN MUNICIPALITIES. (a) This section applies only to a replat of a subdivision or a part of a subdivision located in a municipality or the extraterritorial jurisdiction of a municipality with a population of 1.3 million or more.

(b) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if:

(1) the replat is signed and acknowledged by each owner and only the owners of the property being replatted;

(2) the municipal authority responsible for approving plats holds a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;

(3) the replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat;

(4) the replat does not attempt to amend, remove, or violate, or have the effect of amending, removing, or violating, any existing public utility easements without the consent of the affected utility companies; and

(5) the municipal authority responsible for approving plats approves the replat after determining that the replat complies with this subchapter and rules adopted under Section [212.002](#) and this section in effect at the time the application for the replat is filed.

(c) The governing body of a municipality may adopt rules governing replats, including rules that establish criteria under which covenants, restrictions, or plat notations that are contained

only in the preceding plat or replat without reference in any dedicatory instrument recorded in the real property records separately from the preceding plat or replat may be amended or removed.

Added by Acts 2007, 80th Leg., R.S., Ch. 654 (H.B. 1067), Sec. 1, eff. June 15, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 60 (H.B. 1553), Sec. 1, eff. May 18, 2013.

Sec. 212.015. ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS. (a) In addition to compliance with Section 212.014, a replat without vacation of the preceding plat must conform to the requirements of this section if:

(1) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

(2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

(a-1) If a proposed replat described by Subsection (a) requires a variance or exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality.

(b) Notice of the hearing required under Subsection (a-1) shall be given before the 15th day before the date of the hearing by:

(1) publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and

(2) by written notice, with a copy of Subsection (c) attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which



the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

(c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing.

(d) In computing the percentage of land area under Subsection (c), the area of streets and alleys shall be included.

(e) Compliance with Subsections (c) and (d) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(f) If a proposed replat described by Subsection (a) does not require a variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipality or county tax roll. This subsection does not apply to a proposed replat if the municipal planning commission or the governing body of the municipality holds a public hearing and gives notice of the hearing in the manner provided by Subsection (b).

(g) The notice of a replat approval required by Subsection (f) must include:

(1) the zoning designation of the property after the replat; and

(2) a telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 345, Sec. 2 to 5, eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 1046, Sec. 3, eff. Aug. 30, 1993.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 951 (H.B. [3167](#)), Sec. 7, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1242 (H.B. [3314](#)), Sec. 2, eff. September 1, 2019.

Sec. 212.0155. ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS AFFECTING A SUBDIVISION GOLF COURSE. (a) This section applies to land located wholly or partly:

(1) in the corporate boundaries of a municipality if the municipality:

(A) has a population of more than 50,000; and

(B) is located wholly or partly in:

(i) a county with a population of more than three million;

(ii) a county with a population of more than 400,000 that is adjacent to a county with a population of more than three million; or

(iii) a county with a population of more than 1.4 million:

(a) in which two or more municipalities with a population of 300,000 or more are primarily located; and

(b) that is adjacent to a county with a population of more than two million; or

(2) in the corporate boundaries or extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

(b) In this section:

(1) "Management certificate" means a certificate described by Section [209.004](#), Property Code.

(2) "New plat" means a development plat, replat, amending plat, or vacating plat that would change the existing plat or the current use of the land that is the subject of the new plat.

(3) "Property owners' association" and "restrictive covenant" have the meanings assigned by Section 202.001, Property Code.

(4) "Restrictions," "subdivision," and "owner" have the meanings assigned by Section 201.003, Property Code.

(5) "Subdivision golf course" means an area of land:

(A) that was originally developed as a golf course or a country club within a common scheme of development for a predominantly residential single-family development project;

(B) that was at any time in the seven years preceding the date on which a new plat for the land is filed:

(i) used as a golf course or a country club;

(ii) zoned as a community facility;

(iii) benefited from restrictive covenants on adjoining homeowners; or

(iv) designated on a recorded plat as a golf course or a country club; and

(C) that is not separated entirely from the predominantly residential single-family development project by a public street.

(c) In addition to any other requirement of this chapter, a new plat must conform to the requirements of this section if any of the area subject to the new plat is a subdivision golf course. The exception in Section 212.004(a) excluding divisions of land into parts greater than five acres for platting requirements does not apply to a subdivision golf course.

(d) A new plat that is subject to this section may not be approved until each municipal authority reviewing the new plat conducts a public hearing on the matter at which the parties in interest and citizens have an adequate opportunity to be heard, present evidence, and submit statements or petitions for consideration by the municipal authority. The number, location, and procedure for the public hearings may be designated by the municipal authority for a particular hearing. The municipal authority may abate, continue, or reschedule, as the municipal authority considers appropriate, any public hearing in order to receive a full and complete record on which to make a decision. If the new plat would

otherwise be administratively approved, the municipal planning commission is the approving body for the purposes of this section.

(e) The municipal authority may not approve the new plat without adequate consideration of testimony and the record from the public hearings and making the findings required by Subsection (k). Not later than the 30th day after the date on which all proceedings necessary for the public hearings have concluded, the municipal authority shall take action on the application for the new plat. Sections 212.009(a) and (b) do not apply to the approval of plats under this section.

(f) The municipality may provide notice of the initial hearing required by Subsection (d) only after the requirements of Subsections (m) and (n) are met. The notice shall be given before the 15th day before the date of the hearing by:

(1) publishing notice in an official newspaper or a newspaper of general circulation in the county in which the municipality is located;

(2) providing written notice, with a copy of this section attached, by the municipal authority responsible for approving plats to:

(A) each property owners' association for each neighborhood benefited by the subdivision golf course, as indicated in the most recently filed management certificates; and

(B) the owners of lots that are within 200 feet of the area subject to the new plat, as indicated:

(i) on the most recently approved municipal tax roll; and

(ii) in the most recent online records of the central appraisal district of the county in which the lots are located; and

(3) any other manner determined by the municipal authority to be necessary to ensure that full and fair notice is provided to all owners of residential single-family lots in the general vicinity of the subdivision golf course.

(g) The written notice required by Subsection (f)(2) may be delivered by depositing the notice, properly addressed with postage prepaid, in the United States mail.

(h) The cost of providing the notices under Subsection (f) shall be paid by the plat applicant.

(i) If written instruments protesting the proposed new plat are signed by the owners of at least 20 percent of the area of the lots or land immediately adjacent to the area covered by a proposed new plat and extending 200 feet from that area and are filed with the municipal planning commission or the municipality's governing body before the conclusion of the public hearings, the proposed new plat must receive, to be approved, the affirmative vote of at least three-fifths of the members of the municipal planning commission or governing body.

(j) In computing the percentage of land area under Subsection (i), the area of streets and alleys is included.

(k) The municipal planning commission or the municipality's governing body may not approve a new plat under this section unless it determines that:

(1) there is adequate existing or planned infrastructure to support the future development of the subdivision golf course;

(2) based on existing or planned facilities, the development of the subdivision golf course will not have a materially adverse effect on:

(A) traffic, parking, drainage, water, sewer, or other utilities;

(B) the health, safety, or general welfare of persons in the municipality; or

(C) safe, orderly, and healthful development of the municipality;

(3) the development of the subdivision golf course will not have a materially adverse effect on existing single-family property values;

(4) the new plat is consistent with all applicable land use regulations and restrictive covenants and the municipality's land use policies as described by the municipality's comprehensive plan or other appropriate public policy documents; and

(5) if any portion of a previous plat reflected a restriction on the subdivision golf course whether:

(A) that restriction is an implied covenant or easement benefiting adjacent residential properties; or



(B) the restriction, covenant, or easement has been legally released or has expired.

(l) The municipal authority may adopt rules to govern the platting of a subdivision golf course that do not conflict with this section, including rules that require more detailed information than is required by Subsection (n) for plans for development and new plat applications.

(m) The application for a new plat under this section is not complete and may not be submitted for review for administrative completeness unless the tax certificates required by Section 12.002 (e), Property Code, are attached, notwithstanding that the application is for a type of plat other than a plat specified in that section.

(n) A plan for development or a new plat application for a subdivision golf course is not considered to provide fair notice of the project and nature of the permit sought unless it contains the following information, complete in all material respects:

- (1) street layout;
- (2) lot and block layout;
- (3) number of residential units;
- (4) location of nonresidential development, by type of development;
- (5) drainage, detention, and retention plans;
- (6) screening plan for adjacent residential properties, including landscaping or fencing; and
- (7) an analysis of the effect of the project on values in the adjacent residential neighborhoods.

(o) A municipal authority with authority over platting may require as a condition for approval of a plat for a golf course that:

- (1) the area be platted as a restricted reserve for the proposed use; and
- (2) the plat be incorporated into the plat for any adjacent residential lots.

(p) An owner of a lot that is within 200 feet of a subdivision golf course may seek declaratory or injunctive relief from a district court to enforce the provisions in this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 1092 (H.B. 3232), Sec. 1, eff. June 15, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 635 (H.B. 1473), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 675 (S.B. 1789), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 78, eff. September 1, 2011.

Sec. 212.016. AMENDING PLAT. (a) The municipal authority responsible for approving plats may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

(1) to correct an error in a course or distance shown on the preceding plat;

(2) to add a course or distance that was omitted on the preceding plat;

(3) to correct an error in a real property description shown on the preceding plat;

(4) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(5) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) to correct an error in courses and distances of lot lines between two adjacent lots if:

(A) both lot owners join in the application for amending the plat;

(B) neither lot is abolished;

(C) the amendment does not attempt to remove recorded covenants or restrictions; and

(D) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;

(8) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;

(9) to relocate one or more lot lines between one or more adjacent lots if:

(A) the owners of all those lots join in the application for amending the plat;

(B) the amendment does not attempt to remove recorded covenants or restrictions; and

(C) the amendment does not increase the number of lots;

(10) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(A) the changes do not affect applicable zoning and other regulations of the municipality;

(B) the changes do not attempt to amend or remove any covenants or restrictions; and

(C) the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or

(11) to replat one or more lots fronting on an existing street if:

(A) the owners of all those lots join in the application for amending the plat;

(B) the amendment does not attempt to remove recorded covenants or restrictions;

(C) the amendment does not increase the number of lots; and

(D) the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(b) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989; Acts 1995, 74th Leg., ch. 92, Sec. 2, eff. Aug. 28, 1995.

Sec. 212.017. CONFLICT OF INTEREST; PENALTY. (a) In this section, "subdivided tract" means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.

(b) A person has a substantial interest in a subdivided tract if the person:

(1) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more;

(2) acts as a developer of the tract;

(3) owns 10 percent or more of the voting stock or shares of or owns either 10 percent or more or \$5,000 or more of the fair market value of a business entity that:

(A) has an equitable or legal ownership interest in the tract with a fair market value of \$2,500 or more; or

(B) acts as a developer of the tract; or

(4) receives in a calendar year funds from a business entity described by Subdivision (3) that exceed 10 percent of the person's gross income for the previous year.

(c) A person also is considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to another person who, under Subsection (b), has a substantial interest in the tract.

(d) If a member of the municipal authority responsible for approving plats has a substantial interest in a subdivided tract, the member shall file, before a vote or decision regarding the approval of a plat for the tract, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter. The affidavit must be filed with the municipal secretary or clerk.

(e) A member of the municipal authority responsible for approving plats commits an offense if the member violates Subsection (d). An offense under this subsection is a Class A misdemeanor.

(f) The finding by a court of a violation of this section does not render voidable an action of the municipal authority responsible for approving plats unless the measure would not have passed the municipal authority without the vote of the member who violated this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 561, Sec. 38, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(27), eff. Sept. 1, 1995.

Sec. 212.0175. ENFORCEMENT IN CERTAIN COUNTIES; PENALTY. (a) The attorney general may take any action necessary to enforce a requirement imposed by or under Section [212.0105](#) or [212.0106](#) or to ensure that water and sewer service facilities are constructed or installed to service a subdivision in compliance with the model rules adopted under Section [16.343](#), Water Code.

(b) A person who violates Section [212.0105](#) or [212.0106](#) or fails to timely provide for the construction or installation of water or sewer service facilities that the person described on the plat or on the document attached to the plat, as required by Section [212.0105](#), is subject to a civil penalty of not less than \$500 nor more than \$1,000 plus court costs and attorney's fees.

(c) An owner of a tract of land commits an offense if the owner knowingly or intentionally violates a requirement imposed by or under Section [212.0105](#) or [212.0106](#) or fails to timely provide for the construction or installation of water or sewer service facilities that the person described on a plat or on a document attached to a plat, as required by Section [212.0105](#). An offense under this subsection is a Class B misdemeanor.

(d) A reference in this section to an "owner of a tract of land" does not include the owner of an individual lot in a subdivided tract of land.

Added by Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989.



Sec. 212.018. ENFORCEMENT IN GENERAL. (a) At the request of the governing body of the municipality, the municipal attorney or any other attorney representing the municipality may file an action in a court of competent jurisdiction to:

(1) enjoin the violation or threatened violation by the owner of a tract of land of a requirement regarding the tract and established by, or adopted by the governing body under, this subchapter; or

(2) recover damages from the owner of a tract of land in an amount adequate for the municipality to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the tract and established by, or adopted by the governing body under, this subchapter.

(b) A reference in this section to an "owner of a tract of land" does not include the owner of an individual lot in a subdivided tract of land.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 46(b), eff. Aug. 28, 1989. Amended by Acts 1989, 71st Leg., ch. 624, Sec. 3.01, eff. Sept. 1, 1989.

#### SUBCHAPTER B. REGULATION OF PROPERTY DEVELOPMENT

Sec. 212.041. MUNICIPALITY COVERED BY SUBCHAPTER. This subchapter applies only to a municipality whose governing body chooses by ordinance to be covered by this subchapter or chose by ordinance to be covered by the law codified by this subchapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 125, Sec. 1, eff. May 11, 1993; Acts 1993, 73rd Leg., ch. 1046, Sec. 4, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 76, Sec. 10.04, eff. Sept. 1, 1995.

Sec. 212.042. APPLICATION OF SUBCHAPTER A. The provisions of Subchapter A that do not conflict with this subchapter apply to development plats.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.043. DEFINITIONS. In this subchapter:

(1) "Development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

(2) "Extraterritorial jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.044. PLANS, RULES, AND ORDINANCES. After a public hearing on the matter, the municipality may adopt general plans, rules, or ordinances governing development plats of land within the limits and in the extraterritorial jurisdiction of the municipality to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.045. DEVELOPMENT PLAT REQUIRED. (a) Any person who proposes the development of a tract of land located within the limits or in the extraterritorial jurisdiction of the municipality must have a development plat of the tract prepared in accordance with this subchapter and the applicable plans, rules, or ordinances of the municipality.

(b) A development plat must be prepared by a registered professional land surveyor as a boundary survey showing:

(1) each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;

(2) each easement and right-of-way within or abutting the boundary of the surveyed property; and

(3) the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

(c) New development may not begin on the property until the development plat is filed with and approved by the municipality in accordance with Section [212.047](#).

(d) If a person is required under Subchapter A or an ordinance of the municipality to file a subdivision plat, a development plat is not required in addition to the subdivision plat.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1091, Sec. 28, eff. Sept. 1, 1989.

Sec. 212.046. RESTRICTION ON ISSUANCE OF BUILDING AND OTHER PERMITS BY MUNICIPALITY, COUNTY, OR OFFICIAL OF OTHER GOVERNMENTAL ENTITY. The municipality, a county, or an official of another governmental entity may not issue a building permit or any other type of permit for development on lots or tracts subject to this subchapter until a development plat is filed with and approved by the municipality in accordance with Section [212.047](#).

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.047. APPROVAL OF DEVELOPMENT PLAT. The municipality shall endorse approval on a development plat filed with it if the plat conforms to:

(1) the general plans, rules, and ordinances of the municipality concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities;

(2) the general plans, rules, and ordinances for the extension of the municipality or the extension, improvement, or widening of its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and

(3) any general plans, rules, or ordinances adopted under Section [212.044](#).

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.048. EFFECT OF APPROVAL ON DEDICATION. The approval of a development plat is not considered an acceptance of any proposed

dedication for public use or use by persons other than the owner of the property covered by the plat and does not impose on the municipality any duty regarding the maintenance or improvement of any purportedly dedicated parts until the municipality's governing body makes an actual appropriation of the dedicated parts by formal acceptance, entry, use, or improvement.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.049. BUILDING PERMITS IN EXTRATERRITORIAL JURISDICTION. This subchapter does not authorize the municipality to require municipal building permits or otherwise enforce the municipality's building code in its extraterritorial jurisdiction.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 212.050. ENFORCEMENT; PENALTY. (a) If it appears that a violation or threat of a violation of this subchapter or a plan, rule, or ordinance adopted under this subchapter or consistent with this subchapter exists, the municipality is entitled to appropriate injunctive relief against the person who committed, is committing, or is threatening to commit the violation.

(b) A suit for injunctive relief may be brought in the county in which the defendant resides, the county in which the violation or threat of violation occurs, or any county in which the municipality is wholly or partly located.

(c) In a suit to enjoin a violation or threat of a violation of this subchapter or a plan, rule, ordinance, or other order adopted under this subchapter, the court may grant the municipality any prohibitory or mandatory injunction warranted by the facts including a temporary restraining order, temporary injunction, or permanent injunction.

(d) A person commits an offense if the person violates this subchapter or a plan, rule, or ordinance adopted under this subchapter or consistent with this subchapter within the limits of the municipality. An offense under this subsection is a Class C misdemeanor. Each day the violation continues constitutes a separate offense.

(e) A suit under this section shall be given precedence over all other cases of a different nature on the docket of the trial or appellate court.

(f) It is no defense to a criminal or civil suit under this section that an agency of government other than the municipality issued a license or permit authorizing the construction, repair, or alteration of any building, structure, or improvement. It also is no defense that the defendant had no knowledge of this subchapter or of an applicable plan, rule, or ordinance.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

#### SUBCHAPTER C. DEVELOPER PARTICIPATION IN CONTRACT FOR PUBLIC IMPROVEMENTS

Sec. 212.071. DEVELOPER PARTICIPATION CONTRACT. Without complying with the competitive sealed bidding procedure of Chapter 252, a municipality with 5,000 or more inhabitants may make a contract with a developer of a subdivision or land in the municipality to construct public improvements, not including a building, related to the development. If the contract does not meet the requirements of this subchapter, Chapter 252 applies to the contract if the contract would otherwise be governed by that chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 47(b), eff. Aug. 28, 1989.  
Amended by Acts 1999, 76th Leg., ch. 1547, Sec. 1, eff. Sept. 1, 1999.

Sec. 212.072. DUTIES OF PARTIES UNDER CONTRACT. (a) Under the contract, the developer shall construct the improvements and the municipality shall participate in their cost.

(b) The contract:

(1) must establish the limit of participation by the municipality at a level not to exceed 30 percent of the total contract price, if the municipality has a population of less than 1.8 million; or

(2) may allow participation by a municipality at a level not to exceed 70 percent of the total contract price, if the municipality has a population of 1.8 million or more.



(b-1) In addition, if the municipality has a population of 1.8 million or more, the municipality may participate at a level not to exceed 100 percent of the total contract price for all required drainage improvements related to the development and construction of affordable housing. Under this subsection, affordable housing is defined as housing which is equal to or less than the median sales price, as determined by the Real Estate Center at Texas A&M University, of a home in the Metropolitan Statistical Area (MSA) in which the municipality is located.

(c) In addition, the contract may also allow participation by the municipality at a level not to exceed 100 percent of the total cost for any oversizing of improvements required by the municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area.

(d) The municipality is liable only for the agreed payment of its share of the contract, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by municipal ordinance.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 47(b), eff. Aug. 28, 1989.  
Amended by Acts 1999, 76th Leg., ch. 1526, Sec. 1, eff. Aug. 30, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1075 (H.B. [1606](#)), Sec. 1, eff. June 18, 2005.

Sec. 212.073. PERFORMANCE BOND. The developer must execute a performance bond for the construction of the improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter [2253](#), Government Code.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 47(b), eff. Aug. 28, 1989.  
Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(17), eff. Sept. 1, 1995.

Sec. 212.074. ADDITIONAL SAFEGUARDS; INSPECTION OF RECORDS.

(a) In the ordinance adopted by the municipality under Section

[212.072](#)(b), the municipality may include additional safeguards against undue loading of cost, collusion, or fraud.

(b) All of the developer's books and other records related to the project shall be available for inspection by the municipality.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 47(b), eff. Aug. 28, 1989.

#### SUBCHAPTER D. REGULATION OF PROPERTY DEVELOPMENT PROHIBITED IN CERTAIN CIRCUMSTANCES

Sec. 212.101. APPLICATION OF SUBCHAPTER TO CERTAIN HOME-RULE MUNICIPALITY. This subchapter applies only to a home-rule municipality that:

(1) has a charter provision allowing for limited-purpose annexation; and

(2) has annexed territory for a limited purpose.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.02(a), eff. Sept. 1, 1997.

Sec. 212.102. DEFINITIONS. In this subchapter:

(1) "Affected area" means an area that is:

(A) in a municipality or a municipality's extraterritorial jurisdiction;

(B) in a county other than the county in which a majority of the territory of the municipality is located;

(C) within the boundaries of one or more school districts other than the school district in which a majority of the territory of the municipality is located; and

(D) within the area of or within 1,500 feet of the boundary of an assessment road district in which there are two state highways.

(2) "Assessment road district" means a road district that has issued refunding bonds and that has imposed assessments on each parcel of land under Subchapter C, Chapter [1471](#), Government Code.

(3) "State highway" means a highway that is part of the state highway system under Section [221.001](#), Transportation Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.02(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 8.289, eff. Sept. 1, 2001.

Sec. 212.103. TRAFFIC OR TRAFFIC OPERATIONS. (a) A municipality may not deny, limit, delay, or condition the use or development of land, any part of which is within an affected area, because of:

(1) traffic or traffic operations that would result from the proposed use or development of the land; or

(2) the effect that the proposed use or development of the land would have on traffic or traffic operations.

(b) In this section, an action to deny, limit, delay, or condition the use or development of land includes a decision or other action by the governing body of the municipality or by a commission, board, department, agency, office, or employee of the municipality related to zoning, subdivision, site planning, the construction or building permit process, or any other municipal process, approval, or permit.

(c) This subchapter does not prevent a municipality from exercising its authority to require the dedication of right-of-way.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.02(a), eff. Sept. 1, 1997.

Sec. 212.104. PROVISION NOT ENFORCEABLE. A provision in a covenant or agreement relating to land in an affected area that would have the effect of denying, limiting, delaying, or conditioning the use or development of the land because of its effect on traffic or traffic operations may not be enforced by a municipality.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.02(a), eff. Sept. 1, 1997.

Sec. 212.105. SUBCHAPTER CONTROLS. This subchapter controls over any other law relating to municipal regulation of land use or development based on traffic.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.02(a), eff. Sept. 1, 1997.

#### SUBCHAPTER E. MORATORIUM ON PROPERTY DEVELOPMENT IN CERTAIN CIRCUMSTANCES

Sec. 212.131. DEFINITIONS. In this subchapter:

(1) "Essential public facilities" means water, sewer, or storm drainage facilities or street improvements provided by a municipality or private utility.

(2) "Residential property" means property zoned for or otherwise authorized for single-family or multi-family use.

(3) "Property development" means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

(4) "Commercial property" means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.  
Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 1, eff. September 1, 2005.

Sec. 212.132. APPLICABILITY. This subchapter applies only to a moratorium imposed on property development affecting only residential property, commercial property, or both residential and commercial property.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.  
Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

Sec. 212.133. PROCEDURE FOR ADOPTING MORATORIUM. A municipality may not adopt a moratorium on property development unless the municipality:

(1) complies with the notice and hearing procedures prescribed by Section 212.134; and

(2) makes written findings as provided by Section 212.135, 212.1351, or 212.1352, as applicable.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.134. NOTICE AND PUBLIC HEARING REQUIREMENTS. (a) Before a moratorium on property development may be imposed, a municipality must conduct public hearings as provided by this section.

(b) A public hearing must provide municipal residents and affected parties an opportunity to be heard. The municipality must publish notice of the time and place of a hearing in a newspaper of general circulation in the municipality on the fourth day before the date of the hearing.

(c) Beginning on the fifth business day after the date a notice is published under Subsection (b), a temporary moratorium takes effect. During the period of the temporary moratorium, a municipality may stop accepting permits, authorizations, and approvals necessary for the subdivision of, site planning of, or construction on real property.

(d) One public hearing must be held before the governing body of the municipality. Another public hearing must be held before the municipal zoning commission, if the municipality has a zoning commission.

(e) If a general-law municipality does not have a zoning commission, two public hearings separated by at least four days must be held before the governing body of the municipality.

(f) Within 12 days after the date of the first public hearing, the municipality shall make a final determination on the imposition of a moratorium. Before an ordinance adopting a moratorium may be imposed, the ordinance must be given at least two readings by the governing body of the municipality. The readings must be separated by at least four days. If the municipality fails to adopt an



ordinance imposing a moratorium within the period prescribed by this subsection, an ordinance imposing a moratorium may not be adopted, and the temporary moratorium imposed under Subsection (c) expires.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Sec. 212.135. JUSTIFICATION FOR MORATORIUM: SHORTAGE OF ESSENTIAL PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a) If a municipality adopts a moratorium on property development, the moratorium is justified by demonstrating a need to prevent a shortage of essential public facilities. The municipality must issue written findings based on reasonably available information.

(b) The written findings must include a summary of:

(1) evidence demonstrating the extent of need beyond the estimated capacity of existing essential public facilities that is expected to result from new property development, including identifying:

(A) any essential public facilities currently operating near, at, or beyond capacity;

(B) the portion of that capacity committed to the development subject to the moratorium; and

(C) the impact fee revenue allocated to address the facility need; and

(2) evidence demonstrating that the moratorium is reasonably limited to:

(A) areas of the municipality where a shortage of essential public facilities would otherwise occur; and

(B) property that has not been approved for development because of the insufficiency of existing essential public facilities.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

Sec. 212.1351. JUSTIFICATION FOR MORATORIUM: SIGNIFICANT NEED FOR PUBLIC FACILITIES; WRITTEN FINDINGS REQUIRED. (a) Except as provided by Section [212.1352](#), a moratorium that is not based on a

shortage of essential public facilities is justified only by demonstrating a significant need for other public facilities, including police and fire facilities. For purposes of this subsection, a significant need for public facilities is established if the failure to provide those public facilities would result in an overcapacity of public facilities or would be detrimental to the health, safety, and welfare of the residents of the municipality. The municipality must issue written findings based on reasonably available information.

(b) The written findings must include a summary of:

- (1) evidence demonstrating that applying existing development ordinances or regulations and other applicable laws is inadequate to prevent the new development from causing the overcapacity of municipal infrastructure or being detrimental to the public health, safety, and welfare in an affected geographical area;
- (2) evidence demonstrating that alternative methods of achieving the objectives of the moratorium are unsatisfactory; and
- (3) evidence demonstrating that the municipality has approved a working plan and time schedule for achieving the objectives of the moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

Sec. 212.1352. JUSTIFICATION FOR COMMERCIAL MORATORIUM IN CERTAIN CIRCUMSTANCES; WRITTEN FINDINGS REQUIRED. (a) If a municipality adopts a moratorium on commercial property development that is not based on a demonstrated shortage of essential public facilities, the municipality must issue written findings based on reasonably available information that the moratorium is justified by demonstrating that applying existing commercial development ordinances or regulations and other applicable laws is inadequate to prevent the new development from being detrimental to the public health, safety, or welfare of the residents of the municipality.

(b) The written findings must include a summary of:

- (1) evidence demonstrating the need to adopt new ordinances or regulations or to amend existing ordinances, including

identification of the harm to the public health, safety, or welfare that will occur if a moratorium is not adopted;

(2) the geographical boundaries in which the moratorium will apply;

(3) the specific types of commercial property to which the moratorium will apply; and

(4) the objectives or goals to be achieved by adopting new ordinances or regulations or amending existing ordinances or regulations during the period the moratorium is in effect.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

Sec. 212.136. EXPIRATION OF MORATORIUM; EXTENSION. A moratorium adopted under Section [212.135](#) or [212.1351](#) expires on the 120th day after the date the moratorium is adopted unless the municipality extends the moratorium by:

(1) holding a public hearing on the proposed extension of the moratorium; and

(2) adopting written findings that:

(A) identify the problem requiring the need for extending the moratorium;

(B) describe the reasonable progress made to alleviate the problem; and

(C) specify a definite duration for the renewal period of the moratorium.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.  
Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

Sec. 212.1361. NOTICE FOR EXTENSION REQUIRED. A municipality proposing an extension of a moratorium under this subchapter must publish notice in a newspaper of general circulation in the municipality not later than the 15th day before the date of the hearing required by this subchapter.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.1362. EXPIRATION OF MORATORIUM ON COMMERCIAL PROPERTY IN CERTAIN CIRCUMSTANCES; EXTENSION. (a) A moratorium on commercial property adopted under Section 212.1352 expires on the 90th day after the date the moratorium is adopted unless the municipality extends the moratorium by:

(1) holding a public hearing on the proposed extension of the moratorium; and

(2) adopting written findings that:

(A) identify the problem requiring the need for extending the moratorium;

(B) describe the reasonable progress made to alleviate the problem;

(C) specify a definite duration for the renewal period of the moratorium; and

(D) include a summary of evidence demonstrating that the problem will be resolved within the extended duration of the moratorium.

(b) A municipality may not adopt a moratorium on commercial property under Section 212.1352 that exceeds an aggregate of 180 days. A municipality may not adopt a moratorium on commercial property under Section 212.1352 before the second anniversary of the expiration date of a previous moratorium if the subsequent moratorium addresses the same harm, affects the same type of commercial property, or affects the same geographical area identified by the previous moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. 3461), Sec. 2, eff. September 1, 2005.

Sec. 212.137. WAIVER PROCEDURES REQUIRED. (a) A moratorium adopted under this subchapter must allow a permit applicant to apply for a waiver from the moratorium relating to the property subject to the permit by:

(1) claiming a right obtained under a development agreement; or

(2) providing the public facilities that are the subject of the moratorium at the landowner's cost.

(b) The permit applicant must submit the reasons for the request to the governing body of the municipality in writing. The governing body of the municipality must vote on whether to grant the waiver request within 10 days after the date of receiving the written request.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

Sec. 212.138. EFFECT ON OTHER LAW. A moratorium adopted under this subchapter does not affect the rights acquired under Chapter [245](#) or common law.

Added by Acts 2001, 77th Leg., ch. 441, Sec. 1, eff. Sept. 1, 2001.

Sec. 212.139. LIMITATION ON MORATORIUM. (a) A moratorium adopted under this subchapter does not affect an application for a project in progress under Chapter [245](#).

(b) A municipality may not adopt a moratorium under this subchapter that:

(1) prohibits a person from filing or processing an application for a project in progress under Chapter [245](#); or

(2) prohibits or delays the processing of an application for zoning filed before the effective date of the moratorium.

Added by Acts 2005, 79th Leg., Ch. 1321 (H.B. [3461](#)), Sec. 2, eff. September 1, 2005.

## SUBCHAPTER F. ENFORCEMENT OF LAND USE RESTRICTIONS CONTAINED IN PLATS AND OTHER INSTRUMENTS

Sec. 212.151. MUNICIPALITY COVERED BY SUBCHAPTER. This subchapter applies only to a municipality with a population of 1.5 million or more that passes an ordinance that requires uniform application and enforcement of this subchapter with regard to all



property and residents or to a municipality that does not have zoning ordinances and passes an ordinance that requires uniform application and enforcement of this subchapter with regard to all property and residents.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 893, Sec. 1, eff. Sept. 1, 1991. Renumbered from Local Government Code Sec. 230.001 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.002(1), eff. Sept. 1, 2001. Renumbered from Local Government Code Sec. 212.131 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(107), eff. Sept. 1, 2003.

Sec. 212.152. DEFINITION. In this subchapter, "restriction" means a land-use regulation that:

- (1) affects the character of the use to which real property, including residential and rental property, may be put;
- (2) fixes the distance that a structure must be set back from property lines, street lines, or lot lines;
- (3) affects the size of a lot or the size, type, and number of structures that may be built on the lot;
- (4) regulates or restricts the type of activities that may take place on the property, including commercial activities, sweepstakes activities, keeping of animals, use of fire, nuisance activities, vehicle storage, and parking;
- (5) regulates architectural features of a structure, construction of fences, landscaping, garbage disposal, or noise levels; or
- (6) specifies the type of maintenance that must be performed on a lot or structure, including maintenance of a yard or fence.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Local Government Code, Sec. 230.002 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.002(1), eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 2003. Renumbered from Local Government Code, Sec. 212.132 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(107), eff. Sept. 1, 2003.

Sec. 212.153. SUIT TO ENFORCE RESTRICTIONS. (a) Except as provided by Subsection (b), the municipality may sue in any court of competent jurisdiction to enjoin or abate a violation of a restriction contained or incorporated by reference in a properly recorded plan, plat, or other instrument that affects a subdivision located inside the boundaries of the municipality.

(b) The municipality may not initiate or maintain a suit to enjoin or abate a violation of a restriction if a property owners' association with the authority to enforce the restriction files suit to enforce the restriction.

(c) In a suit by a property owners' association to enforce a restriction, the association may not submit into evidence or otherwise use the work product of the municipality's legal counsel.

(d) In a suit filed under this section alleging that any of the following activities violates a restriction limiting property to residential use, it is not a defense that the activity is incidental to the residential use of the property:

(1) storing a tow truck, crane, moving van or truck, dump truck, cement mixer, earth-moving device, or trailer longer than 20 feet; or

(2) repairing or offering for sale more than two motor vehicles in a 12-month period.

