

ORDINANCE NO. 19 - 93

AN ORDINANCE OF THE VILLAGE OF PLEAK, TEXAS CONSENTING TO FORT BEND COUNTY MUD NO. 157 ANNEXATION OF 17.64 ACRES OF LAND INTO MUD 157 EXISTING BOUNDARIES.

* * * * *

WHEREAS, the Village of Pleak (the "Village") received a request for its consent to authorize Fort Bend County Municipal Utility District No. 157 (the "District") to annex into existing MUD 157 boundaries an additional 17.64 acres of land (the "Property") as more particularly described in the attached **Exhibit "A"**; and

WHEREAS, Section 54.016 of the Texas Water Code and Section 42.042 of the Local Government Code provide that land within a city's corporate limits or ETJ may not be included within a municipal utility district without the city's written consent; and

WHEREAS, the District and Petitioner desire that the Village consent to the annexation of the land into the boundaries of the District; and

WHEREAS, after due consideration, it is the opinion of the Village Council that consent to Fort Bend County Municipal Utility District No. 157, to add an additional 17.64 acres into the existing MUD boundaries should be given, subject to the covenants and conditions set forth in **Exhibit "B"**;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:

Section 1. That facts set out in the preamble are true and correct and incorporated herein for all purposes.

Section 2. The Village of Pleak, Texas, hereby consents to Fort Bend County Municipal Utility District No. 157 to add an additional 17.64 acres into the existing MUD boundaries should be given, said 17.64 acres is particularly described by metes and bounds and a map attached hereto and made a part hereof as **Exhibit "A"**.


Section 3. The consent is subject to the covenants and conditions set forth in **Exhibit "B"** and agreed to herein by landowner.

Section 4. In no way is this Ordinance considered an "allocation agreement" between the District and the Village, as provided under Texas Water Code Section 54.016.

PASSED, APPROVED, and ADOPTED on the 16th day of October 2019.


Larry Bittner, Mayor

ATTEST:


Erin Walley, Village Secretary

PETITION FOR CONSENT TO ANNEX LAND INTO
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TO THE HONORABLE MAYOR AND BOARD OF ALDERMEN OF THE VILLAGE OF
PLEAK, TEXAS:

The undersigned, FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157 (the "District"), and BGM LAND INVESTMENTS, LTD., a Texas limited partnership (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the Board of Aldermen of the VILLAGE OF PLEAK, TEXAS ("Pleak"), for its written consent to the annexation by the District of the 17.64 acre tract of land described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on April 27, 2018. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

The Petitioner holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District. The Petitioner represents that there are no lienholders on the Land.

III.

The Land is situated wholly within Fort Bend County, Texas. No part of the Land is within the limits of any incorporated city, town or village, and all of the Land is within the extraterritorial jurisdiction (as such term is defined in Local Government Code Section 42.001 et seq., as amended) of Pleak. All of the Land may properly be annexed into the District.

IV.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, a drainage and storm sewer system, road facilities and parks and recreational facilities.

V.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of Pleak, is in close proximity to populous and developed sections of Fort Bend County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system, an adequate drainage system, road facilities nor parks or recreational facilities, and it is not presently economically feasible for the Land to provide for such systems and facilities itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system, a drainage and storm sewer system, road facilities and parks and recreational facilities, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, such drainage and storm sewer system, such road facilities and such parks and recreational facilities, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$962,137.

VII.

The Petitioner and the District agree and hereby covenant that if the requested consent to the annexation of the Land to the District is given, the Petitioner and the District will adopt and abide by the conditions set forth in **Exhibit B**, attached hereto and incorporated herein for all purposes.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that Pleak give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW.]

RESPECTFULLY SUBMITTED on this 26th day of September, 2019.

**FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 157**

By: [Signature]
Name: Larry Shultz
Title: PRESIDENT

ATTEST:

By: [Signature]
Name: Gloria Giannelli
Title: Secretary

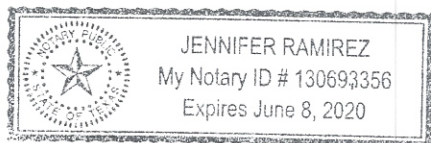


THE STATE OF TEXAS

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COUNTY OF Harris

This instrument was acknowledged before me on this 26th day of September, 2019, by Larry Shultz, as President, and Gloria Giannelli, as Secretary, of the Board of Directors of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157 a political subdivision of the State of Texas, on behalf of said political subdivision.



(NOTARY SEAL)

Jennifer Ramirez
Notary Public, State of Texas

BGM LAND INVESTMENTS, LTD., a Texas limited partnership

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

By: *Jason R. Ervin*

Name: *JASON R ERVIN*

Title: *CFO*

THE STATE OF TEXAS

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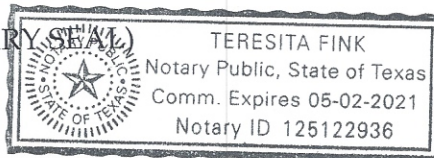
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COUNTY OF *Harris*

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This instrument was acknowledged before me on this *20th* day of *Sept*, 2019, by *JASON ERVIN*, *CFO* 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)



T. Fink
Notary Public, State of Texas

Attachments:

Exhibit A: Description of the Land

Exhibit B: Conditions of Pleak

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Tracie Brownlee.

County: Fort Bend
Project: F.B.C.M.U.D. 157
M.S.G. No.: 191011
Job Number: 1356-MUD

FIELD NOTES FOR 17.64 ACRES

Being 17.64 acres of land located in the George H. Schley Survey, Abstract-391, Fort Bend County, Texas; said 17.64 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 17.64 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):

COMMENCING at a westerly corner of said 548.9 acre tract, being on the east line of a called 0.1485 acre tract recorded in the name of The State of Texas, under F.B.C.C.F. No. 2018089114, and being on the southwest line of the residue of a called 2.299 acre tract recorded in the name of Ronald C. Kunz, under F.B.C.C.F. No. 9742850, and being on the southeasterly right-of-way (R.O.W.) line of F.M. Road 2218 (width varies per F.B.C.C.F. No. 2018089114);

THENCE, with the line common to said 0.1485 acre tract, and said 2.299 acre residue tract, South 48 degrees 03 minutes 09 seconds East, a distance of 11.24 feet to an angle point for the most northerly corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the line common to said 2.299 acre residue tract, and said 548.9 acre tract, the following two (2) courses:

1. South 48 degrees 03 minutes 09 seconds East, a distance of 395.55 feet to an angle point;
2. North 44 degrees 48 minutes 42 seconds East, a distance of 250.87 feet to an angle point in the southwesterly line of a called 0.090 acre tract recorded in the name of Patsy A. Wafer, under F.B.C.C.F. No. 9742847;

THENCE, with the line common to said 0.090 acre tract and said 548.9 acre tract, South 48 degrees 16 minutes 55 seconds East, a distance of 340.54 feet to an angle point for the south corner of a called 0.651 acre tract recorded in the name of Patricia Wafer, under F.B.C.C.F. No. 2002062801;

THENCE, with the line common to said 0.651 acre tract and said 548.9 acre tract, North 41 degrees 54 minutes 43 seconds East, a distance of 310.01 feet to an angle point for an easterly corner of said 0.651 acre tract, and being on the southwest line of a called 1.215 acre tract, recorded in the name of Daniel Plasencia, under F.B.C.C.F. No. 1999085012;

THENCE, with the line common to said 1.215 acre tract and said 548.9 acre tract, South 48 degrees 00 minutes 26 seconds East, a distance of 340.64 feet to an angle point for the southwest corner of said 1.215 acre tract;

