

**ORDINANCE NO. 21-X**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS,  
GIVING CONSENT TO THE CREATION OF BRAZORIA  
COUNTY MUNICIPAL UTILITY DISTRICT NO. 89; AND  
OTHER MATTERS RELATED THERETO.**

**WHEREAS**, pursuant to Chapters 49 and 54 of the Texas Water Code, Ann Burkhart Danz, as Trustee of the Charles W. Burkhart Sr. Trust, (the “Petitioner”), has petitioned for consent to the creation of Brazoria County Municipal Utility District No. 89 (the “District”) to serve the 25.990 acres of land in Brazoria County, Texas, described in the attached Exhibit “A” (“Petitioners’ Land”); and

**WHEREAS**, all of the land within the District is located within the extraterritorial jurisdiction of the City of Alvin, Texas (the “City”); and

**WHEREAS**, Section 42.042 of the Texas Local Government Code provides that land within the extraterritorial jurisdiction of a city may not be included within a municipal utility district without the written consent of such city, town, or village; and

**WHEREAS**, Petitioner has submitted to the Mayor and City Council of the City, a petition for Consent to the Creation of a Municipal Utility District No. 89; and

**WHEREAS**, the general nature of the work to be done in the District is the (i) construction, maintenance and operation of a waterworks system for residential and commercial purposes; (ii) construction, maintenance and operation of a sanitary sewer collection system and sewage disposal plant; (iii) control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflow lands within the District; (iv) construction, maintenance and operation of macadamized, graveled or paved roads or turnpikes, inside or outside of the District; and (v) such other construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized; and

**WHEREAS**, the City Council of the City desires to adopt Ordinance No. 21-X 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.** That all of the above recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Alvin, Texas.

**Section 2.** The City Council of the City of Alvin, Texas, hereby specifically gives its written consent, as provided by Texas Local Government Code, Section 42.042 to the creation of the Brazoria County Municipal Utility District No. 89, all of which is within the extraterritorial jurisdiction of the City of Alvin, the boundaries of such land being described by metes and bounds described in Exhibit “A”, attached hereto and made a part of hereof for all purposes.

**Section 3.** That the City Council of Alvin, Texas, hereby specifically imposes the terms and conditions set forth in Exhibit “B”, attached hereto and made a part hereof for all purposes.

**Section 4.** The City Council further hereby notifies the referenced District, its residents and property owners of the provisions of applicable law allowing the City to annex any portion of the District located within the City’s extraterritorial jurisdiction, including without limitation, the land authorized to be included in the District hereby. The District shall include a statement in the form required under Texas Water Code, Section 49.455 reflecting the possibility of such annexation by the City.

**Section 5. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** on this the 16<sup>nd</sup> day of December 2021.

**CITY OF ALVIN, TEXAS**

**ATTEST:**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary