

NOTICE OF PUBLIC HEARING
THE FREEPORT CITY COUNCIL
MONDAY, OCTOBER 6, 2014, 6:00 P.M.
FREEPORT MUNICIPAL COURT ROOM
FREEPORT POLICE DEPARTMENT, 430 NORTH BRAZOSPORT BLVD.
FREEPORT, TEXAS
AGENDA
FORMAL SESSION

1. Call to order.
2. Invocation.
3. Pledge of Allegiance.
4. Consideration of approving the September 22, 2014 Council Minutes. Pg. 868-870
5. Attending citizens and their business.
6. Consideration of approving Ordinance No. 2014-2072 amending Sections 52.15 and 52.16 of the Code of Ordinances of said City to increase the rates for water and sewer services furnished to industrial facilities, office and other commercial establishments inside the corporate limits of the City for water and sewer and water only services furnished on or after October 1, 2014 and for water furnished to industrial facilities, offices and other commercial establishments, residences and customers located outside the corporate limits of the city on or after October 1, 2014. Pg. 871-874
7. Consideration of approving a bid proposal and awarding the contract to Power Field Services for an emergency generator for Fire Station # 1 under the Hazardous Mitigation Grant Program through Texas Department of Emergency Management (FEMA-1999-DR-TX-040). Pg. 875-877
8. Consideration of approving a bid proposal and awarding the contract to Power Field Services for an emergency generator for Fire Station # 2 under the Hazardous Mitigation Grant Program through Texas Department of Emergency Management (FEMA-4029-038). Pg. 878-880
9. Consideration of approving Resolution No. 2014-2452 and accepting the bid of and authorizing the Mayor and City Secretary to execute and attest, respectively, and the Mayor to acknowledge and deliver to Aylsbury, LTD., the assignee of Skymark Development Company, Inc., the sole bidder therefor, a Special Warranty Deed conveying to it the 13 acres of land, more or less, located within the City and being out of the old Municipal Golf Course tract in the M. B. Nuckols Labor, Abstract 33, Brazoria County, Texas. Pg. 881-886
10. Consideration of taken action on any item discussed in Executive Session.

Work Session:

- A. Regarding County Interlocal Street Agreement plan.
- B. Presentation of Yard of the Month program.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Port Freeport
- Pending Contractual Negotiations regarding : Waste Management & Veolia Water
- Pending Contractual Negotiations regarding : Newco Development Company

Adjourn

Items not necessary discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

In compliance with the Americans with Disabilities Act, the City of Freeport will provide for reasonable accommodations for persons attending City Council Meetings. Request should be received 48 hours prior to the meeting. Please contact the City Secretary office at 979-233-3526.

I, Delia Munoz City Secretary for the City of Freeport, Texas certify that this agenda was posted on the official bulletin board/glass door of City Hall, facing the rear parking lot of the building, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, October 3, 2014 at or before 5:00 p.m.

Delia Munoz - City Secretary
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the Freeport City Council met on Monday September 22, 2014 at 6:00 p.m. at the Freeport Municipal Court Room, Police Department, 430 North Brazosport, Freeport Texas for the purpose of considering the following agenda items:

City Council:

Mayor Norma M. Garcia
Councilman Larry L. McDonald
Councilman Fred Bolton
Councilwoman Sandra Loeza
Councilwoman Sandra Barbree

Staff:

Jeff Pynes, City Manager
Gilbert Arispe, Assistant City Manager
Delia Munoz, City Secretary
Wallace Shaw, City Attorney
Nat Hickey, Property Manager
Bob Welch, Finance Director

Visitors:

Glenda Fansher Annette Sanford
Nicole Mireles Sam Reyna
Lance Reaves

Call to order

Mayor Norma Garcia called the meeting to order at 6:00 p.m.

Invocation.

Mr. Wallace Shaw offered the invocation.

Pledge of Allegiance.

Nicole Mireles led the Pledge of Allegiance.

