



**STATE OF TEXAS  
COUNTIES OF WALLER AND HARRIS  
CITY OF WALLER**

**BE IT REMEMBERED THAT ON THIS THE 29<sup>th</sup>** day of December, 2015 at 6:00 p.m. the City Council of the City of Waller, Texas met for a Special Meeting at 1119 Saunders St. with the following present:

Mayor Danny Marburger  
Mayor Pro Tem Sidney Johnson  
Councilmember Nancy Arnold  
Councilmember Edna Eaton  
Councilmember Dwayne Hajek  
Councilmember Mike McCormick

Cynthia Ward, City Secretary  
Gene Schmidt, Supt. of Public Works  
Paula Alexander, City Attorney

**REGULAR SESSION**

1. Mayor Marburger called the meeting to order at 6:00 p.m. and opened the Public Hearing.
2. Public Hearing regarding a Petition submitted by the Alegacy Development for the Annexation of three (3) properties into the City of Waller.

86.09 ACRES, MORE OR LESS OF LAND AREA IN THE G.A. DENNET SURVEY, ABSTRACT NO. 124, WALLER COUNTY, TEXAS BEING THE WEST REMAINING PORTION OF THAT TRACT DESCRIBED AS 153.6 ACRES IN THE DEED TO FRANK D. SCOTT ET UX, RECORDED IN VOLUME 335, PAGE 953 OF THE DEED RECORDS OF WALLER COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS IN ATTACHED: (EXHIBIT A-1)

A TRACT OR PARCEL OF LAND CONTAINING 0.9548 ACRES OF LAND, (41,590 SQUARE FEET), SITUATED IN THE G.A. DENNETT SURVEY, ABSTRACT NUMBER 124, WALLER COUNTY, TEXAS SAID 0.9548 ACRE TRACT OF LAND BEING OUT OF AND A PART OF THAT CERTAIN CALLED 86.09 ACRE TRACT OF LAND AS CONVEYED TO ALEGACY DEVELOPMENT, LLC BY INSTRUMENT RECORDED IN VOLUME 1384, PAGE 257, OF THE DEED RECORDS OF WALLER COUNTY, TEXAS, SAID 0.9548 ACRE TRACT OF LAND BEING THAT CERTAIN 1 ACRE OF LAND AS CONVEYED TO ALEGACY DEVELOPMENT, LLC, BY INSTRUMENT RECORDED IN VOLUME 1384, PAGE 48, OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS IN THE ATTACHED: (EXHIBIT A-2)

A TRACT OF LAND CONTAINING 2.100 ACRES SITUATED IN THE G.A. DENNETT SURVEY, ABSTRACT 124, WALLER COUNTY, TEXAS BEING THE REMAINDER OF A TRACT OF LAND RECORDED IN THE NAME OF ANNE MAE FLAKES IN VOLUME 437, PAGE 237 OF THE WALLER COUNTY DEED RECORDS (W. C. D. R.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS BASED ON TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83) AND ATTACHED (EXHIBIT A-3)

**Public Hearing Closed 6:04 p.m.**

## **REGULAR ITEMS**

3. Discussion and possible action regarding Ordinance # 487, granting the Petition for Annexation filed by Alegacy Development LLC; providing for the extension of certain boundary limits of the City of Waller, Texas to include annexation of right-of-way being that approximately 69.20 acres of land out of the right of way of U.S. Highway 290; annexation of 86.09 acres, more or less, of land area in the G.A. Dennet survey, abstract no. 124, Waller County, Texas, being the west remaining portion of that tract described as 153.6 acres in a deed to Frank D. Scott et ux, recorded in volume 335, page 953 of the deed records of Waller County, Texas; 0.9548 acres of land, (41,590 square feet), situated in the G.A. Dennett survey, abstract number 124, Waller county, Texas, said 0.9548 acre tract of land being out of and part of that certain called 86.09 acre tract of land conveyed to Alegacy Development, LLC by instrument recorded in volume 1384, page 257, of the deed records of Waller County, Texas, said 0.9548 acre tract of land being that certain called 1 acre of land as conveyed to Alegacy Development, LLC, by instrument recorded in volume 1384, page 48, of the official public records of Waller County, Texas; a tract of land containing 2.100 acres situated in the G.A. Dennett survey, abstract 124, Waller County Texas being the remainder of a tract of land recorded in the name of Anne Mae Flakes in volume 437, page 237 of the Waller County deed records ( W.C.D.R)