(e) A municipality may not enforce a deed restriction which purports to regulate or restrict the rights granted to public utilities to install, operate, maintain, replace, and remove facilities within easements and private or public rights-of-way.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Renumbered from Local Government Code, Sec. 230.003 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.002, eff. Sept. 1, 2001. Amended by Acts 2003, 78th Leg., ch. 1044, Sec. 2, eff. Sept 1, 2003.

Renumbered from Local Government Code, Sec. 212.133 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(107), eff. Sept. 1, 2003.

Sec. 212.1535. FORECLOSURE BY PROPERTY OWNERS' ASSOCIATION.

(a) A municipality may not participate in a suit or other proceeding to foreclose a property owners' association's lien on real property.

(b) In a suit or other proceeding to foreclose a property owners' association's lien on real property in the subdivision, the association may not submit into evidence or otherwise use the work product of the municipality's legal counsel.

Added by Acts 2003, 78th Leg., ch. 1044, Sec. 4, eff. Sept. 1, 2003. Renumbered from Local Government Code, Section 212.1335 by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 17.001(53), eff. September 1, 2007

Sec. 212.154. LIMITATION ON ENFORCEMENT. A restriction contained in a plan, plat, or other instrument that was properly recorded before August 30, 1965, may be enforced as provided by Section 212.153, but a violation of a restriction that occurred before that date may not be enjoined or abated by the municipality as long as the nature of the violation remains unchanged.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Renumbered from Local Government Code Sec. 230.004 and amended by Acts 2001, 77th Leg., ch. 1420, Sec. 12.002(1), eff. Sept. 1, 2001. Renumbered from Local Government Code Sec. 212.134 and amended by Acts 2003, 78th Leg., ch. 1275, Sec. 2(107), 3(33), eff. Sept. 1, 2003.

Sec. 212.155. NOTICE TO PURCHASERS. (a) The governing body of the municipality may require, in the manner prescribed by law for official action of the municipality, any person who sells or conveys restricted property located inside the boundaries of the municipality to first give to the purchaser written notice of the restrictions and notice of the municipality's right to enforce compliance.

(b) If the municipality elects under this section to require that notice be given, the notice to the purchaser shall contain the following information:

- (1) the name of each purchaser;
- (2) the name of each seller;
- (3) a legal description of the property;
- (4) the street address of the property;

(5) a statement that the property is subject to deed restrictions and the municipality is authorized to enforce the restrictions;

(6) a reference to the volume and page, clerk's file number, or film code number where the restrictions are recorded; and

(7) a statement that provisions that restrict the sale, rental, or use of the real property on the basis of race, color, religion, sex, or national origin are unenforceable.

(c) If the municipality elects under this section to require that notice be given, the following procedure shall be followed to ensure the delivery and recordation of the notice:

(1) the notice shall be given to the purchaser at or before the final closing of the sale and purchase;

(2) the seller and purchaser shall sign and acknowledge the notice; and

(3) following the execution, acknowledgment, and closing of the sale and purchase, the notice shall be recorded in the real property records of the county in which the property is located.

(d) If the municipality elects under this section to require that notice be given:

(1) the municipality shall file in the real property records of the county clerk's office in each county in which the municipality is located a copy of the form of notice, with its effective date, that is prescribed for use by any person who sells or conveys restricted property located inside the boundaries of the municipality;

(2) all sellers and all persons completing the prescribed notice on the seller's behalf are entitled to rely on the currently effective form filed by the municipality;

(3) the municipality may prescribe a penalty against a seller, not to exceed \$500, for the failure of the seller to obtain the execution and recordation of the notice; and

(4) an action may not be maintained by the municipality against a seller to collect a penalty for the failure to obtain the execution and recordation of the notice if the municipality has not filed for record the form of notice with the county clerk of the appropriate county.

(e) This section does not limit the seller's right to recover a penalty, or any part of a penalty, imposed pursuant to Subsection (d) (3) from a third party for the negligent failure to obtain the execution or proper recordation of the notice.

(f) The failure of the seller to comply with the requirements of this section and the implementing municipal regulation does not affect the validity or enforceability of the sale or conveyance of restricted property or the validity or enforceability of restrictions covering the property.

(g) For the purposes of this section, an executory contract of purchase and sale having a performance period of more than six months is considered a sale under Subsection (a).

(h) For the purposes of the disclosure required by this section, restrictions may not include provisions that restrict the sale, rental, or use of property on the basis of race, color, religion, sex, or national origin and may not include any restrictions that by their express provisions have terminated.

Added by Acts 1989, 71st Leg., ch. 446, Sec. 1, eff. June 14, 1989. Renumbered from Local Government Code Sec. 230.005 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.002(1), eff. Sept. 1, 2001. Renumbered from Local Government Code Sec. 212.135 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(107), eff. Sept. 1, 2003.

Sec. 212.156. ENFORCEMENT BY ORDINANCE; CIVIL PENALTY. (a) The governing body of the municipality by ordinance may require compliance with a restriction contained or incorporated by reference in a properly recorded plan, plat, or other instrument that affects a subdivision located inside the boundaries of the municipality.

(b) The municipality may bring a civil action to recover a civil penalty for a violation of the restriction. The municipality may bring an action and recover the penalty in the same manner as a municipality may bring an action and recover a penalty under Subchapter B, Chapter 54.

(c) For the purposes of an ordinance adopted under this section, restrictions do not include provisions that restrict the sale, rental, or use of property on the basis of race, color,



religion, sex, or national origin and do not include any restrictions that by their express provisions have terminated.

Added by Acts 1991, 72nd Leg., ch. 893, Sec. 2, eff. Sept. 1, 1991. Renumbered from Local Government Code Sec. 230.006 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.002(1), eff. Sept. 1, 2001. Renumbered from Local Government Code Sec. 212.136 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(107), eff. Sept. 1, 2003.

Sec. 212.157. GOVERNMENTAL FUNCTION. An action filed by a municipality under this subchapter to enforce a land use restriction is a governmental function of the municipality.

Added by Acts 2001, 77th Leg., ch. 1399, Sec. 2, eff. June 16, 2001. Renumbered from Local Government Code, Section 230.007 by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. [3167](#)), Sec. 17.001(56), eff. September 1, 2007

Sec. 212.158. EFFECT ON OTHER LAW. This subchapter does not prohibit the exhibition, play, or necessary incidental action thereto of a sweepstakes not prohibited by Chapter [622](#), Business & Commerce Code.

Added by Acts 2003, 78th Leg., ch. 1044, Sec. 5, eff. Sept. 1, 2003. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 2.25, eff. April 1, 2009.

Renumbered from Local Government Code, Section [212.138](#) by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. [3167](#)), Sec. 17.001(54), eff. September 1, 2007.

#### SUBCHAPTER G. AGREEMENT GOVERNING CERTAIN LAND IN A MUNICIPALITY'S EXTRATERRITORIAL JURISDICTION

Sec. 212.171. APPLICABILITY. This subchapter does not apply to land located in the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

Added by Acts 2003, 78th Leg., ch. 522, Sec. 1, eff. June 20, 2003.

Sec. 212.172. DEVELOPMENT AGREEMENT. (a) In this subchapter, "extraterritorial jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42.

(b) The governing body of a municipality may make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality to:

(1) guarantee the continuation of the extraterritorial status of the land and its immunity from annexation by the municipality;

(2) extend the municipality's planning authority over the land by providing for a development plan to be prepared by the landowner and approved by the municipality under which certain general uses and development of the land are authorized;

(3) authorize enforcement by the municipality of certain municipal land use and development regulations in the same manner the regulations are enforced within the municipality's boundaries;

(4) authorize enforcement by the municipality of land use and development regulations other than those that apply within the municipality's boundaries, as may be agreed to by the landowner and the municipality;

(5) provide for infrastructure for the land, including:

(A) streets and roads;

(B) street and road drainage;

(C) land drainage; and

(D) water, wastewater, and other utility systems;

(6) authorize enforcement of environmental regulations;

(7) provide for the annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties;

(8) specify the uses and development of the land before and after annexation, if annexation is agreed to by the parties; or

(9) include other lawful terms and considerations the parties consider appropriate.

(c) An agreement under this subchapter must:

(1) be in writing;

(2) contain an adequate legal description of the land;

(3) be approved by the governing body of the municipality and the landowner; and

(4) be recorded in the real property records of each county in which any part of the land that is subject to the agreement is located.

(d) The total duration of the contract and any successive renewals or extensions may not exceed 45 years.

(e) A municipality in an affected county, as defined by Section 16.341, Water Code, may not enter into an agreement under this subchapter that is inconsistent with the model rules adopted under Section 16.343, Water Code.

(f) The agreement between the governing body of the municipality and the landowner is binding on the municipality and the landowner and on their respective successors and assigns for the term of the agreement. The agreement is not binding on, and does not create any encumbrance to title as to, any end-buyer of a fully developed and improved lot within the development, except for land use and development regulations that may apply to a specific lot.

(g) An agreement under this subchapter constitutes a permit under Chapter 245.

(h) An agreement between a municipality and a landowner entered into prior to the effective date of this section and that complies with this section is validated.

Added by Acts 2003, 78th Leg., ch. 522, Sec. 1, eff. June 20, 2003.  
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 281 (H.B. 1643), Sec. 1, eff. June 17, 2011.

Sec. 212.173. CERTAIN COASTAL AREAS. This subchapter does not apply to, limit, or otherwise affect any ordinance, order, rule, plan, or standard adopted by this state or a state agency, county, municipality, or other political subdivision of this state under the federal Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.), and its subsequent amendments, or Subtitle E, Title 2, Natural Resources Code.

Added by Acts 2003, 78th Leg., ch. 522, Sec. 1, eff. June 20, 2003.

Sec. 212.174. MUNICIPAL UTILITIES. A municipality may not require an agreement under this subchapter as a condition for providing water, sewer, electricity, gas, or other utility service from a municipally owned or municipally operated utility that provides any of those services.

Added by Acts 2003, 78th Leg., ch. 522, Sec. 1, eff. June 20, 2003.

#### SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 212.901. DEVELOPER REQUIRED TO PROVIDE SURETY. (a) To ensure that it will not incur liabilities, a municipality may require, before it gives approval of the plans for a development, that the owner of the development provide sufficient surety to guarantee that claims against the development will be satisfied if a default occurs.

(b) This section does not preclude a claimant from seeking recovery by other means.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 48(a), eff. Aug. 28, 1989.

Sec. 212.902. SCHOOL DISTRICT LAND DEVELOPMENT STANDARDS. (a) This section applies to agreements between school districts and any municipality which has annexed territory for limited purposes.

(b) On request by a school district, a municipality shall enter an agreement with the board of trustees of the school district to establish review fees, review periods, and land development standards ordinances and to provide alternative water pollution control methodologies for school buildings constructed by the school district. The agreement shall include a provision exempting the district from all land development ordinances in cases where the district is adding temporary classroom buildings on an existing school campus.

(c) If the municipality and the school district do not reach an agreement on or before the 120th day after the date on which the municipality receives the district's request for an agreement, proposed agreements by the school district and the municipality shall be submitted to an independent arbitrator appointed by the presiding

district judge whose jurisdiction includes the school district. The arbitrator shall, after a hearing at which both the school district and municipality make presentations on their proposed agreements, prepare an agreement resolving any differences between the proposals. The agreement prepared by the arbitrator will be final and binding upon both the school district and the municipality. The cost of the arbitration proceeding shall be borne equally by the school district and the municipality.

(d) A school district that requests an agreement under this section, at the time it makes the request, shall send a copy of the request to the commissioner of education. At the end of the 120-day period, the requesting district shall report to the commissioner the status or result of negotiations with the municipality. A municipality may send a separate status report to the commissioner. The district shall send to the commissioner a copy of each agreement between the district and a municipality under this section.

(e) In this section, "land development standards" includes impervious cover limitations, building setbacks, floor to area ratios, building coverage, water quality controls, landscaping, development setbacks, compatibility standards, traffic analyses, and driveway cuts, if applicable.

(f) Nothing in this section shall be construed to limit the applicability of or waive fees for fire, safety, health, or building code ordinances of the municipality prior to or during construction of school buildings, nor shall any agreement waive any fee or modify any ordinance of a municipality for an administration, service, or athletic facility proposed for construction by a school district.

Added by Acts 1990, 71st Leg., 6th C.S., ch. 1, Sec. 3.18, eff. Sept. 1, 1990.

Sec. 212.903. CONSTRUCTION AND RENOVATION WORK ON COUNTY-OWNED BUILDINGS OR FACILITIES IN CERTAIN COUNTIES. (a) This section applies only to a county with a population of 250,000 or more.

(b) A municipality is not authorized to require a county to notify the municipality or obtain a building permit for any new construction or renovation work performed within the limits of the municipality by the county's personnel or by county personnel acting



as general contractor on county-owned buildings or facilities. Such construction or renovation work shall be inspected by a registered professional engineer or architect licensed in this state in accordance with any other applicable law. A municipality may require a building permit for construction or renovation work performed on county-owned buildings or facilities by private general contractors.

(c) This section does not exempt a county from complying with a municipality's building code standards when performing construction or renovation work.

Added by Acts 1997, 75th Leg., ch. 271, Sec. 1, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 368, Sec. 1, eff. Aug. 30, 1999.

#### Sec. 212.904. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS.

(a) If a municipality requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality. The municipality's determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection.

(b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body. After hearing any testimony and reviewing the evidence, the governing body shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

(c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is located within 30 days of the final determination by the governing body.

(d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

(f) This section does not diminish the authority or modify the procedures specified by Chapter 395.

Added by Acts 2005, 79th Leg., Ch. 982 (H.B. 1835), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 635 (S.B. 1510), Sec. 1, eff. June 10, 2019.

Sec. 212.905. REGULATION OF TREE REMOVAL. (a) In this section:

(1) "Residential structure" means:

(A) a manufactured home as that term is defined by Section 1201.003, Occupations Code;

(B) a detached one-family or two-family dwelling, including the accessory structures of the dwelling;

(C) a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling, including the accessory structures of the dwelling; or

(D) any other multifamily structure.

(2) "Tree mitigation fee" means a fee or charge imposed by a municipality in connection with the removal of a tree from private property.

(b) A municipality may not require a person to pay a tree mitigation fee for the removed tree if the tree:

(1) is located on a property that is an existing one-family or two-family dwelling that is the person's residence; and

(2) is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.

(c) A municipality that imposes a tree mitigation fee for tree removal on a person's property must allow that person to apply for a

credit for tree planting under this section to offset the amount of the fee.

(d) An application for a credit under Subsection (c) must be in the form and manner prescribed by the municipality. To qualify for a credit under this section, a tree must be:

- (1) planted on property:
  - (A) for which the tree mitigation fee was assessed; or
  - (B) mutually agreed upon by the municipality and the person; and
- (2) at least two inches in diameter at the point on the trunk 4.5 feet above ground.

(e) For purposes of Subsection (d)(1)(B), the municipality and the person may consult with an academic organization, state agency, or nonprofit organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the municipality.

(f) The amount of a credit provided to a person under this section must be applied in the same manner as the tree mitigation fee assessed against the person and:

- (1) equal to the amount of the tree mitigation fee assessed against the person if the property is an existing one-family or two-family dwelling that is the person's residence;
- (2) at least 50 percent of the amount of the tree mitigation fee assessed against the person if:
  - (A) the property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and
  - (B) the person is developing, constructing, or renovating the property not for use as the person's residence; or
- (3) at least 40 percent of the amount of the tree mitigation fee assessed against the person if:
  - (A) the property is not a residential structure; or
  - (B) the person is constructing or intends to construct a structure on the property that is not a residential structure.

(g) As long as the municipality meets the requirement to provide a person a credit under Subsection (c), this section does not affect the ability of or require a municipality to determine:

(1) the type of trees that must be planted to receive a credit under this section, except as provided by Subsection (d);

(2) the requirements for tree removal and corresponding tree mitigation fees, if applicable;

(3) the requirements for tree-planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity; or

(4) the amount of a tree mitigation fee.

(h) A municipality may not prohibit the removal of or impose a tree mitigation fee for the removal of a tree that:

(1) is diseased or dead; or

(2) poses an imminent or immediate threat to persons or property.

(i) This section does not apply to property within five miles of a federal military base in active use as of December 1, 2017.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 7 (H.B. 7), Sec. 1, eff. December 1, 2017.



## **FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM**

Meeting Date: April 23, 2020

Subject: Consideration and possible action regarding a recommendation to City Council for the requested zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center

Action: Significant

### **SUMMARY / ORIGINATING CAUSE**

First Baptist Church of Friendswood is making plans for current and future building expansions. They have recently acquired additional properties and have incorporated those properties into their campus. The zoning districts of the properties vary and all allow the use of Religious Organizations with the Specific Use Permit (SUP). The underlying zoning on all tracts will remain.

They are also in the process of requesting to vacate a portion of right-of-way on E. Heritage Drive, and they will be required to plat/replat all of their properties.

The current proposal is a master plan that will guide the church development over the next 20 years.

#### **Proposed Phasing:**

The following is the expected timing or sequence of phases and are subject to change based on the church's need.

Phase 1A Jun 2020 - Improvement and expansion of parking at the corner of 518/E. Shadowbend (209 S. Friendswood Dr.)

Phase 1B Oct 2020 - New Welcome Center Addition and South Church Expansion (111 E. Heritage Dr.)

Phase 2 Administration building renovation and expansion (209 S. Friendswood Dr.)

Phase 3 New storage building and parking (201 E. Heritage Dr.)

Phase 4 Church North expansion, interior renovation and adjacent site improvements (111 E. Heritage Dr.)

Phase 5 Removal of Building A and completion of education building expansion (111 E. Heritage Dr.)

Phase 6 Family Life Center addition and adjacent parking expansion (202 E. Heritage Dr.)



## IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Approving the SUP will allow the church to make improvements to the properties they have acquired and expand their campus.

## RECOMMENDATIONS

The following departments reviewed the proposed conceptual plans, and it appears that the proposed plans meet the zoning regulations of the city with the exception of the two items listed below that will require P&Z consideration: Planning, Fire Marshal, Public Works, Engineering and Police Department.

### Request to exceed building height:

The building height of the proposed sanctuary is 44 feet 8 inches with an ornamental tower with a height of 72 feet 8 inches, with an ornamental cross on top of that which will be 90 feet 10 inches tall.

The maximum building height allowed in the Downtown District (DD) is 70 feet. An exception is allowed for certain architectural elements such as church spires, ornamental towers, etc.

### Zoning Ordinance Section 7.Q.3. Area and height exceptions

e. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.

Below are some addresses and exceptions that were made for other structures here in Friendswood...

212 E. Parkwood Ave – communication tower/SUP - was limited to an overall height of 80 feet including the antennae; tower is 77 feet tall (2017)

606 Cedarwood Dr. – church/SUP - height exception for 57ft 3.5inches for their building (2001)

2245 Thomas Trace - community care facility/SUP – overall building height of 51.5 feet (not yet built)

505 S Friendswood Dr – 4 story office building/DD - to top of roof screen – 65 feet; top of parapet wall – 60 feet (under construction)

### Alternative Landscaping:

Additionally, some alternate calculations were used to come up with the required landscaping. Providing credit for existing landscaping and counting landscaping on property zoned SFR (which would typically only require 1 tree per lot) was used to achieve the overall totals.

## ATTACHMENTS

1. FBC Application

2. FBC Deeds
3. FBC Plat and Metes and Bounds
4. FBC Aerial Map
5. FBC Location Map
6. FBC Zoning Map
7. First Baptist Church SUP Rezoning Report
8. First Baptist Church SUP- Full Set Plans



# City of Friendswood – Community Development

910 S. Friendswood Drive

Friendswood, TX 77546

Phone: 281-996-3201 Fax: 281-996-3260

www.ci.friendswood.tx.us

## Zone Change Application

CURRENT ZONE OF PROPERTY: DD

TYPE OF ZONE CHANGE (check one):

☐ Land Use Change to Zone: \_\_\_\_\_

☐ Specific Use Permit Option 1

☐ Planned Unit Development Option 1

☒ Specific Use Permit Option 2

☐ Planned Unit Development Option 2

SUP for Use(s) #: 8131

### PROPERTY IDENTIFICATION:

Address: 111 East Heritage Drive, Friendswood, TX 77546

Platted Land – Plat Name: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Unplatted Land – Attach a certified metes and bounds description (Metes & Bounds Attached)

OWNER NAME: First Baptist Church Friendswood Phone: 281-482-7513

Owner's Mailing Address: 111 East Heritage Drive

City: Friendswood State: TX Zip: 77546 Fax: \_\_\_\_\_

Owner's Email Address: mmays@fbcfriendswood.org

AGENT'S NAME: Ziegler Cooper Architects <sup>Stephanie</sup> Kaup Phone: 713-374-0153

Agent's Mailing Address: 700 Louisiana Street, Suite 350

City: Houston State: TX Zip: 77002 Fax: \_\_\_\_\_

Agent's Email Address: skaup@zieglercooper.com

In authorizing an agent to represent the owner, the owner attests that his/her agent may make verbal or written representations and/or declarations on the owner's behalf and the owner understands and acknowledges that the City of Friendswood shall rely upon the agent's representations in matters pertaining to the above described property. The designation of an agent in this matter in no way absolves the owner of any of the owner's responsibilities outlined by the City of Friendswood. The owner must be the legal owner of record of the property at the time of submittal of the application.

The undersigned hereby request approval by the City Council on the above identified zone change.

Owner's Signature: [Signature] Date: 1-13-2020

Agent's Signature: [Signature] Date: 1-13-2020

Received By: B. Bennett  
Date of Public Hearing: 2-13 + 3-2  
Property Owner Notices: 1-31-2020

Application Number: PLAN-2020-0002  
Received Date: 1-13-2020  
Newspaper Notice: 1-17-2020  
Sign on Property: 1-31-2020

## THE STATE OF TEXAS,

COUNTY OF GALVESTON

Know All Men By These Presents:

THAT THE UNDERSIGNED, PETE LAMMON, E. W. ROBERTS and PAUL O'FARRELL, Trustees of First Baptist Church, Friendswood, Texas, an unincorporated religious organization of the County of Galveston, and State of Texas, in consideration of the debt and trust hereinafter mentioned, have... Granted, Bargained, Sold and Conveyed, and by these presents do Grant, Bargain, Sell and Convey unto J. C. Thomas, Jr. Trustee, and to his successor or substitute in this trust, and to his and their assigns hereunder forever, the following described property, situated, lying and being in the County of Galveston and State of Texas, to-wit:

TRACT 1: Part of Lot Two (2) in Block Two (2) in Friendswood, in Galveston County, Texas, according to the plat of said Friendswood recorded in Volume 254, Page 37, in the Office of the County Clerk of Galveston County, Texas, and being more fully described by metes and bounds as follows:

Begin at the East corner of said Lot 2;

THENCE in a Northwesterly direction along the Northeasterly line of said Lot 2, a distance of 330 feet to a point for the beginning point of the tract herein described;

THENCE continuing in a Northwesterly direction along the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southwesterly direction, parallel to the Northwesterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southeasterly direction parallel to the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Northeasterly direction parallel to the Northwesterly line of said Lot 2, a distance of 330 feet to the place of beginning. SAVE AND EXCEPT that part thereof (surface only) conveyed to the County of Galveston by deed recorded in Volume 677, Page 593, and that part (surface only) described as Second Tract in deed recorded in Volume 1001, Page 394, to the County of Galveston, both being recorded in the office of the County Clerk of Galveston County, Texas.

TRACT 2: Being a part of Lot Two (2), Block Two (2) of the Friendswood Subdivision of the Sarah McKissick or J. R. Williams League of land in Galveston County, Texas, described by metes and bounds as follows:

BEGINNING at the East corner of said Lot 2;

THENCE in a Northwesterly direction along the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southwesterly direction parallel to the Northwesterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Southeasterly direction parallel to the Northeasterly line of said Lot 2, a distance of 330 feet to a point for corner;

THENCE in a Northeasterly direction parallel with the Northwesterly line of said Lot 2, a distance of 330 feet to the place of beginning.

TO HAVE AND TO HOLD the said described property, with all the rights, members, hereditaments and appurtenances, now, or hereafter at any time before the foreclosure hereof, in any wise appertaining or belonging thereto unto the said Trustee, and to his successor or substitute hereunder, and to his and their assigns forever. And the undersigned hereby bind themselves, their heirs, executors and administrators, to warrant and forever defend all and singular the said premises, unto the said Trustee, his successor or substitute in this trust, and to his or their assigns forever, against the lawful claim or claims of all persons whomsoever.

THIS CONVEYANCE is made in trust, however, to secure and enforce the payment of one promissory note of even date herewith (hereinafter referred to as note), executed by the undersigned, payable to PASADENA SAVINGS & LOAN ASSOCIATION, or order

at Pasadena, Texas as follows: Being a Deed of Trust Note of even date herewith for the principal sum of \$100,000.00, bearing interest from date until the maturity thereof at the rate of six and one-half per cent (6-1/2%) per annum, the accrued interest on said note being due and payable on or before June 10, 1962, July 10, 1962, August 10, 1962, and September 15, 1962, and thereafter, the principal and interest of said note are payable in monthly installments of not less than \$750.00 each, with the privilege of making extra payments at any time, the first installment being due and payable on or before the 15th day of October, 1962, and one installment to become due and payable on or before the 15th day of each succeeding month thereafter until the whole principal sum and all interest are fully paid, payments, when made, shall first be credited to payment of the accrued interest, and the balance, if any, shall be credited to payment of the principal of said note; said note reciting that it is secured by the Deed of Trust Lien herein granted.

The lien herein granted is subject to the following royalty reservations:

IT IS SPECIALLY AGREED that when, as and if any accelerated maturity of any item secured by this instrument may be declared due under any term of this or any other paper evidencing the debt or any part thereof, that the maximum amount that can be collected for or on account of the debt shall be the principal amount thereof and interest accrued to the date of payment at not to exceed ten per cent. per annum. That if any possible construction of any and all of the papers may seem to indicate any possibility of a different power given to the creditor or any authority to ask for, demand, or receive any larger rate of interest the parties covenant that same is a mistake in calculation or wording which this clause is intended to override and control.

IT IS SPECIALLY AGREED that in case of any sale hereunder, all prerequisites to said sale shall be presumed to have been performed, and that in any conveyance given hereunder all statements of facts, or other recitals therein made, as to the non-payment of money secured, or as to the breach or non-performance of any of the covenants herein set forth, or as to the request of the Trustee to enforce this Trust, or as to the proper and due appointment of any substitute Trustee, or as to the advertisement of sale, or time or place or manner of sale, or as to any other preliminary act or thing, shall be taken in all courts of law or equity as prima facie evidence that the facts so stated or recited are true.

It is agreed that the proceeds of any indemnity collected from any insurance company for loss or damage to the improvements on said property, shall be applied to the repair or replacement of the damaged property unless the consent of the holder of said note in writing is obtained for application thereof otherwise.

WITNESS our hands this 26th day of March, A.D. 19 62.

Pete Lannon  
Pete Lannon  
E. W. Roberts  
E. W. Roberts  
Paul O'Farrell  
Paul O'Farrell  
Trustees of First Baptist Church, Friendswood,  
Texas.

## THE STATE OF TEXAS,

COUNTY OF GALVESTON

BEFORE ME, the undersigned authority,

in and for said County, Texas, on this day personally appeared PETE LANNON, E. W. ROBERTS and PAUL O'FARRELL,  
Trustees of First Baptist Church, Friendswood, Texas,

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of March, A.D. 19 62.

(L. S.)

Notary Public, County, Texas

My Commission Expires June, 19

## THE STATE OF TEXAS,

COUNTY OF ~~HARRIS~~ GALVESTON,

BEFORE ME, the undersigned authority,

in and for said County, Texas, on this day personally appeared PETE LANNON, E. W. ROBERTS and PAUL O'FARRELL,  
Trustees of First Baptist Church, Friendswood, Texas,

known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 26 day of March, A.D. 19 62.

(L. S.)

Notary Public, Galveston County, Texas

My Commission Expires June 1st, 19 62

Filed for Record April 10, 1962 at 11:30 o'clock A. M. No. 286365

Recorded April 11, 1962 at 12:35 o'clock P. M.

JOHN R. PLATTE, County Clerk, By R. H. Brown Deputy.

261



201 E Heritage Dr  
#6**WARRANTY DEED**

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

Date: December 15, 2011

Grantor. ALAN KEITH STEPHENSON, ~~a single person~~ and SANDRA GEORGE, ~~xxx single personxxx~~

Grantor's Mailing Address (including county):

2702 Janet Ct.  
Pearland, Brazoria County, Tx. 77581

Grantee: FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation

Grantee's Mailing Address (including county):

111 East Heritage Drive  
Friendswood, Galveston County, Texas 77546

Consideration: For Ten and No/100 Dollars and other valuable consideration

Property (including any improvements):

Tract One (1), of a survey of part of Lot Twelve (12), in Block Two (2), of FRIENDSWOOD, a subdivision of part of the J. R. Williams or Sarah McKissick League, Galveston County, Texas, and being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

Reservations from and exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights of record; all presently recorded instruments, other than liens and conveyances, that affect the property. Taxes for the current year have been prorated and are assumed by Grantee.

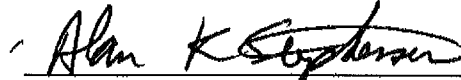
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's legal representatives, successors and assigns forever, Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular

ATTN: 1017899

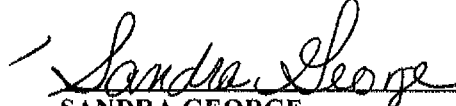
FILED BY  
ALAMO TITLE COMPANY

the property to Grantee and Grantee's legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except to the reservations from and exceptions to conveyance and warranty.

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



ALAN KEITH STEPHENSON



SANDRA GEORGE

a/k/a Sandra Geroge Stephenson

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 15 day of December, 2011, by  
ALAN KEITH STEPHENSON.





Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 15 day of December, 2011, by  
SANDRA GEORGE.





Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:

## EXHIBIT A

Order No.: ATH11017889

Tract 1 of a survey of part of Lot 12, Block 2 of Friendswood, a subdivision of part of the J R Williams or Sarah McKissick League, Galveston County, Texas and being more particularly described by metes and bounds as follows

BEGINNING at a half inch iron rod found at the intersection at the Northeasterly right of way of Morningside Drive (60 foot r o w ) as laid out and in use in the Southerly part of East Hentage Drive (60 foot r o w ) said half inch iron rod being the West corner of the herein described tract of land and the POINT OF BEGINNING.

THENCE South 45 degrees 00 minutes 00 seconds East along said Northeasterly right of way of Morningside Drive for a distance of 165 26 feet to a half inch iron rod found in concrete.

THENCE North 45 degrees 00 minutes 00 seconds East a distance of 115 00 feet to a 5/8 inch iron rod found for corner

THENCE North 45 degrees 00 minutes 00 seconds West a distance of 153 50 feet to a half inch iron rod found for corner in the Southerly right of way line of East Hentage Drive,

THENCE along a curve to the left, having a radius of 320 00 feet, a distance of 116.4 feet to the POINT OF BEGINNING.

NOTE: This Company does not represent that the above acreage or square footage calculations are correct

## FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Dwight D. Sullivan* 2011064225

December 20, 2011 11 14 24 AM

FEE \$24 00

Dwight D Sullivan, County Clerk  
Galveston County, TEXAS

202 E Heritage

63191

NOTICE

Prepared by the State Bar of Texas for use by Lawyers only. 8-73-5M  
To select the proper form, fill in blank spaces, strike out form provisions or insert special terms constitutes the practice of law. No "standard form" can meet all requirements.

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS  
COUNTY OF GALVESTON

}

KNOW ALL MEN BY THESE PRESENTS:

That we, William B. Patton and wife, Myra A. Patton

of the County of Galveston and State of Texas for and  
in consideration of the sum of TEN and NO/100ths (\$10.00) DOLLARS  
and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of  
which is hereby acknowledged, and the further consideration of the execution and delivery by grantee  
of its one certain promissory note of even date herewith, in the principal sum of FORTY-  
ONE THOUSAND TWO HUNDRED FIFTY and NO/100ths (\$41,250.00) DOLLARS payable to the order  
of grantors in monthly installments and bearing interest as therein provided, containing  
the usual clauses providing for acceleration of maturity and for attorney's fees,

--- G E E R ---  
BOOK 2645 PAGE 144

the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a deed of  
trust of even date herewith to Cecil L. Solomon, Trustee,  
have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

The First Baptist Church of Friendswood, Texas,  
subject to the reservations hereinafter made,  
of the County of Galveston and State of Texas, all of the following described real  
property in Galveston County, Texas, to-wit:

A tract out of Lots 1 and 2, Block 2, Friendswood Subdivision out of the Sarah  
McKissick or J. R. Williams League, Galveston County, Texas, according to the map or

D E E D

BOOK 2645 PAGE 145

plat of said Subdivision recorded in Vol. 238, Page 14, in the office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at the South corner of Lot 1, Block 2, of said Subdivision, which is also the East corner of said Lot 2, which point is in the center of a 60 foot road known as Heritage Drive; Thence North 45 deg. 00 min. West, along the common line between said Lots 1 and 2, a distance of 30 feet to the beginning corner of the tract herein described; Thence from said beginning point, South 45 deg. 00 min. West, parallel to the Southeast line of said Lot 2, a distance of 227 feet to a point for corner, which point is the intersection of the Northwest line of said Heritage Drive with the Northeast line of a 60 foot road known as Pecan Drive; Thence North 45 deg. 00 min. West, along the Northeast line of said Pecan Drive and parallel to the Northeast line of said Lot 2, a distance of 375 feet to a point for corner; Thence North 45 deg. 00 min. East, parallel to the Southeast line of said lots 2 and 1, at 227 feet cross the commonline between said Lots 2 and 1, at 391.15 feet pass a 1/2 inch pipe set on the Southwest bank of a small gully, in all a distance of 397.15 feet to the center of said gully; Thence in an Easterly direction, along the center line of said gully, a distance of approximately 80 feet; Thence South 30 deg. 43 min. 39 sec. East a distance of approximately 13.4 feet to an iron pipe set on the bank of said gully; Thence continuing South 30 deg. 43 min. 39 sec. East, a distance of 195.6 feet to a point for corner; Thence South 40 deg. 03 min. 39 sec. East, a distance 122 feet to a point for corner in the curved Northwest line of said Heritage Drive, which point is North 45 deg. 00 min. East 121.5 feet and North 45 deg. 00 min. West 13.5 feet from the South corner of said Lot 1; Thence in a Southwesterly direction, along the arc of a curve of undetermined radius in the Northwest line of said Heritage Drive, a chord of which would bear approximately South 52 deg. 44 min. West, a distance of approximately 123 feet to the place of beginning.