Consideration of approving the September 8, 2014 Second Tax Rate Public Hearing Minutes.

On a motion by Councilwoman Barbree, seconded by Councilwoman Loeza, with all present voting "Aye", Council unanimously approved the September 8, 2014 Second Tax Rate Public Hearing Minutes.

Consideration of approving the September 8, 2014 Council Minutes.

On a motion by Councilman McDonald , seconded by Councilwoman Loeza, with all present voting “Aye”, Council unanimously approved the September 8, 2014 Council Minutes.

Attending citizens and their business.

There were none.

Consideration of approving Ordinance No. 2014-2074 adopting a tax rate for fiscal year 2014-2015.

On a motion by Councilwoman Barbree , “I move that the property tax rate be increased by the adoption of a tax rate of 0.675586, which is effectively a 3.36 percent increase in the tax rate”, seconded by Councilwoman Loeza, with all present voting 4 to 1 Council unanimously approved Ordinance No. 2014-2074 adopting a tax rate for fiscal year 2014-2015.

Record Vote:	Mayor Norma M. Garcia	Aye
	Councilman Larry McDonald	Nay
	Councilman Fred Bolton	Aye
	Councilwoman Sandra Loeza	Aye
	Councilwoman Sandra Barbree	Aye

Consideration of approving Resolution No. 2014-2450 supporting the activities of the Texas Coast Utilities Coalition of Cities (“TCUC”) and other similarly situated coalitions of Municipalities opposing rules proposed by the railroad commission of Texas benefiting the utility industry that if adopted would greatly diminish cities’ ability to effectively and meaningfully evaluate and challenge a utility’s proposal to increase its rates.

On a motion by Councilman Bolton, seconded by Councilman McDonald, with all present voting “Aye”, Council unanimously approved Resolution No. 2014-2450 supporting the activities of the Texas Coast Utilities Coalition of Cities (“TCUC”) and other similarly situated coalitions of Municipalities opposing rules proposed by the railroad commission of Texas benefiting the utility industry that if adopted would greatly diminish cities’ ability to effectively and meaningfully evaluate and challenge a utility’s proposal to increase its rates.

Consideration of approving Resolution No. 2014-2451 suspension of Centerpoint Energy Houston Electric’s proposed effective date as allowed by statute regarding its proposed amendment to rate schedule for lighting services; authorizing the City to direct the activities of its lawyers and consultants; authorizing the hiring of attorneys and consultants; and requiring reimbursement of reasonable legal and consultant expenses.

On a motion by Councilman McDonald, seconded by Councilwoman Barbree, with all present voting “Aye”, Council unanimously approved Resolution No. 2014-2451 suspension of Centerpoint Energy Houston Electric’s proposed effective date as allowed by statute regarding its proposed amendment to rate schedule for lighting services; authorizing the City to direct the activities of its lawyers and consultants; authorizing the hiring of attorneys and consultants; and requiring reimbursement of reasonable legal and consultant expenses.

Consideration of designating a representative and an alternate to the Houston –Galveston Area Council, 2015 General Assembly.

On a motion by Councilman McDonald, seconded by Councilman Bolton, with all present voting, “Aye”, Council unanimously approved designating Councilwoman Sandra Barbree as a representative and Councilwoman Loeza as an alternate to the Houston-Galveston Area Council 2015 General Assembly.

Executive Session:

Section 551.071, Government Code

Consultation with City Attorney concerning pending or contemplated litigation, settlement offers or other matters in which his duty to the City Council under the Texas Disciplinary Rules of professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Government Code, to wit:

- Pending Contractual Negotiations regarding Skymark Development Corporation

Mayor Garcia closed the Executive Session at 6:32 to reconvene the Formal Session.

Adjourn

On a motion by Councilwoman Barbree, seconded by Councilman McDonald with all present voting “Aye”, Mayor Garcia adjourned the meeting at 6:32 p.m.