### **ORDINANCE NO. 487**

AN ORDINANCE GRANTING THE PETITION FOR ANNEXATION FILED BY ALEGACY DEVELOPMENT LLC; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WALLER, TEXAS TO INCLUDE ANNEXATION OF RIGHT-OF-WAY BEING THAT APPROXIMATELY 69.20 ACRES OF LAND OUT OF THE RIGHT OF WAY OF U.S. HIGHWAY 290; ANNEXATION OF 86.09 ACRES, MORE OR LESS, OF LAND AREA IN THE G.A. DENNETT SURVEY, ABSTRACT NO. 124, WALLER COUNTY, TEXAS, BEING THE WEST REMAINING PORTION OF THAT TRACT DESCRIBED AS 153.6 ACRES IN A DEED TO FRANK D. SCOTT ET UX, RECORDED IN VOLUME 335, PAGE 953 OF THE DEED RECORDS OF WALLER COUNTY, TEXAS; 0.9548 ACRES OF LAND, (41,590 SQUARE FEET), SITUATED IN THE G.A. DENNETT SURVEY, ABSTRACT NUMBER 124, WALLER COUNTY, TEXAS, SAID 0.9548 ACRE TRACT OF LAND BEING OUT OF AND PART OF THAT CERTAIN CALLED 86.09 ACRE TRACT OF LAND CONVEYED TO ALEGACY DEVELOPMENT, LLC BY INSTRUMENT RECORDED IN VOLUME 1384, PAGE 257, OF THE DEED RECORDS OF WALLER COUNTY, TEXAS, SAID 0.9548 ACRE TRACT OF LAND BEING THAT CERTAIN CALLED 1 ACRE OF LAND AS CONVEYED TO ALEGACY DEVELOPMENT, LLC, BY INSTRUMENT RECORDED IN VOLUME 1384, PAGE 48, OF THE OFFICIAL PUBLIC RECORDS OF WALLER COUNTY, TEXAS; A TRACT OF LAND CONTAINING 2.100 ACRES SITUATED IN THE G.A. DENNETT SURVEY, ABSTRACT 124, WALLER COUNTY TEXAS BEING THE REMAINDER OF A TRACT OF LAND RECORDED IN THE NAME OF ANNE MAE FLAKES IN VOLUME 437, PAGE 237 OF THE WALLER COUNTY DEED RECORDS ( W.C.D.R)

WHEREAS, on December 17, 2015 Alegacy Development LLC filed a petition for annexation of property requesting the annexation of certain property located within the extraterritorial jurisdiction of the City of Waller; said property being less than one-half mile in width, is contiguous to the City of Waller pursuant to Section 43.028(g) of the Texas Local Government Code, and is vacant and without residents or on which less than three (3) qualified voters reside; SEE ATTACHECHED EXHIBIT "1"; and

WHEREAS, the Texas Local Government Code, Section 43.028, allows the annexation of a sparsely occupied area on petition of the area landowners; and

WHEREAS, a public hearing at a City Council meeting, where all interested persons were provided an opportunity to be heard on the proposed petition for annexation of the territory fully described in Exhibits 2 and 3, was held on December, 29, 2015, in the City of Waller, at the City's Public Works Building, 1119 Saunders Street, Waller, Texas; and

WHEREAS, December 29, 2015 is more than 5 days and less than 30 days from the date Alegacy Development LLC filed a petition for annexation of property requesting the annexation of said property; and

WHEREAS, the above described territory lies within the extraterritorial jurisdiction of the City of Waller, Texas;

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

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. That, pursuant to Section 43.028(g), the territory described in Exhibit 3 is contiguous to the City by addition of the public right-of-way of a road or highway, which is fully described herein by metes and bounds, and included in the annexation of territory by the City; to-wit

SEE ATTACHED EXHIBIT "2"

Section 3. That the following described land and territory lying adjacent to and adjoining the City of Waller, Texas, is hereby added and annexed to the City of Waller, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waller, Texas, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waller, Texas, to-wit

SEE ATTACHED EXHIBIT "3"

Section 4. That the above described territory and the area so annexed shall be a part of the City of Waller, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Waller, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waller, Texas.

Section 5. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

Section 6. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Waller, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the general description of territory set out in Section 3 of this Ordinance to be annexed to the City of Waller any lands or area which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Waller's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

***Councilmember Hajek motioned to accept Ordinance #487 with a typographical correction of "less than" to "fewer than" three qualified voters. Councilmember Eaton seconded the motion. Vote was unanimous.***

4. Discussion and possible action regarding Resolution #2015-23, accepting a charitable gift of certain tracts of real property given by Alegacy Development LLC, to the City of Waller, Texas; authorizing the Mayor of the City of Waller, Texas to execute such documents as required for acceptance of title and fee simple ownership on behalf of the City of Waller; and making findings and provisions relative to the subject.