EXCEPT, however, that the grantors herein reserve out of the property herein-  
above described, all rights, title and interest in a fifteen (15') feet wide strip of  
land alongside and parallel to the N 45°00' E line from the N 45°00' W line across the  
commonline between said Lots 1 and 2 to the center of said gully.

SAVE and EXCEPT, and there is hereby reserved unto grantors, their heirs and  
assigns, an undivided one hundred (100%) percent interest in and to all of the oil,  
gas and other minerals in and under and that may be produced from the above described  
property, together with the right of ingress and egress at all times for the purpose  
of mining, drilling, exploring, operating and developing said lands for oil, gas and  
other minerals and removing the same therefrom.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and  
appurtenances thereto in anywise belonging unto the said grantee, its successors and ~~heirs~~ assigns  
forever; and we do hereby bind ourselves, our heirs, executors and administrators to  
WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, its succe-  
sors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part  
thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above  
described premises, is retained against the above described property, premises and improvements until the above  
described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof,  
when this Deed shall become absolute.

This conveyance is made and accepted to the following matters, to the extent  
same are in effect at this time: Any and all restrictions, covenants, conditions and  
easements, if any, relating to the hereinabove described property, but only to the ex-  
tent they are still in effect, shown of record in hereinabove mentioned County and State,  
and to all zoning laws and regulations of municipal and/or other governmental authorities,  
if any, but only to the extent that they are still in effect, relating to the hereinabove  
described property and also to the easement to Community Public Service Company of re-  
cord in Vol. 657, Page 120, in the office of the County Clerk of Galveston County,  
Texas.

EXECUTED this 15<sup>th</sup> day of December, A.D. 1975.

William B. Patton

Myra A. Patton

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF GALVESTON

Before me, the undersigned authority, on this day personally appeared

William B. Patton and wife, Myra A. Patton

known to me to be the person..... whose name..... subscribed to the foregoing instrument, and acknowledged to me that..... they..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the

17<sup>th</sup> day of December, A. D. 1975

Notary Public in and for Galveston County, Texas.  
My Commission Expires June 1, 19

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person..... whose name..... subscribed to the foregoing instrument, and acknowledged to me that..... he..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the

day of , A. D. 19

Notary Public in and for County, Texas.

D. F. C. U.  
BOOK 2645 PAGE 147

(Acknowledgment)

THE STATE OF TEXAS  
COUNTY OF

Before me, the undersigned authority, on this day personally appeared

known to me to be the person..... whose name..... subscribed to the foregoing instrument, and acknowledged to me that..... he..... executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the

day of , A. D. 19

Notary Public in and for County, Texas.

(Corporate acknowledgment)

THE STATE OF TEXAS  
COUNTY OF

Before me, the undersigned authority, on this day personally appeared  
of

a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the

day of , A. D. 19

Notary Public in and for County, Texas.

DEED  
BOOK 2645 PAGE 148

63191

WARRANTY DEED  
WITH VENDOR'S LIEN

TO

PREPARED IN THE LAW OFFICE OF:

PLEASE RETURN TO: *W. H. Hunt - Sec*  
*Post Office Box 46*  
*Waco, Tex. 76792*

STATE OF TEXAS COUNTY OF GALVESTON  
I hereby certify that this instrument was filed on the  
date and time stamped herein by me and was duly recorded  
in the volume and page of the named records of Galveston  
County, Texas as mandated hereby by me.



JAN 9 1976

*J. L. Humphrey Jr.*  
COUNTY CLERK, Galveston County, Texas

FILED FOR RECORD  
JAN 9 12 34 PM 1976  
COUNTY CLERK, GALVESTON COUNTY, TEXAS





2007037162

6 PGS

204 E Heritage Dr  
206 E Heritage Dr  
#10

**WARRANTY DEED**

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

**Date:** June 5, 2007

**Grantor:** JOSEPH MITCHELL WRIGHT and ARTHA T. WRIGHT, husband and wife

**Grantor's Mailing Address (including county):**

204 East Heritage Drive  
Friendswood, Galveston County, Texas 77546

**Grantee:** FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation,  
and JOSEPH MITCHELL WRIGHT and ARTHA T. WRIGHT, husband and wife,  
as to a Life Estate

**Grantee's Mailing Address (including county):**

111 East Heritage Drive  
Friendswood, Galveston County, Texas 77546

**Consideration:** For Ten and No/100 Dollars and other valuable consideration.

**Property (including any improvements):**

A tract or parcel of land containing 0.8151 acres of land, more or less, being part of Lot One (1), in Block Two (2), of FRIENDSWOOD, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 238, Page 14, in the Office of the County Clerk of Galveston County, Texas, said tract being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

**Reservations from and exceptions to Conveyance and Warranty:**

Easements, rights-of-way, and prescriptive rights of record; all presently recorded instruments, other than liens and conveyances, that affect the property. Taxes for the current year have been prorated and are assumed by Grantee.

FILED BY  
ALAMO TITLE COMPANY  
4231150

Return to:  
First Baptist Church of Friendswood  
204 E. Heritage Drive  
Friendswood, TX 77546 Page 158 of 217

In addition to the foregoing, Grantee, by its acceptance hereof, acknowledges and agrees that the above described property will be restricted as follows:

- 1) Allow either or both Joseph Mitchell Wright and wife, Artha T. Wright, to live on the property until they die or until they no longer wish to remain in the house. If, for example, they wish to move into a place of assisted living;
- 2) Allow a member of the immediate family to occupy the trailer home on tract B-Two (B-2) as long as either Joseph Mitchell Wright or Artha T. Wright are living in the home. Occasional parking of RV allowed;
- 3) Life Interest Property to include both Tract B-Two (B-2) and Tract B-Three (B-3). Privacy of Wright family to be protected;
- 4) The First Baptist Church of Friendswood to hold the title to the two (2) tracts of land and be responsible for taxes;
- 5) At present there is a house on Tract B-Two (B-2) and a trailer home on Tract B-Three (B-3). Improvements can be made as needed, but no additional living space is to be added. Joseph Mitchell Wright to be responsible for appropriate insurance and for all maintenance of the existing houses and improvements, plus any improvements which may be made to the property;
- 6) First Baptist Church of Friendswood to be allowed to seek re-zoning of both tracts to a category suitable for appropriate use by the church; and
- 7) First Baptist Church of Friendswood to be allowed to make limited improvements to the property, such as paving, as long as they do not impair the Wright family's access and use of the homes. Such improvements to be mutually agreeable to Grantor herein and First Baptist Church of Friendswood. Specifically, it is likely that a paved parking area will be added during the term of the Life Interest.

This restrictive covenant shall be a covenant running with the land and shall be binding on each of the parties hereto and their heirs, executors, administrators, legal representatives, successor and assigns.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's legal representatives, heirs, executors, administrators, successors and assigns forever, Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's legal representatives, heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except to the reservations from and exceptions to conveyance and warranty.

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

  
JOSEPH MITCHELL WRIGHT  
  
ARTHA T. WRIGHT



AGREED TO AND ACCEPTED BY:

FIRST BAPTIST CHURCH OF FRIENDSWOOD,  
a Texas non-profit corporation

By: [Signature]  
Name: John Knappe  
Title: Co-Trustee

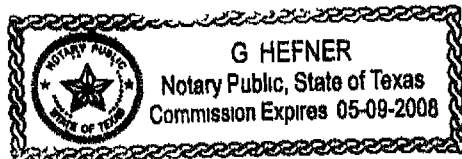
By: [Signature]  
Name: John McNeely  
Title: Co-Trustee

By: [Signature]  
Name: Robert C. Felts  
Title: Co-Trustee

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by JOSEPH MITCHELL WRIGHT.

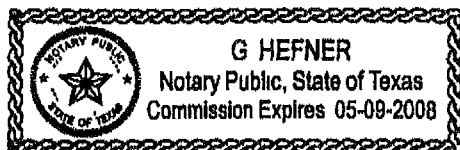


[Signature]  
Notary Public, State of Texas  
Notary's printed name:  
Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by ARTHA T. WRIGHT.

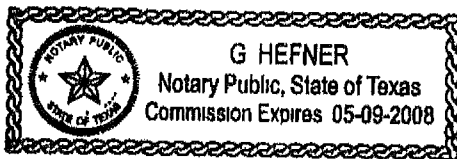


[Signature]  
Notary Public, State of Texas  
Notary's printed name:  
Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by JOHN KNAPE, Co-Trustee of FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

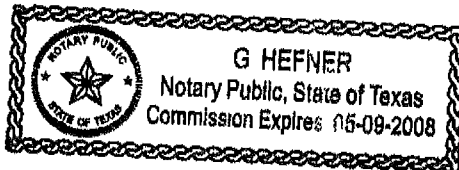
Notary's printed name:

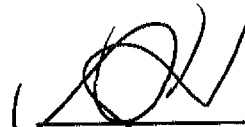
Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by JOHN MCNEELY, Co-Trustee of FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

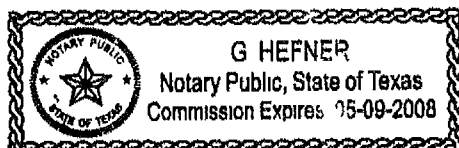
Notary's printed name:

Notary's commission expires:

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by ROBERT C. FELTS, Co-Trustee of FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:

(KAM/plkH June07/42311138)

## EXHIBIT "A"

A tract or parcel of land containing 0.8151 acres of land, more or less, being part of Lot 1 in Block 2, of FRIENDSWOOD, in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 238, Page 14, in the Office of the County Clerk of Galveston County, Texas, said tract being more particularly described by metes and bounds as follows

COMMENCING at the South corner of said Lot 1, said point being in the Northwestern right-of-way line of East Heritage Drive (variable width),

THENCE North 45 deg 00 min 00 sec East, along the Northwestern right-of-way line of said East Heritage Drive, a distance of 181.50 feet to a point in the Northeasterly right-of-way line of said East Heritage Drive,

THENCE North 40 deg 03 min 39 sec West, along the Northeasterly right-of-way line of said East Heritage Drive, a distance of 77.30 feet to a ¼ inch iron rod found for the POINT OF BEGINNING of the herein described tract of land;

THENCE North 40 deg 03 min 39 sec West, along the Northeasterly right-of-way line of said East Heritage Drive, a distance of 53.00 feet to a 1-1/2 inch iron pipe found for corner,

THENCE South 49 deg 56 min 21 sec West, along the Northwestern right-of-way line of Said East Heritage Drive, a distance of 60.00 feet to a ½ inch iron rod set with cap "Survey 1", for corner,

THENCE North 30 deg 43 min 34 sec West, along the Easterly line of the First Baptist Church of Friendswood tract (3357-0002-0001-000), at a distance of 150.00 feet pass a ½ inch iron rod set with cap "Survey 1", on line and continue in all a total distance of 209.00 feet to a point for corner,

THENCE North 67 deg 10 min 33 sec East, along the Southerly line of the City-Friendswood Buyout recorded in 2001063634, and the Collins Tract recorded in 2000020038, a distance of 250.24 feet to a point for corner,

THENCE South 08 deg 56 min 21 sec West, along the Westerly line of the Manchaca Tract (3460-0002-0001-004), at a distance of 82.10 feet pass a ½ inch iron rod set with cap "Survey 1", on line and continue in all a total distance of 282.10 feet to the POINT OF BEGINNING of the herein described tract of land and containing 0.8151 acres of land, more or less

NOTE THIS COMPANY DOES NOT REPRESENT THAT THE ABOVE  
ACREAGE AND/OR SQUARE FOOTAGE ARE CORRECT

# FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2007037162

June 07, 2007 10 37 31 AM

FEE \$32 00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS



2007037164

3 PGS

208 E Heritage  
#9**WARRANTY DEED**

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

**Date:** June 5, 2007

**Grantor:** CATHERINE MANCHACA, a single person, acting herein by and through her duly authorized Agent and Attorney-in-Fact, ~~C. TODD MANCHACA~~ CLAYTON TODD MANCHACA

**Grantor's Mailing Address (including county):**

2 Drifting Wind Run  
Austin, Texas 78738

**Grantee:** FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation

**Grantee's Mailing Address (including county):**

111 East Heritage  
Friendswood, Galveston County, Texas 77546

**Consideration:** For Ten and No/100 Dollars and other valuable consideration.

**Property (including any improvements):**

A 0.9117 acre tract of land being Tract "D", "E" and "F", out of Lot One (1), in Block Two (2), of FRIENDSWOOD SUBDIVISION, a subdivision in the Sarah McKissick League, Galveston County, Texas, said tract being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof for all purposes.

**Reservations from and exceptions to Conveyance and Warranty:**

Easements, rights-of-way, and prescriptive rights of record; all presently recorded instruments, other than liens and conveyances, that affect the property. Taxes for the current year have been prorated and are assumed by Grantee.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's legal representatives, successors and assigns forever, Grantor binds Grantor and Grantor's

FILED BY  
ALAMO TITLE COMPANY  
423 111 37

Return to:  
First Baptist Church of Friendswood  
111 East Heritage  
Friendswood, TX 77546

heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except to the reservations from and exceptions to conveyance and warranty.

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

*Catherine Manchaca* by  
CATHERINE MANCHACA

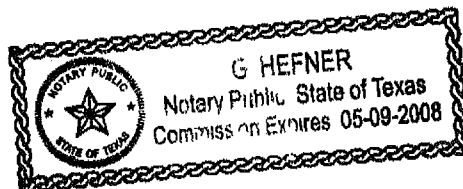
*Clayton Todd Manchaca* as  
By: ATTY IN FACT

CLAYTON C. Todd Manchaca, Agent and  
Attorney-in-Fact

THE STATE OF TEXAS {}

COUNTY OF HARRIS {}

This instrument was acknowledged before me on the 5<sup>th</sup> day of June, 2007, by C. TODD MANCHACA, Agent and Attorney-in-Fact for CATHERINE MANCHACA, in the capacity therein stated.



*[Signature]*  
Notary Public, State of Texas

Notary's printed name:

Notary's commission expires:



EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A 0.9117 ACRE TRACT OF LAND DESIGNATED AS TRACTS "D", "E" AND "F", OUT OF LOT 1, BLOCK 2 OF THE FRIENDSWOOD SUBDIVISION IN THE SARAH McKESSICK LEAGUE, GALVESTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 1 inch iron pipe found for corner in the southeast line of the aforementioned Lot 1, which bears N 45°00'00" E a distance of 181.50 feet from the south corner of said Lot 1,

THENCE S 62°20'37" W, a distance of 37.00 feet to a ½ inch pipe rod found for corner;

THENCE N 00°28'21" E, a distance of 55.50 feet to a ½ inch iron rod set for corner;

THENCE N 40°03'39" W, a distance of 27.00 feet to a ½ inch iron pipe found for corner;

THENCE N 08°58'21" E, at a distance of 200.00 feet pass a ½ inch iron rod set for reference corner near the southwest bank of Mary's Creek, continuing in all a total distance of 271.42 feet to a point for corner in the centerline of Mary's Creek;

THENCE in a southeasterly direction along the centerline of Mary's Creek the following courses and distances:

S 60°11'22" E, a distance of 64.00 feet,

S 15°40'29" E, a distance of 21.89 feet;

S 51°31'04" E, a distance of 42.15 feet;

S 72°16'23" E, a distance of 41.47 feet;

S 45°04'33" E, a distance of 77.23 feet to a ½ inch iron rod with cap found for corner in the southeast line of Lot 1;

THENCE S 45°00'00" W, along the southeast line of said Lot 1, a distance of 258.00 feet to the PLACE OF BEGINNING and containing 0.9117 acre of land, more or less.

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

*Mary Ann Daigle*

2007037164

June 07, 2007 10 37 31 AM

FEE \$24.00

Mary Ann Daigle, County Clerk  
Galveston County, TEXAS

17005249

**SPECIAL WARRANTY DEED**

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

**Date:** March 9, 2017

**Grantor:** AL-HADI HOLDINGS, INC., a Texas corporation

**Grantor's Mailing Address:** 3560 Old Spanish Trail  
(including County) Houston TX 77021

**Grantee:** FIRST BAPTIST CHURCH OF FRIENDSWOOD, a Texas non-profit corporation

**Grantee's Mailing Address:** 111 East Heritage  
(including County) Friendswood, TX 77546

**Consideration:**

TEN DOLLARS (\$10.00) and other good and valuable consideration.

**Property (including any improvements):**

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

**Reservations from and Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the current year, which Grantee assumes and agrees to pay and subsequent assessments for this and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

**AS A MATERIAL PART OF THE CONSIDERATION FOR THIS DEED, GRANTOR IS CONVEYING THE PROPERTY "AS IS" WITH ANY AND ALL LATENT AND PATENT DEFECTS. THERE ARE NO EXPRESS OR IMPLIED WARRANTIES, EXCEPT FOR LIMITED WARRANTIES OF TITLE SET FORTH HEREIN.**

e-RECORDED BY VERITAS TITLE GF# 17005249-DU

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor, but not otherwise, except as to the reservations from and exceptions to warranty.

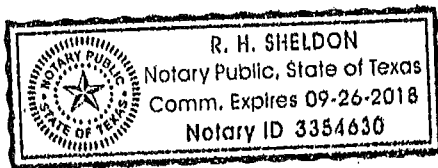
When the context requires, singular nouns and pronouns include the plural.

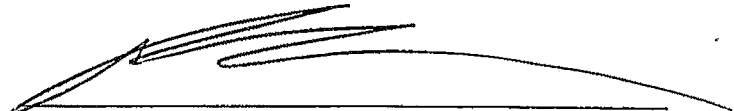
**AL-HADI HOLDINGS, INC., a Texas corporation**

By:   
**SYED HUSSAIN, President**

STATE OF TEXAS  
 COUNTY OF HARRIS

This instrument was acknowledged before me on this 9 day of March, 2017, by **SYED HUSSAIN, President of AL-HADI HOLDINGS, INC., a Texas corporation**, on behalf thereof.



  
 Notary Public, State of Texas

Return To:

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 \_\_\_\_\_  
 \_\_\_\_\_

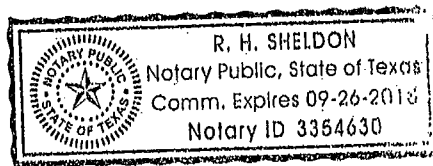


EXHIBIT "A"

BEING A TRACT OR PARCEL, CONTAINING 1.0528 ACRES (45,860 SQUARE FEET) OF LAND, MORE OR LESS, SITUATED IN THE SARAH MCKISSICK LEAGUE, ABSTRACT NUMBER 151, CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS, AND BEING PORTION OF LOT 2, BLOCK 2, OF FRIENDSWOOD SUBDIVISION RECORDED IN PLAT RECORD 7, MAP NO. 20 OF THE GALVESTON COUNTY MAP RECORDS (G.C.M.R.) AND BEING ALL OF A CALLED 46,260 SQUARE FEET OF LAND CONVEYED TO AL-HADI HOLDINGS, INC. RECORDED IN GALVESTON COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (G.C.O.P.R.R.P.) NO. 2014073259, WITH SAID 1.0528 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS (BEARINGS HEREIN ARE GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (NAD 83):

**COMMENCING** AT A 1-INCH IRON PIPE FOUND AT THE INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY (R.O.W.) LINE OF PECAN DRIVE AND THE NORTHWEST R.O.W. LINE OF EAST SHADOWBEND AVENUE, AND MARKING THE SOUTH CORNER OF THE FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD, RECORDED IN PLAT NO. 18, MAP NO. 900 (G.C.M.R.), FROM WHICH A 3/4-INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD, BEARS FOR REFERENCE NORTH 41 DEG. 45 MIN. 11 SEC. EAST, A DISTANCE OF 240.00 FEET, AND FROM WHICH A 1/2-INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD, BEARS FOR REFERENCE NORTH 48 DEG. 14 MIN. 49 SEC WEST, A DISTANCE OF 300.60 FEET;

THENCE, SOUTH 41 DEG. 45 MIN. 11 SEC. WEST, ALONG THE NORTHWESTWEST R.O.W. LINE OF SAID EAST SHADOWBEND AVENUE, PASSING AT A DISTANCE OF 60.00 FEET THE EAST CORNER OF A CALLED 0.385 ACRE TRACT CONVEYED TO JOSEPH & MARK PRIHODA RECORDED IN CLERK'S FILE NO. 8002724 G.C.O.P.R.R.P., CONTINUING A TOTAL DISTANCE OF 160.00 FEET TO A "X" IN CONCRETE SET, MARKING THE **POINT OF BEGINNING** AND THE MOST EASTERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 41 DEG. 45 MIN. 11 SEC. WEST, CONTINUING ALONG THE NORTHWEST R.O.W. OF SAID EAST SHADOWBEND AVENUE, A DISTANCE OF 160.00 FEET TO A "X" IN CONCRETE SET IN THE INTERSECTION OF THE NORTH R.O.W. OF SOUTH FRIENDSWOOD DRIVE AND THE WEST R.O.W. OF SAID EAST SHADOWBEND AVENUE, AND MARKING THE SOUTH CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 48 DEG. 14 MIN. 49 SEC. WEST, ALONG THE NORTHEAST R.O.W. LINE OF SAID SOUTH FRIENDSWOOD DRIVE, A DISTANCE OF 241.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE SOUTH CORNER OF A CALLED 0.589 ACRE TRACT OF LAND

CONVEYED TO LOCKWOOD NATIONAL BANK RECORDED IN CLERK'S FILE NO. 2015072418 G.C.O.P.R.R.P. AND THE WEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 41 DEG. 45 MIN. 11 SEC. EAST, ALONG THE EAST LINE OF SAID CALLED 0.589 ACRE TRACT AND A CALLED 0.381 ACRE TRACT CONVEYED TO LOCKWOOD NATIONAL BANK RECORDED IN CLERK'S FILE NO. 8300287 G.C.O.P.R.R.P., A DISTANCE OF 260.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET IN THE SOUTHWEST R.O.W. LINE OF SAID PECAN DRIVE AND MARKING THE NORTHEAST CORNER OF SAID 0.381 ACRE TRACT, AND THE NORTH CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS FOR REFERENCE NORTH 14 DEG. 27 MIN. EAST, A DISTANCE OF 1.20 FEET;

THENCE, SOUTH 48 DEG. 14 MIN. 49 SEC EAST, ALONG THE SOUTHWEST R.O.W. LINE OF SAID PECAN DRIVE, A DISTANCE OF 73.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET IN THE SOUTHWEST R.O.W. LINE OF SAID PECAN DRIVE AND MARKING THE NORTH CORNER OF SAID 0.385 ACRE TRACT AND THE MOST NORTHERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS FOR REFERENCE, NORTH 10 DEG. 57 MIN. EAST, A DISTANCE OF 1.12 FEET;

THENCE, SOUTH 41 DEG. 45 MIN. 11 SEC. WEST, ALONG THE WEST LINE OF SAID CALLED 0.385 ACRE TRACT, A DISTANCE OF 100.00 FEET TO A CAPPED 5/8-INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET, MARKING THE WEST CORNER OF SAID CALLED 0.385 ACRE TRACT, AND INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS FOR REFERENCE, NORTH 15 DEG. 30 MIN. EAST, A DISTANCE OF 1.17 FEET;

THENCE, SOUTH 48 DEG. 14 MIN. 49 SEC. EAST, ALONG THE SOUTH LINE OF SAID CALLED 0.385 ACRE TRACT, A DISTANCE OF 168.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.0528 ACRES OR 45,860 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 53347, PREPARED BY WINDROSE LAND SERVICES.

## FILED AND RECORDED

Instrument Number: 2017015366

Recording Fee: 38.00

Number Of Pages: 5

Filing and Recording Date: 03/10/2017 12:42PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in cursive script, reading "Dwight D. Sullivan".

Dwight D. Sullivan, County Clerk  
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

**DO NOT DESTROY** - *Warning, this document is part of the Official Public Record.*



**METES AND BOUNDS DESCRIPTION**

**0.4223 ACRES (18,397 SQ. FT.)**

**LOT 1, HARPER SUBDIVISION**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 0.4223 acres or 18,397 square feet of land situated in the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, being all of that certain called Lot 1, of Harper Subdivision, an unrecorded subdivision in Galveston County, Texas, same being all of that certain called Tract One (1), conveyed to First Baptist Church of Friendswood, by deed recorded under Galveston County Clerk's File No. 2011064225 on December 20, 2011. Said 0.4223 acres being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**BEGINNING** at a 5/8-inch iron rod with plastic cap set for corner, said corner being the northwest boundary corner of said Lot 1, same being the northwest boundary corner of said Tract One (1), the intersection of the northeast right-of-way line of Morningside Drive, a called 60-foot wide public right-of-way, with the southeast right-of-way line of East Heritage Drive, a called 60-foot wide public right-of-way, and being the beginning of a curve to the right;

**THENCE** with the northwest boundary line of said Lot 1, same being the southeast right-of-way line of said East Heritage Drive, and along said curve to the right, having a radius of 425.93 feet, a delta angle of  $15^{\circ} 39' 23''$ , and a chord bearing and distance of North  $49^{\circ} 28' 38''$  East – 116.03 feet, for an arc distance of 116.39 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the northeast boundary corner of said Tract One (1), same being the northeast boundary corner of said Lot 1, and the northwest boundary corner of that certain called Lot 2, conveyed to Rosie Riley, by deed recorded under Galveston County Clerk's File No. 2009058843 on October 23, 2009;

**THENCE** South  $48^{\circ} 08' 50''$  East, along the northeast boundary line of said Lot 1, same being the northeast boundary line of said Tract One (1), and the southwest boundary line of said Lot 2, for a distance of 149.61 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the southeast boundary corner of said Tract One (1), same being the southeast boundary corner of said Lot 1, the southwest boundary corner of said Lot 2, and a point in the northwest boundary line of that certain called Lot 5, conveyed to Andrew D. Chalk and Lisa M. Camp, by deed recorded under Galveston County Clerk's File No. 2005053026 on August 4, 2005;

**THENCE** South  $41^{\circ} 51' 10''$  West, along the southeast boundary line of said Lot 1, same being the southeast boundary line of said Tract One (1), and the northwest boundary line of said Lot 5, passing the northwest boundary corner of said Lot 5, same being the northeast boundary corner of that certain called Lot 6, conveyed to Shannon Sivcoski, a single woman, by deed recorded under Galveston County Clerk's File No. 2004081588 on December 10, 2004, and continuing for a total distance of 115.00 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the southwest boundary corner of said Tract One (1), same being the southwest boundary corner of said Lot 1, the northwest boundary corner of said Lot 6, and being a point in the northeast right-of-way line of said Morningside Drive;

**THENCE** North 48° 08' 50" West, along the southwest boundary line of said Lot 1, same being the southwest boundary line of said Tract One(1), and the northeast right-of-way line of said Morningside Drive, for a distance of 165.00 feet, to the **POINT OF BEGINNING** and containing within these calls 18,397 square feet or 0.4223 acres of land.

A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | December 15, 2019



## **METES AND BOUNDS DESCRIPTION**

**0.8151 ACRES (35,508 SQ. FT.)**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 0.8151 acres or 35,508 square feet of land situated in the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, being all of that certain called 0.8151 acre tract of land, conveyed to First Baptist Church of Friendswood, and Joseph Mitchell Wright and Artha T. Wright, by deed recorded under Galveston County Clerk's File No. 2007037162 on June 7, 2007. Said 0.8151 acres being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**COMMECNING** at a 3/4-inch iron pipe found for corner, said corner being the northeast boundary corner of Lot 1, in Block 2, of Final Plat of First Baptist Church of Friendswood, a subdivision according to the map or plat thereof recorded under Plat Record 18, Map No. 900 of the Galveston County Map Records, same being the intersection of the northwest right-of-way line of said East Heritage Drive, a called 60 foot wide public right-of-way, with the southwest right-of-way line of East Heritage Drive, a called 60-foot wide public right-of-way;

**THENCE** North 43° 12' 30" West, along the northeast boundary line of said Lot 1, same being the southwest right-of-way line of said East Heritage Drive, for a distance of 122.00 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the northwest right-of-way corner of said East Heritage Drive, same being the southwest boundary corner of said 0.8151 acre tract of land, and the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE** North 33° 52' 30" West, continuing along the northeast boundary line of said Lot 1, same being the southwest boundary line of said 0.8151 acre tract, for a distance of 209.00 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at a northeasterly boundary corner of said Lot 1, same being the northwest boundary corner of said 0.8151 acre tract, and a point in the centerline of Mary's Creek;

**THENCE** North 64° 01' 42" East, along the northwest boundary line of said 0.8151 acre tract, same being the centerline of said Mary's Creek, for a distance of 250.25 feet, to a 5/8-inch iron rod with plastic cap set for corner;

**THENCE** South 05° 47' 30" West, along the east boundary line of said 0.8151 acre tract, passing the northwest boundary corner of a called 0.9117 acre tract of land, conveyed to First Baptist Church of Friendswood, by deed recorded under Galveston County Clerk's File No. 2007037164 on June 7, 2007, at a distance of 10.71 feet, and continuing along said boundary line, for a total distance of 282.11 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the southeast boundary corner of said 0.8151 acre tract, same being the southwest boundary corner of said 0.9117 acre tract, and being a point in the southwest right-of-way line of said East Heritage Drive;

**THENCE** North 43° 12' 30" West, along a southerly boundary line of said 0.8151 acre tract, same being the northeast boundary line of said East Heritage Drive, for a distance of 53.00 feet, to a 5/8-inch iron rod with plastic cap set for corner;

**THENCE** South 46° 47' 29" West, along a southerly boundary line of said 0.8151 acre tract, same being the northwest right-of-way line of said East Heritage Drive, for a distance of 60.00 feet, to the **POINT OF BEGINNING** and containing within these calls 35,508 square feet or 0.8151 acres of land.

A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | March 27, 2020



## **METES AND BOUNDS DESCRIPTION**

**0.8913 ACRES (38,824 SQ. FT.)**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 0.8913 acres or 38,824 square feet of land situated in the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, being all of that certain called 0.9117 acre tract of land, conveyed to First Baptist Church of Friendswood, by deed recorded under Galveston County Clerk's File No. 2007037164 on June 7, 2007. Said 0.8913 acres being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**COMMECNING** at a 3/4-inch iron pipe found for corner, said corner being the northeast boundary corner of Lot 1, in Block 2, of Final Plat of First Baptist Church of Friendswood, a subdivision according to the map or plat thereof recorded under Plat Record 18, Map No. 900 of the Galveston County Map Records, same being the intersection of the northwest right-of-way line of said East Heritage Drive, a called 60 foot wide public right-of-way, with the southwest right-of-way line of East Heritage Drive, a called 60-foot wide public right-of-way;

**THENCE** North 54° 40' 04" East, across said right-of-way of East Heritage Drive, for a distance of 60.57 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the intersection of the northwest right-of-way line of said East Heritage Drive, with the northeast right-of-way line of said East Heritage Drive, and being the **POINT OF BEGINNING** of the herein described tract of land;

**THENCE** North 43° 12' 30" West, along the southwest boundary line of said 0.9117 acre tract, same being the northeast boundary line of said East Heritage Drive, for a distance of 77.30 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being the southwest boundary corner of said 0.9117 acre tract, same being the southeast boundary corner of a called 0.8151 acre tract, conveyed to First Baptist Church of Friendswood, and Joseph Mitchell Wright and Artha T. Wright, by deed recorded under Galveston County Clerk's File No. 2007037162 on June 7, 2007;

**THENCE** North 05° 47' 30" East, along the west boundary line of said 0.9117 acre tract, same being the east boundary line of said 0.8151 acre tract of land, for a distance of 271.40 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the northwest boundary corner of said 0.9117 acre tract, same being the northeast boundary corner of said 0.8151 acre tract, and a point in the centerline of Mary's Creek;

**THENCE** in an easterly direction, and with the centerline of Mary's Creek, and along the northerly boundary lines of said 0.9177 acre tract, the following bearings and distances:

South 63° 20' 13" East, for a distance of 63.96 feet;

South 18° 49' 20" East, for a distance of 21.89 feet;

South 54° 39' 55" East, for a distance of 42.15 feet;

South 75° 27' 14" East, for a distance of 41.47 feet;

South 48° 13' 24" East, for a distance of 77.23 feet, to a 5/8-inch iron rod with plastic cap set for corner, said corner being located at the northeast boundary corner of said 0.9177 acre tract;

**THENCE** South 41° 51' 09" West, along the southeast boundary line of said 0.9177 acre tract, same being, for a distance of 256.00 feet, to the **POINT OF BEGINNING** and containing within these calls 38,824 square feet or 0.8913 acres of land.

A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | March 27, 2020





## **METES AND BOUNDS DESCRIPTION**

**1.0528 ACRES (45,860 SQ. FT.)**

**S. MCKISSICK SURVEY, ABSTRACT No. 151**

**CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS**

Being 1.0528 acres or 45,860 square feet of land, situated within the S. McKissick Survey, Abstract No. 151, Galveston County, Texas, and being portion of Lot 2, Block 2, of Friendswood subdivision recorded in Plat Record 7, Map No. 20 of the Galveston County Map Records, same being all of that certain called 1.0528 acres of land conveyed to First Baptist Church of Friendswood, recorded under Galveston County Clerk's File No. 2017015366 on March 10, 2017. Said 1.0528 acre tract being more fully described by metes and bounds as follows:

- All bearings and coordinates herein were obtained from GPS observations and are referenced to NAD83 horizontal projection zone Texas South Central Zone 4204.

