

DATE: 2-27-01

THE COMMISSIONERS COURT OF BRAZORIA COUNTY, TEXAS

REGULAR/SPECIAL SESSION

ORDER NO. 28

RE: ORDER ADOPTING THE ORDINANCE PROHIBITING SOLID WASTE DISPOSAL IN BRAZORIA COUNTY

MOTION BY Commissioner Clawson, SECONDED BY
Commissioner Stanley, that the following action be taken by
the Court:

that the Brazoria County Landfill Ordinance be approved effective as of the date
of this order.

VOTING

AYE

NAY

County Judge Willy
Commissioner Payne
Commissioner Clawson
Commissioner Harris
Commissioner Stanley

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**ORDER PROHIBITING SOLID WASTE
DISPOSAL IN BRAZORIA COUNTY**

Sec. 1. General Provisions and Findings

Whereas, the Commissioners Court of Brazoria County, Texas, has both the responsibility and authority to protect the public health, safety and general welfare by prohibiting solid waste disposal in the unincorporated areas of Brazoria County, except for those areas designated as solid waste disposal sites, pursuant to the authority of the Texas Health and Safety Code § 364.012; and

Whereas, solid waste disposal, especially the disposal of solid waste in landfills, is an activity that has high potential to negatively impact the health, safety and welfare of any community; and

Whereas, this Court believes and hereby finds that further development or establishment of landfills in certain areas of the county would constitute an unacceptable risk and threat to public health, safety and welfare for the reasons stated below, among others, to wit:

The Court finds that the presence of solid waste disposal facilities in general may negatively influence property values; and

The Court finds that there presently exists solid waste disposal sites in this county which are adequate for the present and future needs of the county and that no others are needed in the affected areas; and

The Court further finds that solid waste disposal activities in the affected area could hamper economic development in the affected area; and

The Court finally finds that substances contained within a landfill, especially in a hazardous or industrial landfill, escape into the air or waterways, including subsurface waterways, significant threats to the public health, safety and welfare exist.

Sec. 2. Definitions

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

Affected area: refers to the area of the County in which solid waste disposal is prohibited.

Industrial Solid Waste: solid waste resulting from or incidental to a process of industry or manufacturing, or mining, or agricultural operations.

Municipal Solid Waste: solid waste resulting from or incidental to municipal, community, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and other solid waste other than industrial solid waste.

Solid waste: Subject to the limitations of 42 U.S.C. § 6903 (27) and 40 C.F.R. § 261.4 (a), garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term:

(A) does not include:

- (i) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code;
- (ii) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or
- (iii) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by Railroad Commission of Texas under Section 91.101, Natural Resources Code, unless the waste, substance, or material results from activities associated with gasoline plants, natural gas liquids processing plants, pressure maintenance plants, or repressurizing plants and is hazardous waste as defined by the administrator of the United States Environmental Protection Agency under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. § 6901 et seq.); and

(B) does include hazardous substances

Solid Waste Facility: all contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately owned solid waste facility consisting of processing, storage, or disposal operational units such as one or more landfills, surface impoundment's, or a combination of units.

Sec. 3.

**Approved Areas for Disposal of Solid Waste in Unincorporated Areas
of Brazoria County**

For the above reasons, and pursuant to the provisions of Section 364.012 of the Texas Health and Safety Code, the Commissioners Court of Brazoria County hereby **ORDAINS, RESOLVES, ORDERS and ESTABLISHES** the following **ORDINANCE:**

IT IS ORDAINED and ORDERED that the disposal of solid waste within Brazoria County, Texas, is not prohibited in the following areas:

AREA ONE

The location of which is along FM 521 North near the Texas Department of Criminal Justice Darrington Unit.

