



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting via Video/Telephone Conference call (pursuant to Texas Government Code, Section 551.125)

Richmond, Texas 77406

Monday, October 26, 2020 at 4:30 P.M.

Join Zoom Meeting

<https://zoom.us/j/96247808620>

Meeting ID: 962 4780 8620

One tap mobile

+13462487799,,96247808620# US (Houston)

+12532158782,,96247808620# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 962 4780 8620

Find your local number: <https://zoom.us/u/atCG5pvnf>

Mayor Evalyn Moore

Commissioner Terry Gaul

Commissioner Carl Drozd

Commissioner Barry Beard

Commissioner Alex BeMent

In compliance with the recommendations of the CDC and other governmental agencies, to limit meetings to less than ten persons to limit the spread of the COVID-19 virus, members of the public will not be permitted to attend the meeting in person. However, members of the public may submit comments to the City Commission in any of the following ways: 1) emailing the City Secretary at lscarlato@ci.richmond.tx.us; 2) delivering written comments to City Hall drop box prior to the meeting; or 3) by notifying the City Secretary in advance that they

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

City Commission Meeting Agenda

October 26, 2020

Page 1 of 3

wish to be contacted by phone at 281-342-5456 option 2 during the meeting in order to make their comments during the comments from the audience for Agenda Items portion of the meeting.

AGENDA

- A1. Call to Order, Quorum Determined and Meeting Declared Open.
- A2. Public comments (Public comment is limited to a maximum of 3 minutes per item. No Deliberations with the Commission. Time may not be given to another speaker.)
- A3. Second Public hearing to receive comments for or against requests by Fort Bend County, Meritage Homes of Texas, LLC, Richmond Land & Cattle, LLC, and Joseph Mandola (owners of the subject sites) to annex the existing right of way of 9th Street, also known as Plummer Street, and the expansion and extension thereof to serve as the primary entry to the Mandola Farms development from US Highway 90A to the northern boundary of the Mandola Farms development.
- A4. Review and consider taking action on Ordinance No. 2020-26, establishing regulations of the placement and maintenance of donation boxes.
- A5. Review and consider taking action on rejecting bid for Construction Contract for the Police Department Renovations.
- A6. Adjourn to Executive Session, as authorized by Texas Government Code, Section 551.074, Personnel Matters.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A) (Open Meetings Law), "The City Commission may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections"; Sections 551.074, Personnel Matters.

- E1. Executive Session for Personnel Matters.
 - 1. Discuss Judge's duties and responsibilities, Section 4.03 (2) of the City Charter.
 - 2. Discuss City Attorney's duties and responsibilities, Section 4.04 (2) of the City Charter.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

OPEN MEETING

- C1. Reconvene into Open Meeting, and take action on items, if necessary.
- C2. Review and consider taking action on a contract with the City Attorney.
- C3. Review and consider taking action on Resolution No. 2020 reappointing the Municipal Judge and authorizing a contract with the Municipal Judge.
- C4. Adjournment.

If, during the course of the meeting covered by this Agenda, the Commission shall determine that an executive session of the Commission, should be held or is required in relation to any item included in this Agenda, then such executive session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Agenda concerning any and all subjects and for any and all purposes permitted by Sections 551.071-551.090 of the Texas Government Code, including, but not limited to, Section 551.071 – for purpose of consultation with attorney, on any or all subjects or matters authorized by law.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Richmond City Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at (281) 342-5456 ex. 505 for needed accommodations.

If you have any questions please let me know.
Terri Vela



City of Richmond

Where History Meets Opportunity

Special Called City Commission Meeting

600 Morton Street

Monday, October 26, 2020 at 4:30 p.m.

A1. Call to Order, Quorum Determined, Meeting Declared Open.



City of Richmond

Where History Meets Opportunity

Special Called City Commission Meeting

600 Morton Street

Monday, October 26, 2020 at 4:30 p.m.

- A2. Public comments (Public comment is limited to a maximum of 3 minutes per item. No Deliberations with the Commission. Time may not be given to another speaker.)



City of Richmond

Where History Meets Opportunity

Special Called City Commission Meeting

600 Morton Street

Monday, October 26, 2020 at 4:30 p.m.

- A3. Second Public Hearing to receive comments for or against requests by Fort Bend County, Meritage Homes of Texas, LLC, Richmond Land & Cattle, LLC, and Joseph Mandola (owners of the subject sites) to annex the existing right of way of 9th Street, also known as Plummer Street, and the expansion and extension thereof to serve as the primary entry to the Mandola Farms development from US Highway 90A to the northern boundary of the Mandola Farms development.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: October 19, 2020

Staff Review:

City Manager _____
City Attorney _____
Finance _____
Fire Department _____
Police Department _____
Public Works _____

AGENDA ITEM: A4.

**SUBMITTED BY: Jose Abraham, Planning Director
Planning Department**

SYNOPSIS

This is a public hearing for the proposed annexation of:

tracts or parcels of land known as 9th Street (also known as Plummer Street) and the widening and extension thereof from US Hwy 90A to the Mandola Farms development in the William Morton Survey, A-62, Fort Bend County, Texas.

Planning and Zoning Commission was informed about this proposed annexation at the October 5, 2020 regular meeting.

COMPREHENSIVE PLAN 2014 GOALS ADDRESSED

A.2. Promote compact, contiguous, and predictable growth and annexation patterns that result in the efficient use of infrastructure systems and public safety services.

BACKGROUND

The owners of the tract of land being developed as the entry road to the new Mandola Farms subdivision have requested annexation of the entry road by the City of Richmond. The subject site is located south of US 90A and includes the existing 9th Street right-of-way (also known as Plummer Street) and its extension to the new subdivision. A portion of the subject site proposed for annexation is the 9th Street Right-of-way owned by Fort Bend County. A second public hearing pertaining to this portion of the subject site will be held on Monday, October 26, 2020 at City Commission Special meeting. The remaining port of the subject site is the extension of the existing 9th Street and is under private ownership. This portion is not required to have a second public hearing.

Staff will present the proposed annexation ordinance to the City Commission on November 16, 2020 regular City Commission meeting for consideration.

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY 2020 – 2021 FUNDS BUDGETED	FY 2020 – 2021 FUNDS AVAILABLE	AMOUNT REQUESTED
N/A	N/A	N/A	N/A	N/A	N/A

BUDGET AMENDMENT REQUIRED? YES _____ NO X

Requested Amendment: N/A
Budgeted funds estimated for FY 2020 - 2021: N/A

Purchasing Review: N/A
Financial/Budget Review: N/A

FORM CIQ: N/A

FORM 1295 N/A

SUPPORTING MATERIALS

A report has been submitted by the Planning Department for review by the Mayor and City Commission.

STAFF'S RECOMMENDATION

Staff recommends annexing the subject site into the City Limits at the time of reading of annexation Ordinance.

City Manager Approval: _____

CITY COMMISSION
Proposed Annexation: Public Hearing

Agenda Date: October 19, 2020

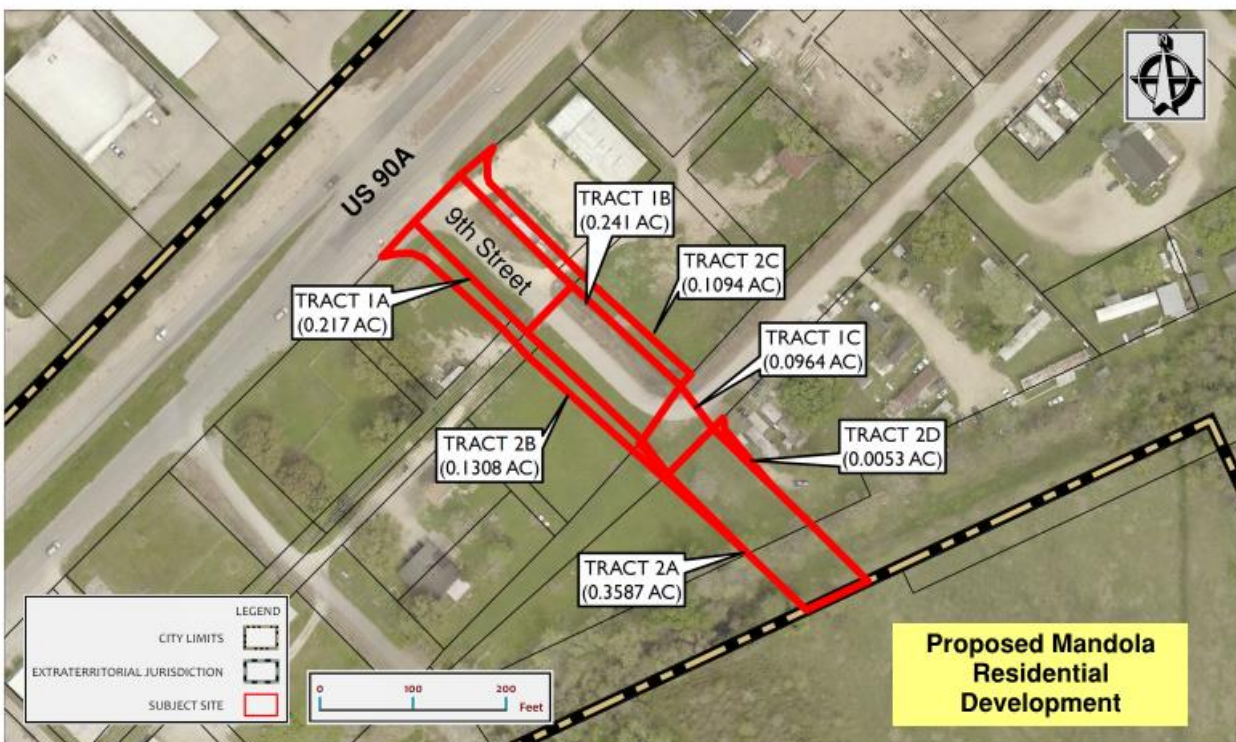
Agenda Item: A4.

Agenda Item Subject: Public hearing for the proposed annexation of tracts or parcels of land known as 9th Street (also known as Plummer Street) and the widening and extension thereof from US Hwy 90A to the Mandola Farms development in the William Morton Survey, A-62, Fort Bend County, Texas.

SUMMARY

This is a public hearing for the proposed annexation of:

tracts or parcels of land known as 9th Street (also known as Plummer Street) and the widening and extension thereof from US Hwy 90A to the Mandola Farms development in the William Morton Survey, A-62, Fort Bend County, Texas (*Vicinity Map below*).



- The owners of the tract of land being developed as the entry road to the new Mandola Farms subdivision have requested annexation of the entry road by the City of Richmond. The subject site is located south of US 90A and includes the existing 9th Street right-of-way (also known as Plummer Street) and its extension to the new subdivision.

- A portion of the subject site (Tract 1A, 1B, and 1C on the vicinity map) proposed for annexation is the 9th Street Right-of-way owned by Fort Bend County. A second public hearing pertaining to this portion of the subject site will be held on Monday, October 26, 2020 at City Commission Special meeting.
- The remaining port of the subject site (Tract 2A, 2B, 2C, and 2D on the vicinity map) is the extension of the existing 9th Street and is under private ownership. This portion is not required to have a second public hearing.
- The petitions from property owners requesting annexation is attached to this report.
- Staff will present the proposed annexation ordinance to the City Commission on November 16, 2020 regular City Commission meeting for consideration.

-----*End of Report*-----



COUNTY JUDGE
Fort Bend County, Texas

The Honorable KP George
County Judge

(281) 341-8608
Fax (281) 341-8609

May 5, 2020

City Commission
City of Richmond, Texas
402 Morton Street
Richmond, Texas 77469

RE: Request for Annexation – 9th Street

Mayor and Commissioners:

Fort Bend County is the political subdivision responsible for maintaining the streets dedicated to public use within the maps and plats of: Edgewood Addition Annex No. 4 to the City of Richmond, Fort Bend County, Texas recorded in in Volume 254, Page 304; and Edgewood Addition Sec 9 in Volume 288, Page 146, both of the Official Public Records of Fort Bend County, Texas.

The streets dedicated in the dedications mentioned above include the following relevant portions of 9th Street (the “**Property**”) described as:

- Parcel ID 2855-04-000-0003-901, a 0.217 acre tract of land (Exhibit A)
- Parcel ID 2855-09-000-0001-901, a 0.241 acre tract of land (Exhibit B)
- A portion of Parcel ID 2855-09-000-0003-901, a 0.964 acre tract of land (Exhibit C)

Pursuant to Section 43.1055 of the Texas Local Government Code, Fort Bend County Commissioners Court requests the annexation of the Property into the City of Richmond, Texas. The Property is contiguous to the City of Richmond, the annexing municipality.

Fort Bend County Commissioners Court hereby requests the City Commission of Richmond, Texas to annex the Property.

If additional information is required to process this request, please feel free to contact the undersigned.