Mayor Norma M. Garcia
City of Freeport, Texas

City Secretary Delia Munoz
City of Freeport, Texas

ORDINANCE NO. 2014-2072

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING SECTIONS 52.15 AND 52.16 OF THE CODE OF ORDINANCE OF SAID CITY TO INCREASE THE RATES FOR WATER AND SEWER SERVICES FURNISHED TO INDUSTRIAL FACILITIES, OFFICES AND OTHER COMMERCIAL ESTABLISHMENTS INSIDE THE CORPORATE LIMITS OF THE CITY FOR WATER AND SEWER AND WATER ONLY SERVICES FURNISHED ON OR AFTER OCTOBER 1, 2014, AND FOR WATER FLURNISHED TO INDUSTRIAL FACILITIES, OFFICES AND OTHER COMMERCIAL ESTABLISHMENTS, RESIDENCES AND CUSTOMERS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY ON OR AFTER OCTOBER 1, 2014; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Freeport, Texas (the City), is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Chapter 552 of the Local Government Code and Section 2.01 and 2.02 and Items (n) and (u) of Section 3.07 of the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Ordinance; and,

WHEREAS, the City Council of the City has determined and does here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and persons using it utility system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, Division (A) (2) of Section 52.15 of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

■(A) The city shall charge for the furnishing of sewer service to customers within the corporate limits of the city and shall charge each customer as follows:

(2) In the case of sewer service furnished to all other customers, including but not being limited to industrial facilities, offices and other commercial establishments:

0 gal. to 2,000 gal. of water	\$13.40 (minimum charge)
3,000 to 12,000 gal. of water	\$7.22 per 1,000 gal.
13,000 Up gal. of water	9.53 per 1,000 gal."

Second, Divisions (A) (2) , (B) and (-C) of Section 52.16 of the Code of Ordinances of the City of Freeport, Texas, are hereby amended to read as follows:

■(A) The city shall furnish water service to customers within the corporate limits of the city and shall charge each customer as follows:

(2) In the case of water furnished to all other customers, including but not being limited to industrial facilities, offices and other commercial establishments located within the city:

0 gal. to 2,000 gal.	\$15.48 (minimum rate)
3,000 gal. to 12,000 gal.	\$7.223 per 1,000 gal.
13,000 gal. and up	\$9.53 per 1,000 gal.

(B) The city shall furnish water service to customers outside the corporate limits of the city and shall charge each customer as follows:

0 gal. to 2,000 gal.	\$23.22 (minimum rate)
3,000 gal. and up	\$10.83 per 1,000 gal.

(-C) The city shall furnish water only service to customers inside the corporate limits of the city and shall charge each customer as follows:

0 gal. to 2,000 gal.	\$22.11 (minimum rate)
3,000 gal. to 12,000 gal.	\$7.63 per 1,000 gal.
13,000 gal. and up	\$10.05 per 1,000 gal.

Third, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Fourth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Fifth, this ordinance shall take effect and be in force from and after October 1, 2014.

READ, PASSED AND ADOPTED this _____ day of _____, 2014.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Munoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas



FREEPORT FIRE & EMS
131 East Fourth Street
P.O. Box 3356
Freeport, Texas 77541
(979) 233-2111

Brian Davis
Chief
Christopher Motley
Deputy Chief
Billywayne Shoemaker
Deputy Chief

September 23, 2014

RE: FEMA Generator Grant Fire Station #1

Dear Honorable Mayor Norma Garcia

The City of Freeport was awarded an emergency generator grant under the Hazardous Mitigation Grant Program through Texas Department of Emergency Management (FEMA-1999-DR-TX-040).

The City of Freeport hosted an official sealed bid process with specifications outlined in a Request for Proposal.

In closing, I recommend that the City of Freeport accept the bid proposal from Power Field Services for \$47,800.00.

The Power Field Services proposal is attached for your review.

