

Wednesday May 8, 2024

Brad Sweitzer
EHRA Inc.
10555 Westoffice Dr.
Houston, TX 77042

Re: Ellwood Planned Unit Development (Formally called Rally 288 West Planned Unit Development District)
Amendment No. 1 to PUD Agreement
Letter of Recommendation to Approve
Adico, LLC Project No. 16007-2-249

Dear Mr. Sweitzer:

On behalf of the City of Iowa Colony, Adico, LLC has reviewed the request for Amendment No. 1 to Ellwood Planned Unit Development, formally called Rally 288 West Planned Unit Development District, from developer, Beazer Homes Texas, LP. The request was received on or about April 23, 2024.

Below is a brief overview of the request for Amendment No. 1 to the PUD.

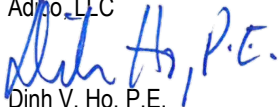
1. Change the name of project to Ellwood PUD.
 - a. Previously called Rally West PUD.
2. Realign Karsten Boulevard to be consistent with the City's Major Thoroughfare Plan.
 - a. The original approved PUD had the Karsten Blvd. @ Davenport Pkwy. alignment was along the western boundary of the tract. Staff recommend realignment to the match future alignment of Karsten to the north.
3. Create an additional land use category to allow for 45-wide lots.
 - a. No change in the overall unit density has not increased from the original PUD. This allows the developer to recapture the lots that would have been lost due to revision to the alignment of Karsten.
4. Clarify that all parkland except for the pool will be publicly accessible to all residents of the City but owned and maintained by the MUD/HOA.

Staff has reviewed the request and offer the following summary:

1. The total developable acreage will remain the same. No additional greenspace will be utilized for development of SFR.
2. There will be no increase in impervious area. Single Family lots are limited to 60% impervious cover, regardless of lot size. Therefore no additional impact to the drainage system.
3. The developer agreeing to the realignment of Karsten Blvd at Davenport Parkway to match the Major Thoroughfare Plan is critical for the north-south traffic flow.
4. Based on our review, staff recommend approval of Amendment No. 1 as resubmitted on April 23, 2024.

Should you have any questions, please do not hesitate to call.

Sincerely,
Adico, LLC



Dinh V. Ho, P.E.
TBPE Firm No. 16423

Cc: Kayleen Rosser, COIC
Robert Hemminger, COIC
File: 16007-2-249



Ellwood Planned Unit Development District

The City of Iowa Colony

Ordinance # 2022-09

Adopted June 27, 2022

Draft Submitted April 23, 2024

Prepared for:

Beazer Homes Texas, LP

10235 West Little York, Suite 200

Houston, Texas 77040

Prepared by:



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Appendix B - City of Iowa Colony Ordinance 73 – C

Appendix C - City of Iowa Colony Ordinance _____ (Zoning Ordinance)

I. INTRODUCTION

A. Summary

The Planned Unit Development District (PUD) establishes comprehensive guidance and regulations for Ellwood. Ellwood is comprised of 259.4 acres of privately owned land to be developed for single family and commercial uses.

The intent of this document is to provide a means by which development may occur in an orderly and responsible manner by establishing guidelines that ensure quality development and specifically address the goals of both the city and the developer.

The purpose of this amendment is to realign Karsten Boulevard and to allow for 45' wide lots. Realigning Karsten Boulevard will bring the PUD circulation plan in conformance with the City's Major Thoroughfare Plan, thereby creating a congruent set of plans. Allowing a greater variety of lot sizes will provide more options to homebuyers and will help to meet market demands.

B. Project Location

The Project is located west of State Highway 288 and south of Davenport Parkway (previously known as C.R. 64) in the northern portion of Brazoria County, just south of the metro Houston area. The Project is located entirely within Iowa Colony City Limits.

C. Existing Zoning

The property is currently zoned as Planned Unit Development (PUD) under Ordinance No. 2022-09. This PUD amendment shall replace and supersede the previous PUD and other city regulations in conflict with the PUD. See Appendices B and C for the relevant annexation ordinances.

D. Surrounding Land Use

Most properties surrounding the Project are undeveloped, with some existing industrial uses located adjacent to State Highway 288. To the west and south of the Project are pockets of large lot single family development. To the northwest are large master planned communities (Sterling Lakes and Sierra Vista). The southeastern corner of Sierra Vista is 600 feet from the northwestern corner of Ellwood and contains single-family residential lots that are less than 6,600 square feet.

E. Existing Site Conditions

The most notable natural feature of the site is North Hayes Creek, which traverses the property from northwest to southeast. The areas adjacent to the creek are heavily vegetated, while the remainder of the site is mostly open pasture. The property is generally flat with little topography. In addition to North Hayes Creek, there is a pipeline corridor and a transmission power line corridor that cross the property from north to south.

In 1914, the Emigration Land Company platted hundreds of acres in what is now Iowa Colony, per Volume 2, Page 113 of the Brazoria County Plat Records. Two of the 40' rights-of-way dedicated in this plat run east to west across the site, but these were never improved. These rights-of-way will be abandoned when platting for this project is completed.





Ellwood

Exhibit 2: Ownership Map

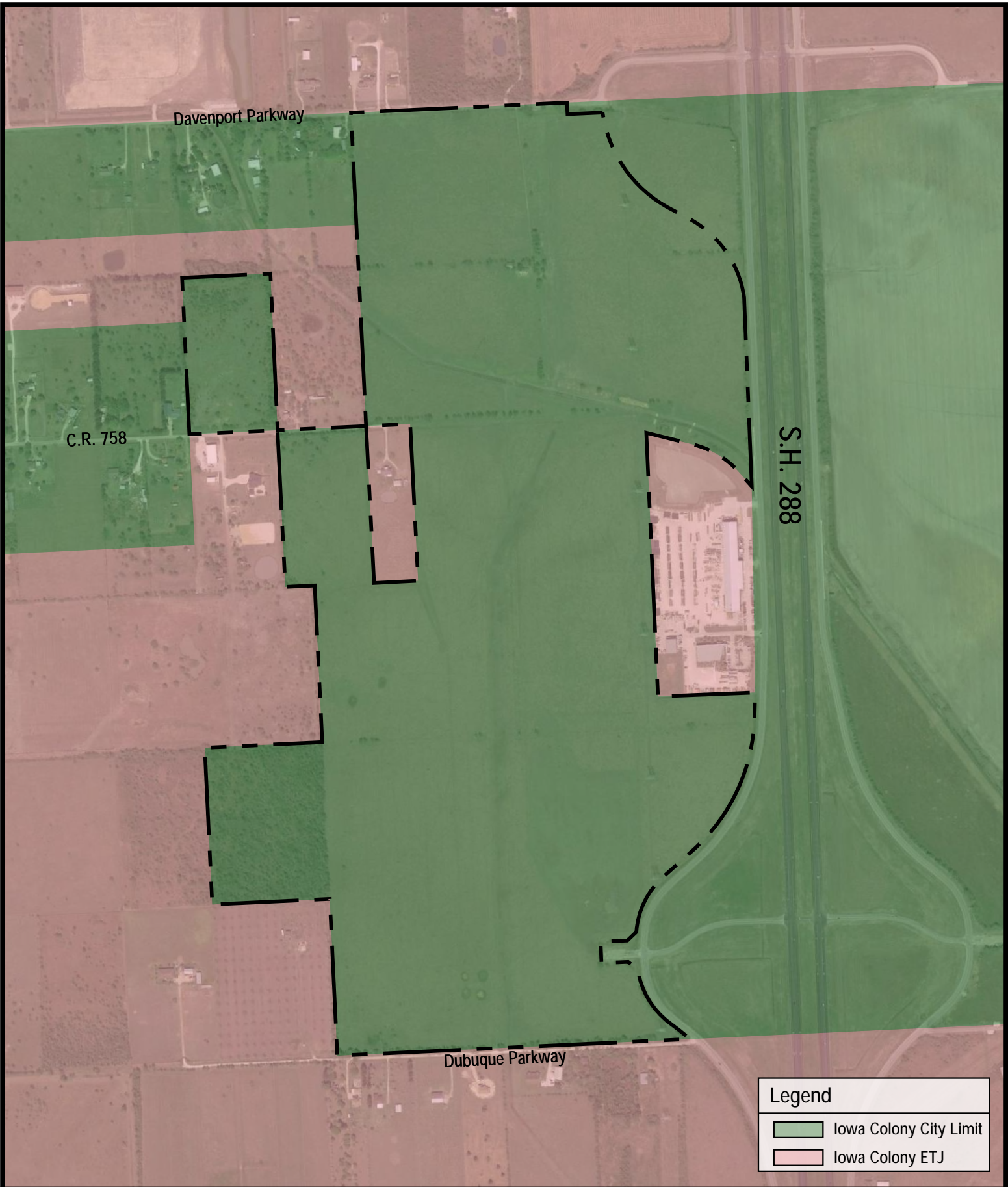
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Legend

	Iowa Colony City Limit
	Iowa Colony ETJ

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Exhibit 3: Jurisdictional Map

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II. DEVELOPMENT PLAN

A. Purpose & Intent

The purpose of the Development Plan is to clarify planning considerations and guide implementation of the vision for the community. In addition, it will establish a framework for Ellwood by identifying the type, location, and projected density of the land uses proposed within the development.

This section contains a description of the goals, objectives, and policies of the PUD combined with various plan components intended to guide the design principles of the community.

B. Goals & Objectives

The primary goal of the Ellwood Planned Unit Development District is to create a close-knit community which builds upon the legacy of the nearby master planned communities and highlights the natural features of the site.

To achieve this goal, key objectives have been established to guide development and provide direction for the overall vision of the community. These objectives are as follows:

1. Establish a Strong Community Character & Sense of Place

A trail system is proposed that will create a strong community character by providing neighborhood connectivity. It will also enhance sense of place by showcasing natural features, such as North Hayes Creek, and amenitizing the pipeline corridor and detention ponds.

In addition, the implementation of a community theming plan will establish a strong sense of place by assuring design and visual continuity throughout the community.

2. Provide Multiple Housing Types

Providing multiple housing types will create distinction and character among the neighborhoods within the community. It will also provide different options to homebuyers, which will enhance the community's and City's long-term viability.

3. Ensure Quality Development

Ellwood will ensure the quality of development through the establishment of design guidelines for the community that regulate architectural standards, landscaping, signage, and other common elements of the development. Copies of the residential guidelines and the non-residential design guidelines will be provided to the City once prepared.

4. Provide for Orderly Growth

Ellwood will provide for orderly growth by being sensitive to the natural features of the site and selecting land uses that are appropriate based on-site characteristics. Buffering between incompatible land uses will be achieved by parks, greenbelts, landscaping, streets, open space, or drainage features.

Because of the proximity to SH 288, traffic impacts to other roads with less improvements will be minimized. Additionally, Ellwood will help the City achieve a highly efficient and cohesive public infrastructure system.

C. Preliminary Land Use Plan

1. Proposed Uses & Densities

Successful master planned communities provide a variety of uses and housing options to attract residents from all stages of life. The proposed land uses will help to achieve a variety of housing choices to create a sustainable community while allowing for a reasonable amount of flexibility to accommodate ever-changing market demands.

Land uses proposed for Ellwood consist of Single Family - 60's (SF - 60's), Single Family - 50's (SF - 50's), Single Family - 45's (SF - 45's), Commercial (C), Institutional (I) and Parks & Open Space (POS). The following is a brief description of these proposed uses.

Single Family - 60's – The Single Family - 60's category (SF - 60's) is intended for the development of detached, single family dwelling units. Lot sizes within the SF - 60's category are intended to be 60-foot wide lots or larger (as measured at the lesser of the front or rear setback) with a minimum lot area of 6,600 square feet.

Single Family - 50's – The Single Family - 50's category (SF - 50's) provides for the development of detached, single family dwelling units. SF - 50's homes shall have a

minimum lot width of 50 feet (as measured at the lesser of the front or rear setback), a minimum lot area of 6,000 square feet, and a minimum building floor area of 1,400 square feet (not including the attached garage area).

Single Family - 45's – The Single Family - 45's category (SF - 45's) provides for the development of detached, single family dwelling units. SF - 45's homes shall have a minimum lot width of 45 feet (as measured at the lesser of the front or rear setback), a minimum lot area of 5,400 square feet, and a minimum building floor area of 1,400 square feet (not including the attached garage area).

Commercial – The Commercial category (C) is designed to meet the demand for commercial development along State Highway 288.

Institutional – The Institutional category (I) is intended to provide for the development of public and private uses that serve the community. Private uses may include, but are not limited to private schools, day care facilities, hospitals, utilities, etc.

Parks & Open Space – The Parks & Open Space category (P-OS) is intended to provide for the development of recreation and open space areas within the community.

TABLE 1		
Land Use		
Land Use	Gross Acres	%
Single Family - 60's (SF - 60's)	44.7	17.2%
Single Family - 50's (SF - 50's)	34.9	13.5%
Single Family - 45's (SF - 45's)	32.1	12.5%
Commercial (C)	23.2	8.9%
Institutional (I)	1.3	0.5%
Rights-of-Way (Arterials & Collectors)	15.3	5.8%
Parks & Open Space (P-OS)	107.9	41.6%
Totals	259.4	100%

Land uses may be relocated within the boundaries of the PUD, provided they comply with the acreage restrictions referred to in this section. The city will be notified of any changes to the Preliminary Land Use Plan.

Land use categories shall be regulated on a total gross acreage basis. The gross acreage of individual land uses may increase or decrease by up to ten (10) percent without further approval of the Planning and Zoning Commission or City Council. This shall not apply to land within the Parks and Open Space category which may be increased by any amount without further approval. However, the Parks and Open Space category may not decrease more than ten (10) percent without approval of the Planning Commission and City Council. Of the combined Single Family - 60's, Single Family - 50's, and Single Family - 45's areas, no more than sixty (60) percent of that total may be Single Family - 50's or Single - Family 45's. Table 1 shall be the basis for calculating any and all land use changes by future administrative approvals as described in the administrative section of this PUD.

The density of lots shall not exceed 2.0 units per gross acre. At a gross acreage of 259.4, this would result in a maximum of 518 allowed units.

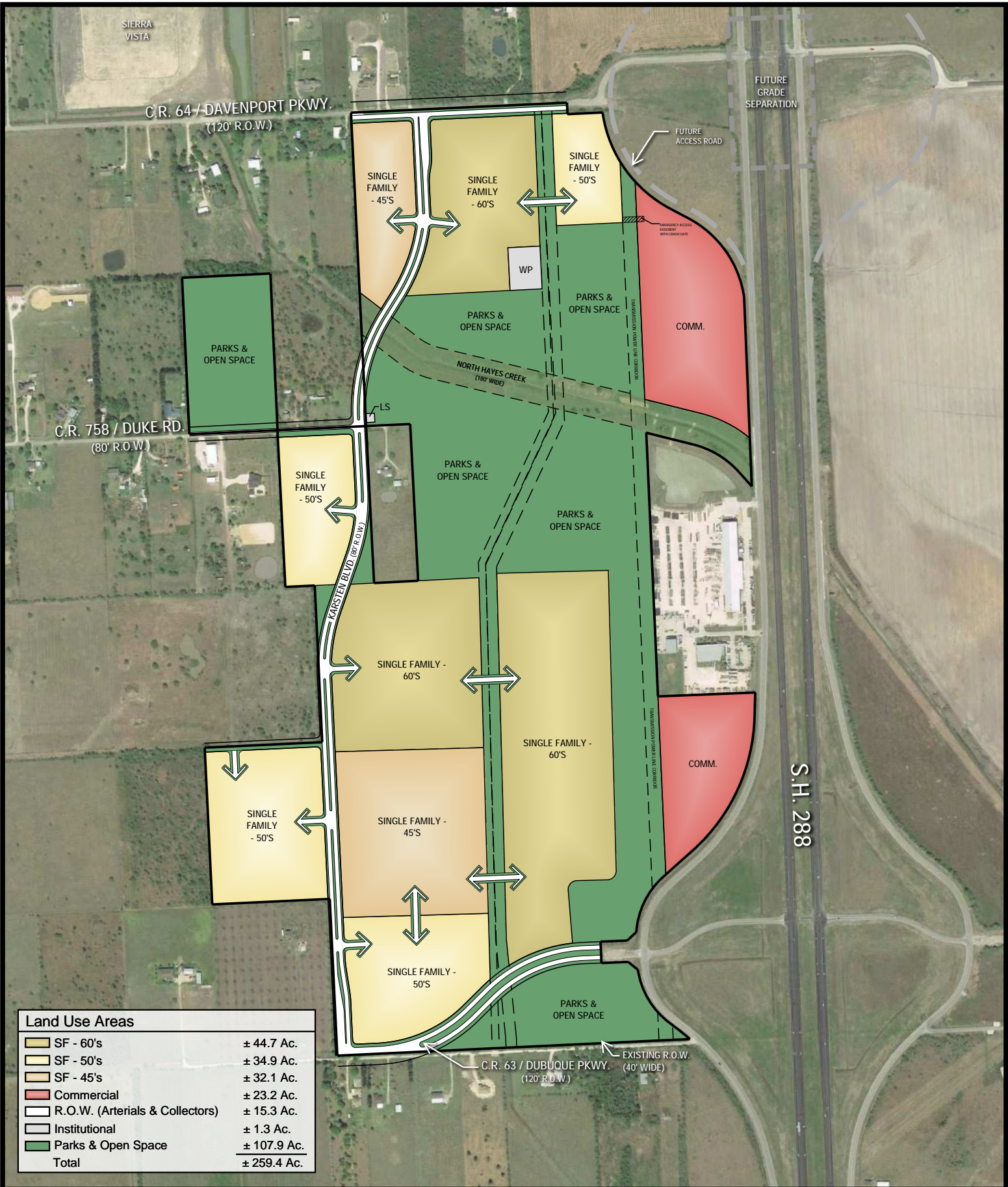
D. Benefits to the City of Iowa Colony

Ellwood will help meet the demand for quality residential and commercial development as the City of Iowa Colony continues to grow and will enable the City to achieve its vision for the future.

Master planned communities, in general, provide tremendous benefits for cities over traditional “piece-meal” development. Historically, property values in master planned communities are greater and more stable than property values outside of master planned communities, providing cities with a greater ability to plan and fund services. Additionally, residents of master planned communities typically call upon public services, including public safety, at a lower rate than in other areas that are not master planned, deed restricted, and managed by strong homeowner’s associations. Master planned communities bring stability and predictability that facilitate a city’s long-range planning and financial objectives.

The rural character of the area will be preserved by protecting the North Hayes Creek and creating a system of trails that connect the neighborhoods to the creek, detention ponds, and one another. By creating an environment that encourages people to form bonds and share experiences, Ellwood will establish a cohesive community of people that blends with and preserves Iowa Colony’s small town values.

In addition, Ellwood will help create the “rooftops” necessary to drive the commercial development planned along State Highway 288 which will generate sales tax revenue for Iowa Colony.



Ellwood

Exhibit 4: Preliminary Land Use Plan

0 175 350 700
SCALE: 1" = 700'



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E. Transportation

Ellwood will establish a transportation network consisting of streets and other forms of transportation designed to meet the mobility needs of the community.

1. Existing Access

Ellwood currently has access to State Highway 288 to the east, C.R. 758 (to be renamed at a later date) to the west, and Davenport Parkway to the north. To the south, Dubuque Parkway is proposed to extend through the property to connect to State Highway 288. Karsten Boulevard is proposed to extend through the property in a north-south fashion to connect Davenport Parkway, C.R. 758, and Dubuque Parkway.

2. Street Hierarchy

The street system in Ellwood will consist of a hierarchy of streets ranging from major arterials to local streets. The intent of the system is to establish a series of streets that are sized appropriately for the land uses that they serve and to direct traffic within the community to the collector streets and major arterials while discouraging any negative impact on residential neighborhoods and surrounding properties. The following is a brief description of street types that may be implemented within Ellwood:

Major Arterials – Major arterials are intended to serve as principal thoroughfares identified as Major Arterial Streets on the City's Thoroughfare Plan.

Major Collector Streets – Major Collector streets are intended to help distribute traffic between major arterials and other collector streets and are identified as Major Collector Streets on the City's Thoroughfare Plan.

Local Streets – Local streets are designed to provide access to residential lots.

3. Minimum Right-of-Way Widths & Paving Sections

Streets within Ellwood shall conform to the following standards:

TABLE 2		
Minimum Right-of-Way Width & Paving Sections		
	Minimum Right-of-Way Width	Standard Paving Section (Measured from back of curb to back of curb)
Major Arterial	120 feet	Two (2) 25 foot divided sections ¹
Major Collector	80 feet	Two (2) 25 foot divided sections ¹
Local Street	50 feet	28 feet

1) All bridge crossings may have a reduced median width.

4. Vehicular Circulation Plan

The Vehicular Circulation Plan illustrates the proposed circulation system for Ellwood. The plan is designed to meet the mobility needs of the development in a safe and efficient manner as well as provide adequate circulation for the overall area.

5. Karsten Boulevard

Karsten Boulevard is proposed to extend through Ellwood, running north to south on the western side of the Project, connecting Davenport Parkway with Dubuque Parkway. It will be the sole major collector within Ellwood. Esplanade openings will be strategically placed along Karsten, which the circulation plan will illustrate. The specific locations of esplanade openings will be proposed via notes on the preliminary plat and must be approved by the City's Designated Official. Requests for additional esplanade openings not shown on the exhibit will be considered on a case by case basis, subject to approval by City's Designated Official.

Extending Karsten Boulevard through the Project will help improve the circulation within Iowa Colony. It will connect Davenport Parkway, County Road 758, and Dubuque Parkway, thereby creating an alternate route if an accident occurs on S.H. 288.

The developer will work with the City's assistance to acquire the right-of-way for the segment of Karsten Boulevard that is proposed to be built outside of the project boundary between C.R. 758 and Davenport Parkway. It is in the City's interest to assist with the acquisition of this portion of the right-of-way to promote adequate circulation for the project and the surrounding community. The developer shall be responsible for funding the purchase of said right-of-way should the city assist with acquisition of the property. Where Karsten Boulevard abuts the Project boundary, the developer will dedicate 70' of right-of-way within the Project boundary, except for within 200' of intersections with Major Thoroughfares, where the developer will dedicate 90' of right-of-way. The remaining 10' of right-of-way outside of the Project boundary will be dedicated by others at a later date.