FORT BEND COUNTY

By: 
KP George, County Judge

ATTEST:


Laura Richard, County Clerk

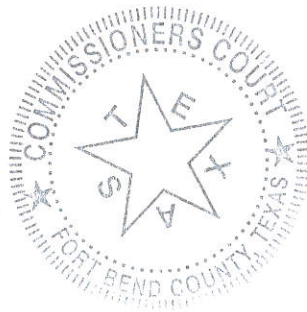
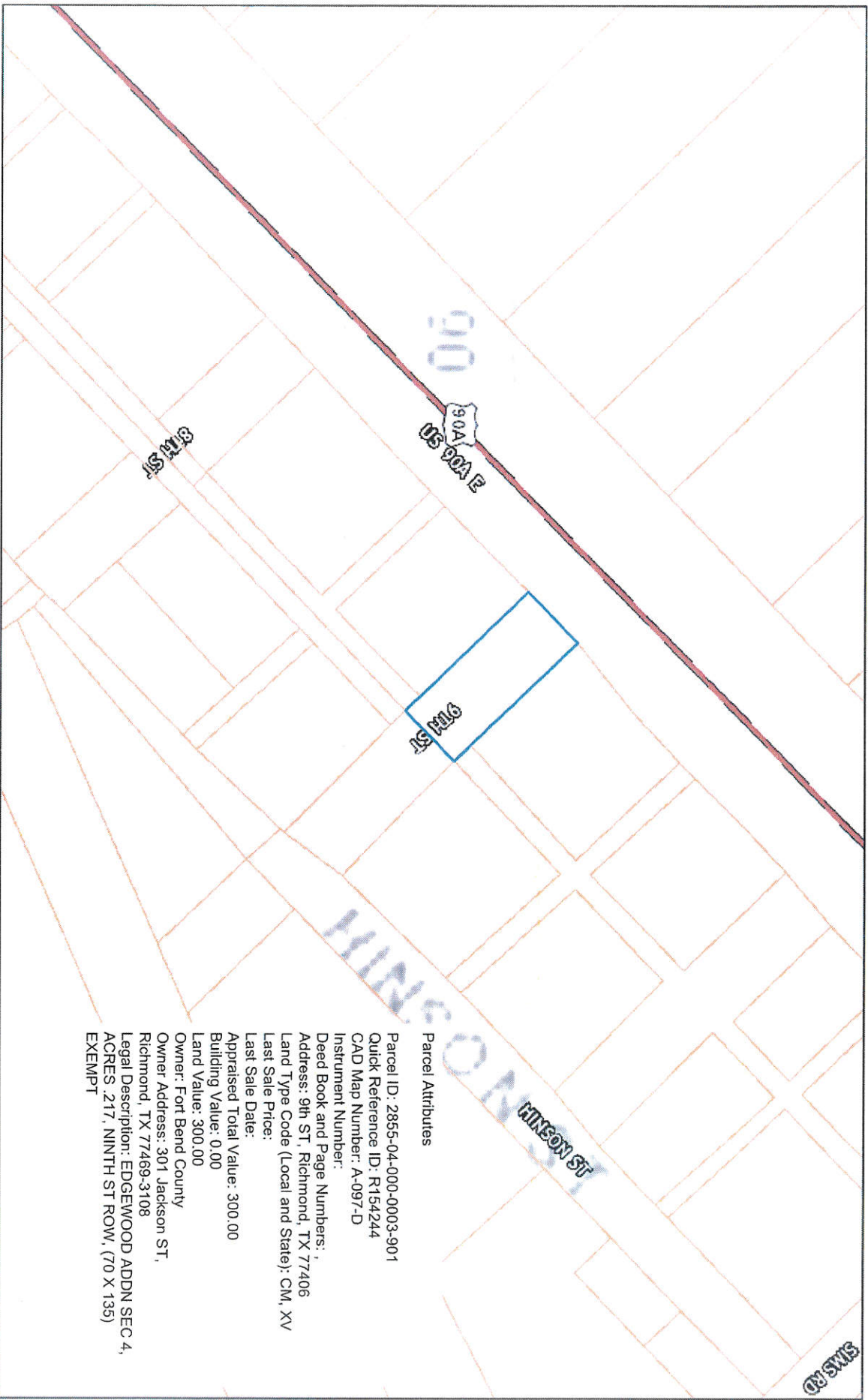


EXHIBIT A

Fort Bend County



Parcel Attributes

Parcel ID: 2855-04-000-0003-901
Quick Reference ID: R154244
CAD Map Number: A-097-D
Instrument Number:
Deed Book and Page Numbers:
Address: 9th St, Richmond, TX 77406
Land Type Code (Local and State): CM, XV
Last Sale Price:
Last Sale Date:
Appraised Total Value: 300.00
Building Value: 0.00
Land Value: 300.00
Owner: Fort Bend County
Owner Address: 301 Jackson St,
Richmond, TX 77469-3108
Legal Description: EDGEWOOD ADDN SEC 4,
ACRES .217, NINTH ST ROW, (70 X 135)
EXEMPT

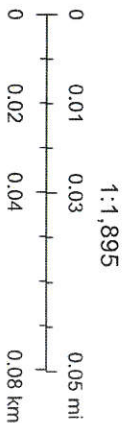
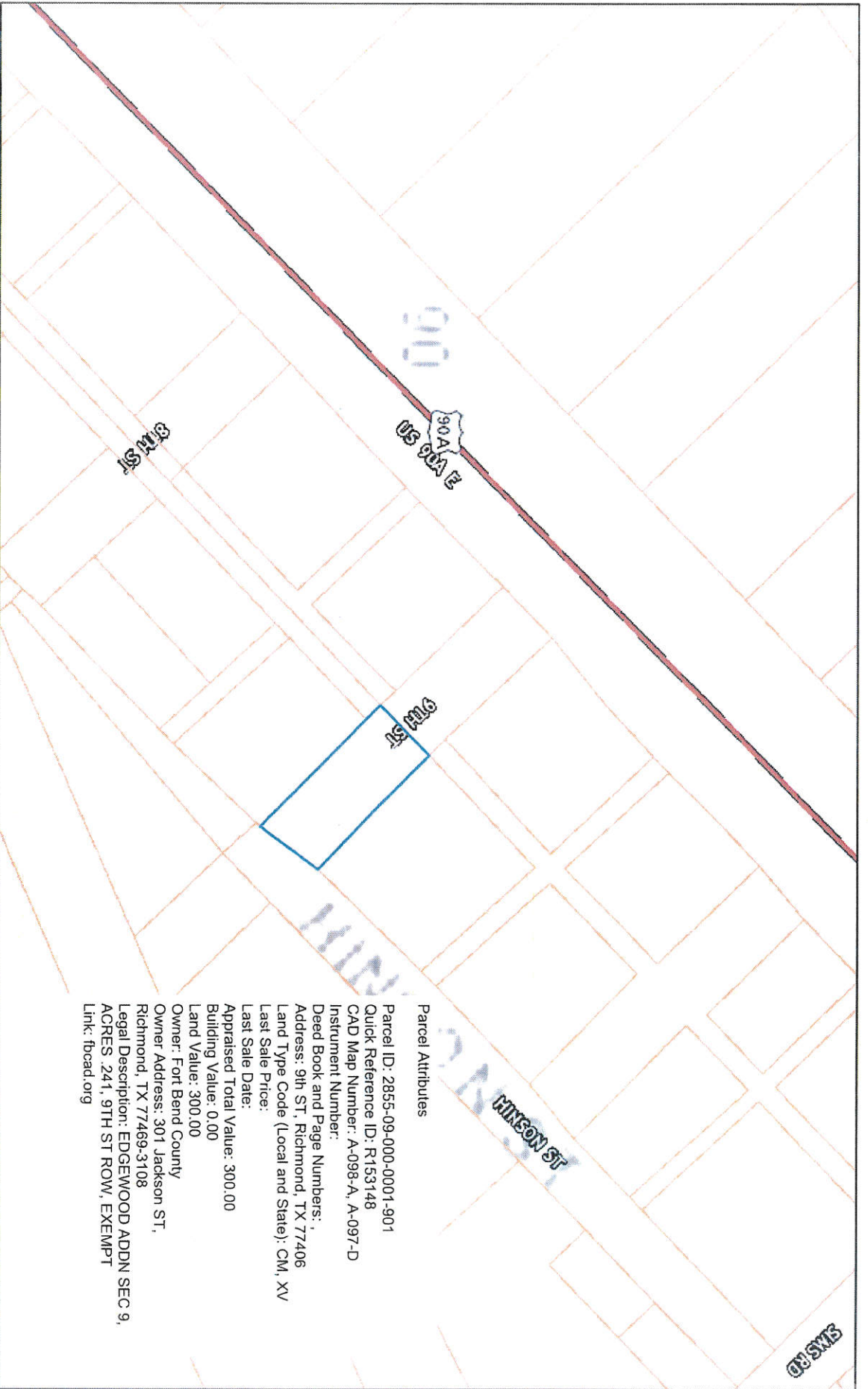


EXHIBIT B

Fort Bend County



Parcel Attributes

Parcel ID: 2855-09-000-0001-901
Quick Reference ID: R153148
CAD Map Number: A-098-A, A-097-D
Instrument Number:
Deed Book and Page Numbers: ,
Address: 9th St, Richmond, TX 77406
Land Type Code (Local and State): CM, XV
Last Sale Price:
Last Sale Date:
Appraised Total Value: 300.00
Building Value: 0.00
Land Value: 300.00
Owner: Fort Bend County
Owner Address: 301 Jackson St,
Richmond, TX 77469-3108
Legal Description: EDGEWOOD ADDN SEC 9,
ACRES .241, 9TH ST ROW, EXEMPT
Link: fbcad.org

February 14, 2020

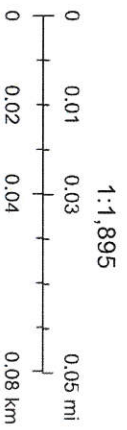


EXHIBIT C

County: Fort Bend
Project: Mandola Farms
M.S.G. No.: 201076
Job Number: 3918-BDY

FIELD NOTES FOR 0.0964 ACRE

Being a tract of land containing 0.0964 acre (4,200 square feet), located in the William Morton Survey, Abstract Number (No.) 62, in Fort Bend County, Texas; said 0.0964 acre tract being a portion of 9th Street (called 70-foot wide per Volume 309, Page 328, Fort Bend County Deed Records (F.B.C.D.R.)); said 0.0964 acre tract being more particularly described by metes and bounds as follows (all bearings based upon the Texas Coordinate System of 1983, South Central Zone per GPS observations);

BEGINNING at 1/2-inch iron pipe found for the south corner of Tract 1, recorded in the name of Joe Mandola in Volume 2565, Page 2454, F.B.C.D.R., at the north corner of a called 0.913 acre tract recorded in the name of Joseph G. Mandola in Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 1999013188, and being on the southwest right-of-way (R.O.W.) line of said 9th Street;

THENCE, through and across said 9th Street, North 44 degrees 29 minutes 33 seconds East, a distance of 70.00 feet to an angle point at the south corner of a tract recorded in the name of Joseph G. Mandola in F.B.C.C.F. No. 2003082548, and being at the intersection of the northeast R.O.W. of said 9th Street (Volume 309, Page 328, F.B.C.D.R.) with the northwest R.O.W. of 9th Street (60-foot wide per Volume 254, Page 146-146, F.B.C.D.R.), for the north corner of the herein described tract; from which a found 1/2-inch iron pipe found bears North 14 degrees 03 minutes West, a distance of 0.7 feet;

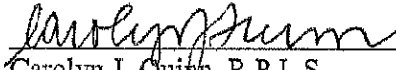
THENCE, through and across said 9th Street, South 45 degrees 30 minutes 27 seconds East, a distance of 60.00 feet to an angle point at the west corner of a called 0.491 acre tract (Tract 2) recorded in the name of Richmond Land And Cattle, LLC, in F.B.C.C.F. No. 2012098371, a north corner of a called 52.799 acre tract recorded in the name of Meritage Homes of Texas, LLC, in F.B.C.C.F. No. 2019056813, and being on the southeast terminus line of said 9th Street (Volume 309, Page 328, F.B.C.D.R.), for the east corner of the herein described tract; from which a 5/8-inch iron rod with B&G cap found bears North 66 degrees 31 minutes West, 1.3 feet;

THENCE, with the southeast terminus line of said 9th Street (Volume 309, Page 328, F.B.C.D.R.), being a northwest line of said 52.799 acre tract, South 44 degrees 29 minutes 33 seconds West, a distance of 70.00 feet to a 3/4-inch iron pipe found at a northerly corner of said 52.799 acre tract, being on the northeast line of said 0.913 acre tract and the southwest R.O.W. line of said 9th Street (Volume 309, Page 328, F.B.C.D.R.), for the south corner of the herein described tract;

THENCE, with the northeast line of said 0.913 acre tract, being the southwest R.O.W. line of said 9th Street (Volume 309, Page 328, F.B.C.D.R.), North 45 degrees 30 minutes 27 seconds West, a distance of 60.00 feet to the **POINT OF BEGINNING** and containing 0.0964 acre of land.

