

ORDINANCE NO. 1745

AMENDED ORDINANCE ANNEXING TERRITORY

AN AMENDED ORDINANCE OF THE CITY OF BAY CITY, TEXAS PROVIDING FOR THE ANNEXATION OF A 5.827 ACRE TRACT, A 1.748 ACRE TRACT AND ANOTHER 1.748 ACRE TRACT OF LAND HEREINAFTER MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS TO THE CITY OF BAY CITY, TEXAS FOR ALL MUNICIPAL PURPOSES; AND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BAY CITY, TEXAS; PROVIDING FOR AN ANNEXATION SERVICE PLAN AND THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF BAY CITY, TEXAS TO INCLUDE THE ANNEXED TRACT; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY OF BAY CITY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bay City, Texas (“City”) adopted Ordinance No. 1745 on December 10, 2024 to annex a 5.827 acre tract and a 1.748 acre tract of land described more fully therein;

WHEREAS, it was later discovered that there were two (2) – 1.748 acre tracts of land that should have been part of the land to be annexed;

WHEREAS, it is the intent of the City Council of City to amend and replace Ordinance No.1745 with this Amended Ordinance;

WHEREAS, the City of Bay City, Texas (“City”) is a Home Rule City as defined by the Texas Local Government Code; and

WHEREAS, BC Development Group, LLC, GFG SPV Holdings, LLC, and/or GCA Ventures, LLC (“Owner”) the owner and/or developer of a 5.827 acre tract and two (2) -- 1.748 acre tracts of land described more fully in Exhibit “A” attached hereto and incorporated by reference herein for all purposes is located within the extraterritorial jurisdiction of and is lying and is adjacent to the present corporate limits of the City (“Area”), has requested that the City annex said property into the city limits of the City pursuant to Texas Local Government Code §43.0671; and

WHEREAS, under the Local Government Code, the Bay City City Charter, and other applicable provisions of Texas Law, City and the Bay City City Council as the governing body of the municipality is authorized to annex the Area; and

WHEREAS, City held a public hearing on April 23, 2024, December 10, 2024 and January 14, 2025 at 6 p.m. in the Bay City Council Chambers to receive public comments on the annexation after giving public notice in the newspaper of the public hearing date and complied with provisions

for annexation required under the Texas Local Government Code and as otherwise required by law; and

WHEREAS, the City of Bay City, Texas (“City”) prepared a service plan for the extension of municipal services into the Area to be annexed and the plan was proposed by the City Council of Bay City, Texas prior to the public hearing on the annexation and was thereafter available for public inspection; and

WHEREAS, all notices, publications, and hearings have been duly given or held as required by the Texas Local Government Code and no written protest to the annexation was filed with the City Secretary of Bay City, Texas; and

WHEREAS, institution of annexation proceedings and the presentation and introduction of this Amended Ordinance in such forms as it may be finally passed occurred within the periods of time and methods prescribed by law; and

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

SECTION 1. The above and foregoing preamble is true and correct and is incorporated herein and made a part hereof for all purposes.

SECTION 2. That the hereinafter described 5.827 acre tract of land and two (2) --1.748 acre tracts of land (“Area”) which lies within Matagorda County, Texas and is within the extraterritorial limits of, is adjacent to and is contiguous to the present corporate limits of the City of Bay City, Texas is hereby annexed to the City of Bay City, Texas for all municipal purposes and the corporate lines and limits of the City of Bay City, Texas are hereby extended to include the Area, which is more particularly described by metes and bounds in Exhibit “A”.

SECTION 3. That the Area annexed shall bear its pro-rata part of the taxes assessed by the City of Bay City, Texas.

SECTION 4. That the inhabitants of the Area hereby annexed to the City of Bay City, Texas shall be entitled to all the rights and privileges of the citizens of the City of Bay City, Texas and shall be bound by the acts, ordinances, codes, resolutions, and regulations of the City of Bay City, Texas.

SECTION 5. It is not the intention of the City of Bay City, Texas to annex any territory or area not legally subject to annexation by the City, and should any portion of the above-described Area not be subject to legal annexation by the City of Bay City, Texas, such fact shall not prevent the City from annexing such Area, above-described, which is subject to legal annexation by the City, and it is the intention of the City to annex only such territory or area that it may legally annex within the limits of the above-described Area.

SECTION 6. The Annexation Service Plan which is attached to this Amended Ordinance as Exhibit “B” is hereby approved and incorporated by reference herein as part of this Amended Ordinance.