RESOLUTION NO. 2015-23

ACCEPTING A CHARITABLE GIFT OF CERTAIN TRACTS OF REAL PROPERTY GIVEN BY ALEGACY DEVELOPMENT LLC TO THE CITY OF WALLER, TEXAS; AUTHORIZING THE MAYOR OF THE CITY OF WALLER, TEXAS TO EXECUTE SUCH DOCUMENTS AS REQUIRED FOR ACCEPTANCE OF TITLE AND FEE SIMPLE OWNERSHIP ON BEHALF OF THE CITY OF WALLER; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, Alegacy Development LLC (hereinafter, "Alegacy"), A Texas Limited Liability Company, is the fee simple owner of certain tracts of real property; and

WHEREAS, Alegacy desires to make a charitable gift of real property to the City of Waller, said property being the tracts of land described in Attachment A; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALLER:

Section 1. The City of Waller hereby accepts the tracts of real property described in Attachment A, and subject to the terms and conditions set forth therein.

Section 2. The Mayor of the City of Waller is authorized and directed to execute such documents as are necessary for the City's acceptance of title and simple ownership.

Section 3. This Resolution is effective immediately upon passage.

***Councilmember Arnold motioned that the City accepts the charitable gift of certain tracts of real property given by Alegacy Development LLC, to the City of Waller authorizing the Mayor of the City of Waller, to execute such documents as required for acceptance of title and fee simple ownership on behalf of the City of Waller; and making findings and provisions relative to the subject. Councilmember McCormick seconded the motion. Vote was unanimous.***

5. Discussion and possible action regarding Resolution #2015-24, authorizing the Mayor to execute a Letter of Commitment for water and sanitary sewer services at Alegacy Industrial Park.

RESOLUTION NO. 2015-24

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF COMMITMENT FOR WATER AND SANITARY SEWER SERVICES AT ALEGACY INDUSTRIAL PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS, THAT:

Section 1. The Mayor of the City of Waller is hereby authorized and directed to sign the Letter of Commitment, a copy of which is attached hereto marked Exhibit A, to Alegacy Development, LLC, for water and sanitary sewer services at Alegacy Industrial Park, Alegacy Place, in Waller, Texas, such services being subject to the terms and conditions stated therein.

***Councilmember Hajek motioned to authorize the Mayor to execute a letter of commitment for water and sanitary sewer services at Alegacy Industrial Park. Councilmember McCormick seconded the motion. Vote was unanimous.***

6. Discussion and possible action regarding Resolution #2015-25, authorizing the Mayor to execute an agreement acknowledging the partial performance and continuing obligations of Alegacy Development LLC under the existing Economic Development Agreement.

**RESOLUTION NO. 2015-25  
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ACKNOWLEDGING THE PARTIAL PERFORMANCE AND CONTINUING OBLIGATIONS OF ALEGACY DEVELOPMENT LLC UNDER THE EXISTING ECONOMIC DEVELOPMENT AGREEMENT**

WHEREAS, the City of Waller, the Waller Economic Development Corporation, and Alegacy Development LLC (hereinafter "Alegacy") entered into an Economic Development Agreement providing certain economic incentives for development of a business park; and WHEREAS, the City of Waller wishes to acknowledge and evidence Alegacy's performance of certain obligations under the Economic Development Agreement and document certain continuing rights and obligations, as set forth in the attached Agreement, marked "Attachment A".

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALLER THAT**

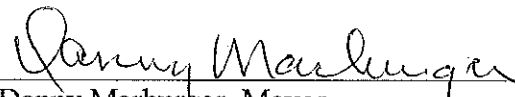
**Section 1.** The Mayor of the City of Waller is hereby authorized and directed to sign the Agreement for Acknowledgement of Partial Performance, a copy of which is attached hereto as Attachment A.

***Councilmember Arnold motioned to authorize the Mayor to execute an agreement acknowledging the partial performance and continuing obligations of Alegacy Development LLC under the existing Economic Development Agreement. Mayor Pro Tem Johnson seconded the motion. Vote was unanimous.***

**ADJOURNMENT**

With no further business, Mayor Marburger adjourned the meeting at 6:16 p.m.

APPROVED BY:

  
Danny Marburger, Mayor

ATTEST:

  
Cynthia Ward, City Secretary