

PAUL A. PHILBIN & ASSOC., P.C.

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(713) 783-4120 • FAX (713) 783-8812

June 22, 2020

Ms. Diana Stapp, City Secretary
City of League City
300 West Walker
League City, Texas 77573

RE: Proposed Annexation of 38.643 Acres into
Bay Colony West Municipal Utility District ("District")

Dear Ms. Stapp:

Enclosed for filing with the City of League City is an original duly executed Petition for Consent to Annex Land into Bay Colony West Municipal Utility District. The Petition is executed by Cervelle Custom Homes, LTD., the current holder of title to all the lands described in the Petition.

The Board of Directors has determined that the annexation of this acreage is feasible and will benefit the District. The District proposes to provide water, sewer and drainage facilities to service this tract pursuant to the Utility Agreement with the City. It should be noted that the annexation tract is a long and narrow tract which lies directly in between the existing boundaries of the District. Enclosed is a Master Plan Vicinity Map showing the location of the tract in relationship to the District. The Board has concluded that adding the land into the District would facilitate its existing water, sewer and drainage functions.

We have prepared eleven (11) copies of the enclosed consent package and respectfully request that you distribute them to the Mayor, the Council members and the City Staff as labeled.

If possible, we would respectfully request that this matter be placed upon the City Council's next available Agenda for consideration and approval. Your assistance in processing this matter is greatly appreciated.

Very truly yours,



Dax W. Philbin
Attorney for District

encs.

cc: Honorable Pat Hallisey, Mayor
League City Council Members
Nghiem Doan, City Attorney
David Hoover, Planning & Development
John Baumgartner, City Manager
Alan Hirshman, Dannenbaum Engineering (e-mail w/o encs.)

VIA EMAIL AND FEDEX

**PETITION FOR CONSENT TO ANNEX LAND INTO
BAY COLONY WEST MUNICIPAL UTILITY DISTRICT**

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF LEAGUE CITY:

The undersigned, hereinafter called "Petitioner," being the sole owner of the land and the holder of title to a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of Galveston County, Texas, acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, and Section 42.042, Local Government Code, respectfully petition for the consent to annex land into Bay Colony West Municipal Utility District, within the terms and provisions of Section 59, Article 16, Constitution of Texas. In support of this petition for consent to include said land within the District, Petitioner shows as follows:

I.

The name of the District which will annex the land is Bay Colony West Municipal Utility District (hereinafter called "District").

II.

The land to be annexed contains 38.643 acres, more or less, and is described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. All of said land is currently within the corporate limits of the City of League City and is not within any other City nor within any other Municipal Utility District.

III.

The Petitioner and the District are seeking the City's consent to annex the 38.643 acres of land. The District concurs in this Petition and believes that this tract of

land can best be developed as part of the District. There are no lienholders having an interest in the property.

IV.

The District is organized for the purposes of and the general nature of the work proposed to be done shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(1) provide a water supply for municipal uses, domestic uses, and commercial purposes;

(2) collect, transport, process, dispose of, and control all domestic, industrial or communal wastes whether in fluid, solid, or composite state;

(3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction, and interest during construction; and

(4) exercise the powers set forth in Section 54.201 of the Texas Water Code, as amended.

V.

Petitioner would respectfully show that the inclusion of these land into the District will result in a more economical and efficient development of these land. As part of Bay Colony West Municipal Utility District, this land can be developed more economically than if they were developed outside the District.

VI.

Petitioner would also respectfully show that Section 49.301 of the Texas Water Code, as amended, allows the owner of the land, whether or not contiguous to the District to file a Petition to add the land into a District and the District may consider the Petition and determine to add the land.

VII.

The area to be annexed into the District is urban in nature, is within the growing environs of the City of League City and is in close proximity to populous and developed sections of Galveston County. That area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services, nor with adequate drainage facilities. The health and welfare of the future inhabitants of the area and of the territories adjacent thereto require installation and acquisition of an adequate water supply and sewage disposal system and an adequate drainage system for and within the area of the District.

A public necessity exists for the annexation of said land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage facilities, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VIII.

