

**RESOLUTION NO. 17-101**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS, AUTHORIZING THE CITY SECRETARY TO SIGN A COPY OF A PETITION FROM FORT BEND COUNTY MUD 157 TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO ACKNOWLEDGE RECEIPT OF SAID PETITION.**

\* \* \* \* \*

**BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:**

Section 1. The City Secretary for the Village of Pleak received on October 6, 2017 a Petition from MUD 157 to the Texas Commission on Environmental Quality regarding the creation of MUD 157. A copy of such petition with exhibits is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 2. The Village Council authorizes the City Secretary to sign the acknowledgement at the end of Exhibit A, that the Petition for the Creation of Fort Bend County Municipal Utility District 157 has been filed with the Village Secretary's Office.

Section 3. All resolutions and parts of resolutions, policies, rules, regulations, and practices, written or unwritten, of the Village of Pleak inconsistent or in conflict herewith are hereby repealed.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Village Council of the Village of Pleak, Texas, declares that it would have passed each and every part of

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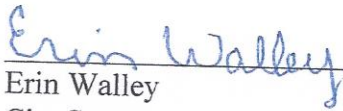
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the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**PASSED AND APPROVED** on this 18th day of October 2017.

  
\_\_\_\_\_  
Larry Bittner  
Mayor

ATTEST:

  
\_\_\_\_\_  
Erin Walley  
City Secretary



*Laura Richard*  
Laura Richard, County Clerk  
Fort Bend County Texas  
Pages: 8 Fee: \$39.00

PETITION FOR CREATION OF  
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157

THE STATE OF TEXAS       §  
  §  
COUNTY OF FORT BEND   §

TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

BGM LAND INVESTMENTS, LTD., a Texas limited partnership (the "Petitioner"), holding title to a majority in value of the land described by metes and bounds in **Exhibit A** attached hereto and incorporated herein for all purposes (the "Property"), as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District, and acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto, respectfully petitions the Commissioners of the Texas Commission on Environmental Quality (the "TCEQ") for the creation of a municipal utility district, and in support thereof would respectfully show the following:

I.

The name of the proposed District shall be FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157 (herein, the "District"). There is no other conservation or reclamation district in Fort Bend County, Texas, with the same name.

II.

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto.

III.

The District shall have all the rights, powers, privileges, authority and functions conferred by, and be subject to, all duties imposed by the Texas Water Code and the general laws relating to municipal utility districts. The District shall contain 531.2 acres of land, more or less, situated in Fort Bend County, Texas. All of the Property is wholly within the extraterritorial jurisdiction of the Village of Pleak, Texas. All of the Property may properly be included in the District.



IV.

The Petitioner holds fee simple title to the Property, as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District.

V.

The Petitioner represents that there are no lienholders on the Property and that there are no residents on the Property.

VI.

The general nature of the work proposed to be done by the District at the present time is the purchase, construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system for residential and commercial purposes, and the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, all as more particularly described in an engineer's report filed simultaneously with the filing of this petition, to which reference is hereby made for more detailed description, and such other purchase, construction, acquisition, improvement, maintenance and operation of such additional facilities, systems, plants and enterprises as shall be consonant with all of the purposes for which the District is created (the "Project").

VII.

There is a necessity for the improvements above described. The Property will be developed for residential and commercial purposes. There is not available within the area proposed to be included in the District an adequate waterworks system, sanitary sewer system, or drainage and storm sewer system, and the health and welfare of the present and future inhabitants of the District and of the areas adjacent thereto require the purchase, construction, acquisition, maintenance and operation of an adequate waterworks system, sanitary sewer system, and drainage and storm sewer system.

VIII.

The proposed improvements are feasible and practicable. There is an ample supply of water available, and the terrain of the territory to be included in the proposed District is such that a waterworks system, a sanitary sewer system, and drainage and storm sewer system can be constructed at a reasonable cost.

IX.