Respectfully,

Christopher D. Motley

Cc: Brian Davis, Fire Chief
Gilbert Aripse, Assistant City Manager
file

POWER FIELD SERVICES (PFS) Proposal No: H14BS070814A

Offices: DFW – Dickinson - Houston

1555 FM 517 West
Dickinson, Texas 77539
(281)337-7683
(281)337-7684 fax

To: City of Freeport

Project: **Fire Station 1**

Re: Generator Pricing, 200kW Diesel

PROPOSAL SUMMARY

Quantity: One (1) New Blue Star Power Generator Set
Model: JD200-01
Rating: Standby
Voltage: 120/240 Volt, 3 phase
Frequency: 60 Hz, 1800 RPM
Fuel: Diesel
Major options: Enhanced communication control panel w/ relays, Remote Annunciator, 5 year warranty, UL142 Sub base fuel tank.

EQUIPMENT PRICE \$47,800

TOTAL COST: \$47,800

Freight bill estimated: Included in quote above. Startup Included.

Exception and clarification below.

Price does not include installation, fuel, rigging, state or local sales and/or use tax. * Offered in accordance with attached "standard terms and conditions" of sale (US) – GENERATOR SYSTEMS (rev 8/01).

Price valid for sixty days.

Approximate shipping date: 12 weeks

Terms: Net 30 days

FOB: *Jobsite, TX*
On Truck

Accepted: _____

Scott Havis

Date: _____

	FEMA Proposal	Station #1	FEMA(75%)/City (25%)
Grant Funds	64,837.84		48,838.00 / 16,209.00
Generator	53,337.84	47,800.00	35,850.00 / 11,950.00
Transfer Switch		N/A	
Hook up	5,000.00	*1 16,500.00	12,375.00/4,125.00
Freight	\$2,500.00	*2	
Crane	\$2,500.00	*3	
Misc/supplies	\$1,500.00	*4 500.00	375.00 / 125
Foundation	\$0.00	N/A	
Total		47,800.00	48,600.00 / 12,150.00
Exhuast pipe		500	
Duct work		8500	
Building Doors		8000	

	FEMA Proposal	Station #2	FEMA (75%) / City (25%)
Grant Funds	30,300.00		22,725.00 / 7,575.00
Generator	21,300.00	25,627.00	19,220.25 / 6,406.75
Transfer Switch		3,139.00	2,354.25 / 784.75
Hook up	5,000.00	*1 2,935.49	2,201.62 / 733.87
Freight	\$2,500.00	*2	
Crane	\$0.00	*3	
Misc/supplies	\$1,500.00	*4 1300.00	975/325
Foundation	\$0.00	1,000.00	750/250
Total		33,001.49	24,751.12 / 8,250.37
Duct work		N/A	
Exhaust		500	
Gas line/Test		500	
Generator Stand		1,000.00	
Electrical Supplies		2835.49	

1. Hookup will be done inhouse - Scott Rogers

Station#1 Existing hookup appears to be sufficient, but the genrator needs to be ducted and vented on the intake and discharge side of the generator with a louver vent. Vendors have not returned with a bid. This is an estimate.

Station#2 The building services is needed to be upgraded due to electrical code. The building doesn't have an exterior disconnect. Quote list all supplies and hookup material

2. Frieght - Included in bid proposal

3. Crane - Station # 1 & 2 - Brazoria County Road & Bridge for heavy equipment

4. Misc/supplies - Incidentals or overage



FREEPORT FIRE & EMS
131 East Fourth Street
P.O. Box 3356
Freeport, Texas 77541
(979) 233-2111

Brian Davis
Chief
Christopher Motley
Deputy Chief
Billywayne Shoemaker
Deputy Chief

August 25, 2014

RE: FEMA Generator Grant Fire Station #2

Dear Honorable Mayor Norma Garcia

The City of Freeport was awarded an emergency generator grant under the Hazardous Mitigation Grant Program through Texas Department of Emergency Management(FEMA 4029-038).

The City of Freeport hosted an official sealed bid process with specifications outlined in a Request for Proposal.

In closing, I recommend that the City of Freeport accept the bid proposal from Power Field Services for \$28,766.00.

