



The City of Liberty City Council

Regular Meeting

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 14, 2011

6:00 PM

City Council Chambers

THE City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrival
Mayor Carl Pickett	..	..	..	
Mayor Pro-Tem Mike McCarty	..	..	..	
Councilperson Dennis Beasley	..	..	..	
Councilperson Diane Huddleston	..	..	..	
Councilperson Frank Jordan	..	..	..	
Councilperson Louie Potetz	..	..	..	
Councilperson Libby Simonson	..	..	..	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2067)

Proclamation - LHS Business Professionals

B. Information Item (ID # 2068)

Proclamation - LHS Girls Softball Team

C. Information Item (ID # 2069)

Proclamation - LHS Literary Criticism Team

D. Information Item (ID # 2070)

Various Project Updates

E. Information Item (ID # 2071)

Recycling Report

F. Information Item (ID # 2072)

Annual Review and Update of the Community Development Capital Improvement Program.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A. Minutes Approval

1. Tuesday, May 10, 2011
2. Tuesday, May 17, 2011

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 2051)

Public Hearing on the Condemnation of the Structure Located at 617 Washington Street.

- PH Washington St & Tennessee St. (PDF)

2. Council Action (ID # 2052)

Consider an Order of Abatement for the Structure Located at 617 Washington Street.

- Order of Abatement 617 Washington (DOC)

3. Public Hearing (ID # 2053)

Public Hearing on the Condemnation of the Structure Located at 615 Washington Street.

- PH Washington St & Tennessee St. (PDF)

4. Council Action (ID # 2054)

Consider an Order of Abatement for the Structure Located at 615 Washington Street.

- Order of Abatement 615 Washington (DOC)

5. Public Hearing (ID # 2055)

Public Hearing on the Condemnation of the Structure Located at 107 Tennessee.

- PH Washington St & Tennessee St. (PDF)

6. Council Action (ID # 2056)

Consider an Order of Abatement for the Structure Located at 107 Tennessee.

- Order of Abatement 107 Tennessee (DOC)

7. Public Hearing (ID # 2057)

Public Hearing on the Condemnation of the Structure Located at 618 Confederate Street.

- PH 618 Confederate (PDF)

8. Council Action (ID # 2058)

Consider an Order of Abatement for the Structure Located at 618 Confederate Street.

- Order of Abatement 618 Confederate (DOC)

9. Public Hearing (ID # 2059)

Public Hearing on the Condemnation of the Structure Located at 2722 Cornell Street.

- PH 2722 Cornell #2 (DOC)

10. Resolution (ID # 2060)

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 2722 Cornell Street.

11. Public Hearing (ID # 2061)

Public Hearing on the Condemnation of the Structure Located at 517 Bowie Street.

- PH 517 Bowie #2 (DOC)

12. Resolution (ID # 2062)

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 517 Bowie Street.

13. Public Hearing (ID # 2063)

Public Hearing on the Condemnation of the Structure Located at 205 Avenue E.

- PH 205 Avenue E #2 (DOC)

14. Resolution (ID # 2064)

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 205 Avenue E.

15. Public Hearing (ID # 2065)

Public Hearing on the Condemnation of the Structure Located at 901 MLK.

- PH 901 MLK #2 (DOC)

16. Resolution (ID # 2066)

Consider a Resolution to Affirm the Cost of Demolition and Assess Lien on Property Located at 901 MLK.

17. Council Action (ID # 2073)

Consider Ratifying the Liberty Community Development Corporation's Action to Amend Its Bylaws Regarding Director Requirements.

18. Council Action (ID # 2074)

Consider and Take Action, If Any, on Amending the Liberty Community Development Corporation Bylaws to Include Ways in Which the Board Members Are Elected.

19. Council Action (ID # 2075)

Consider a Release for Stale Mowing Liens.

- Release of Mowing Liens 2011 (DOC)

20. Council Action (ID # 2076)

Consider Award of Bid for the Texas Water Development Board Phase II Wastewater Project.

21. Council Action (ID # 2077)

Consider Award of Bid for Air Conditioning Repairs at the Public Works Service Center.

22. Council Action (ID # 2078)

Consider Award of Bid for Boomerang Tube Substation Controls.

23. Council Action (ID # 2079)

Consider Cancelling the AIR BP Aviation Service Contract, for Aviation Fuel at the Liberty Municipal Airport.

24. Council Action (ID # 2080)

Consider a Change Order for the Round 1 Disaster Funds Generator Contracts.

- Change Order Round 1 Generators(PDF)

25. Council Action (ID # 2081)

Consider a Change Order for Additional Grit Removal at the Wastewater Treatment Plant.

26. Council Action (ID # 2082)

Consider a Lease Agreement for a Backhoe, for the Water Department.

27. Council Action (ID # 2083)

Consider Granting a Right-Of-Way to Boomerang Tube, LLC.

- Boomerang ROW West Side (PDF)

VIII. COUNCIL MEAL

IX. ADJOURNMENT

A. Motion To: Adjourn

CERTIFICATION

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 10th day of June, 2011 at 1:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2011.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2067)

DOC ID: 2067



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2068)

DOC ID: 2068



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.C

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Proclamations

INFORMATION ITEM (ID # 2069)

DOC ID: 2069



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.D

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Project Updates

INFORMATION ITEM (ID # 2070)

DOC ID: 2070



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.E

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 2071)

DOC ID: 2071



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Community Development Capital Improvement Program

INFORMATION ITEM (ID # 2072)

DOC ID: 2072



The City of Liberty City Council

Regular Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, May 10, 2011

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The Meeting was called to order on May 10, 2011 at the City Council Chambers, 1829 Sam Houston, Liberty, TX at 6:02 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Absent	
Al Simonson	Councilperson	Absent	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Randy Gunter	City Attorney	Present	

II. INVOCATION

Mayor Pickett dispensed with the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett dispensed with the pledges to both flags.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

City Manager Gary Broz reported on the following:

- 1) a simulated disaster exercise and Emergency Operations Center will be held next Tuesday at 8:30 a.m. to assure Management and staff's knowledge and familiarity of the City's Emergency Operations Plan,
- 2) a special called meeting will be held on Tuesday, May 17th to issue the Oath of Office to newly elected Council Members, and
- 3) a work session will be held in the near future for Council's review of the proposed changes to the City's Code of Ordinances.

Minutes Acceptance: Minutes of May 10, 2011 6:00 PM (Minutes Approval)

Mayor Pickett reported the following:

- 1) the 3rd Annual Fire Department Muster will be held on Saturday, May 14th, with competitions beginning at 9:00 a.m., and a BBQ lunch served at 11:00 a.m.,
- 2) a copy of the most recently approved Liberty Community Development Corporation minutes are included in the Council packet,
- 3) congratulations to Randy Gunter, Coach of the Liberty High School Literary/Criticism Team for winning 1st place in the State Meet, three years in a row, and
- 4) the Liberty High School Girls Softball Team won their first play-off game and will play Friday night in Tomball, Texas.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 2029)

Various Project Updates

COMMENTS - Current Meeting:

City Manager Gary Broz gave an update on various City projects as follows:

- 1) the new smart meter installation is going well and approximately 200 meters have been installed,
- 2) the Monta Street Ground Storage Tank rehabilitation is complete, and work on the elevated tank begins today,
- 3) the Wastewater Treatment Plant Rehabilitation is now one-half complete, and
- 4) the various departments have now moved into, and are operating out of, the new Public Works Service Center on Main Street.

B. Information Item (ID # 2030)

Recycling Report and "Shred-It" Recognition

COMMENTS - Current Meeting:

Councilperson Huddleston reported that the recycling event for sensitive documents, held at City Hall on April 16, was a huge success. This event was planned for 9:00 a.m.- Noon, however, the truck was quickly filled to capacity and was shut down at 10:00 a.m.

Councilperson Huddleston further explained that the Liberty Independent School District art classes were on-site and displayed artwork relating to recycling. Ms. Huddleston expressed her appreciation for the volunteers, City employees, and to Waste Management for sponsoring the event.

C. Information Item (ID # 2032)

Liberty Community Development Corporation Appointments

COMMENTS - Current Meeting:

Brief discussion was held regarding upcoming appointments to the Liberty Community Development Corporation. Those Board members whose terms expire are Robert Ward, Mike McCarty and Juan Venegas.

Mr. Broz reported that these appointments will be brought before the Council on May 17th.

D. Information Item (ID # 2031)

Liberty Municipal Park Presentation

COMMENTS - Current Meeting:

Avon Moore, Community Services Director, gave a powerpoint presentation on the progress of numerous projects at the Liberty Municipal Park. Mr. Moore reviewed various equipment upgrades to include the concrete picnic tables, splash park, water fountain, installation of speed bumps, freshly painted playground equipment, a new sand volleyball court, and a report regarding the recent Kidfish event.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Beasley, Huddleston, Potetz, Jordan
ABSENT:	Mike McCarty, Al Simonson

A. Minutes Approval

1. Tuesday, April 12, 2011
2. Tuesday, April 26, 2011

VII. REGULAR AGENDA**A. Regular Session****1. Council Action 2011-53**

Consider Appointments to the Planning and Zoning Commission.

COMMENTS - Current Meeting:

Planning and Zoning Commission members are appointed in May of each year, for three-year terms. Those members whose terms expire are Shelli Ellerbe and David Arnold. Ms. Ellerbe has agreed to serve again, if appointed, however Dr. Arnold has declined. Mr. Broz

recommended the reappointment of Ms. Ellerbe, along with the appointment of Mark Campbell. Mr. Broz reported that Mr. Campbell is currently an alternate member, and is familiar with the Commission and its procedures.

As there were no other nominations or recommendations, a motion was made to appoint Shelli Ellerbe and Mark Campbell to the Planning & Zoning Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Councilperson
AYES:	Pickett, Beasley, Huddleston, Potetz, Jordan
ABSENT:	Mike McCarty, Al Simonson

2. Resolution 2011-8

Consider a Resolution to Set Hearings Regarding Hazardous/Substandard Building Demolition Liens.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Resolution into the record as follows:

"A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS SCHEDULING A HEARING ON LIEN AMOUNTS FOR PROPERTIES DEMOLISHED BY THE CITY AND LOCATED AT 2722 CORNELL STREET, LIBERTY, TEXAS 77575; 517 BOWIE STREET, LIBERTY, TEXAS 77575; 205 AVENUE E, LIBERTY, TEXAS 77575; AND 901 MLK STREET, LIBERTY, TEXAS 77575."

City Attorney Randy Gunter stated that in regard to the City working to condemn substandard structures, and in review of the City's Code, a lengthy process is required to make the liens enforceable. It requires that the City hold a Public Hearing to provide evidence of the costs to condemn the various structures.