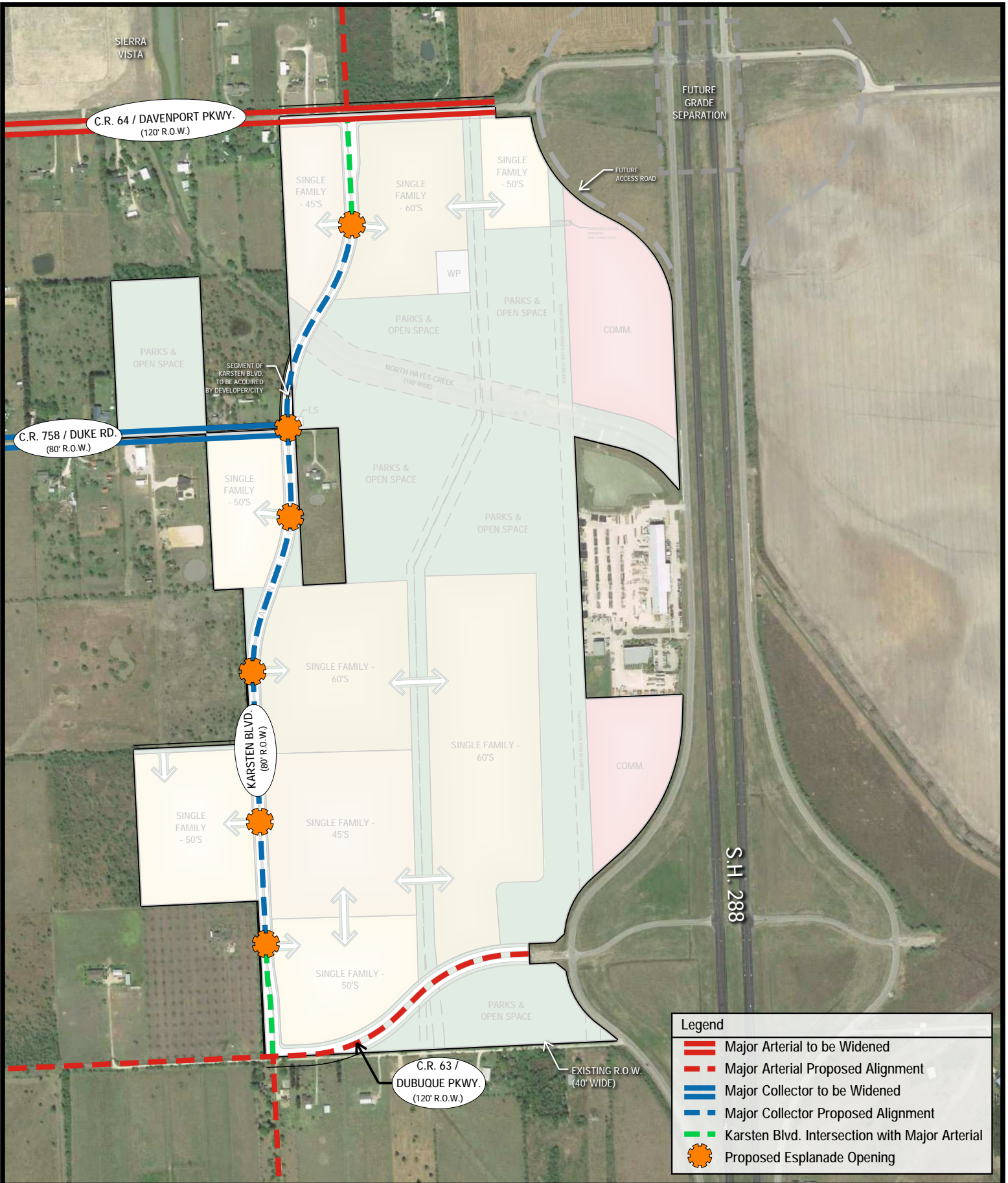
6. Davenport Parkway, County Road 758, and Dubuque Parkway

Davenport Parkway (designated as a major arterial on the City's major thoroughfare plan) runs along the northern boundary of the Project. Davenport Parkway will connect to an S.H. 288 access ramp and overpass once completed in the coming years. The interim pavement design for the segment of Davenport Parkway within the Project boundary may be constructed after the S.H. 288 overpass is completed, but no later than the last day of 2026.

County Road 758 is designated as a major collector on the City's major thoroughfare plan and runs west of the Project. It will terminate at its intersection with future Karsten Boulevard. Where this road is bisected by the project boundary, the developer shall pay fee in lieu of construction since construction of a half road in these areas is not feasible.

Dubuque Parkway (designated as a major arterial on the City's major thoroughfare plan) will extend through the southern portion of the Project to connect with State Highway 288. An S.H. 288 access ramp and overpass is also planned for Dubuque Parkway, although it is planned for construction later than the Davenport Parkway access ramp and overpass.

The necessary right-of-way will be dedicated for all of these roads, and the roads will be constructed where the proposed alignments are located wholly within the Project boundary. Where the road alignments are bisected by the project boundary, the necessary right-of-way will be dedicated, and the developer shall construct one half of the road (where feasible).



Ellwood

Exhibit 5: Circulation Plan

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SCALE: 1" = 700'

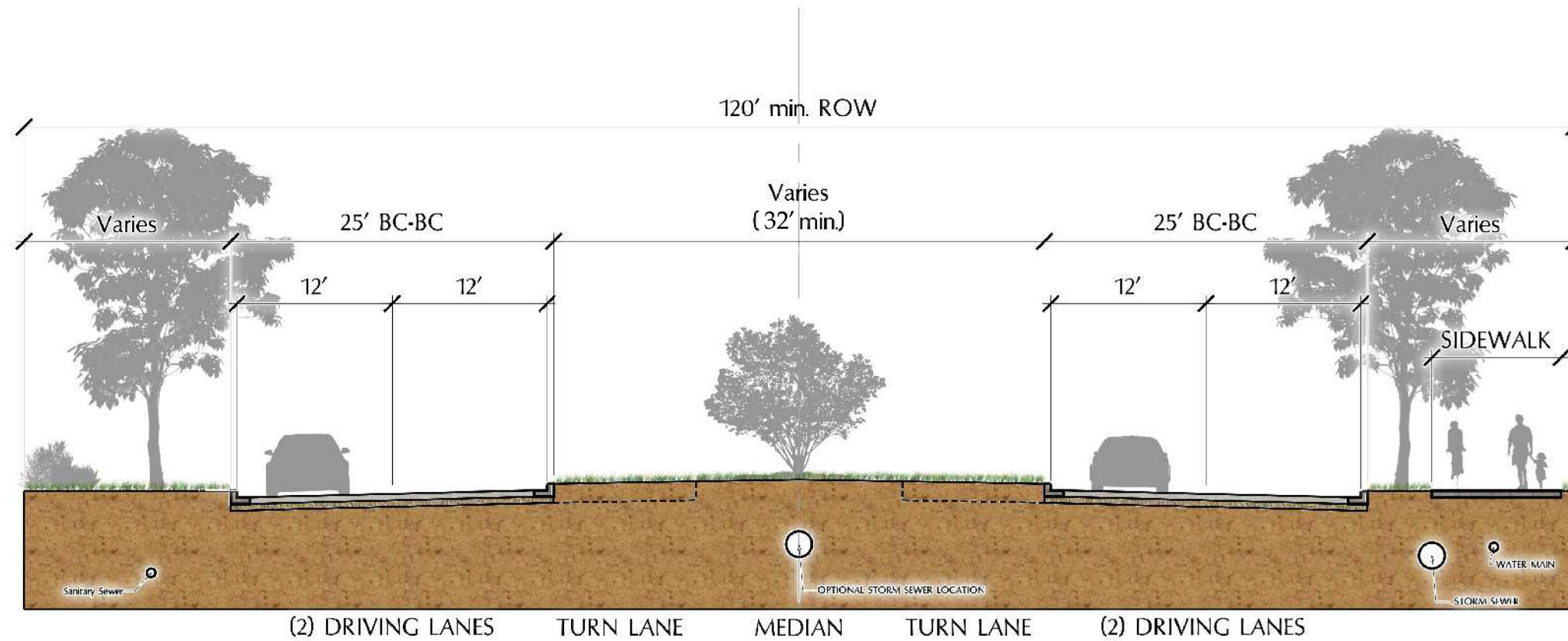


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Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. Sidewalk may be located as 6' sidewalk on both sides of ROW or as 8' sidewalk on one side of ROW.
3. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
4. Median openings shall be located in conformance with the Circulation Plan.
5. Median width may be reduced to 16 feet to accommodate left turn lanes.
6. Driving lanes may meander within the right-of-way as right-of-way widens greater than 120' minimum.
7. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
8. Proposed trees within median will be planted a minimum of 5' from utility lines.



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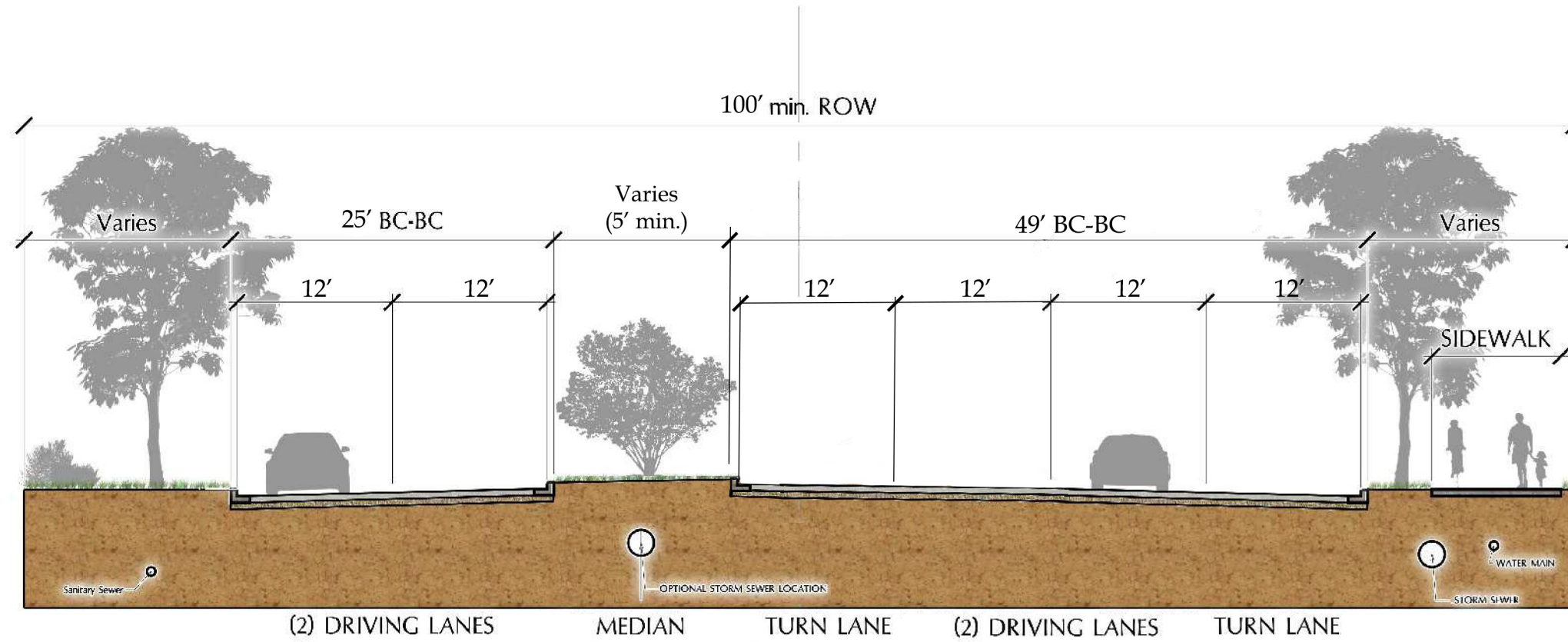
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NOT TO SCALE

Ellwood

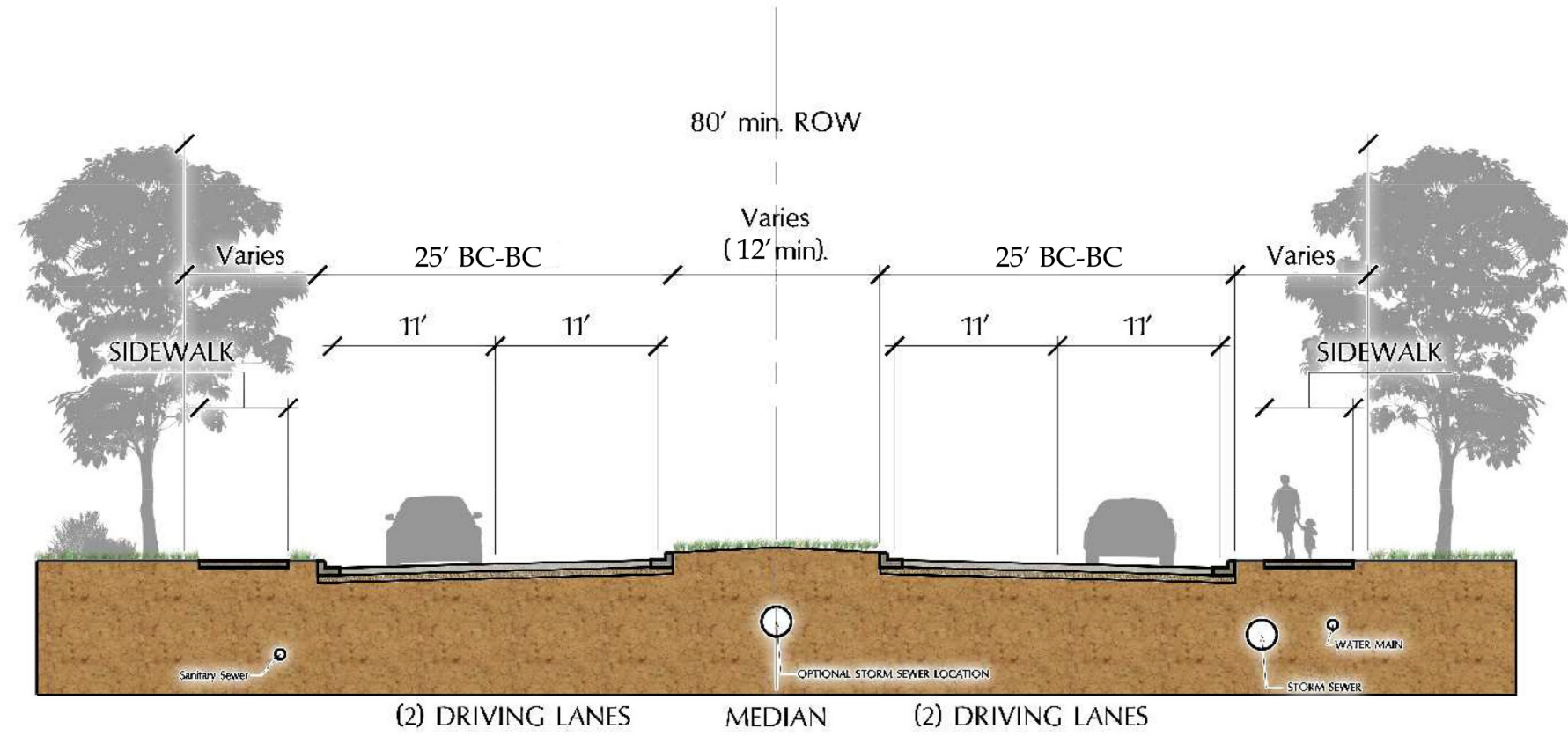
Exhibit 6: Street Section - Major Arterial

P:\221-022-00\LandPlan\UPUD\UPUD Amendment\Exhibits\For Exhibit Prep\Street Sections.dwg Dec 08, 2023 8:40am Edited by: pilpetka



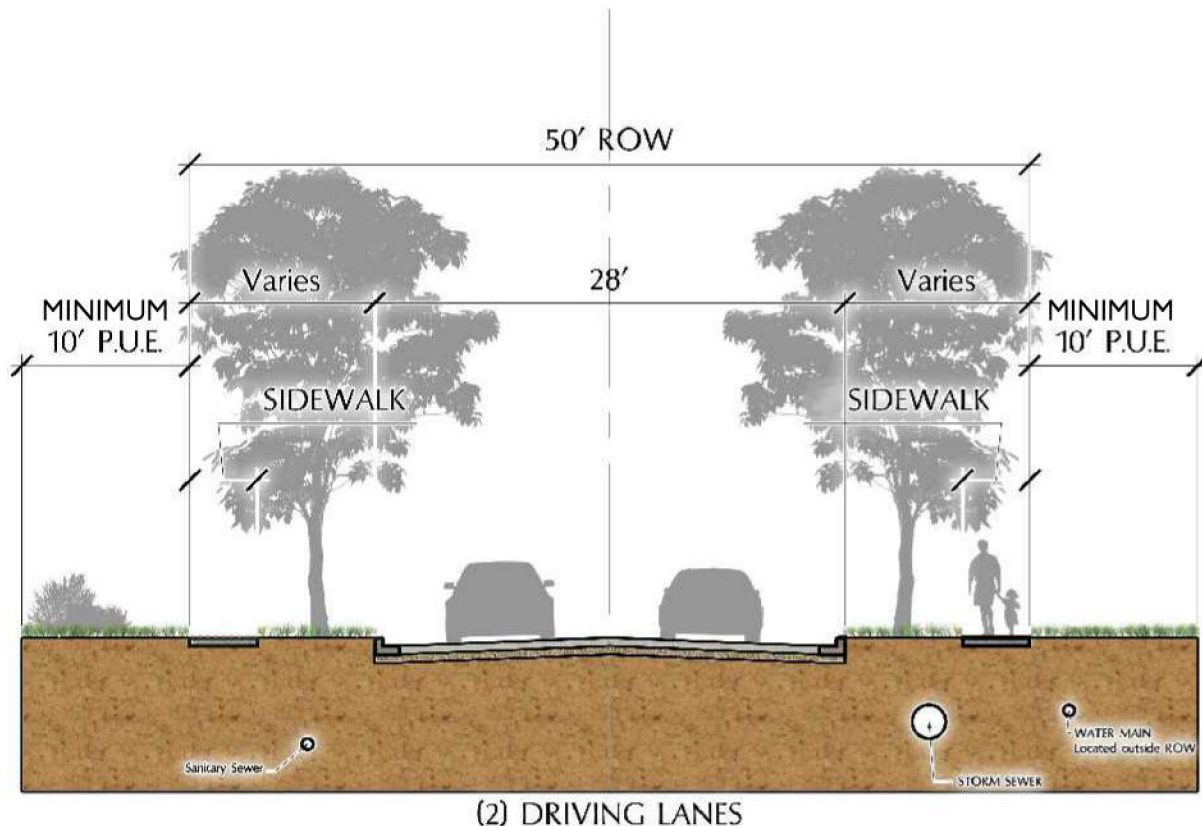
Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. Sidewalk may be located as 6' sidewalk on both sides of ROW or as 8' sidewalk on one side of ROW.
3. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
4. Median openings shall be located in conformance with the Circulation Plan.
5. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
6. Proposed trees within median will be planted a minimum of 5' from utility lines.
7. A 10' P.U.E. shall be located outside of the R.O.W. on the east side of Karsten Boulevard.



Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
3. Median openings shall be located in conformance with the Circulation Plan.
4. Median width may be increased to accommodate left turn lanes.
5. Right turn lanes will be provided, if necessary, at intersections with Major Arterials. Right-of-way may be widened to accommodate 11' right turn lane.
6. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.



Notes:

1. Sidewalk(s) may be located outside of right-of-way within an approved sidewalk easement.
2. If an existing or proposed trail is located on an adjacent reserve, a sidewalk shall not be required.
3. Utility locations are schematic in nature. Actual location may vary due to engineering limitations.
4. P.U.E. shall mean public utility easement.
5. P.U.E.'s in excess of 10' may be required depending on final engineering design.

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Exhibit 9: Street Section - Local Street

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7. Street Design Criteria

Streets within Ellwood shall conform to the following standards:

Cul-de-sacs: Cul-de-sacs within residential areas shall be measured along the centerline of the street from the nearest intersecting street to the center of the terminus bulb. The maximum length of cul-de-sacs in residential areas shall be determined by the number of vehicle trips generated per day, which shall not exceed 350. For the purposes of this requirement, the following standard shall apply:

Detached Units – 10 vehicle trips per day per unit (35 units)

Attached units – 8 vehicle trips per day per unit (44 units)

In no case shall cul-de-sacs exceed 800 feet in length.

Landscape “islands” having a maximum radius of sixteen (16) feet shall be permitted within cul-de-sac bulbs.

Cul-de-sacs in non-residential areas shall be considered on a case-by-case basis by the City’s Designated Official.

Intersections: Intersections of local streets shall be spaced at a minimum of 125’ apart, as measured from centerline to centerline.

Streets shall be designed to intersect as nearly as possible to right angles.

No street shall intersect any other street at less than 70 degrees.

Property lines at intersections of major arterials and major collectors shall transition with a 25 foot minimum radius curve.

Property lines at intersections of local streets shall transition with a 25 foot minimum radius curve. Property lines that intersect at less than 90 degrees shall transition with a 25-foot minimum radius curve.

Curves: Curves along major arterials shall be designed to meet or exceed minimum ASHTO standards. International Transportation Engineers (ITE) Context Sensitive Solutions shall be allowed.

Curves along major collector streets shall have a minimum centerline radius of 300 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet.

Curves along local streets shall have a minimum centerline radius of 100 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet. This standard shall not apply to "L type" intersections. These types of intersections shall have a minimum centerline radius of 50 feet.

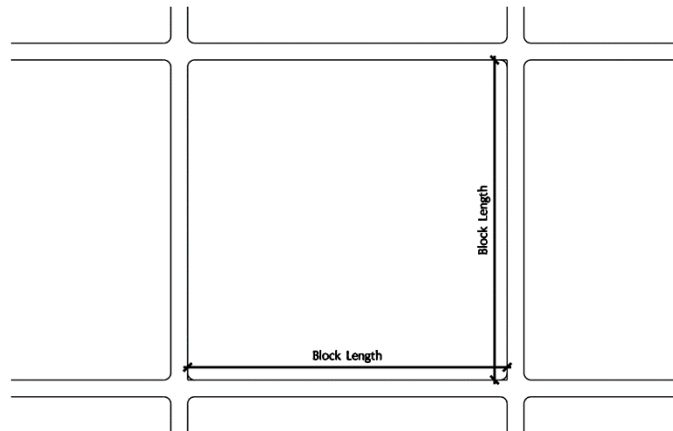
Block Length: Major arterials shall have a maximum block length of 2,600 feet with the following exception:

- Major arterials that run parallel to drainage features having a minimum width of fifty (50) feet shall have a maximum block length of 4,000 feet.

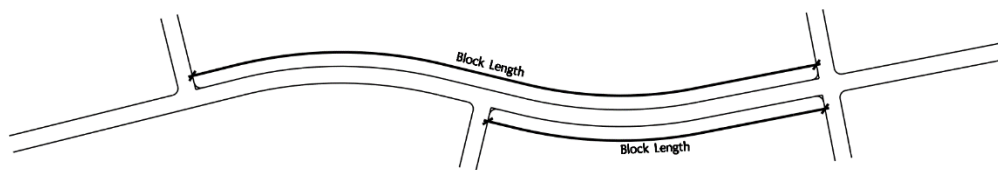
Major collectors shall have a maximum block length of 1,800 feet and local streets shall have a maximum block length of 1,200 feet with the following exceptions:

- Crossings of creeks shall only be required by streets that are identified as major corridors on the City's Thoroughfare Plan.
- The maximum block length along pipeline easements or drainage features having a minimum width of 50 feet shall be 2,000 feet.

Block length shall be measured between intersections from edge of right-of-way to edge of right-of-way.



Traditional Block Length Measurement



Curvilinear Block Length Measurement

In cases where multiple blocks may exceed 2,400 feet and pedestrian connections are not provided, the City's Designated Official may require that a reserve, having a minimum width of twenty (20) feet, be provided to accommodate such a connection if it would significantly improve overall pedestrian circulation within the development. Where physically possible, a minimum thirty (30) feet wide emergency access reserve that connects the Ellwood boundary with a public street must be provided a minimum of every 2,400 feet along the Ellwood boundary unless determined to be unnecessary by the City's Designated Official.

Points of Access: All subdivision sections containing more than thirty-five (35) lots shall have a minimum of two points of access. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 15 feet shall be acceptable in all circumstances and shall be considered two points of access for these purposes provided that the divided paving section extends to the first intersecting street that is not a

cul-de-sac and continues to provide two points of access to all other parts of the subdivision except cul-de-sac streets. Parking along the divided entry shall be prohibited. A divided or boulevard entry with a loop shall be considered two points of access. If the loop is not completed and there are over thirty-five (35) lots, a temporary emergency access easement shall be provided until such point that the loop has been completed.

All subdivision sections, regardless of the number of lots, will require a minimum of two points for emergency protection access. One of the points may be gated with a 911 emergency gate/KNOX lock box system for emergency protection personnel use only.

Lot Frontage: Each SF - 60's and SF - 50's lot shall have frontage on a local street.

Lots may not have direct vehicular access to a major arterial or major collector street unless the lot is one acre or greater in size and provides a turnaround that prohibits vehicles from backing onto the major arterial or collector.

8. Traffic Signalization

A Traffic Impact Analysis will be required to determine if traffic signals are warranted at the intersection of Karsten Boulevard with Davenport Parkway and the intersection of Karsten Boulevard with Dubuque Parkway.

If it is determined a signalized intersection is warranted per Engineering Design Criteria Manual, the Developer shall fully fund the traffic signal at this intersection. If a traffic signal is not warranted, the developer shall escrow 25% of costs for design and construction for each intersection. Escrowed funds for traffic signal improvements shall be due prior to platting Phase Two per Exhibit 13.