SECTION 7. It is hereby declared to be the intention of the City Council of the City of Bay City, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Amended Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 8. All rights and remedies of the City of Bay City, Texas are expressly saved as to any and all violations of the provisions of any ordinances affecting annexations, which have accrued at the time of the effective date of this Amended Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Amended Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. The City Secretary of the City of Bay City, Texas is hereby directed to engross and enroll this Amended Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Bay City, Texas and by filing this Amended Ordinance in the Ordinance Records of the City. The City Secretary of the City of Bay City, Texas is hereby directed to file with the County Clerk of Matagorda County, Texas, a certified copy of this Amended Ordinance.

SECTION 10. This Amended Ordinance shall be in full force and effect ten (10) calendar days after the date upon final passage.

UPON MOTION OF COUNCILMEMBER _____, SECONDED BY COUNCILMEMBER _____, THAT THE AMENDED ORDINANCE BE PASSED ON FIRST AND FINAL READING, THIS 14th DAY OF JANUARY, 2025.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

Approved By:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

Council Member:	Voted Aye	Voted No	Absent
Blayne Finlay	_____	_____	_____
Ben Flores	_____	_____	_____
Jim Folse	_____	_____	_____
Bradley Westmoreland	_____	_____	_____
Becca Sitz, Mayor Pro Tem	_____	_____	_____
Robert K. Nelson, Mayor	_____	_____	_____



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**BC DEVELOPMENT GROUP, LLC 5.827 ACRE TRACT
REUBEN P. T. STONE ¼ LEAGUE, ABSTRACT 92
MATAGORDA COUNTY, TEXAS
PAGE 1 OF 2**

ALL THAT CERTAIN 5.827 ACRE TRACT of land lying and situated in the Reuben P. T. Stone ¼ League, Abstract 92, Matagorda County, Texas, being a portion of all that certain called 28.24 acre tract of land conveyed by warranty deed on July 31, 2007 from J. N. McDonald, Jr. and Barbara Jean McDonald to GCA Ventures, LLC, as recorded in Clerk's File No. 2007-075954 and later corrected in Clerk's File No. 2007-079080 of the Matagorda County Official Records (M.C.O.R.), said 5.827 acre tract hereby conveyed being more particularly described by metes and bounds, using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.= 0.99988447511) as follows:

BEGINNING at the northwest corner of said GCA Ventures, LLC called 28.24 acre tract, being the southwest corner of all that certain called 3.0975 acre tract of land conveyed by special warranty deed on December 30, 2021 from CP 23 (TX), LLC to Mohammed Atiq Dada, as recorded in Clerk's File No. 2022-75 of the M.C.O.R. and being the same tract of land referred to as Reserve 'A' on the plat of CP Living 23 Addition, as recorded in Plat File No. 547A-547B of the Matagorda County Plat Records (M.C.P.R.), same being a point on the eastern right-of-way boundary line of the 100 foot wide Nile Valley Road and being all that certain called 8.629 acre tract of land conveyed by deed with an effective date of April 13, 2004 from J. N. and Barbara McDonald to the City of Bay City, as recorded in Clerk's File No. 2009-095199 of the M.C.O.R., for the northwest corner and **POINT OF BEGINNING** of the herein described 5.827 acre tract, being located at Texas State Plane coordinate position X=2929033.93 and Y=13551742.48;

THENCE South 83°34'29" East, coincident with the northern boundary line of said GCA Ventures, LLC called 28.24 acre tract, being the southern boundary line of said Mohammed Atiq Dada called 3.0975 acre tract and said Reserve 'A', at a distance of 450.00 feet pass the southeast corner of said Mohammed Atiq Dada called 3.0975 acre tract and said Reserve 'A', being the southwest corner of the remainder of all that certain called 52.74 acre tract of land conveyed by warranty deed on December 11, 2007 from Beadle Moore, Jr., et al. to James Vincent Maloney and James Grant Allison, as recorded in Clerk's File No. 2007-079960 of the M.C.O.R., and continuing for a total distance of 719.33 feet to a 5/8" iron rod with survey cap marked "TTW RPLS 6577" set marking a point on the northern boundary line of said GCA Ventures, LLC called 28.24 acre tract, being a point on the southern boundary line of said James Vincent Maloney and James Grant Allison called 52.74 acre tract, for the northeast corner of the herein described 5.827 acre tract, at position X=2929748.66 and Y=13551661.99;

THENCE South 4°34'37" West, crossing said GCA Ventures, LLC called 28.24 acre tract, a distance of 353.03 feet to a 5/8" iron rod with survey cap marked "TTW RPLS 6577" set marking the southeast corner of the herein described 5.827 acre tract, at position X=2929720.49 and Y=13551310.13;

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EXHIBIT "A"

**BC DEVELOPMENT GROUP, LLC 5.827 ACRE TRACT
REUBEN P. T. STONE ¼ LEAGUE, ABSTRACT 92
MATAGORDA COUNTY, TEXAS
PAGE 2 OF 2**