The proposed Resolution sets a Public Hearing date and time, to provide the required evidence, which will allow the paperwork to be filed to recover the funds, at a later date. Mr. Gunter also stated that at the next Council Meeting an ordinance will be presented to simplify the process.

Motion was made to approve the Resolution.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Frank Jordan, Councilperson
AYES:	Pickett, Beasley, Huddleston, Potetz, Jordan
ABSENT:	Mike McCarty, Al Simonson

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 6:34 p.m.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Louie Potetz, Councilperson
SECONDER: Dennis Beasley, Councilperson
AYES: Pickett, Beasley, Huddleston, Potetz, Jordan
ABSENT: Mike McCarty, Al Simonson

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of May 10, 2011 6:00 PM (Minutes Approval)



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, May 17, 2011

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The Meeting was called to order on May 17, 2011 at the City Council Chambers, 1829 Sam Houston, Liberty, TX at 6:05 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Dennis Beasley	Councilperson	Present	
Diane Huddleston	Councilperson	Present	
Mike McCarty	Mayor Pro-Tem	Present	
Al Simonson	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Frank Jordan	Councilperson	Present	
Libby Simonson	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Smith	City's Counsel	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

Mayor Pickett reported on the following:

- 1) a Law Enforcement Memorial Service will be held at First Baptist Church on Wednesday, May 11,
- 2) June 14 is the date of the next regular Council Meeting, with budget work sessions the week of July 11-15, and
- 3) the Rotary Club on Tuesday, May 24 will hold the annual lunch for veterans.

City Manager Gary Broz remarked on the following:

- 1) introduced new staff member, Roger Drews, from Harker Heights, Tx. who will serve as the Water & Wastewater Director,
- 2) a simulated disaster exercise was held this same morning, by using the dam breaking in Livingston as the disaster event, with 47 hours to evacuate the City, and ending with 58 feet of water in the City. This event was an exercise in reviewing and working with the City's Emergency Operations Plan; with Staff performing well, and

Minutes Acceptance: Minutes of May 17, 2011 6:00 PM (Minutes Approval)

- 3) budget work sessions will begin the week of July 11.

III. REGULAR AGENDA

A. WORK SESSION

1. Work Session (ID # 2038)

Discussion of the Upcoming Budget Process, and Council Goals, Objectives, Issues and Concerns.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the upcoming budget process, stating that he is working on presentation of a maintenance budget, anticipating no large expenditures. Mr. Broz further reported that in regard to future budget expenditures, the following is taken into consideration:

- 1) do it right the first time,
- 2) do we need it or should we do it, and
- 3) change only as needed, or where needed.

Mr. Broz reviewed the following list of issues and concerns:

- 1) major IT issues,
- 2) Police Dept. continuing Best Practices certification, and a new building scheduled for the 2012 budget,
- 3) City Secretary's Office planning for upgrade of various records management issues,
- 4) possible Purchasing Software for Finance Dept.,
- 5) Neighborhood Services continuation of condemnations,
- 6) possible replacement of AC units at the Municipal Library,
- 7) Water/Wastewater Dept. reviewing lift stations and looking towards completion of Wastewater Treatment Plant rehabilitation, and
- 8) maintenance and accountability for Parks, Streets, and Electric Departments.

Mr. Broz further stated that he does not see the need for any additional employees, and time will be spent working on 5-year plans. Budget work sessions will begin the week of July 11.

2. Work Session (ID # 2039)

Discussion of Sale of City Properties.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a group of City properties proposed for sale. Reviewed were Central Appraisal District information, photos, maps, and surveys. The following properties were discussed:

- 1) Bowie @ Edgewood - detention pond -3.87 acres - discussion of drainage and street access, surveyed,
- 2) Treetop Terrace - close to one (1) acre in the northwest corner of Treetop Terrace (location of old sewer plant), currently being surveyed, discussion of wastewater line easement,
- 3) Landfill - FM 1909 - 60 acres, fenced property, does not need survey,
- 4) Trinity @ Louisiana - site of old Trinity Street Warehouse, surveyed, with City retaining water storage tank.

Further discussion was held regarding appraisals for the various properties, environmental liability, minimum acceptable bids, and other matters related thereto. Management is to obtain appraisals and additional information for presentation to Council, at a later date.

B. Regular Session

1. Information Item (ID # 2035)

Oath of Office to be Issued to Newly Elected Officials.

COMMENTS - Current Meeting:

The Oath of Office was issued to the following elected officials, by Municipal Court Judge Bobby Rader:

Dennis Beasley, Diane Huddleston, and Libby Simonson.

The May 14, 2011 General Election was cancelled due to lack of opposition, therefore no canvas of election was necessary.

Outgoing Councilperson Al Simonson expressed that it was his pleasure, and an honor, to serve on City Council, and that he appreciated the efforts of City Staff and the other Council Members. The Mayor and remaining Council Members thanked Councilperson Simonson for his service to the community.

ATTACHMENTS:

- Oath of Office Form (DOC)

2. Council Action 2011-54

Election of a Mayor Pro Tem.

COMMENTS - Current Meeting:

Mayor Pickett nominated Councilperson Mike McCarty to serve, once again, as Mayor Pro Tem. There were no other nominations. Motion was made to elect Councilperson Mike McCarty as Mayor Pro Tem.

RESULT:	APPROVED [6 TO 0]
AYES:	Pickett, Beasley, Huddleston, Potetz, Jordan, Simonson
ABSTAIN:	Mike McCarty

3. Council Action 2011-55

Consider Appointments to the Liberty Community Development Corporation Board of Directors.

COMMENTS - Current Meeting:

This Corporation is managed by a Board of seven members, appointed to serve two-year terms. Three of the seven members shall be persons who are not employees, officers of the City, or members of the City Council. Discussion was held regarding amendment of the Corporation Bylaws to reflect that only three members of Council shall be appointed to this Board, in order to ensure that there is no pre-determined conclusion of any issue taken before the Council. Discussion was also held to include, in the bylaws, the way in which the members are elected, whether by majority, or other means.

Those members whose terms expire are Mike McCarty, Robert Ward, and Juan Venegas. Robert Ward and Councilperson McCarty have agreed to serve again, if appointed, however, Mr. Venegas has declined another term. Councilperson Beasley made a motion to table this item, to provide adequate time to revise the bylaws; there was no second to the motion.

Mayor Pickett nominated Ms. Leslie Herndon, Councilperson Potetz nominated Mr. Charles McGuire, and Councilperson Jordan nominated Mr. Chipper Smith, to fill the open position left on the Board. Councilperson McCarty made a motion that nominations cease, a second being made by Councilperson Beasley.

A vote was taken by a show of hands, with the following results:

Charles McGuire	-	1
Leslie Herndon	-	5
Chipper Smith -	-	1

A motion was made by Councilperson Beasley, seconded by Councilperson Huddleston to appoint Mike McCarty, Robert Ward, and Leslie Herndon to the LCDC Board of Directors.

RESULT: **APPROVED [6 TO 0]**
MOVER: Dennis Beasley, Councilperson
SECONDER: Diane Huddleston, Councilperson
AYES: Pickett, Beasley, Huddleston, Potetz, Jordan, Simonson
ABSTAIN: Mike McCarty

4. Council Action 2011-56

Consider Two (2) Appointments to the Solid Waste Recycling Committee.

COMMENTS - Current Meeting:

City Manager Gary Broz stated that the City is investigating recycling issues and various recycling programs. Mr. Broz requested that Councilpersons Huddleston and Simonson be appointed to a Solid Waste Recycling Committee to assist Staff in reviewing available options, before formal presentation to the City Council.

Motion was made to appoint Councilperson Diane Huddleston and Councilperson Libby Simonson to the Solid Waste Recycling Committee.

RESULT: **APPROVED [5 TO 0]**
MOVER: Mike McCarty, Mayor Pro-Tem
SECONDER: Dennis Beasley, Councilperson
AYES: Pickett, Beasley, McCarty, Potetz, Jordan
ABSTAIN: Diane Huddleston, Libby Simonson

IV. COUNCIL MEAL

Council shared an evening meal.

V. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, the meeting was adjourned at 7:28 p.m.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Louie Potetz, Councilperson
SECONDER: Dennis Beasley, Councilperson
AYES: Pickett, Beasley, Huddleston, McCarty, Potetz, Jordan, Simonson

 Carl Pickett, Mayor

Minutes Acceptance: Minutes of May 17, 2011 6:00 PM (Minutes Approval)

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of May 17, 2011 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2051)

DOC ID: 2051

Date: May 13, 2011

TO: Charles W. Fisher Est Inc
PO Box 688
Liberty, Texas 77575-0688

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ☒ unsafe,
- ☒ substandard,
- ☒ dangerous,
- ☒ a hazard,
- ☒ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: Dilapidated Structure

Street Address: 615 Washington, 617 Washington and 107 Tennessee
Legal Description: Liberty Outer Blocks, Block 0-49, Tract 20

Attachment: PH Washington St & Tennessee St. (2051 : Ph 617 Washington Street)

City of Liberty, Liberty County, Texas

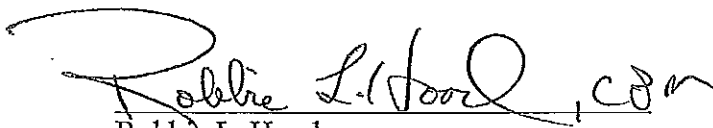
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on June 14, 2011, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,



Robbie L. Hood
Neighborhood Services Administrator
City of Liberty

Attachment: PH Washington St & Tennessee St. (2051 : Ph 617 Washington Street)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Charles W. Fisher Est Inc
 Mailing Address: PO Box 688, Liberty, Texas 77575-0688

Property Description: Liberty Outer Blocks, Block 0-49, Tract 20
 Street Address: 615 Washington, 617 Washington and 107 Tennessee, Liberty Texas 77575

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Robbie L. Hood, CPM
 Robbie L. Hood
 Neighborhood Services Adm.

5-13-11

Date

Attachment: PH Washington St & Tennessee St. (2051 : Ph 617 Washington Street)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2052)

DOC ID: 2052

City of Liberty
Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 617 Washington of the Town of Liberty with Liberty County Central Appraisal District Property ID # 57084, Liberty Outer Blocks, Block 0-49, TR 20 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

- a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
- b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
- c. become a fire hazard due to the substantial deterioration of the building or structure; or
- d. failed to be constructed in conformity with the City Building Code; or
- e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

- a. county real property records of Liberty County;
- b. appraisal district records of Liberty County;
- c. records of the secretary of state;
- d. assumed name records of Liberty County;
- e. tax records of the City of Liberty; and
- f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 14th day of June, 2011.