9. Street Sidewalks

Sidewalks shall be provided in accordance with the following schedule:

TABLE 3			
Sidewalk Requirements			
Street Type	Minimum Requirement		
Major Arterial	6 foot sidewalks shall be provided on both sides of the street	OR	An 8 foot sidewalk shall be provided on one side of the street
Major Collector	6 foot sidewalks shall be provided on both sides of the street	OR	An 8 foot sidewalk shall be provided on one side of the street
Local Street	5 foot sidewalks shall be provided on both sides of the street		

* At bridge crossings, 6 foot sidewalks shall be provided on both sides of the street or an 8 foot sidewalk shall be provided on one side of the street

Generally, sidewalks should be constructed within the right-of-way. Sidewalks adjacent to open space areas may meander between the right-of-way and open space when desired. When trails exist or are proposed on an adjacent reserve of open space area, sidewalks shall not be required provided that the trail is constructed of concrete. If a sidewalk is provided on only one side of the street and it meanders outside the right-of-way, it must return to the right-of-way at least every 1,400 feet.

Deviations from the above schedule will be considered on a case by case basis, subject to approval by City's Designated Official.

F. Parks, Open Space & Trails

1. Parks & Open Space

Parks and Open Space will be a central feature of the community and its identity. Ellwood will celebrate and draw upon the natural beauty of North Hayes Creek by preserving it to the greatest extent possible. There will be no clear cutting and the introduction of concrete structures will be minimized. In addition to North Hayes Creek, man-made detention basins will be created that will extend out into the

community from the Creek. These detention basins will be contoured and landscaped and they will form the backbone of the open space system, providing a common “thread” that binds the community together both physically as well as socially.

Additionally, active recreational facilities will be developed and built within Ellwood, ranging from small pocket parks to the larger neighborhood parks, which will be connected through an extensive pedestrian trail system. This will be the backdrop for many leisure activities.

The recreation and open space areas, besides providing areas for neighbor interaction, will provide physical separation, buffer zones, and transitions between areas of development. The undeveloped open space portion of the project is preserved to provide the communities with “passive” recreational opportunities and to maintain a visual barrier between adjacent uses.

The Iowa Colony Unified Development Code regulations require that not less than 1 acre for each 54 proposed dwelling units be set aside for neighborhood park purposes. Based on the 518 maximum dwelling units possible within this PUD, the parkland dedication requirement for Ellwood is 9.6 acres. Parkland shall comply with the City’s Planned Unit Development Ordinance (O-2019-14).

Easements, detention area maintenance berms, and drainage channel borders shall qualify at a 50% credit for parkland if they comply with the following criteria: include hike, bike, and all-weather paths that are connected to recreational areas as part of an open space system; landscaping and sodding installed according to the construction standards of the City; an average width of at least thirty feet (30’) and a minimum width of twenty feet (20’); and side slopes that do not exceed five to one (5:1) ratio, unless otherwise approved by the City.

The City of Iowa Colony planned unit development regulations require that not less than 5% of the total area of development be set aside for open space. Based on a total area of 259.4 acres, the open space requirement for Ellwood is 13.0 acres. Approximately 107.8 acres of land within Ellwood is planned to be designated as neighborhood parkland and open space. A minimum of 9.6 acres will be solely dedicated to neighborhood parkland purposes. The following table indicates the amount of parks and open space to be provided.

TABLE 4				
Parks and Open Space				
	Required		Provided	
Land Use	% of gross acreage	Acreage	% of gross acreage	Acreage
Parks and Open Space (POS)	5%	13.0	42%	107.8

All parkland will be accessible for general public use, except for the pool, which will be restricted to use by Ellwood residents. The Municipal Utility District or Homeowners Association will own and maintain all parks and open space. This will provide a benefit to the greater community by providing recreation opportunities to the public at no cost to the City. The developer will also contribute an additional \$450 per dwelling unit for the development of regional parks.

The Parks, Open Space, & Trails Plan is preliminary in nature and illustrates the proposed parks and open space areas within Ellwood. The specific location of individual parks or open spaces may be moved or combined as the design and development of Ellwood moves forward. However, all lots shall be within a quarter-mile radius of a dedicated neighborhood park. The city will be notified of any changes to the Parks, Open Space, & Trails Plan. The City's regional parkland fee shall still apply to all lots within this PUD.

A pool, recreation center, and playground will be constructed with Phase 2. An additional playground will be constructed with Phase 3. However, the precise locations of these amenities are subject to change.

2. Compensating Open Space

Lots less than 6,600 square feet shall provide compensating open space in the minimum amount required by the City's planned unit development ordinance (O-2019-14). The compensating open space shall be in accordance with the following schedule and in conformance with additional performance standards as follows.

TABLE 5	
Compensating Open Space	
Single-family residential lot area may be reduced to between:	Upon providing this amount of compensating open space per single-family residential lot (square feet)
6,000 – 6,599	150
5,500 – 5,999	300
5,000 – 5,499	450
4,500 – 4,999	600
4,000 – 4,499	750

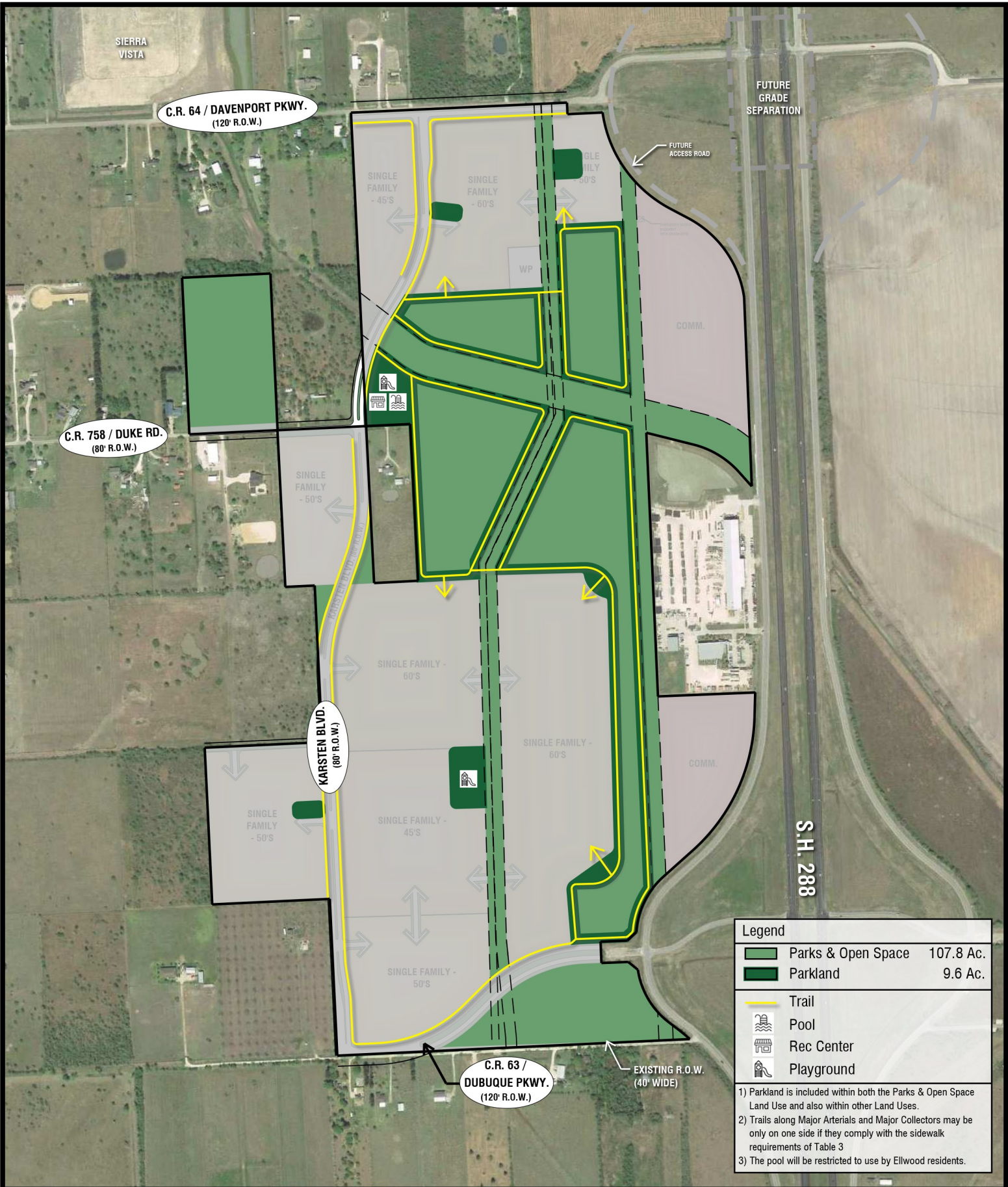
No more than twenty-five (25%) percent of the total required compensating open space may be located within the one hundred (100) year floodplain. The minimum size of any area used for compensating open space shall be one thousand (1,000) square feet, with a minimum width of twenty (20) feet.

3. Trails

In addition to the required street sidewalks, Ellwood will provide an extensive trail system that will extend throughout the community offering access to parks and between neighborhoods. The trail system within Ellwood will be maintained by the Municipal Utility District or Home Owner’s Association, except where trails are included in public parkland dedication areas, in which case the responsibility of maintenance shall transfer to the City of Iowa Colony.

The Parks, Open Space, & Trails Plan identifies the proposed location of trails within Ellwood. Trails may be paved or unpaved and constructed of materials that are appropriate for the specific application. The Parks, Open Space, & Trails Plan is preliminary in nature. The specific location of individual trails may be moved or combined as the design and development of Ellwood moves forward. The city will be notified of any such changes.

All trails along roadways shall follow the guidelines as set forth in Table 3. All other trails not along roadways shall be a minimum of 4 feet in width.



Ellwood

Exhibit 10: Parks, Open Space, & Trails Plan

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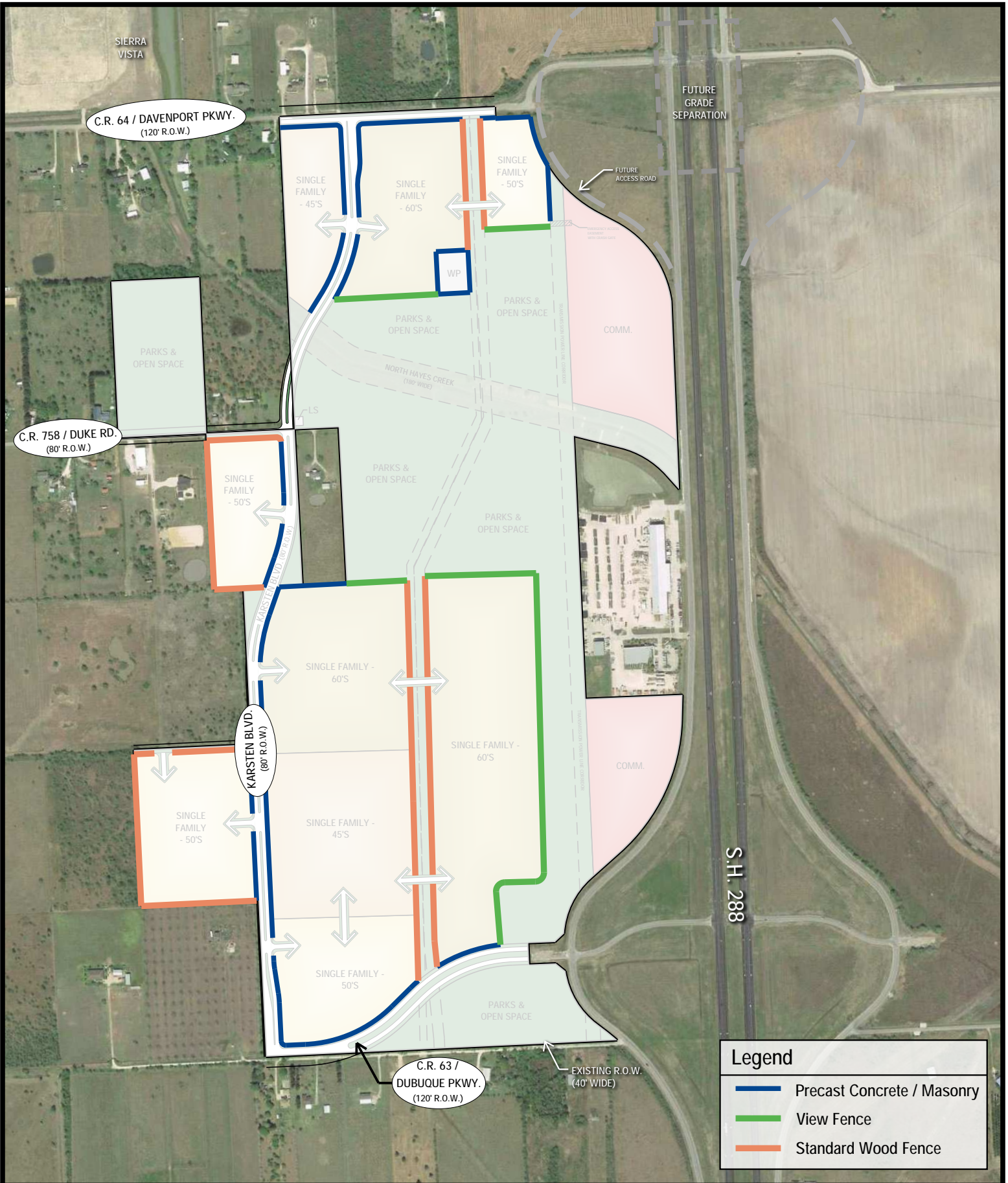


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Legend

- Precast Concrete / Masonry
- View Fence
- Standard Wood Fence

Ellwood

Exhibit 11: Fencing Plan

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SCALE: 1" = 700'



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subject to change without notice.

G. Infrastructure

1. Municipal Utility Districts

Ellwood is served by Brazoria County Municipal Utility District #57, which will be responsible for providing public utility service to the project. The City of Iowa Colony shall have the option to assume the maintenance and operation of MUD constructed facilities. The specific terms, conditions, and timing of any transfer of MUD facilities to the City will be the subject of a separate utility agreement to be executed between the appropriate MUD and the City.

2. Water

The water distribution system within Ellwood will be designed to meet or exceed the City of Iowa Colony and TCEQ requirements. One water plant is anticipated. Water wells, ground storage tanks, pressure tanks, and booster pumps will be constructed as necessary to meet demand.

The size of water distribution lines will vary based on the ultimate needs of the community. The City of Iowa Colony may choose to participate in the cost of facilities to be oversized to serve other areas outside of the boundaries Ellwood.

3. Wastewater

The wastewater collection and distribution system within Ellwood will be designed to meet or exceed the City of Iowa Colony and TCEQ requirements. Wastewater generated within the development will be collected by an internal network of gravity flow lines and lift stations and treated at the BCMUD No. 55 wastewater treatment plant in Meridiana, unless the City of Iowa Colony builds a regional wastewater plant closer to Ellwood in which case wastewater would be treated at that plant.

The size of wastewater collection lines will vary based on the ultimate needs of the community. The City of Iowa Colony may choose to participate in the cost of facilities to be oversized to serve other areas outside of the boundaries of Ellwood.

4. Storm Drainage & Detention System

The drainage plan and storm sewer system will be designed in accordance with City of Iowa Colony and Drainage District # 5 regulations. The storm water runoff within Ellwood will be routed through a curb and gutter street system to storm sewer lines that will outfall into detention basins contoured and landscaped to resemble natural

lakes throughout the community. The internal detention basins will provide storage volume for the increased storm water runoff resulting from development of the property, but will also be incorporated as amenity features and open space integrated into the theme of the community. The storm water from the detention basins will outfall in a controlled fashion to North Hayes Creek at a rate no greater than the pre-development rate of storm water runoff.

The drainage collection systems will be designed to convey the 100-year sheet flow either in the collection system near the outfall point or by sheet flow drainage through the curb and gutter streets with maximum ponding per agency requirements. The proposed internal detention basin system will be sized to contain the excess run-off resulting from a 24 hour 100-year frequency rainfall event for developed and undeveloped conditions with a minimum freeboard of one foot before out falling into the receiving stream. The storm sewer system will consist of reinforced concrete pipe and box culverts sized per agency requirements. Concrete channelization will be minimized.

5. Flood Plain Management

City, county, and FEMA regulations require the elevations of building slabs to be at or above certain minimum elevations to protect people and structures and to reduce the probability of flooding. When Ellwood is developed, portions of the property, including portions of the flood plain, will be filled with soil to meet those minimum elevation requirements. When a flood plain area is filled, the volume of storm water storage displaced from the flood plain by the new fill must be replaced. This replacement volume is known as "flood plain mitigation". Flood plain mitigation is accomplished by excavating a nearby area within the same watershed as the area of fill with a volume equal to the volume of fill placed in the flood plain. This requirement ensures that the available flood plain storage volume is not decreased and that surrounding properties are not adversely affected. Ellwood will construct the required floodplain mitigation volume in accordance with city, county, and FEMA requirements and will prepare a LOMR-F (Letter of Map Revision - Based on Fill) to reflect the adjusted flood plain areas that will occur internal to the property as a result of development. No habitable structures shall be constructed within the floodway.

The Ellwood drainage system, including storm water detention and flood plain mitigation, will comply with applicable agency requirements to ensure no adverse impacts will result upstream or downstream due to development of Ellwood.

6. Homeowner's Association & Architectural Review Committee

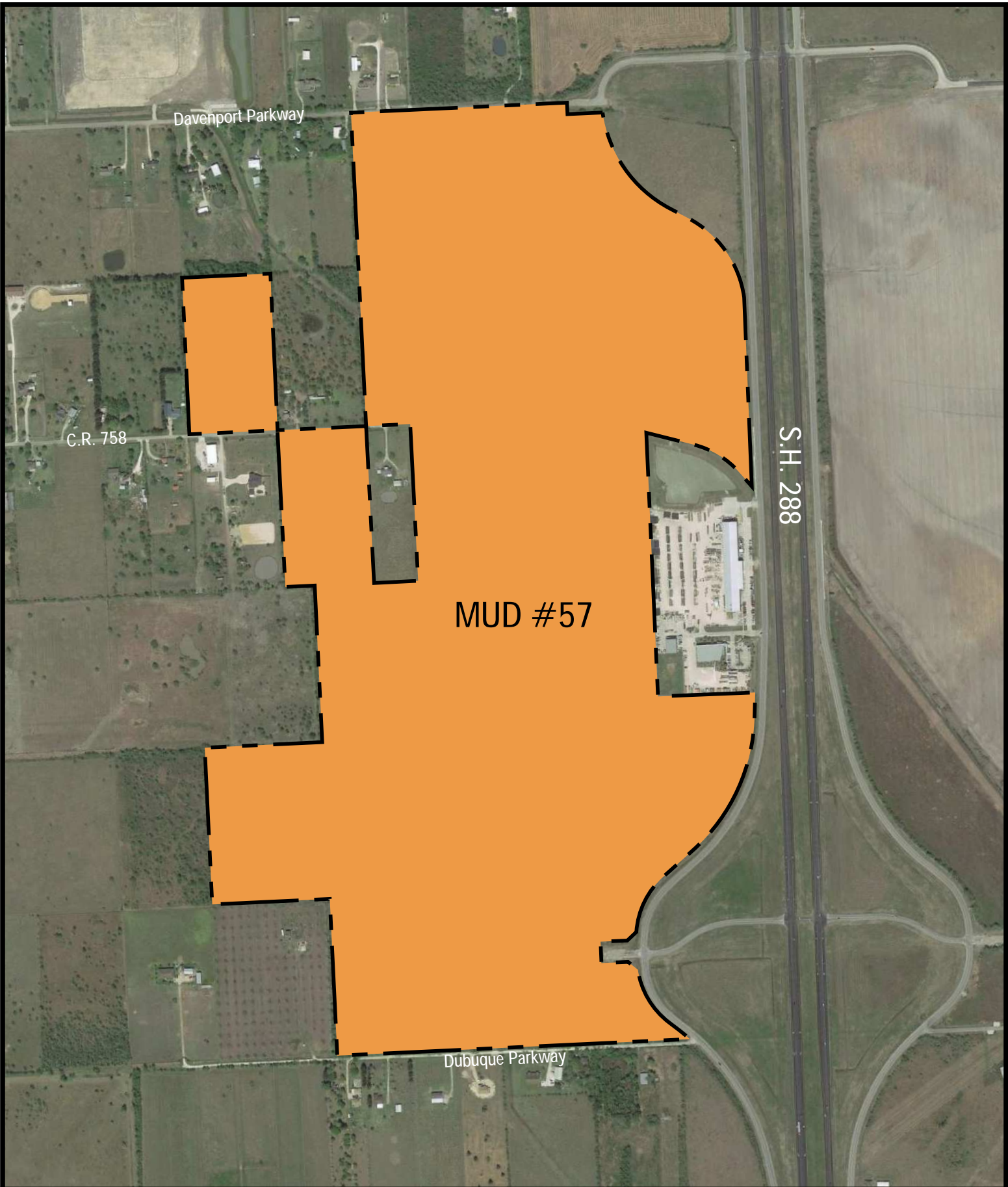
A Homeowner's Association (HOA) will be created to promote community involvement, maintain common areas, and to enforce deed restrictions and covenants. Copies of these restrictions and covenants will be provided to the city for their review and comment prior to being recorded with the county clerk. The City of Iowa Colony will in no way be responsible for the enforcement of these private covenants.

In addition to the HOA, an Architectural Review Committee (ARC) will be established to ensure conformance to the development standards contained within the PUD and enforce design guidelines which shall be established separately.

Property Owner's Associations (POA) may be established for non-residential property owners for the same purposes as Homeowner' Associations.

H. Project Phasing

The phasing strategy for Ellwood provides a balanced approach relative to anticipated market demands. The Project Phasing Plan illustrates the proposed phasing plan for Ellwood and indicates the estimated construction timing of each phase. This plan is subject to change based on market demands, availability of infrastructure, physical encumbrances, or legal limitations. The city will be notified of any changes to the Phasing Plan.