A preliminary investigation has been made to determine the cost of the Project and it is now estimated by the Petitioner, from such information as they have at this time, that the cost of the Project will be approximately \$66,900,000.

WHEREFORE, the Petitioner respectfully prays that this petition be properly filed, as provided by law; that all interested persons be notified of the procedures for requesting a public hearing on this petition as required by 30 Tex. Admin. Code §293.12; that this petition be set for consideration at a date to be fixed in keeping with the provisions of Chapters 49 and 54, Texas Water Code, and the rules of the TCEQ; that, if necessary, a hearing be held and notice thereof be given as provided in Chapters 49 and 54, Texas Water Code, and the rules of the TCEQ; that this petition be in all things granted; that the District be created and five directors thereof appointed to serve until their successors are duly elected and qualified; and that such other orders, acts, procedure and relief be granted as are proper and necessary and appropriate to the creation and organization of the District, as the TCEQ shall deem proper and necessary.

*[Signature page follows this page.]*

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of July, 2017.

**BGM LAND INVESTMENTS, LTD.**, a Texas limited partnership

By: GP Landvest, L.L.C., a Texas limited liability company, General Partner

By: Roger B. Medors  
Roger B. Medors  
Manager

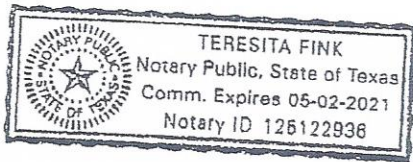
THE STATE OF TEXAS

COUNTY OF HARRIS

§  
§  
§

This instrument was acknowledged before me on this 21<sup>st</sup> day of July, 2017, by Roger B. Medors, Manager of GP Landvest, L.L.C., a Texas limited liability company, as General Partner of BGM LAND INVESTMENTS, LTD., a Texas limited partnership, on behalf of said limited liability company and said limited partnership.

(NOTARY SEAL)



Teresita Fink  
Notary Public, State of Texas

Attachment:

Exhibit A: Description of the Property

RETURN RECORDED DOCUMENT TO: Allen Boone Humphries Robinson LLP  
Attn: Yvonne Onak 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027



Exhibit A Page 1 of 4 Pages

County: Fort Bend  
 Project: Pleak ETJ  
 M.S.G. No.: 171153-R  
 Job Number: 1356-ALTA

## FIELD NOTES FOR 531.2 ACRES

Being 531.2 acres of land located in the Charles B. Stewart Survey, Abstract-90, the Asa Wickson Survey, Abstract-94, the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract-130, and the George H. Schley Survey, Abstract-391, Fort Bend County, Texas; said 531.2 acre tract being out of a called 548.9 acre tract recorded in the name of BGM Land Investments, Ltd., under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2016124987; said 531.2 acre tract being more particularly described by metes and bounds as follows (bearings based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, per GPS observations):

**BEGINNING** at a set P-K nail in asphalt marking the northerly northeast corner of said 548.9 acre tract, being in the centerline of Hand Road, and being in the southwest line of a called 80.183 acre tract recorded in the name of Roger Dockal and wife, Laverne Dockal, in Volume 462, Page 102, D.R.F.B.C.T., for the easterly northeast corner of the herein described tract;

**THENCE**, with the northerly northeast line of said 548.9 acre tract, the centerline of said Hand Road, and the southwest line of said 80.183 acre tract, and a called 35 acre tract recorded in the name of Hand Family Partnership, Ltd., in F.B.C.C.F. No. 2003034513, South 47 degrees 59 minutes 06 seconds East, a distance of 3,320.72 feet, to a 1/2-inch iron pipe with plastic cap found for the easterly northeast corner of said 548.9 acre tract, and the south corner of said 35 acre tract, said point being in the northwest line of a called 44.93 acre tract recorded in the name of Doris Thielemann Andreassen, in Volume 619, Page 313, D.R.F.B.C.T., said point also being an angle point in the centerline of said Hand Road, for the easterly northeast corner of the herein described tract;