By: _____
Carl Pickett,
Mayor,
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2053)

DOC ID: 2053

Date: May 13, 2011

TO: Charles W. Fisher Est Inc
PO Box 688
Liberty, Texas 77575-0688

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ☒ unsafe,
- ☒ substandard,
- ☒ dangerous,
- ☒ a hazard,
- ☒ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: Dilapidated Structure

Street Address: 615 Washington, 617 Washington and 107 Tennessee
Legal Description: Liberty Outer Blocks, Block 0-49, Tract 20

Attachment: PH Washington St & Tennessee St. (2053 : PH 615 Washington Street)

City of Liberty, Liberty County, Texas

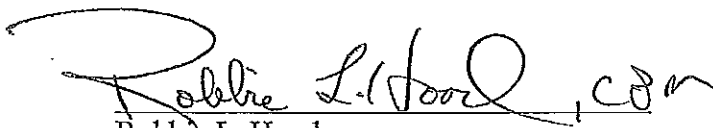
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on June 14, 2011, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,

A handwritten signature in black ink, appearing to read "Robbie L. Hood, COM". The signature is fluid and cursive, with a large loop at the beginning.

Robbie L. Hood
Neighborhood Services Administrator
City of Liberty

Attachment: PH Washington St & Tennessee St. (2053 : PH 615 Washington Street)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Charles W. Fisher Est Inc
 Mailing Address: PO Box 688, Liberty, Texas 77575-0688

Property Description: Liberty Outer Blocks, Block 0-49, Tract 20
 Street Address: 615 Washington, 617 Washington and 107 Tennessee, Liberty Texas 77575

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Robbie L. Hood, CPM
 Robbie L. Hood
 Neighborhood Services Adm.

5-13-11

Date

Attachment: PH Washington St & Tennessee St. (2053 : PH 615 Washington Street)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2054)

DOC ID: 2054

City of Liberty
Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 615 Washington of the Town of Liberty with Liberty County Central Appraisal District Property ID # 57084, Liberty Outer Blocks, Block 0-49, TR 20 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

- a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
- b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
- c. become a fire hazard due to the substantial deterioration of the building or structure; or
- d. failed to be constructed in conformity with the City Building Code; or
- e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

- a. county real property records of Liberty County;
- b. appraisal district records of Liberty County;
- c. records of the secretary of state;
- d. assumed name records of Liberty County;
- e. tax records of the City of Liberty; and
- f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 14th day of June, 2011.

By: _____
Carl Pickett,
Mayor,
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.5

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2055)

DOC ID: 2055

Date: May 13, 2011

TO: Charles W. Fisher Est Inc
PO Box 688
Liberty, Texas 77575-0688

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ☒ unsafe,
- ☒ substandard,
- ☒ dangerous,
- ☒ a hazard,
- ☒ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: Dilapidated Structure

Street Address: 615 Washington, 617 Washington and 107 Tennessee
Legal Description: Liberty Outer Blocks, Block 0-49, Tract 20

Attachment: PH Washington St & Tennessee St. (2055 : PH 107 Tennessee)

City of Liberty, Liberty County, Texas

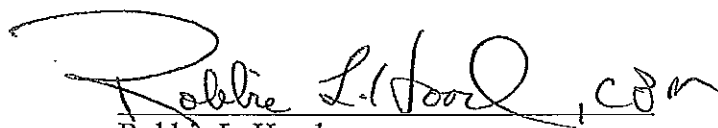
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on June 14, 2011, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,



Robbie L. Hood
Neighborhood Services Administrator
City of Liberty

Attachment: PH Washington St & Tennessee St. (2055 : PH 107 Tennessee)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Charles W. Fisher Est Inc
 Mailing Address: PO Box 688, Liberty, Texas 77575-0688

Property Description: Liberty Outer Blocks, Block 0-49, Tract 20
 Street Address: 615 Washington, 617 Washington and 107 Tennessee, Liberty Texas 77575

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.

Robbie L. Hood, CPM
 Robbie L. Hood
 Neighborhood Services Adm.

5-13-11

Date

Attachment: PH Washington St & Tennessee St. (2055 : PH 107 Tennessee)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.6

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2056)

DOC ID: 2056

City of Liberty
Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 107 Tennessee of the Town of Liberty with Liberty County Central Appraisal District Property ID # 57084, Liberty Outer Blocks, Block 0-49, TR 20 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

- a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
- b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
- c. become a fire hazard due to the substantial deterioration of the building or structure; or
- d. failed to be constructed in conformity with the City Building Code; or
- e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

- a. county real property records of Liberty County;
- b. appraisal district records of Liberty County;
- c. records of the secretary of state;
- d. assumed name records of Liberty County;
- e. tax records of the City of Liberty; and
- f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 14th day of June, 2011.

By: _____

Carl Pickett,
Mayor,
City of Liberty

Attachment: Order of Abatement 107 Tennessee (2056 : Order of Abatement 107 Tennessee)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2057)

DOC ID: 2057

Date: May 16, 2011

TO: Laurie Smith
618 Confederate St
Liberty, Texas 77575-5504

RE: Public Nuisance-Proposed Order to Demolish

Dear Sir and/or Madam:

As the City of Neighborhood Services Administrator, it has come to my attention and I do hereby find the building or structure situated on the below described location is:

- ☒ unsafe,
- ☒ substandard,
- ☒ dangerous,
- ☒ a hazard,
- ☒ a public nuisance.

I have attached hereto a detailed list setting out the conditions which I find render the building or structure, or portion thereof, a nuisance. The subject building or structure and its location are described as follows:

Building/Structure: **Dilapidated Structure**

Street Address: **618 Confederate**

Legal Description: **Fisher, Block 0-49, Lot 17**

Attachment: PH 618 Confederate (2057 : PH 618 Confederate Street)

City of Liberty, Liberty County, Texas

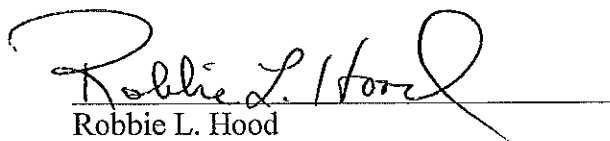
You are hereby given notice that a hearing will be held before the Liberty City Council at 6:00 o'clock p.m. on June 14, 2011, at the Liberty City Hall, 1829 Sam Houston Street, Liberty, Texas 77575 to determine if the building complies with the standards set out in Chapter 6 of the Liberty Code of Ordinances, or if the structure should be ordered repaired, vacated and repaired, or demolished.

All interested persons who desire to be heard or who oppose the proposed order to repair, vacate and repair, or demolish the above described structure, shall appear at the above mentioned City Council hearing and show cause, if any, why the building or structure, or any portion thereof, involved in these proceedings should not be ORDERED repaired, vacated and repaired, or demolished. Your failure to appear shall constitute a waiver of your right to oppose any ORDER of the City Council.

Proof and scope of work will be required to be presented at hearing if work cannot be completed within 30 days. Furthermore, IF an extension is granted by City Council, specific time schedules for the commencement and performance of the work shall be required.

Furthermore, the amount of cost of abating such nuisance or demolishing said building or structure, and all incidental expenses associated therewith, if undertaken by the City of Liberty, shall constitute special assessments against the property on which the structure is located and as such, shall constitute a lien on said property.

Sincerely,


Robbie L. Hood
Neighborhood Services Administrator
City of Liberty

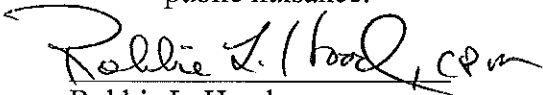
Attachment: PH 618 Confederate (2057 : PH 618 Confederate Street)

Conditions Rendering Building/Structure Hazardous and/or Dangerous

Owners Name: Laurie Smith
 Mailing Address: 618 Confederate St, Liberty, Texas 77575-5504
 Property Description: Fisher, Block 0-49, Lot 17
 Street Address: 618 Confederate, Liberty, Texas 77575

UNSAFE BUILDINGS: All buildings or structures which are unsafe, unsanitary, or do not provide adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitutes a hazard to safety or health, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of Chapter 6 of the Liberty Code of Ordinances.

1. Lack of hot and cold water running to plumbing fixtures in bathroom and kitchen.
2. Improper sewage disposal system in bathroom and kitchen.
3. Lack of adequate heating facilities.
4. Lack of required ventilating equipment.
5. Lack of required electrical lighting.
6. Dampness of habitable rooms.
7. Infestation of insects, vermin and rodents.
8. General dilapidation and improper maintenance of all heating and plumbing facilities.
9. Lack of adequate garbage and rubbish storage and removal facilities.
10. Deteriorated and inadequate foundations.
11. Defective and deteriorated flooring and floor supports.
12. Members of walls, partitions and other vertical supports have split, lead, list and/or buckled due to defect and deterioration.
13. Members of ceilings, roofs, ceiling and roof supports and other horizontal members have sagged, split and/or buckled due to defect and deterioration.
14. Hazardous wiring which is not connected and can not be connected due to defective maintenance and deterioration.
15. Hazardous plumbing which is not connected and can not be connected due to defective maintenance and deterioration.
16. Faulty weather protection.
17. Serious fire hazard.
18. Hazardous and unsanitary premises with an accumulation of junk, debris and garbage which constitutes a fire, health and safety hazard.
19. The building structure or portion thereof as a result of decay, deterioration or dilapidation's has or is likely to fully or partially collapse.
20. The building structure or portion thereof is in such a condition that it constitutes a public nuisance.


 Robbie L. Hood

Neighborhood Services Adm.

5-16-11

Date

Attachment: PH 618 Confederate (2057 : PH 618 Confederate Street)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

COUNCIL ACTION (ID # 2058)

DOC ID: 2058

City of Liberty
Order of Abatement

The City Council of the City of Liberty ("Council"), at a duly noticed public hearing, does hereby adopt the following Order of Abatement:

WHEREAS, it has come to the attention of Council that a building or structure at 618 Confederate of the Town of Liberty with Liberty County Central Appraisal District Property ID # 177177, Fisher, Block 0-49, Lot 17 in the City of Liberty is reported to be or believed to be substandard under the terms of Chapter 6 of the Liberty Code of Ordinances; and

WHEREAS, Council has at a public hearing received and/or heard evidence that the structure(s) on the property described above have/has

- a. become substantially deteriorated through natural causes and/or from exposure to the elements (wind, hail, rain and storms), or
- b. become so structurally deteriorated and/or damaged that it/they are in danger of collapse, or
- c. become a fire hazard due to the substantial deterioration of the building or structure; or
- d. failed to be constructed in conformity with the City Building Code; or
- e. become a hazard to the health and/or safety of the general public, including all conditions conducive to the harboring of rats, mice, and other disease carrying animals and/or insects, including such conditions that may be hazardous to safety, such as inadequate bracing or the use of deteriorated materials.