Ellwood

Exhibit 12: MUD Map

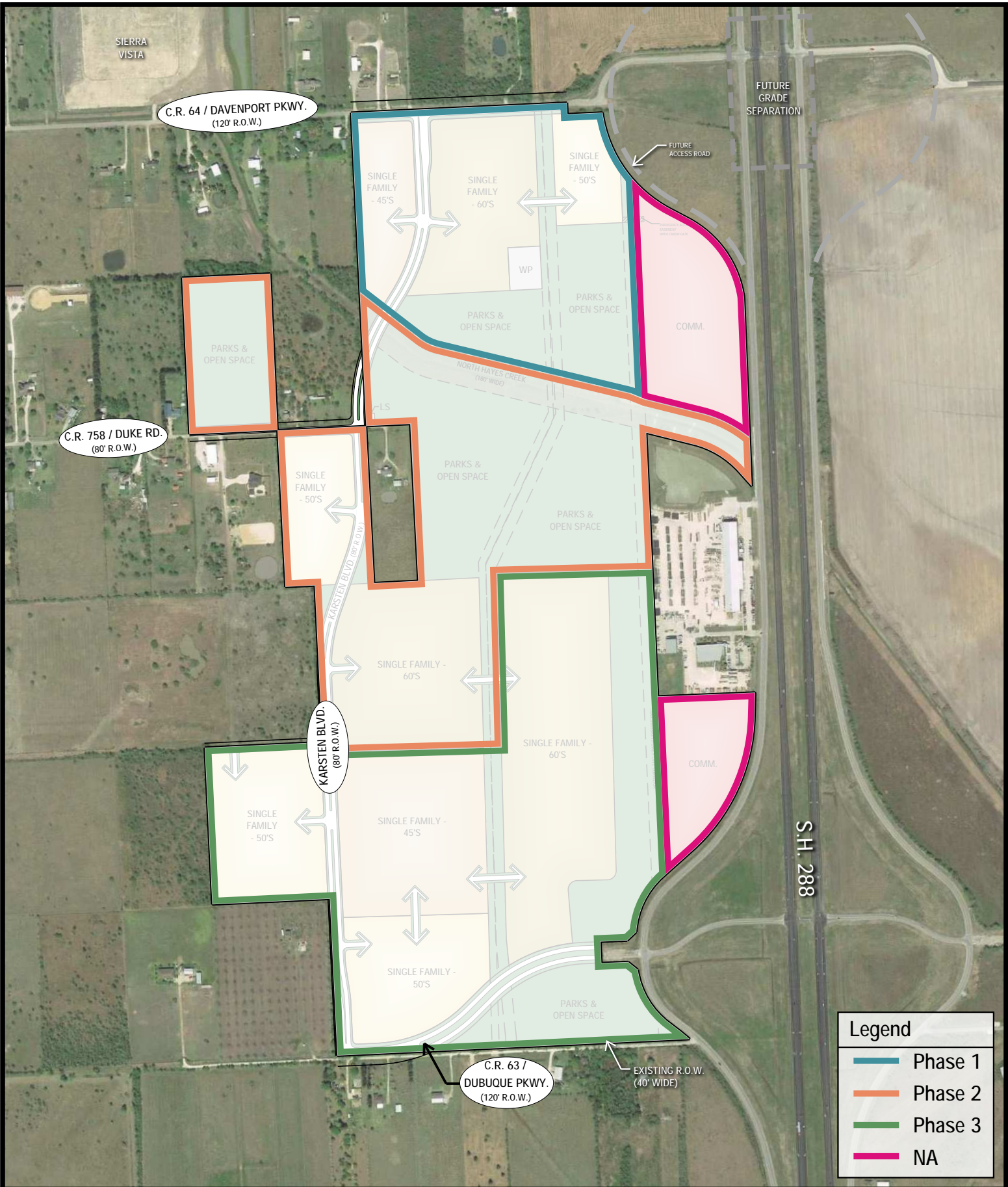
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Ellwood

Exhibit 13: Phasing Plan

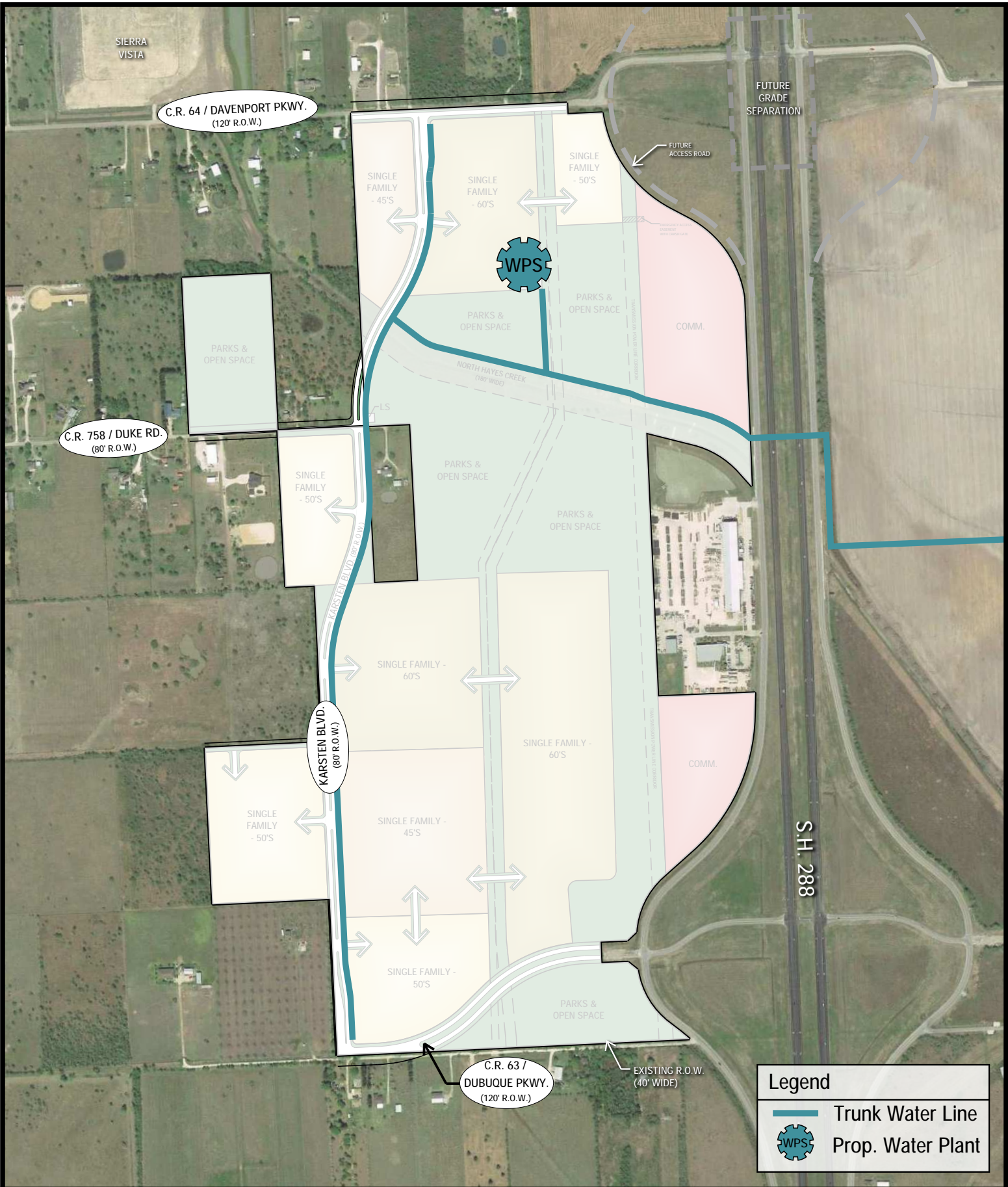
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Exhibit 14: Water Supply and Distribution Plan

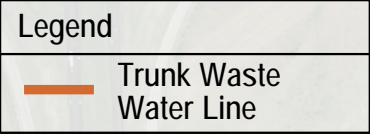
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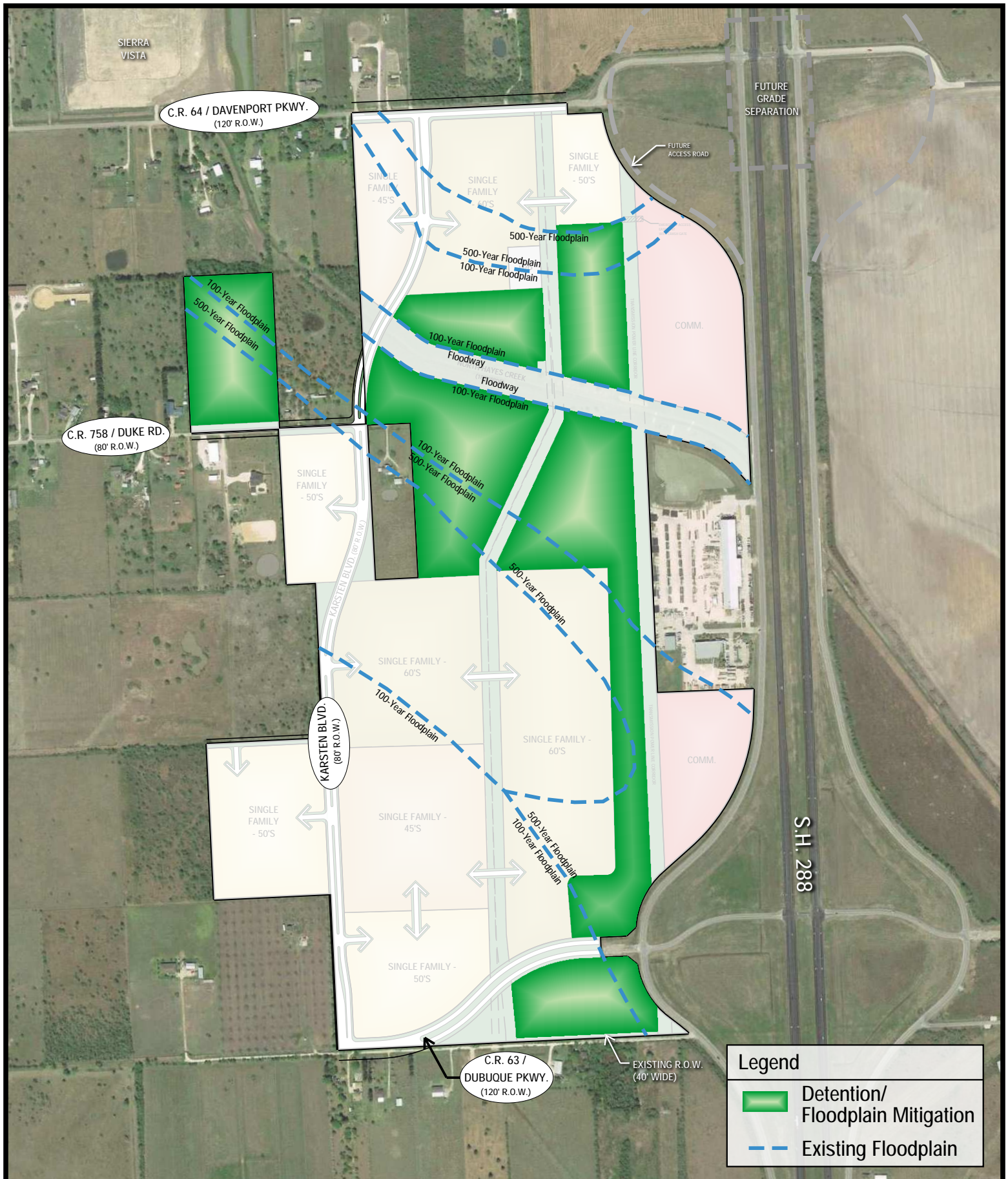
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Legend	
	Detention/ Floodplain Mitigation
	Existing Floodplain

Ellwood

Exhibit 16: Storm Water Detention and Floodplain Mitigation Plan

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SCALE: 1"=700'



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III. DEVELOPMENT REGULATIONS

A. Purpose & Intent

The purpose of the development regulations is to serve as the primary means of achieving the goals and objectives of the Development Plan.

They are designed to establish clear minimum development standards while providing a reasonable amount of flexibility in accommodate future needs.

B. General Provisions

1. Applicability

The regulations contained herein shall apply to all property located within the boundaries of Ellwood PUD. Appendix 1 contains the legal description of the property.

All construction and development within the PUD area shall comply with applicable provisions of the City of Iowa Colony codes and ordinances as they exist on the date of adoption of this PUD and the laws of the State of Texas, except as modified within the amended PUD.

If specific development standards are not established or if an issue, condition, or situation arises or occurs that is not clearly addressed or understandable in the PUD, then those regulations and standards of the City of Iowa Colony codes and ordinances that are applicable for the most similar issue, condition, or situation shall apply as determined by the City's Designated Official. Appeal of any determination regarding applicability may be made to City Council.

This PUD may be amended by the same procedure as it was adopted, by ordinance. Each amendment shall include all sections or portions of the PUD that are affected by the change.

2. Additional Uses

If a proposed use has not specifically been listed as being a permitted use in a particular land use category within the PUD, it shall be the duty of the City's Designated Official to determine if said use is: 1) consistent with the intent of the zone; and 2) compatible with other listed permitted uses.

3. Non-Conforming Land Uses

Where, at the adoption of this PUD, a lawful use of land exists which would not be permitted by the regulations imposed by this PUD, such use may continue so long as it remains otherwise lawful, provided:

- No non-conforming use shall be enlarged, increased, or extended to occupy a greater area of land than was originally occupied at the date of adoption of this PUD.
- No non-conforming use shall be moved, in whole or in part, to any lot or parcel within the PUD.
- If any non-conforming use ceases for a period of more than 180 days, any subsequent use of the land shall conform to the regulations established by this PUD.
- No additional structures shall be erected in connection with any non-conforming use that does not conform to the regulations established by this PUD.

4. Non-Conforming Structures

Where, at the adoption of this PUD, a lawful structure exists which would not be permitted by the regulations imposed by this PUD, such structure may continue to exist so long as it remains otherwise lawful, provided:

- No non-conforming structure shall be enlarged, increased, or extended beyond its size at the date of adoption of this PUD.
- In the event that any non-conforming structure or non-conforming portion of a structure is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the regulations established by this PUD.
- No non-conforming structure shall be moved, in whole or in part, to any lot or parcel within the PUD.

5. Existing Utilities

Existing utilities and all uses allowed by existing easements shall continue to be permitted in all designations within the PUD.

6. General Development Plan

A general development plan illustrating all contiguous property under one ownership shall be submitted for approval of the Planning Commission prior to or simultaneously with the application for the first preliminary subdivision plat. The General Development Plan shall show the following:

- The alignment of any major thoroughfares and collector streets in accordance with the Vehicular Circulation Plan.
- All recorded easements
- Other proposed streets that will stub out (temporarily terminate) to the boundary of the project
- Proposed land uses and major utilities

The General Development Plan shall eliminate the requirement of a master preliminary plat set forth in Section 20 of the City of Iowa Colony Subdivision Ordinance. Preliminary plats shall be required for each section of development except for minor plats as defined by state law.

Preliminary plats should generally conform to the General Development Plan. Any significant change, as determined by the City's Designated Official shall require the submittal of a revised general development plan for approval by the Planning Commission.

7. Grading

The developer shall be permitted to commence topographic grading of the property, including clearing and grubbing, in preparation of development upon preliminary plat approval. For road construction, grading may commence upon the submittal of construction drawings. However, prior to any grading activity, a Storm Water Pollution Plan must be submitted and any required City of Iowa Colony grading permits must be obtained. The City may issue the necessary permits prior to the approval of construction plans and plat recordation with the understanding that any grading performed under these circumstances shall be at the risk of the developer.

8. Temporary Uses

Temporary uses conducted in connection with the development of the property shall not require zoning permits from the city, but will require health and safety

permits (electrical, plumbing, structural, HVAC, etc.). All temporary uses must be approved by the developer or the Architectural Review Committee. These uses may include, but are not limited to:

- Sales office
- Construction office
- Construction/storage yards
- Construction roads
- Fencing
- Water pumps and ponds
- Concrete batch plants or rock crushing operations and equipment for the processing of on-site materials provided such operations:
 - a.) Maintain a 1,000 foot separation between all operations or storage and the nearest occupied residence;
 - b.) Limit hours of operation to between 7:00 a.m. and dusk, Monday through Friday;
 - c.) Do not include the import or export of materials except as to be used on the property or for off-site improvements related to the project.
 - d.) Are enclosed by a solid fence having a minimum height of six (6) feet.

9. Design Guidelines

Design guidelines will be created which will address site and building design within Ellwood. The purpose of these guidelines will be to preserve the character of Ellwood by establishing high quality design standards for development. Copies of these guidelines will be provided to the City.

10. Lighting

All lighting within Ellwood will be subject to standards established in the Iowa Colony Unified Development Code. These standards will help to ensure that attractive, high-quality lighting is provided throughout the community.

11. Site Development Standards

The exhibits contained in this PUD satisfy the requirements of Section 74 (e) of the City of Iowa Colony Zoning Ordinance regarding a “Preliminary Site Plan”. The “Final Site Plan” required by Section 74 (f) of the City of Iowa Colony Zoning Ordinance shall be the same “Final Plan” to be submitted with the final subdivision plat as referenced below.

Development standards will be created for all residential and commercial development within Ellwood. The developer shall submit an “outline development plan” containing to the degree practical the items required by Section 27 (B) of the City of Iowa Colony Subdivision Ordinance with the preliminary plat. A “final plan” containing to the degree practical, the items required by Section 27 (G), (H) and (I) of the subdivision ordinance with each final plat.

C. Development Standards

1. Single Family - 60's (SF - 60's)

Purpose: The Single Family - 60's category is intended for the development of detached, single family dwelling units and compatible uses. There will be no private/gated Single Family - 60's sections.

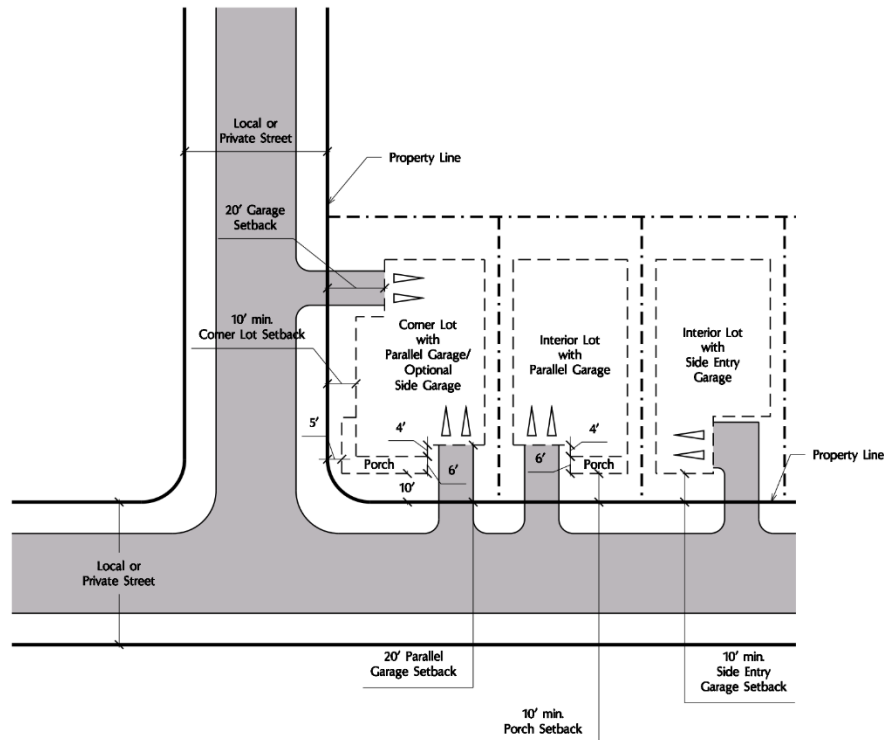
<i>Permitted uses:</i>	Accessory structures
	Community centers
	Drill sites
	Entry features & monuments
	Institutional uses
	Minor utilities
	Open space
	Parks
	Recreational facilities
	Religious assembly
	Single family homes
	Temporary uses
<i>Minimum Lot Area:</i>	6,600 square feet
<i>Minimum Lot Width:</i>	60 feet at the lesser of the front or rear building setback line
<i>Minimum Setbacks:</i>	
Front:	20 feet for lots that front on a local street
	5 feet for lots that front on a common area
Rear:	15 feet**
Side:	5 feet**

Corner:	10 feet for lots that side on a local street*
Reserves:	15 feet for lift stations fenced by precast concrete/masonry walls
	25 feet for reserves adjacent to Major Arterials

*Porches (if provided) may encroach into the front setback up to ten (10) feet provided they have a minimum depth of six (6) feet. On corner lots, porches may encroach into the side setback up to five (5) feet provided they have a minimum depth of six (6) feet. Where garages face directly onto a street with the garage door parallel to the street, the garage must meet the minimum setback requirement. Side-entry garages where the garage door is perpendicular to the street may be set back a minimum of ten (10) feet. (See lot diagram below)

**One Story accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement. Accessory structures greater than one story in height must comply with the minimum setback requirements.

SINGLE FAMILY - 60's LOT DIAGRAM



Architectural features may encroach into the setback area a maximum of three (3) feet and may not extend more than five (5) feet above the principal structure.

Maximum Building Height: Two (2) stories. Three (3) stories may be allowed with fire marshal approval.

Parking Requirement: Shall comply with the parking standards established in this section.

2. Single Family - 50's (SF - 50's)

Purpose: The Single Family - 50's (SF - 50's) category is intended for the development of detached, single family dwelling units. There will be no private/gated Single Family - 50's sections.

Permitted uses:

Accessory structures

Community centers

Drill sites

Entry features & monuments

Institutional uses

Minor utilities

Open space

Parks

Recreational facilities

Religious assembly

Single family homes

Temporary uses

Minimum Lot Area: 6,000 square feet

Minimum Lot Width: 50 feet at the lesser of the front or rear building setback line

Minimum Building Floor Area: 1,400 square feet

Maximum Lot Coverage: 60% of lot (inclusive of attached garage area)

Minimum Setbacks:

Front: 20 feet for lots that front on a local street*

5 feet for lots that front on a common area

Rear: 15 feet**

Side: 5 feet**

Corner: 10 feet for lots that side on a local street*

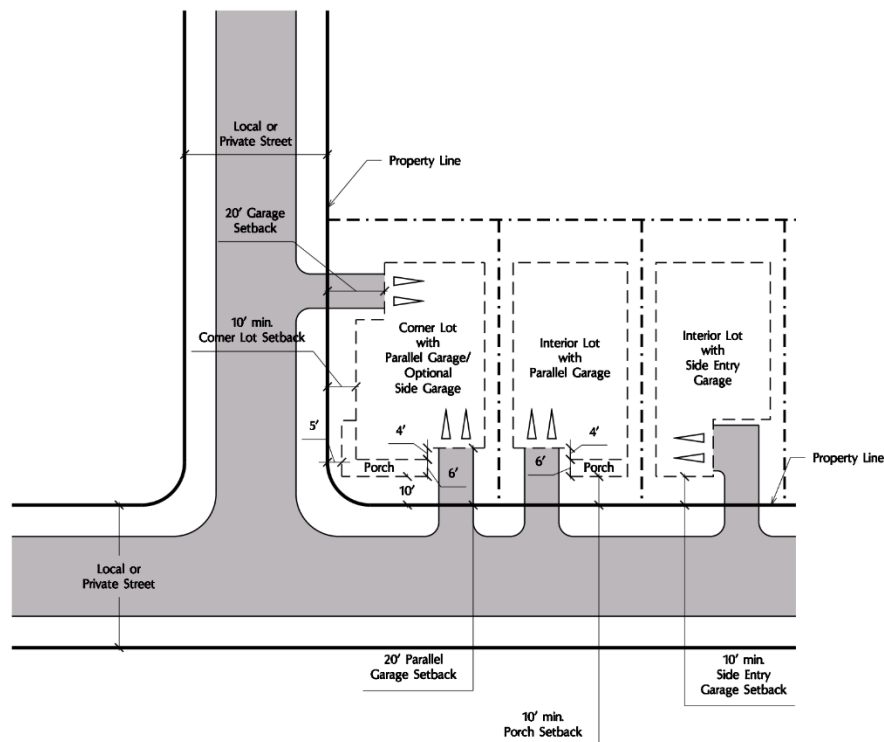
Reserves: 15 feet for lift stations fenced by precast concrete/masonry walls

25 feet for reserves adjacent to Major Arterials

*Porches (if provided) may encroach into the front setback up to ten (10) feet provided they have a minimum depth of six (6) feet. On corner lots, porches may encroach into the side setback up to five (5) feet provided they have a minimum depth of six (6) feet. Where garages face directly onto a street with the garage door parallel to the street, the garage must meet the minimum setback requirement. Side-entry garages where the garage door is perpendicular to the street may be set back a minimum of ten (10) feet. (See lot diagram)

**Accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement.

SINGLE FAMILY - 50's LOT DIAGRAM



Architectural features may encroach into the setback area a maximum of three (3) feet and may not extend more than five (5) feet above the principal structure.

Maximum Building Height: Two (2) stories. Three (3) stories may be allowed with fire marshal approval.

Parking Requirement: Shall comply with the parking standards established in this section.

Additional Requirements:

Single Family - 60's homes shall comply with the standards established in Single Family - 60's category.

For one (1) story primary structures in any Single Family - 50's residential area, all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond shall be constructed of brick or masonry veneer for one hundred (100) percent of the exterior wall surface (exclusive of windows and doors). In total, a minimum of eighty (80) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining maximum twenty (20) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Gables may have siding accents. Secondary and accessory structures shall be cementitious fiber board or equal.

For two (2) story primary structures in any Single Family - 50's residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

3. Single Family - 45's (SF - 45's)

Purpose: The Single Family - 45's (SF - 45's) category is intended for the development of detached, single family dwelling units. There will be no private/gated Single Family - 45's sections.