**COMMENCING** at a 1-inch iron pipe found at the intersection of the northeast right-of-way line of Pecan Drive, a called 60 foot wide public right-of-way, with the northwest right-of-way line of East Shadowbend Avenue, a called 60 foot wide public right-of-way, same being the southeast corner of the Final Plat of First Baptist Church of Friendswood, a subdivision according to the map or plat thereof recorded in Plat Record 18, Map No. 900 of the Galveston County Map Records;

**THENCE**, South 41° 51' 10" West, along the northwesterly right-of-way line of said East Shadowbend Avenue, passing the northeast right-of-way line of said Pecan Drive, at a distance of 60.00 feet, and continuing for a total distance of 160.00 feet to a chiseled "X" in concrete found for corner, said "X" being the southeast boundary corner of a called 0.385 acre tract, conveyed to Joseph & Mark Prihoda, by deed recorded under Galveston County Clerk's File No. 80-02724, and being the **POINT OF BEGINNING** of the herein described tract;

**THENCE**, South 41° 51' 10" West, continuing along the northwest right-of-way line of said East Shadowbend Avenue, same being the southeast boundary line of said 1.0528 acre tract, for a distance of 160.00 feet to a chiseled "X" in concrete found for corner, said corner being the southeast boundary corner of said 1.0528 acre tract, same being the intersection of the northeast right-of-way line of South Friendswood Drive, a called 80 foot wide public right-of-way, with the northwest right-of-way line of said East Shadowbend Avenue;

**THENCE**, North 48° 08' 50" West, along the southwest boundary line of said 1.0528 acre tract, same being the northeast right-of-way line of said South Friendswood Drive, a distance of 241.00 feet, to a 5/8-inch iron rod with plastic cap found for corner, said corner being the southeast boundary corner of a called 0.589 acre tract of land, conveyed to Lockwood National Bank, by deed recorded under Galveston County Clerk's File No. 2015072418;

**THENCE**, North 41° 51' 10" East, along the easterly line of said called 0.589 acre tract, and a called 0.381 acre tract, conveyed to Lockwood National Bank, by deed recorded under Galveston County Clerk's File No. 83-00287, for a distance of 260.00 feet to a 5/8-inch iron rod with plastic cap found for corner, said corner being the northeast boundary corner of said 0.589 acre tract, same being the northwest boundary corner of said 1.0528 acre tract;

**THENCE**, South 48° 08' 50" East, along the southwest right-of-way line of said Pecan Drive, for a distance of 73.00 feet, to a 5/8-inch iron rod with plastic cap, found in the southwest right-of-way line of said Pecan Drive, said corner being the northwest boundary corner of said 0.385 acre tract;

**THENCE**, South 41° 51' 10" West, along the northwest boundary line of said 0.385 acre tract, for a distance of 100.00 feet, to a 5/8-inch iron rod with plastic cap found for corner;

**THENCE**, South 48° 08' 50" East, along the southwest boundary line of said 0.385 acre tract, for a distance of 168.00 feet, to the **POINT OF BEGINNING** and containing within these calls 45,860 square feet or 1.0528 acres of land.

A survey map has been prepared in conjunction with this metes and bounds description by Kevin K. Kolb, RPLS 5269. (TSI Job No. 12-038)

The square footage totals as shown hereon are based on a mathematical closure of the courses and distances reflected herein. It does not include the tolerances that may be present due to positional accuracy of the boundary monumentation.

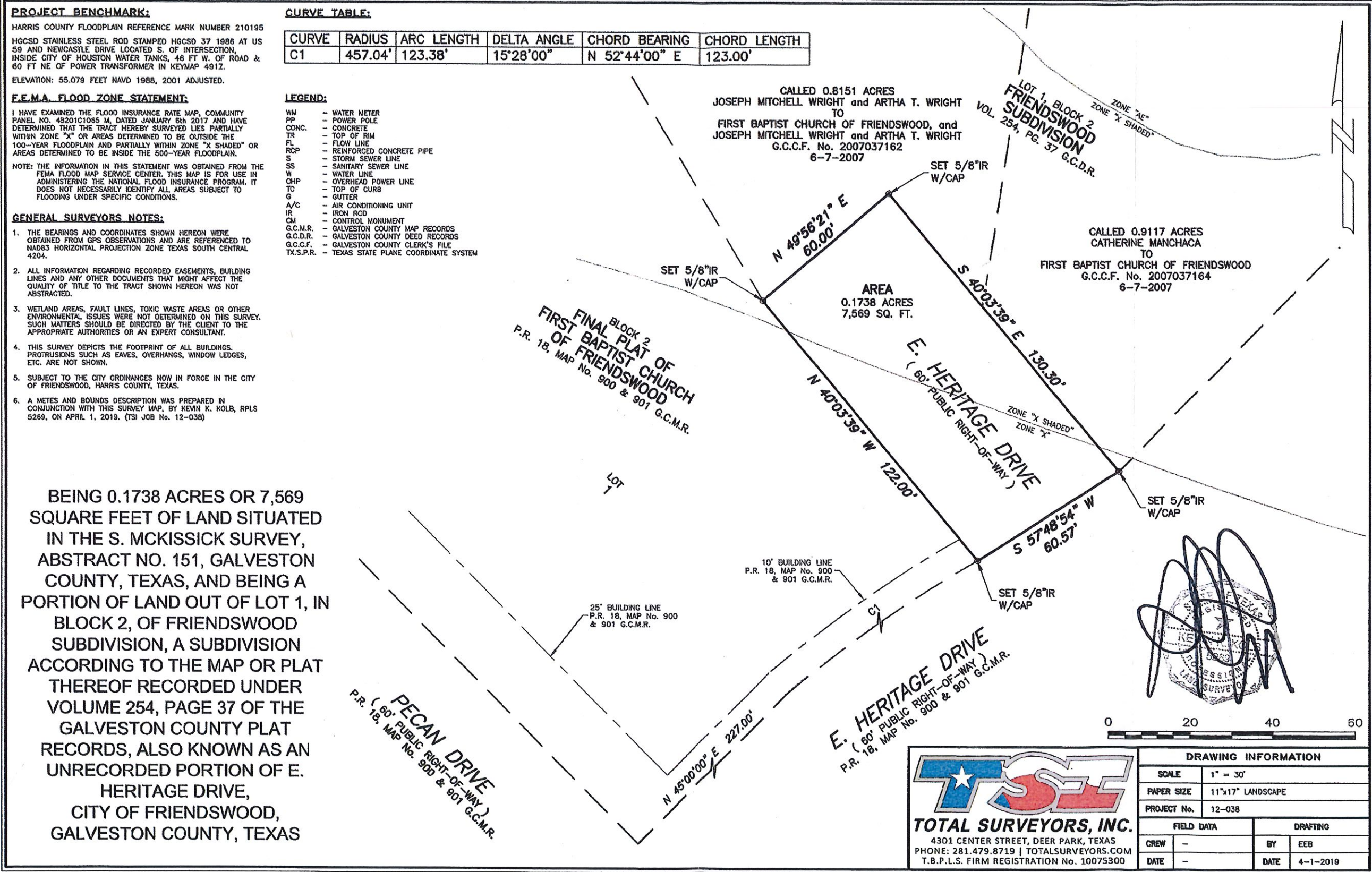
Compiled by:

***TOTAL SURVEYORS, INC.***

T.B.P.L.S. Firm Registration No. 10075300  
4301 Center Street, Deer Park, Texas 77536  
281-479-8719 | March 27, 2020

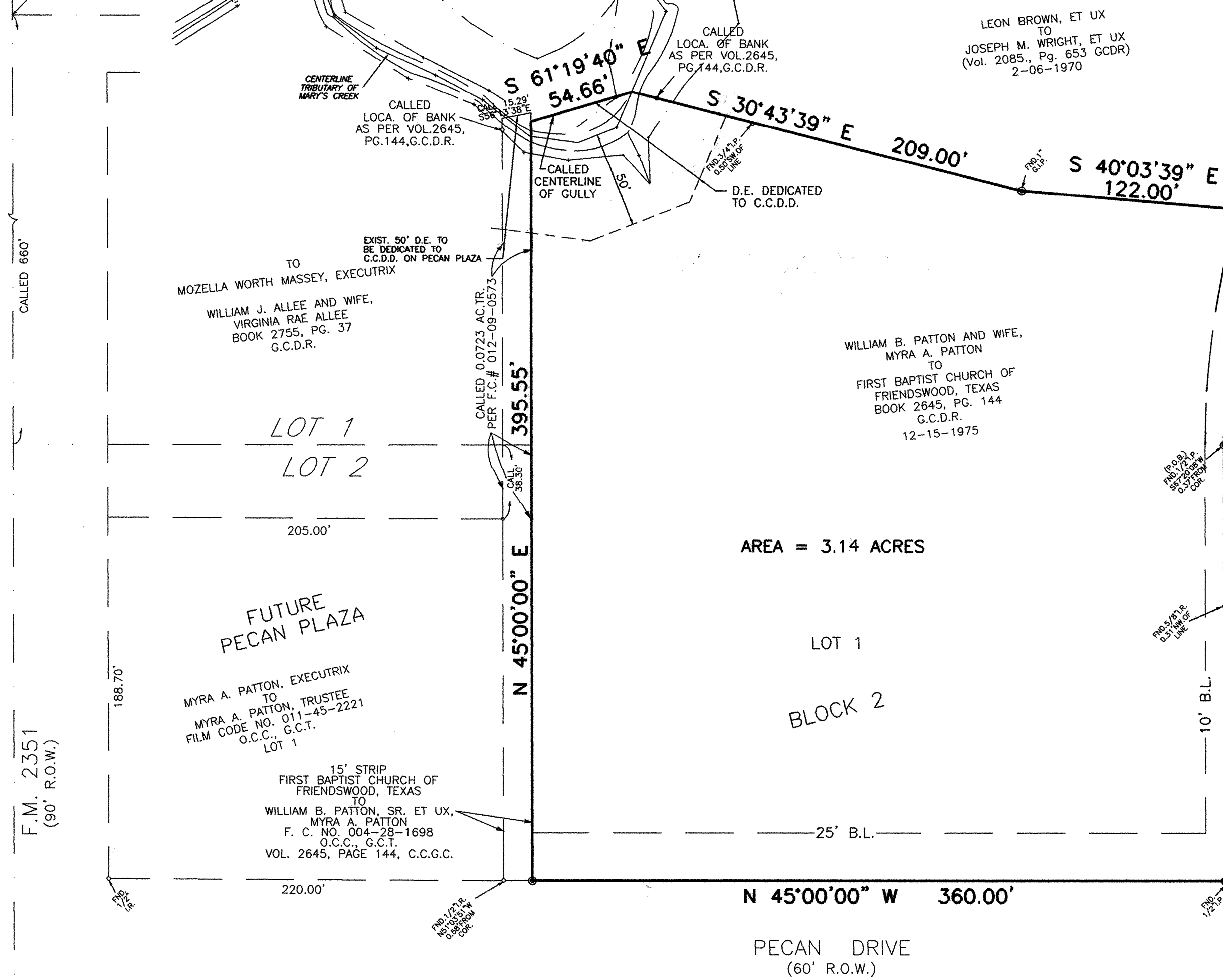








CALL WEST  
COR. OF LOT 4,  
BLOCK 3,  
FRIENDSWOOD  
SUBDIVISION  
OF MELODY PLAZA,  
SEC. 2, DATED  
AUG. 1997



STATE OF TEXAS  
COUNTY OF GALVESTON

WE, FIRST BAPTIST CHURCH OF FRIENDSWOOD, Owners of the property subdivided in the above and foregoing map of PART OF LOTS 1 AND 2, BLOCK 2, FRIENDSWOOD SUBDIVISION, do hereby make subdivision of said property according to the lines, streets, lots, alleys, parks, building lines, and easements thereon shown and designate said subdivision as FIRST BAPTIST CHURCH OF FRIENDSWOOD, located in Friendswood, Galveston County, Texas and dedicate to the public use as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated or occasioned by the alteration of any portion of streets or alleys to conform to such grades; and do hereby bind ourselves, our successors, and assigns to warrant and forever defend the title to the land so dedicated.

Truman Taylor  
JOHN KNAPE  
KEN SUIT

STATE OF TEXAS  
COUNTY OF GALVESTON

BEFORE ME, the undersigned authority, on this day personally appeared Truman Taylor, John Knapé and Ken Suit known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 8th day of March, 1999.

John A. Ellison, Jr.  
Notary Public in and for Galveston County, Texas  
My commission expires 05-30-01

WE, FIRST COMMUNITY BANK, N.A., Owners of a lien upon said property, do hereby ratify and conform said subdivision and dedication, and do hereby in all things subordinate to said subdivision and dedication the lien against said landowner held by us.

By: Ruth Henry, V.P. Deputy

STATE OF TEXAS

BEFORE ME, the undersigned authority, on this day personally appeared WILLIAM H. DAHLKAMP, TRUSTEE of First Community Bank, N.A., a Texas banking corporation, known to me to be the person whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 9th day of March, 1999.  
Sandra K. Fletcher  
Notary Public, State of Texas  
Commission Expires 6-25-00

I, DON DENSON, do hereby certify that this plat correctly represents a survey made under my supervision on the ground, in accordance with the information provided me and correctly represents the facts as found at the time of survey and is true and correct, and that all lot and block corners, angle points, and points of curvature will be properly marked with iron rods.

WITNESS MY HAND AND SEAL this 25th day of January, 1999.

DON DENSON  
Registered Professional Land Surveyor No. 2068

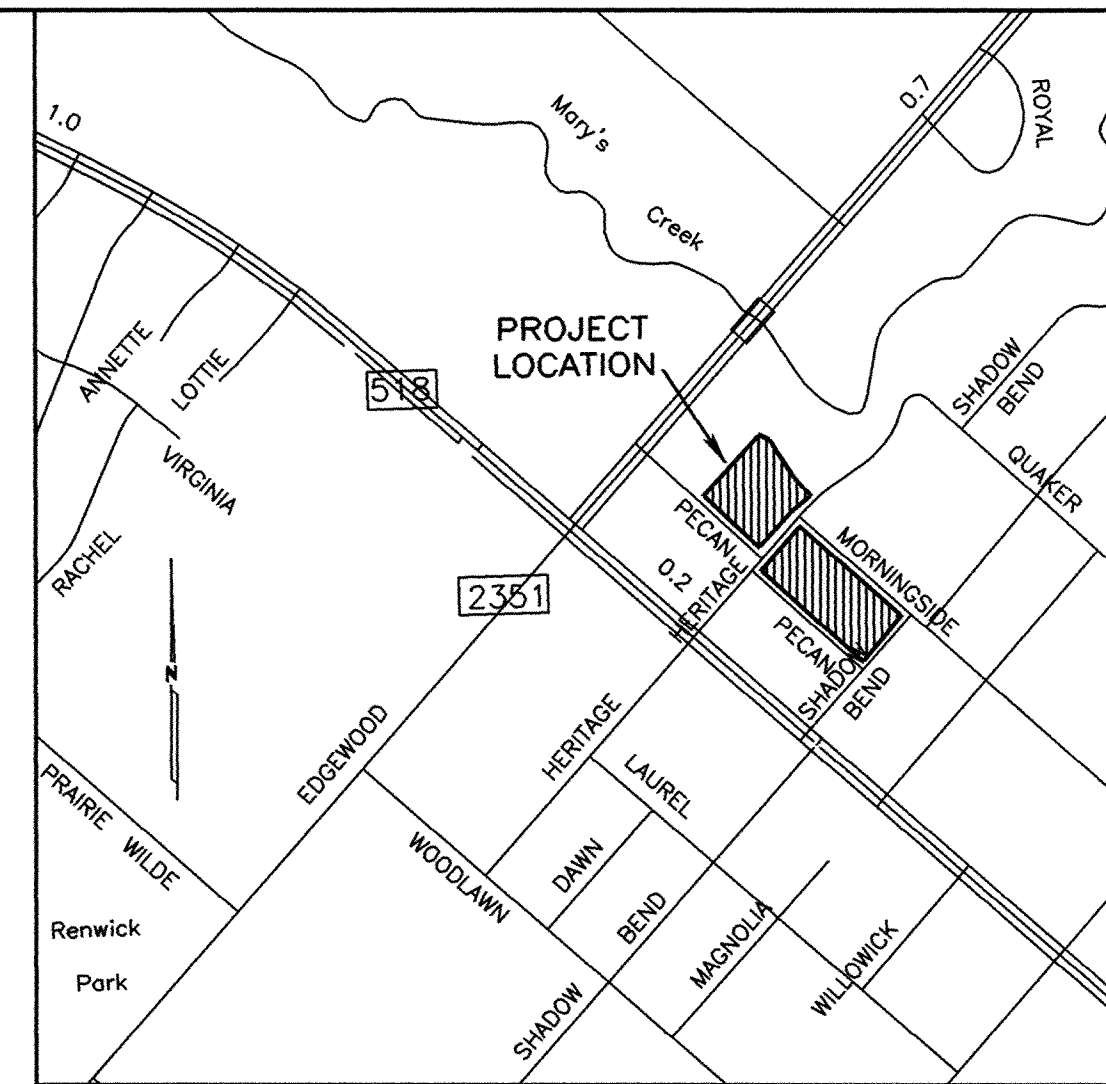
CITY OF FRIENDSWOOD  
This is to certify that the City Planning Commission of the City of Friendswood, Texas has approved this plat and subdivision of FIRST BAPTIST CHURCH OF FRIENDSWOOD as shown hereon.

In Testimony Whereof, witness the official signature of the Chairman and Development Coordinator of the City Planning Commission of the City of Friendswood, Texas this 19th day of May, 1999.

Ruth Henry  
W.P. Fingar  
RUTH HENRY - DEVELOPMENT COORDINATOR  
WILLIAM R. FINGER - CHAIRMAN

FLOOD STATEMENT - BASE FLOOD ELEV. 24.00  
TRACT LIES OUTSIDE 500 YEAR FLOOD PLAIN (ZONE "X")  
AS PER F.I.R.M. PANEL # 485468 0005 E. PRELIMINARY DATE 9-30-97  
EXCEPT MOST NORTHWESTERLY PORTION WHICH LIES IN ZONE "AO"  
WITHIN 100 YEAR FLOOD PLAIN.  
FLOOD PLAIN LINE DETERMINED BY TOPOGRAPHIC SURVEY  
BENCHMARK N.G.S. MARKER #459  
LOCATED ON THE WEST SIDE OF BRIARMEADOW  
APPROX. 185± WEST OF CENTERLINE OF  
SUNSET BLVD.  
ELEV. 26.34 (1978 ADJ.)  
PROJECT BENCHMARK ELEVATION = 32.92 (1978 DATUM)  
B.M. #65 CITY OF FRIENDSWOOD BM SYSTEM  
SE. COR. METAL BASE PLATE ON LIGHT POLE  
IN FRONT OF OLD POST OFFICE BLDG. NEAR  
EXIT DRIVEWAY.  
T.B.M. - F.H. ON WESTERLY SIDE OF E. HERITAGE  
DRIVE AT MORNINGSIDE DRIVE.

APPROVED BY CLEAR CREEK DRAINAGE DISTRICT  
SUPERVISOR  
DATE  
SUPERVISOR  
DATE



VICINITY MAP  
SCALE: 1" = 2000'

- NOTES
- PERMANENT STRUCTURES, INCLUDING FENCES, SHALL NOT BE ERRECTED IN A DRAINAGE EASEMENT WHICH WILL INHIBIT FREE FLOW OF WATER IN THE DITCH OR ACCESS TO THE EASEMENT BY DRAINAGE CREWS OR EQUIPMENT.
  - DRAINAGE EASEMENTS MAY BE USED BY ANY GOVERNMENT BODY FOR PURPOSES OF DRAINAGE WORK.
  - THERE ARE NO PIPELINES OR PIPELINE EASEMENTS ON THIS TRACT, OR WITHIN 100' OF SAME, OTHER THAN THOSE SHOWN.
  - FOUR FOOT(4') WIDE SIDEWALKS SHALL BE PROVIDED BY THE OWNER AT THE TIME OF CONSTRUCTION.
  - CONTACT THE CLEAR CREEK DRAINAGE DISTRICT AT 482-0404 48 HOURS TO COMMENCING CONSTRUCTION AND UPON COMPLETION FOR FINAL INSPECTION.
  - BACKFLOW PREVENTION EQUIPMENTS ARE REQUIRED AT ALL WATER OUTLETS AND ANY OTHER CONNECTION THAT MAY CAUSE CONTAMINATION.
  - NO BUILDING PERMIT SHALL BE ISSUED FOR ANY DEVELOPMENT ON THIS SITE UNTIL A DETENTION AND DRAINAGE PLAN HAS BEEN APPROVED BY THE CLEAR CREEK DRAINAGE DISTRICT.
  - TO CONVERT PROJECT BENCHMARK DATUM SUBTRACT 0.12' FROM PROJECT BENCHMARK ELEVATION 32.92.
  - ALL OVERHEAD POWER ON-SITE TO BE REMOVED AND UNDERGROUND INSTALLED.

### SURVEYOR

LAND DATA SURVEYS, INC.  
P.O. BOX 890027  
HOUSTON, TEXAS 77289-0027  
PHONE: (281) 332-7050

### ENGINEER

MUNICIPAL ENGINEERING CO., INC.  
3301 FEDERAL STREET  
PASADENA, TEXAS 77504  
PHONE: (713) 941-8988

### OWNER

FIRST BAPTIST CHURCH  
OF FRIENDSWOOD  
111 E. HERITAGE  
TRUMAN TAYLOR, TRUSTEE  
JOHN KNAPE, TRUSTEE  
KEN SUIT, TRUSTEE  
FRIENDSWOOD, TEXAS 77546  
PHONE: (281)482-7573

### FINAL PLAT OF FIRST BAPTIST CHURCH OF FRIENDSWOOD

A 6.12 ACRE TRACT OF LAND BEING PART OF LOT 1 & LOT 2, BLOCK 2, OF FRIENDSWOOD, A SUBDIVISION OF LAND ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOL. 254, PAGE 37, IN THE OFFICE OF THE COUNTY CLERK, GALVESTON COUNTY, TEXAS.

2 LOTS  
2 BLOCKS  
FEBRUARY 19, 1999  
SCALE: 1" = 50'  
C.O.F. REV. 3/12/99  
C.O.F. REV. 3/7/99  
(SHT. 1 OF 2)



METES AND BOUNDS DESCRIPTION

DESCRIPTION OF 2.98 ACRE TRACT

A TRACT OF LAND CONTAINING 2.98 ACRES, MORE OR LESS, BEING PART OF AND OUT OF LOT 2, BLOCK 2 OF FRIENDSWOOD, A SUBDIVISION OF LAND ACCORDING TO THE MAP OF PLAT THEREOF RECORDED IN VOLUME 254, PAGE 37 IN THE OFFICE OF THE COUNTY CLERK, GALVESTON COUNTY, TEXAS; SAID 2.98 ACRES, MORE OR LASS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTH CORNER OF LOT 1 OF SAID BLOCK 2, SAME BEING ON THE NORTHEASTERLY LINE OF SAID LOT 2;

THENCE , S 45°00'00" E, ALONG THE COMMON LINE OF LOTS 1 AND 12, A CALLED DISTANCE OF 30.00 FEET TO THE INTERSECTION OF THE NORTHEASTERLY LINE OF MORNINGSIDE DRIVE (60 FEET WIDE) WITH THE SOUTHEASTERLY LINE OF EAST HERITAGE DRIVE (BASED ON A WIDTH OF CALLED 60 FEET);

THENCE , S 45°00'00" W, ACROSS MORNINGSIDE DRIVE RIGHT-OF-WAY, FOR A DISTANCE OF 60.00 FEET TO A 5/8-INCH IRON ROD SET FOR THE INTERSECTION OF THE SOUTHWESTERLY LINE OF MORNINGSIDE DRIVE (60 FEET WIDE) WITH THE SOUTHEASTERLY LINE OF EAST HERITAGE DRIVE (BASED ON WIDTH OF CALLED 60 FEET), AND BEING THE POINT OF BEGINNING;

THENCE S 45°00'00" E, ALONG THE SAID SOUTHWESTERLY LINE OF MORNINGSIDE DRIVE, FOR A DISTANCE OF 541.40 FEET TO A POINT FOR CORNER MARKING THE INTERSECTION OF THE SAID SOUTHWESTERLY LINE OF MORNINGSIDE DRIVE WITH THE NORTHWESTERLY LINE OF EAST SHADOWBEND AVENUE FROM WHICH A FOUND 3/4-INCH BOLT BEARS WITNESS AT N 45°00'00"E, A DISTANCE OF 0.15 FEET;

THENCE , S 45°00'00" W, ALONG THE NORTHWESTERLY LINE OF EAST SHADOWBEND AVENUE, FOR A DISTANCE OF 240.00 FEET TO TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF EAST SHADOWBEND AVENUE WITH THE NORTHEASTERLY LINE OF PECAN DRIVE (CALLED 60 FEET WIDE), FROM WHICH A FOUND 1/2-INCH IRON PIPE BEARS WITNESS AT 45°00'00" E, A DISTANCE OF 0.10 FEET;

THENCE , N 45°00'00" W, ALONG THE NORTHEASTERLY LINE OF PECAN DRIVE, PASSING A FOUND 1/2-INCH IRON ROD AT 4.86 FEET AND CONTINUING FOR TOTAL DISTANCE OF 541.40 FEET TO A 1/2-INCH IRON ROD FOUND MARKING THE INTERSECTION OF THE SAID OCCUPIED NORTHEASTERLY LINE PECAN DRIVE WITH THE AFORESAID SOUTHEASTERLY LINE OF EAST HERITAGE DRIVE;

THENCE , N 45°00'00" E, ALONG THE SAID SOUTHWESTERLY LINE OF EAST HERITAGE DRIVE, FOR A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING, OF A TRACT CONTAINING 2.98 ACRES, MORE OR LESS.

DESCRIPTION OF 3.14 ACRE TRACT

A TRACT OF LAND CONTAINING 3.14 ACRES, MORE OR LESS, BEING PART OF AND OUT OF LOT 1 AND 2, BLOCK 2 OF FRIENDSWOOD, A SUBDIVISION OF LAND ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 254, PAGE 37 IN THE OFFICE OF THE COUNTY CLERK, GALVESTON COUNTY, TEXAS; SAID 3.14 ACRES, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTH CORNER OF LOT 1 OF SAID BLOCK 2, SAME BEING ON THE CALLED CENTERLINE OF EAST HERITAGE DRIVE;

THENCE, N 45°00'00" WEST, ALONG THE COMMON LINE OF SAID LOTS 1 AND 2, A CALLED DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, ON THE NORTHWESTERLY LINE OF EAST HERITAGE DRIVE (CALLED 60 FEET WIDE), FROM WHICH A FOUND 1/2 INCH IRON ROD BEARS WITNESS AT S 67°20'08" W A DISTANCE OF 0.37 FEET;

THENCE, S 45°00'00" W, ALONG THE SAID NORTHWESTERLY LINE OF EAST HERITAGE DRIVE, FOR A DISTANCE OF 227.00 FEET TO A 1/2 INCH IRON PIPE FOUND FOR A CORNER, SAME BEING THE INTERSECTION OF THE NORTHEASTERLY LINE OF PECAN CRIVE (CALLED 60 FEET WIDE) WITH THE SAID NORTHWESTERLY LINE OF EAST HERITAGE DRIVE;

THENCE, N 45°00'00" W, ALONG THE SAID NORTHEASTERLY LINE OF PECAN DRIVE, FOR A DISTANCE OF 360.00 FEET TO THE MOST WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 45°00'00" E, FOR A DISTANCE OF 395.55 FEET TO THE CENTERLINE OF MARY'S CREEK;

THENCE, S 61°19'40" E, GENERALLY ALONG THE CALLED CENTERLINE OF SAID MARY'S CREEK, FOR A DISTANCE OF 54.66 FEET (CALLED) TO A POINT FOR CORNER;

THENCE, S 30°43'39" E, ALONG A NORTHEASTERLY LINE OF THE HEREIN DESCRIBED TRACT, FOR A DISTANCE OF 209.00 FEET TO A 1 INCH GALVANIZED IRON PIPE FOUND MARKING AN

THENCE, S 40°03'39" E, FOR A DISTANCE OF 122.00 FEET TO A 3/4 INCH IRON PIPE FOUND FOR CORNER, AT THE P.C. OF A CURVE TO THE LEFT, ON THE SAID NORTHWESTERLY LINE OF EAST HERITAGE DRIVE;

THENCE FOLLOWING SAID CURVE TO THE LEFT HAVING A RADIUS OF 457.04 FEET, A CENTRAL ANGLE OF 15°28'00", CHORD BEARING AND DISTANCE -SOUTH 52°44'00" WEST - 123.00 FEET, AN ARC DISTANCE OF 123.37 FEET TO THE POINT OF BEGINNING, OF A TRACT CONTAINING 3.14 ACRES OF LAND, MORE OR LESS.