WHEREAS, Council has received and/or heard evidence that the City has made a diligent effort to determine the identity and address of any owner, lienholder, or mortgagee by searching the following records:

- a. county real property records of Liberty County;
- b. appraisal district records of Liberty County;
- c. records of the secretary of state;
- d. assumed name records of Liberty County;
- e. tax records of the City of Liberty; and
- f. utility records of the City of Liberty.

and has given notice of the public hearing held on this day regarding the substandard structure.

WHEREAS, the Council, having the authority to order abatement of substandard structures pursuant to Chapter 6 of the Liberty Code of Ordinances and Chapter 214 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Liberty hereby

ORDERS the abatement of the condition of the identified property by removal of the structure(s) thereon, within 30 days of this ORDER. The City Council further authorizes the City Manager or other City officials to secure the demolition of the structure(s) on the identified property if the structures have not been removed within 30 days of this ORDER, and place a lien on the land for costs associated with such demolition and removal according to law ; and

Part 1: That the notice of this public hearing was made or attempted with the efforts outlined in Chapter 214 of the Local Government Code.

Part 2: That it is hereby determined that the identified structure is in fact a structure that is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Part 3: That public necessity requires the demolition and removal of the identified structure.

Part 4: That this resolution shall take effect immediately from and after its passage.

I certify that the foregoing is a true and correct copy of the resolution/order duly adopted by the City Council of the City of Liberty. This Order of Abatement shall be maintained with the official minutes of the City Council of the City of Liberty

In witness whereof, I have hereunto set my hand on this the 14th day of June, 2011.

By: _____
Carl Pickett,
Mayor,
City of Liberty



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.9

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2059)

DOC ID: 2059

REPORT ON DEMOLITION OF 2722 CORNELL STREET

- A. THE WORK CONSISTED OF THE REMOVAL OF THE DANGEROUS STRUCTURE AND CLEARING OF THE PROPERTY OF WEEDS.
- B. COST OF THE DEMOLITION (2,500.00) + INCIDENTAL EXPENSES (PUBLIC NOTICES, CERTIFIED MAIL, ATTORNEY FEES AND LEGAL FILING) (221.83) = \$ 2,721.83
- C. THE DESCRIPTION OF THE PROPERTY IS 2722 CORNELL STREET, DAVIDGE; BLOCK E-1, LOT 6
- D. THE OWNER(S) OF RECORD: GLORIA E. DAVIS, 2722 CORNELL STREET; LIBERTY, TEXAS 77575
- E. TOTAL ASSESSMENT TO BE LEVIED A LIEN ON THE PROERTY IS: \$ 2,721.83



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

7.A.10

RESOLUTION (ID # 2060)

DOC ID: 2060 A

**A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF LIBERTY, TEXAS, FINDING ABATEMENT COSTS TO BE REASONABLE
AND AUTHORIZING THE FILING OF A LIEN ON THE PROPERTY LOCATED AT
2722 CORNELL STREET, LIBERTY, TEXAS 77575**

WHEREAS, the City of Liberty wishes to maintain a city clean of hazardous buildings; and

WHEREAS, the property located at 2722 Cornell St., Liberty, Texas 77575 was previously declared a hazardous building and ordered demolished by the City of Liberty City Council ("Council"); and

WHEREAS, the City of Liberty has incurred expenses in preparation for and execution of the abatement of hazardous buildings and other nonconforming conditions on the property; and

WHEREAS, interested parties have been given notice of the time and date of a public hearing held on June 14, 2011 to consider the reasonableness of expenses incurred in abating hazardous and other nonconforming properties;

WHEREAS, Council heard evidence of the costs associated with the reasonableness of expenses incurred in abating hazardous conditions and other nonconforming properties; and

WHEREAS, the City of Liberty finds it to be in the best interest of the City to file a lien on the referenced property with the Liberty County Clerk for the amount of expenses incurred by the City during the hazardous building abatement process.

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the costs expended in the abatement of the hazardous and otherwise nonconforming structures is found to be reasonable, and Council authorizes City officials to execute and file a lien with the Liberty County Clerk in the amount of \$2,721.83 on the property located at 2722 Cornell St., Liberty, TX 77575, further described as 2722 Cornell Street, Davidge; Block E-1, Lot 6.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF LIBERTY, TEXAS

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.11

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2061)

DOC ID: 2061

REPORT ON DEMOLITION OF 517 BOWIE STREET

- A. THE WORK CONSISTED OF THE REMOVAL OF THE DANGEROUS STRUCTURE(S) AND
CLEARING OF THE PROPERTY OF WEEDS.
- B. COST OF THE DEMOLITION (3,900.00) + INCIDENTAL EXPENSES (PUBLIC NOTICES, CERTIFIED
MAIL, ATTORNEY FEES AND LEGAL FILING) (208.86) = \$ 4,108.86
- C. THE DESCRIPTION OF THE PROPERTY IS 517 BOWIE, LIBERTY INNER BLOCKS, BLOCK 70, LOT
PT 1 2 TR 3
- D. THE OWNER(S) OF RECORD: ERNEST NEWTON TILLMAN, 9427 LAMKIN RD; HOUSTON,
TEXAS 77049-1026
- E. TOTAL ASSESSMENT TO BE LEVIED A LIEN ON THE PROERTY IS: \$ 4,108.86

Attachment: PH 517 Bowie #2 (2061 : PH 517 Bowie Street # 2)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.12

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

RESOLUTION (ID # 2062)

DOC ID: 2062 A

**A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF LIBERTY, TEXAS, FINDING ABATEMENT COSTS TO BE REASONABLE
AND AUTHORIZING THE FILING OF A LIEN ON THE PROPERTY LOCATED AT 517
BOWIE STREET, LIBERTY, TEXAS 77575**

WHEREAS, the City of Liberty wishes to maintain a city clean of hazardous buildings; and

WHEREAS, the property located at 517 Bowie St., Liberty, Texas 77575 was previously declared a hazardous building and ordered demolished by the City of Liberty City Council ("Council"); and

WHEREAS, the City of Liberty has incurred expenses in preparation for and execution of the abatement of hazardous buildings and other nonconforming conditions on the property; and

WHEREAS, interested parties have been given notice of the time and date of a public hearing held on June 14, 2011 to consider the reasonableness of expenses incurred in abating hazardous and other nonconforming properties;

WHEREAS, Council heard evidence of the costs associated with the reasonableness of expenses incurred in abating hazardous conditions and other nonconforming properties; and

WHEREAS, the City of Liberty finds it to be in the best interest of the City to file a lien on the referenced property with the Liberty County Clerk for the amount of expenses incurred by the City during the hazardous building abatement process.

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the costs expended in the abatement of the hazardous and otherwise nonconforming structures is found to be reasonable, and Council authorizes City officials to execute and file a lien with the Liberty County Clerk in the amount of \$4,108.86 on the property located at 517 Bowie St., Liberty, TX 77575, further described as 517 Bowie St.; Liberty Inner Blocks, Block 70, Lot Pt 1 2 Tr 3.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF LIBERTY, TEXAS

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.13

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2063)

DOC ID: 2063

REPORT ON DEMOLITION OF 205 AVENUE E

- A. THE WORK CONSISTED OF THE REMOVAL OF THE DANGEROUS STRUCTURE(S) AND
AND CLEARING OF THE PROPERTY OF WEEDS.
- B. COST OF THE DEMOLITION (2,500.00) + INCIDENTAL EXPENSES (PUBLIC NOTICES, CERTIFIED
MAIL, ATTORNEY FEES AND LEGAL FILING) (195.93) = \$ 2,695.93
- C. THE DESCRIPTION OF THE PROPERTY IS 205 AVENUE E; LAYL, BLOCK 10, LOT 7; MH LABEL
TEX444522
- D. THE OWNER(S) OF RECORD: JAN STUCKEY PO BOX 1561 LIBERTY, TEXAS 77575
- E. TOTAL ASSESSMENT TO BE LEVIED A LIEN ON THE PROERTY IS: \$ 2,695.93



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.14

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

RESOLUTION (ID # 2064)

DOC ID: 2064 A

**A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF LIBERTY, TEXAS, FINDING ABATEMENT COSTS TO BE REASONABLE
AND AUTHORIZING THE FILING OF A LIEN ON THE PROPERTY LOCATED AT 205
AVENUE E, LIBERTY, TEXAS 77575**

WHEREAS, the City of Liberty wishes to maintain a city clean of hazardous buildings; and

WHEREAS, the property located at 205 Avenue E, Liberty, Texas 77575 was previously declared a hazardous building and ordered demolished by the City of Liberty City Council ("Council"); and

WHEREAS, the City of Liberty incurred expenses in preparation for and execution of the abatement of hazardous buildings and other nonconforming conditions on the property; and

WHEREAS, interested parties have been given notice of the time and date of a public hearing held on June 14, 2011 to consider the reasonableness of expenses incurred in abating hazardous and other nonconforming properties;

WHEREAS, Council heard evidence of the costs associated with the reasonableness of expenses incurred in abating hazardous conditions and other nonconforming properties; and

WHEREAS, the City of Liberty finds it to be in the best interest of the City to file a lien on the referenced property with the Liberty County Clerk for the amount of expenses incurred by the City during the hazardous building abatement process.