Permitted uses:

Accessory structures

Community centers

Drill sites

Entry features & monuments

Institutional uses

Minor utilities

Open space

Parks

Recreational facilities

Religious assembly

Single family homes

Temporary uses

Minimum Lot Area: 5,400 square feet

Minimum Lot Width: 45 feet at the lesser of the front or rear building setback line

Minimum Building Floor Area: 1,400 square feet

Maximum Lot Coverage: 60% of lot (inclusive of attached garage area)

Minimum Setbacks:

Front: 20 feet for lots that front on a local street*

5 feet for lots that front on a common area

Rear: 15 feet**

Side: 5 feet**

Corner: 10 feet for lots that side on a local street*

Reserves: 15 feet for lift stations fenced by precast concrete/masonry walls

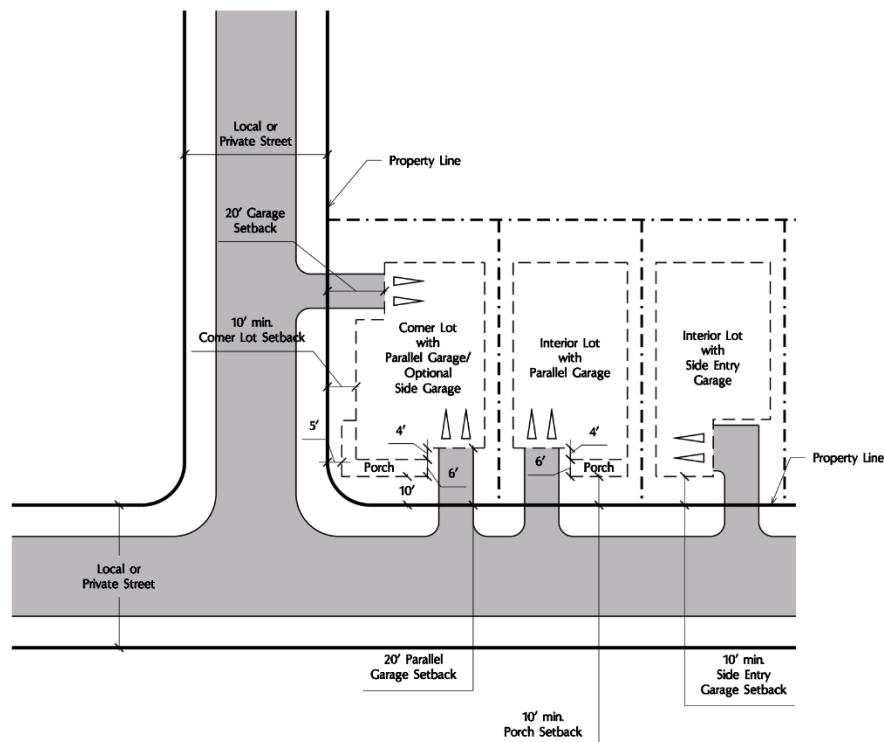
25 feet for reserves adjacent to Major Arterilas

*Porches (if provided) may encroach into the front setback up to ten (10) feet provided they have a minimum depth of six (6) feet. On corner lots, porches may encroach into the side setback up to five (5) feet provided they have a minimum depth of six (6) feet. Where garages face directly onto a street with the garage door parallel to the street, the garage must meet the minimum

setback requirement. Side-entry garages where the garage door is perpendicular to the street may be set back a minimum of ten (10) feet. (See lot diagram)

**Accessory structures may be setback three (3) feet from the rear or side property lines provided that they do not encroach into any utility easement.

SINGLE FAMILY - 45's LOT DIAGRAM



Architectural features may encroach into the setback area a maximum of three (3) feet and may not extend more than five (5) feet above the principal structure.

Maximum Building Height: Two (2) stories. Three (3) stories may be allowed with fire marshal approval.

Parking Requirement: Shall comply with the parking standards established in this section.

Additional Requirements:

Single Family - 60's homes shall comply with the standards established in Single Family - 60's category and Single Family - 50's homes shall comply with the standards established in Single Family - 50's category.

For one (1) story primary structures in any Single Family - 45's residential area, all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond shall be constructed of brick or masonry veneer for one hundred (100) percent of the exterior wall surface (exclusive of windows and doors). In total, a minimum of eighty (80) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining maximum twenty (20) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Gables may have siding accents. Secondary and accessory structures shall be cementitious fiber board or equal.

For two (2) story primary structures in any Single Family - 45's residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.

4. Commercial (C)

Purpose: The Commercial District is intended for the development of service-oriented retail that meets the daily needs of the community.

Permitted uses:

- Abstract or title company
- Accounting
- Advertising agency
- Agricultural uses
- Animal feed store
- Antique store

Appraisers

Architect

Art gallery

Arts and crafts store

Automatic laundry

Automobile parking lots

Automobile parts store

Bakery, employing no more than five (5) persons

Bank

Barber and beauty shop

Bookkeeper

Bookstore

Cafeteria

Candy store

Catering

Childcare center

Clinic for treatment of humans

Clothes store

Collection agency

Commercial billboard or advertising signs not to exceed thirty-two (32) square feet in area per sign

Computer store and repairs

Convenience store

Credit counselor

Dance studio

Delivery service

Dental clinic

Department store

Doctor

Drafting service

Drug store

Engineer

Entry features & monuments

Filling station or service station, but without wrecker service

Financial consultant

Flea market, maximum one (1) acre including parking

Florist shop

Furniture store

Gift shop

Gun shop

Grocery store

Hardware store

Home appliance store

Ice retail distributing, but not manufacturing

Insurance agency

Jewelry store

Laundry storefront, dry cleaning storefront, or laundry plant,
but not dry cleaning plant

Lawyer

Locksmith

Medical supply store

Minor utilities

Mortgage company

Motels and tourist courts

Motion picture theater, but not drive-in theater

Musical instrument store

Notary public

Office supply and machinery store and repairs

Open space

Optician or optometrist

Parks

Pawnshops that have been duly licensed to transact business by the Consumer Credit Commissioner under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes)

Plant nursery

Public facilities

Public safety site

Radio repair and sales

Radio studio (excluding tower)

Real estate agent

Record and tape store

Recreational facilities

Restaurants and taverns

Shoe store and repair shop

Sporting goods store

Stockbroker

Studio (art, music or photo)

Taxidermist

Tailor

Toy store

Travel agency

Video arcade

Washateria

Non-Permitted uses: Auction

Auto repair

Billboards

Cemeteries

Kennel (commercial)

Massage parlors

Pawn shop

Self-service car wash (automated car washes are allowed as accessory uses)

Sexually oriented businesses

Swap meet

Tattoo shop

Taxidermist

Upholstery shop

Minimum Lot Area: 8,000 square feet

Minimum Lot width: 80 feet

Max. Lot coverage: 85 percent

Minimum Setbacks:

Build-to: 71 feet (for buildings with gross leasable area over 25,000 square feet)

53 feet (for buildings with gross leasable area under 25,000 square feet)

Rear: 20 feet

Side: 10 feet

Corner: 20 feet

Lift stations: 15 feet if fenced by precast concrete/masonry walls

Along Major Arterials: 25 feet

Architectural features may encroach into the setback area a maximum of three (3) feet.

Maximum Building Height: Thirty-five (35) feet unless otherwise approved by City Council. All building area above two (2) stories shall be non-habitable and built with non-combustible material unless approved by the Fire Chief.

Parking Requirement: Shall comply with the parking standards established in this section.

Additional Requirements: Telecommunication towers may not exceed eighty (80) feet in height and shall be set back from property lines a distance equal to or greater than the height of the tower.

5. Institutional (I)

Purpose: The Institutional category is intended to provide for the development of public and private uses that serve the community.

Permitted uses:

- Major utilities
- Minor utilities
- Open space
- Parks
- Public facilities
- Public safety site
- Recreational facilities
- Religious assembly
- Schools (public & private)
- Telecommunication towers
- Temporary uses
- Tree farms

Minimum Lot Area: 5,000 square feet

Minimum Lot width: 50 feet

Minimum Setbacks:

Front: 25 feet

Rear: 10 feet

Side: 5 feet

Corner: 5 feet

Lift stations: 15 feet if fenced by precast concrete/masonry walls

Along Major Arterials: 25 feet

Architectural features may encroach into the setback area a maximum of three (3) feet.

Maximum Building Height: 60 feet. All building area above two (2) stories shall be non-habitable and built with non-combustible material unless approved by the Fire Chief.

Parking Requirement: Shall comply with the parking standards established in this section

Additional Requirements: Telecommunication towers may not exceed eighty (80) feet in height and shall be set back from property lines a distance equal to or greater than the height of the tower.

6. Parks & Open Space (P-OS)

Purpose: The Parks & Open Space category is intended to provide for the development of recreation and open space areas within the community.

Permitted uses:

- Community centers
- Drill site
- Entry features & monuments
- Institutional uses
- Minor utilities
- Open space
- Parks
- Public facilities, excluding major utilities
- Recreational facilities
- Telecommunication towers
- Temporary uses
- Tree farms

Minimum Lot Area: None

Minimum Lot width: None

Minimum Lot depth: None

Minimum Setbacks:

Along Major Arterials: 25 feet

Along other streets: 10 feet

Rear: 10 feet

Side: 10 feet

Lift stations: 15 feet if fenced by precast concrete/masonry walls

Architectural features may encroach into the setback area a maximum of thirty-six (36) inches.

Max. Building Height: 34 feet. Maximum height may exceed 34 feet if approved by the Fire Chief.

Parking Requirement: Shall comply with the parking standards established in this section

Additional Requirements: Telecommunication towers may not exceed eighty (80) feet in height and shall be set back from property lines a distance equal to or greater than the height of the tower.

7. Parking

Parking within Ellwood shall be provided according to the following schedule:

TABLE 6	
Parking Requirements	
Land Use	Minimum Requirement
Single Family – 60's	2 enclosed spaces per unit
Single Family – 50's	2 enclosed spaces per unit
Single Family – 45's	2 enclosed spaces per unit
Office (non-medical)*	1 space per 200 square feet of gross floor area
Medical office*	1 space per 300 square feet of gross floor area
Retail*	1 space per 250 square feet of gross floor area Maximum 1.5 spaces per 250 square feet of gross floor area
Restaurant*	2 spaces per 250 square feet of gross floor area
Tavern*	2 spaces per 200 square feet of gross floor area
Hotel/Motel*	0.5 spaces per room and 1 space per 200 square feet of gross floor area
Theater/Auditorium/Church/Assembly hall	0.25 spaces per seat

* At least one electric vehicle charging station shall be installed for each development.

Deviations from the above requirements shall be considered by the City's Designated Official on a case by case basis. Appeals to the Official's interpretation may be made to City Council within thirty (30) days of the date of the determination.

The City's Designated Official shall determine the minimum number of parking spaces required for any use not specified above. Appeals to the Official's interpretation may be made to City Council within thirty (30) days of the date of the determination.

Shared parking should be encouraged where appropriate. Adjustment of the minimum number of parking spaces required to serve a combination of occupancies shall be determined according to the following formula:

- 1) Determine the parking requirement for each occupancy as though it were a separate use;
- 2) Multiply each amount by the corresponding percentage for each applicable time period shown in the following schedule:

TABLE 7					
Shared Parking Table					
	Weekdays			Weekends	
Use	Night Midnight – 6 a.m.	Day 9 a.m. – 4 p.m.	Evening 6 p.m. - Midnight	Day 9 a.m. – 4 p.m.	Evening 6 p.m. - Midnight
Retail	5%	50%	90%	100%	70%
Restaurant / Tavern	10%	50%	100%	50%	100%
Entertainment / Recreation	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

- 3) Calculate the column total for each time period;
- 4) The column with the highest value shall be the parking requirement.

D. Definitions

Accessory structure – any above ground structure that is (1) incidental to and customarily associated with the main structure on the site, and (2) located on the same lot as the principal building. Accessory structures may include, but are not limited to detached garages and gazebos, but does not include utility or storage sheds.

Architectural feature – an ornamentation or decorative feature attached to or protruding from the exterior wall of a building. Architectural features may include, but are not limited to windows (e.g. bay windows), chimneys, columns, awnings, marquees, façade, or fascia.

Attached housing – a building containing three or more dwelling units.

Banking or financial institution – a chartered financial institution that engages in deposit banking and closely related functions such as making loans, investments and other fiduciary activities. Drive-up windows and drive-thru automated teller machines (ATM) are permitted as an accessory use.

Block length – the distance measured along a street between two intersecting streets.

Building – a structure used for or supporting any use or occupancy that requires a building permit.

Build-to-Line – identifies the precise horizontal distance from a street right-of-way that the building must be built to, in order to create a uniform line of buildings along the street

Childcare facility – a commercial or non-profit facility that provides shelter, care, activity, and supervision of children for periods of less than 24 hours a day and is licensed by the state.

Community center – a meeting place used by the community in which community members may gather for social, educational, recreational, or cultural activities. Uses include recreation, fitness center, meeting areas, and restaurants with or without alcohol sales. Community center use may be restricted to dues paying members.

Condominium – A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Convenience store – Any retail establishment offering for sale gasoline and a limited line of groceries and household items intended for the convenience of the neighborhood. Automotive washing is permitted as an accessory use. The sale of alcohol is permitted as an accessory use.

Council – Shall mean the City Council of the City of Iowa Colony.

Cul-de-sac - Any street with only one outlet that terminates in a vehicular turnaround.

Designated Official – The individual authorized by the City of Iowa Colony to provide direction and oversight and personally perform duties related to a comprehensive program to protect the health and safety of citizens and the quality of life by ensuring that planning activities meet appropriate codes, standards and city ordinances.

Detached housing – A site-built building containing only one dwelling unit.

Developer – Beazer Homes Texas, LP

Drill site – A tract of land designated for the purpose of extracting oil or gas comprising a “spacing unit” or “proration unit” as determined by the State Railroad Commission.

Dwelling unit - Any building or portion thereof which is designed or used exclusively for residential purposes.

Entry features – Primary points of vehicular entry into the property that are enhanced with landscaping, water features, architectural treatments, and lighting.

Front loaded – Any dwelling unit that takes vehicular access from the street on which it fronts.

Frontage – Frontage shall mean that portion of any lot or tract that abuts a street or approved common area. A lot or tract abutting more than one street shall have frontage on only one street which shall be deemed to be the side having the shortest dimension unless otherwise indicated on the subdivision plat.

General development plan – A plan illustrating all contiguous property under one ownership, legal interest, or common control that identifies the alignment of any major thoroughfares and collector streets in accordance with the Vehicular Circulation Plan, all recorded easements, other proposed streets that will stub out to the boundary of the project, and proposed land uses and major utilities.

Grocery store – A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods. The sale of alcohol is permitted as an accessory use.

Gross acreage – Gross acreage shall mean the total area of land inclusive of all encumbrances, including, but not limited to rights-of-way, drainage ways, pipeline and utility easements, detention facilities, parks and open space areas.

Gross density – A measurement of density based on the calculation of the total gross acres within a subdivided area divided by the total number of dwelling units within that area.

Home occupation – An occupation or activity which is clearly incidental and secondary to use of the premises as a dwelling and which is carried on wholly or in part within a main building or accessory building by a member of the family who resides on the premises. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements. A home occupation may not display signage on the property. No more than one (1) employee may reside off-premises.

Homeowner's association (HOA) – A non-profit corporation, established for the purpose of managing and maintaining community property and services within a subdivision. All residential property owners within the subdivision shall be a member of the HOA for that subdivision.

Institutional use – A use designated for public facilities including, but not limited to major and minor utilities, public safety sites, libraries, schools (both public and private) and other civic uses.

Knuckle – The projection toward the outside corner of a bend in the right-of-way of that allows for adequate turning movements for emergency and other vehicles.

Landscaping – Planting and related improvements for the purpose of beautifying and enhancing a portion of land and for the control of erosion and the reduction of glare, dust and noise. Rocks and/or gravel, by itself shall not constitute landscaping.

Laundry services (including dry cleaning) – A facility that launders or dry cleans articles dropped off on the premises directly by the customers or where articles are dropped off, sorted, and picked up, but where laundering is done elsewhere.

Local street - A public street that is not a major arterial or major collector and conforms to the criteria established in this PUD.

Lodging facilities – A building in which lodging is offered for compensation for a period of less than seven (7) days. This use includes hotels, motels, inns, and bed and breakfast residences, but does not include group homes and boarding houses.

Lot – An undivided tract of land having frontage on a public or private street which is designated as a separate and distinct tract and identified by numerical identification on a duly and properly recorded subdivision plat.

Major arterial – A public street designated as a Major Arterial on the City's Thoroughfare Plan.

Major collector – A public street designated as a Major Collector Street on the City's Thoroughfare Plan.

Major utility – Uses or structures providing utility services that have a potential major impact by virtue of appearance, noise, size, traffic generation or other operational characteristics, which include, but are not limited to, transmission substations, wastewater treatment facilities, water reservoirs and pump stations, and power plants. This use does not include private individual water supplies or septic tanks. *See Minor Utilities.*

Minor utility – Small scale facilities that are necessary to support development and that involve only minor structures. Minor utilities include, but are not limited to facilities such as power lines, water and sewer lines, wastewater lift stations, storm drainage facilities, transformers, hydrants, switching boxes and similar structures.

Mixed-use – A tract of land, building, or structure developed for two or more different uses such as, but not limited to, residential, office, retail, public, or entertainment. The mix of uses may occur either on the same tract of land, but compartmentalized into separate buildings, or located within the same building (e.g. retail on the first floor and office or residential on the floors above the retail).

Neighborhood – A collection of compatible subdivisions.

Open space – A portion of land designated as open space on the Preliminary Land Use Plan. Open space areas may include pipeline and utility easements, drainage ways, and wet and dry detention areas.

Overall project - The approximately 259.4 acres of land that constitutes the entire Ellwood project.

Personal services – Establishments providing non-medical related services generally related to personal needs, including beauty and barber shops, day spas, garment and shoe repair shops, laundry services (including dry cleaning), photographic studios, dance studios, and health clubs. These uses may include the accessory retail sales of products related to the services provided.

Personal storage – An area used or intended for the storage of materials, vehicles or equipment not in service.

Private – Elements of the development that are not intended for public use and are operated and maintained by a private entity.

Professional office- A room or group of rooms used for conducting the affairs of a business, medical, professional, or service industry.

Project – The approximately 259.4 acres of land which is the subject of this PUD, the legal description of which is contained in the appendix of this document.

Property owner's association (POA) – A non-profit corporation, established for the purpose of managing and maintaining community property and services within a commercial development.

Public facilities – Any non-commercial land use (whether publicly or privately owned) which is to be used and/or allocated for the general good of the public. These uses include, but are not limited to governmental offices, libraries, parks, and major and minor utilities.

Public safety site – A tract of land containing a building or structure that is designated for police, fire, or emergency services.

Public utilities – Any utilities that are provided by the city, county, or municipal utility district which may include, but are not limited to water and wastewater.

Recreational facilities – Any structure or building intended for active recreational use. Recreational uses shall include, but are not limited to clubhouses, tennis courts, basketball courts, sports fields, pools, playground equipment, bleachers, etc.

Religious assembly – A building or group of buildings used or proposed to be used for conducting organized religious services and accessory uses directly associated with the use.

Restaurant (including carry-out and drive-thru) – A commercial establishment where food and beverages are prepared for consumption either on or off the premises. The sale of alcohol is permitted.

Retail – Retail sales of any article, substance, or commodity within a building or structure.

School (public or private) – An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, art schools, trade schools, and similar facilities.

Shared parking – The use of the same off-street parking stall or stalls to satisfy the off-street parking requirements for two or more individual land uses without significant conflict or encroachment.

Subdivision – The division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose of residential, industrial, office and business development or other uses.

Telecommunication tower – A structure on which there are electronic facilities for receiving or transmitting communication signals.

Temporary use – Any use allowed for a specific period of time. A use that is not of a permanent nature.

Theater – An outdoor or indoor area or building used for dramatic, operatic, motion pictures, or other performances.

Wastewater treatment facilities – Any facility used for the treatment of commercial and residential wastewater for sewer systems and for the reduction and handling of solids and gasses removed from such wastes.

Water plant facilities – Any facility used for the collection, treatment, testing, storage, pumping, or distribution of water for a public water system.

IV. GENERAL ADMINISTRATION & AMENDMENTS

A. Purpose

This section establishes guidelines regarding the administration and future amendments to the PUD.

B. Changes to the Zoning Ordinance

The Development Regulations section of the PUD addresses only those areas that differ from the City of Iowa Colony Zoning Ordinance. In the event that an issue, condition or situation arises that is not specifically addressed in the PUD, the City of Iowa Colony Zoning Ordinance in place at the time of the adoption of this document shall be used by the City's Designated Official as the basis to resolve the issue.

C. Variances from the Subdivision Ordinance

The criteria established in this PUD require variances from the City of Iowa Colony Subdivision Ordinance. These variances are necessary to achieve the community vision established for Ellwood. Table 7 describes the requested variances and their corresponding section of the subdivision ordinance. These variances shall apply to all property within the PUD.

D. Variances from the Design Manual

The criteria established in this PUD require variances from the City of Iowa Colony Design Manual. These variances are necessary to achieve the community vision. Table 8 describes the requested variances and their corresponding section of the design manual. These variances shall apply to all property within the PUD.

TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 20 Master Preliminary Plat Procedure for a Large Tract (A)	Where the proposed subdivision constitutes a unit of a larger tract of land which is intended to be subsequently subdivided as additional units of the same subdivision, the subdivision plat shall be accompanied by a master preliminary plat showing the tentative proposed layout of the streets, blocks and drainage of the entire area. The over-all layout, if approved by the council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, fractional final plats of subsequent units of each subdivision may be submitted without additional preliminary plat approval, provided no significant changes are made to the master preliminary plat. Any request to change the over-all layout must be submitted according to the procedures prescribed in Section 19, Preliminary Plat Process.	A general development plan illustrating all contiguous property under one ownership shall be submitted for approval of the Planning Commission prior to or simultaneously with the application for the first preliminary subdivision plat. The General Development Plan shall show the alignment of any major thoroughfares and collector streets in accordance with the City's Land Use and Thoroughfare Plan, all recorded easements, other proposed streets that are necessary to demonstrate an overall circulation system for the development and proposed land uses and public facilities. This approval shall eliminate the requirement of a master preliminary plat set forth in Section 20 of the City of Iowa Colony Subdivision Ordinance. Preliminary plats shall be required for each section of development with the exception of minor plats as defined by state law. Preliminary plats should generally conform to the General Development Plan. Any significant change shall require the submittal of a revised general development plan.	Rather than submit one "master" preliminary plat, a general development plan will be submitted which will establish the general framework for the development. Preliminary plats will be submitted for each section of development.	It is not feasible to provide the level of detail necessary to submit a preliminary plat for tract of land of this size at the onset of the project. The proposed General Development Plan meets the intent and general purpose of the requirement and by submitting preliminary plats for each section of the development, the city will be provided with the same level of detail with less chance for error. Submittal of preliminary plats throughout the development life of the project will ensure the developer can respond to market conditions without being required to continuously alter an outdated overall lotting plan.
Subdivision Ordinance Sec. 22 Final Plat Procedure (B) #31	In the event the tract of land being subdivided fronts on a street or road that does not meet the city's design specifications, the subdivider shall be required to improve the street or road to meet those specifications from a street or road that does meet the city's requirements, to the farthestmost boundary of the subdivision.	In the event the tract of land being subdivided fronts on a street or road that does not meet the city's design specifications, the developer shall be required to improve the street or road to meet those specifications from a street or road that does meet the city's requirements, to the farthestmost boundary of the subdivision. The developer shall not improve Duke Road, but will pay fee in lieu of construction.	The developer shall not improve Duke Road, but will pay fee in lieu of construction.	From west to east, County Road 758 runs along the southern boundary the Project and then the northern boundary of the Project. To make improvements to County Road 758 within the Project boundary, from west to east, would mean to improve the northern half of the road and then the southern half of the road. Improvements of this nature would make the pavement improvements irregular. Paying fee in lieu of construction will allow the entirety of Duke Road to be improved at a later date.
Subdivision Ordinance Sec. 27 Planned Unit Developments (D)	The minimum size of a PUD shall be 20 acres and not less than 5 percent of the total area shall be set aside as common landscaped areas. Utility easements, drainage easements and detention basins shall not be included in calculating the 5 percent requirement.	Open space areas shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	Open space areas shall include pipeline and utility easements, drainage ways and wet and dry detention areas.	This is not a requirement in the Planned Unit Developments (Sec. 74) of the Zoning Ordinance.
Subdivision Ordinance Sec. 27 Planned Unit Developments (E)	The minimum lot width of all residential lots to be located within a PUD shall be 60 feet.	The minimum lot width of all residential lots to be located within a PUD shall be 45 feet.	15 foot reduction in width	This is not a requirement in the Planned Unit Developments (Sec. 74) of the Zoning Ordinance.

TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 33 Streets, Minimum right-of-way	The minimum right-of-way for local streets shall be 60 feet.	Local streets may have a right-of-way width of 50 feet.	10 foot reduction in right-of-way width. 10 foot utility easements will be provided where necessary for utility purposes. Paving section shall remain 28 feet	The street paving section shall remain 28 feet and thus will have no affect on traffic circulation. 10 foot utility easements will be provided where necessary for utility maintenance. Reduction in right-of-way width allows for the preservation of more open space.
Subdivision Ordinance Sec. 33 Multiple Access Points (E) (clarification)	All subdivisions except single dead-end streets shall have a minimum of two access points to existing proposed public streets. This may be a boulevard where a second access is not available.	All subdivisions shall provide a minimum of two points of access. A divided or boulevard entry shall be considered two points of access for these purposes provided that the divided paving section extends to the first intersecting street.	Clarification that a boulevard entry shall be considered two points of access in all cases.	N/A
Subdivision Ordinance Sec. 33 Right-of-way widths (K)	All street rights-of-way widths shall be not less than 60 feet.	Local streets may have a right-of-way width of 50 feet.	10 foot reduction in right-of-way width. 10 foot utility easements will be provided where necessary for utility purposes. Paving section shall remain 28 feet	The street paving section shall remain 28 feet and thus will have no affect on traffic circulation. 10 foot utility easements will be provided where necessary for utility maintenance. Reduction in right-of-way width allows for the preservation of more open space.
Subdivision Ordinance Sec. 35 Easements (A)	Generally, easements for utilities shall be provided across lots or centered on rear or side lot lines where necessary and shall be at least eight (8) feet wide so as to create a sixteen (16) foot total width. Where easements are all on one side lot, a minimum of ten (10) feet may be used if only one line is proposed to be installed. Where easements are to be used for multiple purposes the minimum width shall be sixteen (16) feet.	Generally, easements for utilities shall be provided across lots or centered on rear or side lot lines where necessary and shall be at least seven feet wide so as to create a 14 foot total width. Where easements are all on one side lot, a minimum of ten feet may be used if only one line is proposed to be installed. Where easements are to be used for multiple purposes the minimum width shall be 14 feet. This shall not apply to public water, sewer, or drainage facilities.	The utility easement minimum width is reduced by two feet.	This is the standard width for Centerpoint utility easements.
Subdivision Ordinance Sec. 36 Blocks (D)	No block shall exceed one thousand two hundred (1,200) feet in length in residential or commercial developments.	The maximum block length for major arterials shall be 2,600 feet except where the thoroughfare runs parallel to a drainage feature having a minimum width of 50 feet which may have a maximum block length of 4,000 feet. The maximum block length for major collectors shall be 1,800 feet and the maximum block length for local streets shall be 1,200 feet. Crossings of bayous or canals shall only be required by streets that are identified as major corridors on the City's Thoroughfare Plan. The maximum block length along pipeline easements and drainage features having a minimum width of 50 feet shall be 2,000 feet.	1,400 feet on major arterials. 2,800 feet for major arterials that run parallel to drainage features with a minimum width of 50 feet. 600 feet for major collectors. 800 feet along pipelines and drainage features	Generally, intersections along major arterials and major collectors should be spaced farther apart than along local streets. This allows for more efficient traffic flow and limits pedestrian/auto conflicts. Pipelines and drainage features represent physical encumbrances that warrant additional spacing standards.

TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 37 Lots (B) Lots Smaller Than One Acre #1	Minimum front setback lines shall be at least twenty-five (25) feet. Each corner lot shall have at least the minimum front residential setback line on both streets.	The minimum front setback for SF - 60's, SF - 50's, and SF - 45's lots, and all cul-de-sacs and knuckles shall be 20 feet. Corner lots shall have a minimum side setback of 10 feet. Porches may encroach into the front setback up to 10 feet provided they have a minimum depth of 6 feet. On corner lots, porches may encroach into the side setback up to 5 feet provided they have a minimum depth of 6 feet. Where garages face directly onto a street, the garage must be setback a minimum of 20 feet. Side-entry garages must be set back a minimum of 10 feet.	5 foot reduction for front setbacks 10 foot reduction for porches having a minimum 15 foot reduction for side-entry garages 15 foot reduction for side setbacks on corner lots	Reduced setbacks foster a pedestrian friendly environment and encourage neighbor interaction. Porches and varying building lines create interest along the street and help to achieve a more attractive street scene.
Subdivision Ordinance Sec. 37 (B) Lots Smaller Than One Acre #2	Lot Dimensions. Regardless of any other provisions of this Ordinance, lot dimensions shall be a minimum of sixty (60) feet in width at the building setback line and of a depth so as to provide an area of not less than six thousand three hundred (6,300) square feet.	The minimum lot width for SF - 45's lots shall be 45 feet with a minimum area of 5,400 square feet.	15 foot reduction in width and 900 square feet reduction in area	Allowing reductions in minimum lot width and area is necessary in order to achieve a variety of housing products which is an essential component of healthy and sustainable communities.
Subdivision Ordinance Sec. 40 Additional Street Requirements (B)	The developer shall be responsible for construction of all roadways within the development according to minor street standards. Where the major Thoroughfare Plan requires street widths over and above the local street requirements, the developer shall dedicate the right-of-way required for the larger street and construct up to a thirty eight (38) foot wide pavement. If the City requires a pavement wider than the thirty eight (38) feet, the City shall provide funding for the increased width subject to the availability of funds and within legal limitations.	The developer shall bear the cost of all streets within Ellwood. The entire cost of major arterials and major collectors shall be eligible for reimbursement by the MUD.	The developer will build all necessary streets within Ellwood and the city will not have to fund any street improvements.	The MUD allows for the construction of infrastructure that will benefit areas outside of Ellwood without any out-of-pocket expense by the city.
Subdivision Ordinance Sec. 40 Additional Street Requirements (C)	The developer shall be responsible for the construction of necessary improvements on perimeter streets to bring the pavement and curbing to minor street standards for the street abutting the development.	The developer shall dedicate the necessary right-of-way for perimeter streets and improve the perimeter streets to the Project boundary. The developer shall not improve Duke Road, but will pay fee in lieu of construction.	The developer will not be responsible for the construction of necessary improvements on the entire width of perimeter streets, but only to the Project boundary. The developer shall not improve Duke Road, but will pay fee in lieu of construction.	<p>The developer will only be responsible for street improvements within Ellwood. This is common practice.</p> <p>From west to east, County Road 758 runs along the southern boundary the Project and then the northern boundary of the Project. To make improvements to County Road 758 within the Project boundary, from west to east, would mean to improve the northern half of the road and then the southern half of the road. Improvements of this nature would make the pavement improvements irregular. Paying fee in lieu of construction will allow the entirety of Duke Road to be improved at a later date.</p>

TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Subdivision Ordinance Sec. 42 Sidewalks	In large subdivisions, four (4) foot wide sidewalks shall be required and shall be constructed in accordance with the City's design criteria. If not constructed prior to issuance of a building permit, any sidewalks required by this article must be constructed as part of the issuance of a building permit for each tract.	Sidewalks adjacent to reserves or open space areas shall be constructed prior to the release of the construction maintenance bond for the appropriate section.	Sidewalks will be constructed prior to acceptance by the city rather than the issuance of building permits.	Sidewalks are frequently damaged during the home construction process. Allowing sidewalks to be put in after permitting is more efficient, avoids unnecessary damage and achieves the desired result.
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.1.v) Single-family residential lot area	Any single-family residential area with single-family residential lots less than sixty-six hundred (6,600) square feet in lot area shall include primary structures constructed of brick or masonry veneer exterior walls for one-hundred (100) percent of the exterior wall surface (exclusive of windows and doors) for one (1) story structures and a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) for two (2) story structures with the remaining maximum forty (40) percent being cementitious fiber board (also known as fiber cement board) material, or equal, for two (2) story structures. Secondary and accessory structures shall be cementitious fiber board or equal.	<p>For one (1) story primary structures in any SF - 50's or SF - 45's residential area, all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond shall be constructed of brick or masonry veneer for one hundred (100) percent of the exterior wall surface (exclusive of windows and doors). In total, a minimum of eighty (80) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick or masonry veneer, with the remaining maximum twenty (20) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Gables may have siding accents. Secondary and accessory structures shall be cementitious fiber board or equal.</p> <p>For two (2) story primary structures in any SF - 50's or SF - 45's residential area, a minimum of sixty (60) percent of the exterior wall surface (exclusive of windows and doors) shall be constructed of brick and masonry, with the remaining forty (40) percent wall surface being cementitious fiber board (also known as fiber cement board) material, board and batten, or equal. Secondary and accessory structures shall be cementitious fiber board or equal.</p>	<p>For one story primary structures, a twenty percent reduction in overall minimum exterior wall surface required to be brick or masonry veneer, as well as a requirement that all front exterior walls, all side exterior walls on corner lots, and all exterior walls backing a major thoroughfare or major collector, and all exterior walls backing an amenity pond be constructed of brick or masonry veneer for one hundred percent of exterior wall surface. An addition of board and batten as an acceptable material for the remaining maximum twenty percent wall surface.</p> <p>For two story primary structures, the inclusion of board and batten as an acceptable material for the remaining maximum forty percent wall surface.</p>	<p>Reducing the overall minimum exterior wall surface required to be brick or masonry veneer and allowing siding accents on gables allows for a greater variety of products. At the same time, walls with high visibility will still meet the requirements and maintain the desired look of the neighborhood. Board and batten is a high-quality, attractive veneer and its inclusion allows for a greater variety of products.</p> <p>Board and batten is a high-quality, attractive veneer and its inclusion allows for a greater variety of products.</p>

TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.1.vii) Single-family residential lot area	Single-family lots, within a single-family residential lot area with lots less than sixty-six hundred (6,600) square feet in lot area, with a lot area between five thousand (5,000) square feet and sixty-six hundred (6,600) square feet require a minimum building floor area of twenty-four hundred (2,400) square feet (not including the attached garage area) and a maximum first floor building coverage of fifty (50) percent of the single-family residential lot area.	SF - 45's and SF - 50's lots require a minimum building floor area of 1,400 square feet (not including the attached garage area) and a maximum first floor building coverage of sixty (60) percent of the single-family residential lot area.	A 1,000 square foot reduction in minimum building floor area and ten percent increase in maximum first floor building coverage.	A smaller minimum building floor area and a greater maximum first floor building coverage allow for a greater variety of floor plans to be built, providing different options to homebuyers and enhancing the community's long-term viability. Floor plans of all sizes will be high-quality and preserve the character of the community.
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.A.2.a.i) Rear building setback	Any single-family residential lot, within a single-family residential lot area with less than sixty-six hundred (6,600) square feet in lot area, with a lot area less than sixty-six hundred (6,600) square feet in lot area but at least thirty-five hundred (3,500) square feet in lot area shall have a minimum twenty (20) feet building setback from the rear lot line.	SF - 50's and SF - 45's lots require a minimum fifteen (15) feet building setback from rear lot line.	A five (5) foot reduction in minimum building setback from rear lot line for SF - 50's and SF - 45's lots.	A smaller minimum building setback line from rear lot line allows for a greater variety of floor plans to be built, providing different options to homebuyers and enhancing the community's long-term viability. Floor plans of all sizes will be high-quality and preserve the character of the community.
Zoning Ordinance Sec. 74 Planned Unit Developments (d.iii.I) Spacing between developments #1	The perimeter boundary of a single-family residential development having single-family residential lots less than sixty-six hundred (6,600) square feet in area shall be located no closer than thirteen hundred and twenty (1,320) feet to the perimeter boundary of another single-family residential development having single-family residential lots less than sixty-six hundred (6,600) square feet in area.	There shall be no minimum distance between the perimeter boundaries of single-family residential developments with single-family residential lots less than 6,600 square feet.	The minimum distance between the perimeter boundaries of single-family residential developments with single-family residential lots less than 6,600 square feet is removed.	The perimeter boundary of Ellwood is 512 feet from the perimeter boundary of Sierra Vista, which also has single-family residential lots that are less than 6,600 square feet. Removing the minimum distance will allow for more high-quality development conveniently adjacent to State Highway 288. This development will then attract homebuyers and enhance the City's long-term viability.
Unified Development Code Sec. 3.2.1.5 Private Neighborhood Park Land in Lieu of Land Dedication for Neighborhood Parks (a)	A developer responsible for dedication under this Article may elect to meet up to fifty percent (50%) of the requirements of Section 3.2.1.3 by the provision of private neighborhood park land.	All parkland will be accessible for general public use, except for the pool, which will be restricted to use by Ellwood residents. The Municipal Utility District or Homeowners Association will own and maintain all parkland.	No parkland will be dedicated to the City.	This will provide consistency and simplicity in ownership and maintenance. It will also provide recreation opportunities to the public at no cost to the City.

TABLE 8
Ellwood Subdivision Ordinance, Zoning Ordinance, and Unified Development Code Variances

Ordinance Reference	Requirement	Proposed	Difference	Justification
Unified Development Code Ordinance Article 3 Screening and Fencing (3.3.1.3 (e)) Installation	The screening/wall/device shall be installed prior to final acceptance of the subdivision public improvements. All landscape materials, if utilized, shall be installed in accordance with other Divisions of this article and other Chapters of the Uniform Development Code. Failure to properly install all components of a required screening wall or device within the prescribed timeframe, shall constitute a violation of this Unified Development Code, and shall authorize the City Engineer to refuse acceptance of the subdivision public improvements.	Necessary perimeter fencing shall be installed prior to the issuance of the first Certificate of Occupancy.	Perimeter fencing shall not be required prior to final acceptance of the subdivision public improvements.	Perimeter fencing is typically installed along with landscaping, not with streets and public infrastructure. There is no benefit to installing fencing prior to the issuance of the first Certicicate of Occupancy.

TABLE 9
Ellwood Engineering Design Criteria Manual Variances

Design Manual reference	Requirement	Proposed	Difference	Justification
General Statement	References throughout the document refer to approval by "the city".	Conditions which require specific approval or deviations from the standards in the criteria manual are approved by the City Engineer. Appeals of City Engineer rulings are made to the City Council.	Specifies the specific individual responsible for technical decisions related to administration of the Criteria Manual.	Technical decisions should be made by a person with expertise in that area. This procedure relieves the City Council of a routine task and provides more certainty as to the individual within the city organization responsible for ruling on these items.
Graphic Requirements 2.6.4.B	Where existing or proposed bridges have sufficient space and structural capacity for installing water mains or conduits (twelve inches (12") or smaller) under the bridge, but above the top of the bent cap elevation, such installation will be permitted upon specific approval of the construction plans.	Where existing or proposed bridges have sufficient space and structural capacity for installing water mains or conduits under the bridge, but above the top of the bent cap elevation, such installation will be permitted upon specific approval of the construction plans.	Allow water lines of all sizes to be attached to bridges.	Bridges within Ellwood can be designed to accommodate the weight of the water line. Eliminating a separate pipe bridge is more economical and more esthetically pleasing.
Storm Water Drainage Design 5.3.6.E.f.1	New Requirement	On-grade inlets are allowed.	NA	With large grade changes as are planned on Karsten Boulevard, interim "on-grade" inlets will be required instead of inlets at the low point of the road only.
Storm Water Drainage Design 5.3.6.J.e.1.e	The maintenance berms shall be at least 20 feet wide surrounding the top of bank of the detention area.	The maintenance berm shall be 30 feet in width at a slope not to exceed a 10:1 (10%) slope, or 20 feet in width when adjacent to right-of-way. No back slope swales are required for areas of the detention basin where there are 5:1 or flatter side slopes and no more than 1/2 of the adjacent lot depth (or a maximum of 50 feet in nonresidential areas) draining over the side slope. Areas with side slopes steeper than 5:1, or areas draining more than 1/2 of the adjacent lot (or more than 50 feet in nonresidential) must have back slope swales.	Clarification of maintenance berm requirements.	This criteria preserves the maintenance berm requirements, but creates a more aesthetic look. In areas where the side slopes are very flat (as proposed in the standard) erosion is not an issue, so the backslope drains can be eliminated. Maintenance bonds will be in place to ensure maintenance does occur if problems develop.
Paving 6.3.1.D.b	Minimum width requirements for a right-of-way: Local streets: 60 feet right-of-way	Minimum width requirements for a right-of-way: Local streets: 50 feet with a 10-foot utility easement on each side.	A reduction of 10 feet of ROW width, but an overall increase in area available for the street and utilities from 60 feet to 70 feet.	The pavement width would remain unchanged at 28 feet, so there is no impact on vehicular accessibility. The ROW reduction allows additional property to be on the tax rolls rather than in non-taxable ROW.

E. Interpretation

The City's Designated Official shall be responsible for interpreting the provisions of the PUD. Appeals to the Designated Official's interpretation shall be made to City Council within thirty (30) days of the date of the interpretation.

F. Administrative Approval

Certain changes to the provisions may be made administratively by the City of Iowa Colony Designated Official, provided such changes are consistent with the intent and general purpose of the PUD and do not result in the reduction of open space by more than fifteen (15) percent within the project or exceed the maximum number of dwelling units permitted.

Decisions by the Designated Official regarding administrative changes shall be subject to appeal by the City Council. The following categories shall be considered administrative changes, but are not limited to:

- The addition of new information to the PUD, including maps or text that does not change or affect any of the regulations or guidelines contained therein.
- Changes to the community infrastructure phasing and alignment, such as roads, drainage, water and sewer systems, excluding water and sewer plant locations.
- Changes in land use plan boundaries within the PUD, division of areas or combinations of areas provided there is not a net loss of open space and no net increase in the total of units allowed.
- Changes or modifications in lot sizes and/or configuration, provided that the lots meet the minimum requirements established in the development standards for their respective land use.
- Changes to development regulations that are in the interest of the community and do not affect health or safety issues.
- Placement and/or construction of community identity or character features such as entry monuments, neighborhood signage, community art, mailboxes, etc.
- Relocation or modification of school or park sites.

- The creation of gated neighborhoods, private residential streets, or other modifications in common area assets to be maintained by a group of residential homeowners, provided the overall circulation of the project is maintained.
- The determination that a use may be allowed which is not specifically listed as a permitted use, but may be determined to be analogous and/or accessory to a permitted use as determined by the City's Designated Official.

The City's Designated Official shall have the authority to make a determination whether an administrative approval is appropriate regarding any situations or circumstances that are not specifically listed here.

G. Substantial Change

The PUD may be substantially amended by the procedure outlined in Article VIII of the City of Iowa Colony Zoning Ordinance.

H. Fees

All fees associated with the entitlement process shall be assessed as indicated by the City's applicable fee schedule. All fees shall be fair and reasonable.

I. Additional Requirements

The developer shall utilize, or cause its contractors to utilize, Separated Building Materials and Labor Contracts for all taxable building material contracts related to the development in the amount of one thousand dollars (\$1,000.00) or more, to site payment of the sales tax on building materials for the development to the property.

Noncompliance of the PUD will result in withholding of building permits within the boundaries of the PUD.

Regardless of any other provision, no plat or building permit in the premises shall be approved until the City and the drainage district with jurisdiction of the premises have approved the drainage.

Appendix A

**ORDINANCE NO. 2021-37**

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CONTAINING FINDINGS OF FACT; **ANNEXING PARTS OF MUD 57 AND HIGHWAY 288**, AS MORE FULLY DESCRIBED HEREIN; ADOPTING MUNICIPAL SERVICES AGREEMENTS, AND PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS, DULY ASSEMBLED:

1. The City Council of the City of Iowa Colony, Texas ("the City") hereby finds that all statements in any part of this ordinance are true.
2. This annexation is authorized by Subchapter 43, C-3 and Section 43.1056 of the Texas Local Government Code and all other applicable law.
3. The owners of the land annexed by this ordinance are Rally 288 West, LLC, Rally 288 East, LLC, and the Texas Department of Transportation (herein jointly called "Owners"). Rally 288 West, LLC and Rally 288 East, LLC have requested this annexation. The Texas Department of Transportation ("TxDOT") has been deemed by law to consent to this annexation, because the City notified TxDOT of the intent to annex TxDOT's portion of the property herein described at least 61 days before passing the ordinance annexing that property, and TxDOT has not objected in writing to that annexation.
4. This entire ordinance is in the public interest.
5. The procedures and requirements of the Texas Local Government Code and any other applicable law have been duly followed and satisfied concerning this annexation.
6. The property (herein called "the Annexed Area") described on Exhibit "A," which is attached hereto and incorporated herein in full, is hereby annexed into the City of Iowa Colony, Texas, and the boundary limits of the City of Iowa Colony are hereby extended to include the Annexed Area within the territorial limits of the City of Iowa Colony. The inhabitants of the Annexed Area shall hereafter be entitled to all the rights and privileges of citizens of the City of Iowa Colony and shall be bound by the acts, ordinances, resolutions, and regulations of this City.
7. The City of Iowa Colony hereby adopts and enacts the Municipal Services Agreements attached hereto as Exhibit "B" and incorporated herein in full.
8. The City Secretary is hereby directed to file certified copies of this ordinance with the Brazoria County Clerk and the Texas Comptroller of Public Accounts.
9. If any portion of this ordinance, of whatever size, is ever held to be invalid for any reason, the remainder of this ordinance shall remain in full force and effect. Without limiting the generality of the foregoing, if this annexation is ever held invalid as to any portion, of whatever

size, of the territory described on Exhibit "A" hereto, then this annexation shall remain valid as to the remainder of such territory.

10. This ordinance shall be effective immediately upon its passage and approval. The Home Rule Charter of the City requires only one reading of this ordinance, because state law required public hearings before the passage of this ordinance.

READ, PASSED AND APPROVED on the 20th day of December, 2021.

CITY OF IOWA COLONY, TEXAS

By: 
MICHAEL BYRUM-BRATSEN,
MAYOR

ATTEST:


KAYLEEN ROSSER, CITY SECRETARY



Iowa Colony/Ordinance/Annexation/Ord Annexing Parts of MUD 57 and Highway 288

**EXHIBIT “A”
ANNEXED AREA**

CURVE TABLE				
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING
C1	458.37	44°16'48"	354.25	N 26°02'33" E 345.49
C2	458.37	44°12'07"	353.62	N 30°49'08" W 344.91
C3	1273.24	40°34'29"	901.66	N 32°37'57" W 892.84

LINE	BEARING	DISTANCE
L1	S 87°16'27" W	1900.12
L2	N 48°10'58" E	102.36
L3	N 47°14'28" E	70.53
L4	N 87°38'11" E	149.95
L5	N 02°20'49" W	120.00
L6	S 87°39'11" W	150.00
L7	N 50°26'06" W	69.60
L8	N 32°56'12" W	32.06
L9	N 12°20'42" W	581.22
L10	N 02°18'54" W	517.42
L11	N 87°19'08" E	2389.83
L12	S 02°40'32" E	2771.19

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 843.21, DOES NOT REFLECT THE RESULTS OF ANY OTHER SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Robert L. Boelsche

ROBERT L. BOELSCHIE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4448



10011 MEADOWCROFT LN
HOUSTON, TEXAS 77042
713-784-4600
WWW.EHRAINCO.COM
TYPE NO. F-728
TYPE NO. 10092300

BRAZORIA COUNTY M.U.D. NO. 57
ANNEXATION TRACT 11
BRAZORIA COUNTY, TEXAS

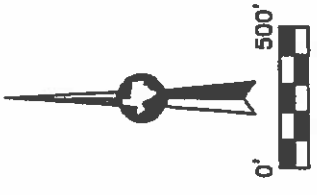
DATE: JAN 11, 2011
SCALE: 1" = 500'
JOB NO: 071-015-00
BY: 1615007-PH0037-ANNE-TR-11.dwg
DRAWING NO.:



P.O.B.
X: 3108427.36
Y: 13714172.16

ANNEXATION
TRACT 11
132.15 ACRES

CALL 132.1854 ACRES
RALLY 288 EAST, LLC
B.C.C.F. NO. 2013040084



SCALE: 1" = 500'

LEGEND

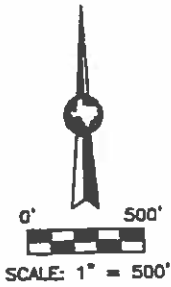
P.O.B.
B.C.C.F. Number
Point Of Beginning
Brazoria County Clerk's File

H. T. & B. R.R. CO. SURVEY
ABSTRACT 259
SECTION 49, SURVEY

STATE HIGHWAY 288
(based on 2018 Alignment Maps)

NOTES:
1. FOR ADDITIONAL INFORMATION ABOUT THIS TRACT, SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPARATELY.
2. BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.