Petitioner requests consent for the annexation of the aforesaid land into Bay Colony West Municipal Utility District as set forth herein.

IX.

It is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately Two Million Dollars (\$2,000,000).

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of League City give its written consent to the annexation of the aforesaid land in said District.

(SIGNATURE PAGES TO FOLLOW)

Dated this 10 day of June, 2020.

PETITIONER

CERVELLE CUSTOM HOMES, LTD.,
a Texas Limited Partnership

BY: CERVELLE HOMES, INC.,
a Texas Corporation, its general
partner

By: 

Name: Jeffrey Payson

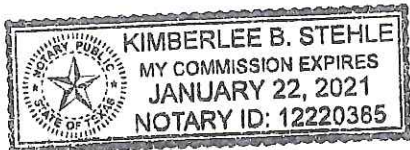
Title: President

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

BEFORE ME, the undersigned authority, on this day personally appeared JEFFREY PAYSON, PRESIDENT of CERVELLE HOMES INC., a Texas Corporation, general partner of Cervelle Custom Homes, Ltd., a Texas Limited Partnership on behalf of said corporation and limited partnership.

GIVEN under my hand and seal of office this the 10 day of June, 2020.



(SEAL)



Notary Public--State of Texas

My Commission Expires: 1-22-21

DISTRICT APPROVAL

Bay Colony West Municipal Utility District hereby evidences its approval and joinder in said Petition and agrees to comply with all valid City of League City requirements.

DATED: May 27, 2020

BAY COLONY WEST
MUNICIPAL UTILITY DISTRICT

BY:


James Maglothin, President
Board of Directors

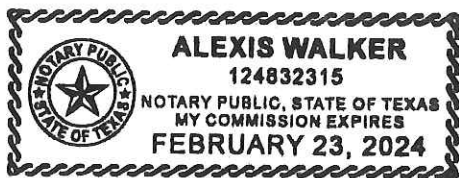
ATTEST:


Angell Fontenot, Deputy Secretary
Board of Directors


ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on this the 27th day of May, 2020, by JAMES MAGLOTHIN and ANGELL FONTENOT, President and Deputy Secretary of the Board of Directors of BAY COLONY WEST MUNICIPAL UTILITY DISTRICT, a political subdivision of the State of Texas, on behalf of said political subdivision.



(SEAL)


Notary Public--State of Texas
My Commission Expires: 2-23-24

County: Galveston
Project: Ervin 40
Job No.: 195625
MB No.: 19-346

FIELD NOTES FOR 38.643 ACRES

Being a tract containing 38.643 acres of land located in the Perry and Austin Upper League, Abstract No. 19, in Galveston County, Texas; Said 38.643 acre tract being a portion of call 40 acre tract of land recorded in the name of George Rice Farish, et al, in Galveston County Clerk's File (G.C.C.F.) Number 8544468. Said 38.643 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System, NAD '83, South Central Zone, based on G.P.S. observations):

BEGINNING at a 5/8-inch capped iron rod found at the northeasterly corner of Lot 10, Block 1, Sedona Section 6, Phase 1, a subdivision recorded in Map No.2019045899 of the Galveston County Map Records (G.C.M.R.), the southeasterly corner of the easterly terminus of Ervin (120 feet wide), recorded in Map No.2019045899 of the G.C.M.R., the southwesterly corner of a call 1.251 acre tract of land recorded in the name of the City of League City in G.C.C.F. No.2019023314 and on the westerly line of aforesaid 40 acre tract;

Thence, with the southerly line of said 1.251 acre tract, North 87 degrees 09 minutes 05 seconds East, a distance of 455.21 feet to a 5/8-inch capped iron rod found at the southwesterly corner of a call 1.279 acre tract of land recorded in the name of the City of League City in G.C.C.F. No.2019006613 and on the westerly line of the remainder of a tract recorded in the name of Douglas F. Latimer, Jr., Trustee in G.C.C.F. No.2002006406;