Beginning at a concrete monument found in the easterly right-of-way line of Fm 521 (a 100 foot wide right-of-way as described in Volume 142, Page 522, D.R.B.C.) at the southwest corner of said 135.88 acre tract and the northwest corner of a portion of that called 6746.8 acre tract described in deed to Prison Commission of the State of Texas recorded in Volume 146, Page 136, D.R.B.C.), for the southwest corner of the herein described tract; Thence, North 02°33'18" East, along the easterly line of said FM 5221, passing at a distance of 1238.94 feet (called 1239 feet) a concrete monument found at the northwest corner of said 135.88 acre tract and the southwest corner of said 292.30 acre tract, and continuing the same course for a total distance of 2179.90 feet to a 5/8 inch iron rod with cap set at the northwest corner of the herein described tract, from which a found 1 inch iron pipe bears North 02°33'18" East, a distance of 237.78 feet; Thence, North 87°07'23" East, crossing said 292.30 acre tract and partially along a barbed wire fence, a distance of 4596.65 feet to a 5/8 inch iron rod with cap set in the easterly line of said 292.30 acre tract for the northeast corner of the herein described tract; Thence, South 02°54'42" East, along the easterly line of said 292.30 acre tract and the 135.88 acre tract, a distance of 2418.00 feet to a concrete monument found in the northerly line of said Prison Commission tract for the southeast corner of said called 135.88 acre tract and the herein described tract; Thence, South 87°42'18" West, along the northerly line of said Prison Commission tract, a distance of 4823.64 feet to the POINT OF BEGINNING and containing a computed area of 258.866 acres of land.

AREA TWO

The location of which is on Behlar Road, east of SH 238, between Pearland and Marvel, Texas.

Commencing at a two-inch iron pipe marking the southwest corner of Lot 176 in the said Zychlinski's Subdivision; Thence, North, along a westerly line of the said Lot

176, a distance of 524.84 feet to an iron rod in the southeasterly line of Dixie Farm Road; Thence, N 44°52'42" E, along the southeasterly line of Dixie Farm Road, a distance of 684.10 feet to a Point; Thence S 46°34'31" E, a distance of 313.40 feet to a Point; Thence, N 58°39'33" E, a distance of 398.70 feet to a Point; Thence, 47°07'35" E, a distance of 686.00 feet to a Point; Thence, S 45°13'37" E, along an old fence line, a distance of 568.26 feet to a one and one-half inch iron pipe marking the north corner of the W. H. Snyder Survey, A-370; Thence, S 43°30'02" E, ALONG THE NORTHEASTERLY LINE OF THE SAID W.H. Snyder Survey, a distance of 693.65 feet to a three-quarter-inch iron pipe; Thence, S 45°28'21" W, a distance of 25.93 feet to a Point; Thence, S 43°30'04" E, a distance of 176.34 feet to a Point; Thence, S 47°45'00" W, a distance of 1641.93 feet to a Point in the southwesterly line of the said W.H. Snyder Survey; Thence, S 43°38'08" E, a distance of 23.43 feet to a five-eighth-inch iron pipe along the southwesterly line of the said W.H. Snyder Survey; Thence, S 01°10'04" W, along the easterly line of Lot 177 of Zychlinski's Subdivision, a distance of 526.91 feet to a five-eighth-inch iron rod marking the southeasterly corner of the said Lot 177; Thence, N 88°49'56" W, along the southerly line of the said Lot 177, a distance of 1375.60 feet to a five-eighth-inch iron pipe marking the southwesterly corner of the said Lot 177; Thence, N 01°10'04" E, along the westerly line of the said Lot 177, a distance of 1264.19 feet to the POINT OF BEGINNING of the herein described tract.

AREA THREE

The location of which is 7100 County Road 160 near Alvin, Texas.

Commencing at an iron rod marking the northwest corner of the A.B. & M Survey, Abstract 407, Brazoria County, Texas; Thence 01°04'20" W a distance of 66.77 feet to a point being the intersection of the easterly right-of-way line of County road 38 with the northwesterly right-of-way line of a 60 foot dedicated road easement, said point being the most southerly corner of this tract being described, and being the PLACE OF BEGINNING for this description of said 144.623 acres of land; Thence, N 27°46'19" W along the northeast right-of-way line of County Road 38, a distance of 184.91 feet to a point for the P.C. of a curve to the right; Thence, along said curve to the right in a northerly direction, said curve having a radius of 1935.70 feet and a central angle of 45°01'25", a total distance along said arc of the curve of 1,521.09 feet to the P.T. of said curve; Thence, N 1715'06" E continuing along the easterly right-of-way line of County Road 38 a distance of 148.80 feet to the P.C. of a curve to the left; Thence, along said curve to the left in a northerly direction, said curve having a radius of 2,019.28 feet and a central angle of 20°42'25", a total distance along the arc of said curve of 729.77 feet to a point for the most westerly corner of this tract being described; Thence, N 62°07'32" E a distance of 1,096.03 feet to a point for an interior corner; Thence, N 27°17'26" W a distance of 789.69 feet to a point in the southeast right-of-way line of a 50-foot dedicated road; Thence, N 62°07'32" E along said southeast right-of-way line of a 50-foot dedicated road, a distance of 1295.17 feet to the most northerly corner of this tract being described; Thence, S 27°40'54" E along the southwest right-of-way line of a 50-foot