SURVEYOR

LAND DATA SURVEYS, INC.  
P.O. BOX 890027  
HOUSTON, TEXAS 77289-0027  
PHONE: (281) 332-7050

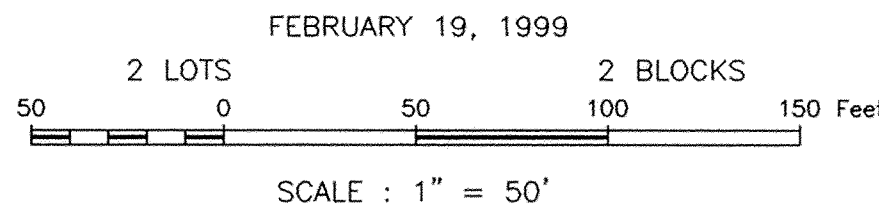
ENGINEER

MUNICIPAL ENGINEERING CO., INC.  
3301 FEDERAL STREET  
PASADENA, TEXAS 77504  
PHONE: (713) 941-8988

OWNER

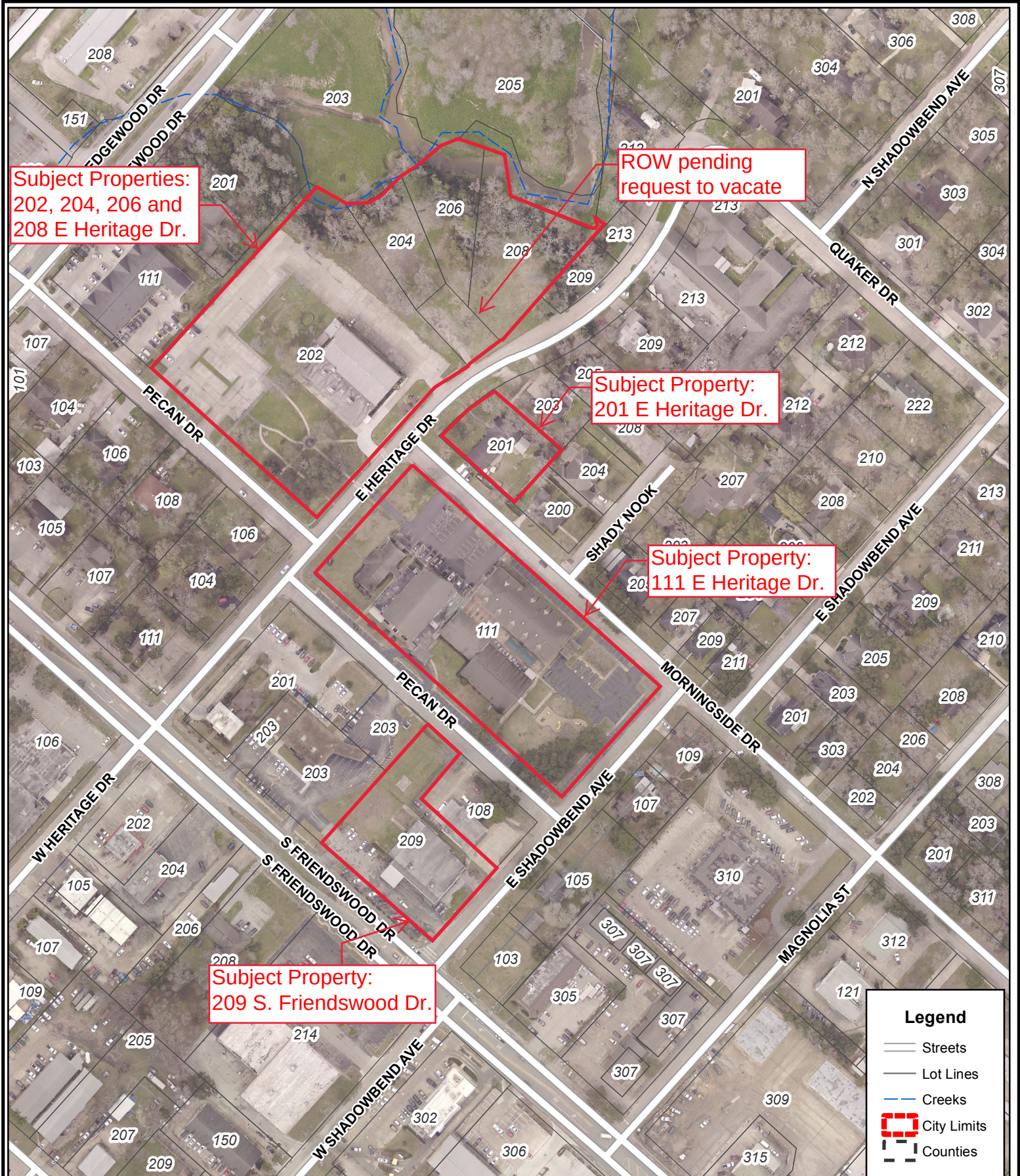
FIRST BAPTIST CHURCH  
OF FRIENDSWOOD  
111 E. HERITAGE  
TRUMAN TAYLOR, TRUSTEE  
JOHN KNAPE, TRUSTEE  
KEN SUIT, TRUSTEE  
FRIENDSWOOD, TEXAS 77546  
PHONE: (281)482-4023

FINAL PLAT  
OF  
FIRST BAPTIST CHURCH  
OF FRIENDSWOOD



C.O.F. REV. 3/12/99  
CCDD REV. 2/19/99 ADDED CREEK (SHT. 2 OF 2)





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



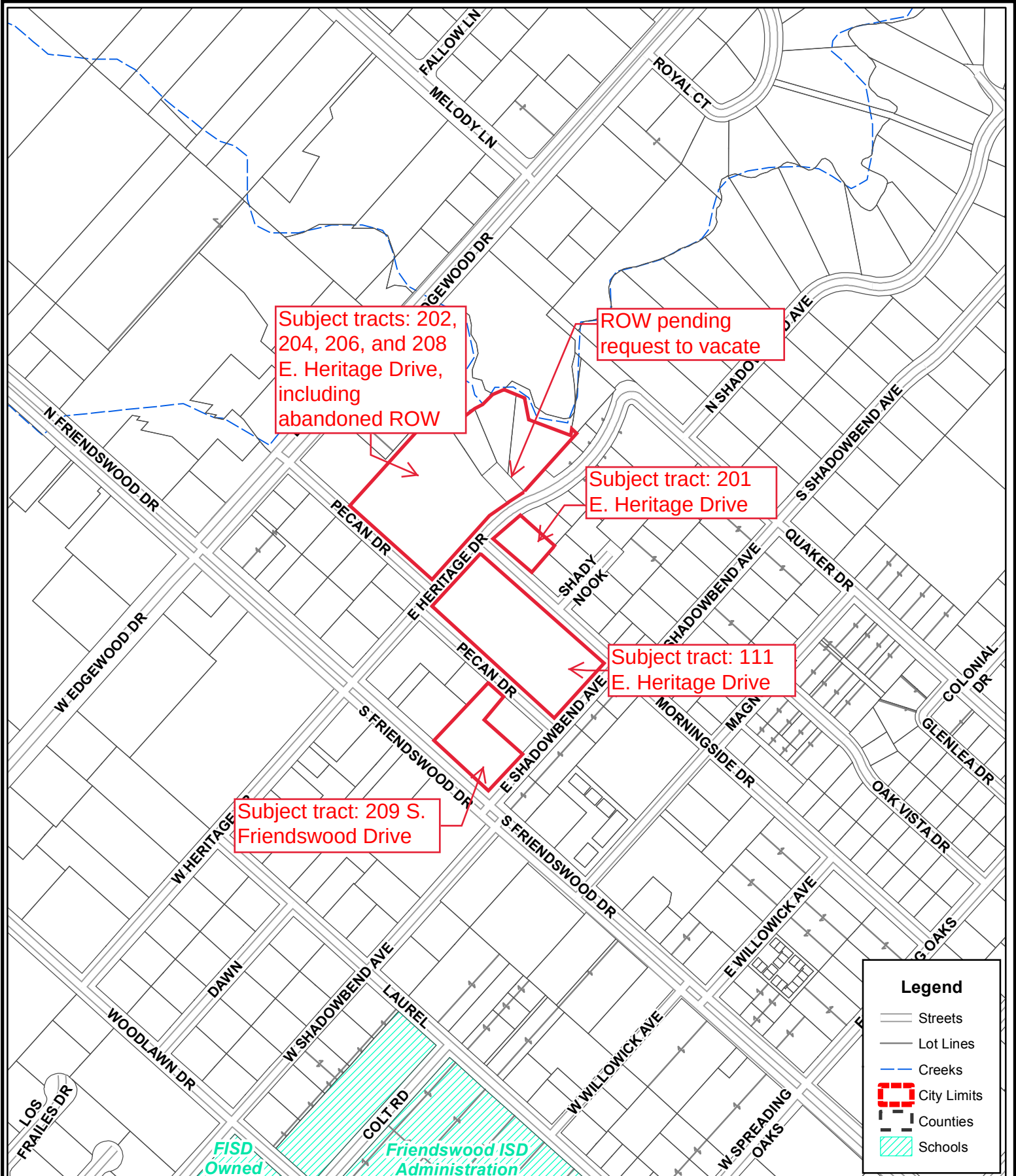
**City of Friendswood**  
910 South Friendswood Drive  
Friendswood, Texas 77546  
(281) 996-3200  
[www.ci.friendswood.tx.us](http://www.ci.friendswood.tx.us)

# Friendswood GIS Mapping



1" = 205'  
Page 183 of 217

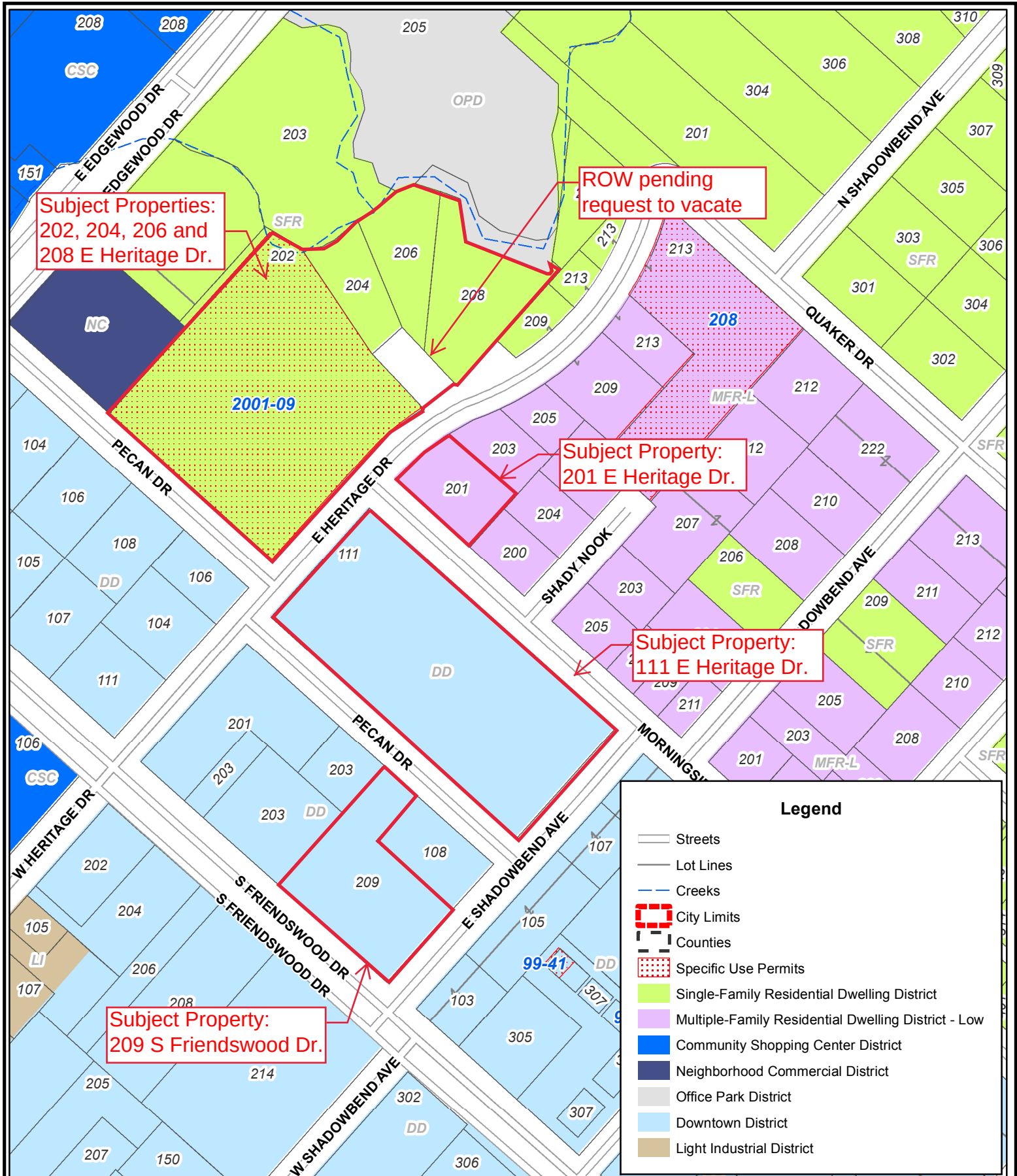




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 Friendswood, Texas 77546  
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# Friendswood GIS Mapping





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# Friendswood GIS Mapping



1" = 205'  
Page 185 of 217

# **Rezoning Report**

April 2020

- Project:** Zone Change
- Address:** Several Tracts for First Baptist Church; main address - 111 E. Heritage Drive
- Legal:** 111 E Heritage Drive – 2.983 acres Lot 1, Block 1 Final Plat of First Baptist Church of Friendswood, City of Friendswood, Galveston County, Texas
- 202 E Heritage Dr – 2.98 acres described as Lot 1, Block 2 Final Plat of First Baptist Church of Friendswood, City of Friendswood, Galveston County, Texas
- 209 S. Friendswood Drive – 1.0528 acres being a portion of Lot 2, Block 2 of the Friendswood Subdivision recorded in Plat Record 7, Map No. 20 of the Galveston County Map Records, situated in the Sarah McKissick League, Abstract Number 151, City of Friendswood, Galveston County, Texas
- 201 E. Heritage Drive - .4223 acres of land being all of that certain called Lot 1 of Harper Subdivision, an unrecorded subdivision the Sarah McKissick Survey, Abstract No. 151, City of Friendswood, Galveston County, Texas
- 204 and 206 E Heritage Drive - .8151 acres of land, being all of that certain called .8151 acre tract of land, conveyed by deed recorded under Galveston County Clerk's File No. 2007037162, City of Friendswood, Galveston County, Texas
- 208 E Heritage Dr. - .8913 acres of land being all of that certain called .9117 acre tract of land, conveyed by deed recorded under Galveston County Clerk's File No. 2007037164, City of Friendswood, Galveston County, Texas
- ROW - .1738 acres out of Lot 1, in Block 2 of Friendswood Subdivision, a subdivision according to the map or plat thereof recorded under Volume 254, Page 37, also known as an unrecorded portion of E. Heritage Drive, City of Friendswood, Galveston County, Texas (pending request to vacate)
- Request:** Zone classification change to assign Single Family Residential (SFR) as the zoning district for .1738 acres of vacated right-of-way (request in process); and to allow a Specific Use Permit (SUP) for NAICS Use #8131 Religious Organizations as an overlay on the following properties: .1738 acres of vacated right-of-way (request in process) – Single Family Residential (SFR); 111 E. Heritage Drive, 2.983 acres - Downtown District (DD); 209 S. Friendswood Drive, 1.0528 acres – Downtown District (DD); 201 E. Heritage Drive, .4223 acres - Multi-Family Residential-Low Density (MFR-L); 204 and 206 E. Heritage Dr., .8151 acres, 208 E Heritage Drive. .8913 acres - Single Family Residential (SFR) , and to replace the Specific Use Permit on the property located at 202 E Heritage

Drive, 2.98 acres - Single Family Residential/Specific Use Permit (SFR/SUP 2001-09) for Family Life Center

Request to exceed building height:

The building height of the proposed sanctuary is 44 feet 8 inches with an ornamental tower with a height of 72 feet 8 inches, with an ornamental cross on top of that which will be 90 feet 10 inches tall.

The maximum building height allowed in the Downtown District (DD) is 70 feet. An exception is allowed for certain architectural elements such as church spires, ornamental towers, etc.

*Zoning Ordinance Section 7.Q.3. Area and height exceptions*

*e. The height regulations of this section shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flagpoles, monuments, ornamental towers or spires, cranes, construction equipment, smokestacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, microwave relay, radio and television transmission towers and items similar to those listed herein. The total combined maximum height for these items and the structure is 50 feet overall height, measured from the first finished floor to the highest point, unless otherwise approved by the planning and zoning commission.*

Alternative Landscaping:

Additionally, some alternate calculations were used to come up with the required landscaping. Providing credit for existing landscaping and counting landscaping on property zoned SFR (which would typically only require 1 tree per lot) was used to achieve the overall totals.

Proposed Phasing:

The following is part of the Master Plan for the church to guide 20+ years of future development and the expected timing or sequence of phases are subject to change based on the church's need.

|          |                                                                                                                  |
|----------|------------------------------------------------------------------------------------------------------------------|
| Phase 1A | Jun 2020 - Improvement and expansion of parking at the corner of 518/E. Shadowbend Bend (209 S. Friendswood Dr.) |
| Phase 1B | Oct 2020 - New Welcome Center Addition and South Church Expansion (111 E. Heritage Dr.)                          |
| Phase 2  | Administration building renovation and expansion (209 S. Friendswood Dr.)                                        |
| Phase 3  | New storage building and parking (201 E. Heritage Dr.)                                                           |
| Phase 4  | Church North expansion, interior renovation and adjacent site improvements (111 E. Heritage Dr.)                 |
| Phase 5  | Removal of Building A and completion of education building expansion (111 E. Heritage Dr.)                       |
| Phase 6  | Family Life Center addition and adjacent parking expansion (202 E. Heritage Dr.)                                 |

## Applicable Zoning Ordinance Excerpts

### Appendix C Zoning Ordinance

#### G. *Specific use permits.*

1. *Purpose.* This section provides the city council the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual nuisance characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgment relative to the location and site plan of the proposed use are required.

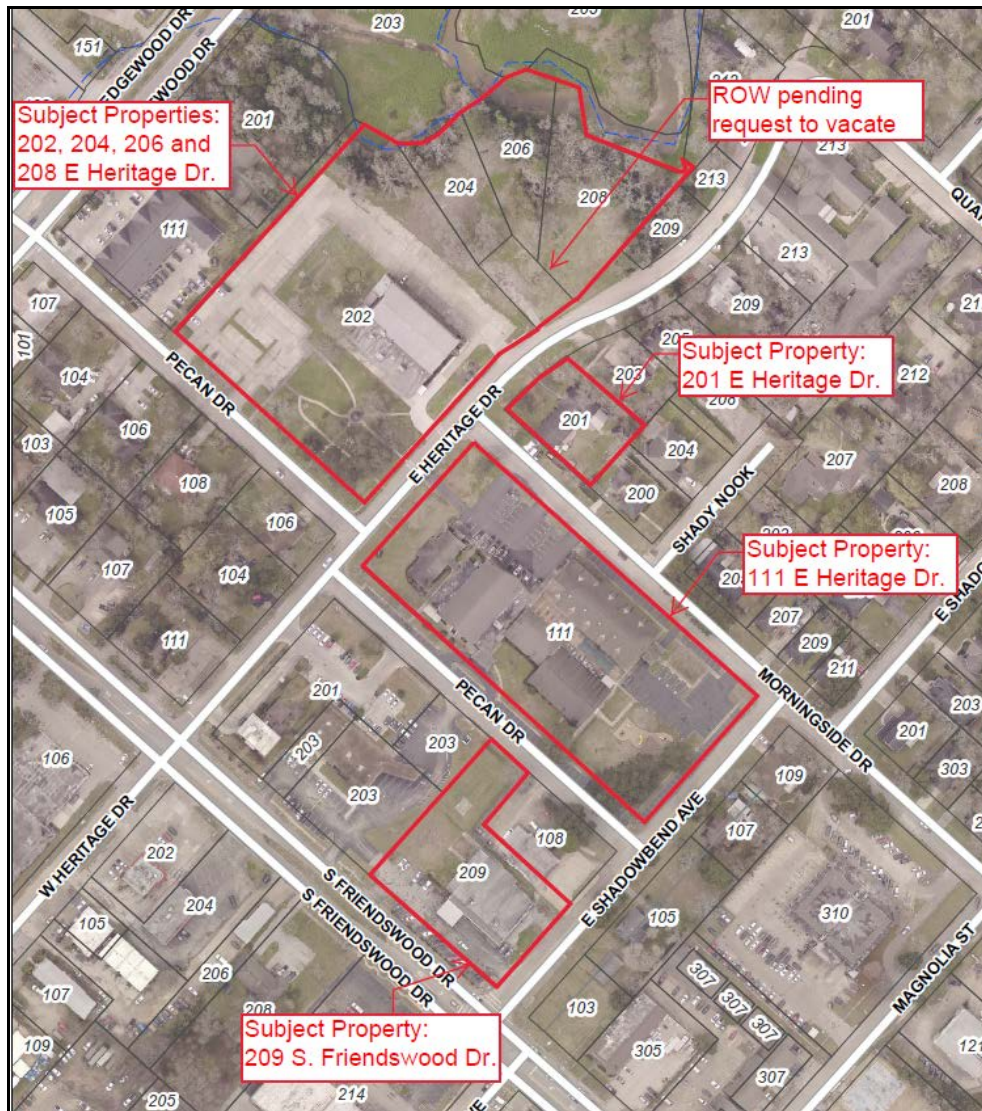
...

5. *Conditions for approval.* A specific use permit shall be issued only if all of the following conditions have been found:
  - a. That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;
  - b. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
  - c. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
  - d. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
  - e. The adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
  - f. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties;
  - g. That there are sufficient landscaping and screening to ensure harmony and compatibility with adjacent property; and
  - h. That the proposed use is in accordance with the comprehensive plan.
6. *Additional conditions.* In authorizing a specific use permit, the city council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.



**Existing Use/Site Attributes:**

The main sanctuary and administrative offices are located at 111 E. Heritage Drive. The Family Life Center is across the street at 202 E. Heritage Drive. The church has acquired several other tracts including three residential tracts known as 204, 206 and 208 E. Heritage Drive, a residential tract known as 201 E. Heritage Drive, and a commercial tract located at 209 S. Friendswood Drive (formerly Kings Kids Daycare). The request to vacate the right-of-way that served 204, 206 and 208 E. Heritage is in process.



City of Friendswood GIS Aerial Map

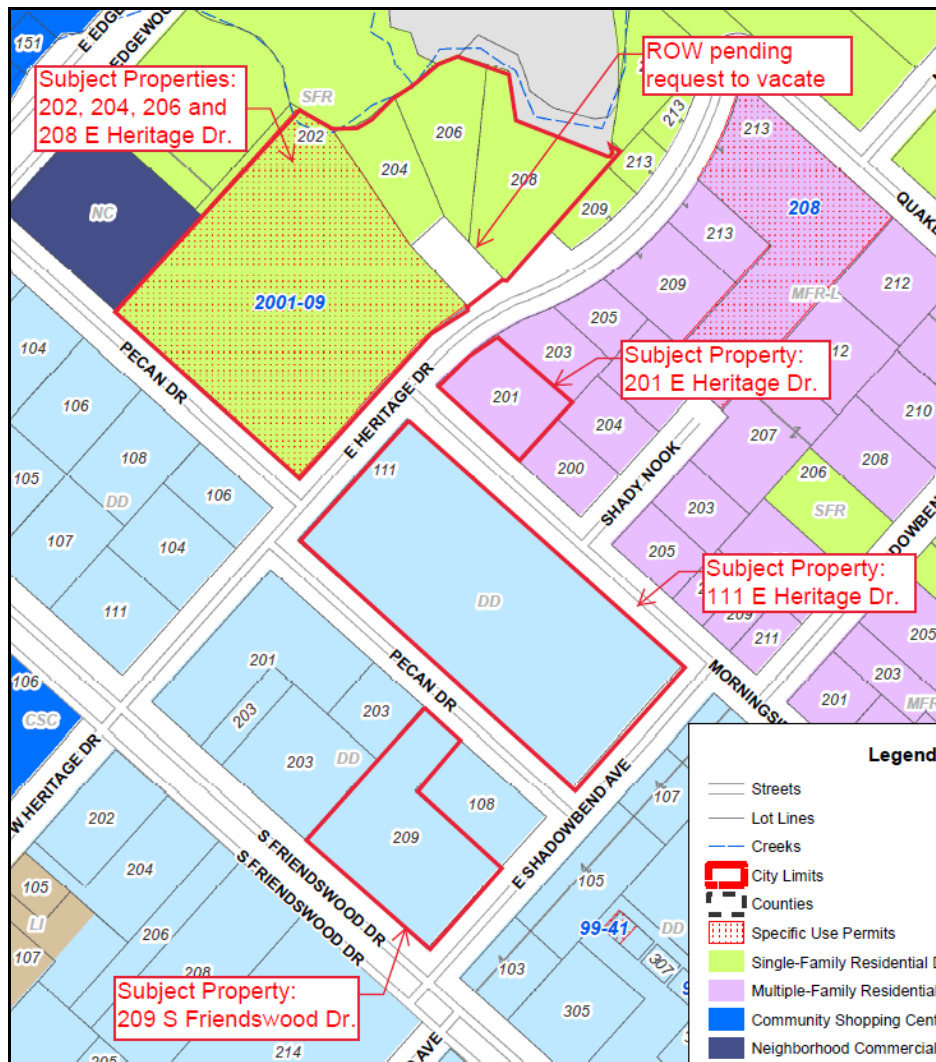
**Zoning History:**

The zoning of the property varies...two of the tracts are within the Downtown District boundary and are zoned Downtown District (DD). The tracts located at 202-208 E. Heritage Drive are all zoned Single Family Residential (SFR). The one tract located at 201 E. Heritage Drive is zoned Multi-Family Residential-Low Density (MFR-L).



### Adjacent Zoning/Land Use:

The property is surrounded by lots with similar zoning including Downtown District (DD), Single Family Residential (SFR) and Multi-Family Residential-Low Density (MFR-L).



City of Friendswood Zoning Map

### Platting Analysis:

The property will require a replat prior to development to incorporate the recently acquired tracts into the First Baptist Church Plat.

### Planning Analysis:

The existing church use is classified as a non-conforming use, as the Zoning Ordinance allowed the use previously, but was changed at some point. If left unchanged, the use would be allowed to continue as-is, but expanding the use requires the church to come into compliance with current requirements. The current requirement per the Permitted Use Table is that a Specific Use Permit (SUP) is required as an overlay on all of the varying zoning districts.

The Specific Use Permit acts as an overlay on the underlying zoning districts; therefore, the owner must comply with the setbacks of the underlying district, which they meet.

**Comprehensive Planning Analysis:**

The Future Land Use Map identifies 111 E. Heritage and 209 S. Friendswood Drive developing as mixed use since they are located in the Downtown District (DD). The remaining tracts are outside of the Downtown District boundary and are identified as developing as Low Density Residential.



*2008 Future Land Use Map*

**Infrastructure/Service Delivery Impacts**

**Storm Water Management and Floodplain Issues:**

The property owner will be required to provide on-site detention.

**Utilities:**

Water and sewer services are existing to all tracts. Existing service lines will need to be evaluated for capacity and upgraded if needed.

**Access:**

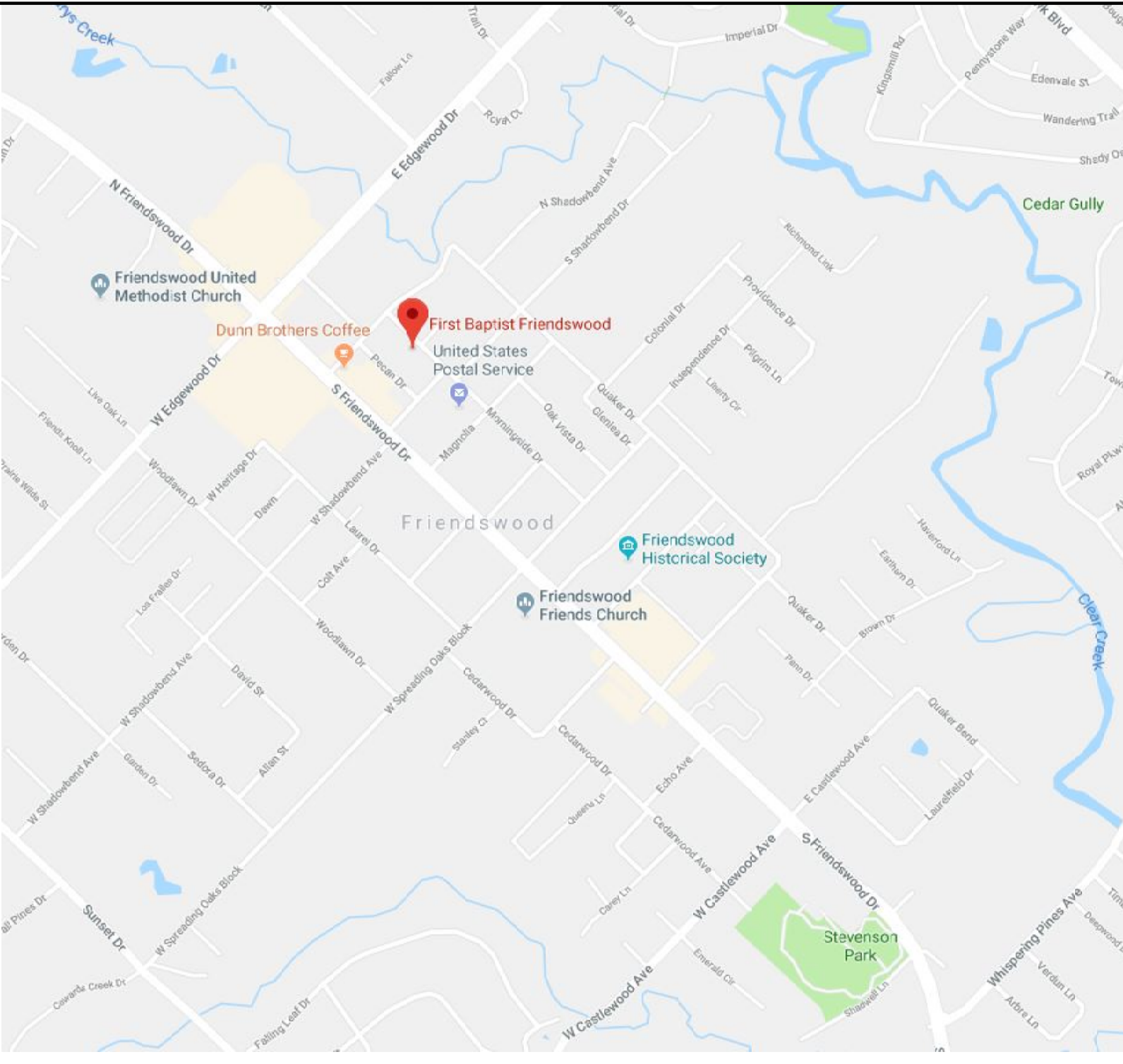
All of the tracts are accessible with existing roadways including S. Friendswood Drive (FM 518), E. Heritage Drive, Pecan Drive, Morningside Drive, and E. Shadowbend Ave.

**Park/Open Space:**

Park Dedication Fees do not apply since this is not a residential development.



700 Louisiana Street, Suite 350  
Houston, Texas 77002  
713.374.0000  
www.zieglercooper.com



VICINITY MAP  
SCALE= 1:1,000

1

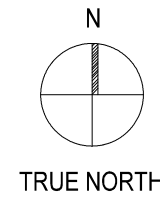
FIRST BAPTIST CHURCH FRIENDSWOOD  
111 EAST HERITAGE DRIVE  
FRIENDSWOOD, TEXAS 77546  
JANUARY 10, 2020

SPECIFIC USE PERMIT OPTION 2 SUBMITTAL

DRAWING INDEX

- COVER SHEET
- SUBMITTAL DRAWINGS:
- SUP 1.10 SITE PLAN
  - SUP 2.10 LANDSCAPE PLAN/ TREE SURVEY/ MITIGATION STUDY
  - SUP 3.10 PHOTOMETRIC PLAN
  - SUP 4.10 BUILDING PERSPECTIVES
  - SUP 4.11 ADMINISTRATION BUILDING ELEVATIONS
  - SUP 4.12 CHURCH ADDITION ELEVATION
  - SUP 4.13 STORAGE BUILDING ELEVATIONS
  - SUP 4.14 FAMILY LIFE CENTER ELEVATIONS

| ISSUES  |               |
|---------|---------------|
| DATE    | DESCRIPTION   |
| 1-10-20 | SUP SUBMITTAL |
| 3-9-20  | CITY REVISION |
| 3-30-20 | CITY REVISION |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |
|         |               |



FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
COVER SHEET

SHEET NUMBER  
COVER

ZCA PROJECT # 1104901

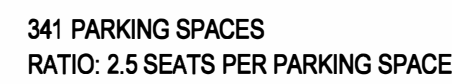


[illegible]

SHEET NUMBER

**SUP 1.10**

ZCA PROJECT # 1104901



**SITE PLAN**  
SCALE= 1:50



LANDSCAPE CALCULATIONS

EXISTING TREES GREATER THAN 12"

| TREES GREATER THAN 12"                         | TREES TO REMAIN OR BE MITIGATED               |
|------------------------------------------------|-----------------------------------------------|
| CHURCH BLOCK (111 EAST HERITAGE DRIVE)         |                                               |
| 20" PINE                                       | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 30" PALM                                       | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 20" LIVE OAK                                   | TO REMAIN                                     |
| 18" LIVE OAK                                   | TO REMAIN                                     |
| 12" LIVE OAK                                   | TO REMAIN                                     |
| 18" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 12" ASH                                        | TO REMAIN                                     |
| FAMILY LIFE CENTER (202 EAST HERITAGE DRIVE)   |                                               |
| 30" PALM                                       | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 14" LIVE OAK                                   | TO REMAIN                                     |
| 12" WATER OAK                                  | TO REMAIN                                     |
| 18" WATER OAK                                  | TO REMAIN                                     |
| 30" WATER OAK                                  | TO REMAIN                                     |
| 18" PALM                                       | TO REMAIN                                     |
| 32" WATER OAK                                  | TO REMAIN                                     |
| 40" CEDAR CLUSTER                              | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 18" PECAN                                      | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| 12" PECAN                                      | TO REMAIN                                     |
| STORAGE BUILDING LOT (201 EAST HERITAGE DRIVE) |                                               |
| 20" PINE                                       | 3" ASH AT FLC TO SCREEN METAL BUILDING FACADE |
| 32" PALM                                       | TO REMAIN                                     |
| 12" OAK                                        | TO REMAIN                                     |

ADMINISTRATION BUILDING LOT (209 SOUTH FRIENDSWOOD DRIVE) DD

LARGE PARKING LOT

TOTAL AREA OF PARKING AND DRIVEWAYS (AREA) 21,817 S.F. x 10% = 2,182 S.F. LANDSCAPE AREA REQUIRED  
5,116 S.F. LANDSCAPE AREA PROVIDED

REQUIRED LANDSCAPING 2,182 S.F. x .50 = 1,091 S.F. LANDSCAPE IN ISLANDS REQUIRED  
1,520 S.F. LANDSCAPE IN ISLANDS PROVIDED

PERIMETER LANDSCAPING: 1 TREE PER 40 LINEAR FEET FOR PROPERTY LINES NOT REQUIRING A LANDSCAPE BUFFER

PERIMETER TREE REQUIRED: 15

PERIMETER TREES PROVIDED: 15

260+68+100+188=596=15 TREES

LANDSCAPE PARKWAYS:

ON FM 518 - LANDSCAPE PARKWAY 15 F.T. (MIN. 8 F.T. BRICK PAVED SIDEWALK AND 7 F.T. LANDSCAPE AREA)

MIN. 2 DECORATIVE STREET LIGHTS PER DESIGN CRITERIA MANUAL

MIN. 2 DECORATIVE BENCHES PER DESIGN CRITERIA MANUAL

TREES REQUIRED EVERY 25 LINEAR FEET; CLASS 2 OR 3 TREES; REQUIRED TREES SHALL BE MIN. 2" CALIPER & HALF 4"

241-30=211/25=9 TREES

ON ADJACENT SIDE STREETS - LANDSCAPE PARKWAY 10 FT (MIN. 6" CONCRETE SIDEWALK)

TREES REQUIRED EVERY 25 F.T.; CLASS 2 OR 3 TREES; REQUIRED TREES SHALL BE MIN. 2" CALIPER & HALF 4"

160-25-22=113/25=5 TREES

CHURCH BLOCK (111 EAST HERITAGE DRIVE) DD

CALCULATIONS WITH ALTERNATIVE

EAST HERITAGE DRIVE OFF-STREET PARKING LOT OF 16 SPACES & MORNINGSDRIVE OFF-STREET PARKING LOT OF 8 SPACES

TOTAL AREA OF PARKING AND DRIVEWAYS (AREA) 9,237 S.F. x 10% = 924 S.F. LANDSCAPE AREA REQUIRED

34,145 S.F. LANDSCAPE AREA PROVIDED

REQUIRED LANDSCAPING 924 MULTIPLIED BY .50= 462 LANDSCAPE AREA IN ISLANDS REQUIRED

0 LANDSCAPE AREA IN ISLANDS PROVIDED

\* 1 TREE REQUIRED PER ISLAND

(PLEASE SEE SCREENING ALTERNATIVE BELOW)

LANDSCAPE PARKWAYS:

ON ADJACENT SIDE STREETS - LANDSCAPE PARKWAY 10 FT (MIN. 6" CONCRETE SIDEWALK)

TREES REQUIRED EVERY 25 F.T.; CLASS 2 OR 3 TREES; REQUIRED TREES SHALL BE MIN. 2" CALIPER & HALF 4"

541+240+541+240-25-117-25-88= 1,307/25=53 TREES REQUIRED

16 TREES EXISTING, 20 NEW = 36 TREES + 27 TREES APPLIED FROM FAMILY LIFE CENTER (SFR) (BY ALTERNATIVE)= 63 TREES

ALTERNATIVE

ON THE CHURCH BLOCK (111 EAST HERITAGE DRIVE), THE PROPERTY HAS A NUMBER OF EXISTING ON-STREET PARKING SPACES. WE HAVE LABELED A 10' LANDSCAPE BUFFER AND INCLUDED A 6' WIDE SIDEWALK AROUND THE PERIMETER. THE REMAINING SPACE IN SOME AREAS LIMITS THE ABILITY TO SPACE TREES CONSISTANTLY WITHIN THE LANDSCAPE BUFFER. WE HAVE THEREFORE ADDED TREES WITHIN THE LANDSCAPE BUFFER WHERE THEIR GROWTH WOULD NOT BE IMPEDED AND TO SCREEN THE TWO SMALL OFF-STREET PARKING AREAS.