The Power Field Services proposal is attached for your review.

Respectfully,

Christopher D. Motley

Cc: Brian Davis, Fire Chief
Gilbert Aripse, Assistant City Manager
File

POWER FIELD SERVICES (PFS) Proposal No: H14BS052714
Offices: DFW – Dickinson - Houston

To: City of Freeport
Project: **Fire Station 2**
Re: Generator Pricing, 60kW

1555 FM 517 West
Dickinson, Texas 77539
(281)337-7683
(281)337-7684 fax

PROPOSAL SUMMARY

Quantity: One (1) New Blue Star Power Generator Set
Model: GM-60-02
Rating: Standby
Voltage: 120/240 Volt, 3 phase
Frequency: 60 Hz, 1800 RPM
Fuel: Natural Gas
Major options: PMG, weatherproof enclosure of Aluminum Construction, Enhanced communication control panel w/ relays, Remote Annunciator, Fuel plumbed to base, 5 year warranty.

EQUIPMENT PRICE \$25,627.00

Quantity: One (1) New ASCO series 300 ATS
Model: 300/200/3/240/N3R
Rating: 200amp/240 volt/3 pole/N3R Enclosure
Options: PMG, weatherproof enclosure of Aluminum Construction, Enhanced communication control panel w/ relays, Remote Annunciator, Fuel plumbed to base, 5 year warranty.

EQUIPMENT PRICE \$3,139.00

TOTAL COST: \$28,766.00

Freight bill estimated: Included in quote above. Startup Included.

Exception and clarification below.

Price does not include installation, fuel, rigging, state or local sales and/or use tax. *
Offered in accordance with attached "standard terms and conditions" of sale (US) –
GENERATOR SYSTEMS (rev 8/01).

Price valid for sixty days.

Approximate shipping date: 12 weeks
Terms: Net 30 days

Accepted: _____

Date: _____

FOB: ~~Site~~, TX
On Truck

Scott Havis

	FEMA Proposal	Station #1	FEMA(75%)/City (25%)
Grant Funds	64,837.84		48,838.00 / 16,209.00
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Transfer Switch		N/A	
Hook up	5,000.00	*1 16,500.00	12,375.00/4,125.00
Freight	\$2,500.00	*2	
Crane	\$2,500.00	*3	
Misc/supplies	\$1,500.00	*4 500.00	375.00 / 125
Foundation	\$0.00	N/A	
Total		47,800.00	48,600.00 / 12,150.00
Exhaust pipe		500	
Duct work		8500	
Building Doors		8000	

	FEMA Proposal	Station #2	FEMA (75%) / City (25%)
Grant Funds	30,300.00		22,725.00 / 7,575.00
Generator	21,300.00	25,627.00	19,220.25 / 6,406.75
Transfer Switch		3,139.00	2,354.25 / 784.75
Hook up	5,000.00	*1 2,935.49	2,201.62 / 733.87
Freight	\$2,500.00	*2	
Crane	\$0.00	*3	
Misc/supplies	\$1,500.00	*4 1300.00	975/325
Foundation	\$0.00	1,000.00	750/250
Total		33,001.49	24,751.12 / 8,250.37
Duct work		N/A	
Exhaust		500	
Gas line/Test		500	
Generator Stand		1,000.00	
Electrical Supplies		2835.49	

1. Hookup will be done inhouse - Scott Rogers

Station#1 Existing hookup appears to be sufficient, but the genrator needs to be ducted and vented on the intake and discharge side of the generator with a louver vent. Vendors have not returned with a bid. This is an estimate.