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the costs expended in the abatement of the hazardous and other nonconforming structures is found to be reasonable, and Council authorizes City officials to execute and file a lien with the Liberty County Clerk in the amount of \$2,695.93 on the property located at 205 Avenue E, Liberty, TX 77575, further described as 205 Avenue E; Layl, Block 10, Lot 7; MH Label #TEX444522.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF LIBERTY, TEXAS

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.15

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

PUBLIC HEARING (ID # 2065)

DOC ID: 2065

REPORT ON DEMOLITION OF 901 MLK

- A. THE WORK CONSISTED OF THE REMOVAL OF THE DANGEROUS STRUCTURE(S) AND CLEARING OF THE PROPERTY OF WEEDS.
- B. COST OF THE DEMOLITION (1,200.00) + INCIDENTAL EXPENSES (PUBLIC NOTICES, CERTIFIED MAIL, ATTORNEY FEES AND LEGAL FILING) (309.00) = \$ 1,509.00
- C. THE DESCRIPTION OF THE PROPERTY IS 901 MLK, LIBERTY INNER BLOCKS, BLOCK 85, LOT PT 4 TR 7
- D. THE OWNER(S) OF RECORD: MARVA LYNN SMITH, CLAUDETTE MARIE FIELDS, CLAUDETTE BALDWIN, PAULA FAYE DAVIS, GENEVIEVE JACKSON AND NATHANIEL PAUL DAVIS;
4919 LONE OAK CT BAYTOWN, TEXAS 77521 AND 708 S. CIRCLE DRIVE BAYTOWN, TEXAS 77520
- E. TOTAL ASSESSMENT TO BE LEVIED A LIEN ON THE PROERTY IS: \$ 1,509.00

Attachment: PH 901 MLK #2 (2065 : Ph 901 MLK # 2)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Condemnations

RESOLUTION (ID # 2066)

DOC ID: 2066 A

**A RESOLUTION BY THE CITY COUNCIL OF THE
CITY OF LIBERTY, TEXAS, FINDING ABATEMENT COSTS TO BE REASONABLE
AND AUTHORIZING THE FILING OF A LIEN ON THE PROPERTY LOCATED AT 901
MLK ST., LIBERTY, TEXAS 77575**

WHEREAS, the City of Liberty ("City") wishes to maintain a city free of hazardous buildings; and

WHEREAS, the property located at 901 M.L.K. Street, Liberty, Texas 77575 was previously declared a hazardous building and ordered demolished by the City of Liberty City Council ("Council"); and

WHEREAS, the City of Liberty incurred expenses in preparation for and execution of the abatement of hazardous buildings and other nonconforming conditions on the property; and

WHEREAS, interested parties have been given notice of the time and date of a public hearing held on June 14, 2011 to consider the reasonableness of expenses incurred in abating hazardous and other nonconforming properties; and

WHEREAS, Council heard evidence of the costs associated with the reasonableness of expenses incurred in abating hazardous conditions and other nonconforming properties; and

WHEREAS, the City of Liberty finds it to be in the best interest of the City to file of a lien on the referenced property with the Liberty County Clerk for the amount of expenses incurred by the City during the hazardous building abatement process.

NOW, THEREFORE, BE IT RESOLVED that the Council finds that the costs expended in the abatement of the hazardous and otherwise nonconforming structures is found to be reasonable, and Council authorizes City officials to execute and file a lien with the Liberty County Clerk in the amount of \$1,509.00 on the property located at 901 MLK St., Liberty, TX 77575, further described as 901 MLK, Liberty Inner Blocks, Block 85, Lot Pt 4 Tr 7.

PASSED AND APPROVED this _____ day of _____, 2011.

CITY OF LIBERTY, TEXAS

Resolution (ID # 2066)
Page 2

City Council Meeting

June 14, 2011

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.17

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Misc.

COUNCIL ACTION (ID # 2073)

DOC ID: 2073



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.18

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION (ID # 2074)

DOC ID: 2074



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.19

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Property Liens

COUNCIL ACTION (ID # 2075)

DOC ID: 2075 B

RELEASE OF LIEN

THE STATE OF TEXAS §
COUNTY OF LIBERTY § KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Liberty, Texas, by and through its Mayor, Carl Pickett, does hereby release, all and singular, the following described landscaping and mowing liens, being further described in the Liberty County Deed Records Volume 1678 Page 81, Volume 1691 Page 386, and Volume 1924 Page 412 in the total amount of FOUR HUNDRED SEVENTY DOLLARS and NO CENTS (“\$470.00”), on the property described below.

Fisher Subdivision Block 2 Lots 1, 2, 11, and 12 as recorded in Volume 1576, Page 259 of the Liberty County Deed Records.

The City of Liberty, by these presents hereby releases and discharges, the above described property from the referenced liens held by the undersigned securing said indebtedness.

EXECUTED this _____ day of _____, 2011.

CITY OF LIBERTY, TEXAS

By: _____
Carl Pickett, Mayor

THE STATE OF TEXAS §
COUNTY OF LIBERTY §

This instrument was acknowledged before me on the ____ day of _____, 2011, by Carl Pickett, Mayor of the City of Liberty, Texas.

Notary Public, State of Texas

Attachment: Release of Mowing Liens 2011 (2075 : Stale Mowing Liens)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.20

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION (ID # 2076)

DOC ID: 2076



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.21

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION (ID # 2077)

DOC ID: 2077



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.22

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Bids

COUNCIL ACTION (ID # 2078)

DOC ID: 2078



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.23

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Contracts

COUNCIL ACTION (ID # 2079)

DOC ID: 2079



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.24

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Change Orders

COUNCIL ACTION (ID # 2080)

DOC ID: 2080

A1103

**Texas Department of Rural Affairs
Construction Contract Change Order Approval Request**

Owner (Contractor Locality): (Name & Address) City of Liberty 1829 Sam Houston Street Liberty, TX Phone #: 936-339-3684		Contract For (project description): Water & Wastewater Generators Water & Wastewater SCADA		Date: 5/12/2011 Project No. DRS010098	
Contractor: (Name & Address) A&A Electric Company P.O. Box 22986 Beaumont, Texas 77720 Agreement Date: Phone #: (409) 842-4437		Engineer: Schaumburg & Polk Inc Gilbert Arteaga 320 S. Broadway Street Tyler, TX 75702 garteaga@spi-eng.com Phone # (903) 595-3913 Engineer's Project No. W.O. 14207-1		TxCDBG Contract No. DRS010098 Change Order No. 1	
You are hereby requested to comply with the following changes from the contract plans and specifications:					
Item No.	Description of Changes-Quantities, Units, Unit Prices, Change in Completion Scheduled, Etc.	Decrease in Contract Price	Increase in Contract Price		
8	FM563 LS - Concrete foundation increased in area (12x24 to 14x25) and reduced from elevation 30 to 28, feet. No change in cost. Revised drawing for Site Plan.		\$0.00		
9	FM 563 LS - Facilitation of completion on schedule requires the following electrical equipment to be included; panel support system, 200 A 3 phase panel, 15 KVA transformer, 100A 1 phase panel, additional wiring and conduit to connect to existing lift station loads. Revised drawing for Site Plan and Typical Electrical Details.		\$25,835.40		
10	Washington LS - Concrete foundation increased in area (12x24 to 14x25) and modified in section. Delete handrails and stairs. Revised drawing for Site Plan.	\$12,606.00			
11	Washington LS - Facilitation of completion on schedule requires the following electrical equipment to be included; panel support system, 200 A 3 phase panel, 15 KVA transformer, 100A 1 phase panel, additional wiring and conduit to connect to existing lift station loads. Revised drawing for Site Plan and Typical Electrical Details.		\$27,636.83		
16	Add item to include 485 lineal feet of fencing and two 20' double gates to secure area. Install per Security Fence Details for Bowie Street LS.		\$12,157.70		
Change In Contract Price		Change In Contract Time			
\$53,023.93		0 days			
Original Contract Price: \$ 1,099,763.00		Original Contract Time: 180 days			
Previous Change Order(s) No. 0 to No. 0 \$ 0.00		Net Change From Previous Change Orders 0 days			
Contract Price Prior to this Change Order \$ 1,099,763.00		Contract Time Prior to this Change Order 0 days			
Net Increase/Decrease of this Change Order \$ 53,023.93		Net Increase/Decrease of this Change Order 0 days			
Contract Price With all Approved Change Orders \$ 1,152,786.93		Contract Time With all Approved Change Orders 180 days			
Cumulative % Change in Contract Price: 4.82 %					

TxCDBG reimbursement of costs approved by this change order is subject to approval by the Office.

RECOMMENDED:

By: *Rea Key J. Bony*
 ENGINEER (Authorized Signature)

Date: 6-1-11

APPROVED:

By: _____
 OWNER (Authorized Signature)

Date: _____

ACCEPTED:

By: *[Signature]*
 CONTRACTOR (Authorized Signature)