**THENCE**, with the easterly southeast line of said 548.9 acre tract, and the northwest line of said 44.93 acre tract, South 42 degrees 04 minutes 05 seconds West, a distance of 2,667.58 feet, to a 1/2-inch iron pipe with plastic cap found for an inner corner of said 548.9 acre tract, and the west corner of said 44.93 acre tract, for an inner corner of the herein described tract;

**THENCE**, with the southerly northeast line of said 548.9 acre tract, and the southwest line of said 44.93 acre tract, South 48 degrees 44 minutes 50 seconds East, a distance of 161.21 feet, to a 1-1/2-inch iron pipe found for an inner corner in the southwesterly line of said 44.93 acre tract, for an angle point of the herein described tract;

**THENCE**, with the southerly northeast lines of said 548.9 acre tract, being the southwest lines of said 44.93 acre tract, a called 108.878 acre tract recorded in the name of Clarence Thielemann, in Volume 619, Page 321; D.R.F.B.C.T.; a called 59.9783 acre tract recorded in the name of Barnhart-Small-Doggett, Partnership, in Volume 1956, Page 866, D.R.F.B.C.T., and a called 99.792 acre tract recorded in the name of Satnam Properties, LLC, under F.B.C.C.F. No. 2013009668, South 47 degrees 58 minutes 10 seconds East, a distance of 3,909.31 feet, to a 1/2-inch iron pipe with plastic cap found for the most easterly corner of said 548.9 acre tract, and the north corner of a called 104 acre tract, recorded in the name of Roy Hauger and wife, Adele W. Hauger, in Volume 249, Page 639, D.R.F.B.C.T., for the easterly corner of the herein described tract;



Exhibit A Page 2 of 4 Pages

THENCE, with the southerly southeast line of said 548.9 acre tract, and the northwest line of said 104 acre tract, South 41 degrees 59 minutes 41 seconds West, a distance of 2,584.93 feet to a P-K nail in asphalt set for the south corner of said 548.9 acre tract, said point being in the northeast line of a called 92.6103 acre tract recorded in the name of Clarence A. Freudensprung and wife, Bernice M. Freudensprung, under F.B.C.C.F. No. 1999004824, said point also being within Pleak Road, for the south corner of the herein described tract;

THENCE, with the southerly southwest line of said 548.9 acre tract, and within said Pleak Road, being the northeast lines of said 92.6103 acre tract, a called 44.8436 acre tract recorded in Volume 965, Page 145, D.R.F.B.C.T., North 47 degrees 58 minutes 10 seconds West, a distance of 2,729.76 feet to a P-K nail set in asphalt marking an angle point in the southerly southwest line of said 548.9 acre tract, and the south corner of a called 2.50 acre tract recorded in the name of Rodney Wayne Janczak and wife, Sandra Kaye-Janczak, in Volume 2357, Page 2218, D.R.F.B.C.T., for an angle point of the herein described tract;

THENCE, with a northwest line of said 548.9 acre tract, and the southeast line of said 2.50 acre tract, North 42 degrees 01 minutes 50 seconds East, a distance of 363.45 feet, to a 3/4-inch iron pipe found for an inner corner of said 548.9 acre tract, and the east corner of said 2.50 acre tract, for an inner corner of the herein described tract;

THENCE, with a southwest line of said 548.9 acre tract, and the northeast line of said 2.50 acre tract, North 47 degrees 58 minutes 10 seconds West, a distance of 300.00 feet, to a 3/4-inch iron pipe found for an inner corner of said 548.9 acre tract, and the north corner of said 2.50 acre tract, for an inner corner of the herein described tract;

