

Ordinance No. 24 - 110

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF PLEAK, TEXAS, CONSENTING TO THE ADDITION OF 49.30 ACRES TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157.

WHEREAS, Fort Bend County Municipal District No. 157 (the "District") is located within the Extraterritorial Jurisdiction of the Village of Pleak, Texas (the "Village"); and

WHEREAS, the Village of Pleak consented to the creation of the District by Ordinance No. 17-87 dated October 18, 2017; and

WHEREAS, Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, as amended, provide that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included within a municipal utility district unless such city grants its written consent, by resolution or ordinance, to the inclusion of the land within in the district; and

WHEREAS, the District and BGM LAND INVESTMENTS, LTD, a Texas limited partnership, (the "Petitioner") have petitioned the Village for its written consent to annex into the District an approximately 49.30 acres of land in Fort Bend County, Texas, as described by metes and bound in Exhibit A to the Petition.

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

Section 1. All of the matters and facts set forth in the preamble hereof are true and correct.

Section 2. The Petition for Consent to Annex Land into Fort Bend County Municipal Utility District No. 157 (the "Petition") is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 3. The Village hereby grants the Petition and specifically gives its consent to the District's annexation of the approximate 49.30 acres of land described in the Petition, subject to the conditions set forth therein.

Section 4. The Board of Aldermen of the Village officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the Board of Aldermen was posted at a place convenient to the public, at the Village Hall, and on the Village website, for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof was discussed, considered, and formally acted upon. The Board of Aldermen further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 5. This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 18th day of September 2024.



Larry Bittner, Mayor

ATTEST:



Erin Walley, City 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, BGM LAND INVESTMENTS, LTD., a Texas limited partnership (the "Petitioner") and FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 157 (the "District"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, together with all amendments and additions thereto, respectfully petition the Board of Alderman of the Village of Pleak, Texas (the "Pleak"), for its written consent to the annexation by the District of approximately 49.30 acres 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, as amended.

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 and supplemented, as needed, by certified deeds recorded in the Official Public Records of Fort Bend County, Texas.

III.

The Petitioner represents that there are no lienholders on the Land.

IV.

The Land is situated wholly within Fort Bend County, Texas. Petitioner has petitioned Pleak for inclusion of the Land in its extraterritorial jurisdiction. No part of the Land is within the corporate limits of any incorporated city, town or village, and no part of the Land is within the extraterritorial jurisdiction (as such term is defined in Texas Local Government Code, Section 42.021 et seq., as amended) of any city, town or village,

except as noted above the Land is within the extraterritorial jurisdiction of Pleak. All of the Land may properly be annexed into the District.

V.

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, and a drainage and storm sewer system, road facilities, and parks and recreational facilities.

VI.

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 the City, is in close proximity to populous and developed sections of Fort Bend County, Texas, 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 nor an adequate drainage system, nor 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 and 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 and 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.

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 the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on August 22, 2024.

FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 157

By: [Signature]

Name: Larry Shultz

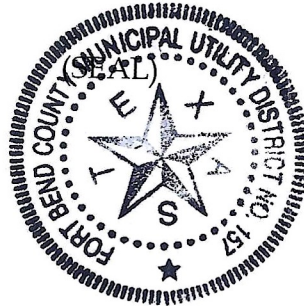
Title: President

ATTEST:

By: [Signature]

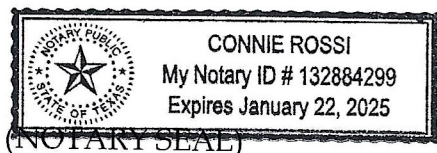
Name: Gloria Giannelli

Title: Secretary



THE STATE OF TEXAS §
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COUNTY OF Harris §

This instrument was acknowledged before me on August 22, 2024, 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.