THENCE North 83°34'29" West, continuing across said GCA Ventures, LLC called 28.24 acre tract, a distance of 719.33 feet to a 3/8" iron rod with survey cap marked "TTW RPLS 6577" set marking a point on the western boundary line of said GCA Ventures, LLC called 28.24 acre tract, being a point on the eastern right-of-way boundary line of said Nile Valley Road and said City of Bay City called 8.629 acre tract, for the southwest corner of the herein described 5.827 acre tract, at position X=2929005.76 and Y=13551390.62;

THENCE North 4°34'37" East, coincident with the western boundary line of said GCA Ventures, LLC called 28.24 acre tract, being the eastern right-of-way boundary line of said Nile Valley Road and said City of Bay City called 8.629 acre tract, a distance of 353.03 feet to the **POINT OF BEGINNING**, and containing 5.827 acres of land, more or less.

Travis T. Wachtstetter
Travis T. Wachtstetter
Registered Professional Land Surveyor
Texas Registration Number 6577
October 9, 2023



*This description is based on a survey, a plat of which, dated February 20, 2023, is on file in the office of Doyle & Wachtstetter, Inc.
Legal\Travis\Matagorda County\Bay City\BC Development Group, LLC 5 827 Acre Tract.doc*



Doyle & Wachtstetter, Inc

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**GFG SPV HOLDING II, LLC 1.748 ACRE TRACT
REUBEN P.T. STONE ¼ LEAGUE, ABSTRACT 92
MATAGORDA COUNTY, TEXAS
PAGE 1 OF 2**

ALL THAT CERTAIN 1.748 ACRE TRACT of land lying and situated in the Reuben P. T. Stone ¼ League, Abstract 92, Matagorda County, Texas, being a portion of the remainder of all that certain called 28.24 acre tract of land conveyed by warranty deed on July 31, 2007 from J. N. McDonald, Jr. and Barbara Jean McDonald to GCA Ventures, LLC, as recorded in Clerk's File No. 2007-075954 and later corrected in Clerk's File No. 2007-079080 of the Matagorda County Official Records (M.C.O.R.), said 1.748 acre tract hereby conveyed being more particularly described by metes and bounds using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.=0.99988447511) as follows:

BEGINNING at a 5/8" iron rod with survey cap marked "TTW RPLS 6577" found marking the most northerly northwest corner of the remainder of said GCA Ventures, LLC called 28.24 acre tract, being the northeast corner of all that certain called 1.748 acre tract of land conveyed by general warranty deed on February 26, 2024 from GCA Ventures, LLC to GFG SPV Holding II, LLC, as recorded in Clerk's File No. 2024-868 of the M.C.O.R, same being a point on the southern boundary line of the remainder of all that certain called 52.74 acre tract of land conveyed by warranty deed on December 11, 2007 from Beadle Moore, Jr., et al, to James Vincent Maloney and James Grant Allison, as recorded in Clerk's File No. 2007-079960 of the M.C.O.R., for the northwest corner and **POINT OF BEGINNING** of the herein described 1.748 acre tract, being located at Texas State Plane coordinate position X=2929963.04 and Y=13551637.85;

THENCE South 83°34'29" East, coincident with the northern boundary line of said GCA Ventures, LLC called 28.24 acre tract, being the southern boundary line of said James Vincent Maloney and James Grant Allison called 52.74 acre tract, a distance of 215.76 feet to a 5/8" iron rod with survey cap marked "TTW RPLS 6577" set marking a point on the northern boundary line of said GCA Ventures, LLC called 28.24 acre tract, being a point on the southern boundary line of said James Vincent Maloney and James Grant Allison called 52.74 acre tract, for the northeast corner of the herein described 1.748 acre tract, at position X=2930177.41 and Y=13551613.71;

THENCE South 4°34'37" West, crossing said GCA Ventures, LLC called 28.24 acre tract, a distance of 353.03 feet to a 5/8" iron rod with survey cap marked "TTW RPLS 6577" set marking the southeast corner of the herein described 1.748 acre tract, at position X=2930149.24 and Y=13551261.84;

THENCE North 83°34'29" West, continuing across said GCA Ventures, LLC called 28.24 acre tract, a distance of 215.76 feet to a 5/8" iron rod with survey cap marked "TTW RPLS 6577" found marking the southeast corner of said GFG SPV Holding II, LLC called 1.748 acre tract, for the southwest corner of the herein described 1.748 acre tract, at position X=2929934.87 and Y=13551285.99;

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**GFG SPV HOLDING II, LLC 1.748 ACRE TRACT
REUBEN P.T. STONE ¼ LEAGUE, ABSTRACT 92
BRAZORIA COUNTY, TEXAS
PAGE 2 OF 2**

THENCE North 4°34'37" East, coincident with the eastern boundary line of said GFG SPV Holding II, LLC called 1.748 acre tract, a distance of 353.03 feet to the **POINT OF BEGINNING**, and containing 1.748 acres of land, more or less.