COUNTY ROAD 63
(based on a width of 40 feet)



LEGEND
P.O.B. Point Of Beginning
B.C.C.F. Brazoria County Clerk's File
NO. Number

LINE	BEARING	DISTANCE
L1	N 87°20'14" E	1213.12'
L2	S 02°29'27" E	84.86'
L3	N 87°21'16" E	197.25'
L4	S 62°13'23" E	115.58'
L5	S 02°18'54" E	1060.58'
L6	N 41°51'11" W	107.38'
L7	N 75°57'26" W	272.19'
L8	S 02°52'23" E	1480.35'
L9	N 87°40'47" E	545.96'
L10	S 01°32'17" W	137.55'
L11	S 46°10'45" W	221.16'
L12	S 46°37'52" W	69.92'
L13	S 87°40'04" E	150.00'
L14	S 02°19'14" E	120.00'
L15	N 87°40'04" E	150.00'
L16	S 51°18'00" E	69.92'
L17	S 52°49'14" E	52.06'
L18	S 87°18'12" W	1980.12'
L19	N 07°45'05" W	880.70'
L20	S 87°18'23" W	860.21'
L21	N 07°45'05" W	880.16'
L22	N 87°18'25" E	660.21'
L23	N 07°45'05" W	879.62'
L24	S 87°20'14" W	165.00'
L25	N 02°53'05" W	880.01'
L26	S 87°20'14" W	494.70'
L27	N 02°40'08" W	879.08'
L28	N 87°15'40" E	495.97'
L29	S 01°37'35" E	879.74'
L30	N 87°20'14" E	497.33'
L31	S 02°54'34" E	881.57'
L32	N 87°03'07" E	247.48'
L33	N 02°54'07" W	880.34'
L34	S 87°20'14" W	247.60'
L35	N 02°49'50" W	1760.00'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	724.00'	54°11'43"	884.82'	S 35°07'31" E	659.38'
C2	596.00'	54°09'25"	563.35'	S 35°08'40" E	542.61'
C3	510.00'	34°08'15"	303.57'	N 58°34'19" W	289.11'
C4	1041.74'	46°38'25"	848.02'	S 24°51'32" W	824.80'
C5	458.37'	24°14'55"	354.00'	S 24°03'17" W	345.27'
C6	458.37'	24°14'55"	354.00'	S 30°41'45" E	345.27'
C7	1273.24'	4°18'08"	95.61'	S 50°40'10" E	95.58'



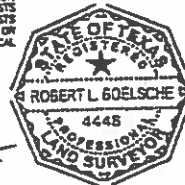
10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINC.COM
TBPE No. F-728
TBPELS No. 10082300

BRAZORIA COUNTY M.U.D. NO. 57
ANNEXATION TRACT 12
BRAZORIA COUNTY, TEXAS

DATE: October 8, 2021 SCALE: 1" = 500' JOB NO: 071-045-00
Dwg. NAME: 07104500-PB027-A00X-TR-12.dwg DRAWING NO: NONE

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR EXHIBITED BY THE CREATION OR RECONSTRUCTION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT HAS BEEN PREPARED.

Robert L. Goelsche
ROBERT L. GOELSCH
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4448



NOTES:

1. FOR ADDITIONAL INFORMATION ABOUT THIS TRACT, SEE THE METES AND BOUNDS DESCRIPTION PREPARED SEPARATELY.
2. BEARING ORIENTATION IS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS.

ENCROACHMENT
ON SUBDIVISION
VOL. 2, P. 8, 113
B.C.C.F.

P.O.B.
X: 3103231.98
Y: 13719190.01

COUNTY ROAD 64
(based on a width of 40 feet)

H. T. & B. R. COMPANY
SECTION 50, ABSTRACT 512

**ANNEXATION
TRACT 12
259.43 ACRES**

CALLLED 285.913 AC.
B.C.C.F. No. 2006042423
CALLLED 285.913 AC. 5&E
18.000 AC.
B.C.C.F. No. 2013040085
LESS CALLLED 8.439 AC.
B.C.C.F. No. 2018032177

STATE HIGHWAY 288
(based on 2018 Alignment Map)

STATE HIGHWAY 288
(based on 2018 Alignment Map)

STATE HIGHWAY 288
(based on 2018 Alignment Map)

COUNTY ROAD 63
(based on a width of 40 feet)

HIGHWAY 288 ANNEXATION TRACT
December 2021

The entire width of the segment of the right-of-way of State Highway 288 that begins at the north edge of the right-of-way of Brazoria County Road 63/Dubuque Parkway and continues north along the right-of-way of State Highway 288 to where the existing city limits of the City of Iowa Colony cross Highway 288.

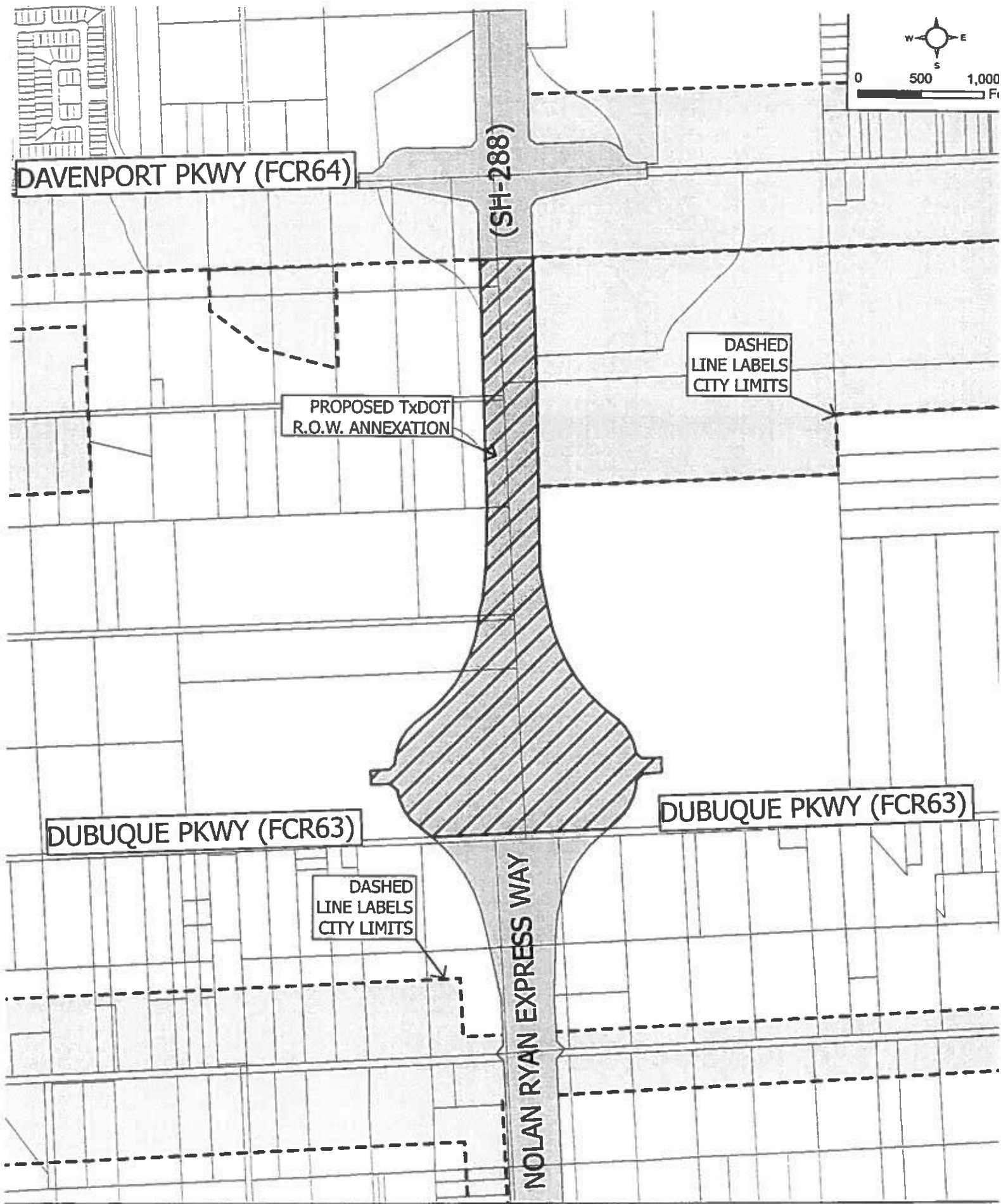


EXHIBIT “B”
MUNICIPAL SERVICES AGREEMENTS

**MUNICIPAL SERVICES AGREEMENT
BETWEEN THE CITY OF IOWA COLONY, TEXAS AND
RALLY 288 WEST, LLC**

This Municipal Services Agreement ("Agreement") is entered into by the City of Iowa Colony, Texas ("City") and Rally 288 West, LLC ("Owner").

RECITALS

The parties agree that the following recitals are true and form the basis upon which the parties have entered into this Agreement.

Section 43.0671 of the Texas Local Government Code ("LGC") permits the City to annex an area if each owner of land in an area requests the annexation

When the City elects to annex such an area, the City is required to enter into a written agreement with the property owner that sets forth the City services to be provided for the Property on or after the effective date of the annexation (the "Effective Date").

Owner owns approximately 259.43 acres of land ("Property") generally located in the northwest quadrant of the intersection of Dubuque Parkway (C.R. 63) and State Highway 288, which is the property in Brazoria County Appraisal District Property ID No. 176233 and Geographic ID No. 0512-0032-000, and which is situated in Brazoria County, Texas and in the City's extraterritorial jurisdiction, and the Property is described on Exhibit "A", which is attached and incorporated herein by reference.

Owner has filed a written request with the City for full-purpose annexation of the Property.

City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. PROPERTY. This Agreement is only applicable to the Property.

2. METHODS OF PROVIDING SERVICES.

a. This Agreement provides for the delivery of services to the Property as herein provided, in accordance with state law and applicable city ordinances, rules, regulations, and policies. The City may accomplish the delivery of any services required by this Agreement through any means permitted by law. Without limiting the generality of the foregoing, whenever this Agreement requires the City to provide a service, the City may do so either directly or by arranging for delivery of that service through another governmental entity, a private entity, or any other person and in any lawful manner.

b. Nothing herein shall impair any rights of any party under the contract by which Owner purchased the Property from the City or the documents executed pursuant to that contract.

- c. Fees and charges for public services of any nature are beyond the scope of this Agreement and shall be determined in compliance with applicable law.

3. MUNICIPAL SERVICES.

- a. Commencing on the Effective Date, the City will provide for the Property the municipal services set forth in this subsection.
 - i. Police. The City's Police Department will provide law enforcement services.
 - ii. Building Inspection and Code Enforcement. The City will provide code enforcement services. This includes issuing building, electrical, plumbing, and other permits and providing inspection services for new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City. These include zoning enforcement, animal control, subdivision regulation, and junk vehicle compliance, among other City codes and ordinances.
 - iii. Planning and Zoning. The City will provide comprehensive planning, land development, land use, and building review and inspection services.
 - iv. Parks and Recreational Facilities. The Property will have the same rights as other, similar property in the City concerning publicly-owned parks and recreational facilities throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation.
- b. The City does not provide the following services to the Property and does not contract to do so:
 - i. Fire Protection. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide fire protection services to the Property.
 - ii. Emergency Medical Services. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide emergency medical services to the Property.
 - iii. Stormwater Drainage. At this time, stormwater drainage is provided by a municipal utility district.
 - iv. Roads and Streets. The City will maintain any adjoining city streets, streetlights, and regulatory signs over which the City has jurisdiction, except to the extent that another public entity or homeowners' association is obligated to provide those services.
 - v. Water and Wastewater. At this time, water and wastewater services are provided by a municipal utility district.
 - vi. Solid Waste Services. At this time, the City does not provide solid waste services.
- c. The City shall not be required to provide a service except as expressly provided by this Agreement.

- d. Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.
4. **SERVICE LEVEL.** Where this Agreement requires the City to provide a service, the City will provide the Property with a level of that service, related infrastructure, and related infrastructure maintenance that are comparable to the level of services, infrastructure, and infrastructure maintenance provided by the City in other parts of the City with topography, land use, population density, and other pertinent factors similar to those of the Property.
5. **AUTHORITY.** City and Owner represent that they have full power, authority, and legal right to execute, deliver, and perform their respective obligations pursuant to this Agreement. Owner acknowledges that approval of the annexation is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.
6. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
7. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by Texas Law. Venue of any litigation concerning this Agreement or the subject matter hereof shall be only in the state courts located in Brazoria County, Texas or the United States District Court for the Southern District of Texas, Houston or Galveston Division.
9. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
10. **GOVERNMENTAL POWERS AND IMMUNITIES.** The parties agree that neither the execution of this Agreement nor any act, omission, or condition relating to this Agreement shall ever be a waiver of governmental or official powers or immunities of any nature.
11. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

13. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. NOT A THIRD PARTY CONTRACT.

a. This Agreement is binding on and inures to the benefit of the parties and their respective successors and assigns. The terms of this Agreement constitute covenants running with the land comprising the Property. This Agreement shall be recorded in the Official Records of the Brazoria County Clerk.

b. This is not a third party contract and does not create any rights of any person except the parties and their respective successors and assigns, as provided in the preceding subsection.

14. REMEDIES. No party shall be liable for monetary damages for the breach of this Agreement. The sole remedy for a breach of this Agreement by the City shall be disannexation as provided in Section 43.141 of the Texas Local Government Code.

15. ENTIRE AGREEMENT.

a. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties concerning the subject matter hereof, except that nothing herein shall impair any rights under the contract by which City sold the Property to Owner or the documents executed pursuant to that contract.

b. This Agreement shall not be amended unless executed in writing by both parties.

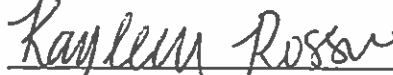
16. EFFECTIVE DATE: This Agreement shall be effective upon the annexation of the Property by the City.

SIGNATURE PAGES FOLLOW.

CITY OF IOWA COLONY, TEXAS

By: 
Michael Byrum-Bratsen,
Mayor

ATTEST:

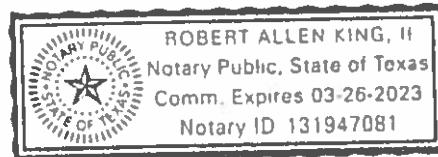

Kayleen Rosser,
City Secretary

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Michael Byrum-Bratsen, as Mayor of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: 
Notary Public, State of Texas

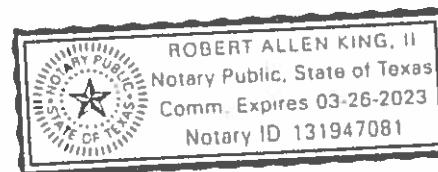


STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Kayleen Rosser, as City Secretary of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: 
Notary Public, State of Texas



RALLY 288 WEST, LLC

By: 
Mathew Lawson,
Authorized Agent

STATE OF TEXAS §
COUNTY OF Harris §
~~BRAZORIA~~

This instrument was acknowledged before me on the 20th day of December, 2021, by Mathew Lawson, as the Authorized Agent, on behalf of Rally 288 West, LLC.

By: 
Notary Public, State of Texas

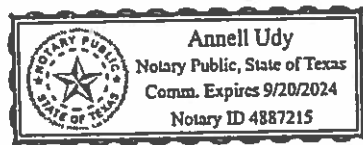


EXHIBIT "A-1"

**METES AND BOUNDS DESCRIPTION
BRAZORIA COUNTY M.U.D. NO. 57 ANNEXATION TRACT 12
BEING 259.43 ACRES
SITUATED IN THE
W.H. DENNIS (H. T. & B. R.R. COMPANY SURVEY, SECTION 50), ABSTRACT 512
BRAZORIA COUNTY, TEXAS**

DESCRIPTION OF A 259.43 ACRE TRACT OF LAND SITUATED IN THE W.H. DENNIS (H. T. & B. R.R. COMPANY SURVEY, SECTION 50), ABSTRACT 512, BRAZORIA COUNTY, TEXAS, BEING THE RESIDUE OF THAT CERTAIN 285.913 ACRE TRACT OF LAND CONVEYED TO RALLY 288 WEST, LLC BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2013040085, SAID 259.43 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at the northwesterly corner of the said 285.913 acre tract, same being in the common line of the W.H. Dennis (H.T. & B.R.R. Company Survey, Section 50), Abstract 512, and the H.T. & B.R.R. Company Survey, Section 51, Abstract 288, also being within County Road 64 (based on a width of 40 feet) having state plane (grid) coordinates of X = 3,103,231.96 and Y = 13,719,190.01;

- 1) THENCE, North 87°20'14" East, along the northerly line of said 285.913 acre tract with County Road 64 for a distance of 1,213.12 feet to the northeasterly corner of the herein described tract being in the westerly right-of-way line of State Highway 288 (based on 2018 Alignment Maps);

THENCE, along the westerly line of said State Highway 288 the following six (6) courses and distances:
 - 2) South 02°29'27" East, for a distance of 64.66 feet to a point for corner;
 - 3) North 87°21'16" East, for a distance of 197.25 feet to a point in the arc of a non-tangent curve;
 - 4) In a southeasterly direction along the arc of said non-tangent curve to the left having a radius of 724.00 feet, a central angle of 54°11'43", an arc length of 684.82 feet, and a chord bearing of South 35°07'31" East, for a distance of 659.58 feet to a point of tangency;
 - 5) South 62°13'23" East, for a distance of 115.58 feet to a point for non-tangent curve to the right;
 - 6) In a southeasterly direction along the arc of said non-tangent curve to the right having a radius of 596.00 feet, a central angle of 54°09'25", an arc length of 563.35 feet, and a chord bearing of South 35°08'40" East, for a distance of 542.61 feet to a point for corner;
 - 7) South 02°18'54" East, for a distance of 1,060.58 feet to the northeasterly corner of that certain 18.00 acre tract recorded under B.C.C.F. NO. 2007010789;
- 8) THENCE, North 41°51'11" West, along the northerly line of the said 18.00 acre tract for a distance of 107.39 feet to a point of curvature;
- 9) THENCE, continuing along the northerly line of the said 18.00 acre tract in a northwesterly direction along the arc of said curve to the left having a radius of 510.00 feet, a central angle of 34°06'15", an arc length of 303.57 feet, and a chord bearing of North 58°54'19" West, for a distance of 299.11 feet to a point of tangency;
- 10) THENCE, North 75°57'26" West, continuing along the said northerly line for a distance of 272.19 feet to the northwesterly corner of said 18.00 acre tract;
- 11) THENCE, South 02°32'23" East, along the westerly line of said 18.00 acre tract for a distance of 1,480.35 feet to the southwesterly corner of said 18.00 acre tract;

- 12) THENCE, North 87°40'47" East, along the southerly line of said 18.00 tract for a distance of 545.96 feet to the southeasterly corner of said 18.00 acre tract being in the westerly right-of-way line of said State Highway 288;

THENCE, continuing along the westerly right-of-way line of said State Highway 288 the following twelve (12) courses and distances:

- 13) South 01°32'17" West, for a distance of 137.59 feet to a point for non-tangent curve to the right;
- 14) In a southwesterly direction along the arc of said non-tangent curve to the right having a radius of 1,041.74 feet, a central angle of 46°38'29", an arc length of 848.02 feet, and a chord bearing of South 24°51'32" West, for a distance of 824.80 feet to a point of tangency;
- 15) South 48°10'46" West, for a distance of 221.16 feet to a point of curvature;
- 16) In a southwesterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°14'59", an arc length of 354.00 feet, and a chord bearing of South 26°03'17" West, for a distance of 345.27 feet to a point for corner;
- 17) South 46°37'32" West, for a distance of 69.92 feet to a point for corner;
- 18) South 87°40'04" West, for a distance of 150.00 feet to a point for corner;
- 19) South 02°19'14" East, for a distance of 120.00 feet to a point for corner;
- 20) North 87°40'04" East, for a distance of 150.00 feet to a point for corner;
- 21) South 51°16'00" East, for a distance of 69.92 feet to a point in the arc of a non-tangent curve to the left;
- 22) In a southeasterly direction along the arc of said non-tangent curve to the left having a radius of 458.37 feet, a central angle of 44°14'59", an arc length of 354.00 feet, and a chord bearing of South 30°41'45" East, for a distance of 345.27 feet to a point of tangency;
- 23) South 52°49'14" East, for a distance of 52.06 feet to a point of curvature;
- 24) In a southeasterly direction along the arc of said curve to the right having a radius of 1,273.24 feet, a central angle of 04°18'08", an arc length of 95.61 feet, and a chord bearing of South 50°40'10" East, for a distance of 95.58 feet to the southeasterly corner of the herein described tract and being in County Road 63 (based on a width of 40 feet);
- 25) THENCE, South 87°18'36" West, along the southerly line of said 285.913 acre tract with said County Road 63 and for a distance of 1,980.12 feet to the southwesterly corner of the herein described tract;

THENCE, along the westerly line of said 285.913 acre tract the following seventeen (17) courses and distances:

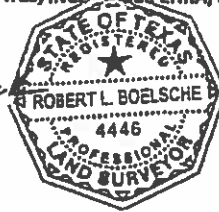
- 26) North 02°45'05" West, for a distance of 880.20 feet to a point for corner;
- 27) South 87°18'25" West, for a distance of 660.21 feet to a point for corner;
- 28) North 02°45'05" West, for a distance of 880.16 feet to a point for corner;
- 29) North 87°18'25" East, for a distance of 660.21 feet to a point for corner;
- 30) North 02°45'05" West, for a distance of 879.62 feet to a point for corner;
- 31) South 87°20'14" West, for a distance of 165.00 feet to a point for corner;

- 32) North 02°53'05" West, for a distance of 880.01 feet to a point for corner;
- 33) South 87°20'14" West, for a distance of 494.70 feet to a point for corner;
- 34) North 02°40'06" West, for a distance of 879.08 feet to a point for corner;
- 35) North 87°15'40" East, for a distance of 495.97 feet to a point for corner;
- 36) South 02°37'35" East, for a distance of 879.74 feet to a point for corner;
- 37) North 87°20'14" East, for a distance of 497.33 feet to a point for corner;
- 38) South 02°54'34" East, for a distance of 881.57 feet to a point for corner;
- 39) North 87°03'07" East, for a distance of 247.48 feet to a point for corner;
- 40) North 02°54'07" West, for a distance of 880.34 feet to a point for corner;
- 41) South 87°20'14" West, for a distance of 247.60 feet to a point for corner;
- 42) North 02°45'50" West, for a distance of 1,760.00 feet to the POINT OF BEGINNING and containing 259.43 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS No. 10092300

Robert L. Boelsche
Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: October 6, 2021
Job No: 071-045-00
File No: R:\2007\071-045-00\documents\technical\2021\07104500-MUD 57 ANNEX-TRACT-12.doc

**MUNICIPAL SERVICES AGREEMENT
BETWEEN THE CITY OF IOWA COLONY, TEXAS AND
RALLY 288 EAST, LLC**

This Municipal Services Agreement ("Agreement") is entered into by the City of Iowa Colony, Texas ("City") and Rally 288 East, LLC ("Owner").