[Signature]
Notary Public, State of Texas

BGM LAND INVESTMENTS, LTD.,
a Texas limited partnership

By: GP LandVest, LLC,
a Texas limited liability company,
its General Partner

By: Roger B Medors

Name: Roger B. Medors

Title: Manager

THE STATE OF TEXAS

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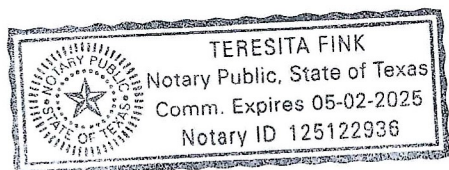
COUNTY OF

Harris

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This instrument was acknowledged before me on June 21, 2024,
by Roger B. Medors, as Manager of GP LandVest, LLC, a Texas limited liability company,
General Partner of BGM LAND INVESTMENTS, LTD., a Texas limited partnership, on
behalf of said limited liability company and said limited partnership.



(Seal)

Teresita Fink
Notary Public, State of Texas

Attachments:

Exhibit A: Description of the Land

Exhibit B: Conditions of Pleak

County: Fort Bend
Project: Brentwood/Thielemann
M.S.G.: 241065
Job Number: 1356.00-ALTA

FIELD NOTES FOR A 49.30 ACRE TRACT

Being a tract of land containing 49.30 acres (2,147,641 square feet), located in the Asa Wickson Survey, Abstract Number (No.) 94, the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract No. 127, and the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, Abstract No. 130 in Fort Bend County, Texas; said 49.30 acre tract being all of a remainder of a called 44.986 acre tract recorded in the name of BGM Land Investments, Ltd., in Fort Bend County Clerk's File (F.B.C.C.F.) No. 2018007767 and all of a called 40.434 acre tract recorded in the name of BGM Land Investments, Ltd., in F.B.C.C.F. No. 2018106755; said 49.30 acre tract being more particularly described by metes and bounds as follows (bearings based on the Texas Coordinate System of 1983, South Central Zone, per GPS observations.):

BEGINNING at a 1/2-inch iron pipe with a Kalkomey cap found at the most westerly corner of said 44.986 acre tract and marking an easterly interior corner of a called 548.9 acre tract recorded in the name of BGM Land Investments, Ltd., in F.B.C.C.F. No. 2016124987, for the west corner of the herein described tract;

THENCE, with the easterly southeast line of said 548.9 acre tract and the northwest line of said 44.986 acre tract, North 42 degrees 04 minutes 05 seconds East, a distance of 419.06 feet to an angle point on the centerline of the Tributary of Big Creek and the most westerly southwest corner of a called 36.117 acre tract recorded in the name of Clarence Thielemann and Erna Thielemann, in F.B.C.C.F. No. 2018106749, for the north corner of the herein described tract;

THENCE, with the centerline of the Tributary of Big Creek, being the southwesterly lines of said 36.117 acre tract, the following six (6) courses:

1. South 55 degrees 50 minutes 52 seconds East, a distance of 98.29 feet to the beginning of a curve to the left;
2. 90.46 feet along the arc of said curve to the left, having a radius of 405.00 feet, through a central angle of 12 degrees 47 minutes 53 seconds, with a chord bearing of South 62 degrees 14 minutes 49 seconds East, a distance of 90.28 feet to a point of tangency;
3. South 68 degrees 38 minutes 45 seconds East, a distance of 32.33 feet to the beginning of a curve to the left;
4. 75.91 feet along the arc of said curve to the left, having a radius of 105.00 feet, through a central angle of 41 degrees 25 minutes 28 seconds, with a chord bearing of South 89 degrees 21 minutes 29 seconds East, a distance of 74.27 feet to a point of tangency;
5. North 69 degrees 55 minutes 47 seconds East, a distance of 219.68 feet to the beginning of a curve to the right;
6. 58.71 feet along the arc of said curve to the right, having a radius of 120.00 feet, through a central angle of 28 degrees 02 minutes 03 seconds, with a chord bearing of North 83 degrees 56 minutes 49 seconds East, a distance of 58.13 feet, to a point of tangency;