Exhibit _____, Page 2 of 3 Pages

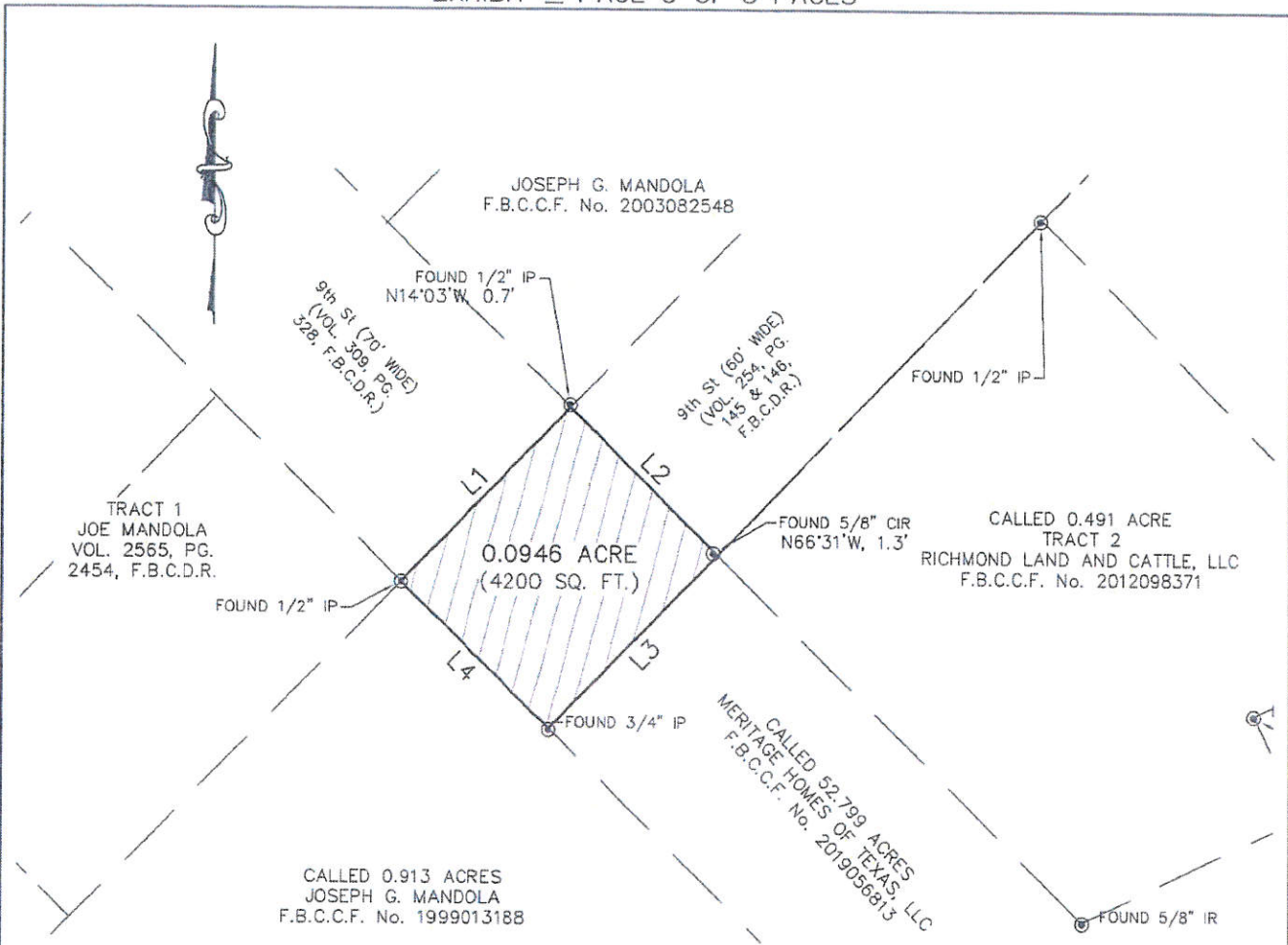
An exhibit of the subject tract has been prepared by Miller Survey Group and accompanies this description.



Carolyn J. Quinn, R.P.L.S.
Texas Registration No. 6033



MILLER SURVEY GROUP
Texas Firm Registration No. 10047100
Ph: (713) 413-1900
M&B No. 201076
Job No. 3918-BDY
Dwg No.: 3918-EXH1
Date: February 12, 2020



CALLED 0.913 ACRES
JOSEPH G. MANDOLA
F.B.C.C.F. No. 1999013188

Line Table		
Line	Length	Direction
L1	70.00	N44°29'33"E
L2	60.00	S45°30'27"E
L3	70.00	S44°29'33"W
L4	60.00	N45°30'27"W

NOTES:

1. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE PER GPS OBSERVATIONS.
2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

LEGEND

- F.B.C.C.F. = FORT BEND COUNTY CLERK'S FILE
- F.B.C.P.R. = FORT BEND COUNTY PLAT RECORDS
- F.B.C.D.R. = FORT BEND COUNTY DEED RECORDS
- FND = FOUND
- No. = NUMBER
- IR = IRON ROD
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R.O.W. = RIGHT-OF-WAY
- S.F. = SQUARE FEET
- PG. = PAGE
- VOL. = VOLUME
- ⊙ = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
- = ANGLE POINT

EXHIBIT

BEING A 0.0964 ACRE TRACT
LOCATED IN THE
WILLIAM MORTON SURVEY, A-62
FORT BEND COUNTY, TEXAS



www.millersurvey.com
1760 WEST SAM HOUSTON PARKWAY NORTH * HOUSTON, TEXAS 77043
PHONE 713-413-1900 * FAX 713-413-1944
TEXAS FIRM REGISTRATION No. 10047100

JOB No.: 3918-BDY	SCALE: 1"=50'	DATE: 02/12/2020	FIELD BOOK: N/A
DWG. No.: 3918-EXH1	DRAWN BY: JRC	CHK. BY: CJQ	M&B No.: 201076

H:\V_08 FOLDER\3918-MANDOLA\TARUS\DWG\3918-EXH1.DWG 2/12/20 Carolyn Jardine

September 11, 2020

City Commission
City of Richmond, Texas
402 Morton Street
Richmond, Texas 77469

Re: Request for Annexation

Mayor and Commissioners:

Joseph G. Mandola, Individually, Richmond Land & Cattle, LLC, and Meritage Homes of Texas, LLC (the “**Owners**”) are the owners of the tracts of land described on Exhibit A to this letter (the “**Property**”). Pursuant to Subchapter C-3, Chapter 43 of the Texas Local Government Code, the Owners are requesting the annexation of the Property into the City of Richmond, Texas, and contracting with the City of Richmond, Texas, to provide the municipal services to the Property as set forth in the Municipal Services Plan attached hereto as Exhibit B.

The Property is contiguous to the City of Richmond, the annexing municipality.

The Owners hereby request the City Commission of Richmond, Texas to annex the Property and to provide the municipal services as set forth in the Municipal Services Plan attached hereto.

If additional information is required to process this request, please feel free to contact the undersigned.

SIGNATURE PAGES

Joseph G. Mandola, Individually

By: Joseph G. Mandola
Joseph G. Mandola

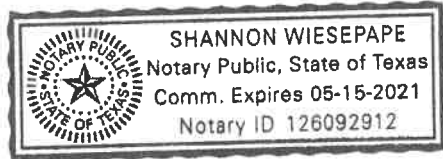
STATE OF TEXAS

§
§
§

COUNTY OF FORT BEND

This instrument was acknowledged before me on the 18 day of September, 2020
by Joseph G. Mandola.

Shannon Wiesepepe
Notary Public, State of Texas



Richmond Land & Cattle, LLC.

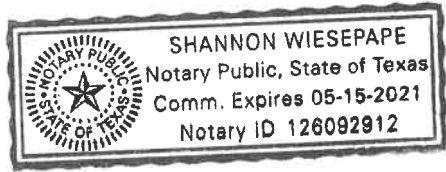
By: Joseph G. Mandola
Joseph G. Mandola, Manager

STATE OF TEXAS

§
§
§

COUNTY OF FORT BEND

This instrument was acknowledged before me on the 18 day of September, 2020 by Joseph G. Mandola, Manager of Richmond Land & Cattle, LLC., as the act and deed of said corporation.



Shannon Wiesepepe
Notary Public, State of Texas

Meritage Homes of Texas, LLC

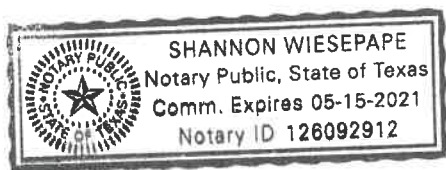
By: *David Jordan*
David Jordan, Sr. Vice President of Land

STATE OF TEXAS

§
§
§

COUNTY OF Fort Bend

This instrument was acknowledged before me on the 18 day of September, 2020 by David Jordan, Sr. Vice President of Land of Meritage Homes of Texas, LLC, as the act and deed of said corporation.



Shannon Wiesepepe
Notary Public, State of Texas

EXHIBIT A

Exhibit _____, Page 1 of 4 Pages

County: Fort Bend
Project: Mandola Farms
M.S.G. No.: 201212
Job Number: 3918-PL

FIELD NOTES FOR 0.3587 ACRE

Being a tract of land containing 0.3587 acre (15,624 square feet), located in the William Morton Survey, Abstract Number (No.) 62, in Fort Bend County, Texas; said 0.3587 acre tract being out of a called 52.799 acre tract recorded in the name of Meritage Homes of Texas, LLC., in Fort Bend County Clerks File Number (F.B.C.C.F. No.) 2019056813; said 0.3587 acre tract being more particularly described by metes and bounds as follows (all bearings based upon the Texas Coordinate System of 1983, South Central Zone per GPS observations):

BEGINNING at a 3/4-inch iron pipe found on the northeasterly line of a called 0.913 acre tract recorded in the name of Joseph Mandola, in F.B.C.C.F. No. 1999013188, being on the southwest right-of-way (R.O.W.) line of 9th Street (called 70-foot wide per Volume (Vol.), Page (Pg.) 328, Fort Bend County Deed Records (F.B.C.D.R.)), for a northerly northwest corner of a said 52.799 acre tract;

THENCE, with the south R.O.W. line of said 9th Street and northwest line of said 52.799 acre tract, North 44 degrees 29 minutes 40 seconds East, a distance of 70.00 feet to a 5/8-inch iron rod with Miller Survey Group (M.S.G.) cap set (from which a 5/8-inch iron rod with cap found bears North 66 degrees 31 minutes West, a distance of 1.3 feet), for the most northeasterly corner of said 52.799 acre tract and the northwest corner of a called 0.491 acre tract (Tract 2) recorded in the name of Richmond Land And Cattle, LLC, in F.B.C.C.F. No. 2012098371;

THENCE, with the line common to said 52.799 acre tract and said 0.491 acre tract, South 45 degrees 30 minutes 21 seconds East, at a distance of 149.51 feet pass a 5/8-inch iron rod found for the southwest corner of said 0.491 acre tract, continuing through and across said 52.799 acre tract a total distance of 206.62 feet to a 5/8-inch iron rod with M.S.G. cap set at the beginning of a curve to the right;


THENCE, 29.54 feet along the arc of said curve to the right, having a radius of 635.00 feet, a central angle of 02 degrees 39 minutes 57 seconds, and a chord that bears South 44 degrees 10 minutes 23 seconds East, a distance of 29.54 feet to a 5/8-inch iron rod with M.S.G. cap set for the southeast corner of the herein described tract;

THENCE, continuing through and across said 52.799 acre tract, South 64 degrees 58 minutes 03 seconds West, a distance of 73.99 feet to a 5/8-inch iron with M.S.G. cap set for the southwest corner of the herein described tract;

Exhibit _____, Page 2 of 4 Pages

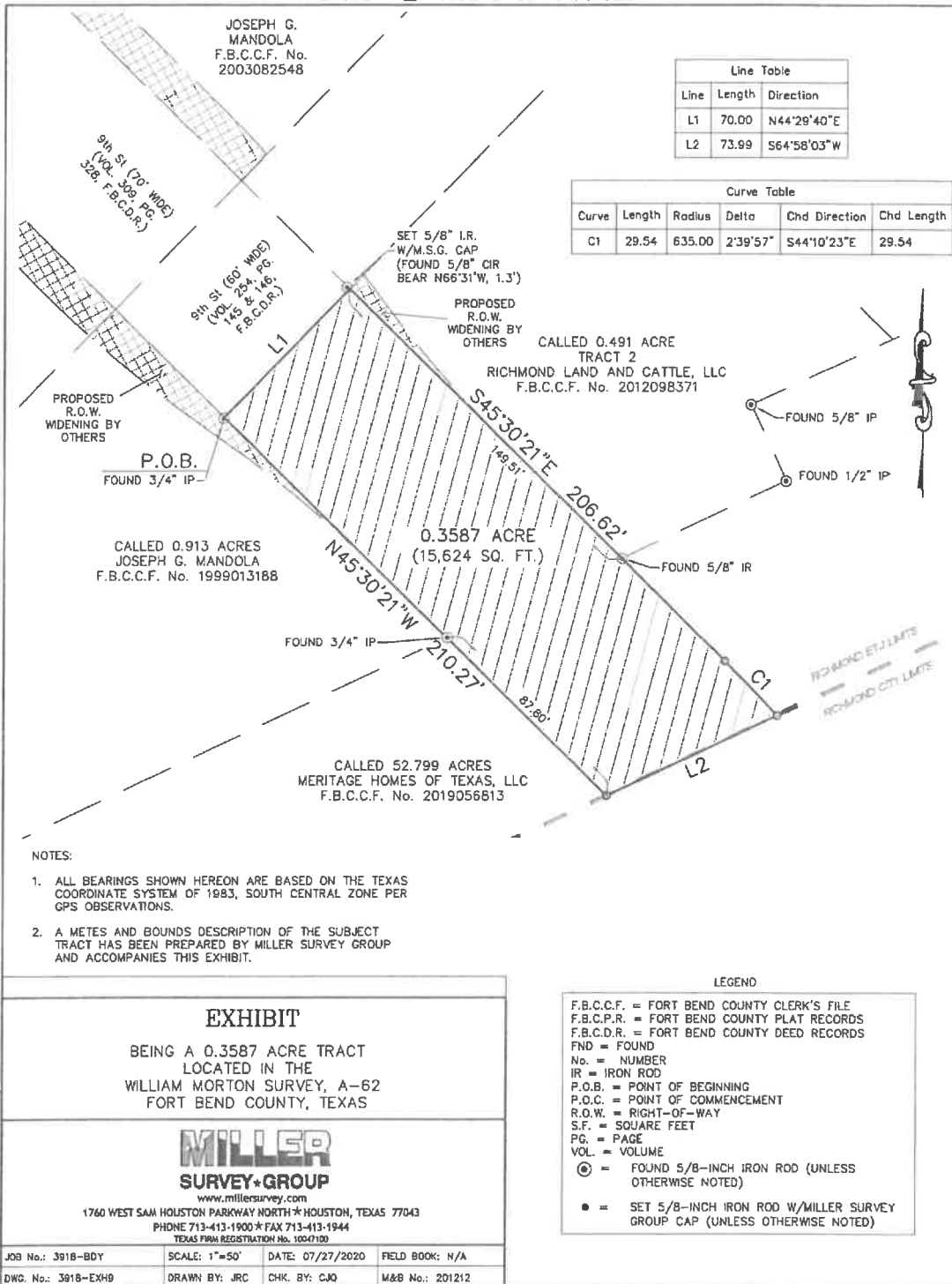
THENCE, continuing through and across said 52.799 acre tract and with the line common of said 52.799 acre tract and said 0.913 acre tract, North 45 degrees 30 minutes 21 seconds West, at a distance of 87.80 feet pass a 3/4-inch iron pipe found for the southeast corner of said 0.913 acre tract, for a total distance of 210.27 feet to the **POINT OF BEGINNING** and containing 0.3587 acre of land.

