

**RESOLUTION NO. 21-R-18**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, GIVING CONSENT TO CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 81; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.**

**WHEREAS**, pursuant to Chapters 49 and 54 of the Texas Water Code, D.R. HORTON – Texas, LTD., (the “Petitioner”), has petitioned for consent to creation of Brazoria County Municipal Utility District No. 81 (the “District”) to serve the approximately 103.714 acres of land in Brazoria County, Texas, described in the attached Exhibit “A;” and

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

**WHEREAS**, Texas Local Government Code, Section 42.042 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 Creation of Brazoria County Municipal Utility District No. 81; and

**WHEREAS**, filed contemporaneously herewith, Petitioner has also submitted to the Mayor and City Council of the City a Petition for Voluntary Annexation; 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 Resolution No. 21-R-18 as set forth herein for the purpose of consenting to the creation of the District;

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

**Section 1.** That the above recitals are hereby found to be true and correct and are incorporated into this Resolution 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 Section 42.042 of the Texas Local Government Code, to the creation of the Brazoria County Municipal Utility District No. 81, all of which is currently 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 5<sup>th</sup> day of August 2021.

**CITY OF ALVIN, TEXAS**

**ATTEST**

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

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

## **Exhibit "A"**

### **PROPERTY DESCRIPTION**

Being a tract containing 59.780 acres of land, located in the I&G.N.R.R. Co. Survey, Abstract Number 400, in Brazoria County, Texas; Said 59.780 acre tract being a portion of a call 15.560 acre tract styled Tract 6, recorded in the name of Larry D. Smith, M.D. in File Number 1977023758 of the Official Public Records of Brazoria County (O.P.R.B.C.) and described in File Number 1973005270 of the O.P.R.B.C., a portion of a call 15.76 acre tract recorded in the name of Larry D. Smith, M.D. in File Number 1984030953 of the O.P.R.B.C., and a portion of a call 39.6486 acre tract recorded in the name of Lopeholt Properties I, L.P. in File Number 2010048601 of the O.P.R.B.C., and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Being a tract containing 43.934 acres of land, located in the B.B.B.& C.R.R. Co. survey, Abstract Number 159 and the I&G.N.R.R. Co. Survey, Abstract Number 400, in Brazoria County, Texas; Said 43.934 acre tract being a portion of a call 37.368 acre tract styled Tract 2, a call 8.83 acre tract styled Tract 4, a call 3.01 acre tract styled tract 5, a portion of a call 15.560 acre tract styled Tract 6, all recorded in the name of Larry D. Smith, M.D. in File Number 1977023758 of the Official Public Records of Brazoria County (O.P.R.B.C.) and described in File Number 1973005270 of the O.P.R.B.C., and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

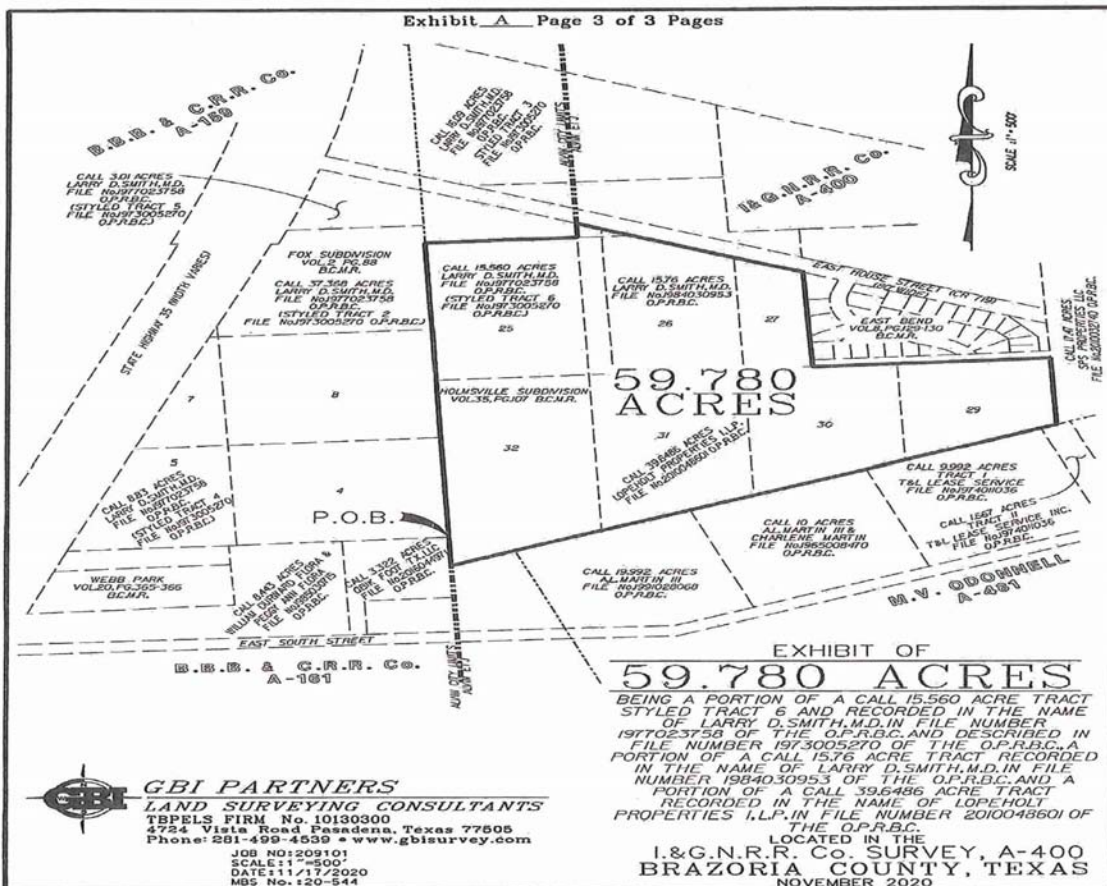
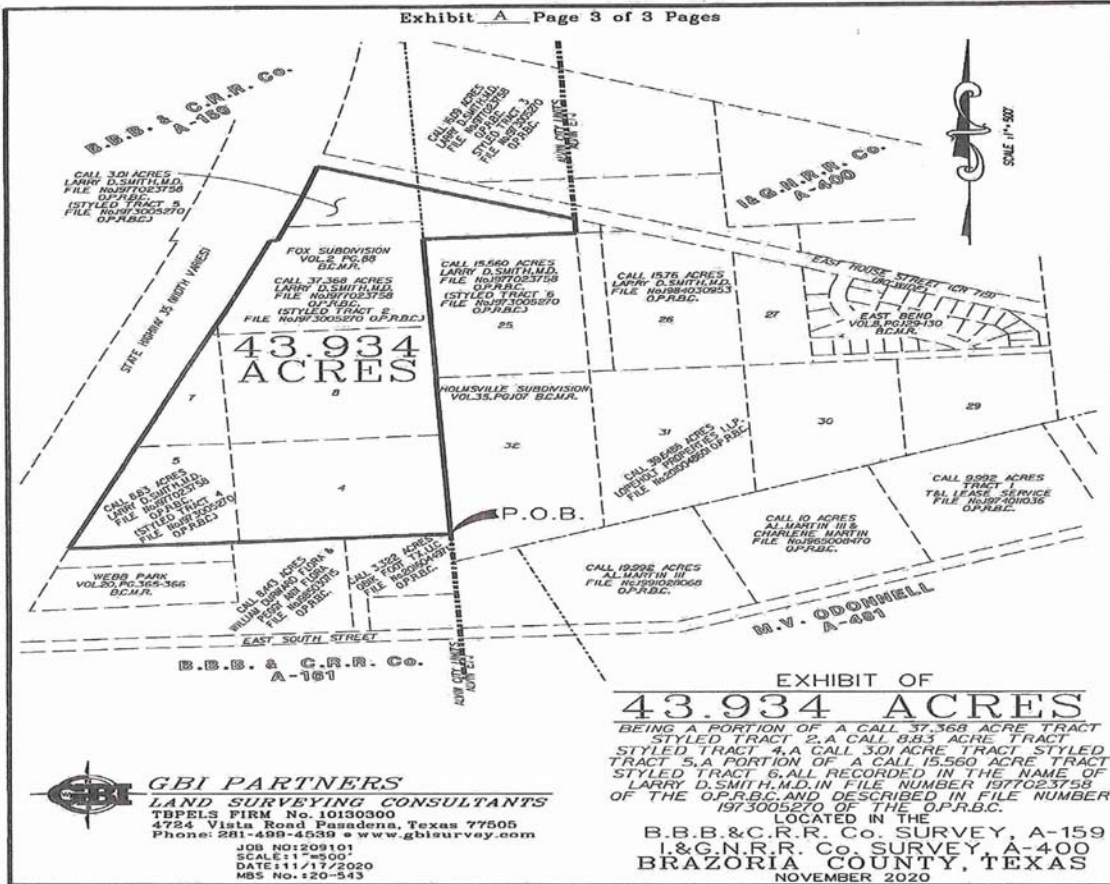


EXHIBIT OF  
**59.780 ACRES**  
 BEING A PORTION OF A CALL 15,560 ACRE TRACT STYLED TRACT 6 AND RECORDED IN THE NAME OF LARRY D. SMITH, M.D. IN FILE NUMBER 1977023758 OF THE O.P.R.B.C. AND DESCRIBED IN FILE NUMBER 1973005270 OF THE O.P.R.B.C., A PORTION OF A CALL 15,76 ACRE TRACT RECORDED IN THE NAME OF LARRY D. SMITH, M.D. IN FILE NUMBER 1984030953 OF THE O.P.R.B.C. AND A PORTION OF A CALL 39,6486 ACRE TRACT RECORDED IN THE NAME OF LOPEHOLT PROPERTIES I, L.P. IN FILE NUMBER 2010048601 OF THE O.P.R.B.C. LOCATED IN THE I.&G.N.R.R. Co. SURVEY, A-400 BRAZORIA COUNTY, TEXAS  
 NOVEMBER 2020

**GBI PARTNERS**  
 LAND SURVEYING CONSULTANTS  
 TSPELS FIRM No. 10130300  
 4754 Vista Road Pasadena, Texas 77605  
 Phone: 281-499-4539 • www.gbisurvey.com  
 JOB NO: 209101  
 SCALE: 1" = 500'  
 DATE: 11/17/2020  
 MBS No. +20-544



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