dedicated road, a distance of 2341.12 feet to a point for the most southeasterly corner of this tract being described; Thence, S 62°54'20" W a distance of 2408.77 feet to an interior corner; Thence, S 27°40'54" E a distance of 750.29 feet to a point in the northwest right-of-way line of a 60-foot road easement; Thence, S 62°54'20" W a distance of 1070.09 feet to the PLACE OF BEGINNING, and containing 144.623 acres of land.

AREA FOUR

The location of which is at 10310 FM 523, Clute, Texas.

A 777.456 acre tract comprising all of that Republic Waste Services of Texas, L, LLC, 777.3637 acre tract (Brazoria County Clerk's File No. 00011407) in the J. Armondaris Survey, A-419, the Jose Musquez Survey, A-332 and the Thomas W. Grayson Survey, A-196, Brazoria County, Texas. The 777.456 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 12 inch creosote fence post found on the Easterly right-of-way line of State Highway FM 523 (200 feet wide) at the Northwest corner of this 777.456 acre tract (BCCF No. 87-428205).

THENCE North 86 degrees 25 minutes 50 seconds East (Call N 86 degrees 25 minutes 08 seconds E) a distance of 3199.11 feet (Call 3198.32') to a concrete monument found for the Southeast corner of said Stokley tract and the Southwest corner of that certain E.C. Stokley 1001.393 acre tract (BCCF No. 84-26862).

THENCE North 86 degrees 20 minutes 45 seconds 9 (Call N 86 degrees 21 minutes 54 seconds E) along the boundary line of said Stokley 1001.393 acre tract a distance of 1463.97 feet (Call 1464.25') to a live oak post found for a point for corner.

THENCE South 03 degrees 44 minutes 33 seconds East (Call S 03 degrees 43 minutes 06 seconds E) along the boundary line of said Stokley 1001.393 acre tract for a distance of 1365.62 feet (Call 1365.59') to a 1/2" iron rod found for a point for corner.

THENCE North 86 degrees 44 minutes 43 seconds (Call N 86 degrees 44 minutes 34 seconds E) along the South boundary line of said Stokley 1001.393 acre tract a distance of 3449.03 feet (Call 3448.98') to a 1/2" iron rod found for a point for corner.

THENCE South 02 degrees 42 minutes 44 seconds East (Call N 03 degrees 13 minutes 36 seconds E) along the West boundary line of that certain 200 acre Edward Lee Summers, et al, Tract (Vol. 1111, pg. 926, Brazoria County Deed Records) a distance of 32.57 feet (32.10') to a concrete monument found for a point for corner.

THENCE 03 degrees 19 minutes 33 seconds East (Call S 03 degrees 19 minutes 12 seconds E) a distance of 2498.69 feet (Call 2498.97') to a concrete monument found for the Southwest corner of said Summers tract.

THENCE South 86 degrees 35 minutes 57 seconds (Call S 86 degrees 36 minutes 07 seconds W) along the North boundary line of that certain Robb and Lanning Subdivision No. 2 (Vol. 2, Pg. 102, Brazoria County Plat Records) a distance of 1405.81 feet (Call 1405.40') to a 5/8" iron rod found for a point for corner.

THENCE South 00 degrees 24 minutes 56 seconds West (Call S 00 degrees 25 minutes 51 seconds W) along the west boundary line of said Robb and Lanning Subdivision a distance of 3397.76 feet (Call 3397.38') to a 1" iron pipe found for a point for corner.

THENCE North 86 degrees 54 minutes 28 seconds East (Call S 86 degrees 53 minutes 20 seconds E) along the south line of lots 44 and 31 of said Robb and Lanning Subdivision a distance of 1197.01 feet (Call 1197.12') to a 1" iron pipe found for the Southeast corner of Lot 31 and the Northeast corner of Lot 32.