An exhibit of the subject tract has been prepared by Miller Survey Group and accompanies this description.


Carolyn J. Quinn, R.P.L.S.
Texas Registration No. 6033



MILLER SURVEY GROUP
Texas Firm Registration No. 10047100
Ph: (713) 413-1900
M&B No. 201212
Job No. 3918-PL
Dwg No.: 3918-EXH9
Date: July 28, 2020



Line Table		
Line	Length	Direction
L1	70.00	N44°29'40"E
L2	73.99	S64°58'03"W

Curve Table					
Curve	Length	Radius	Delta	Chd Direction	Chd Length
C1	29.54	635.00	2°39'57"	S44°10'23"E	29.54

- NOTES:
1. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE PER GPS OBSERVATIONS.
 2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

EXHIBIT
 BEING A 0.3587 ACRE TRACT
 LOCATED IN THE
 WILLIAM MORTON SURVEY, A-62
 FORT BEND COUNTY, TEXAS



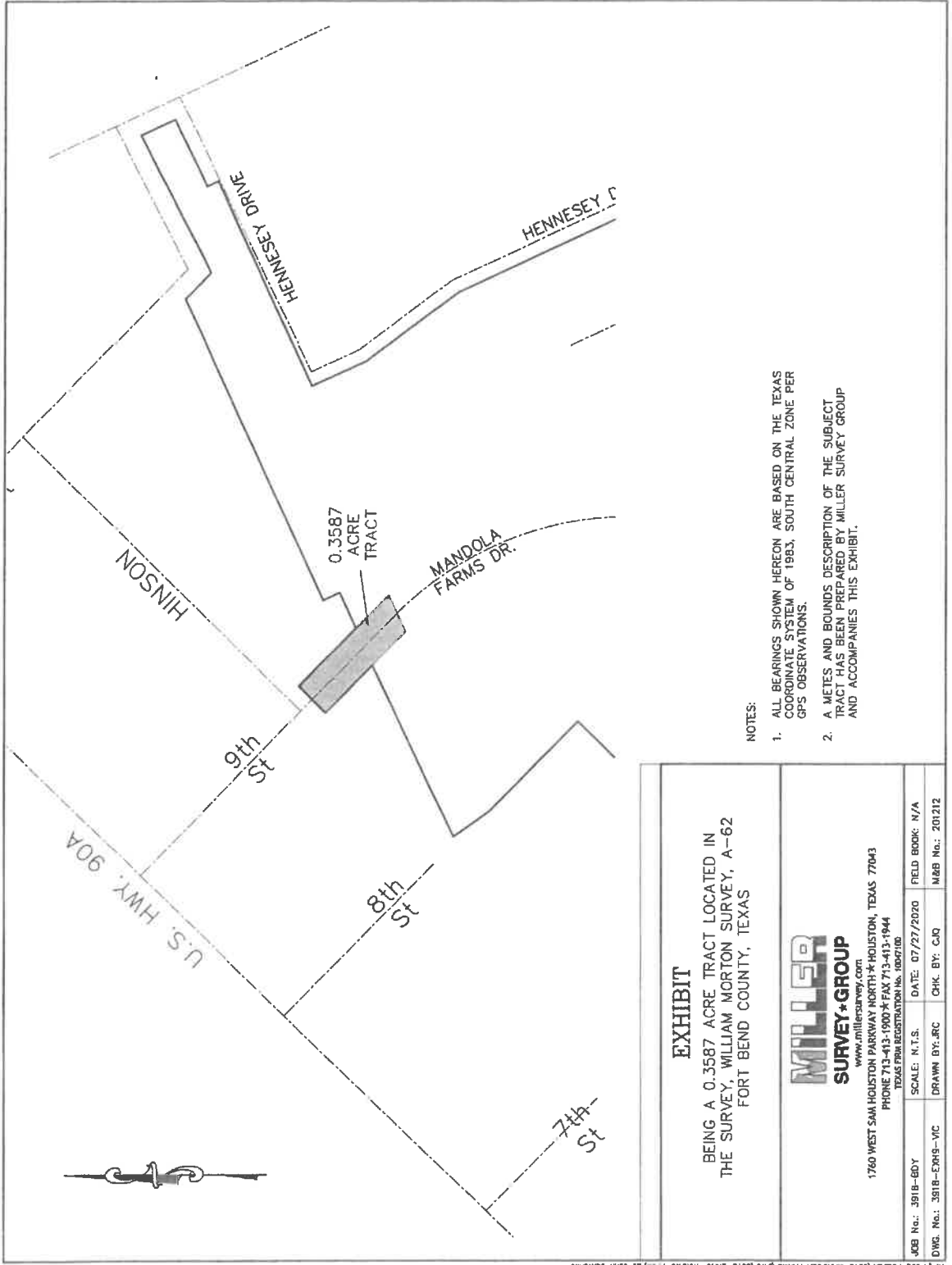
www.millersurvey.com
 1760 WEST SAM HOUSTON PARKWAY NORTH * HOUSTON, TEXAS 77043
 PHONE 713-413-1900 * FAX 713-413-1944
 TEXAS FIRM REGISTRATION No. 10047100

LEGEND

- F.B.C.C.F. = FORT BEND COUNTY CLERK'S FILE
- F.B.C.P.R. = FORT BEND COUNTY PLAT RECORDS
- F.B.C.D.R. = FORT BEND COUNTY DEED RECORDS
- FND = FOUND
- No. = NUMBER
- IR = IRON ROD
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R.O.W. = RIGHT-OF-WAY
- S.F. = SQUARE FEET
- PG. = PAGE
- VOL. = VOLUME
- ⊙ = FOUND 5/8-INCH IRON ROD (UNLESS OTHERWISE NOTED)
- = SET 5/8-INCH IRON ROD W/MILLER SURVEY GROUP CAP (UNLESS OTHERWISE NOTED)

R.V. JOB TOLBERT\3818-MANDOLA_FARM\DWG\3818-EXHIBIT.DWG 8/7/20 John Cantrell

JOB No.: 3818-BDY	SCALE: 1"=50'	DATE: 07/27/2020	FIELD BOOK: N/A
DWG. No.: 3818-EXH9	DRAWN BY: JRC	CHK. BY: CJQ	M&B No.: 201212



NOTES:

1. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE PER GPS OBSERVATIONS.
2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

EXHIBIT

BEING A 0.3587 ACRE TRACT LOCATED IN THE SURVEY, WILLIAM MORTON SURVEY, A-62 FORT BEND COUNTY, TEXAS



1760 WEST SAH HOUSTON PARKWAY NORTH HOUSTON, TEXAS 77063
 PHONE 713-413-1900 * FAX 713-413-1944
 TEXAS PBM REGISTRATION No. 009710B

JOB No.: 391B-BDY	SCALE: N.T.S.	DATE: 07/27/2020	FIELD BOOK: N/A
DWG. No.: 391B-EXHIB-1VC	DRAWN BY: JRC	CHK. BY: C/D	M&B No.: 201212

H:\A JOB FOLDER\391B-MANDOLA FARMS\DWG\391B-EXHIB-1VC.DWG 7/28/20 John Campbell



WINDROSE

LAND SURVEYING | PLATTING

DESCRIPTION OF 0.1308 ACRES OR 5,696 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.1308 ACRES OR 5,696 SQUARE FEET OF LAND SITUATED IN THE WILLIAM MORTON SURVEY, ABSTRACT NO. 62, FORT BEND COUNTY, TEXAS, BEING OUT OF BLOCK 2, EDGEWOOD ADDITION ANNEX #4, MAP OR PLAT THEREOF RECORDED UNDER VOLUME (VOL.) 254, PAGE (PG.) 304 OF THE FORT BEND COUNTY DEED RECORDS (F.B.C.D.R.) AND BLOCK 2, EDGEWOOD ADDITION ANNEX #10, MAP OR PLAT THEREOF RECORDED UNDER VOL. 309, PG. 328, F.B.C.D.R., ALSO BEING OUT OF A TRACT OF LAND CONVEYED TO JOE MANDOLA AS RECORDED UNDER FORT BEND COUNTY CLERKS FILE (F.B.C.C.F.) NO. 9358333, A TRACT OF LAND CONVEYED TO JOSEPH G. MANDOLA, DVM AS RECORDED UNDER F.B.C.C.F. NO. 9524587 AND A CALLED 0.913 ACRE TRACT OF LAND CONVEYED TO JOSEPH G. MANDOLA AS RECORDED UNDER F.B.C.C.F. NO. 1999013188, WITH SAID 0.1308 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A 1/2 INCH IRON PIPE FOUND ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE (R.O.W.) OF PLUMMER STREET (70' WIDTH, VOL. 254, PG. 304, VOL. 288, PG. 146 AND VOL. 309, PG. 328, F.B.C.D.R.) MARKING THE NORTHERLY CORNER OF SAID 0.913 ACRE TRACT, FOR THE EASTERLY CORNER OF SAID BLOCK 2, EDGEWOOD ADDITION ANNEX #10;

THENCE, SOUTH 45 DEG. 30 MIN. 21 SEC. EAST ALONG SAID SOUTHWESTERLY R.O.W. LINE OF PLUMMER STREET, PASSING AT A DISTANCE OF 60.00 FEET A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND MARKING THE WESTERLY CORNER OF A CALLED 0.212 ACRE TRACT OF LAND CONVEYED TO JOSEPH G. MANDOLA AS RECORDED UNDER F.B.C.C.F. NO. 1999013188 AND THE INTERSECTION OF SAID SOUTHWESTERLY R.O.W. OF PLUMMER STREET AND THE SOUTHEASTERLY R.O.W. LINE OF HINSON STREET (60' WIDTH, VOL. 288, PG. 146, F.B.C.D.R.), CONTINUING ALONG THE COMMON LINE OF SAID 0.913 ACRE TRACT AND SAID 0.212 ACRE TRACT FOR A TOTAL DISTANCE OF 148.16 FEET TO A POINT FOR THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A NORTHWESTERLY DIRECTION, WITH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 09 DEG. 56 MIN. 11 SEC., AN ARC LENGTH OF 86.71 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 50 DEG. 28 MIN. 27 SEC. WEST, - 86.60 FEET TO A POINT OF REVERSE CURVATURE;

THENCE, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 09 DEG. 56 MIN. 11 SEC., AN ARC LENGTH OF 86.71 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 50 DEG. 28 MIN. 27 SEC. WEST, - 86.60 FEET TO A POINT OF TANGENCY;

THENCE, NORTH 45 DEG. 30 MIN. 21 SEC. WEST, A DISTANCE OF 250.61 FEET TO A POINT OF CURVATURE;

THENCE, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90 DEG. 00 MIN. 00 SEC., AN ARC LENGTH OF 47.12 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 89 DEG. 29 MIN. 39 SEC. WEST, - 42.43 FEET TO A POINT ON THE SOUTHEASTERLY R.O.W. LINE OF U. S. HIGHWAY 90A (WIDTH VARIES), FOR THE WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 44 DEG. 29 MIN. 39 SEC. EAST ALONG SAID SOUTHEASTERLY R.O.W. LINE OF U. S. HIGHWAY 90A, A DISTANCE OF 45.00 FEET TO A POINT AT THE INTERSECTION OF SAID SOUTHEASTERLY R.O.W. LINE OF U. S. HIGHWAY 90A AND SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PLUMMER STREET FOR THE NORTHERLY CORNER OF SAID BLOCK 2, EDGEWOOD ADDITION ANNEX #4 AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 45 DEG. 30 MIN. 21 SEC. EAST ALONG SAID SOUTHWESTERLY R.O.W. OF PLUMMER STREET, A DISTANCE OF 305.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.1308 ACRES OR 5,696 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54171-ROW-1, PREPARED BY WINDROSE.

ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



03-21-19
DATE:

SHEET 2 OF 2



NORTH

SCALE 1" = 60'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	500.00'	9°56'11"	86.71'	N 50°28'27" W	86.60'
C2	500.00'	9°56'11"	86.71'	N 50°28'27" W	86.60'
C3	30.00'	90°00'00"	47.12'	S 89°29'39" W	42.43'

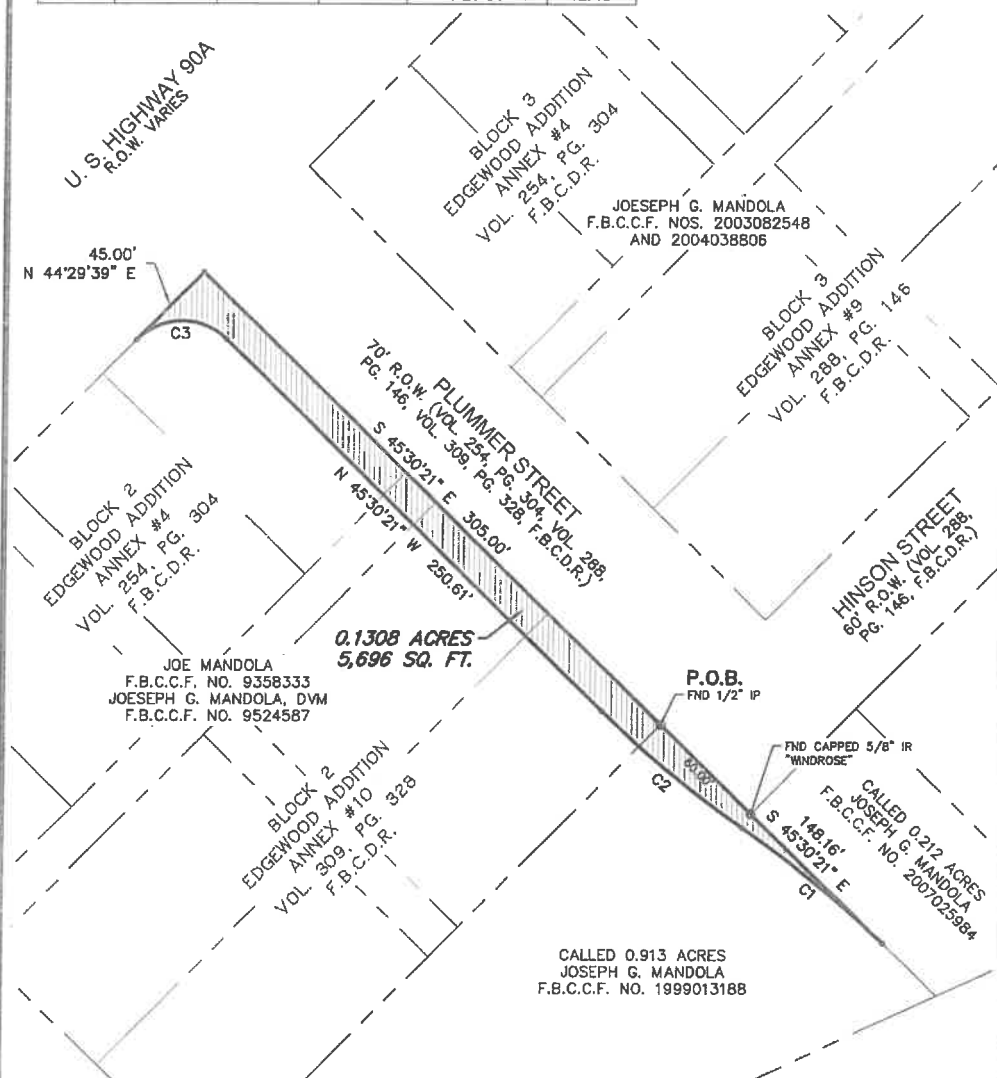
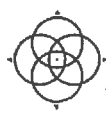


EXHIBIT OF
0.1308 ACRES OR 5,696 SQ. FT.
SITUATED IN THE
WILLIAM MORTON SURVEY, A-62
FORT BEND COUNTY, TEXAS

FIELD BY:	-	DATE:	03-21-19
DRAWN BY:	TW	REV:	
CHECKED BY:	RK	REV:	
JOB NO.	54171-ROW-1	REV:	
SHEET 1 OF 2		REV:	



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FIRM REGISTRATION NO. 10106800 | WINDROSESERVICES.COM



WINDROSE
LAND SURVEYING | PLATTING

**DESCRIPTION OF
0.1094 ACRES OR 4,763 SQ. FT.**

A TRACT OR PARCEL CONTAINING 0.1094 ACRES OR 4,763 SQUARE FEET OF LAND SITUATED IN THE WILLIAM MORTON SURVEY, ABSTRACT NO. 62, FORT BEND COUNTY, TEXAS, BEING OUT OF BLOCK 3, EDGEWOOD ADDITION ANNEX #4, MAP OR PLAT THEREOF RECORDED UNDER VOLUME (VOL.) 254, PAGE (PG.) 304 OF THE FORT BEND COUNTY DEED RECORDS (F.B.C.D.R.) AND BLOCK 3, EDGEWOOD ADDITION ANNEX #9, MAP OR PLAT THEREOF RECORDED UNDER VOLUME (VOL.) 288, PAGE (PG.) 146, F.B.C.D.R., ALSO BEING OUT OF A TRACT OF LAND CONVEYED TO JOSEPH G. MANDOLA AS RECORDED UNDER FORT BEND COUNTY CLERKS FILE (F.B.C.C.F.) NO. 2003082548 AND A TRACT OF LAND CONVEYED TO JOSEPH G. MANDOLA AS RECORDED UNDER FORT BEND COUNTY CLERKS FILE (F.B.C.C.F.) NO. 2004038806, WITH SAID 0.1094 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (INAD 83):

COMMENCING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND SOUTHEASTERLY RIGHT-OF-WAY (R.O.W.) LINE OF HINSON STREET (60' WIDTH, VOL. 288, PG. 146, F.B.C.D.R.) MARKING THE COMMON NORTHWESTERLY CORNER OF A CALLED 0.212 ACRE TRACT OF LAND CONVEYED TO JOSEPH G. MANDOLA AS RECORDED UNDER F.B.C.C.F. NO. 1999013188 AND A CALLED 0.491 ACRE TRACT OF LAND CONVEYED TO RICHMOND LAND AND CATTLE, LLC AS RECORDED UNDER F.B.C.C.F. NO. 2012098371, FROM WHICH A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND MARKING THE WESTERLY CORNER OF SAID 0.212 ACRE TRACT AND THE INTERSECTION OF SAID SOUTHEASTERLY R.O.W. LINE OF HINSON STREET AND THE SOUTHWESTERLY R.O.W. OF PLUMMER STREET (70' WIDTH, VOL. 254, PG. 304, VOL. 288, PG. 146 AND VOL. 309, PG. 328, F.B.C.D.R.) BEARS SOUTH 44 DEG. 29 MIN. 39 SEC. WEST - 70.00 FEET;

THENCE, NORTH 45 DEG. 30 MIN. 21 SEC. WEST, A DISTANCE OF 60.00 FEET TO THE INTERSECTION OF THE NORTHWESTERLY R.O.W. LINE OF SAID HINSON STREET AND THE NORTHEASTERLY R.O.W. LINE OF SAID PLUMMER STREET, FOR THE POINT OF BEGINNING AND SOUTHERLY CORNER OF SAID BLOCK 3, EDGEWOOD ADDITION ANNEX #9 AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 45 DEG. 30 MIN. 21 SEC. WEST ALONG SAID NORTHEASTERLY R.O.W. LINE OF SAID PLUMMER STREET, A DISTANCE OF 305.00 FEET TO A POINT AT THE INTERSECTION OF SAID NORTHEASTERLY R.O.W. LINE OF SAID PLUMMER STREET AND THE SOUTHEASTERLY R.O.W. LINE OF U. S. HIGHWAY 90A (WIDTH VARIES), FOR THE WESTERLY CORNER OF SAID BLOCK 3, EDGEWOOD ADDITION ANNEX #4 AND THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 44 DEG. 29 MIN. 39 SEC. EAST ALONG SAID SOUTHEASTERLY R.O.W. LINE OF U. S. HIGHWAY 90A, A DISTANCE OF 45.00 FEET TO A POINT FOR THE NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A SOUTHERLY DIRECTION, WITH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90 DEG. 00 MIN. 00 SEC., AN ARC LENGTH OF 47.12 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 00 DEG. 30 MIN. 21 SEC. EAST, - 42.43 FEET TO A POINT OF TANGENCY;

THENCE, SOUTH 45 DEG. 30 MIN. 21 SEC. EAST, A DISTANCE OF 250.61 FEET TO A POINT OF CURVATURE;

THENCE, WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 02 DEG. 47 MIN. 47 SEC., AN ARC LENGTH OF 24.40 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 44 DEG. 06 MIN. 28 SEC. EAST, - 24.40 FEET TO A POINT ON SAID NORTHWESTERLY R.O.W. LINE OF HINSON STREET;

THENCE, SOUTH 44 DEG. 29 MIN. 39 SEC. WEST ALONG SAID NORTHWESTERLY R.O.W. LINE OF HINSON STREET, A DISTANCE OF 14.40 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.1094 ACRES OR 4,763 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54171-ROW-2, PREPARED BY WINDROSE.


ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



03-21-19
DATE:



NORTH
SCALE: 1" = 80'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	30.00'	90°00'00"	47.12'	S 00°30'21" E	42.43'
C2	500.00'	2°47'47"	24.40'	S 44°06'28" E	24.40'

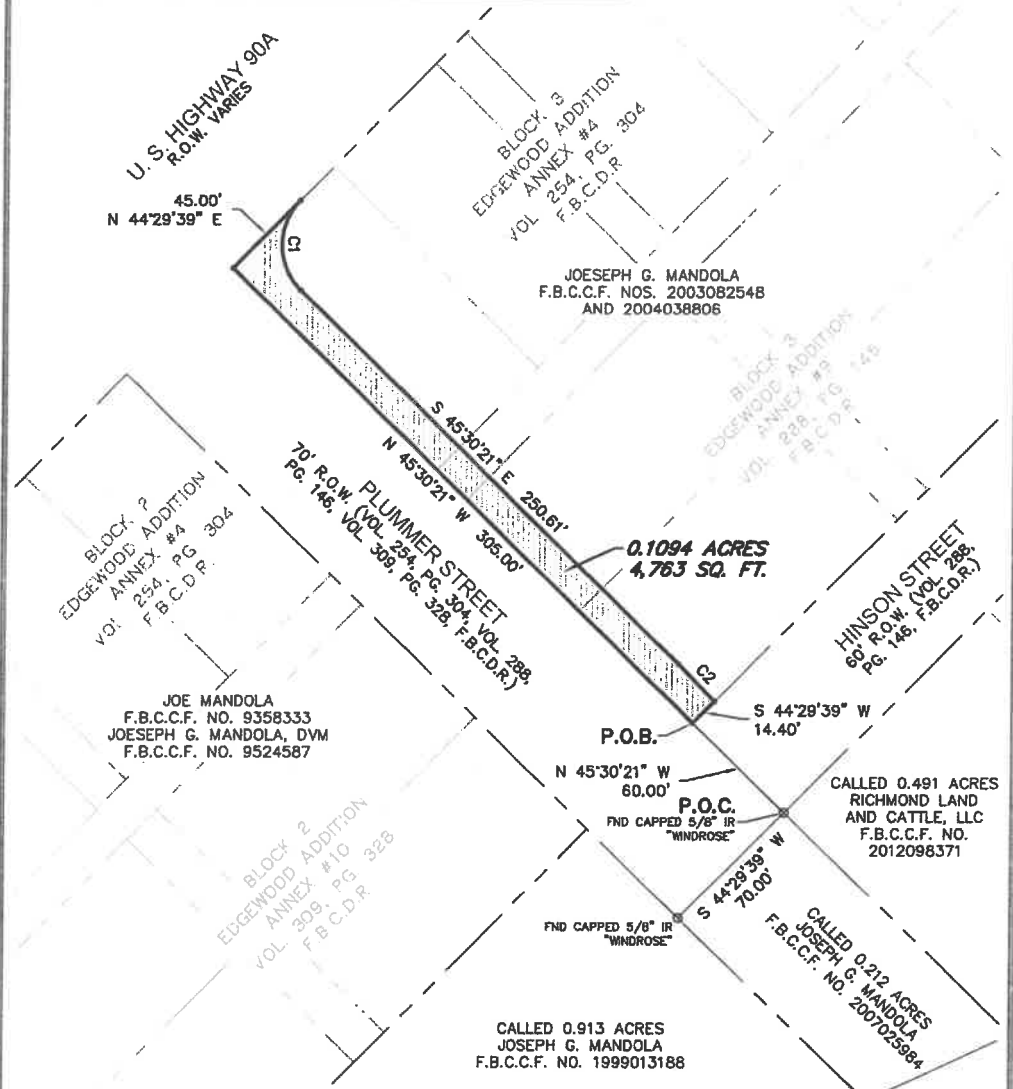


EXHIBIT OF
0.1094 ACRES OR 4,763 SQ. FT.
SITUATED IN THE
WILLIAM MORTON SURVEY, A-62
FORT BEND COUNTY, TEXAS

FILED BY:	-	DATE:	03-21-19
DRAWN BY:	TW	REV:	
CHECKED BY:	RK	REV:	
JOB NO.	54171-ROW-2	REV:	
SHEET 1 OF 2		REV:	



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FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM



WINDROSE

LAND SURVEYING | PLATTING

DESCRIPTION OF 0.0053 ACRES OR 229 SQ. FT.

A TRACT OR PARCEL CONTAINING 0.0053 ACRES OR 229 SQUARE FEET OF LAND SITUATED IN THE WILLIAM MORTON SURVEY, ABSTRACT NO. 62, FORT BEND COUNTY, TEXAS, BEING OUT OF A CALLED 0.491 ACRE TRACT OF LAND CONVEYED TO RICHMOND LAND AND CATTLE, LLC AS RECORDED UNDER FORT BEND COUNTY CLERKS FILE [F.B.C.C.F.] NO. 2012098371, WITH SAID 0.0053 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND SOUTHEASTERLY RIGHT-OF-WAY (R.O.W.) LINE OF HINSON STREET (60' WIDTH, VOLUME 288, PAGE 146, OF THE FORT BEND COUNTY DEED RECORDS) MARKING THE COMMON NORTHWESTERLY CORNER OF A CALLED 0.212 ACRE TRACT OF LAND CONVEYED TO JOSEPH G. MANDOLA AS RECORDED UNDER F.B.C.C.F. NO. 1999013188 AND SAID 0.491 ACRE TRACT, FROM WHICH A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" FOUND MARKING THE WESTERLY CORNER OF SAID 0.212 ACRE TRACT AND THE INTERSECTION OF SAID SOUTHEASTERLY R.O.W. LINE OF HINSON STREET AND THE SOUTHWESTERLY R.O.W. OF PLUMMER STREET (70' WIDTH, VOLUME 254, PAGE 304, VOLUME 288, PAGE 146 AND VOLUME 309, PAGE 328 OF THE FORT BEND COUNTY DEED RECORDS) BEARS SOUTH 44 DEG. 29 MIN. 39 SEC. WEST - 70.00 FEET;

THENCE, NORTH 44 DEG. 29 MIN. 39 SEC. EAST ALONG SAID SOUTHEASTERLY R.O.W. LINE OF HINSON STREET, A DISTANCE OF 7.83 FEET TO A POINT FOR THE NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A SOUTHEASTERLY DIRECTION, WITH A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 00 DEG. 13 MIN. 09 SEC., AN ARC LENGTH OF 1.91 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 35 DEG. 40 MIN. 45 SEC. EAST, - 1.91 FEET TO A POINT OF REVERSE CURVATURE;

THENCE, WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 09 DEG. 56 MIN. 11 SEC., AN ARC LENGTH OF 86.71 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 40 DEG. 32 MIN. 16 SEC. EAST, - 86.60 FEET TO A POINT ON THE COMMON LINE OF SAID 0.491 ACRE TRACT AND SAID 0.212 ACRE TRACT, FOR THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 45 DEG. 30 MIN. 21 SEC. WEST ALONG THE COMMON LINE OF SAID 0.491 ACRE TRACT AND SAID 0.212 ACRE TRACT, A DISTANCE OF 88.16 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.0053 ACRES OR 229 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 54171-ROW-3, PREPARED BY WINDROSE.

ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



03-21-19
DATE:

SHEET 2 OF 2



NORTH

SCALE: 1" = 60'

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE AND WOULD BE SUBJECT TO ANY AND ALL CONDITIONS OR RESTRICTIONS THAT A CURRENT TITLE REPORT OR ABSTRACTORS CERTIFICATE MAY DISCLOSE.
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS EXHIBIT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.
4. THIS EXHIBIT DOES NOT IMPLY TO BE A LAND TITLE SURVEY OF THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED FOR TITLE CONVEYANCE PURPOSES.

CURVE CHART					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	500.00'	0°13'09"	1.91'	S 35°40'45" E	1.91'
C2	500.00'	9°56'11"	86.71'	S 40°32'16" E	86.60'

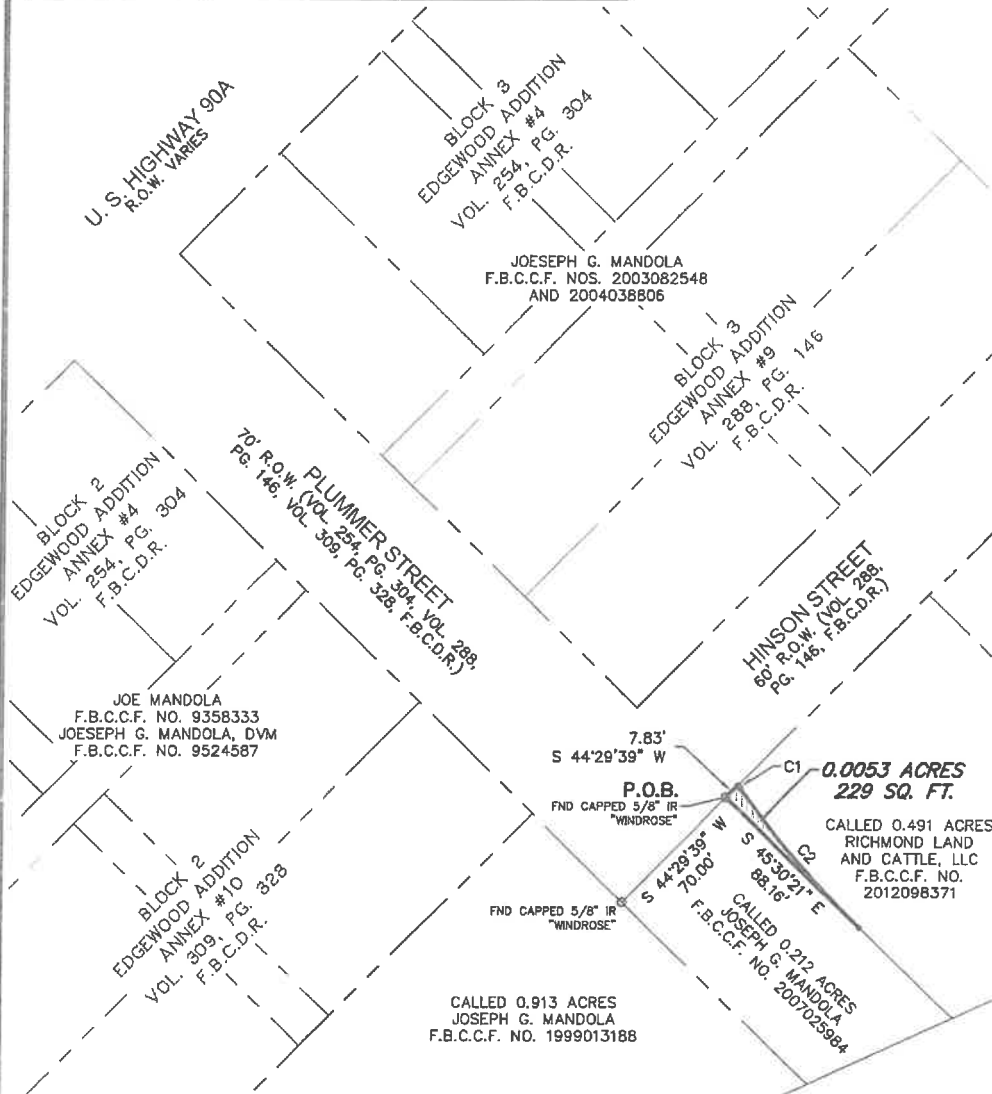
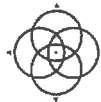


EXHIBIT OF
0.0053 ACRES OR 229 SQ. FT.
SITUATED IN THE
WILLIAM MORTON SURVEY, A-62
FORT BEND COUNTY, TEXAS

FIELD BY:	-	DATE:	03-21-19
DRAWN BY:	TW	REV:	
CHECKED BY:	RK	REV:	
JOB NO.	54171-ROW-3	REV:	
SHEET 1 OF 2		REV:	



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FIRM REGISTRATION NO. 10108800 | WINDROSESERVICES.COM

STATE OF TEXAS)
)
COUNTY OF FORT BEND)

CHAPTER 43, SUBCHAPTER C-3 TEXAS LOCAL GOVERNMENT CODE
MUNICIPAL SERVICES AGREEMENT

THIS AGREEMENT IS ENTERED INTO PURSUANT TO SECTIONS 43.0672 OF THE TEXAS LOCAL GOVERNMENT CODE BY AND BETWEEN THE CITY OF RICHMOND, TEXAS (THE "CITY") AND THE UNDERSIGNED PROPERTY OWNER(S) (THE "OWNER"). THE TERM "OWNER" INCLUDES ALL OWNERS OF THE PROPERTY.

WHEREAS, THE OWNER OWNS A PARCEL OF REAL PROPERTY (THE "PROPERTY") IN FORT BEND COUNTY, TEXAS, WHICH IS MORE PARTICULARLY AND SEPARATELY DESCRIBED IN THE ATTACHED EXHIBIT "A" ABOVE; AND

WHEREAS, PURSUANT TO SUBCHAPTER C-3 OF CHAPTER 43, TEXAS LOCAL GOVERNMENT CODE, THE OWNER OF THE PROPERTY HAS REQUESTED THE CITY'S ANNEXATION THE OWNER'S PROPERTIES; AND

WHEREAS, THE OWNER AND THE CITY HAVE NEGOTIATED THE PROVISION OF MUNICIPAL SERVICES IN THE AREA; AND

WHEREAS, THE OWNER AND THE CITY DESIRE TO ENTER INTO THIS AGREEMENT FOR MUNICIPAL SERVICES; AND

WHEREAS, THE CITY HAS SCHEDULED A PUBLIC HEARING ON THE REQUESTED ANNEXATION TO BE HELD OCTOBER 19, 2020; AND

WHEREAS, THE OWNERS AND THE CITY ACKNOWLEDGE THAT THIS AGREEMENT IS BINDING UPON THE CITY AND THE OWNER AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS FOR THE TERM (DEFINED BELOW) OF THIS AGREEMENT; AND

WHEREAS, THIS MUNICIPAL SERVICES AGREEMENT IS TO BE RECORDED IN THE REAL PROPERTY RECORDS OF FORT BEND COUNTY, TEXAS.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION 1. UPON THE EFFECTIVE DATE OF THE ANNEXATION, THE CITY WILL PROVIDE THE FOLLOWING SERVICES:

- FIRE
- POLICE
- BUILDING INSPECTION
- PLANNING AND ZONING
- STREET MAINTENANCE
- HEALTH AND CODE ENFORCEMENT
- PARKS AND PLAYGROUNDS.

SECTION 2. FOR SERVICES NOT PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION, THE CITY WILL PROVIDE THE FOLLOWING SERVICES WITHIN THE PERIODS SET FORTH FOR EACH SERVICE:

- WATER SERVICE, UPON CONSTRUCTION, COMPLETION, ACCEPTANCE AND EXPIRATION OF WARRANTY PERIOD
- WASTEWATER SERVICE, UPON CONSTRUCTION, COMPLETION, ACCEPTANCE AND EXPIRATION OF WARRANTY PERIOD
- STREET LIGHTING, THE CITY WILL COORDINATE REQUESTS FOR ADDITIONAL STREET LIGHTS
- STORM WATER MANAGEMENT, UPON CONSTRUCTION, COMPLETION, ACCEPTANCE AND EXPIRATION OF WARRANTY PERIOD
- SOLID WASTE SERVICE, UPON OCCUPANCY OF THE PREMISES, SOLID WASTE SERVICE WILL BE PROVIDED BY THE CITY'S CONTRACTOR.

SECTION 3. THIS AGREEMENT SHALL RUN WITH THE PROPERTY AND BE RECORDED IN THE REAL PROPERTY RECORDS OF FORT BEND COUNTY, TEXAS.

SECTION 4. IF A COURT OF COMPETENT JURISDICTION DETERMINES THAT ANY COVENANT OF THIS AGREEMENT IS VOID OR UNENFORCEABLE, INCLUDING THE COVENANTS REGARDING INVOLUNTARY ANNEXATION, THEN THE REMAINDER OF THIS AGREEMENT SHALL REMAIN IN FULL FORCE AND EFFECT.

SECTION 5. THIS AGREEMENT MAY BE ENFORCED BY ANY OWNER OR THE CITY BY ANY PROCEEDING AT LAW OR IN EQUITY. FAILURE TO DO SO SHALL NOT BE DEEMED A WAIVER TO ENFORCE THE PROVISIONS OF THIS AGREEMENT THEREAFTER.

SECTION 6. NO SUBSEQUENT CHANGE IN THE LAW REGARDING ANNEXATION SHALL AFFECT THE ENFORCEABILITY OF THIS AGREEMENT OR THE CITY'S

ABILITY TO ANNEX THE PROPERTIES COVERED HEREIN PURSUANT TO THE TERMS OF THIS AGREEMENT.

SECTION 7. VENUE FOR THIS AGREEMENT SHALL BE IN FORT BEND COUNTY, TEXAS.

SECTION 8. THIS AGREEMENT MAY BE SEPARATELY EXECUTED IN INDIVIDUAL COUNTERPARTS AND, UPON EXECUTION, SHALL CONSTITUTE ONE AND SAME INSTRUMENT.

(SIGNATURE PAGES FOLLOW)

JOSEPH G. MANDOLA

Joseph G. Mandola

JOSEPH G. MANDOLA

DATED: 9/18/2020

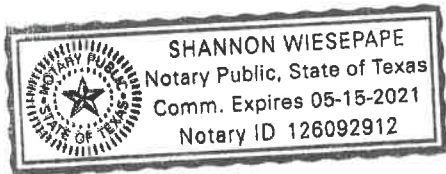
STATE OF TEXAS §

§

COUNTY OF FORT BEND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 18th DAY OF September, 2020, BY JOSEPH G. MANDOLA, OWNER.

Shannon Wiesepepe
NOTARY PUBLIC, STATE OF TEXAS

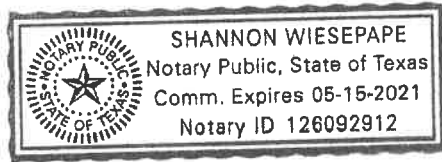


RICHMOND LAND & CATTLE, LLC.

Joseph G. Mandola
JOSEPH G. MANDOLA, MANAGER
DATED: 9/18/2020

STATE OF TEXAS §
§
COUNTY OF FORT BEND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 18th DAY OF September, 2020 BY JOSEPH G. MANDOLA, AS MANAGER OF RICHMOND LAND & CATTLE, LLC., A TEXAS LIMITED LIABILITY CORPORATION, ON BEHALF OF SAID LIMITED LIABILITY CORPORATION.



Shannon Wiesepepe
NOTARY PUBLIC, STATE OF TEXAS

MERITAGE HOMES OF TEXAS, LLC.

David Jordan

DAVID JORDAN, SR. VICE PRESIDENT OF LAND

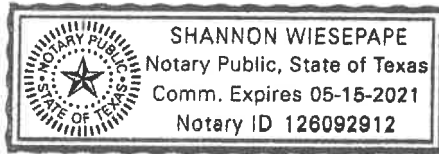
DATED: 9/18/2020

STATE OF TEXAS §

§

COUNTY OF FORT BEND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 18 DAY OF September, 2020 BY DAVID JORDAN AS SR. VICE PRESIDENT OF LAND OF MERITAGE HOMES OF TEXAS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.



Shannon Wiesepepe
NOTARY PUBLIC, STATE OF TEXAS

CITY OF RICHMOND, TEXAS

EVALYN W. MOORE, MAYOR

DATED: _____

ATTEST:

LAURA SCARLATO, CITY SECRETARY

STATE OF TEXAS §

§

COUNTY OF FORT BEND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ___ DAY OF _____, 2020 BY EVALYN W. MOORE AS MAYOR OF CITY OF RICHMOND, TEXAS, ON BEHALF OF SAID CITY.