WE HAVE REFRAINED FROM ADDING ADDITIONAL TREES NEAR THE PLAYGROUND TO ALLOW SUNLIGHT IN THE AREA THAT CURRENTLY HAS 6 LARGE MATURE TREES. THE CHURCH IS VERY MUCH IN FAVOR OF KEEPING A PARK-LIKE GREEN SPACE ALONG EAST HERITAGE DRIVE TO COMPLEMENT THE GREEN SPACE ACROSS THE STREET NEAR THE FAMILY LIFE CENTER. WE ASK THAT THE NUMBER OF MATURE TREES THAT ARE LOCATED AT THE CORNER OF PECAN DRIVE AND EAST HERITAGE DRIVE (202 EAST HERITAGE DRIVE), THAT ARE A SURPLUS TO THE CURRENT SFR ZONE, BE APPLIED TO THE CALCULATION FOR THE CHURCH BLOCK.

FAMILY LIFE CENTER (202 EAST HERITAGE DRIVE) SFR

TREE REQUIRED: 1 TREE PER LOT

TREES PROVIDED: 28 TREES (2" TREES REQUESTED TO BE APPLIED TO 111 EAST HERITAGE (CHURCH BLOCK))

STORAGE BUILDING LOT (201 EAST HERITAGE DRIVE) MFR-L

LARGE PARKING LOT

TOTAL AREA OF PARKING AND DRIVEWAYS (AREA) 11,167 S.F. x 10% = 1,117 S.F. LANDSCAPE AREA REQUIRED

3,380 S.F. LANDSCAPE AREA PROVIDED

REQUIRED LANDSCAPING 1,117 S.F. x .50 = 558 S.F. LANDSCAPE IN ISLANDS REQUIRED

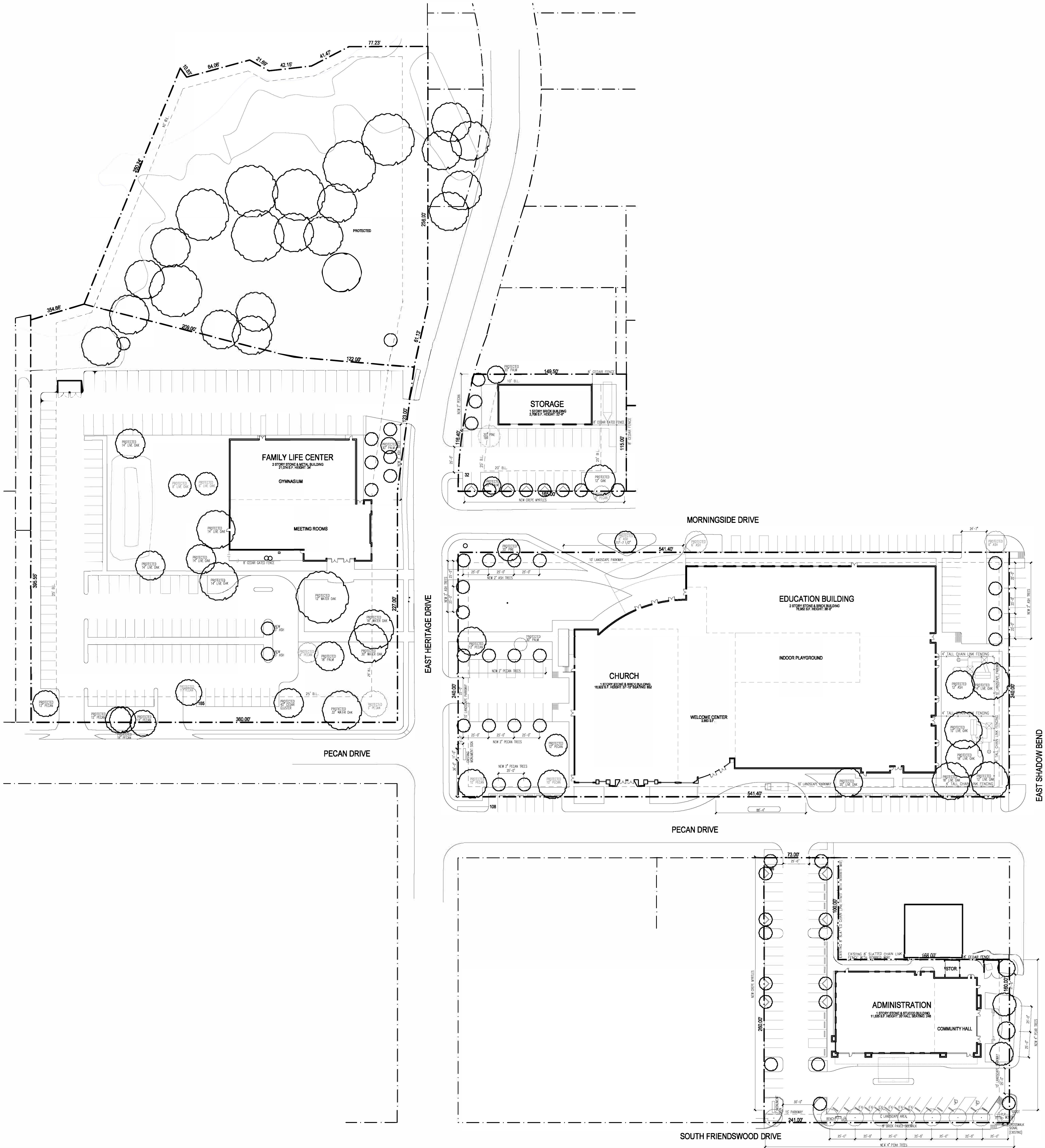
949 S.F. LANDSCAPE IN ISLANDS PROVIDED

PERIMETER LANDSCAPING: 1 TREE PER 40 LINEAR FEET FOR PROPERTY LINES NOT REQUIRING A LANDSCAPE BUFFER

PERIMETER TREE REQUIRED: 13

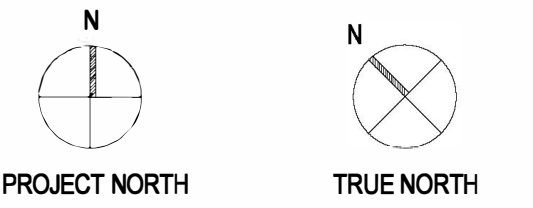
PERIMETER TREES PROVIDED: 14

149+115+185+116-25=520/40=13 TREES



ISSUES

| DATE    | DESCRIPTION   |
|---------|---------------|
| 1-10-20 | SUP SUBMITTAL |
| 3-09-20 | CITY REVISION |
| 3-30-20 | CITY REVISION |



FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
LANDSCAPE PLAN/  
TREE SURVEY/  
MITIGATION STUDY  
SHEET NUMBER

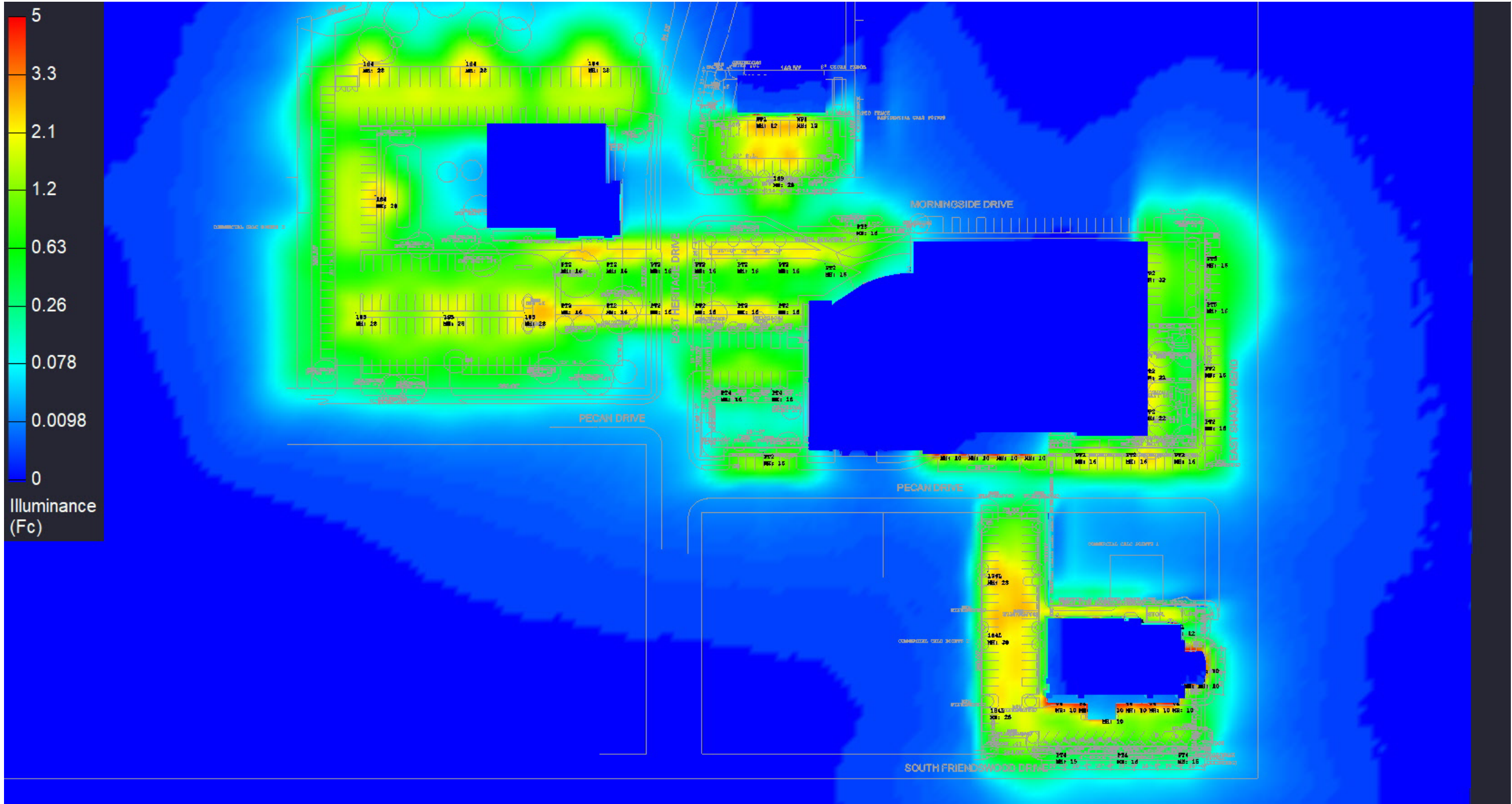
SUP 2.10

ZCA PROJECT# 1104901

LANDSCAPE PLAN  
SCALE=1:50

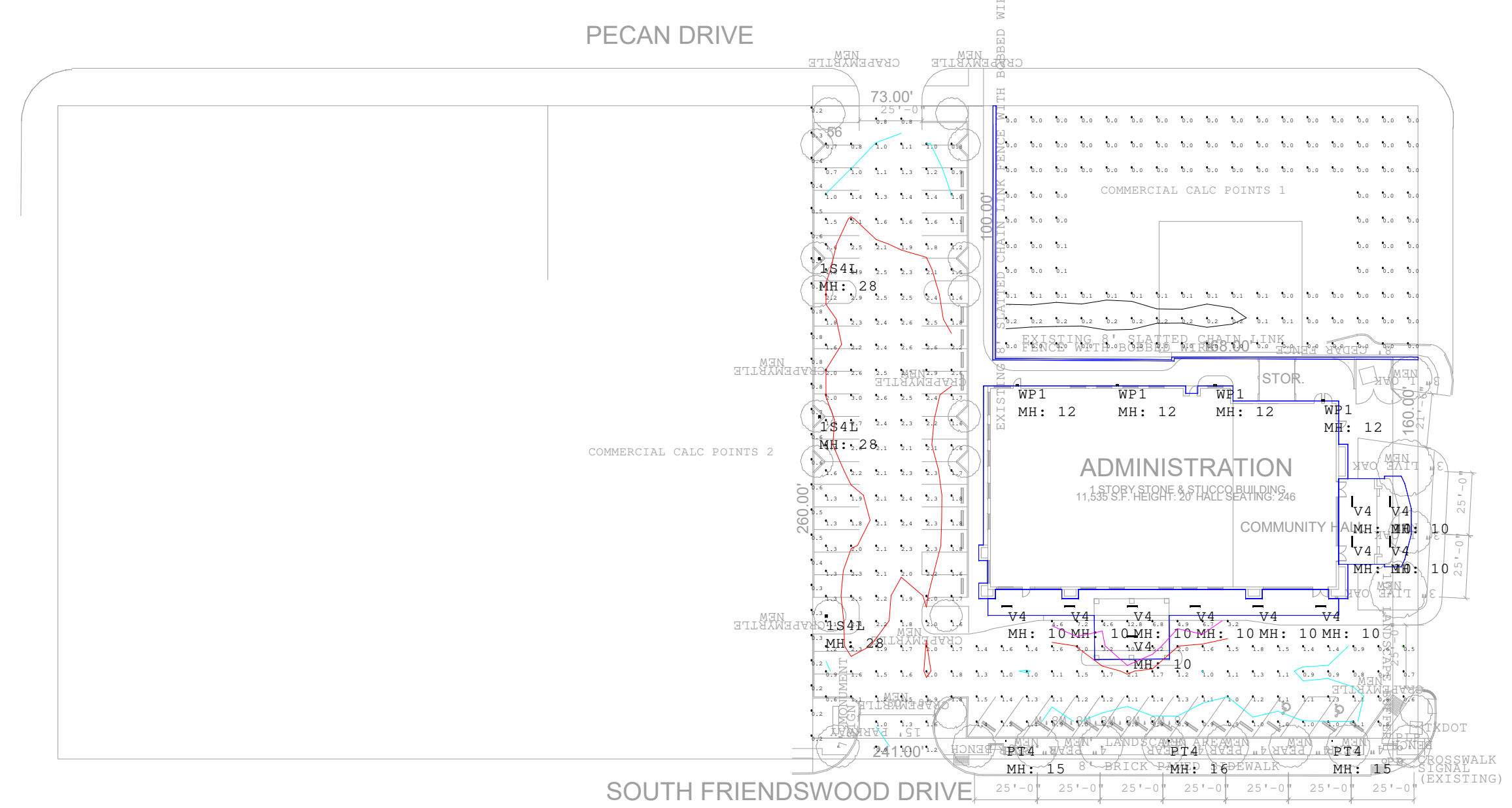
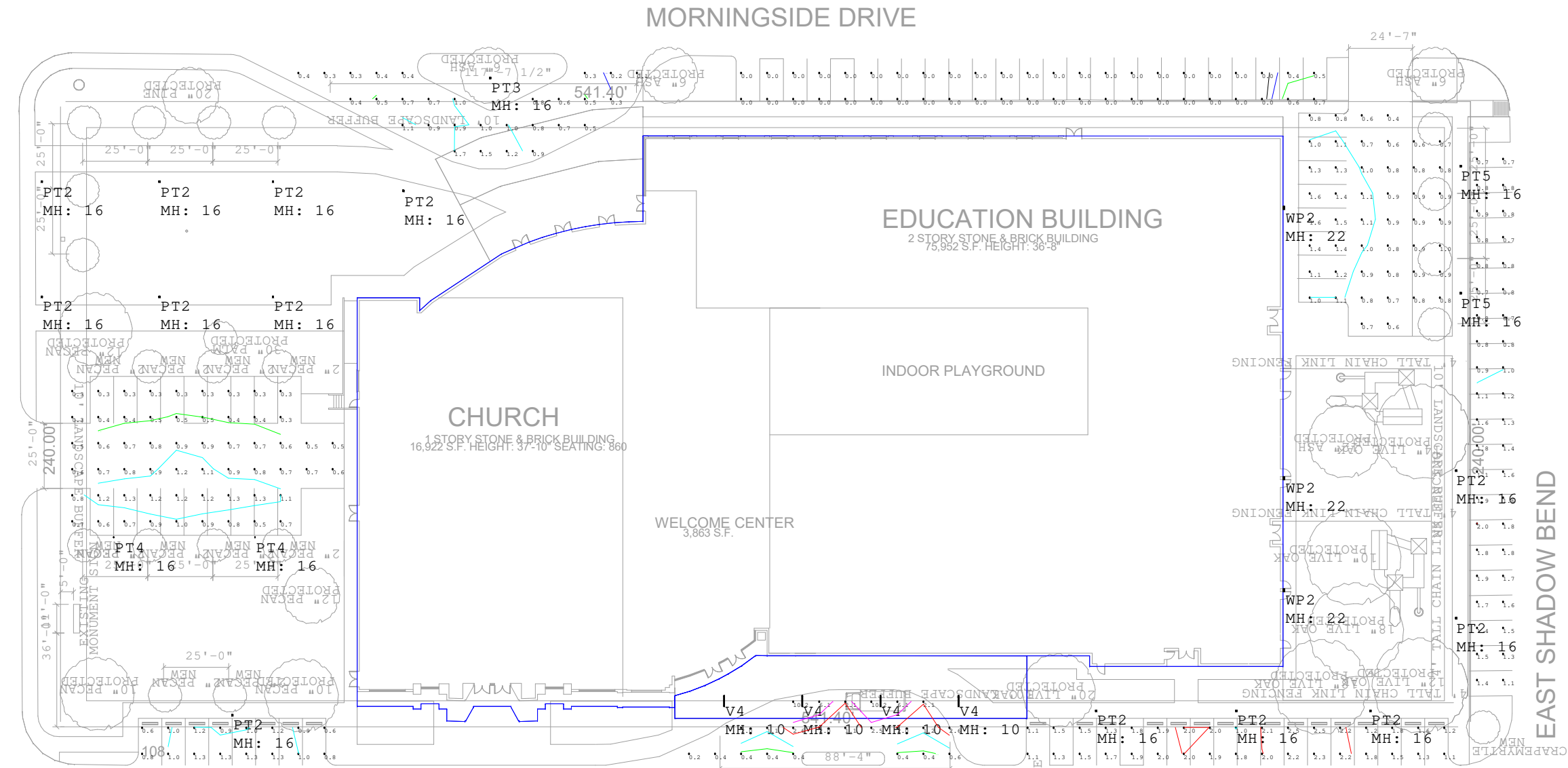
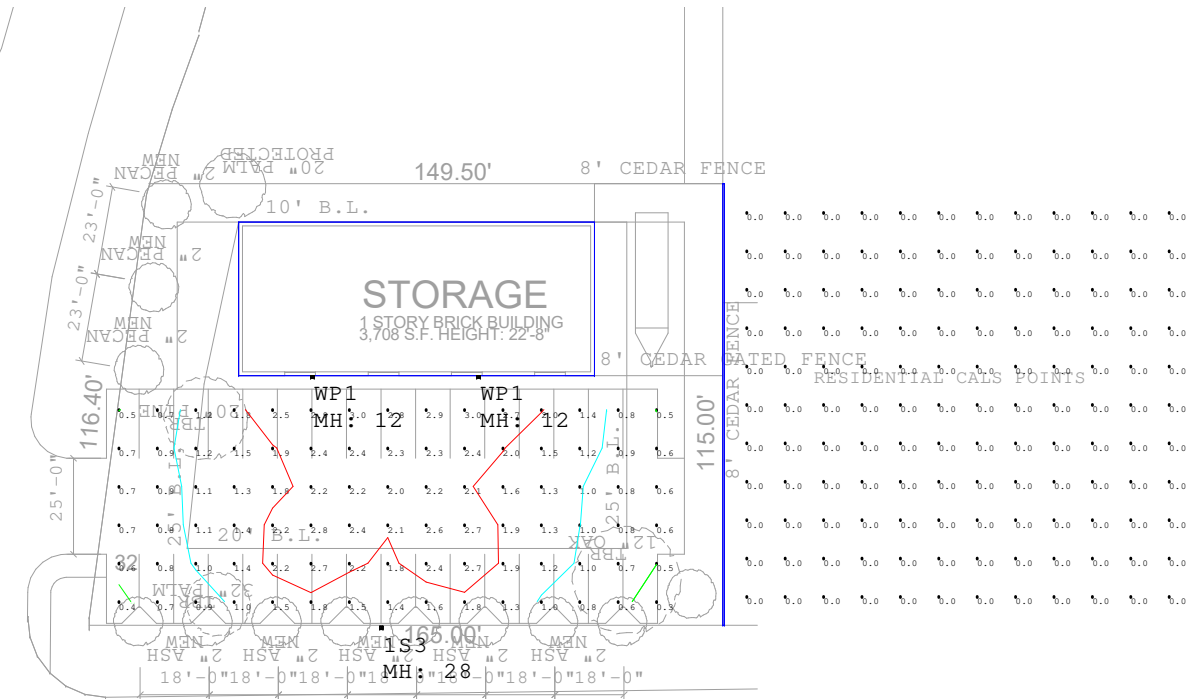
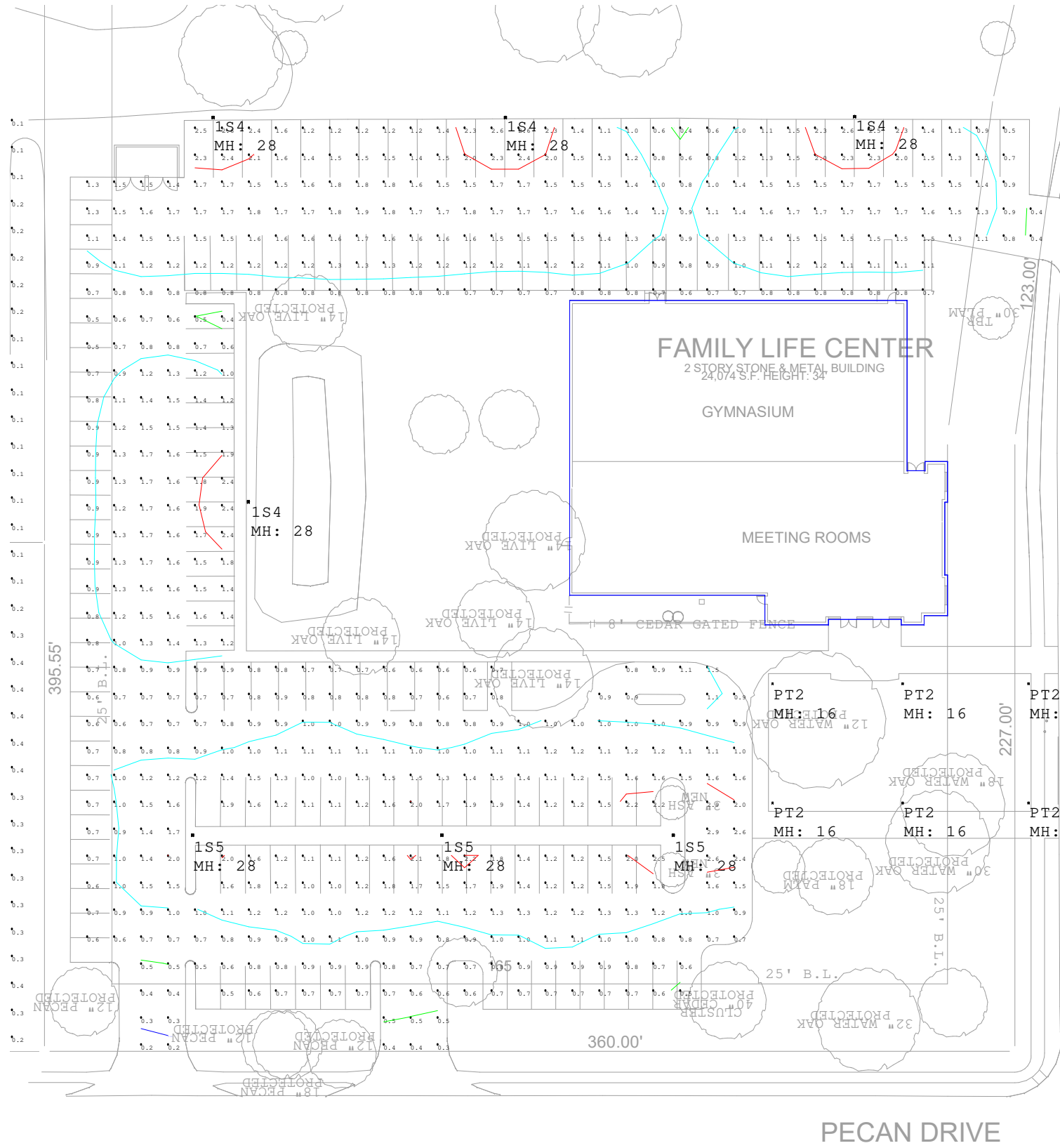
1





| Luminaire Schedule                                                                  |     |       |             |             |       |                                      |
|-------------------------------------------------------------------------------------|-----|-------|-------------|-------------|-------|--------------------------------------|
| Symbol                                                                              | Qty | Label | Arrangement | Lum. Lumens | LLF   | Description                          |
|  | 1   | LS3   | SINGLE      | 18931       | 0.850 | LSI # SLM-LED-18L-SIL-3-40-70CRI     |
|  | 4   | LS4   | SINGLE      | 18843       | 0.850 | LSI # SLM-LED-18L-SIL-FT-40-70CRI    |
|  | 3   | LS4L  | SINGLE      | 12044       | 0.850 | LSI # SLM-LED-18L-SIL-FT-40-70CRI-IL |
|  | 3   | LS5   | SINGLE      | 17562       | 0.850 | LSI # SLM-LED-18L-SIL-5W-40-70CRI    |
|  | 19  | PT2   | SINGLE      | 4246        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T2MDL14 |
|  | 1   | PT3   | SINGLE      | 4185        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T3MDL14 |
|  | 5   | PT4   | SINGLE      | 4166        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T4MDL14 |
|  | 2   | PT5   | SINGLE      | 4386        | 0.850 | STONEBRIDGE # L15-XRLED/12L45T5MDL14 |
|  | 15  | V4    | SINGLE      | 3823        | 0.850 | FORUM # AQD-x4-95LED40-SAT-C X 4'-WH |
|  | 6   | WP1   | SINGLE      | 3088        | 0.850 | LSI # XWM-2-LED-03L-40               |
|  | 3   | WP2   | SINGLE      | 6025        | 0.850 | LSI # XWM-2-LED-06L-40               |

| Calculation Summary       |             |       |      |      |     |         |         |  |
|---------------------------|-------------|-------|------|------|-----|---------|---------|--|
| Label                     | CalcType    | Units | Avg  | Max  | Min | Avg/Min | Max/Min |  |
| ADMIN BUILDING PARKING    | Illuminance | Fc    | 1.85 | 12.8 | 0.5 | 3.70    | 25.60   |  |
| CHURCH SMALL LOT          | Illuminance | Fc    | 0.69 | 1.3  | 0.3 | 2.30    | 4.33    |  |
| COMMERCIAL CALC POINTS 1  | Illuminance | Fc    | 0.03 | 0.2  | 0.0 | N.A.    | N.A.    |  |
| COMMERCIAL CALC POINTS 2  | Illuminance | Fc    | 0.49 | 0.8  | 0.2 | 2.45    | 4.00    |  |
| COMMERCIAL CALC POINTS 3  | Illuminance | Fc    | 0.22 | 0.4  | 0.1 | 2.20    | 4.00    |  |
| E SHADOW BEND PARKING     | Illuminance | Fc    | 1.22 | 2.0  | 0.7 | 1.74    | 2.86    |  |
| MORNINGSIDE DRIVE PARKING | Illuminance | Fc    | 0.30 | 1.7  | 0.0 | N.A.    | N.A.    |  |
| PECAN DRIVE PARKING       | Illuminance | Fc    | 1.81 | 10.2 | 0.2 | 9.05    | 51.00   |  |
| PLAYGROUND PARKING        | Illuminance | Fc    | 0.95 | 1.6  | 0.4 | 2.38    | 4.00    |  |
| RESIDENTIAL CALC POINTS   | Illuminance | Fc    | 0.00 | 0.0  | 0.0 | N.A.    | N.A.    |  |
| STORAGE PARKING           | Illuminance | Fc    | 1.54 | 3.0  | 0.3 | 5.13    | 10.00   |  |
| WEST CHURCH LOT           | Illuminance | Fc    | 1.21 | 2.9  | 0.2 | 6.05    | 14.50   |  |



| Revisions |      |          |
|-----------|------|----------|
| #         | Date | Comments |
|           |      |          |
|           |      |          |
|           |      |          |

|                    |             |                 |
|--------------------|-------------|-----------------|
| Drawn By: J Shuler | Checked By: | Date: 3/27/2020 |
| Scale: 1" = 50'    |             |                 |

|                 |                    |
|-----------------|--------------------|
| FBC FRIENDSWOOD | SITE CALCS - REV 7 |
|-----------------|--------------------|

SUP 3.10



[illegible]

FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE

PERSPECTIVES

SHEET NUMBER

## SUP 4.10

ZCA PROJECT #

1104901



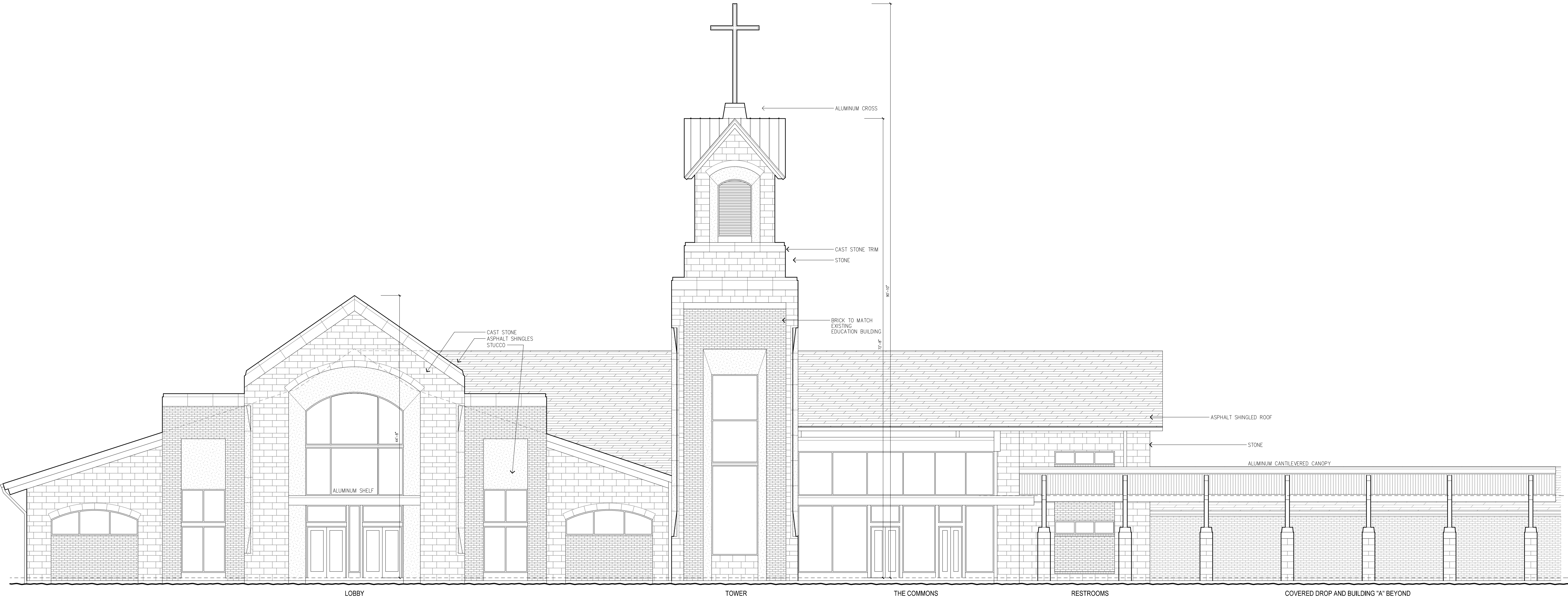
[illegible]

FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
ELEVATIONS  
NEW ADMIN BUILDING

SHEET NUMBER  
**SUP 4.11**  
PCA PROJECT # 1104907





SOUTH ELEVATION 1  
SCALE: 1"=18"



700 Louisiana Street, Suite 350  
Houston, Texas 77002  
713.374.0000  
www.zieglercooper.com

| ISSUES  |               |
|---------|---------------|
| DATE    | DESCRIPTION   |
| 1-10-20 | SUP SUBMITTAL |
| 3-09-20 | CITY REVISION |
| 3-30-20 | CITY REVISION |
|         |               |
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FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
ELEVATIONS  
CHURCH ADDITION