Travis T. Wachtstetter
Travis T. Wachtstetter
Registered Professional Land Surveyor
Texas Registration Number 6577
November 1, 2024



*This description is based on a survey, a plat of which, dated October 17, 2024 is on file in the office of Doyle & Wachtstetter, Inc.
Legal-Travis-Matagorda County-Bay City GFG SPV Holding II, LLC 1.748 Acre Tract (2nd Addition).doc*



Doyle & Wachtstetter, Inc

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**GFG SPV HOLDING II, LLC 1.748 ACRE TRACT
REUBEN P. T. STONE ¼ LEAGUE, ABSTRACT 92
MATAGORDA COUNTY, TEXAS
PAGE 1 OF 2**

ALL THAT CERTAIN 1.748 ACRE TRACT of land lying and situated in the Reuben P. T. Stone ¼ League, Abstract 92, Matagorda County, Texas, being a portion of the remainder of all that certain called 28.24 acre tract of land conveyed by warranty deed on July 31, 2007 from J. N. McDonald, Jr. and Barbara Jean McDonald to GCA Ventures, LLC, as recorded in Clerk's File No. 2007-075954 and later corrected in Clerk's File No. 2007-079080 of the Matagorda County Official Records (M.C.O.R.), said 1.748 acre tract hereby conveyed being more particularly described by metes and bounds using survey terminology which refers to the Texas State Plane Coordinate System, South Central Zone (NAD83), in which the directions are Lambert grid bearings and the distances are surface level horizontal lengths (S.F.=0.99988447511) as follows:

BEGINNING at a ¾" iron rod with survey cap marked "TTW RPLS 6577" found marking the most northerly northwest corner of the remainder of said GCA Ventures, LLC called 28.24 acre tract, being the northeast corner of all that certain called 5.827 acre tract of land conveyed by correction general warranty deed with an effective date of March 9, 2023 from GCA Ventures, LLC to BC Development Group, LLC, as recorded in Clerks File No. 2023-6038 of the M.C.O.R, same being a point on the southern boundary line of the remainder of all that certain called 52.74 acre tract of land conveyed by warranty deed on December 11, 2007 from Beadle Moore, Jr., et al, to James Vincent Maloney and James Grant Allison, as recorded in Clerk's File No. 2007-079960 of the M.C.O.R., for the northwest corner and **POINT OF BEGINNING** of the herein described 1.748 acre tract, being located at Texas State Plane coordinate position X=2929748.66 and Y=13551661.99;

THENCE South 83°34'29" East, coincident with the northern boundary line of said GCA Ventures, LLC called 28.24 acre tract, being the southern boundary line of said James Vincent Maloney and James Grant Allison called 52.74 acre tract, a distance of 215.76 feet to a ¾" iron rod with survey cap marked "TTW RPLS 6577" set marking a point on the northern boundary line of said GCA Ventures, LLC called 28.24 acre tract, being a point on the southern boundary line of said James Vincent Maloney and James Grant Allison called 52.74 acre tract, for the northeast corner of the herein described 1.748 acre tract, at position X=2929963.04 and Y=13551637.85;

THENCE South 4°34'37" West, crossing said GCA Ventures, LLC called 28.24 acre tract, a distance of 353.03 feet to a ¾" iron rod with survey cap marked "TTW RPLS 6577" set marking the southeast corner of the herein described 1.748 acre tract, at position X=2929934.87 and Y=13551285.99;

THENCE North 83°34'29" West, continuing across said GCA Ventures, LLC called 28.24 acre tract, a distance of 215.76 feet to a ¾" iron rod with survey cap marked "TTW RPLS 6577" found marking the southeast corner of said BC Development Group, LLC called 5.827 acre tract, for the southwest corner of the herein described 1.748 acre tract, at position X=2929720.49 and Y=13551310.13;

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**GFG SPV HOLDING II, LLC 1.748 ACRE TRACT
REUBEN P. T. STONE ¼ LEAGUE, ABSTRACT 92
MATAGORDA COUNTY, TEXAS
PAGE 2 OF 2**

THENCE North 4°34'37" East, coincident with eastern boundary line of said BC Development Group, LLC called 5.827 acre tract, a distance of 353.03 feet to the **POINT OF BEGINNING**, and containing 1.748 acres of land, more or less.

Travis T. Wachtstetter
Travis T. Wachtstetter
Registered Professional Land Surveyor
Texas Registration Number 6577
February 21, 2024



This description is based on a survey, a plat of which, dated February 13, 2024, is on file in the office of Doyle & Wachtstetter, Inc.
Legal\Travis\Matagorda County\Bay City\GFG SPV Holding II, LLC 1.748 Acre Tract.doc