THENCE South 00 degrees 23 minutes 29 seconds West (Call S 86 degrees 24 minutes 38 seconds W) along the East line of Lots 32 thru 34 of said Robb and Lanning Subdivision a distance of 789.64 feet (Call 790.20') to a 5/8" iron rod with cap found for the Southeast corner of this 777.456 acre tract.

THENCE along the centerline meanders of an existing drainage ditch as follows:

THENCE North 88 degrees 58 minutes 47 seconds West (Call N 88 degrees 57 minutes 01 seconds W) for a distance of 35.32 feet to a 5/8" iron rod with cap found for a point for corner.

THENCE South 87 degrees 37 minutes 53 seconds (Call S 87 degrees 50 minutes 31 seconds W) for a distance of 91.27 feet (Call 90.87') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 86 degrees 38 minutes 01 seconds West (Call S 06 degrees 30 minutes 27 seconds W) for a distance of 161.21 feet (Call 161.61') to a 5/8" iron rod with cap for a point for corner.

THENCE South 06 degrees 37 minutes 10 seconds West (Call S 86 degrees 41 minutes 51 seconds W) for a distance of 133.70 feet (Call 133.57') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 87 degrees 09 minutes 57 seconds West (Call S 87 degrees 09 minutes 59 seconds W) for a distance of 257.15 feet (Call 257.22') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 81 degrees 46 minutes 35 seconds West (Call S 87 degrees 47 minutes 19 seconds W) for a distance of 84.04 feet (Call 84.05') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 64 degrees 23 minutes 05 seconds West (Call S 64 degrees 18 minutes 52 seconds W) for a distance of 51.90 feet (Call 51.87') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 50 degrees 44 minutes 26 seconds West (Call S 50 degrees 44 minutes 25 seconds W) for a distance of 98.23 feet (Call 98.22') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 48 degrees 10 minutes 54 seconds West (Call S 48 degrees 11 minutes 12 seconds W) for a distance of 222.32 feet (Call 222.34') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 45 degrees 51 minutes 06 seconds West (Call S 45 degrees 50 minutes 10 seconds W) for a distance of 68.53 feet (Call 68.46') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 56 degrees 09 minutes 17 seconds West (Call S 56 degrees 08 minutes 36 seconds W) for a distance of 34.64 feet (Call 34.67') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 63 degrees 07 minutes 33 seconds West (Call S 63 degrees 29 minutes 10 seconds W) for a distance of 31.89 feet (Call 31.86') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 69 degrees 04 minutes 22 seconds West (Call S 68 degrees 54 minutes 50 seconds W) for a distance of 87.87 feet (Call 87.92') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 68 degrees 35 minutes 34 seconds West (Call S 68 degrees 39 minutes 31 seconds W) for a distance of 64.88 feet (Call 64.86') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 66 degrees 55 minutes 27 seconds West (Call S 66 degrees 55 minutes 16 seconds W) for a distance of 108.73 feet (Call 108.75') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 66 degrees 42 minutes 08 seconds West (Call S 66 degrees 45 minutes 03 seconds W) for a distance of 44.08 feet (Call 44.00') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 51 degrees 34 minutes 49 seconds West (Call S 51 degrees 34 minutes 42 seconds W) for a distance of 184.94 feet (Call 184.94') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 42 degrees 28 minutes 32 seconds West (Call S 42 degrees 29 minutes 46 seconds W) for a distance of 110.68 feet (Call 110.64') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 45 degrees 15 minutes 01 seconds West (Call S 45 degrees 16 minutes 55 seconds W) for a distance of 81.65 feet (Call 81.67') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 55 degrees 11 minutes 18 seconds West (Call S 55 degrees 13 minutes 28 seconds W) for a distance of 64.20 feet (Call 64.16') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 45 degrees 00 minutes 18 seconds West (Call S 45 degrees 00 minutes 33 seconds W) for a distance of 109.80 feet (Call 109.94') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 50 degrees 56 minutes 07 seconds West (Call S 50 degrees 55 minutes 51 seconds W) for a distance of 140.95 feet (Call 140.84') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 52 degrees 51 minutes 56 seconds West (Call S 52 degrees 54 minutes 57 seconds W) for a distance of 85.70 feet (Call 85.74') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 49 degrees 44 minutes 47 seconds West (Call S 49 degrees 47 minutes 48 seconds W) for a distance of 46.61 feet to a 5/8" iron rod set for the southwest corner of this 777.456 acre tract.