NOTARY PUBLIC, STATE OF TEXAS

10-8

City of Richmond

PUBLISHER'S AFFIDAVIT

Notice of Public Hearing

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)

on Back

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

10-8

_____, A.D. 2020



Lee Hartman
Publisher

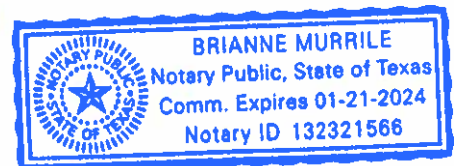
SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

_____ b) provided the following evidence to establish his/her identity, _____

on this the 13th day of October, A.D. 2020 to certify which witness my hand and seal of office.

Brianne Murrile
Notary Public, State of Texas



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Richmond Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, to-wit:

That tract or parcel of land known as 9th Street (also known as Plummer Street), as depicted on the map below.

The second public hearing will be held by and before the City Commission of the City of Richmond, Texas on the 26th day of October, 2020 at 4:30 p.m. for all persons interested in the above proposed annexation. Due to the current state of emergency, the meetings will be by video conference as posted on the meeting agenda. At said time all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice.

The completed annexation of the area will not expand Richmond's extraterritorial jurisdiction;

The following area will be newly included in Richmond's extraterritorial jurisdiction—none;

The purpose of including the area within Richmond's extraterritorial jurisdiction is to promote and protect the general health, safety, and welfare of persons residing in and adjacent to Richmond;

The following ordinances will be applicable in the area that would be newly included in Richmond's extraterritorial jurisdiction:

Unified Development Code, including plat approvals, access management, regulation of groundwater, negotiation and execution of development agreements, regulations of signs, regulation of parking, landscaping and architecture, and regulation of fireworks, regulation of rendering plants, and regulation of nuisances; Hotel occupancy tax; Water and Wastewater Impact Fees; and Utility franchises.

Laura Scarlato, City Secretary





City of Richmond

Where History Meets Opportunity

Special Called City Commission Meeting

600 Morton Street

Monday, October 26, 2020 at 4:30 p.m.

- A4. Review and consider taking action on Ordinance No. 2020-26, establishing regulations of the placement and maintenance of donation boxes.

6. The street address of the donation box owner,
 7. The contact information of the donation box owner, including telephone number, email address, and website address,
 8. Alternate contact information for the donation box owner,
 9. The name of the property owner,
 10. The street address of the property owner,
 11. The contact information of the Property Owner, including telephone number, email address, and website address,
 12. the written authorization of the Real Property Owner or the Property Owner's manager allowing the donation box on the property, and
 13. A site plan depicting the exact proposed location (with GPS coordinates indicated) of the donation box shall be submitted with each application.
- B. The applicant shall notify the Administrator within ten (10) calendar days of any change in the information required to be provided by A above.
- ~~C.~~ A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Division shall be valid only at the address and GPS coordinates stated on the permit.
- ~~C.D.~~ Proof of general liability insurance of at least \$1,000,000.00 covering the applicant's donation box and naming the City of Richmond as an additional insured. The proof of insurance shall provide that at least 30 days notice of cancellation will be given to the City.
- ~~D.E.~~ A nonrefundable annual permit fee for each donation box shall be required. Each permit shall expire on December 31 of the year of issuance.
- ~~E.F.~~ Any person denied a permit shall have the right to appeal such action in accordance with the provisions of Section 18-529.

Section 18-525. Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

Section 18-526. Maintenance and Upkeep

- A. The permit holder and the Real Property Owner shall be held jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.



ORDINANCE NO. 2020-26

AN ORDINANCE CREATING ARTICLE IX "DONATION BOXES," OF CHAPTER 18 "LICENSES AND BUSINESS REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF RICHMOND, TEXAS; PROVIDING REGULATIONS FOR DONATION BOXES AND ESTABLISHING REQUIREMENTS FOR PERMITS ALLOWING THE PLACEMENT OF DONATION BOXES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

The number of donation boxes for the collection of clothing and household products for charitable purposes has led to the proliferation of donation boxes in various areas of the City and the code enforcement staff is not always able to accurately identify the owners of the donation boxes or to establish contact with the owners, which has resulted in decreased accountability on the part of donation box owners.

The failure of owners of the donation boxes to promptly and properly empty and clean the donation boxes and surrounding areas has resulted in the unsightly and littered appearance near said donation boxes.

The City Commission finds that regulating the placement and use of donation boxes is necessary for the health, safety, and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City of Richmond; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Article IX "Donation Boxes," of Chapter 18 "Licenses and Business Regulations," of the Code of Ordinances is hereby created to read as follows:

**"CHAPTER 18
LICENSES AND BUSINESS REGULATIONS**

....

ARTICLE IX—DONATION BOXES

Division 1 – GENERAL PROVISIONS

Section 18-501. Title

This Article IX of Chapter 18 of the Code of Ordinances of the City of Richmond is hereby designated and shall be known and referred to as the “Donation Boxes” Article of the Richmond Code of Ordinances.

Section 18-502. Purpose

The purpose of this Article is to protect the public health, safety and welfare of Richmond residents by requiring the registration and permitting of donation boxes on private property within the City limits of the City of Richmond. This Article further serves to protect the aesthetic well-being of the community and promote the tidy and ordered appearance of developed property. The provisions included herein are intended to provide efficient legal remedies for unpermitted or poorly maintained donation boxes that threaten the orderly development of the City. These provisions are cumulative of all City ordinances.

Section 18-503. Applicability

The requirements of this Article shall apply to all donation boxes regardless of whether said boxes were placed prior to the effective date of these regulations. No previously placed donation boxes shall be granted any legally non-conforming rights under this Article or the “Unified Development Code” of the City of Richmond, Texas, as amended.

Division 2—DEFINITIONS

Section 18-511. Definitions

“**Administrator**” means the director of the department designated by the City Manager to enforce and administer this Article, including the Director’s designees.

“**City Appeal Officer**” means the authorized person designated by the City Manager to hear appeals from denials or revocations of permits.

“**Donation Box**” means any drop-off box, container, trailer or other receptacle that is intended for use as a collection point for accepting donated textiles, clothing, shoes, books, toys, dishes, household items, or other salvageable items of personal property.

“**Fluorescent**” means a color that appears very bright, vivid, or glowing to the human eye.

“Front Side” means the side of a donation box that contains the opening that allows the depositing of donated items.

“GPS” means global positioning system.

“Maintain” or “Maintenance” means keeping and preserving a donation box in a structurally sound condition; in compliance with the requirements of this Article; free from deterioration, rot, or rust; or with the protective coating free from chipping, blistering, or peeling.

“Person” includes an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

“Real Property Owner” means the person reflected in the real property records of Fort Bend County as the owner of the real property, the lessee, the manager of the property, or the person with the right of possession of the property.

Division 3—REGISTRATION

Section 18-521. Donation Box – General Provisions

- A. It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, a donation box at any location within the City of Richmond, without a valid permit and decal issued in accordance with this Division.
- B. Any donation box located within the jurisdiction of the City of Richmond that does not have a current, valid permit shall be subject to impoundment by the City. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten (10) calendar days, it shall be considered abandoned property subject to disposal or sale at the City’s sole discretion.
- C. Donation boxes shall only be permitted to be placed on real property located within the following zoning districts as set forth in the Unified Development Code and depicted on the Zoning District Map: Suburban Commercial (SC), General Commercial (GC), Business Park (BP), Public/Institutional (PI), and Industrial (IN). Donation boxes shall not be permitted to be placed on real property located within any other zoning districts.
- D. A donation box that is in use in the Olde Town (OT) District on the date of adoption of this Article will be allowed to remain in use provided that the owner of the donation box applies for a permit within ninety (90) days of the date of adoption of this Article. The use of the donation box at the permitted location may continue for as long as the donation

box owner continues to receive a donation box permit and decal.

Section 18-522. Donation Box Permit and Decal Required

It shall be unlawful for any Real Property Owner within the City of Richmond, to authorize or allow any donation box to be placed on or remain on the person's real property without a valid permit decal in compliance with the provisions of this Division.

Section 18-523. Permit Requirements

- A. Permit required. A permit and decal to allow a donation box to be placed and used at a designated location is to be issued by the Administrator within sixty (60) days of receipt of a completed application after determining that all the requirements of this Section are satisfied.
- B. Authorization for use. A written authorization allowing the donation box on the property shall be required from the Real Property Owner.
- C. Requirement to keep clean. A permit holder shall be responsible for collecting the contents of the donation box to prevent overflow and littering. A permit holder shall keep the real property, on which the donation box is located, clean and free of trash, debris, broken glass, coat hangers, clothes, clothing accessories, or excess donations. A permit holder that fails to maintain the cleanliness of the surrounding real property may receive a notice of violation from the City. If the City elects to send a notice of violation to the email address on file for the permit holder, the permit holder shall have forty-eight (48) hours to remedy the complaint. Failure to comply with a notice of violation may result in the issuance of a citation by the City. A permit holder who is issued a citation within the one-year term of a donation box permit is subject to revocation of the associated donation box permit.
- D. Number of Boxes Allowed. No more than one (1) donation box may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the Administrator shall treat the shopping center or office development as if it is only one contiguous lot.
- E. Maximum Size of the Box. No donation box shall exceed 150 cubic feet in size.
- F. Construction Material for the Box. Each donation box shall be constructed of a weather-proof material and sealed to prevent moisture deteriorating the donation box.
- G. Color of the Box. Each donation box shall be painted one solid color. Trade dress color schemes or corporate logos will be allowed. No fluorescent colors shall be used for a donation box or its associated signage.

- H. GPS Coordinates. No donation box shall be permitted without a valid set of GPS coordinates identifying the placement location of the donation box.
- I. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box on the front side.
- J. Placement on Site. No donation box shall be permitted within the required parking area adjacent to street right-of-way unless an existing landscape setback is present in good condition and the donation box placement shall not reduce available parking to less than the required parking and shall not remove or reduce landscaping required by the Unified Development Code. If there is no existing landscape setback, a donation box shall not be placed less than forty (40) feet from the adjacent street right-of-way or within twenty-five (25) feet from an adjoining property.
- K. Donation Box enclosure. Each donation box shall be enclosed on three sides by a wooden fence of, at least, equal height as the donation box. The open side of the enclosure shall not face an adjoining street or adjoining residential property.
- L. Notice to donators. Each donation box shall clearly indicate in writing on the front side of each box that all donations must fit into and be placed within the donation box. The size of lettering for the notice shall not be less than two inches (2") in height and in a contrasting color from the color of the box.
- M. Contact information. The permit holder placing or maintaining the donation box shall display current contact information including name of permit holder and owner of donation box, street address website address, email address, phone number, and alternate contact information on the donation box. Said information must be readable and clearly visible to the public from the front side of the box. The size of lettering for the contact information shall not be less than one-half inch in height. The permit holder shall revise the contact information listed above within ten (10) days of the change of any such contact information.

Section 18-524. Applications for Permits

- A. Applicants for permits under this Division shall file a written, sworn application with the Administrator. The application shall include:
 - 1. The name of the applicant;
 - 2. The street address of the applicant,
 - 3. The contact information of the applicant, including telephone number, email address, and website address;
 - 4. Alternate contact information for the applicant;
 - 5. The name of the donation box owner;

6. The street address of the donation box owner;
 7. The contact information of the donation box owner, including telephone number, email address, and website address;
 8. Alternate contact information for the donation box owner;
 9. The name of the property owner;
 10. The street address of the property owner;
 11. The contact information of the Property Owner, including telephone number, email address, and website address;
 12. the written authorization of the Real Property Owner or the Property Owner's manager allowing the donation box on the property; and
 13. A site plan depicting the exact proposed location (with GPS coordinates indicated) of the donation box shall be submitted with each application.
- B. The applicant shall notify the Administrator within ten (10) calendar days of any change in the information required to be provided by A above.
- C. A separate permit and application shall be required for each donation box regardless of the ownership thereof. Permits issued under the provisions of this Division shall be valid only at the address and GPS coordinates stated on the permit.
- D. Proof of general liability insurance of at least \$1,000,000.00 covering the applicant's donation box and naming the City of Richmond as an additional insured. The proof of insurance shall provide that at least 30 days notice of cancellation will be given to the City.
- E. A nonrefundable annual permit fee for each donation box shall be required. Each permit shall expire on December 31 of the year of issuance.
- F. Any person denied a permit shall have the right to appeal such action in accordance with the provisions of Section 18-529.

Section 18-525. Transfer of permit prohibited

No permit issued under the provisions of this Article shall be transferrable. The authority a permit confers is conferred only on the permit holder named therein.

Section 18-526. Maintenance and Upkeep

- A. The permit holder and the Real Property Owner are jointly and severally liable and responsible for the maintenance, upkeep, and servicing of the donation box and clean up and removal of any donations left on the property outside of the donation box.

- B. The City shall have the authority to abate any property in violation of this Division that is deemed a public nuisance under the procedures contained in Chapter 22 “Nuisances” of the Richmond Code, as amended. This provision does not exclude or limit the use of any other provision in this Article, the Richmond Code, or the laws of the State of Texas.
- C. The visual and structural integrity of the donation box must be maintained continuously.
- D. The placement of the donation box shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway, or street.
- E. The donation box shall not be located in a required landscape or building setback, drainage easement, floodplain, driveway, utility easement, or fire lane.
- F. In addition to the parking required by the UDC, at least one (1) stacking or parking space must be provided for use of persons accessing the donation box.
- G. The donation box must not be located in, or block public access to, any required off-street parking spaces, access easements, or stacking lanes serving a structure on the property, fire lane, or fire hydrant.
- H. The current permit decal for the specific donation box must be affixed and displayed at all times on the outside of the donation box on the front side.
- I. The donation box shall only be used for the solicitation and collection of clothing and household items. All donation materials must fit into and be placed inside the donation box. The collection or storage of any materials outside the container is strictly prohibited.
- J. No donation box shall be permitted to be placed or remain placed within 200 feet from a residential dwelling use district or property occupied for a residential purpose. Said distance shall be measured from a donation box to a residential lot line.
- K. The donation box shall be continuously maintained in compliance with all requirements imposed by Section 18-523, Permit Requirements, as amended.