THENCE, with a southeast line of said 548.9 acre tract, and the northwest line of said 2.50 acre tract, South 42 degrees 01 minutes 50 seconds West, a distance of 363.45 feet, to a P-K nail set in asphalt set at the west corner of said 2.50 acre tract, said point being an angle point in the southerly southwest line of said 548.9 acre tract, said point also being in the northeast line of said 44.8436 acre tract, and within said Pleak Road, for an angle point of the herein described tract;

THENCE, with the southerly southwest line of said 548.9 acre tract, being the northeast line of said 44.8436 acre tract, and within said Pleak Road, North 47 degrees 58 minutes 10 seconds West, a distance of 879.41 feet, to a 1/2-inch iron pipe with plastic cap found for the southerly west corner of said 548.9 acre tract, said point being in the southeast line of a called southeast 1/2 of 94.59 acres recorded in the name of Dan McCrary and wife, Mary Kate McCrary, in Volume 383, Page 025, D.R.F.B.C.T., for the southerly west corner of the herein described tract;

THENCE, with a northwest line of said 548.9 acre tract, and the southeast line of said southeast 1/2 of 94.59 acres, North 41 degrees 56 minutes 51 seconds East, a distance of 1,788.93 feet, to a 1/2-inch iron pipe with plastic cap found for an interior corner of said 548.9 acre tract, and the east corner of said southeast 1/2 of 94.59 acres, for an inner corner of the herein described tract;

THENCE, with a southwest line of said 548.9 acre tract, and the northeast line of said southeast 1/2 of 94.59 acres, North 48 degrees 05 minutes 23 seconds West, a distance of 1,123.27 feet, to a 1/2-inch iron rod found for an angle point in the southwest line of said 548.9 acre tract, being the north corner of said southeast 1/2 of 94.59 acres, and the east corner of a called northwest 1/2 of 94.59 acres, recorded in the name of Joe Richard Hand, Donald Wayne Hand and Charles Erwin Hand, in Volume 1198, Page 286, D.R.F.B.C.T., for an angle point of the herein described tract;



Exhibit A Page 3 of 4 Pages

THENCE, continuing with a southwest line of said 548.9 acre tract, and the northeast line of said northwest 1/2 of 94.59 acres, North 48 degrees 02 minutes 35 seconds West, a distance of 1,007.00 feet, to a 1-inch iron pipe found for a westerly corner of said 548.9 acre tract, and the south corner of a called 49.106 acre tract recorded in the name of Rodney Janczak and wife, Sandra Janczak in F.B.C.C.F. No. 2002059824, for a west corner of the herein described tract;

THENCE, with a northwest line of said 548.9 acre tract, and the southeast line of said 49.106 acre tract, North 41 degrees 57 minutes 19 seconds East, a distance of 540.59 feet, to a 1-inch iron rod found for an inner corner of said 548.9 acre tract, and the east corner of said 49.106 acre tract, for an inner corner of the herein described tract;

THENCE, with southwest lines of said 548.9 acre tract, being the northeast lines of said 49.106 acre tract, the following two (2) courses:

1. North 48 degrees 06 minutes 17 seconds West, a distance of 1,338.55 feet, to a 1/2-inch iron rod found for an angle point, said point being an inner corner in the northeasterly line of said 49.106 acre tract, for an angle point of the herein described tract;
2. North 48 degrees 01 minutes 30 seconds West, a distance of 1,543.28 feet, to a 5/8-inch iron rod set for the westerly corner of the herein described tract;

THENCE, through and across said 548.9 acre tract, North 41 degrees 55 minutes 50 seconds East, a distance of 1,461.51 feet to a 1/2-inch iron rod found on the easterly northeast line of said 548.9 acre tract, and the east corner of the residue of a called 8.27 acre tract (Tract I) recorded in the name of Daniel Plasencia, under F.B.C.C.F. No. 1999085012, said point being in the southwest line of a called 1.1892 acre tract (Tract 45, Section III, Huisache Acres, an un-platted subdivision) recorded in the name of Arture Perez and Adelita E. Perez, under F.B.C.C.F. No. 2003027902, for a north corner of the herein described tract;