Date: 6/6/11

JUSTIFICATION FOR CHANGE

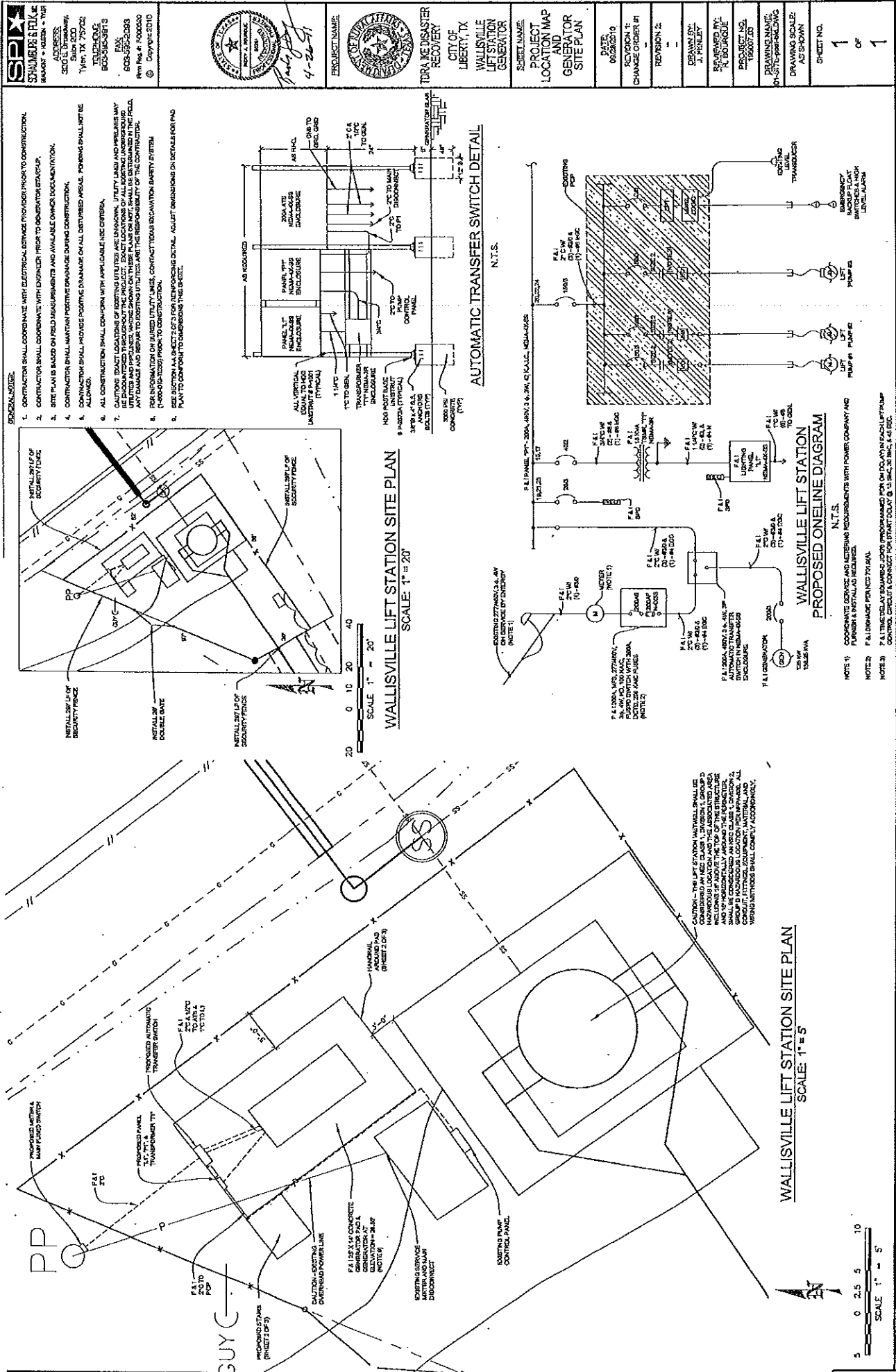
Contractor
Locality Name: **Liberty**

TxCDBG Contract No.: **DRS010098**

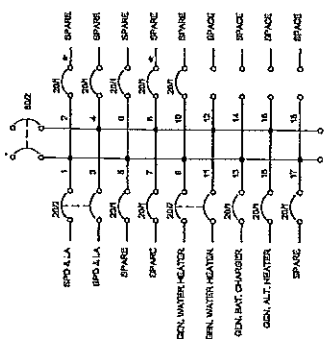
Change Order No. **1**

1. Will this Change Order increase or decrease the number of beneficiaries? ☐ Increase ☐ Decrease ☒ , No Change
If there is a change, how many beneficiaries will be affected? Total ____ L/M ____
2. Effect of this change on scope of work: ☐ Increase ☐ Decrease ☒ , No Change
3. Effect on operation and maintenance costs: ☐ Increase ☐ Decrease ☒ , No Change
4. Are all prices in the change order dependent upon unit prices found in the original bid? ☐ , Yes ☒ No
If "No", explain: Modifications to foundation dimensions, equipment supplied and scope of installation.
5. Will this change be completed within the contract period? , Yes ☒ No
If "No", expected completion date: _____
(completion date)
6. Has this change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction? ☐ Yes ☒ , No
If "Yes", is an Environmental Re-assessment required? ☐ Yes ☐ , No
7. Is the Texas Commission on Environmental Quality (TCEQ) clearance still valid? ☒ Yes ☐ No
8. Is the TCEQ permit approval still valid? (sewer projects only) ☐ Yes ☐ No **N/A**
9. Are the handicapped access requirements/approval still valid (if applicable)? ☐ Yes ☐ No **N/A**
10. Are other Office contractual special condition clearance still valid? ☒ , Yes ☐ No
(If no, specify):

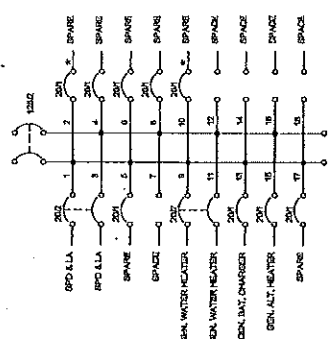
Attachment: Change Order Round 1 Generators (2080 : Change Order Round 1 Generators)



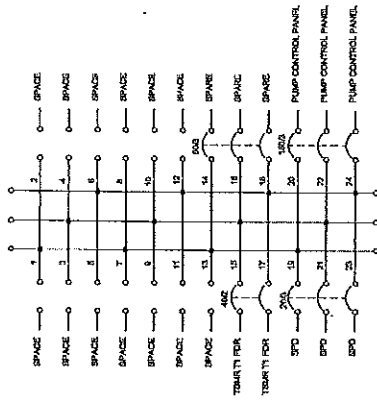
 SPIX SYSTEMS & PRODUCTS 5000 N. GARDEN - TULSA OKLAHOMA 74105		ADDRESS: 3520 N. GARDEN DULLES 22020 TYLER, TX 75702 TELEPHONE: 940-683-9613 FAX: 940-683-0388 PERM NO. 8-1420000 ① COPYRIGHT ©		 <i>Reddy</i> 4-24-11		 PROJECT NAME: TUDORA MC DISASTER RECOVERY CITY OF LIBERTY, TX LIFT STATION GENERATORS		SHEET NAME: TYPICAL ELECTRICAL DETAILS		DATE: 04/24/2011 REVISION 1: CHANGED CHARGE #1 REVISION 2: - DRAWN BY: J. FENLEY REVIEWED BY: B. BOUNGUEUR PROJECT NO. 100001720		DRAWING NAME: TYPICAL ELECTRICAL DETAILS DRAWING SCALE: AS SHOWN SHEET NO. 1 OF 1	
---	--	--	--	--	--	--	--	---	--	---	--	--	--



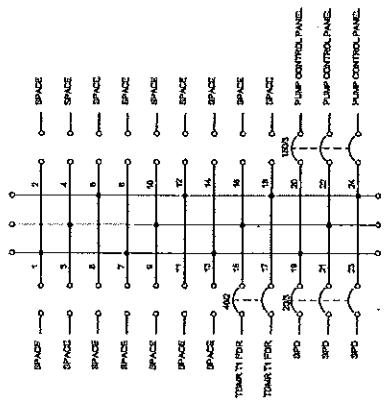
WALLISVILLE PANEL "L1" SCHEDULE



WASHINGTON PANEL "L1" SCHEDULE



WALLISVILLE PANEL "P1" SCHEDULE



WASHINGTON PANEL "P2" SCHEDULE



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.25

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Change Orders

COUNCIL ACTION (ID # 2081)

DOC ID: 2081



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.26

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Equipment Lease

COUNCIL ACTION (ID # 2082)

DOC ID: 2082



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.27

Meeting: 06/14/11 06:00 PM

Department: Administration
Category: Property Acquisition

COUNCIL ACTION (ID # 2083)

DOC ID: 2083

RIGHT-OF-WAY DEED AND EASEMENT AGREEMENT

STATE OF TEXAS §

NOW ALL MEN BY THESE PRESENTS

COUNTY OF LIBERTY §

This RIGHT-OF-WAY DEED AND EASEMENT AGREEMENT (this "Easement") is made and entered into this _____ day of _____, 20____, by and between THE CITY OF LIBERTY, TEXAS, a Texas municipal corporation, as Grantor, and BOOMERANG TUBE, L.L.C., as Grantee.

WITNESSETH:

WHEREAS, Grantee is the owner of approximately 119.32 acres of real property and all improvements thereon, located in Liberty County, Texas, said real property being described in Exhibit C attached hereto and made a part hereof (the "Grantee Property"); and

WHEREAS, Grantor is the owner of certain real property to the north of the Grantee Property, being a residue of a called 21.282 acre tract of land described in the instrument recorded at Volume 612, Page 304, Deed Records of Liberty County, Texas (the "Grantor Property"); and

WHEREAS, the Easement Property extends from the Grantee Property to the Road and is further described in Exhibits A and B.

NOW, THEREFORE, for and in consideration of the premises, the mutual promises and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor grants, bargains, sells and conveys unto Grantee, an easement and right of way on, over, under and through the Easement Property for pedestrian and heavy and light truck, car and other vehicular ingress and egress between the Grantee Property and the Road for the Grantee's use of the Grantee Property as a manufacturing facility. The easement does not include the right to lay water, wastewater, electrical, cable, or any other surface or subsurface utility lines.
2. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the property interests herein conveyed to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through, or under Grantor, but not otherwise.
3. This instrument conveys to Grantee easement interests in the surface estate only of the Easement Property. Grantor hereby reserves to Grantor, and Grantor's legal representatives, successors and assigns, all mineral interests, whether metallic or nonmetallic, whether similar or dissimilar, whether known or unknown, currently owned by Grantor in, on, and under and that may be produced and

saved from the Easement Property or acreage pooled or unitized therewith, and the full and exclusive executive rights to execute leases in connection therewith; provided, however, that no mining or other extraction or use of such mineral interests shall diminish, affect or interfere with Grantee's easement rights hereunder.

4. Grantor, as owner of Grantor's Property, reserves the right to convey to others the right to use all or part of the Easement property in conjunction with Grantee, as long as such further conveyances are subject to the terms of this agreement and the other users agree to bear a proportionate part (by total number of easement holders) of the costs of improving and maintaining the Easement Property improvements.
5. Grantor, as owner of Grantor's Property, and for the benefit of any subsequent grantees of Grantor, reserves the right to continue to use and enjoy the surface of the Easement Property for all purposes that do not interfere with or interrupt the use or enjoyment of the easement by Grantee for the easement purposes state herein.
6. Grantor reserves the full use of the Easement Property for any purpose not prohibited by the terms of this agreement and not inconsistent with the easement purposes herein granted.
7. This conveyance is made by Grantor and accepted by Grantee subject to any and all existing easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests, if any, relating to the Easement Property, to the extent, and only to the extent, that the same may still be in force and effect, and either shown of record in the office of the County Clerk of the County in which any part of the Property is located, or that may be apparent on the Property.
8. BY ITS ACCEPTANCE OF THIS EASEMENT CONVEYANCE, AND AS A MATERIAL PART OF THE CONSIDERATION, GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT (i) ANY INFORMATION PROVIDED TO GRANTEE PERTAINING TO THE EASEMENT PROPERTY BY GRANTOR HAS NOT BEEN INDEPENDENTLY INVESTIGATED OR VERIFIED BY GRANTOR, (ii) GRANTOR IS NOT MAKING, AND HAS NOT MADE, ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION; AND (iii) GRANTOR IS NOT, AND SHALL NOT BE, LIABLE OR BOUND IN ANY MANNER WHATSOEVER BY ANY WRITTEN OR VERBAL STATEMENT, REPRESENTATION, REPORT, SURVEY OR INFORMATION FURNISHED TO GRANTEE, OR MADE, BY ANY PARTY WITH RESPECT TO THE EASEMENT PROPERTY OR THE EASEMENT INTERESTS HEREBY CONVEYED. GRANTEE SPECIFICALLY AGREES THAT HAVAING BEEN GIVEN THE OPPORTUNITY TO CONDUCT SUCH TESTS, STUDIES AND INVESTIGATIONS AS GRANTEE DEEMS NECESSARY AND APPROPRIATE, GRANTEE IS RELYING SOLELY UPON GRANTEE'S OWN INVESTIGATION OF THE EASEMENT PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY GRANTOR. GRANTEE FURTHER AGREES THAT GRANTEE HAS PURCHASED AND ACCEPTED THE EASEMENT INTERESTS IN THE EASEMENT PROPERTY IN ITS CURRENT, "AS IS," WITH ALL FAULTS CONDITION, AND TO HAVE ASSUMED THE RISK OF ANY MATTER OR CONDITION WHICH IS LATENT OR PATENT OR THAT COULD

