

**ORDINANCE 21-W**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, GRANTING CONSENT TO THE ADDITION OF APPROXIMATELY 203.87 ACRES OF LAND TO BRAZORIA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.**

**WHEREAS**, the City of Alvin, Texas (the “City”), consented to the creation of Brazoria County Water Control and Improvement District No. 10 (“WCID 10”) by Ordinance No. 21-U, passed and adopted by City Council on December 2, 2021; and

**WHEREAS**, WCID 10 was created by an Act of the 87<sup>th</sup> Texas Legislature in its Regular Session on June 15, 2021, pursuant to Chapters 49 and 51 of the Texas Water Code, as amended; and

**WHEREAS**, WCID 10 and the Cardon Group, LLC, the Property Manager for the owners of the land herein described, have petitioned the City to consent to the addition to WCID 10 approximately 203.87 acres of land more fully described in the petition and the exhibit attached hereto as Exhibit A; and

**WHEREAS**, the land sought to be annexed into WCID 10 is located in the extraterritorial jurisdiction of the City of Alvin, Texas (the “City”); and

**WHEREAS**, Section 42.0425 of the Texas Local Government Code, as amended, provides that no land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included within a water control and improvement district unless such city grants its written consent to the inclusion of the land within the district; and

**WHEREAS**, the City Council of the City desires to create Ordinance No. 21-W, as set forth herein, for the purpose of consenting to the addition of said land to WCID 10 and establishing the terms and conditions of such consent.

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

**Section 1.** The facts and recitals set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The City Council of the City of Alvin, Texas, hereby grants its specific written consent to the addition of the approximately 203.87 acres of land referenced above that are situated within the corporate limits of the City of Alvin, Texas, into Brazoria County Water Control and Improvement District No. 10, as described in the Petition and the exhibit, attached hereto as Exhibit A. This Ordinance shall not impair the effectiveness of any agreement between

the City and WCID 10 dated prior to the effective date hereof or conditions contained in Ordinance 21-U, consenting to the creation of WCID 10.

**Section 3.** In addition to all the rights and remedies provided by the laws of the State of Texas, in the event WCID 10 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 WCID 10 and its officials to observe and comply with the terms and provisions of this Ordinance.

**Section 4.** That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5.** That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

**Section 6. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**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