THENCE North 09 degrees 59 minutes 45 seconds West (Call North 10 degrees 00 minutes 31 seconds W) along the west boundary line of that certain 128.41 acre tract (BCCF No. 94-034283), crossing Lots 17,20,21,23,24,27,28 and 31 of that certain Robb and Lanning Subdivision No. 1 (Vol.2, Pg. 102, BCPR) a distance of 1993.57 feet (Call 1992.89') to a 5/8" iron rod set on the North line of said subdivision.

THENCE South 86 degrees 52 minutes 12 seconds West (Call S 86 degrees 54 minutes 00 seconds W) along the North line of said Robb and Lanning Subdivision No. 1 a distance of 113.52 feet to a 5/8" iron rod set for Southeast corner of that certain D.F. Boyles 25 acre tract (Vol. 153, Pg. 440, BCDR).

THENCE North 03 degrees 35 minutes 45 seconds West (Call N 03 degrees 33 minutes 57 seconds W) for a distance of 1552.62 feet to a 5/8" iron rod with cap found for the Northeast corner of said Boyles tract.

THENCE South 86 degrees 51 minutes 02 seconds West (Call S 86 degrees 52 minutes 50 seconds W) along the North boundary line of said Boyles tract a distance of 684.84 feet (Call 684.80') to a 1/2" iron rod found for the Southeast corner of the residue of that certain Texas Company tract (Vol. 156, Pg. 258, BCDR).

THENCE North 03 degrees 34 minutes 50 seconds West (Call N 03 degrees 34 minutes 28 seconds W) for a distance of 361.98 (Call 361.69') feet to a 1/2" iron rod found for the Northeast corner of said Texas Company tract.

THENCE South 86 degrees 54 minutes 51 seconds West (Call S 86 degrees 55 minutes 51 seconds W) for a distance of 361.59 feet (Call 361.58') to a 1/2" iron rod found for the Northwest corner of said Texas Company tract.

THENCE North 03 degrees 35 minutes 38 seconds West (Call N 03 degrees 34 minutes 48 seconds W) along the East boundary line of that certain Tallis v. Turner tract (Vol. 1600, Pg. 189, BCDR) a distance of 1189.02 feet (Call 1188.09') to a 1" iron pipe found for a point for corner.

THENCE South 87 degrees 02 minutes 23 seconds West (Call S 87 degrees 02 minutes 33 seconds W) along the North boundary line of said Turner tract a distance of 617.43 feet (Call 617.86') to a 1/4" iron rod found for a point for corner.

THENCE South 86 degrees 44 minutes 23 seconds West (Call S 86 degrees 42 minutes 06 seconds W) along the North boundary line of said Turner tract a distance of 396.50 feet (Call 396.35') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 03 degrees 34 minutes 46 seconds East (Call S 03 degrees 34 minutes 12 seconds E) along the West boundary line of said Turner tract a distance of 416.52 feet (Call 416.50') to a 5/8" iron rod with cap found for a point for corner.

THENCE South 86 degrees 43 minutes 28 seconds West (Call S 86 degrees 43 minutes 16 seconds W) along the North boundary line of that certain Michael Ray Reneau tract (BCCF No. 96-009666) a distance of 1699.13 feet (Call 1699.04') to a 1/2" iron found for a point for corner.

THENCE North 21 degrees 31 minutes 31 seconds West (Call N 21 degrees 31 minutes 17 seconds W) along the Easterly right-of-way line of said State Highway FM 523 a distance of 4505.09 feet (Call 4504.66') to the POINT OF BEGINNING.

TRACT 2

All that certain 68.56 acres of land being parts of Lots 15,16,17,20,21,23,24,27,28 & 31 and all of Lots 18,19,22,25,26,29 & 30 of Subdivision No. One of the Robb & Lanning Subdivision according to the plat thereof recorded under Volume 2, Page 102, of the Brazoria County Deed Records, out of the Thomas W. Grayson 1/3 League Survey, A-196, Brazoria County, Texas, and being more particularly described by metes and bounds as follows:

(All bearings based on the North Line of the Thomas W. Grayson 1/3 League Survey @ S 90° 00' 00" E according to the deed of the 71.47 acre tract described in the deed from Brazoria County Disposal Corp. to Brazoria Recycling Center, Inc., recorded under File No. 92-32128, in the Brazoria County Deed Records)