SHEET NUMBER

SUP 4.12

ZCA PROJECT # 1104901

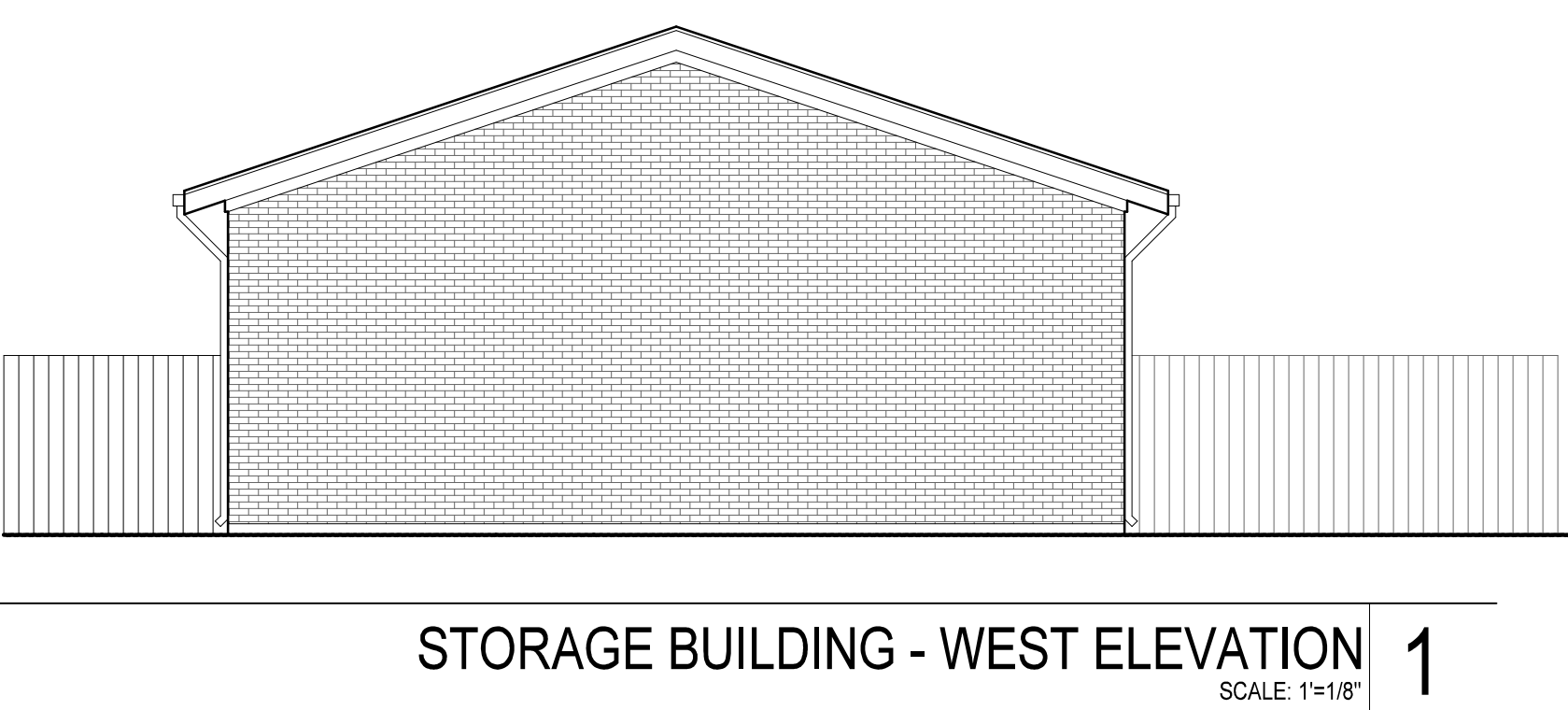
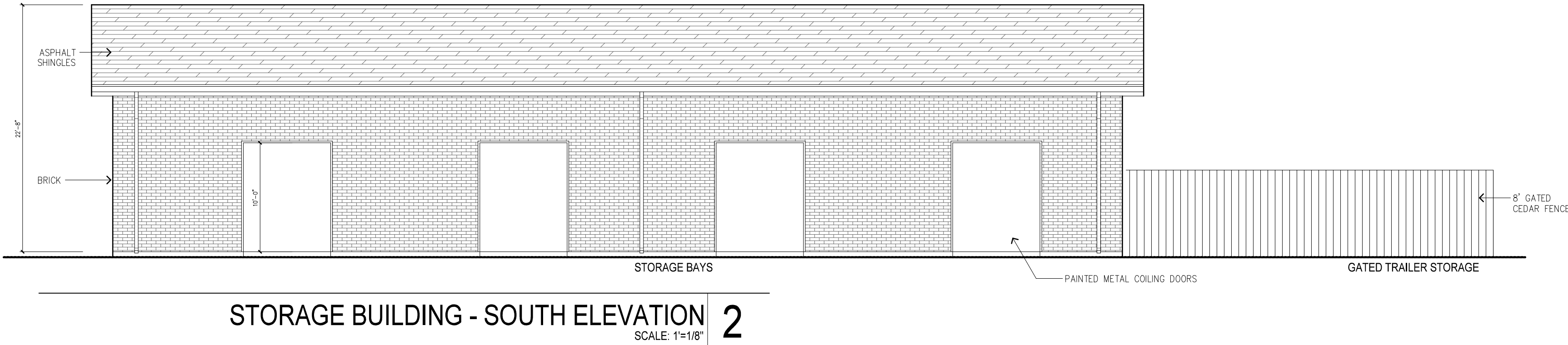
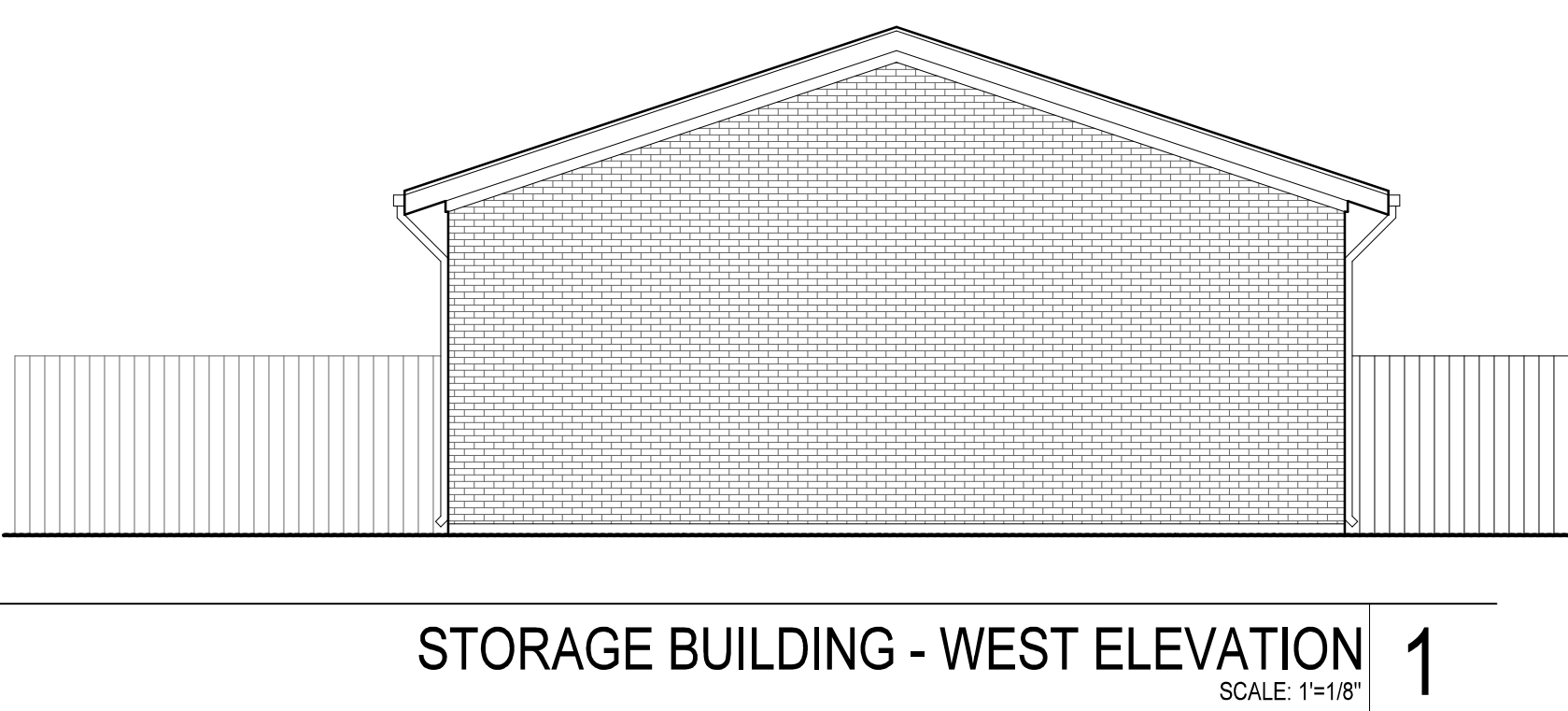
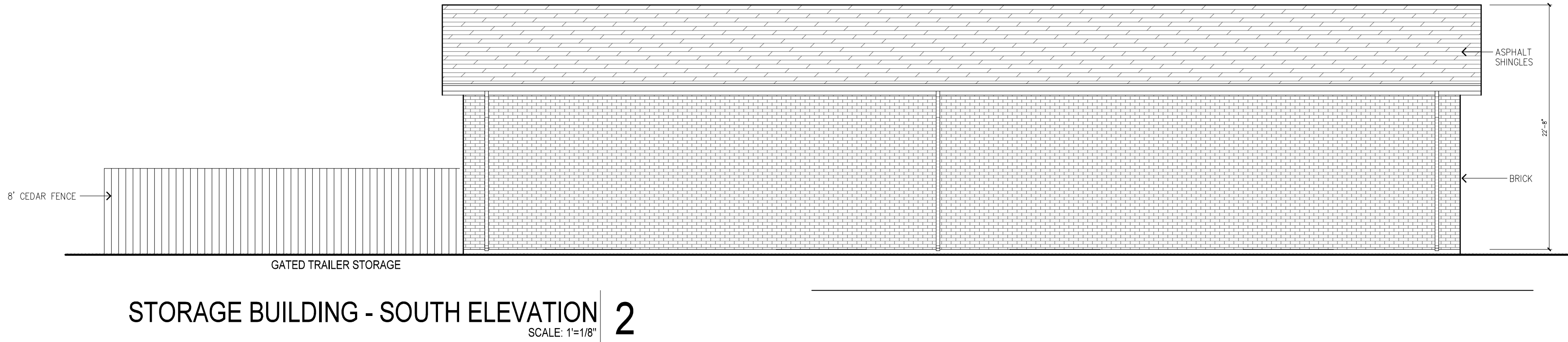


| ISSUES  |               |
|---------|---------------|
| DATE    | DESCRIPTION   |
| 1-10-20 | SUP SUBMITTAL |
| 3-09-20 | CITY REVISION |
| 3-30-20 | CITY REVISION |
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FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
ELEVATIONS  
STORAGE BUILDING

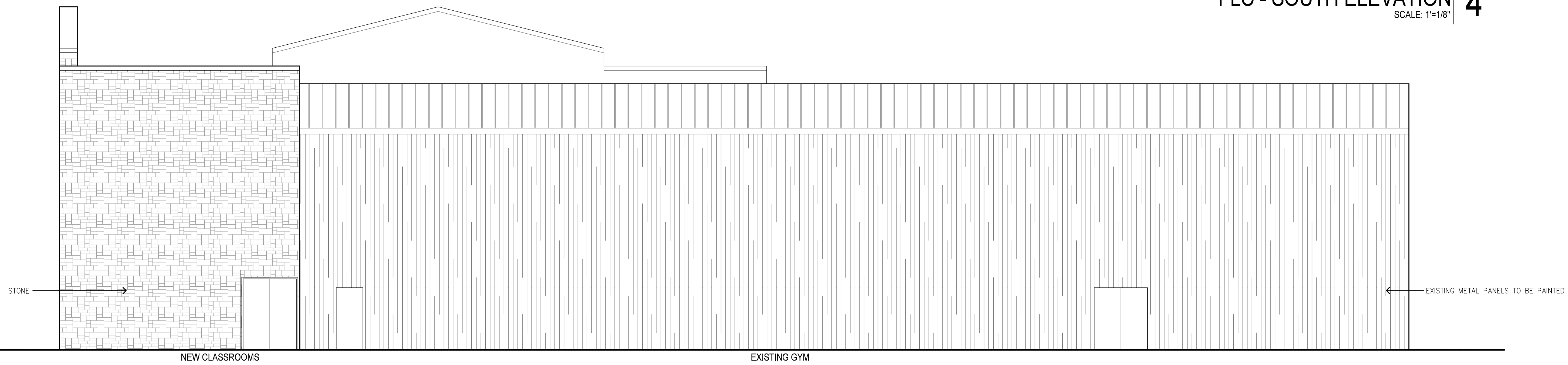
SHEET NUMBER  
SUP 4.13  
ZCA PROJECT # 1104901



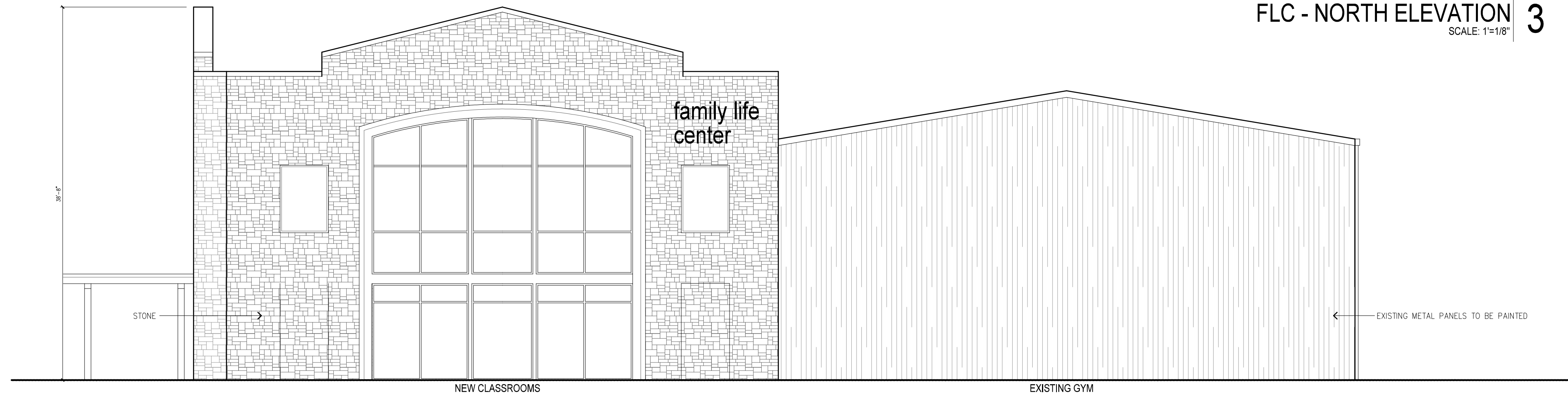




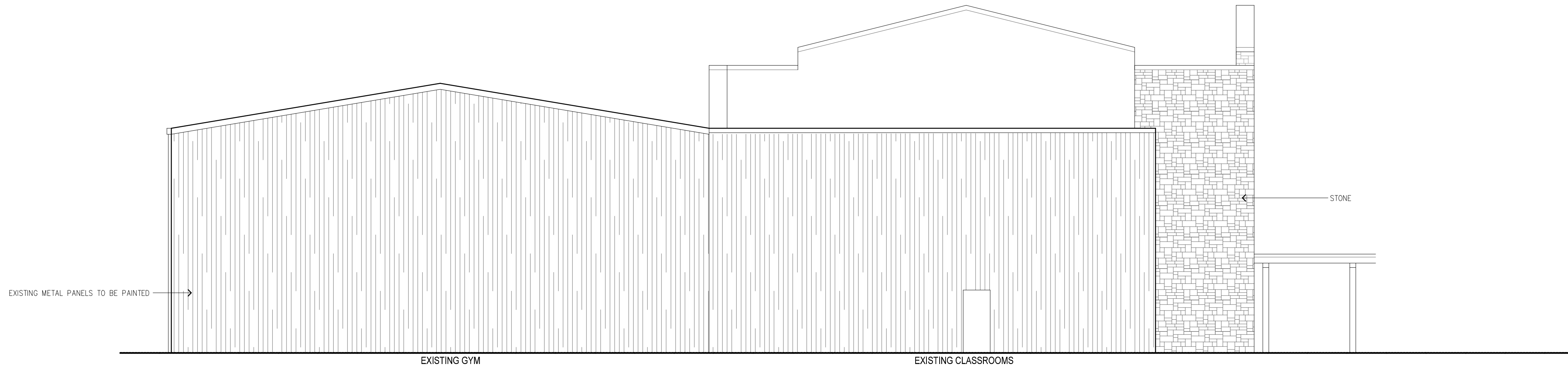
FLC - SOUTH ELEVATION 4  
SCALE: 1'=1/8"



FLC - NORTH ELEVATION 3  
SCALE: 1'=1/8"



FLC - EAST ELEVATION 2  
SCALE: 1'=1/8"



FLC - WEST ELEVATION 1  
SCALE: 1'=1/8"

| ISSUES  |               |
|---------|---------------|
| DATE    | DESCRIPTION   |
| 1-10-20 | SUP SUBMITTAL |
| 3-09-20 | CITY REVISION |
| 3-30-20 | CITY REVISION |
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FIRST BAPTIST  
CHURCH  
FRIENDSWOOD

SHEET TITLE  
ELEVATIONS  
FLC ADDITION

SHEET NUMBER

SUP 4.14

ZCA PROJECT # 1104901

# Memo

**To:** Planning and Zoning Commission  
**From:** Becky Bennett, Development Coordinator  
**Date:** April 22, 2020  
**Re:** Avalon at Friendswood Section 1 Preliminary Plat

---

**Project Description:** The proposed plat is to create 50 residential lots in compliance with the approved Planned Unit Development.

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, and Police Department.

Approval options:

☐ Approval

Standards for approval. The Commission shall approve a plat if:

- (1) It conforms to the general plan of the City of Friendswood and the current and future streets, alleys, parks, playgrounds, and public utility facilities;
- (2) It conforms to the general plans for extension of roads, streets, and public highways, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; and
- (3) It conforms to the Subdivision Ordinance and Local Government Code Chapter 212.

☐ Conditional Approval with the following conditions\*

☐ Disapproval due to the following reasons\*

\*Each condition or reason specified must be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable, and conditions or reasons may not be arbitrary.

\*Requires reconsideration by the Planning and Zoning Commission.

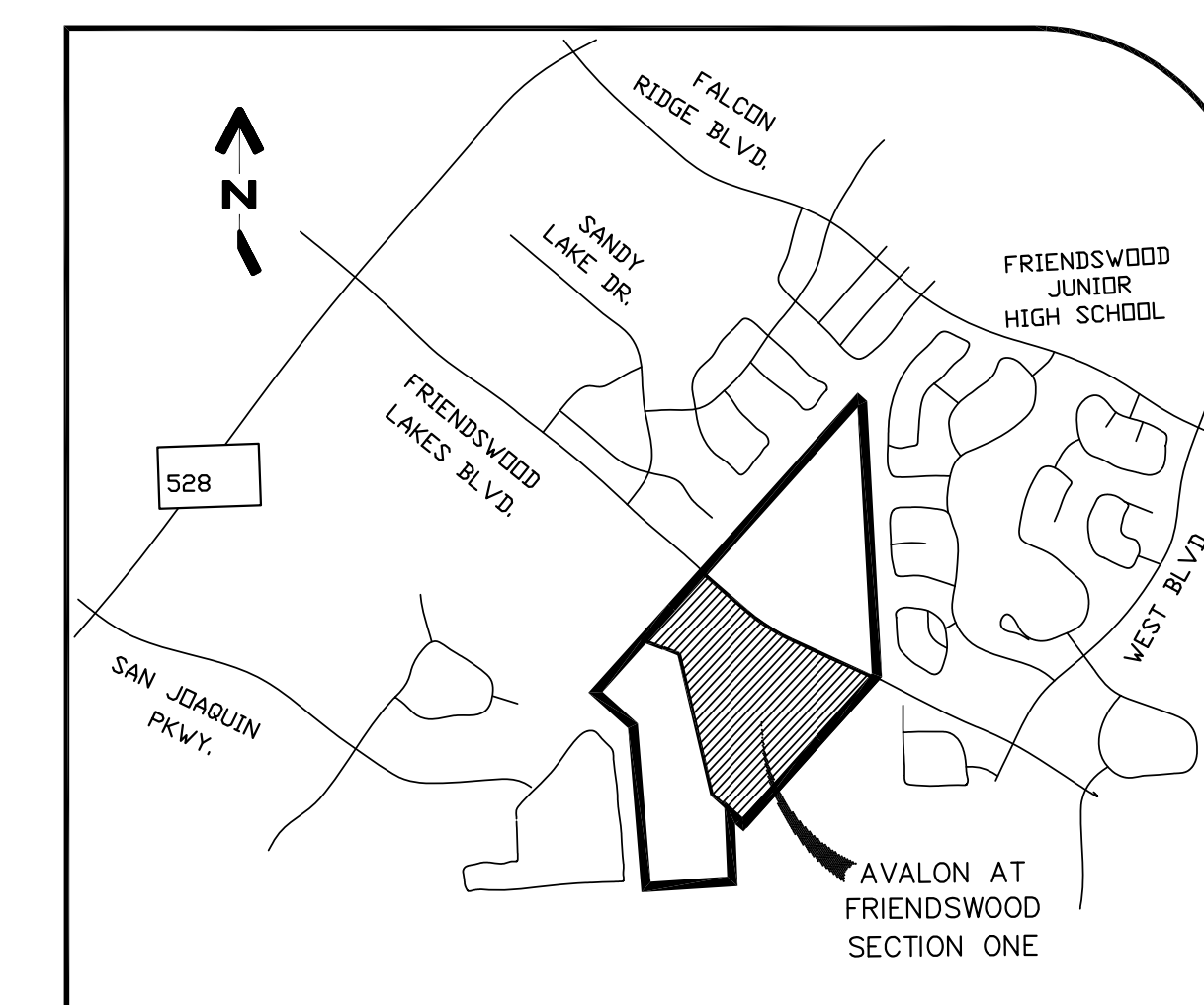
## Outstanding Conditions/Reasons:

| Code Reference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Items Pending after Resubmittal                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section II. b. (2.) (g.) Existing sewers, water mains, culverts, pipelines or other underground structures, and other public utilities and buildings within the tract or within two hundred (200) feet shall be identified with pipe sizes, grades and locations indicated.                                                                                                                                                                                                                                                                                                                        | <b>12" water main along west property not shown.<br/>27" sanitary sewer line labeled with incorrect size.</b>                                                                                                                                                                                                                                       |
| Section II. b. (2.) (k.) A preliminary utility plan with calculations shall be provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Design Criteria Manual, Section III, Part 1.04.D.1.a:<br/><i>On permanent dead-end lines, other than on cul-de-sacs, the dimension of the line shall be six (6) inches and shall not exceed more than five hundred (500) feet in length from the closest interconnecting main line. In addition, it shall terminate with a fire hydrant.</i></b> |
| Section III k. (1.) Easements for Utilities. Except where alleys are permitted for the purpose, the city shall require easements of at least ten feet for poles, wires, conduits, storm sewers, gas, water, and wastewater or other utility lines, along all rear lot lines, along side lot lines if necessary, or in the same or greater widths may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities. All water and wastewater lines shall be located in the street rights-of-way unless agreed to and/or specified by the city. | <b>Proposed easements for dry utilities (electricity, gas, cable), water, sewer and storm sewer are overlapping and do not meet minimum size. Minimum of 10ft easement is required for each utility.<br/>Design Criteria Manual Section II, Part 1.04. F.4. and 17. Section III, Part 1.04.A.2.</b>                                                 |

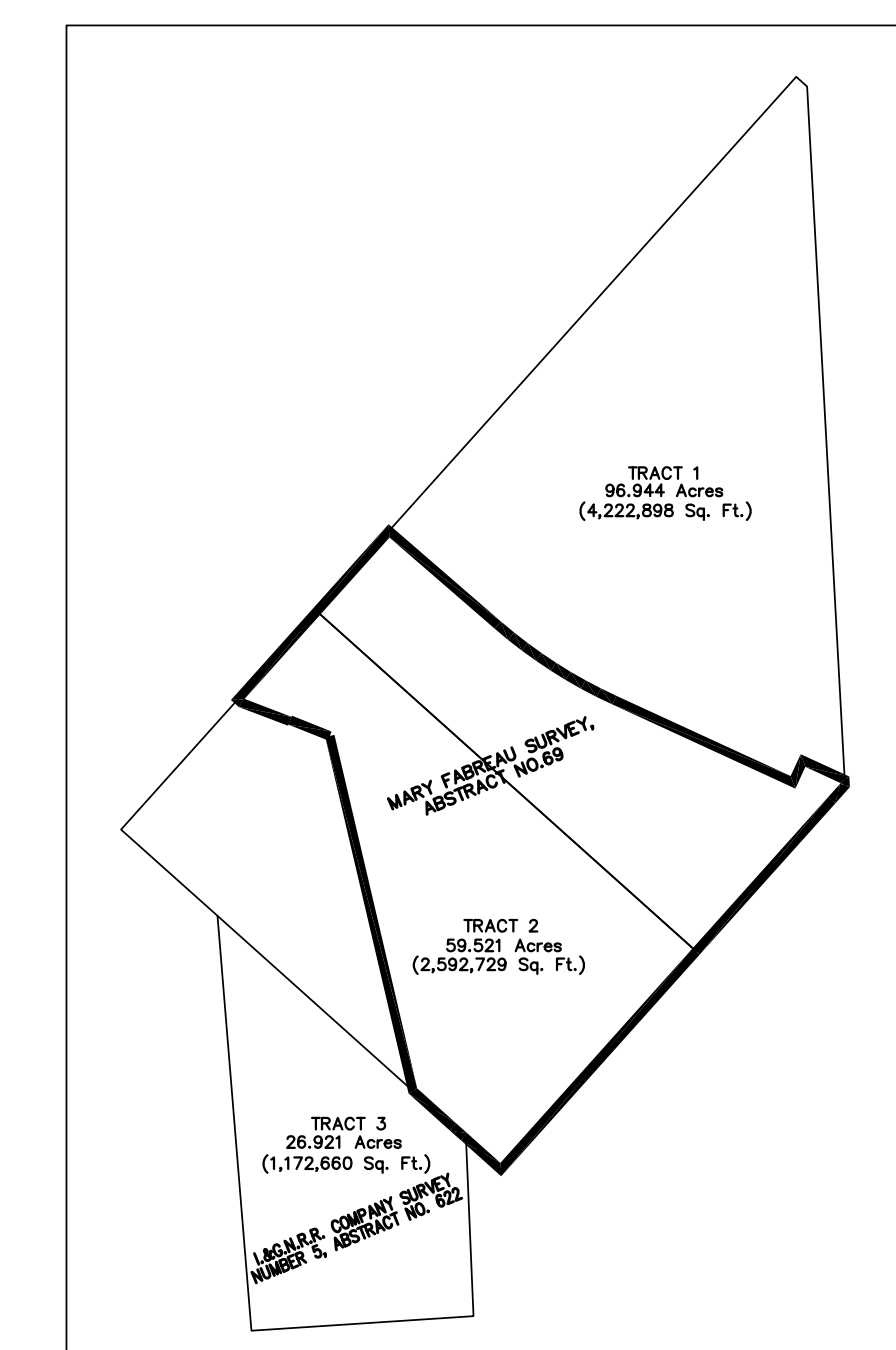
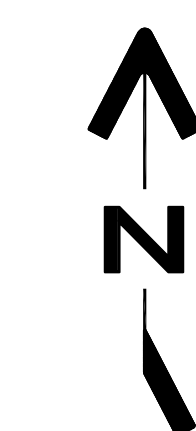
## Remaining Items:

- Tree Survey - City agrees to defer tree survey until infrastructure plan submittal.
- Landscape Plan details along Friendswood Lake Blvd. will be required as part of construction plans/final plat. The landscape buffer requires 1 tree per 25 linear feet. Based on 2,030 linear feet, a minimum of 82 trees is required. Consideration required for existing 16-foot TNMP easement and placement of trees. A visual representation of the landscape plan is required.
- Inter-local Agreement with League City – applicant and City of Friendswood need to collaborate with League City to determine future plans for installation and maintenance of water, sewer, and storm sewer infrastructure; emergency services - police, fire, and EMS; and eventually trash collection, water meter reading and utility billing (water, sewer and garbage).





Vicinity Map  
SCALE: 1"=2000'



PARTIAL PLAT DRAWING EXHIBIT  
(NOT TO SCALE)

A PARTIAL PRELIMINARY PLAT OF  
**AVALON AT FRIENDSWOOD**  
SECTION ONE  
A PRIVATE SUBDIVISION  
BEING 68.101± ACRES OF LAND  
CONTAINING 50 LOTS (70'x90' X 130' TYP.) AND  
EIGHTEEN RESERVES IN FIVE BLOCKS.

OUT OF THE  
MARY FABREAU SURVEY, A-69  
CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS

ENGINEER/SURVEYOR:  
**LJA ENGINEERING**  
ATTN: EDDIE RUCKER  
1904 W. GRAND PKWY. N, SUITE 100  
KATY, TEXAS 77449

OWNER:  
**TAYLOR MORRISON OF TEXAS, INC.**  
ATTN: BOBBY SKINNER  
2929 BRIARPARK DR. NORTH, SUITE 400  
HOUSTON, TEXAS 77042

PLANNER:



24275 KATY FREEWAY, SUITE 200  
KATY, TEXAS 77494  
Tel: 281-810-1422

PAGE 1 OF 2  
SCALE: 1"=100'  
0 50 100 200

APRIL 13, 2020  
MTA# 4711A

Future  
Development

Tract A  
(Called 194.21 Ac.)  
Estate of George A. Bofysil, JR.  
to  
Yellowstone Hill Country Ranching, LLC  
(G.C.C.F. #2010059688)

Future  
Development

RESTRICTED  
RESERVE "F"  
LAKE/DETENTION/  
LANDSCAPE/OPEN SPACE  
±20.64 ACRES

Partition Agreement  
First Tract  
Called 941.89 Ac.  
Wesley West, ET AL  
(Vol.1387, Pg.384)

Correction Deed  
First Tract  
Called 941.89 Ac.  
Neva Watkins West  
to  
Wesley West Cattle Company  
(G.C.C.F. #9222784)

NOTE:

- |                                                                                            |                                                                                |                                                                               |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <b>A</b> RESTRICTED RESERVE "A"<br>LANDSCAPE/OPEN SPACE/SIGNAGE<br>±0.57 ACRE              | <b>G</b> RESTRICTED RESERVE "G"<br>RECREATION CENTER<br>±2.19 ACRES            | <b>N</b> RESTRICTED RESERVE "N"<br>LANDSCAPE/OPEN SPACE<br>±3.60 ACRES        |
| <b>B</b> RESTRICTED RESERVE "B"<br>LANDSCAPE/OPEN SPACE<br>±1.14 ACRES                     | <b>H</b> RESTRICTED RESERVE "H"<br>LANDSCAPE/OPEN SPACE<br>±1.82 ACRES         | <b>P</b> RESTRICTED RESERVE "P"<br>LANDSCAPE/OPEN SPACE<br>±0.32 ACRE         |
| <b>C</b> RESTRICTED RESERVE "C"<br>LANDSCAPE/OPEN SPACE<br>±0.87 ACRE                      | <b>J</b> RESTRICTED RESERVE "J"<br>LANDSCAPE/OPEN SPACE<br>±0.82 ACRE          | <b>Q</b> RESTRICTED RESERVE "Q"<br>LANDSCAPE/OPEN SPACE/SIGNAGE<br>±0.97 ACRE |
| <b>D</b> RESTRICTED RESERVE "D"<br>LANDSCAPE/OPEN SPACE<br>±1.99 ACRES                     | <b>K</b> RESTRICTED RESERVE "K"<br>LANDSCAPE/OPEN SPACE<br>±0.47 ACRE          | <b>R</b> RESTRICTED RESERVE "R"<br>LANDSCAPE/OPEN SPACE<br>±0.43 ACRE         |
| <b>E</b> RESTRICTED RESERVE "E"<br>LANDSCAPE/OPEN SPACE<br>±3.67 ACRES                     | <b>L</b> RESTRICTED RESERVE "L"<br>LANDSCAPE/OPEN SPACE/SIGNAGE<br>±1.67 ACRES | <b>S</b> RESTRICTED RESERVE "S"<br>LANDSCAPE/OPEN SPACE<br>±0.07 ACRE         |
| <b>F</b> RESTRICTED RESERVE "F"<br>LAKE/DETENTION/<br>LANDSCAPE/OPEN SPACE<br>±20.64 ACRES | <b>M</b> RESTRICTED RESERVE "M"<br>LANDSCAPE/OPEN SPACE<br>±2.38 ACRES         | <b>T</b> RESTRICTED RESERVE "T"<br>LIFT STATION<br>±0.19 ACRE                 |

DISCLAIMER AND LIMITED WARRANTY  
THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS  
OF THE CITY OF FRIENDSWOOD SUBDIVISION ORDINANCES IN EFFECT AT THE TIME THIS PLAT WAS  
PREPARED ALONG WITH ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE  
AFOREMENTIONED ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE FULSHEAR PLANNING &  
ZONING COMMISSION AND / OR CITY COUNCIL. THIS PRELIMINARY PLAT WAS PREPARED FOR  
THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND  
DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES,  
EXPRESS OR IMPLIED, AND NEITHER META PLANNING + DESIGN LLC, NOR ANY OF ITS  
OFFICERS, OR DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS,  
EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY CHARACTER OF ACTUAL  
UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE  
PRELIMINARY SUBDIVISION PLAT.

Crosshatched area is temporary easement  
for turnaround until street is extended  
south in a recorded plat.  
Documented.