THENCE, with a northeast line of said 548.9 acre tract, being the southwest lines of said Tract 45, a called 1.1892 acre tract (Tract 28, Section II, said Huisache Acres) recorded in the name of Lee R. Geiling and wife, Agatha M. Geiling, under F.B.C.C.F. No. 9554940, a called 1.1892 acre tract (Tract 27, Section II, said Huisache Acres) recorded in the name of Miguel Salazar, under F.B.C.C.F. No. 2001003688, a called 1.1892 acre tract (Tract 10, Section I, said Huisache Acres) recorded in the name of Kelly Filip and Cynthia Villarreal, under F.B.C.C.F. No. 2007073065, and a called 1.2026 acre tract (Tract 9, Section I, said Huisache Acres) recorded in the name of Nelson Franco and Santos Angela Carrillo, under F.B.C.C.F. No. 2011051556, South 48 degrees 01 minutes 48 seconds East, a distance of 1,540.93 feet, to a 1/2-inch iron pipe found for an inner corner of said 548.9 acre tract, and the south corner of said Tract 9, for an inner corner of the herein described tract;

Exhibit A Page 4 of 4 Pages

THENCE, with a northwest line of said 548.9 acre tract, being the southeast lines of said Tract 9, a called 1.0815 acre tract (Tract 8, Section I, said Huisache Acres) recorded in the name of Milton R. Klepac and Ronald R. Klepac, under F.B.C.C.F. No. 2001036850, a called 1.0798 acre tract (Tract 7, Section I, said Huisache Acres) recorded in the name Geri Ann Gamino, under F.B.C.C.F. No. 2011073837, a called 1.0784 acre tract (Tract 6, Section I, said Huisache Acres) recorded in the name of Rosalima Juanita Navarro, under F.B.C.C.F. No. 2004037790, a called 1.0769 acre tract (Tract 5, Section I, said Huisache Acres) recorded in the name of San Juana Ramirez, in Volume 2198, Page 844, D.R.F.B.C.T., a called 1.0755 acre tract (Tract 4, Section I, said Huisache Acres) recorded in the name of Edna M. Segura, in Volume 2317, Page 1433, D.R.F.B.C.T., a called 1.0740 acre tract (Tract 3, Section I, said Huisache Acres) recorded in the name of Francisco Gonzalez and Mary Gonzalez, in Volume 825, Page 307, D.R.F.B.C.T., a called 1.0726 acre tract (Tract 2, Section I, said Huisache Acres) recorded in the name of Bertha Elizabeth Garza, in Volume 1044, Page 804, D.R.F.B.C.T., and Tract 1, Section I, said Huisache Acres recorded in the name of Lupe Ortiz, under F.B.C.C.F. No. 2004002943, North 41 degrees 50 minutes 19 seconds East, a distance of 1,465.08 feet, to the **POINT OF BEGINNING**, and containing 531.2 acres of land;

An ALTA/NSPS Land Title Survey of the subject tract has been prepared by Miller Survey Group and accompanies this description.

*Carolyn J. Quinn*  
Carolyn J. Quinn, R.P.L.S.  
Texas Registration No. 6033



MILLER SURVEY GROUP  
Texas Firm Registration No. 10047100  
[www.millersurvey.com](http://www.millersurvey.com)  
PH: (713) 413-1900  
JOB No. 1356-MUD  
June 22, 2017  
Revised: August 23, 2017

THE STATE OF TEXAS

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COUNTY OF FORT BEND

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I, the Secretary of the Village of Pleak, Texas, do hereby certify that a signed copy of the Petition for Creation of Fort Bend County Municipal Utility District No. 157 has been filed in my office.

WITNESS MY HAND AND THE SEAL OF THE VILLAGE, this 18 day of October, 2017.

Erin Waller  
City Secretary  
Village of Pleak, Texas

(SEAL)