Commencing at a 1" iron pipe found for the southeast corner of Lot 31 of Section Two of the aforesaid Robb & Lanning Subdivision; Thence S 03° 28' 53" W - 802.07' along the east lines of the Lots 32, 33 & 34 of said Section Two to a ½" iron rod found in the south line of a proposed 135' wide Brazoria County Drainage Easement; Thence N 89° 59' 19" W - 742.93' along the south line of said drainage easement, to a 5/8" capped iron rod set for angle corner; Thence S 58° 18' 13" W - 555.46' continuing along said south line to a 5/8" iron rod found for angle corner in the west line of 30' road according to the aforesaid Robb & Lanning Subdivision; Thence S 49° 47' 23" W - 1,094.89' continuing along said south line to a 5/8" capped iron rod for angle corner; thence S 70° 11' 38" W - 46.39' continuing along said south line to a 5/8" capped iron rod set for the southeast corner and POINT OF BEGINNING of the herein described tract;

THENCE S 70° 11' 38" W - 619.94' continuing along said south line to a ½" iron rod found for angle corner;

THENCE S 80° 34' 52" W - 688.80' continuing along said south line to a ½" iron rod found for angle corner;

THENCE S 65° 42' 22" W - 161.41' continuing along said south line to a ¾" iron rod found for the southwest corner of the herein described tract;

THENCE N 00° 22' 46" E - 1,012.13' along the west line of the aforesaid Robb & Lanning Subdivision No. 1 to a 1" iron pipe found for angle corner and the southwest corner of the 22.3 acre tract described in the deed to T.V. Turner, recorded under Volume 1600, Page 189, in the Brazoria County Deed Records;

THENCE N 00° 30' 35" W - 1,479.74' continuing along the west line of said Robb & Lanning Subdivision common to the east line of said 22.3 acre tract, to the northwest corner of the herein described tract;

THENCE S 89° 37' 37" E - 1,160.02' along the north line of County License No. 10 common to the south line of the 22 acre tract described in the deed from F.S. Phillips to D.P. Boyles, recorded under Volume 153, Page 440, in the Brazoria County Deed

Records and the south line of the 37.33 acre tract described in the deed from Elma Sheridan, et al to C.A. Moller, recorded under Volume 766, Page 491, in the Brazoria County Deed Records;

THENCE S 06° 56' 54" E - 2,118.96' along the existing top bank of an excavation pit to the east of said line to the POINT OF BEGINNING of the herein described tract and containing 68.56 acres of land.

AREA FIVE

The location of which is north of HWY 6, east of Alvin, Texas.

Comprising of Lots 31-36, 39-41, 44-46, 48-50 and 56-57, in the I & G.N.R.R. Survey, Abstract 619 of Brazoria County, Texas.

AREA SIX

The location of which is off of County Road 762, outside of Brazoria, Texas.

This site comprises the City of Brazoria-Municipal Disposal Site, designated by the TNRCC permit number MSW 945.

AREA SEVEN

The site is located approximately five (5) miles east of Angleton in Brazoria County, Texas. It is located on the southside of CR 213 and approximately 1.3 miles east of CR 212.

Commencing at a ½" iron pipe, which is the corner of Lots 1 and 2 of the Stern and Stern Subdivision on County Road 213; thence, N 27°00'00" W, 20.78 ft. to a point; thence, N 63°00'00" E, 2,601.87 ft. to a point; thence S 27°00'00" E, 100.00 ft. to the Point of Beginning and an iron rod found. Thence continuing S 27°00'00" E, 1600.00 ft. along the Southwesterly boundary of B&D Landfill's 53.753 acre tract to an iron rod set; thence S 63°00'00" W, 525.00 ft. to an iron rod set; Thence North 27°00'00" W, 1660.00 ft. to an iron rod set; thence 63°00'00" E, 525.00 ft. to the Point of Beginning. Said Tract of land containing 20 acres, more or less.

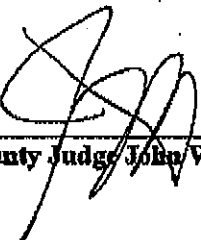
Sec. 4. Civil Remedies and Penalties

The Commissioners Court of Brazoria County, Texas, may bring a legal action to enjoin violations of this ordinance and seek judgment for any civil penalties.