HAVE BEEN REVEALED BY ITS INVESTIGATIONS. GRANTOR HAS NOT MADE (AND GRANTOR HEREBY EXPRESSLY DISCLAIMS, AND GRANTOR IS CONVEYING THE EASEMENT HEREIN GRANTED WITHOUT) ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WHATSOEVER AS TO THE VALUE, CONDITION, NATURE, CHARACTER, SUITABILITY, HABITABILITY OR FITNESS OF THE EASEMENT PROPERTY, THE INCOME TO BE DERIVED THEREFROM, THE PRESENCE OR ABSENCE OF ANY HAZARDOUS MATERIAL OR OTHER ENVIRONMENTAL CONDITION OR COMPLIANCE OF THE LAND WITH, OR VIOLATION OF, ANY LAW, STATUTE, ORDINANCE, RULE OR REGULATION, AND ANY OF SUCH REPRESENTATIONS AND WARRANTIES, AND ANY CLAIMS OR CAUSES OF ACTION AGAINST GRANTOR BASED IN WHOLE OR IN PART ON ANY VIOLATION OF, OR ARISING WITH RESPECT TO, ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE, RULE OR REGULATION ARE HEREBY EXPRESSLY WAIVED AND RELEASED BY GRANTEE.

9. The easement rights of use granted herein are nonexclusive.
10. Grantee has the right to construct, install, maintain, replace, and remove an all-weather-surface road within the Easement Property and to construct culverts, bridges, drainage ditches, water lines and sewer facilities, and similar or related utilities and facilities under or across any portion of the Easement Property (collectively, the "Easement Facilities"). Any improvement of, or maintenance of, on the Easement Facilities will be at Grantee's sole expense, and Grantee shall not permit any mechanics or materialmen's lien to be placed upon or remain upon the Easement Property or any portion of Grantor's Property, unless Grantee is contesting the same in good faith by appropriate legal proceedings, and has established adequate reserves for the payment thereof.
11. Grantee shall not permit the Easement Facilities or other improvements in the Easement Property to obstruct the drainage of surface water across the Easement Property in a manner that causes material flooding of any portion of Grantor's Property.
12. Grantee shall operate, maintain, and repair the Easement Facilities from time to time as needed to serve the recited purposes of the easement; all at Grantee's sole expense. Grantee shall maintain the Easement Property in a neat and clean condition. Grantee may make, from time to time, such improvements to the Easement Facilities as Grantee deems necessary for the conduct of its business, such improvements to be made at Grantee's cost and expense.
13. Notwithstanding the perpetual character of this Easement, if the Easement Facilities are abandoned by Grantee, ceased to be used by Grantee for a period of one year, or are removed from the Easement Property by Grantee without prompt replacement, then in any such event, the easement, rights and privileges granted hereby shall automatically cease, said easement and rights shall terminate, and the Easement Property shall be released of and from this Amendment, and title to the Easement Property shall revert to and re-vest in Grantor or Grantor's successors or assigns, free and clear of the easement, rights and privileges granted hereby as fully and completely as if this easement had not been executed.

14. This easement runs with the land and shall be binding on the parties and their respective successors and assigns. This easement is governed by the laws of the State of Texas, with venue in Liberty County, Texas, and may not be modified or terminated except by written agreement signed by the then-owners of the Grantor Property and Grantee Property. This easement is intended to be performed in accordance with all applicable laws, ordinances, rules and regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Right-of-Way Deed and Easement Agreement as of the day and year first above written.

CITY OF LIBERTY

BOOMERANG TUBE, L.L.C.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

THE STATE OF TEXAS §

COUNTY OF LIBERTY §

This instrument was acknowledged before me on this the ____ day of _____, 20____, by _____, the _____ of the City of Liberty, Texas, a Texas municipal corporation, in his capacity as the _____ of the City of Liberty, Texas, for and on behalf of the City.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF LIBERTY §

This instrument was acknowledged before me on this the ____ day of _____, 20____, by _____, the _____ of BOOMERANG TUBE, L.L.C., a Delaware limited liability company, in its capacity as the _____ of said limited liability company, for and on behalf of said limited liability company.

Notary Public, State of Texas

Attachment: Boomerang ROW West Side (2083 : Boomerang Easement - West Side)

BOOMERANG TUBE
ACCESS EASEMENT 3
0.2633 ACRE / 11,469 SQ. FT.

MAY 3, 2011
JOB NO. XX0812-T2
PAGE 1 OF 2

DESCRIPTION OF A 0.2633 ACRE TRACT OF LAND SITUATED IN
THE LIBERTY TOWN EAST LEAGUE, ABSTRACT 359
CITY OF LIBERTY, LIBERTY COUNTY, TEXAS

BEING a 0.2633 acre tract of land out of Outer Block 41, Lot 1 and a portion of a 10-vara wide roadway of the Liberty Town East League, Abstract 359, City of Liberty, Liberty County, Texas, said Outer Blocks and 10-vara wide roadway being depicted on a map titled "Map of the City of Liberty" which is filed for record under Volume 1, Page 137 of the Liberty County Map Records, same also being out of the residue of a called 21.282 acre tract of land described in an instrument to the City of Liberty filed for record under Volume 612, Page 304 of the Liberty County Deed Records, said 0.2633 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found for the northwest corner of a called 119.32 acre tract of land described in a General Warranty Deed from Liberty Works Property Co., L.P. to Boomerang Tube, LLC filed for record under Liberty County Clerk's File Number 2008015326 also being the southwest corner of the residue of said 21.282 acre tract and being in the east line of the residue of a called 20.00 acre "Save & Except" tract described in Volume 232, Page 51 of the Liberty County Deed Records;

THENCE N 03°40'27" W, at 147.22 feet passing a 3/4-inch iron rod found for the northwest corner of the residue of said 21.282 acre tract and continuing a total distance of 160.40 feet to the northwest corner of the herein described tract and being in the south right-of-way line of Farm-to-Market Road 3361 (width varies) as described in instruments filed for record in Volume 806, Page 719 and Volume 806, Page 723 of the Liberty County Deed Records;

THENCE N 79°10'43" E, a distance of 120.00 feet along the south right-of-way line of said Farm-to-Market Road 3361 to the northeast corner of the herein described tract;

THENCE in a southwesterly direction over and across the residue of said 22.448 acre tract, 130.90 feet along the arc of a curve to the left having a radius of 125.00 feet, a central angle of 60°00'00" and a chord which bears S 24°31'31" W, 125.00 feet to the end of said curve;

THENCE S 03°40'27" E, a distance of 65.17 feet continuing over and across the residue of said 22.448 acre tract to the southeast corner of the herein described tract;

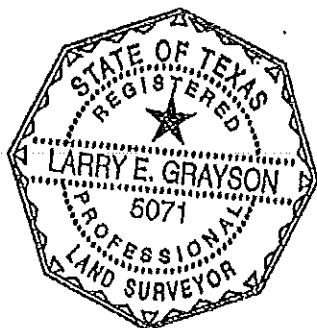
THENCE S 86°19'33" W, a distance of 60.00 feet along the south line of the residue of said 21.282 acre tract and the north line of said 119.32 acre tract to the POINT OF BEGINNING and containing 0.2633 of one acre (11,469 square feet) of land.

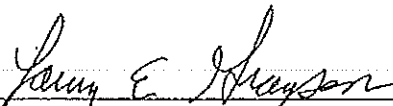
Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, NAD-83 and a bearing of N 86°19'33" E established by GPS observations along a north line of a called 122.0128 acre tract of land described in an instrument filed for record under Volume 1717, Page 204 of the Liberty County Deed Records, said north line being monumented on the west by a found 5/8-inch iron rod and on the east with a found 1/2-inch iron rod.

This metes and bounds description was prepared in conjunction with an on the ground survey performed during the month of April 2011.

Attachment: Boomerang ROW West Side (2083 - Boomerang Easement - West Side)

BOOMERANG TUBE
ACCESS EASEMENT 3
0.2633 ACRE / 11,469 SQ. FT.
PAGE 2 OF 2




Larry E. Grayson RPLS No. 5071
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700

Attachment: Boomerang ROW West Side (2083 : Boomerang Easement - West Side)

R:\PROJECTS\XX08\XX0812\FINALS\AccessEsmt3.dwg May 03, 2011--10:40am grayson

Attachment: Boomerang ROW West Side (3802) - West Side

LOT 4

FARM-TO-MARKET ROAD 3361

120' R.O.W.
Vol. 806, Pg. 719, L.C.D.R.
Vol. 806, Pg. 723, L.C.D.R.0.2633 ACRE
11,469 SQ. FT.

NAVIGATION ST

Fnd. 3/4" I. Rod

L1 N 03°40'27" W 147.22'

City of Liberty
Residue of a called 21.282 Acres
(Second Tract)
Vol. 612, Pg. 304, L.C.D.R.150' Gulf States Utilities Co. Esmt.
Vol. 770, Pg. 699, L.C.D.R.30' Industrial Gas Supply
Corporation Esmt.
Vol. 480, Pg. 619 L.C.D.R.30' Gas Pipeline Esmt.
National Tube and Pipe Co.
Vol. 771, Pg. 767, L.C.D.R.MAP OF THE CITY OF LIBERTY
VOL. 1, PG. 137 L.C.M.R.

OUTER BLOCK

P.O.B.
Fnd. 5/8" I. Rod

41

LOT 1

Called 50.755 Acres
Liberty Forge, Inc.
Vol. 1576, Pg. 273, L.C.D.R.Residue of a called 20 Acre "Save and Except" Tract
out of an original called 72 Acre Tract
Frank Osbolt and wife, Mory Osbolt
Vol. 232, Pg. 51, L.C.D.R. (20 Ac. S&E)
Vol. 110, Pg. 34, L.C.D.R. (Orig. 72 Acres)BOOMERANG TUBE, LLC
Called 119.32 Acres
L.C.C.F. No. 2008015326

Notes:

1. Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, NAD-83 and a bearing of N 86°19'33" E established by GPS observations along a north line of a called 119.32 acre tract of land described in an instrument filed for record under Liberty County Clerk's File No. 2008015326, said north line being monumented on the west by a found 5/8-inch iron rod and on the east with a found 1/2-inch iron rod.

