

ORDINANCE NO. 19-B

ORDINANCE OF THE CITY OF ALVIN, TEXAS, GRANTING CONSENT TO THE CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 51; CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

WHEREAS, on December 14, 2018, the City of Alvin, Texas (the “City”) received a Petition for Consent to the Creation of a Municipal Utility District (to be known as Brazoria County Municipal Utility District No. 51 and herein referred to as the “Petitioned District”), from Lando Development, Ltd., for 137.6228 acres of land, more or less (the “Property”), a copy of which Petition and all exhibits thereto is attached hereto and incorporated herein as Exhibit A (the “Petition”); and

WHEREAS, the Property is located within or will be within the corporate limits of the City; and

WHEREAS, the Petitioned District intends to connect to the City’s water and sewer system and is therefore designated as a “city service district” pursuant to Section 54.016 of the Texas Water Code; 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 by 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 and allocation of projects; and

WHEREAS, the Texas Water Code provides that land within a city’s boundaries may not be included within a district without the city’s written consent; and

WHEREAS, the City Council of the City desires to create Ordinance No. 19-B as set forth herein for the purpose of consenting to the creation of the Petitioned 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 the City of Alvin, Texas, hereby gives its written consent to the creation of Brazoria County Municipal Utility District No. 51 on 137.6228 acres of land, more or less, as described in Exhibit A to the Petition, and such consent is granted upon the written Consent Conditions attached hereto as Exhibit B to the Petition. This Ordinance shall not impair the effectiveness of any agreement between the City and the Petitioned District dated prior to the effective date hereof.

Section 3. The Petitioners 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 negotiation and documentation related to the creation of the Petitioned District.

Section 4. In addition to all the rights and remedies provided by the laws of the state, in the event the Petitioned 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 Petitioned 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 Law, 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 thereof 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 on the first and final reading on the _____ day of January 2019.

CITY OF ALVIN, TEXAS

ATTEST:

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

Exhibit A