Sec. 5. Severability

If any portion of this ordinance is deemed to be in violation of the statutes or the constitution of this state or the United States by a court of competent jurisdiction, said portion shall be severed, and the remaining portions of the ordinance shall remain in full force and effect.

EFFECTIVE this 27 day of February, 2001.



County Judge John Willy



Commissioner Donald Payne, Pct. 1



Commissioner James Clawson, Pct. 2

(Not Present)

Commissioner Jack Harris, Pct. 3



Commissioner L.L. Stanley, Pct. 4

**ORDER NO. 24 RE: CONSIDERATION OF AMENDMENT TO ORDER
PROHIBITING SOLID WASTE DISPOSAL IN
BRAZORIA COUNTY**

Motion by Judge Willy, seconded by Commissioner Stanley that the following action be taken by the Court:

1. That the Order Prohibiting Solid Waste Disposal in Brazoria County be amended by the addition of Section 6 which is as follows:

"Sec. 6 Withdrawal or Return of Permit:

In the event that an application for permit or other authorization under Texas Health and Safety Code Chapter 361 which was pending before the Texas Natural Resources Conservation Commission at the time of the adoption of this Order (Order No. 28, approved February 27, 2001) for an area listed in Sec. 3 of this Order is withdrawn by or returned to the applicant then such area shall be removed from Sec. 3 of this Order and unincorporated areas of Brazoria County, Texas."

Motion carried, all present voting aye.

STATE OF TEXAS)

COUNTY OF BRAZORIA)

I, Joyce Hudman, Clerk County Court and Ex-Officio Clerk of the Commissioners' Court of Brazoria County, Texas, do hereby certify that the foregoing is a true and correct copy of that certain:

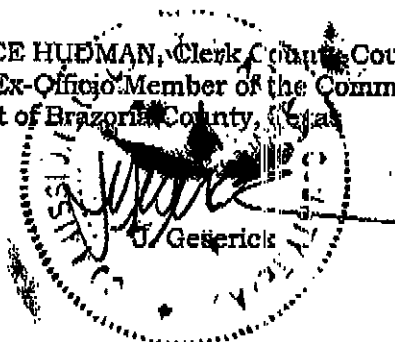
**ORDER NO. 24 RE: CONSIDERATION OF AMENDMENT TO ORDER
PROHIBITING SOLID WASTE DISPOSAL IN
BRAZORIA COUNTY**

as passed by the Commissioners' Court on the 13th day of March A.D., 2001, Regular Term of Commissioners' Court and as the same appear(s) in the Commissioners' Court Records of Brazoria County, Texas.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 21st DAY OF
SEPTEMBER, A.D., 2007.**

JOYCE HUEMAN, Clerk County Court
and Ex-Officio Member of the Commissioners'
Court of Brazoria County, Texas

By



Deputy

J. Getterick

DATE: 3-13-01

THE COMMISSIONERS COURT OF BRAZORIA COUNTY, TEXAS

REGULAR/SPECIAL SESSION

ORDER NO. 24

RE: **Consideration of Amendment to Order Prohibiting Solid Waste Disposal in Brazoria County**

MOTION BY Commissioner Judge, SECONDED BY

Commissioner Stanley, that the following action be taken by the Court:

1. That the Order Prohibiting Solid Waste Disposal in Brazoria County be amended by the addition of Section 6 which is as follows:

***Sec. 6 Withdrawal or Return of Permit**

In the event that an application for permit or other authorization under Texas Health and Safety Code Chapter 361 which was pending before the Texas Natural Resources Conservation Commission at the time of the adoption of this Order (Order No. 28, approved February 27, 2001) for an area listed in Sec. 3 of this Order is withdrawn by or returned to the applicant then such area shall be removed from Sec. 3 of this Order and shall no longer be designated as an approved area for disposal of solid waste in unincorporated areas of Brazoria County, Texas."