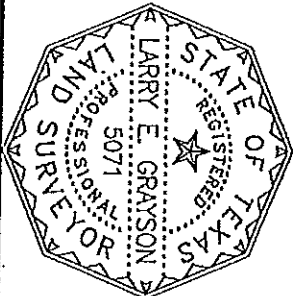
2. Metes and bounds description for the tract shown hereon is being issued under separate cover of same date.

CURVE DATA

NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	130.90'	125.00'	60°00'00"	S 24°31'31" W	125.00'

LINE DATA

NUMBER	BEARING	DISTANCE
L1	N 03°40'27" W	160.40'
L2	N 79°10'43" E	120.00'
L3	S 03°40'27" E	65.17'
L4	S 86°19'33" W	60.00'



Larry E. Grayson
Larry E. Grayson RPLS No. 5071
Brown & Gay Engineers, Inc.
10777 Westheimer, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700

BROWN & GAY

Brown & Gay Engineers, Inc.
10777 Westheimer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 Fax: 281-558-8701
— Civil Engineers and Surveyors —

SURVEY MAP OF A PROPOSED

ACCESS EASEMENT IN THE
LIBERTY TOWN EAST LEAGUE
ABSTRACT NUMBER 359
CITY OF LIBERTY
LIBERTY COUNTY, TEXAS

Scale: 1" = 100'
Job No.: XX0812-T2
Date: 05/03/11
Exhibit: 3

Exhibit "C"

PARCEL ONE:

BEING a 119.32 acre tract of land partially situated in Lots 1 through 4 of Outer Blocks 41 and 42 of the Liberty Town East League, Abstract 359, City of Liberty, Liberty County, Texas, said Outer Blocks being depicted on a map titled "Map of the City of Liberty" which is filed for record under Volume 1, Page 137 of the Liberty County Map Records, said 119.32 acres also being a portion of a called 122.0128 acre tract of land described in a Special Warranty Deed from Allied Tube and Conduit Corporation to Liberty Works Property Company, L.P. filed for record under Volume 1717, Page 204 of the Liberty County Deed Records, said 122.0128 acres also being described as Tracts A-1, A-2, A-3, A-4, B-1, B-2, B-3, B-4, C-1, C-2, D-1 and D-2 in an instrument filed for record under Volume 1249, Page 276 of the Liberty County Deed Records, said 119.32 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 3/4-inch iron rod found for the northwest corner of said Lot 1, Outer Block 41, same being the northwest corner of the residue of a called 21.282 acre tract of land described in an instrument from C.F. Stuesoff to the City of Liberty filed for record under Volume 612, Page 304 of the Liberty County Deed Records;

THENCE S 03°40'27" E, a distance of 147.22 feet to a 5/8-inch iron rod found for the northwest corner of said called 122.0128 acre tract, said 5/8-inch iron being marked by a 2-inch iron pipe 2-feet tall on its northeast side and being the POINT OF BEGINNING of the herein described 119.32 acre tract;

THENCE N 86°19'33" E, a distance of 1473.34 feet along a north line of said called 122.0128 acre tract to a 1/2-inch iron rod found for the northwest corner of a called 1.43 acre tract of land described in an instrument filed for record under Volume 1277, Page 860 of the Liberty County Deed Records;

THENCE S 03°40'27" E, a distance of 250.00 feet along the west line of said called 1.43 acre tract to a 1/2-inch iron pipe found for the southwest corner of said called 1.43 acre tract;

THENCE N 86°19'33" E, a distance of 250.00 feet along the south line of said called 1.43 acre tract to a 1/2-inch iron rod found for the southeast corner of said called 1.43 acre tract;

THENCE N 03°40'27" W, a distance of 250.00 feet along the east line of said called 1.43 acre tract to a 1/2-inch iron rod found for the northeast corner of said called 1.43 acre tract and being in a north line of said called 122.0128 acre tract;

THENCE N 86°19'33" E, along a north line of said called 122.0128 acre tract, at a distance of 135.24 feet pass through a cotton picker spindle found in asphalt and continuing for a total distance of 147.41 feet to a 1/2-inch iron pipe with a cap stamped "BROWN & GAY" set for the northwest corner of a called 2.893 acre tract of land described in a General Warranty Deed from Liberty Property Works, L.P. to Sam Rayburn Municipal Power Agency filed for record under Volume 1789, Page 219 of the Liberty County Deed Records;

THENCE S 00°13'27" E, a distance of 275.50 feet along the west line of said called 2.893 acre tract to a 5/8-inch iron rod found for the southwest corner of said called 2.893 acre tract;

THENCE N 86°19'33" E, a distance of 466.58 feet to a 5/8-inch iron pipe with a cap stamped "BROWN & GAY" set for the southeast corner of said called 2.893 acre tract;

THENCE N 03°40'27" W, a distance of 275.00 feet along the east line of said called 2.893 acre tract to a 5/8-inch iron pipe with a cap stamped "BROWN & GAY" set for the northeast corner of said called 2.893 acre tract;

THENCE N 86°19'33" E, a distance of 625.93 feet along a north line of said called 122.0128 acre tract to a 1/2-inch iron rod found for the northeast corner of said called 122.0128 acre tract, same also being the northeast corner of a called 0.76 acre tract of land described as said Tract "B-4";

THENCE S 03°40'27" E, a distance of 1187.22 feet along the east line of said called 122.0128 acre tract, the east line of said Tract "B-4" and the west line of Lots 1 and 4 of Outer Block 43 of said Map of the City of Liberty, said Lots 1 and 4 being further described in an instrument filed for record under Volume 1259, Page 450 of the Liberty County Deed Records to a point for the southeast corner of said Tract "B-4" and from which a 1/2-inch iron rod found bears S 62°08'47" E, 0.87 feet;

THENCE S 86°19'33" W, at a distance of 11.64 feet and 7.95 feet right pass a found 1/2-inch iron rod and continuing for a total distance of 27.78 feet to a point for the southwest corner of said Tract "B-4", same being in the east line of Lot 3 of said Outer Block 42 and from which a found 1/2-inch iron rod bears N 84°29'03" E, 0.68 feet;

THENCE S 03°40'27" E, along the east line of said Lot 3 of Outer Block 42, at a distance of 102.99 and 16.55 feet left pass a found 1/2-inch iron rod, at a distance of 110.90 feet pass through a 1/2-inch iron rod found for the southeast corner of said Lot 3, Outer Block 42, same being the northeast corner of said Tract "D-2", same being the northeast corner of a called 36.64 acre tract of land described as Tract "D-2" in a General Warranty Deed from the Trinity River Barge and Land Company to National Pipe and Tube Company filed for record under Volume 758, Page 922, said 36.64 acre tract being out of a called 219 acre tract of land described in an instrument filed for record under Volume 613, Page 437 of the Liberty County Deed Records and continuing along the east line of said 36.64 acre tract for a total distance of 833.90 feet to a 1/2-inch iron pipe with a cap stamped "BROWN & GAY" set for corner and from which the following points bear: a found railroad spike - N 52°15'17" W, 56.15 feet, a found railroad spike - S 87°44' 27" W, 23.65 feet, a found 1/2-inch iron rod - N 62°32'53" W, 15.01 feet;

THENCE S 86°19'33" W, along the south line of said called 36.64 acre tract, at a distance of 2263.27 feet pass through a 1/2-inch iron pipe with a cap stamped "BROWN & GAY" set for reference and continuing for a total distance of 2277.92 feet to a point for corner in the east high bank of the Trinity River (Port of Liberty Channel) as surveyed on March 7, 2008;

THENCE the following twenty-six (26) courses and distances in a northerly direction along the east and north high bank of said Trinity River (Port of Liberty Channel) as surveyed on March 7, 2008;

N 15°03'46" E, a distance of 50.58 feet to a point;

N 22°40'12" E, a distance of 81.52 feet to a point;

N 55°36'27" E, a distance of 79.25 feet to a point;

N 29°05'10" E, a distance of 67.40 feet to a point;

N 11°19'12" W, a distance of 32.10 feet to a point;

N 32°21'00" W, a distance of 44.60 feet to a point;

N 00°38'44" E, a distance of 52.70 feet to a point;
 N 27°16'23" W, a distance of 107.21 feet to a point;
 N 04°37'56" E, a distance of 73.41 feet to a point;
 N 38°13'29" W, a distance of 151.20 feet to a point;
 N 48°52'46" W, a distance of 150.60 feet to a point;
 N 62°35'48" W, a distance of 56.55 feet to a point;
 N 55°10'25" E, a distance of 16.36 feet to a point;
 N 61°01'00" W, a distance of 48.20 feet to a point;
 S 76°11'05" W, a distance of 93.20 feet to a point;
 N 46°38'08" W, a distance of 16.20 feet to a point;
 S 77°35'37" W, a distance of 170.46 feet to a point;
 N 04°33'28" W, a distance of 20.28 feet to a point;
 S 73°49'00" W, a distance of 36.10 feet to a point;
 S 27°49'43" W, a distance of 47.70 feet to a point;
 S 64°50'25" W, a distance of 20.90 feet to a point;
 N 20°27'10" W, a distance of 34.10 feet to a point;
 S 75°58'00" W, a distance of 23.60 feet to a point;
 S 07°50'49" E, a distance of 37.90 feet to a point;
 S 53°25'23" W, a distance of 14.50 feet to a point;
 S 86°19'33" W, a distance of 81.89 feet to a point for corner being the most westerly southwest corner of the herein described 119.32 acre tract, same being in the west line of Lot 4 of said Outer Block 41, same also being in the east line of a called 15.44 acre tract of land described in a General Warranty Deed from Price Daniel to Liberty Towing and Dredging filed for record under Volume 1268, Page 335 of the Liberty County Deed Records and from which a found 1/2-inch iron pipe bears S 07°46'19" W, 0.62 feet and a found 1/2-inch iron rod bears S 49°05'59" W, 13.90 feet

THENCE N 03°40'27" W, along the west line of Lot 4 and Lot 1 of said Outer Block 41, the west line of said called 122.0128 acre tract, the east line of said called 15.44 acre tract and the east line of the apparent residue of a called 20.00 acre "Save & Except" tract described in Volume 232, Page 51 of the Liberty County Deed Records, at a distance of 349.93 feet and 0.96 feet left pass a 1/2-iron rod found in a railroad bed, at a distance of 624.58 feet and 73.43 feet left pass a found 3/4-inch iron pipe and continuing for a total distance of 1298.34 feet to the POINT OF BEGINNING and containing 119.32 acres of land.