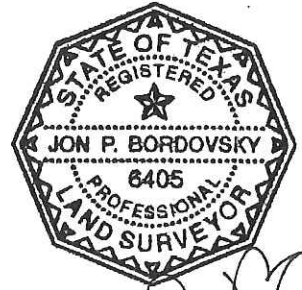
Thence, with said westerly line, the westerly line of a call 106.39 acre tract of land recorded in the name of The League City Patrons of the Park Foundation in G.C.C.F. No.2004029482 and the westerly line of a call 21.37 acre tract of land recorded in the name of Bay Colony West Municipal Utility District in G.C.C.F. No.2018063199, South 03 degrees 02 minutes 55 seconds East, a distance of 3681.05 feet to a 1-inch iron pipe found at the northeasterly corner of Channlee Estates, Section Two, a subdivision recorded in Volume 1, Page 70 of the Galveston County Deed Records (G.C.D.R.) and the southeasterly corner of aforesaid 40 acre tract;

Thence, with the northerly line of said Channlee Estates, Section Two, South 87 degrees 05 minutes 18 seconds West, a distance of 459.29 feet to a 1-inch iron pipe found at the northwesterly corner of said Channlee Estates, Section Two, the southwesterly corner of said 40 acre tract and on the easterly line of Reserve "E" of said Sedona, Section 6, Phase 1;

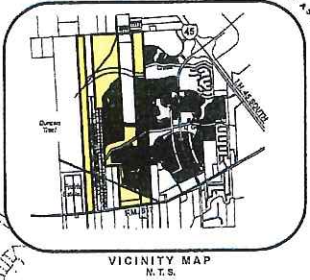
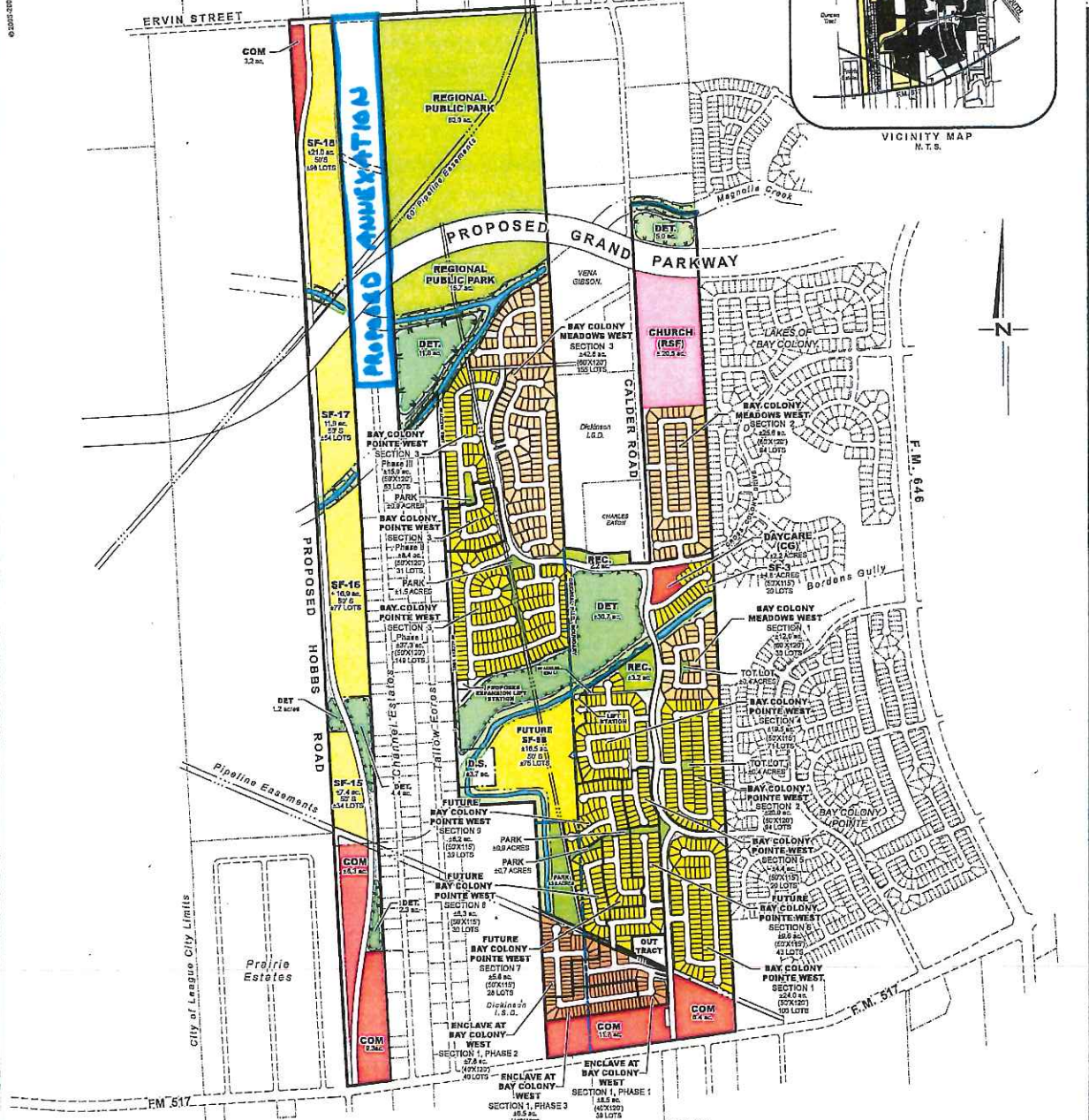
Thence, with the easterly line of said Sedona Section 6, Phase 1, North 02 degrees 59 minutes 06 seconds West, a distance of 3681.55 feet to the **POINT OF BEGINNING** and containing 38.643 acres of land.