DESCRIPTION OF  
68.101 ACRES  
AVALON AT FRIENDSWOOD SEC 1

Being 68.101 acres of land located in the Mary Fabreau Survey, Abstract Number 69, Galveston County, Texas, out of the remainder of a called 96.944 acre tract described in the deed to Taylor Morrison of Texas, Inc. by an instrument of record in File Number 2019064239 of the Official Public Records of said Galveston County, Texas (G.C.O.P.R.), and the called 59.521 acre tract described in the deed to Taylor Morrison of Texas, Inc. by an instrument of record in File Number 2019061400, G.C.O.P.R., said 68.101 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (NA2011) EPOCH 2010.00);

COMMENCING for reference at a 5/8-inch iron rod with cap stamped "WILSON SURVEY GROUP" found for the northwest corner of said 96.944 acre tract, the northeast corner of Eagle Lakes, Section 5, a subdivision of record in Volume 18, Page 554 of the Map Records of said Galveston County, Texas (G.C.M.R.) and in the south line of Falcon Ridge, Section Three, a subdivision of record in Volume 18, Page 282, G.C.M.R., from which a 5/8-inch iron rod found in the common line of said Eagle Lakes, Section 5 and Falcon Ridge, Section Two, a subdivision of record in Volume 18, Page 270, G.C.M.R. bears, North 48° 14' 26" West, 1,044.90 feet;

Thence, South 41° 54' 02" West, along the west line of said 96.944 acre tract, 2,541.04 feet to the southwest corner of a called 4.994 acre tract described in the deed to the City of Friendswood by an instrument of record in File Number 2019064237 and in the west line of said 96.944 acre tract and in the east line of Lot 19 of the David Fahay Subdivision, a subdivision of record in Volume 118, Page 415 of the Deed Records of said Galveston County, Texas (G.C.D.R.), said point also being the POINT OF BEGINNING of the herein described tract;

Thence, along the south line of said 4.994 acre tract the following three (3) courses:

1.South 49° 21' 21" East, 631.56 feet to a point for corner, the beginning of a curve;

2.601.19 feet along the arc of a tangent curve to the left, having a radius of 2,100.00 feet, a central angle of 16° 24' 10", and a chord which bears South 57° 33' 25" East, 599.14 feet to a point for corner;

3.South 65° 45' 30" East, 944.77 feet to the southeast corner of said 4.994 acre tract, in the east line of said 96.944 acre tract and in the west line of a called 941.89 acre tract (First Tract) described in the deed to Wesley West Cattle Company by instrument of record in File Number 9222784, G.C.O.P.R., from which a 5/8-inch iron rod with cap stamped "GEOSURV" bears, North 41° 52' 46" East, 79.84 feet;

Thence, South 41° 52' 46" West, along the common line of said 94.944 acre tract and said 941.89 acre tract, 848.45 feet to the southeast corner of said 94.944 acre tract and the northeast corner of aforementioned 59.521 acre tract;

Thence, South 41° 50' 53" West, along the common line of said 59.521 acre tract and said 941.89 acre tract, 1,220.71 feet to the southeast corner of said 59.521 acre tract and a reentrant corner of said 941.89 acre tract;

Thence, North 48° 09' 01" West, continuing along said common line, 494.44 feet to a point for corner, from which a found 5/8-inch iron rod with cap stamped "GEOSURV" bears, North 48° 09' 01" West, 1,089.85 feet;

Thence, North 13° 13' 57" West, departing said common line, 1,514.36 feet to a point for corner;

Thence, North 68° 16' 40" West, 175.37 feet to a point for corner;

Thence, North 73° 56' 58" West, 60.25 feet to a point for corner;

Thence, North 69° 07' 13" West, 158.62 feet to a point for corner;

Thence, North 48° 06' 56" West, 20.12 feet to the west line of said 59.521 acre tract, from which a found 5/8-inch iron rod with cap stamped "GEOSURV" bears, South 41° 53' 04" West, 724.42 feet;

Thence, North 41° 53' 04" East, along said west line, 498.02 feet to the northwest corner of said 59.521 acre tract, the southwest corner of the aforementioned 94.944 acre tract, the southeast corner of the aforementioned Lot 19, and in the north line of Lot 20 of the aforementioned David Fahay Subdivision;

Thence, North 41° 54' 02" East, along the west line of said 94.944 acre tract and the east line of said Lot 19, 450.63 feet to the POINT OF BEGINNING and containing 68.101 acres of land.

The corner monuments were not set at the client's request.

LJA Surveying, Inc.

Approved by the GALVESTON COUNTY CONSOLIDATED DRAINAGE DISTRICT

Director Date

Director Date

The approval granted by these signatures does not constitute the District's approval for the granting of any construction or building permits. This preliminary approval shall expire in six (6) months.

GCDD REF ID G200009

GCDD Plat Notes

- Buildings, fences or other structures shall not be erected in GALVESTON COUNTY CONSOLIDATED DRAINAGE DISTRICT (the DISTRICT) right-of-ways or drainage easements.
- The detention and drainage facilities are to be maintained by the property owner.
- The detention facility is to be maintained by the DISTRICT provided that the DISTRICT has approved the construction of the facility, the developer has paid the required fee, the site and access has been deeded to the DISTRICT in fee, and subject to approval by the Board.
- No building permit shall be issued for any lot within this subdivision until a detention and drainage plan has been approved by the DISTRICT.
- Additional drainage easements may be required at the time a drainage plan is submitted to the DISTRICT for approval.
- Plantings, flowerbeds or other landscaping is not permitted within side lot drainage or detention easements.
- No building permit shall be applied for until all drainage and detention facilities are constructed, inspected and approved by the DISTRICT.
- No permanent improvements including landscaping, paving, trees, sprinklers, utilities, playground equipment, park benches, tables, sport fields, piers, or sidewalks shall be constructed within the detention facility without the approval of the District.

LOT AREA SUMMARY

| LOT SIZES | SECTION 1 | TOTAL LOTS |
|-----------|-----------|------------|
| 60'x130'  | -----     | 0 LOTS     |
| 70'x130'  | 43 LOTS   | 43 LOTS    |
| 90'x130'  | 7 LOTS    | 7 LOTS     |
| TOTAL     | 50 LOTS   | 50 LOTS    |

| BLOCK 1 |         |
|---------|---------|
| LOT     | SQ. FT. |
| 1       | 9,506   |
| 2       | 9,937   |
| 3       | 10,774  |
| 4       | 15,708  |
| 5       | 13,216  |
| 6       | 13,442  |
| 7       | 11,755  |

| BLOCK 2 |         |
|---------|---------|
| LOT     | SQ. FT. |
| 1       | 9,450   |
| 2       | 9,450   |
| 3       | 9,450   |
| 4       | 9,450   |
| 5       | 9,450   |
| 6       | 9,450   |
| 7       | 9,450   |
| 8       | 9,450   |
| 9       | 9,378   |
| 10      | 14,811  |
| 11      | 12,598  |
| 12      | 9,592   |
| 13      | 9,371   |

| BLOCK 3 |         |
|---------|---------|
| LOT     | SQ. FT. |
| 1       | 22,953  |
| 2       | 24,725  |
| 3       | 23,617  |
| 4       | 22,142  |
| 5       | 20,123  |
| 6       | 18,805  |
| 7       | 18,553  |

| BLOCK 4 |         |
|---------|---------|
| LOT     | SQ. FT. |
| 1       | 15,081  |
| 2       | 11,902  |
| 3       | 10,114  |
| 4       | 9,438   |
| 5       | 10,160  |
| 6       | 10,816  |
| 7       | 12,114  |
| 8       | 11,443  |
| 9       | 14,696  |
| 10      | 18,788  |
| 11      | 19,889  |
| 12      | 16,771  |
| 13      | 12,209  |
| 14      | 11,539  |
| 15      | 11,740  |
| 16      | 9,897   |
| 17      | 9,100   |
| 18      | 9,100   |
| 19      | 9,100   |
| 20      | 9,100   |
| 21      | 9,012   |
| 22      | 8,837   |
| 23      | 11,615  |

A PARTIAL PRELIMINARY PLAT OF

# AVALON AT FRIENDSWOOD SECTION ONE

## A PRIVATE SUBDIVISION

BEING 68.101± ACRES OF LAND

CONTAINING 50 LOTS (70'/90' X 130' TYP.) AND EIGHTEEN RESERVES IN FIVE BLOCKS.

OUT of THE  
MARY FABREAU SURVEY, A-69  
CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS

ENGINEER/SURVEYOR:  
**LJA ENGINEERING**  
ATTN: EDDIE RUCKER  
1904 W. GRAND PKWY. N, SUITE 100  
KATY, TEXAS 77449

OWNER:  
**TAYLOR MORRISON OF TEXAS, INC.**  
ATTN: BOBBY SKINNER  
2929 BRIARPARK DR. NORTH, SUITE 400  
HOUSTON, TEXAS 77042

PLANNER:



24275 KATY FREEWAY, SUITE 200  
KATY, TEXAS 77494  
Tel: 281-810-1422

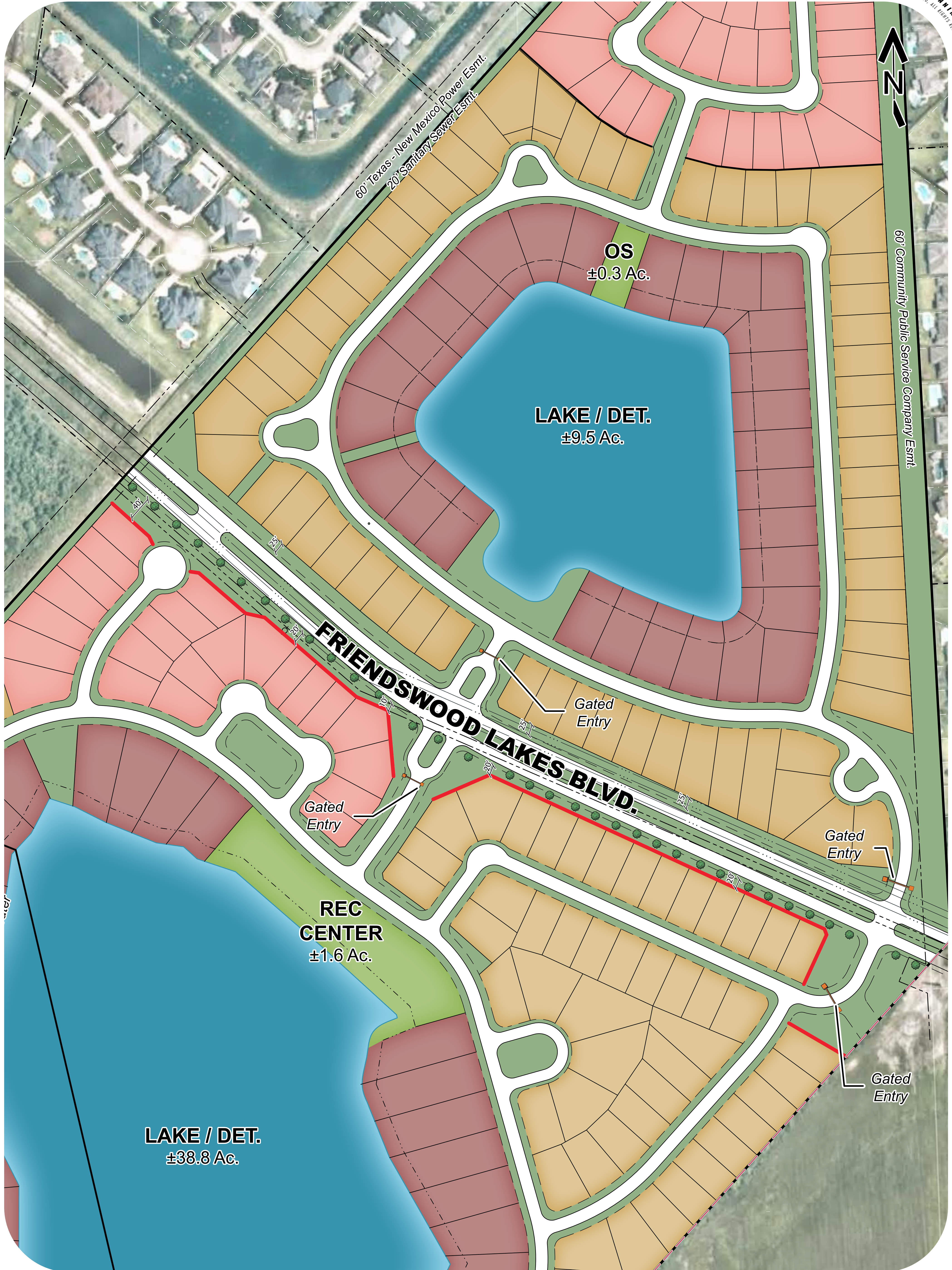
PAGE 2 OF 2  
SCALE: 1" = 100'  
0 50 100 200

APRIL 13, 2020  
MTA# 4711A

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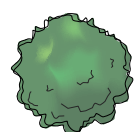
A- PARKING IS REQUIRED IN ACCORDANCE WITH THE PARKING GROUP TABLE IN THE DESIGN CRITERIA MANUAL





## LEGEND

6' BRICK FENCE



REQUIRED C.O.D. TREES

Not to Scale. This is a graphic representation only. Final location of all trees will be determined with final landscaping plans. A minimum of one (1) tree per twenty-five (25) linear feet of frontage will be provided with the required caliper. Trees may be clustered in accordance with applicable regulations listed in the C.O.D Ordinance.

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a community overlay district barrier exhibit for

# AVALON AT FRIENDSWOOD SECTION ONE

prepared for

**TAYLOR MORRISON**



24275 Katy Freeway, Ste. 200  
Katy, Texas 77494  
Tel: 281-810-1422

SCALE  
0 50 100 200

MTA-4711A  
APRIL 17, 2020



**AVALON AT FRIENDSWOOD  
PLANNED UNIT DEVELOPMENT**

**AMENDMENT NO. 1**

**± 156.47 Acres**

**Prepared For:  
Taylor Morrison**

**PREPARED BY:**



24275 Katy Freeway, Suite 200  
Katy, TX 77494

APPROVED: May 2019  
AMENDED: September 2019

## **TABLE OF CONTENTS**

- I. Introduction**
  - a. Purpose
  - b. Location and Existing Conditions
- II. Project Description**
  - a. Character of Community
  - b. Land Use
  - c. Permitted Uses
- III. Development Guidelines**
  - a. Residential Development Regulations
  - b. Signage
  - c. Amenities/Open Space
  - d. Phasing/Development Schedule
- IV. Exhibits**
  - a. Area Map
  - b. Conceptual Development Plan

## **I. INTRODUCTION**

### **Purpose**

This application has been prepared on behalf of Taylor Morrison, pursuant to the City of Friendswood's Ordinances related to a Planned Unit Development (PUD). The purpose of the PUD District is to encourage flexibility in the development of land, promote the most appropriate uses, and encourage a cohesive residential development. This PUD will establish development regulations and standards that will ensure quality development, consistent with the intent of the Friendswood Subdivision and Zoning Ordinances.

### **Location and Existing Conditions**

The Avalon at Friendswood PUD is located on a  $\pm$  156.47 Ac. tract located west of West Blvd, situated between the West Ranch subdivision to the east and the Friendswood Lakes subdivision to the west. The subject tract is bisected thru the middle by Friendswood Lakes Blvd and a portion lies along the city limit line of the City of Friendswood and City of League City. An existing lake sits on the southern side of the tract, south of Friendswood Lakes Blvd and the remainder of the tract is currently undeveloped. See Exhibit A – Area Map.

All land immediately surrounding the subject tract is either residential or undeveloped. Therefore, the proposed development is compatible with the surrounding land uses. Furthermore, existing easements around the tract act as natural buffers with adjoining properties. As a result of these various factors, the proposed Avalon at Friendswood development will be a suitable use for the tract.



## **II. PROJECT DESCRIPTION**

### **Character of Community**

Avalon at Friendswood will be a gated, residential neighborhood with both residential and recreational character. The PUD will create flexibility in the design while still maintaining a high quality and cohesive community. A high level of architectural character and design aesthetics will be utilized throughout the development. These elements ensure the project's strong, cohesive character and sense of community. The project will incorporate lake areas, green spaces and walkways that create a beautiful community with lake views throughout.

### **Land Use**

Avalon at Friendswood will be composed entirely of residential lots, landscaped open spaces and lake/ detention areas. The conceptual development plan (Exhibit B) illustrates the proposed mix of lot sizes and general site layout. The project includes a circulation of local residential streets, with a single thoroughfare, Friendswood Lakes Blvd, running east and west thru the center of the tract. A lake/detention area will be included on both the north and south sides of the property, on either side of Friendswood Lakes Blvd. The exact location of all streets and lots as shown on Exhibit B is preliminary and subject to change as development proceeds. Furthermore, the number of lots and lot sizes may be adjusted based on market demand at the time of development. A change of lots and/or lot size of up to ten percent (10%) will be permitted with staff approval. Any change over ten percent (10%) will require City Council approval. However, any modifications to the design will be consistent with the design standards and parameters specified within this document.

### **Permitted Uses**

All uses listed under Single Family Residential (SFR) in the City of Friendswood code of ordinances are permitted within this tract.

### III. DEVELOPMENT GUIDELINES

Unless otherwise outlined in this document, all City of Friendswood Subdivision and Zoning regulations in place at the time this document is adopted shall apply to the PUD. Any change to the below guidelines and/or other applicable regulations shall require a variance or an amendment to the PUD.

#### Residential Development Regulations

The following regulations shall apply to all single-family development:

##### 1) Lot Regulations - 1.

|                           | Units Per Acre | Lot Area (Minimum Sq. Ft.) | Minimum Lot Width | Setbacks                     |           |                    |                  | Height Maximum (Ft) | Parking Requirements (per Unit) | Zero Lot Line (Y/N) | Maximum Lot Coverage |
|---------------------------|----------------|----------------------------|-------------------|------------------------------|-----------|--------------------|------------------|---------------------|---------------------------------|---------------------|----------------------|
|                           |                |                            |                   | Front (Ft)                   | Rear (Ft) | Interior Side (Ft) | Corner Side (Ft) |                     |                                 |                     |                      |
| Single Family Residential | 4.5            | 7,200                      | 60                | 25 (Typ)/<br>20 (cul de sac) | 15        | 5                  | 10               | 40                  | A                               | Y                   | 65%                  |
| Single Family Residential | 4              | 8,400                      | 70                | 25 (Typ)/<br>20 (cul de sac) | 15        | 5                  | 10               | 40                  | A                               | Y                   | 65%                  |
| Single Family Residential | 3.5            | 9,600                      | 80                | 25 (Typ)/<br>20 (cul de sac) | 15        | 5                  | 10               | 40                  | A                               | Y                   | 65%                  |
| Single Family Residential | 3              | 10,800                     | 90                | 25 (Typ)/<br>20 (cul de sac) | 15        | 5                  | 10               | 40                  | A                               | Y                   | 65%                  |

A - Parking is required in accordance with the Parking Group Table in the Design Criteria Manual

##### 2) Lake Lots

- On lots that back up to a lake or detention area, the rear property line will extend to the lake edge.
- A drainage easement will be established at the rear of the lots for the required maintenance berm of the pond. Buildings and other structures, plantings, flower beds and other landscaping are not permitted in drainage easements. Fences are allowed in the easement so long as gates are installed in the side fences that extend across the easement down to the water.

##### 3) Cul de Sacs and knuckles

- Cul de sacs must have a minimum of a sixty (60) foot right of way radius.
- Cul de sacs must not exceed 900 feet when measured along the centerline from the nearest intersection. However, the following condition applies:
  - Adequate water pressure for potable water needs and firefighting capabilities shall be provided

- 4) Points of Access
  - 1. Any development over seventy-five (75) lots must have two points of access.
    - a. A second point of access may be provided thru the following methods
      - i. Public or private right of way
      - ii. Boulevard entrance
      - iii. An access easement with a crash gate and connecting to public right of way with approval from the Fire Marshal.
- 5) Gated Development
  - 1. A gated community is permitted, subject to all applicable standards. In a gated community, all the streets will be private.
- 6) Lake/Detention Maintenance
  - 1. On lots that back up to a lake or detention area, the rear property line will extend to the lake edge.
  - 2. An easement will be established at the rear of the lots to allow for rising water during periods of heavy storm water detention. Fences are allowed in the easement so long as gates are installed in the side fences that extend across the easement down to the water.

## **Signage**

Signage within the PUD will conform to the City of Friendswood Sign Ordinance with the following exceptions:

- 1) Temporary signs used during construction of the development recognizing builders, architects, engineers, leasing representatives, lenders, etc. must all be tastefully displayed on 4' x 8' vertical signs. All temporary signs must be removed when the principle building on the applicable building site is occupied. Additional temporary builder signs directing potential home buyers to various neighborhood/model homes may be installed behind the public right of way. These temporary signs will remain until the section is 80% complete.
- 2) Neighborhood monumentation
  - a. Neighborhood monumentation is permitted within the parameters set forth in the City of Friendswood signage ordinance.

## Amenities

Lakes and Open space areas account for approximately 26% of the gross acreage of Avalon at Friendswood. The open space calculation includes all parks, landscape reserves, landscaped right of ways, pipeline easements, drainage easements, trails, tot lots, lakes, detention and drainage area, etc. The proposed open space amenities and the acreages are as follows:

| Open Space Amenity   | Acreage*        |
|----------------------|-----------------|
| Lakes/Detention      | +/- 27.0        |
| Easements            | +/- 4.9         |
| Landscape/Open Space | +/- 9.3         |
| <b>TOTAL</b>         | <b>+/- 41.2</b> |

\*All acreages are preliminary and subject to changes as development occurs

In addition to the recreation and open space areas listed above, the development will comply with all applicable City of Friendswood Parkland Dedication requirements and/or Parkland Fees.

## Phasing and Development

The development is intended to be constructed in 5 phases. The initial phase will consist of approximately 50-60 lots and will be located south of Friendswood Lakes Blvd, on the east side of the lake. Phase two will include approximately 20 to 30 lots south of Friendswood Lakes Blvd, on the west side of the lake. Phase 3 will include the remainder of the lots west of the lake on the south side of Friendswood Lakes Blvd for a total of 25 to 35 lots. Phase 4 will consist of approximately 50 to 60 lots on the west half of the land located north of Friendswood Lakes Blvd. The final phase will be the remaining lots on the east side of the tract north of Friendswood Lakes Blvd. Phase 5 will have around 80 lots. It is proposed that there will be approximately 255-265 total lots within the 5 phases. This proposed phasing is based on preliminary projections, but the final timing of development as well as the number and location of phases may be modified based on market conditions.

In addition, all phasing will be coordinated with the construction of Friendswood Lakes Blvd. No plat recordation will be permitted until substantial completion of Friendswood Lakes Blvd. up to the entrance of the Avalon at Friendswood development. All platting will be in compliance with the access requirements of the Subdivision Ordinance and International Fire Code.

## IV. EXHIBITS

Exhibit A – Area Map

Exhibit B – Conceptual Development Plan





EXHIBIT  
**A**

a schematic development plan for  
**AVALON**  
**AT FRIENDSWOOD**  
**±156.47 ACRES OF LAND**  
prepared for  
**TAYLOR MORRISON**

**META**  
PLANNING + DESIGN

24275 Katy Freeway, Ste. 200  
Katy, Texas 77494  
Tel: 281-810-1422

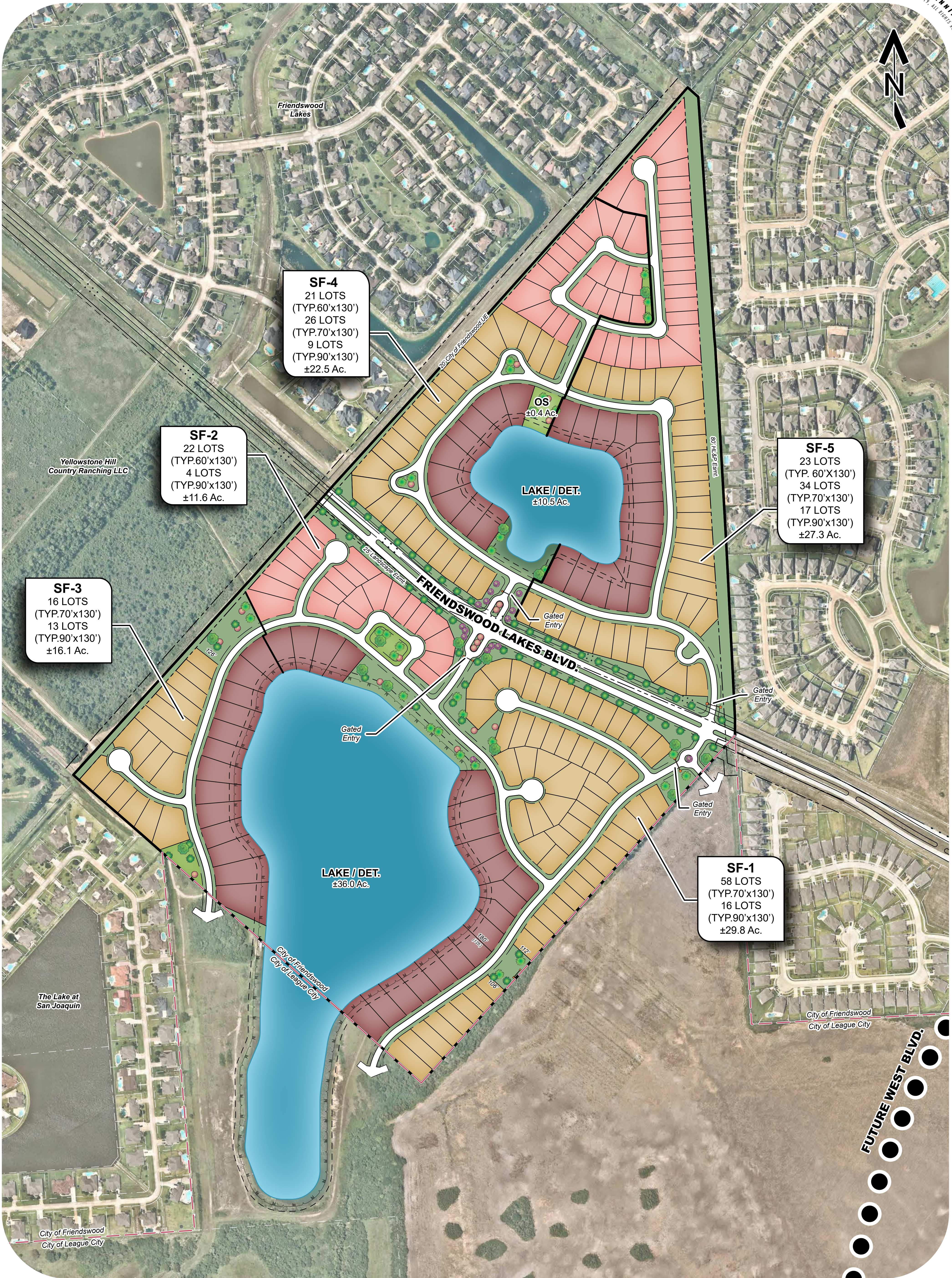
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MTA-4711A  
JULY 01, 2019

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#### LOT SUMMARY - FRIENDSWOOD

|          |          |     |
|----------|----------|-----|
| 60'x130' | 66 LOTS  | 25% |
| 70'x130' | 134 LOTS | 52% |
| 90'x130' | 59 LOTS  | 23% |

**TOTAL 259 LOTS**

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a schematic development plan for

## AVALON AT FRIENDSWOOD

±156.47 ACRES OF LAND

prepared for

**TAYLOR MORRISON**

**META**  
PLANNING + DESIGN

SCALE  
0 100 200 400

24275 Katy Freeway, Ste. 200  
Katy, Texas 77494  
Tel: 281-810-1422

MTA-4711A  
JULY 31, 2019

EXHIBIT  
**B**



Tract A  
(Called 194.21 Ac.)  
Estate of George A. Bofysil, JR.  
to  
Yellowstone Hill Country Ranching, LLC  
(a.c.c.f. #2010039988)

Future  
Development

Future  
Development

RESTRICTED  
RESERVE "F"  
LAKE/DETENTION/  
LANDSCAPE/OPEN SPACE  
±20.64 ACRES

Partition Agreement  
First Tract  
Called 941.89 Ac.  
Wesley West, ET AL  
(Vol.1387, Pg.384)

Correction Deed  
First Tract  
Called 941.89 Ac.  
Neva Watkins West  
to  
Wesley West Cattle Company  
(a.c.c.f. #2222784)

The Lake at San Joaquin  
Section One  
(Vol.18, Pg.1302)

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THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS  
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NOTE:

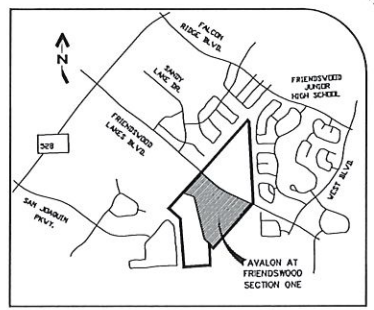
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- RESTRICTED RESERVE "C"  
LANDSCAPE/OPEN SPACE  
±0.87 ACRES
- RESTRICTED RESERVE "D"  
LANDSCAPE/OPEN SPACE  
±1.99 ACRES
- RESTRICTED RESERVE "E"  
LANDSCAPE/OPEN SPACE  
±3.67 ACRES
- RESTRICTED RESERVE "F"  
LAKE/DETENTION/  
LANDSCAPE/OPEN SPACE  
±20.64 ACRES

- RESTRICTED RESERVE "G"  
RECREATION CENTER  
±2.19 ACRES
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LANDSCAPE/OPEN SPACE  
±1.82 ACRES
- RESTRICTED RESERVE "J"  
LANDSCAPE/OPEN SPACE  
±0.82 ACRES
- RESTRICTED RESERVE "K"  
LANDSCAPE/OPEN SPACE  
±0.47 ACRES
- RESTRICTED RESERVE "L"  
LANDSCAPE/OPEN SPACE/SIGNAGE  
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LANDSCAPE/OPEN SPACE  
±2.38 ACRES

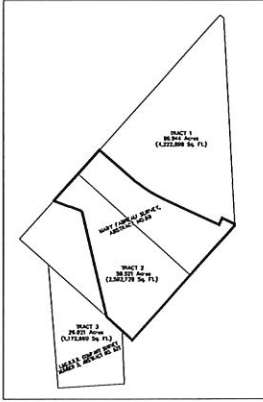
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LANDSCAPE/OPEN SPACE/SIGNAGE  
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- RESTRICTED RESERVE "R"  
LANDSCAPE/OPEN SPACE  
±0.43 ACRES
- RESTRICTED RESERVE "S"  
LANDSCAPE/OPEN SPACE  
±0.07 ACRES
- RESTRICTED RESERVE "T"  
LIFT STATION  
±0.19 ACRES

Landscaped  
open space

Future  
Residential  
lots



Vicinity Map  
SCALE: 1"=2000'



PARTIAL PLAT DRAWING EXHIBIT  
(NOT TO SCALE)

A PARTIAL PRELIMINARY PLAT OF  
**AVALON AT FRIENDSWOOD**  
SECTION ONE  
A PRIVATE SUBDIVISION

BEING 68.101± ACRES OF LAND  
CONTAINING 60 LOTS (70'x90' X 130' TYP) AND  
EIGHTEEN RESERVES IN FIVE BLOCKS.

OUT OF THE  
MARY FABREAU SURVEY, A-89  
CITY OF FRIENDSWOOD, GALVESTON COUNTY, TEXAS

ENGINEER/SURVEYOR:  
LJA ENGINEERING  
ATTN: EDDIE RUCKER  
1804 W. GRAND PKWY. N, SUITE 100  
KATY, TEXAS 77449

OWNER:  
TAYLOR MORRISON OF TEXAS, INC.  
ATTN: BOBBY SKINNER  
2929 BRIARPARK DR. NORTH, SUITE 400  
HOUSTON, TEXAS 77042

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**META** PLANNING & DESIGN  
24275 KATY FREEWAY, SUITE 200  
KATY, TEXAS 77494  
Tel: 281-810-1422

PAGE 1 OF 2  
SCALE: 1"=100'  
0 50 100 200

APRIL 13, 2020  
META 4711A





#### OPEN SPACE CALCULATIONS

|                                 | Friendswood      | League City      | Total            |
|---------------------------------|------------------|------------------|------------------|
| LAKE/DETENTION                  | ±35.5 Ac.        | ±7.8 Ac.         | ±43.5 Ac.        |
| REC/TOT LOTS                    | ±4.7 Ac.         | ±0.6 Ac.         | ±5.3 Ac.         |
| EASEMENTS                       | ±6.5 Ac.         | ±0.2 Ac.         | ±6.7 Ac.         |
| OPEN SPACE/<br>LANDSCAPE BUFFER | ±4.2 Ac.         | ±2.0 Ac.         | ±6.2 Ac.         |
| <b>TOTAL</b>                    | <b>±50.9 Ac.</b> | <b>±10.6 Ac.</b> | <b>±61.5 Ac.</b> |
|                                 |                  |                  | ±34% OF DEV.     |

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an open space exhibit for

## AVALON AT FRIENDSWOOD

±183.4 ACRES OF LAND

prepared for  
**TAYLOR MORRISON**

**META**  
PLANNING + DESIGN

24275 Katy Freeway, Ste. 200  
Katy, Texas 77494  
Tel: 281-810-1422

SCALE  
0 100 200 400

MTA-4711A  
MARCH 30, 2020



# Memo

To: Planning & Zoning Commission  
 From: Aubrey Harbin, Director of Community Development/Planner  
 Date: April 15, 2019  
 Re: DRC Report

The following DRC Meeting was held in March 2020.

| Project                                                                 | Current Zoning | Zone Change Required? Y/N | Issues discussed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Location |
|-------------------------------------------------------------------------|----------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 905 Merriewood Dr.<br><br>Discuss possibilities of subdividing property | SFR            | No                        | Configuration of lots required to meet minimum lot frontage and access requirements per Zoning Ordinance; preliminary and final plats required to dedicated required access and dedicate easemetns for utilities; tree survey required for any common areas; water line extension would be required to be looped; fire hydrant required within 500 feet; sewer line extension required; impact fees and park dedication fees would be required for a new lot; flood zone AE, which requires mitigation for any added impervious cover; on-site detention required |          |