THENCE, through and across said 548.9 acre tract, South 41 degrees 55 minutes 50 seconds West, a distance of 1,015.65 feet to an angle point on the northwest line of a called 49.106 acre tract recorded in the name of Rodney Janczak and wife, Sandra Janczak, under F.B.C.C.F. No. 2002059824, and being a southwesterly line of said 548.9 acre tract, for the south corner of the herein described tract;

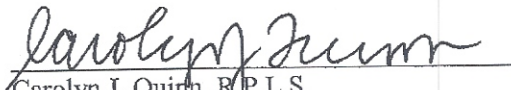
THENCE, with the line common to said 49.106 acre tract and said 548.9 acre tract, North 48 degrees 01 minutes 30 seconds West, a distance of 1,026.83 feet to an angle point on the easterly line of said 0.1485 acre tract, being the southeasterly R.O.W. line of said F. M. Road 2218;

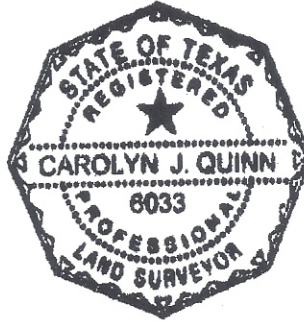
THENCE, with the southeast R.O.W. line of said F.M. Road 2218, the following four (4) courses:

1. North 40 degrees 15 minutes 50 seconds East, a distance of 30.75 feet to an angle point;
2. North 49 degrees 44 minutes 10 seconds West, a distance of 50.00 feet to an angle point;
3. North 40 degrees 15 minutes 50 seconds East, a distance of 263.29 feet to a point at the beginning of a curve to the left;
4. 161.10 feet along the arc of said curve to the left, having a radius of 16,023.00 feet, a central angle of 00 degrees 34 minutes 34 seconds, and a chord that bears North 40 degrees 33 minutes 06 seconds East, a distance of 161.10 feet to the **POINT OF BEGINNING** and containing 17.64 acres of land.

This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

An exhibit of the subject tract has been prepared by Miller Survey Group and accompanies this description.


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



MILLER SURVEY GROUP
Texas Firm Registration No. 10047100
www.millersurvey.com
PH: (713) 413-1900
JOB No. 1356-MUD
February 18, 2019

EXHIBIT "B"

CONSENT CONDITIONS

(a) Purposes for which bonds may be issued, absent prior approval by the Village of Pleak, shall be limited to the purchase, construction, acquisition, operation, repair, maintenance, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

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

(2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state (except that the District will not issue bonds for the purpose of garbage collection and disposal);

(3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District (including the payment of costs associated with any state or federal stormwater permit requirements);

(4) provide for parks and other recreational facilities as may be consistent with and authorized pursuant to Chapters 49 and 54 of the Texas Water Code;

(5) payment for organizational expenses, operation expenses, bond issuance costs, capitalized interest and interest on funds advanced to the District, or paid on behalf of the District all in accordance with the rules of the TCEQ.

(b) Bonds issued by the District will expressly provide that the District reserves the right to redeem said bonds on any interest-payment date subsequent to the fifteenth (15th) anniversary of the date of issuance without premium and will be sold only after the taking of public bids therefor, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given.

(c) The boundaries of the District cannot be expanded without prior written consent of the Village of Pleak.

(d) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning Commission of the Village of Pleak of a plat which will be duly recorded in the Real Property Records of Fort Bend County, Texas.

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF FORT BEND

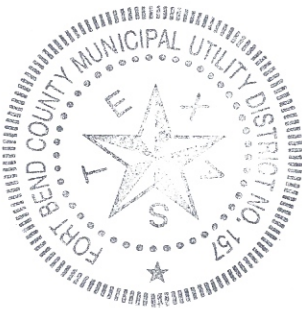
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I, the undersigned Secretary of the Board of Directors of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Consent To Annex Land Into Fort Bend County Municipal Utility District No. 157 that was filed with the Board of Directors of the District on this 26th day of September, 2019.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on this 26th day of September, 2019.

FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 157

(SEAL)



By: [Signature]
Secretary, Board of Directors