RECITALS

The parties agree that the following recitals are true and form the basis upon which the parties have entered into this Agreement.

Section 43.0671 of the Texas Local Government Code ("LGC") permits the City to annex an area if each owner of land in an area requests the annexation

When the City elects to annex such an area, the City is required to enter into a written agreement with the property owner that sets forth the City services to be provided for the Property on or after the effective date of the annexation (the "Effective Date").

Owner owns approximately 132.15 acres of land ("Property") generally located in the northeast quadrant of the intersection of Dubuque Parkway (C.R. 63) and State Highway 288, which is the property in Brazoria County Appraisal District Property ID No. 116982 and Geographic ID No. 0259-0001-000 and which is situated in Brazoria County, Texas and in the City's extraterritorial jurisdiction, and the Property is described on Exhibit "A", which is attached and incorporated herein by reference.

Owner has filed a written request with the City for full-purpose annexation of the Property.

City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. PROPERTY. This Agreement is only applicable to the Property.

2. METHODS OF PROVIDING SERVICES.

a. This Agreement provides for the delivery of services to the Property as herein provided, in accordance with state law and applicable city ordinances, rules, regulations, and policies. The City may accomplish the delivery of any services required by this Agreement through any means permitted by law. Without limiting the generality of the foregoing, whenever this Agreement requires the City to provide a service, the City may do so either directly or by arranging for delivery of that service through another governmental entity, a private entity, or any other person and in any lawful manner.

b. Nothing herein shall impair any rights of any party under the contract by which Owner purchased the Property from the City or the documents executed pursuant to that contract.

- c. Fees and charges for public services of any nature are beyond the scope of this Agreement and shall be determined in compliance with applicable law.

3. MUNICIPAL SERVICES.

- a. Commencing on the Effective Date, the City will provide for the Property the municipal services set forth in this subsection.
 - i. Police. The City's Police Department will provide law enforcement services.
 - ii. Building Inspection and Code Enforcement. The City will provide code enforcement services. This includes issuing building, electrical, plumbing, and other permits and providing inspection services for new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City. These include zoning enforcement, animal control, subdivision regulation, and junk vehicle compliance, among other City codes and ordinances.
 - iii. Planning and Zoning. The City will provide comprehensive planning, land development, land use, and building review and inspection services.
 - iv. Parks and Recreational Facilities. The Property will have the same rights as other, similar property in the City concerning publicly-owned parks and recreational facilities throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation.
- b. The City does not provide the following services to the Property and does not contract to do so:
 - i. Fire Protection. At this time, the Iowa Colony Volunteer Fire Department, which is not a part of the City, and Brazoria County Emergency Services District No. 3 provide fire protection services to the Property.
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 - iii. Stormwater Drainage. At this time, stormwater drainage is provided by a municipal utility district.
 - iv. Roads and Streets. The City will maintain any adjoining city streets, streetlights, and regulatory signs over which the City has jurisdiction, except to the extent that another public entity or homeowners' association is obligated to provide those services.
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 - vi. Solid Waste Services. At this time, the City does not provide solid waste services.
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4. **SERVICE LEVEL.** Where this Agreement requires the City to provide a service, the City will provide the Property with a level of that service, related infrastructure, and related infrastructure maintenance that are comparable to the level of services, infrastructure, and infrastructure maintenance provided by the City in other parts of the City with topography, land use, population density, and other pertinent factors similar to those of the Property.
5. **AUTHORITY.** City and Owner represent that they have full power, authority, and legal right to execute, deliver, and perform their respective obligations pursuant to this Agreement. Owner acknowledges that approval of the annexation is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.
6. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
7. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by Texas Law. Venue of any litigation concerning this Agreement or the subject matter hereof shall be only in the state courts located in Brazoria County, Texas or the United States District Court for the Southern District of Texas, Houston or Galveston Division.
9. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
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12. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

13. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. NOT A THIRD PARTY CONTRACT.

a. This Agreement is binding on and inures to the benefit of the parties and their respective successors and assigns. The terms of this Agreement constitute covenants running with the land comprising the Property. This Agreement shall be recorded in the Official Records of the Brazoria County Clerk.

b. This is not a third party contract and does not create any rights of any person except the parties and their respective successors and assigns, as provided in the preceding subsection.

14. REMEDIES. No party shall be liable for monetary damages for the breach of this Agreement. The sole remedy for a breach of this Agreement by the City shall be disannexation as provided in Section 43.141 of the Texas Local Government Code.

15. ENTIRE AGREEMENT.

a. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties concerning the subject matter hereof, except that nothing herein shall impair any rights under the contract by which City sold the Property to Owner or the documents executed pursuant to that contract.

b. This Agreement shall not be amended unless executed in writing by both parties.

16. EFFECTIVE DATE: This Agreement shall be effective upon the annexation of the Property by the City.

SIGNATURE PAGES FOLLOW.

CITY OF IOWA COLONY, TEXAS

By: *Michael Byrum-Bratsen*
Michael Byrum-Bratsen,
Mayor

ATTEST:

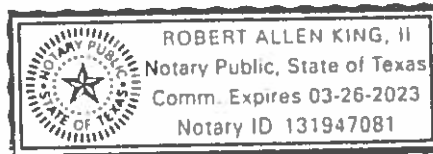
Kayleen Rosser
Kayleen Rosser,
City Secretary

STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Michael Byrum-Bratsen, as Mayor of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: *Robert Allen King, II*
Notary Public, State of Texas

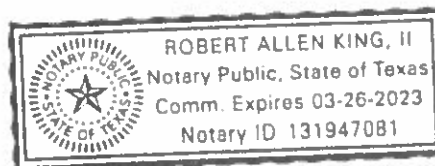


STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 20 day of December, 2021, by Kayleen Rosser, as City Secretary of the City of Iowa Colony, a Texas municipal corporation, on behalf of said corporation.

By: *Robert Allen King, II*
Notary Public, State of Texas



By:

By:

Municipal Services Agreement Between the City of Iowa Colony and Rally 288 East, LLC - Page 6 of 6

EXHIBIT "A-2"

**METES AND BOUNDS DESCRIPTION
BRAZORIA COUNTY M.U.D. NO. 57 ANNEXATION TRACT 11
BEING 132.15 ACRES
SITUATED IN THE
H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259
BRAZORIA COUNTY, TEXAS**

DESCRIPTION OF A 132.15 ACRE TRACT OF LAND SITUATED IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 49, ABSTRACT 259, BRAZORIA COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 132.1854 ACRE TRACT OF LAND CONVEYED TO RALLY 288 WEST, LLC BY DEED RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. No.) 2013040084, SAID 132.15 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE 4204, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at the northerly right-of-way line of County Road 64 (based on a width of 40 feet) being the southeasterly corner of said 132.1854 acre tract having state plane (grid) coordinates of X = 3,108,427.36 and Y = 13,714,172.16;

- 1) **THENCE, South 87°16'27" West, along the southerly line of said 132.1854 acre tract and the northerly right-of-way line of said County Road 64 for a distance of 1,900.12 feet to a point for corner in the easterly right-of-way line of State Highway 288 (based on 2018 Alignment Maps);**

THENCE, along the easterly line of said State Highway 288 the following twelve (12) courses and distances:

- 2) **North 48°10'58" East, for a distance of 102.36 feet to a point for corner;**
- 3) **In a northeasterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°16'19", an arc length of 354.25 feet, and a chord bearing of North 26°02'33" East, for a distance of 345.49 feet to a point for corner;**
- 4) **North 47°14'28" East, for a distance of 70.53 feet to a point for corner;**
- 5) **North 87°39'11" East, for a distance of 149.95 feet to a point for corner;**
- 6) **North 02°20'49" West, for a distance of 120.00 feet to a point for corner;**
- 7) **South 87°39'11" West, for a distance of 150.00 feet to a point for corner;**
- 8) **North 50°26'06" West, for a distance of 69.60 feet to a point for corner;**
- 9) **In a northwesterly direction along the arc of said curve to the left having a radius of 458.37 feet, a central angle of 44°12'07", an arc length of 353.62 feet, and a chord bearing of North 30°49'08" West, for a distance of 344.91 feet to a point for corner;**
- 10) **North 52°55'12" West, for a distance of 52.06 feet to a point for corner;**
- 11) **In a northwesterly direction along the arc of said curve to the right having a radius of 1,273.24 feet, a central angle of 40°34'29", an arc length of 901.66 feet, and a chord bearing of North 32°37'57" West, for a distance of 882.94 feet to a point for corner;**
- 12) **North 12°20'42" West, for a distance of 581.22 feet to a point for corner;**
- 13) **North 02°18'54" West, for a distance of 517.42 feet to the westerly common corner of said 132.1854 acre tract and that certain tract called 206.73 acres conveyed to Alvin Independent School District by deed recorded under B.C.C.F. NO. 2018061880;**
- 14) **THENCE, North 87°19'08" East, along the common line between said 132.1854 acre tract and said 206.73 acre tract for a distance of 2,389.63 feet to the easterly common corner of said 132.1854 acre tract and said 206.73 acre tract of land;**

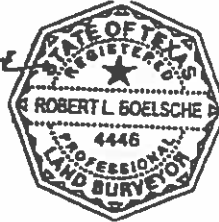
- 15) THENCE, South 02°40'32" East, along the easterly line of said 132.1854 acre tract for a distance of 2,771.16 feet to the POINT OF BEGINNING and containing 132.15 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EDMINSTER, HINSHAW, RUSS AND ASSOCIATES, INC. dba EHRA, Inc. TBPELS No. 10092300

Robert L. Boelsche

Robert L. Boelsche, R.P.L.S.
Texas Registration No. 4446
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: October 6, 2021

Job No: 071-045-00

File No: R:\2007\071-045-00\documents\technical\2021\07104500-MUD 57 ANNEX-TRACT-11.doc



12003 Iowa Colony Blvd.
Iowa Colony Tx. 77583
Phone: 281-369-2471
Fax: 281-369-0005
www.iowacolonytx.gov

CERTIFICATION

STATE OF TEXAS
COUNTY OF BRAZORIA
CITY OF IOWA COLONY

I, Kayleen Rosser, City Secretary of the City of Iowa Colony, Texas being the person charged with the care, custody, and control of the records, do hereby certify that the foregoing is a true, correct, and complete copy of Ordinance No. 2021-37 approved by the City Council on the 20th day of December, 2021, in the City of Iowa Colony, Texas, and I further certify that the same has not been repealed, amended, altered, or changed in any way since its enactment.

IN TESTIMONY WHEREOF witness my hand and the seal of the City of Iowa Colony, Texas, on the 21st day of December, 2021.



Kayleen Rosser

KAYLEEN ROSSER, CITY SECRETARY
CITY OF IOWA COLONY

FILED and RECORDED

Instrument Number: 2021083573

Filing and Recording Date: 12/21/2021 11:30:50 AM Pages: 27 Recording Fee: \$126.00

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



A handwritten signature in black ink that reads "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

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

cclerk-clare

Appendix B

ORDINANCE NO. 73- C

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARIES OF IOWA COLONY, TEXAS, AND THE ANNEXATION OF CERTAIN ADJACENT TERRITORY CONSISTING OF LAND BEING A PORTION OF THE W. H. DENNIS SURVEY NO. 52, ABSTRACT 513, a PORTION OF THE H. T. & B. R.R. COMPANY SURVEY NO. 49, ABSTRACT 259, A PORTION OF THE C. M. HAYS SURVEY NO. 4, ABSTRACT 532, A PORTION OF THE LAVACA NAVIGATION COMPANY SURVEY NO. 3, ABSTRACT 328, A PORTION OF THE C. M. HAYS SURVEY NO. 2, ABSTRACT 531, A PORTION OF THE W. H. DENNIS SURVEY NO. 50, ABSTRACT 512, A PORTION OF THE LAVACA NAVIGATION COMPANY SURVEY NO. 1, ABSTRACT 329, AND A PORTION OF THE H. T. & B. R. R. COMPANY SURVEY NO. 51, ABSTRACT 288, AND BEING MORE PARTICULARLY DESCRIBED BELOW:

WHEREAS, it would be convenient and desirable for territory now lying adjacent of Iowa Colony, whose inhabitants have signed a petition to that effect, and

WHEREAS, A public hearing has been held in accordance with State Law on the question of annexation of the hereinafter described territory, said hearing having been held more than ten days prior to the initial reading of this Ordinance and not more than twenty days prior to the initial reading of this Ordinance and notice of said hearing having been given by publication in accordance with law:

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

That the following described land and territory lying adjacent to and adjoining the City of Iowa Colony, Texas, is hereby added and annexed to the City of Iowa Colony. Said territory hereinafter described shall hereafter be included within the boundaries and City Limits of the City of Iowa Colony, Texas, at the various points contiguous to the area hereinafter described, are hereby altered and amended so as to include the following described area within the Corporate Limits of the City of Iowa Colony, Texas:

BEGINNING At the common corner of the W. H. Dennis Survey No. 52, Abstract 513, the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the W. H. Dennis Survey No. 50, Abstract 512, and the H. T. & B. R.R. Company Survey No. 49, Abstract 259, Brazoria County, Texas;

THENCE NORTH along the common line between H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 52, a distance of 660.0 feet to a point for corner;

THENCE EAST 660.0 feet from and parallel to the common line of the W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 4880.0 feet to a point on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE SOUTH along the West line of the present Iowa Colony Corporate Limits, at 660.0 feet cross County Road No. 64, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE WEST- 660.0 feet from and parallel to the common line between the aforesaid W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 9900.0 feet to a point for corner, which is located SOUTH- 660.0 feet and EAST - 660.0 feet from the Northwest corner of the W. H. Dennis Survey No. 50;

THENCE SOUTH parallel to and 660.0 feet from the West line of the W. H. Dennis Survey No. 50, which is the approximate center line of County Road No. 48, a distance of 440.0 feet to a point for corner;

THENCE EAST - 1320.0 feet to a point for corner;

THENCE SOUTH, at 660.0 feet cross the centerline of County Road No. 758, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE WEST parallel to and 660.0 feet from County Road No. 758, a distance of 1320.0 feet to a point for corner, which is located SOUTH - 660.0 feet and EAST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 758;

THENCE SOUTH parallel to and 660.0 feet Easterly from the centerline of County Road No. 48, a distance of 4000.0 feet to a point for corner, said point being located EAST - 660.0 feet and SOUTH - 1100.0 feet from the Southwest corner of the W. H. Dennis Survey No. 50, Abstract 517;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 4072.0 feet to the Northeast corner of the herein described tract;

THENCE SOUTH, at 460.0 feet pass the lower Northwest corner of the present Iowa Colony Corporate Limits, and continue for a total distance of 1320.0 feet to a point for the Southeast corner of the herein described tract on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE WEST parallel to and 660.0 feet SOUTH of County Road No. 54, a distance of 9007.0 feet to a point for the most Southwest corner of the herein described tract;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 54, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 3615.0 feet to a point for corner, which is located NORTH - 660.0 feet and WEST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 54;

THENCE NORTH parallel to and 660.0 feet Westerly from the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, said point being located SOUTH 660.0 feet and WEST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 382;

THENCE WEST parallel to and 660.0 feet Southerly from the centerline of County Road No. 382, a distance of 3640.0 feet to a point for corner;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 382, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE EAST parallel to and 660.0 feet Northerly from the centerline of County Road No. 382, a distance of 3300.0 feet to a point for corner in the centerline of County Road No. 48, which is also the common line between the W. H. Dennis Survey No. 50, Abstract 512, and the C. M. Hays Survey No. 2, Abstract 531;

THENCE NORTH along the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, which is 660.0 feet due SOUTH of the common corner of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the Lavaca Navigation Company Survey No. 1, Abstract 329, the C. M. Hays Survey No. 2, Abstract 531, and the W. H. Dennis Survey No. 50, Abstract 512;

THENCE due WEST - 1000.0 feet to a point for corner;

THENCE NORTH - 1320.0 feet to a point for corner;

THENCE EAST - 1000.0 feet to a point for corner in the centerline of County Road No. 48, being the common line of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, and the Lavaca Navigation Company Survey No. 1, Abstract 329;

THENCE SOUTH along said line, a distance of 660.0 feet to a point for the common corner of the aforesaid surveys;

THENCE EAST along the common line between the H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 50, which is also the approximate centerline of County Road No. 64, a distance of 5280.0 feet to the PLACE OF BEGINNING.

The above described additional territory and area so annexed shall hereafter in all respects be a part of the City of Iowa Colony, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of the citizens of Iowa Colony and shall be bound by the acts, ordinances, resolutions and regulations of the City of Iowa Colony, Texas.

Passed and approved this the 9th day of July, 1973.

CITY OF IOWA COLONY

By: Maurice S. Bright
Maurice S. Bright, Mayor

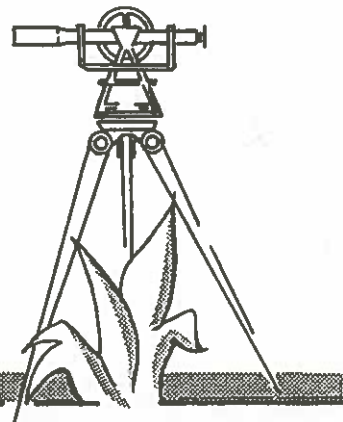
ATTEST:

Carolyn E. Bowen
Carolyn E. Bowen, City Secretary



D. H. ADAMS
Registered Public Surveyor

217 W. Sealy St. - Ph. 331-3523
ALVIN, TEXAS 77511



F I E L D N O T E S

IOWA COLONY ANNEX NO. 3

Being a portion of the W. H. Dennis Survey No. 52, Abstract 513, a portion of the H. T. & B. R.R. Company Survey No. 49, Abstract 259, a portion of the C. M. Hays Survey No. 4, Abstract 532, a portion of the Lavaca Navigation Company Survey No. 3, Abstract 328, a portion of the C. M. Hays Survey No. 2, Abstract 531, a portion of the W. H. Dennis Survey No. 50, Abstract 512, a portion of the Lavaca Navigation Company Survey No. 1, Abstract 329, and a portion of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, and being more particularly described as follows:

BEGINNING~at the common corner of the W. H. Dennis Survey No. 52, Abstract 513, the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the W. H. Dennis Survey No. 50, Abstract 512, and the H. T. & B. R.R. Company Survey No. 49, Abstract 259, Brazoria County, Texas;

THENCE NORTH along the common line between H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 52, a distance of 660.0 feet to a point for corner;

THENCE EAST - 660.0 feet from and parallel to the common line of the W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 4880.0 feet to a point on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE SOUTH along the West line of the present Iowa Colony Corporate Limits, at 660.0 feet cross County Road No. 64, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE WEST - 660.0 feet from and parallel to the common line between the aforesaid W. H. Dennis Survey No. 52 and the H. T. & B. R.R. Company Survey No. 49, a distance of 9900.0 feet to a point for corner, which is located SOUTH - 660.0 feet and EAST - 660.0 feet from the Northwest corner of the W. H. Dennis Survey No. 50;

THENCE SOUTH parallel to and 660.0 feet from the West line of the W. H. Dennis Survey No. 50, which is the approximate centerline of County Road No. 48, a distance of 440.0 feet to a point for corner;

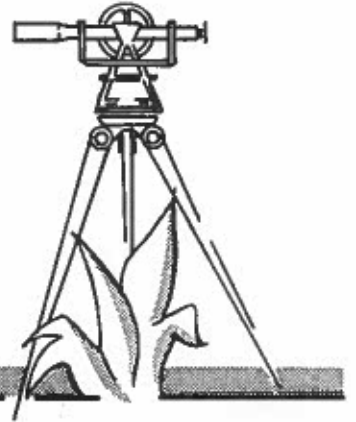
THENCE EAST - 1320.0 feet to a point for corner;

THENCE SOUTH, at 660.0 feet cross the centerline of County Road No. 758, and continue for a total distance of 1320.0 feet to a point for corner;



D. H. ADAMS
Registered Public Surveyor

217 W. Sealy St. - Ph. 331-3523
ALVIN, TEXAS 77511



F I E L D N O T E S

IOWA COLONY ANNEX NO. 3

Page 2

THENCE WEST parallel to and 660.0 feet from County Road No. 758, a distance of 1320.0 feet to a point for corner, which is located SOUTH - 660.0 feet and EAST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 758;

THENCE SOUTH parallel to and 660.0 feet Easterly from the centerline of County Road No. 48, a distance of 4000.0 feet to a point for corner, said point being located EAST - 660.0 feet and SOUTH - 1100.0 feet from the Southwest corner of the W. H. Dennis Survey No. 50, Abstract 512;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 4072.0 feet to the Northeast corner of the herein described tract;

THENCE SOUTH, at 460.0 feet pass the lower Northwest corner of the present Iowa Colony Corporate Limits, and continue for a total distance of 1320.0 feet to a point for the Southeast corner of the herein described tract on the Westerly line of the present Iowa Colony Corporate Limits;

THENCE WEST parallel to and 660.0 feet SOUTH of County Road No. 54, a distance of 9007.0 feet to a point for the most Southwest corner of the herein described tract;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 54, and continue for a total distance of 1320.0 feet to a point for corner;

THENCE EAST parallel to and 660.0 feet NORTH of County Road No. 54, a distance of 3615.0 feet to a point for corner, which is located NORTH - 660.0 feet and WEST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 54;

THENCE NORTH parallel to and 660.0 feet Westerly from the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, said point being located SOUTH 660.0 feet and WEST - 660.0 feet from the intersection of the centerline of County Road No. 48 and County Road No. 382;

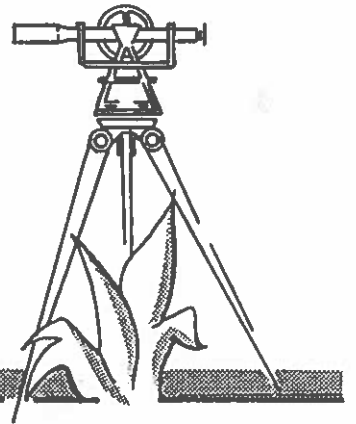
THENCE WEST parallel to and 660.0 feet Southerly from the centerline of County Road No. 382, a distance of 3640.0 feet to a point for corner;

THENCE NORTH, at 660.0 feet cross the centerline of County Road No. 382, and continue for a total distance of 1320.0 feet to a point for corner;



D. H. ADAMS
Registered Public Surveyor

217 W. Sealy St. - Ph. 331-3523
ALVIN, TEXAS 77511



F I E L D N O T E S

IOWA COLONY ANNEX NO. 3

Page 3

THENCE EAST parallel to and 660.0 feet Northerly from the centerline of County Road No. 382, a distance of 3300.0 feet to a point for corner in the centerline of County Road No. 48, which is also the common line between the W. H. Dennis Survey No. 50, Abstract 512, and the C. M. Hays Survey No. 2, Abstract 531;

THENCE NORTH along the centerline of County Road No. 48, a distance of 2200.0 feet to a point for corner, which is 660.0 feet due SOUTH of the common corner of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, the Lavaca Navigation Company Survey No. 1, Abstract 329, the C. M. Hays Survey No. 2, Abstract 531, and the W. H. Dennis Survey No. 50, Abstract 512;

THENCE due WEST - 1000.0 feet to a point for corner;

THENCE NORTH - 1320.0 feet to a point for corner;

THENCE EAST - 1000.0 feet to a point for corner in the centerline of County Road No. 48, being the common line of the H. T. & B. R.R. Company Survey No. 51, Abstract 288, and the Lavaca Navigation Company Survey No. 1, Abstract 329;

THENCE SOUTH along said line, a distance of 660.0 feet to a point for the common corner of the aforesaid surveys;

THENCE EAST along the common line between the H. T. & B. R.R. Company Survey No. 51 and the W. H. Dennis Survey No. 50, which is also the approximate centerline of County Road No. 64, a distance of 5280.0 feet to the PLACE OF BEGINNING.

Field notes written November 21, 1973.

BY: *D. H. Adams*
D. H. Adams, Registered Public Surveyor



Appendix C