Station#2 The building services is needed to be upgraded due to electrical code. The building doesn't have an exterior disconnect. Quote list all supplies and hookup material

2. Frieght - Included in bid proposal

3. Crane - Station # 1 & 2 - Brazoria County Road & Bridge for heavy equipment

4. Misc/supplies - Incidentals or overage

RESOLUTION NO. 2014-2452

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, AND THE MAYOR TO ACKNOWLEDGE AND DELIVER TO AYLESBURY, LTD., THE ASSIGNEE OF SKYMARK DEVELOPMENT COMPANY, INC., THE SOLE BIDDER THEREFOR, A SPECIAL WARRANTY DEED CONVEYING TO IT THE 13 ACRES OF LAND, MORE OR LESS, LOCATED WITH THE CITY AND BEING OUT OF THE OLD MUNICIPAL GOLF COURSE TRACT IN THE M.B. NUCKOLS LABOR, ABSTRACT 33, BRAZORIA COUNTY, TEXAS; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY AND A CERTIFIED COPY HEREOF BE RECORDED IN WITH SAID DEED IN THE OFFICIAL RECORDS OF SAID COUNTY.

WHEREAS, the City of Freeport, Texas, ("the City") is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Section 2.01 of the Home Rule Charter of the City authorizes it to sell any real property owned by the City; and,

WHEREAS, Section 272.001 requires that before a municipality may sell any land or exchange it for other land, notice to the general public, including a description of the land and its location and the procedure by which sealed bids to purchase such land or offers to exchange such land may be submitted, must be published on two separate dates in a newspaper, if any, of general circulation published in the county in which such land is located and that such sale or exchange cannot be made until after the 14th day after the date of the second publication; and,

WHEREAS, the City Council of the City, having determined to sell the hereinafter described land, did cause public notice therefor to be published twice in the Brazosport Facts, a newspaper of general circulation in Brazoria County, Texas, where such land is located; and,

WHEREAS, the only bid therefor was the one received from SKYMARK DEVELOPMENT COMPANY, INC., a Texas Corporation, for \$125,000.00 for all of the hereinafter described tract or parcel of land, which bid was received within the time specified in such notice; and,

WHEREAS, the City Council of the City thereafter determined that accepting such bid would be in the best interest of the inhabitants of the City and entered into an earnest money contract with Skymark Development Company, Inc., a Texas Corporation, for the sale and purchase of such land; and,

WHEREAS, the said Skymark Development Company, Inc., thereafter assigned its right to purchase such land under such contract to AYLESBURY, LTD., a Texas Limited Liability Partnership.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, the City Council of the City of Freeport, Texas, finds that the facts recited in the preamble hereof are true.

Second, upon the receipt of the consideration therefor by the escrow agent named in said contract, the City Council of the City hereby authorizes the Mayor and City Secretary thereof to execute and attest, respectively, and the Mayor to acknowledge and deliver to the said Aylesbury, Ltd., a Special Warranty Deed conveying to it the following described real property owned by the City, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

Third, if any part hereof is found to be unconstitutional, void or inoperative, such defective part, if any, is hereby declared to be severable from the remaining portion of this resolution and such

remaining part shall remain in full force and effect.

Fourth, this resolution shall take effect and be in force from and after its passage and adoption.

Fifth, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City and a certified copy hereof shall be recorded with such deed in the Official Records of Brazoria County, Texas.

READ, PASSED AND ADOPTED this ____ day of _____, 2014.

Norma Moreno Garcia, Mayor,
City of Freeport, Texas

ATTEST:

Delia Muñoz, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Wallace Shaw, City Attorney,
City of Freeport, Texas

C:\Freeport.CtySell\Aylesbury-SWD-RSL

THE STATE OF TEXAS X

COUNTY OF BRAZORIA X KNOW ALL MEN BY THESE PRESENTS:

SPECIAL WARRANTY DEED

That the CITY OF FREEPORT, a municipal corporation located in Brazoria County, Texas, hereinafter called GRANTOR, for the valuable consideration hereinafter specified, have GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto AYLESBURY, LTD., a Texas Limited Partnership with its principal office in Harris County, Texas, hereinafter called GRANTEE, the following described real property lying and situated in the County of Brazoria and State of Texas, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