**A PLAT OF SURVEY WAS PREPARED IN CONNECTION WITH THIS
DESCRIPTION AND IS FILED IN JOB NUMBER 195625 AT GBI PARTNERS, L.P.**

GBI PARTNERS, L.P.
TBPELS Firm #10130300
281.499.4539
November 6, 2019



Jon P. Bordovsky
11/6/2019



PUD and Master Plan Comparison

Land Use/Zoning District	Approved PUD (Amended)	Percentage of Approved PUD	Master Plan Revision #7	Percentage of Master Plan #7	Percentage of Change
Commercial	34.7 acres		41.1 acres	6.3%	+18%
Total General Commercial (GC)	34.7 acres	6.3%	41.1 acres	6.3%	+18%
Recreation/Open Space	15.4 acres		14.7 acres		-5%
Regional Park	99.7 acres		66.7 acres		-33%
Church	0 acres		20.5 acres		0%
Single-Family Residential	360.4 acres		342.7 acres		-5%
Total Single-Family Residential (RSF)	472.5 acres	72.6%	474.6 acres	72.9%	0%
Constrained (Includes Street R.O.W.s, Major Utility Easements, and Landscape Reserves/Open Space)	144.6 acres	23.1%	135.5 acres	20.6%	-6%
TOTAL ACREAGE	651.2 acres	100.0%	651.2 acres	100.0%	

Lot Analysis

Approved P.U.D. (Amended)	
144-651.2 Acres	408 Lots
32' Wide Lots	957 Lots
50' Wide Lots	399 Lots
60' Wide Lots	1,074 Lots
Total	1,438 Lots

Master Plan Revision No. 7	
144-651.2 Acres	131 Lots
40' Wide Lots	1,019 Lots
50' Wide Lots	288 Lots
60' Wide Lots	1,438 Lots
Total	1,438 Lots

MASTER PLAN REVISION #11

an administrative update of the master plan for
BAY COLONY WEST
 BEING ± 651.2 ACRES OF LAND
 OUT OF THE
 FERRY & AUSTIN UPPER LEAGUE SURVEY, A-19
 CITY OF LEAGUE CITY, GALVESTON COUNTY, TEXAS

prepared for
BAY COLONY EXPANSION 369, LTD.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants
 23501 Cinco Ranch Blvd.
 Suite A-250
 Katy, Texas 77494
 (281) 579-0340
 Fax: (281) 579-0312

SCALE: 1" = 40' NOVEMBER 12, 2012 KGA/S1934-S19
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