VOTING	AYE	NAY
County Judge Willy	_____	_____
Commissioner Payne	_____	_____
Commissioner Clawson	_____	_____
Commissioner Harris	_____	_____
Commissioner Stanley	_____	_____

ORDER NO. 28 RE: AMENDING PRIOR ORDINANCE PROHIBITING SOLID WASTE DISPOSAL IN BRAZORIA COUNTY

Motion by Commissioner Clawson, seconded by Commissioner Stanley that the following action be taken by the Court:

The Court orders that Order No. 25 passed by the Commissioners' Court on February 27, 2001 and amended by Commissioners' Court Order No. 24 passed on March 13, 2001 is amended so that the first paragraph of Section One shall read as follows:

Whereas, the Commissioners' Court of Brazoria County, Texas has both the responsibility and authority to protect the public health, safety and general welfare by prohibiting solid waste processing and disposal in the unincorporated areas of the Brazoria County, except for those areas designated as solid waste disposal sites, pursuant to the authority of Texas Health and Safety Code 363.112 and Texas Health and Safety Code 364.012; and

Motion carried, all present voting aye.

STATE OF TEXAS)

COUNTY OF BRAZORIA)

I, Joyce Hudman, Clerk County Court and Ex-Officio Clerk of the Commissioners' Court of Brazoria County, Texas, do hereby certify that the foregoing is a true and correct copy of that certain:

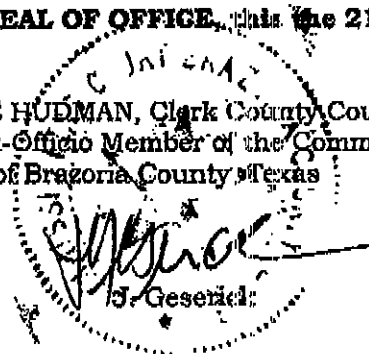
ORDER NO. 28 RE: AMENDING PRIOR ORDINANCE PROHIBITING SOLID WASTE DISPOSAL IN BRAZORIA COUNTY

as passed by the Commissioners' Court on the 26th day of March A.D., 2002, Special Term of Commissioners' Court and as the same appear(s) in the Commissioners' Court Records of Brazoria County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21st DAY OF SEPTEMBER, A.D., 2007.

JOYCE HUDMAN, Clerk County Court and Ex-Officio Member of the Commissioners' Court of Brazoria County, Texas

By



Deputy

J. Gesenick

DATE: 3/26/2002

THE COMMISSIONERS COURT OF BRAZORIA COUNTY, TEXAS

REGULAR/SPECIAL SESSION

ORDER NO. 28

RE: **Amending Prior Ordinance Prohibiting Solid Waste Disposal in Brazoria County**

MOTION BY Commissioner Clawson, SECONDED BY

Commissioner Stanley, that the following action be taken by the Court:

1. The Court orders that Order No. 25 passed by the Commissioners' Court on February 27, 2001 and amended by Commissioners' Court Order No. 24 passed on March 13, 2001 is amended so that the first paragraph of Section One shall read as follows:

Whereas, the Commissioners' Court of Brazoria County, Texas, has both the responsibility and authority to protect the public health, safety and general welfare by prohibiting solid waste processing and disposal in the unincorporated areas of the Brazoria County, except for those areas designated as solid waste disposal sites, pursuant to the authority of Texas Health and Safety Code §363.112 and Texas Health and Safety Code §364.012; and

VOTING

AYE

NAY

County Judge Willy
Commissioner Payne
Commissioner Clawson
Commissioner Harris
Commissioner Stanley

<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

ORDER NO. 28 RE: ORDER ADOPTING THE ORDINANCE PROHIBITING SOLID WASTE DISPOSAL IN BRAZORIA COUNTY*

Motion by Commissioner Clawson, seconded by Commissioner Stanley that the following action be taken by the Court:

That the Brazoria County Landfill Ordinance be approved effective as of the date of this order.

Motion carried, all present voting aye.

STATE OF TEXAS)

COUNTY OF BRAZORIA)

I, Joyce Hudman, Clerk County Court and Ex-Officio Clerk of the Commissioners' Court of Brazoria County, Texas, do hereby certify that the foregoing is a true and correct copy of that certain:

ORDER NO. 28 RE: ORDER ADOPTING THE ORDINANCE PROHIBITING SOLID WASTE DISPOSAL IN BRAZORIA COUNTY*

as passed by the Commissioners' Court on the 27th day of February A.D., 2001, Special Term of Commissioners' Court and as the same appear(s) in the Commissioners' Court Records of Brazoria County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 21st DAY OF SEPTEMBER, A.D., 2007.

JOYCE HUDMAN, Clerk County Court and Ex-Officio Member of the Commissioners' Court of Brazoria County, Texas

By



Deputy