This conveyance is made and accepted subject to any and all valid and subsisting easements, restrictions, rights-of-way, conditions, exceptions, covenants and other encumbrances properly of record affecting the title to the above described property, including but not being limited to the following:

- A. Guy easement 35 feet in length, as reflected by the recorded plat in Volume 16, Page 167 of the Plat Records of Brazoria County, Texas
- B. An easement for purposes of drainage facilities located on subject property granted to City of Freeport by instrument recorded in Volume 511, Pages 236 and 239 of the Deed Records of Brazoria County, Texas
- C. Easements, terms and conditions on subject property as recited by instrument recorded in Volume 1021, Pages 314 and 318 of the Deed Records and Volume (91)982, Page 843 of the Official Records of Brazoria County, Texas.
- D. An easement for purposes of sanitary sewer located on subject property granted to public by instrument recorded in Volume 1585, Page 907 of the Deed Records of Brazoria County, Texas
- E. An easement for purposes of public utility located on subject property granted to public by instrument recorded in Volume 1585, Page 910 and Volume 1589, Page 767 of the Deed Records of Brazoria County, Texas.
- F. An aerial easement for purposes of electric transmission and distribution lines located on subject property granted to Houston Lighting and Power Company by instrument recorded in Volume 1634, Page 31 of the Deed Records of Brazoria County, Texas.
- G. An easement for purposes of an exercise, non-motorized biking, hiking and jogging course located on subject property granted to City of Freeport by instrument recorded in Volume (91)893, Page 929 and Volume (91)899, Page 734 of the Official Records of Brazoria County, Texas.
- H. An easement for purposes of greenbelt area located on subject property by instrument recorded in Volume (91) 982, Page 843 of the Official Records of Brazoria County, Texas. (sketch)
- I. Subject to any easements, rights-of-way, roadways, encroachments, etc. which a survey or physical inspection of the premises might disclose
- J. 1/2 of the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same, all of which are excepted herefrom as the same are set forth in instrument recorded in Volume 1021, at Page 318 of the Deed Records of Brazoria County, Texas. (Title to said interest not checked subsequent to date of aforesaid instrument). Surface use waived.
- K. All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded in Volume 1464, Page 929 and Volume 1486, Page 740 of the Deed Records of Brazoria County, Texas. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed. surface rights waived
- L. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interests that are not listed.
- M. The Development Agreement between Grantor and Skymark Development Company, Inc., for the development of and all easements and rights-of-way necessary to provide utility services to dwellings constructed on the premises.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto Grantee, her heirs and assigns, forever; and Grantor does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through and under Grantor but not otherwise.

Notwithstanding any provision herein to the contrary, Grantor makes no warranty of any nature or kind, whether statutory, express or implied, with respect to the physical condition of the above-described property, and by the acceptance of this deed, Grantee accepts such property "AS IS", "WHERE IS", "WITH ALL FAULTS" and without any representations or warranties by Grantor (except the warranty of title expressly set forth below).

The consideration for this conveyance is the following:

First, the sum of Ten and no/100 (\$10.00) Dollars and other good and valuable consideration to Grantor cash in hand paid by Grantee, the receipt of which is hereby acknowledged.

Second, the assumption by Grantee of any taxes for the year 2014, the same having been prorated to the date hereof.

EXECUTED this ____ day of _____, 2014.

THE CITY OF FREEPORT, TEXAS, Grantor

By _____
Norma Moreno Garcia, Mayor

ATTEST: _____
Delia Munoz, City Secretary

THE STATE OF TEXAS

X

COUNTY OF BRAZORIA

X

This instrument was acknowledged before me on the _____ day of _____, 2014, by NORMA MORENO GARCIA, as MAYOR of the CITY OF FREEPORT, TEXAS.

Notary Public, State of Texas

MAILING ADDRESS OF GRANTEE:

1616 Voss, Suite 618
Houston, TX 77057

AFTER RECORDING, RETURN TO

AYLESBURY, LTD.

1616 Voss, Suite 618
Houston, TX 77057