THENCE, continuing with the southwesterly line of said 36.117 acre tract, and the northeasterly line of said 40.434 acre tract, South 82 degrees 02 minutes 10 seconds East, a distance of 799.10 feet to the beginning of a curve to the right;

THENCE, continuing with the northeasterly lines of said 40.434 acre tract, the following eight (8) courses:

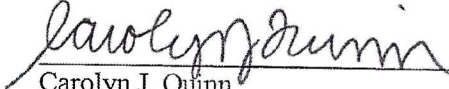
1. 60.31 feet along the arc of said curve to the right, having a radius of 120.00 feet, through a central angle of 28 degrees 47 minutes 53 seconds, with a chord bearing of South 67 degrees 38 minutes 13 seconds East, a distance of 59.68 feet to a point of tangency;
2. South 53 degrees 14 minutes 17 seconds East, a distance of 189.01 feet to the beginning of a curve to the right;
3. 68.39 feet along the arc of said curve to the right, having a radius of 120.00 feet, through a central angle of 32 degrees 39 minutes 06 seconds, with a chord bearing of South 36 degrees 54 minutes 44 seconds East, a distance of 67.46 feet to a point of tangency;
4. South 20 degrees 35 minutes 11 seconds East, a distance of 192.20 feet to the beginning of a curve to the left;
5. 46.37 feet along the arc of said curve to the left, having a radius of 135.00 feet, through a central angle of 19 degrees 40 minutes 45 seconds, with a chord bearing of South 30 degrees 25 minutes 34 seconds East, a distance of 46.14 feet, to a point of tangency;
6. South 40 degrees 15 minutes 56 seconds East, a distance of 472.50 feet to the beginning of a curve to the right;
7. 74.53 feet along the arc of said curve to the right, having a radius of 145.00 feet, through a central angle of 29 degrees 26 minutes 57 seconds, with a chord bearing of South 25 degrees 32 minutes 28 seconds East, a distance of 73.71 feet to a point of tangency;
8. South 10 degrees 49 minutes 00 seconds East, a distance of 97.49 feet to a point on the line common to said 40.434 acre tract and a called 60.042 acre tract recorded in the name of Stephen A. Doggett, in F.B.C.C.F. No. 2022136641, for the east corner of the herein described tract;

THENCE, with the line common to said 40.434 and 60.042 acre tracts, South 41 degrees 55 minutes 35 seconds West, a distance of 970.02 feet to a 5/8-inch iron rod with a Miller Survey cap found on an easterly line of said 548.9 acre tract, being the most westerly corner of said 60.042 acre tract and the most southerly corner of said 40.434 acre tract and the herein described tract, from which a 1/2-inch iron pipe bears North 41 degrees 55 minutes 35 seconds East, a distance of 2.57 feet;

THENCE, with the line common to said 40.434, 548.9, and 44.986 acre tracts, North 47 degrees 58 minutes 10 seconds West, a distance of 2,054.61 feet to a 1-1/2-inch iron pipe found for angle point;

THENCE, with the line common to said 44.986 and 548.9 acre tracts, North 48 degrees 44 minutes 50 seconds West, a distance of 161.21 feet to the **POINT OF BEGINNING** and containing 49.30 acres of land.

An exhibit of the herein described tract was prepared in conjunction with and accompanies this description.


Carolyn J. Quinn
Registered Professional Land Surveyor
Texas Registration No. 6033



Miller Survey | DCCM
Texas Firm Registration No. 10047100
PH: (713) 413-1900
M & B No. 241065
April 2, 2024

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.

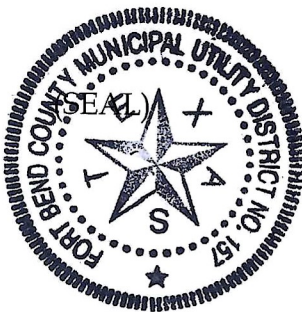
CERTIFICATE

THE STATE OF TEXAS §
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COUNTY OF FORT BEND §

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 August 12, 2024.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on August 12, 2024.

FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 157



By: [Signature]
Secretary, Board of Directors