Section 18-527. Revocation of permit

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has (1) received a citation for a violation of this Article or any other provision of the Richmond Code within the preceding 12-month time period; (2) has knowingly made a false material statement in the application; or (3) has otherwise become disqualified for the issuance of a permit under the terms of this Article.
- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the

reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to the permit holder's address listed in the permit application, as revised by the permit holder. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.

- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of the permit holder's appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of Section 18-529 herein.
- D. Removal of Box; Impoundment. Upon finalization of any revocation, the permit holder shall remove said donation box no later than ten (10) days after said final decision. Upon expiration of this 10-day removal period, the donation box shall acquire noncompliant status and be subject to immediate impoundment without further notice. Any donation box impounded by the City shall be released to the owner upon payment of all applicable impoundment and storage fees. If a donation box is impounded for longer than ten calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.
- E. One-Year Waiting Period. In the event a donation box permit of any permit holder is revoked by the Administrator, no second or additional permit shall be issued to such person within one year of the date such permit was revoked.

Section 18-528. Fees

All fees established by this Article shall be in an amount set by resolution of the City Commission.

Section 18-529. Administrative Appeals of Denial or Revocation of Permit

- A. Upon denial or revocation of a permit for a donation box, the Administrator, or designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. The applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is final.
- B. The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the Administrator.
- C. The hearings provided for in this Section shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the evidence submitted at such hearing, the Administrator

or the designated hearing officer shall sustain, modify, or rescind any notice or order considered at the hearing. A recording of the hearing will be made. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing. A permit may be denied, modified, or revoked if the Administrator or designated hearing officer determines that such action is necessary to protect the health, safety, or welfare of the general public.

- D. After such hearing, an applicant that has had a permit denied or revoked by the Administrator may appeal to the City Appeal Officer designated by the City Manager to hear such appeals.
- E. An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

Section 19-530. Appeals of Administrator Decision

- A. All appeals to the City Appeal Officer must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with Section 18-529 above.
- B. The City Appeal Officer shall schedule the appeal hearing for no less than twenty (20) days from receipt of the appellant's appeal.
- C. If the City Appeal Officer finds by preponderance of the evidence that the denial or revocation of the donation box permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer shall affirm the denial or revocation of appellant's donation box application or permit.
- D. The City Appeal Officer may consider any or all of the following factors when reaching a decision on the merits of the appeal:
 - 1. The number of violations, convictions, or liability findings;
 - 2. The number of previous revocations;
 - 3. The number of violations by appellant at the same location;
 - 4. The degree to which previous violations endangered the public health, safety or welfare; or
 - 5. Any pending action or investigation by another agency.
- E. After the hearing, the City Appeal Officer shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.
- F. The City Appeal Officer may affirm or reverse the denial or revocation of the donation box permit. If affirmed, the order issued must state that the appellant is not eligible to

receive a new donation box permit sooner than one year after the date of the order. If reversed, the donation box permit shall be reinstated immediately (in the case of a revocation) or within three (3) business days (in the case of a denial).

- G. The determination of the City Appeal Officer shall be final on the date the order is signed.
- H. An appeal to the City Appeal Officer does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer.

Division 4—ENFORCEMENT AND PENALTIES

Section 18-540. Offense/Penalty

- A. A person who violates any provision of this Article by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Each day the violation continues shall be a separate offense.
- B. A culpable mental state is not required for the commission of an offense under this Article.
- C. Nothing in this Article shall limit the remedies available to the City in seeking to enforce the provisions of this Article.
- D. All other legal remedies are reserved by the City if necessary to enforce the provisions of this Article. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this Article.

Section 3. *Penalty.* Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 4. *Repealer.* All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect.

Section 5. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Richmond, Texas, declares that

it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. *Effective Date.* This Ordinance shall become effective and be in full force and effect on January 1, 2021, after its passage, approval, and publication.

PASSED AND APPROVED on this the 26th day of October, 2020.

Evalyn Moore, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Scarlato, City Secretary

Gary W. Smith, City Attorney



City of Richmond

Where History Meets Opportunity

Special Called City Commission Meeting

600 Morton Street

Monday, October 26, 2020 at 4:30 p.m.

- A5. Review and consider taking action on rejection bid for Construction Contract for the Police Department Renovations.



**CITY COMMISSION
AGENDA ITEM COVER MEMO**

DATE: October 26, 2020

Staff Review:

City Manager _____

City Attorney _____

Finance _____

Fire Department _____

Police Department _____

Public Works _____

AGENDA ITEM: Bid Rejection

SUBMITTED BY: Howard Christian, Assistant City Manager

SYNOPSIS

The City began a project to repair and restore the Police Department’s exterior windows and glazing for the non-historical portion of the PD complex. Due to obsolescence, the recommended repairs include replacing all windows and glazing. The historical portion of the complex will not be part of this project.

COMPREHENSIVE PLAN 2019 GOALS ADDRESSED

Rehabilitate and preserve Richmond’s existing neighborhoods and community assets.

BACKGROUND

On October 1, 2020, one bid was opened for the Police Department Renovation project – CIP MU005. The lone bidder was New Age General Contractors, Inc. in the amount of \$124,941. The bid amount was within budget and we proceeded to have the Architect (Freese and Nichols) check the bid tab and references to make a recommendation. After several weeks, the architect could not get a response from the contractor about specific job references or contacts to verify their experience with similar projects.

Staff reached out to the contractor, to let them know the City needed them to respond to the Architects request before proceeding any further. Eventually, the contractor responded to the Architects request and provided references that are almost 20 years old, possibly under a different company name. The references that were given, was for work not related to the type of work required for this project.

It is the Architects and staff’s opinion that the bid should be rejected in order to release the bid document package and re-bid the project.

BUDGET ANALYSIS

FUNDING SOURCE	ACCOUNT NUMBER	PROJECT CODE/NAME	FY 2018 FUNDS BUDGETED	FY 2018 FUNDS AVAILABLE	AMOUNT REQUESTED

BUDGET AMENDMENT REQUIRED? YES _____ NO _____

Purchasing Review:

Financial/Budget Review:

FORM CIQ: _____

FORM 1295 _____

SUPPORTING MATERIALS

Freese and Nichols letter of recommendation

STAFF'S RECOMMENDATION

Reject the bid provided by New Age General Contractor, Inc. on October 1, 2020 and re-bid the project.

City Manager Approval: _____



Innovative approaches
Practical results
Outstanding service

11200 Broadway Street, Suite 2320 • Pearland, Texas 77584 • 832-456-4700 • FAX 817-735-7491

www.freese.com

October 19, 2020

Howard Christian
Director of Public Works
City of Richmond
600 Morton St.
Richmond TX 77469

Re: Richmond Police Department Renovations
Apparent Low Bidder – New Age General Contractors, Inc.

Howard:

We have spent a considerable amount of time in researching the apparent low bidder for the Richmond Police Department Renovations. Numerous contacts by email, voice messages and contact through their website were ignored or overlooked for weeks. When we did get their Business Plan on August 15th, it contained 19 references and we have tried to run down the information on several of those. Of the 19 references, 18 were for projects completed during 2000 or earlier. No one we have been able to contact recalls the bidder's organization.

Additionally, of the projects submitted with the references, their work appears to be concrete and CMU placement as a subcontractor to a General Contractor.

Based on the information provided by New Age General Contractors Inc., we recommend rejecting their current bid in order to release the bid document package for the purpose of rebidding the project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'gritenour'.

Greg Ritenour
Project Manager

Cc: Jim Whitehead
City of Richmond

Rami Abusheikh
Freese & Nichols

Dwayne Mollard
Collaborate Architects



City of Richmond

Where History Meets Opportunity

Special Called City Commission Meeting

600 Morton Street

Monday, October 26, 2020 at 4:30 p.m.

- A6. Adjourn to Executive Session, as authorized by Texas Government Code, Section 551.074, Personnel Matters.



City of Richmond

Where History Meets Opportunity

Special Called City Commission Meeting

600 Morton Street

Monday, October 26, 2020 at 4:30 P.M.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Commission may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C. A. in accordance with the authority contained in the following sections"; Sections 551.074, Personnel Matters.



City of Richmond

Where History Meets Opportunity

Special Scheduled City Commission Meeting

600 Morton Street

Monday, October 26, 2018 at 4:30 P.M

E1. Executive Session for Personnel Matters.

1. Discuss Judge's duties and responsibilities, Section 4.03 (2) of the City Charter.
2. Discuss City Attorney's duties and responsibilities, Section 4.04 (2) of the City Charter.

Open Meeting

C1. Reconvene into Open Meeting, and take action on items, if necessary.

C2. Review and consider taking action on a contract with the City Attorney.

C3. Review and consider taking action on Resolution No. 346-2020 reappointing the Municipal Judge and authorizing a contract with the Municipal Judge.

C4. Adjournment.

If, during the course of the meeting covered by this Agenda, the Commission shall determine that an executive session of the Commission, should be held or is required in relation to an item included in this Agenda, then such executive session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Agenda concerning any and all subjects and for any and all purposes permitted by Sections 551.071-551.090 of the Texas Government Code, including, but not limited to, Section 551.071 – for purpose of consultation with attorney, on any or all subjects or matters authorized by law.

**AGREEMENT BETWEEN THE CITY OF RICHMOND AND
JUDGE PHYLLIS ROSS FOR SERVICES AS THE CITY
MUNICIPAL JUDGE**

This AGREEMENT is dated as of the 20th day of August, 2018, by and between the City of Richmond, Texas (hereinafter called "CITY") and Judge Phyllis Ross (hereinafter called "Judge").

CITY AND JUDGE, in consideration of the mutual covenants hereinafter set forth agree as follows:

**ARTICLE I.
Scope of Service**

1.1 JUDGE shall be the Presiding Judge and shall preside over all violations of ordinances and other statutory misdemeanor violations within the jurisdiction of the Municipal Court. JUDGE was appointed by the City Commission on August 20, 2018 and authorized to perform, and shall perform, the necessary services as Municipal Court Judge of the City of Richmond, Texas.

1.2 JUDGE shall be available at the beginning of every court date scheduled by the CITY until the end of court that day, excluding official City holidays. During this time period, JUDGE will address inquiries from the Municipal Court Prosecutor, Municipal Court Clerks and other city staff with matters related to Municipal Court and shall attend all Court sessions or shall notify the Municipal Court alternate Judge to substitute and temporarily perform the Judge's work.

1.3 JUDGE shall also perform Magistrate duties for the CITY in Fort Bend County during the Term of this Agreement.

1.4 JUDGE shall not permanently assign the work under this AGREEMENT.

**ARTICLE II.
Term of AGREEMENT**

2.1 The initial term of this AGREEMENT shall be for a period of twenty-four (24) months, ending August 30, 2020.

2.2 CITY Commission shall have option to renew AGREEMENT with JUDGE for a two (2) year period beginning September 1, 2020 and expiring August 30, 2022.

2.3 This AGREEMENT may be terminated by the JUDGE after giving a sixty (60) day written notice of termination to the CITY.

2.4 This AGREEMENT shall be terminated automatically if JUDGE is removed from the bench by the State Commission on Judicial Conduct.

ARTICLE III.

Payments

3.1 CITY shall pay JUDGE, subject to performance, the sum of \$110 per hour as a salary for her services as JUDGE. JUDGE shall be limited to 50 hours per month unless permission is granted by the City Manager for additional hours, in advance.

3.2 All payments by CITY to the JUDGE made pursuant to this AGREEMENT shall be tendered on or before the tenth of the month next following the month services were rendered.

3.3 In the event an associate judge is utilized, the JUDGE will notify the CITY and CITY shall pay the associate judge's compensation directly to him/her. Only associate judges approved by the City shall be utilized. These associate judges are: Stephen Gilbert, Stephen Monk and Jim Gascoyne.

3.4 In the event of termination of this AGREEMENT prior to completion of the terms specified in Article II above, JUDGE shall be entitled to the compensation earned by JUDGE prior to the date of termination computed pro-rata up to and including such termination date. JUDGE shall be entitled to no further compensation after date of termination of this AGREEMENT.

ARTICLE IV.

Representations

4.1 **INDEPENDENT JUDGE:** It is expressly understood and agreed that the JUDGE provides services as an independent Judge. JUDGE is responsible for providing the judicial services necessary for the handling of all cases in the Municipal Court, subject only to the provisions of the ordinances of the City, State and Federal statutes and Texas Code of Judicial Conduct.

4.2 JUDGE shall be responsible for the means and methods of performing said services, provided they conform to the Texas Code of Judicial Conduct.

4.3 JUDGE shall provide all of her own transportation.

4.4 CITY shall provide JUDGE with certain administrative support consisting of part-time access to office facilities (telephone, typewriter, computer terminal, and desk) and message referral. CITY shall work with JUDGE in order to coordinate all cases.

ARTICLE V.

Miscellaneous

5.1 This AGREEMENT shall be governed by the laws of the State of Texas. The parties further agree that venue for any litigation arising directly or indirectly from this AGREEMENT shall be in Fort Bend County, Texas.

5.2 As part of the Agreement to provide these services to the CITY, JUDGE shall be required to disclose to the CITY any existing or potential conflicts of interest related to any services to be performed under this AGREEMENT and during the course of this representation. Should such conflict arise, JUDGE shall be required to immediately contact the Mayor to discuss and resolve such conflict.

5.3 In providing legal services to the CITY hereunder, JUDGE shall conduct herself in accordance with the highest ethical standards and in full compliance with the Texas Code of Judicial Conduct. The JUDGE shall promptly notify the CITY if any disciplinary action is instituted against JUDGE.

5.4 If any provision of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, CITY and JUDGE have signed this AGREEMENT to CITY and JUDGE.

CITY OF RICHMOND, TEXAS

By: 
Evalyn W. Moore, MAYOR

JUDGE

By: 
Phyllis Ross, JUDGE