

ORDINANCE NO. 21-T

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BRAZORIA COUNTY MANAGEMENT DISTRICT NO. 2; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

WHEREAS, pursuant to Chapter 3944 of the Texas Special District Local Laws Code (hereinafter referred to as the “Act”), the 87th Texas Legislature, in its Regular Session, created Brazoria County Management District No. 2 (the “District”) over 203.87 acres of land, which land is described by metes and bounds in Exhibit A attached to the Petition (hereinafter defined) (the “Property”); and

WHEREAS, Section 3944.004 of the Act requires that each municipality in whose corporate limits or extraterritorial jurisdiction the District is located consent to the creation of the District prior to holding of an election to confirm the creation of and elect directors for the District; and

WHEREAS, the District is located in the extraterritorial jurisdiction of the City of Alvin, Texas (the “City”); and

WHEREAS, the Cardon Group, LLC, the Property Manager for the Owners and holders of title to all and, therefore, a majority in value of the Property has submitted a Petition for Consent to Creation of a Municipal Management District dated October 28, 2021, seeking the consent of the City to the creation of the District, a copy of which Petition and all exhibits thereto are incorporated herein as Exhibit A (the “Petition”); and

WHEREAS, the costs of certain water, sewer, drainage, road and recreational facilities, improvement projects and services, and other facilities which the District is authorized to acquire, construct and finance pursuant to the Act and the general laws of the State of Texas (the “Infrastructure”) will be advanced by the developer of property under contracts awarded by the District or the developer on behalf of the District and reimbursed to the developer through the issuance of bonds, notes, or other obligations by the District; and

WHEREAS, it is hereby found that it is in the best interest of the City to require certain conditions to ensure (i) the approval of the City of all plans and specifications for the construction of certain water, sewer and drainage infrastructure facilities, (ii) the sale of bonds, and (iii) the coordination of projects; and

WHEREAS, the City Council of the City desires to create Ordinance No. 21-T as set forth herein for the purpose of consenting to the creation of the District;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. The findings contained in the preamble of this Ordinance are declared to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The City Council of Alvin, Texas, hereby gives its written consent to the creation of Brazoria County Management District No. 2 on 203.87 acres of land, more or less, as described in Exhibit A to the Petition, and such consent is granted upon the written Consent Conditions set forth in Exhibit B attached hereto and made a part hereof for all purposes.

Section 3. The Petition shall pay any and all actual or imputed costs of the City including (i) any reasonable fees or expenses of legal counsel, engineering consultants, or financial consultants, and (ii) any administrative costs incurred in connection with the City's consideration of the Petition and issuance of this Ordinance.

Section 4. In addition to the rights and remedies provide by the laws of the state, in the event the District violates the terms and provisions of the City's written consent, the City shall be entitled to injunctive relief, or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the District and its officials to observe and comply with the terms and conditions of this Ordinance.

Section 5. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED on this the 2nd day of December 2021.

CITY OF ALVIN, TEXAS

ATTEST

By _____
Paul A. Horn, Mayor

By _____
Dixie Roberts, City Secretary