

ORDINANCE 20-F

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, GRANTING CONSENT TO THE ADDITION OF APPROXIMATELY 9.99 ACRES OF LAND TO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 73; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvin, Texas (the “City”), consented to the creation of Brazoria County Municipal Utility District No. 73 (the “District”) by Ordinance No. 18-E, passed and adopted by City Council on January 18, 2018; and

WHEREAS, the District was created by an order of the Texas Commission on Environmental Quality on August 6, 2018, and operates pursuant to Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, the District and M/I Homes of Houston, LLC, a Texas limited liability company and the owner of the land herein described, have petitioned the City to consent to the addition to the District approximately 9.99 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 the District is situated wholly within the corporate limits of the City of Alvin, Texas, and is not within such jurisdiction of any other city; and

WHEREAS, Section 54.016 of the Texas Water 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 municipal utility 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. 20-F as set forth herein for the purpose of consenting to the addition of said land to the District 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 9.99 acres of land referenced above that are situated within the corporate limits of the City of Alvin, Texas, into the District 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 the District dated prior to the effective date hereof or conditions contained in Ordinance 18-E consenting to the creation of the District.

Section 3. In addition to all the rights and remedies provided by the laws of the State of Texas, 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 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 20th day of February 2020.

CITY OF ALVIN, TEXAS

By: _____

Paul A. Horn, Mayor

ATTEST

By: _____

Dixie Roberts, City Secretary

County: Brazoria
Project: Mustang Crossing- 9.99 acre Planka Tract: Boundary
C.I. No.: 1308-19
Job Number: 2018-259-121

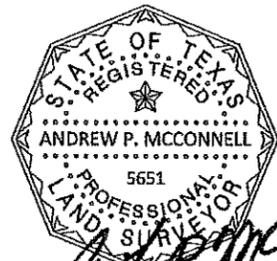
METES AND BOUNDS FOR 9.99 ACRES

Being a 9.99 acre tract of land located in the subdivision of the Hooper and Wade Survey, Section 18, Abstract 488 recorded in Volume 6, Page 152 and Volume 32, Page 2, both of the Brazoria County Deed Records (B.C.D.R.) in Brazoria County, Texas; said 9.99 acre tract being all of Lot 25 of said subdivision, same being all of a call 9.99 acre tract of land conveyed to Frank C. Planka and wife Marjorie A. Planka in Clerk's File No. 02-020054 of the Official Public Records of Brazoria County (O.P.R.B.C.); said 9.99 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone, NAD 1983):

Beginning at a 1/2-inch iron rod found at the south corner of said call 9.99 acre tract and east corner of a call 12.198 acre tract of land conveyed to Alvin Evangelical Lutheran Church, recorded in Clerk's File No. 1994-042297 of the O.P.R.B.C., and being on the northwest line of Mustang Crossing Section 5B, a subdivision recorded in Clerk's File No. 2019039262 of the O.P.R.B.C.;

1. Thence, with the southwesterly line of said call 9.99 acre tract common with the northeasterly line of said call 12.198 acre tract, North 30 degrees 14 minutes 45 seconds West, a distance of 660.02 feet (call North 27 degrees 00 minutes West, 660.00 feet) to a 5/8-inch iron rod with cap stamped "WEISSER" found at the west corner of said call 9.99 acre tract and south corner of a call 7.89 acre tract of land conveyed to Abdel Blancart Martinez and Yailat Arafet Calderin and recorded in Clerk's File No. 2014034343 of the O.P.R.B.C., from which a 1-inch iron pipe bears North 53 degrees 28 minutes East, a distance of 5.62 feet;
2. Thence, with the northwest line of said call 9.99 acre tract common with the southeasterly line of said call 7.89 acre tract, North 59 degrees 49 minutes 45 seconds East, a distance of 659.78 feet (call North 62 degrees 59 minutes 07 seconds East, 659.33 feet) to a 1/2-inch iron rod found at the north corner of said call 9.99 acre tract, the east corner of said call 7.89 acre tract, the south corner of a call 12.32 acre tract of land conveyed to Jorge Cosculluela Rodriguez in Clerk's File No. 2014043616 of the O.P.R.B.C., and an exterior corner of a call 69.728 acre tract of land conveyed to M/I Homes of Houston, L.L.C. in Clerk's File No. 2017064035 of the O.P.R.B.C.;

3. Thence, with the northeasterly line of said call 9.99 acre tract common with a southwesterly line of said call 69.728 acre tract, South 30 degrees 10 minutes 55 seconds East, a distance of 659.62 feet (call South 27 degrees 00 minutes East, 660.00 feet) to a 1/2-inch iron rod found at an interior corner of said call 69.728 acre tract and the east corner of said call 9.99 acre tract;
4. Thence, with a southeasterly line of said call 9.99 acre tract common with a northwesterly line of said call 69.728 acre tract and the northwest line of aforesaid Mustang Crossing Section 5B, South 59 degrees 47 minutes 40 seconds West, a distance of 659.04 feet (call South 62 degrees 59 minutes 07 seconds West, 659.33 feet) to the **Point of Beginning** and containing 9.99 acres of land.



Andrew P. McConnell
9-9-19

