

ORDINANCE 19-R

ORDINANCE OF THE CITY OF ALVIN, TEXAS, GRANTING CONSENT TO THE ADDITION OF LAND TO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 24; 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 Municipal Utility District No. 24 (the “District”), by Ordinance 03-RRR, passed and adopted by City Council on December 18, 2003; and

WHEREAS, the District was created by an order of the Texas Commission on Environmental Quality on August 27, 2004, and operates pursuant to Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, the City received a Petition for Consent to the addition of approximately 18.1173 acres of land into, more fully described in the Petition and exhibit attached hereto, to Brazoria County Municipal Utility District No. 24 (the “District”);

WHEREAS, Section 54.016 of the Texas Water Code 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 of Alvin, Texas desires to create Ordinance No. 19-R 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 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 addition of the land described in Exhibit A, attached hereto. The City's consent is conditioned upon the terms set out in Exhibit B, attached hereto.

Section 3. 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 4. **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 June 2019.

CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary

Exhibit A

EXHIBIT A

TRACT 1

FIELD NOTE DESCRIPTION OF 4.7335 ACRES (206,190 SQUARE FEET) OF LAND BEING A PORTION OF THAT CERTAIN CALLED 47.988 ACRE TRACT RECORDED IN VOL. 1224, PG. 565 B.C.D.R. AND A PORTION OF THAT CERTAIN CALLED 103.209 ACRE TRACT RECORDED UNDER B.C.C.F. NO. 2014026599 AND ALSO BEING A PART OF LOT 1 OF THE SUBDIVISION OF THE H.T. & B. R.R. SURVEY, SECTION 21, ABSTRACT NO. 230, BRAZORIA COUNTY, TEXAS, SAID 4.7335 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS BASED ON THE SOUTHWEST LINE OF SAID CALLED 103.209 ACRE TRACT, SAID SOUTHWEST LINE, BEARING N 48°03'04" W);

BEGINNING at a 3/4 inch iron pipe found in the Northeast line of said called 47.988 acre tract, said iron rod marks the Southerly corner of said called 103.209 acre tract and an interior corner of the herein described tract;

THENCE, South 47°54'35" East, along the Northeast line of said called 47.988 acre tract, a distance of 202.87 feet to a point for corner in the Northerly right-of-way line of State Highway No. 6 (200 feet wide) for the Southeasterly corner of the herein described tract;

THENCE, North 67°27'50 West, along the Northerly right-of-way line of State Highway No. 6, a distance of 398.26 feet to a point the Southwesterly corner of the herein described tract, said point also marks the Point of Curvature of a curve to the Right;

THENCE, in a Northeasterly direction, along the Easterly right-of-way line of proposed Cox Lane (width varies) the following Five (5) courses and distances:

1) Northwesterly, along said curve to the Right, having a radius of 30.00 feet, a central angle of 89°59'51", an arc length of 47.12 and a chord bearing and distance of North 22°27'55" West, 42.43 feet to a point for the Point of Tangency;

2) North 22°32'01 East, a distance of 73.92 feet to a point for a curve to the Left;

3) Northeasterly, along said curve to the Left, having a radius of 520.00 feet, a central angle of 03°43'08", an arc length of 33.75 and a chord bearing and distance of North 20°40'27" East, 33.75 feet to a point of Tangency;

4) North 18°48'53 East, at 14.55 feet pass the common line between said called 47.988 acre tract and said called 103.209 acre tract and continuing a total distance of 445.64 feet to an angle point;

5) North 22°32'01" East, a distance of 17.81 feet to a point for the Northwesterly corner of the herein described tract;

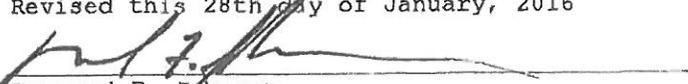
THENCE, South 67°27'59 East, a distance of 455.48 feet to a point in the Southeast line of said called 103.209 acre tract for the Northeasterly corner of the herein described tract;

THENCE, South 42°01'29 West, along the Southeast line of said called 103.209 acre tract, a distance of 564.63 feet to the POINT OF BEGINNING and containing 4.7335 acres (206,190 square feet) of land, more or less.

CENTURY ENGINEERING, INC.

Dated this 4th day of June, 2007

Revised this 28th day of January, 2016


Bernerd F. Johnson
Registered Professional Land Surveyor No. 4314



CEI Job NO. 04027-02.0
(bill) SV 04027I.T

TRACT 2

FIELD NOTE DESCRIPTION OF 13.3838 ACRES (582,997 SQUARE FEET) OF LAND BEING A PORTION OF THAT CERTAIN CALLED 47.988 ACRE TRACT RECORDED IN VOL. 1224, PG. 565 B.C.D.R. AND A PORTION OF THAT CERTAIN CALLED 103.209 ACRE TRACT RECORDED UNDER B.C.C.F. NO. 2014026599 AND ALSO BEING A PART OF LOT 1 OF THE SUBDIVISION OF THE H.T. & B. R.R. SURVEY, SECTION 21, ABSTRACT NO. 230, BRAZORIA COUNTY, TEXAS, SAID 13.3838 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARINGS BASED ON THE SOUTHWEST LINE OF SAID CALLED 103.209 ACRE TRACT, SAID SOUTHWEST LINE, BEARING N 48°03'04" W);

COMMENCING at a 3/4 inch iron pipe found in the Northeast line of said called 47.988 acre tract, said iron rod marks the Southerly corner of said called 103.209 acre tract;

THENCE, South 47°54'35" East, along the Northeast line of said called 47.988 acre tract, a distance of 202.87 feet to a point for corner in the Northerly right-of-way line of State Highway No. 6 (200 feet wide);

THENCE, North 67°27'50 West, along the Northerly right-of-way line of State Highway No. 6, a distance of 578.26 feet to a point for the Southeasterly corner and POINT OF BEGINNING of the herein described tract;

THENCE, North 67°27'50 West, continuing along the Northerly right-of-way line of State Highway No. 6, a distance of 1034.66 feet to a point in the Northwesterly line of said called 47.988 acre tract for the Southwesterly corner of the herein described tract;

THENCE, North 41°52'30 East, along the Northwesterly line of said called 47.988 acre tract, same being the centerline of a 40-foot wide platted roadway, a distance of 536.59 feet to a 3/8 inch iron pipe found for the common corner of said called 47.988 acre tract and said 103.209 acre tract and an angle point;

THENCE, North 41°59'48 East, along the Northwesterly line of said called 103.209 acre tract, same being the centerline of a 40-foot wide platted roadway, a distance of 99.49 feet to a point for the Northwesterly corner of the herein described tract;

THENCE, South 67°27'59 East, a distance of 883.80 feet to a point in the Westerly right-of-way line of proposed Cox Lane (width varies) for the Northeasterly corner of the herein described tract;

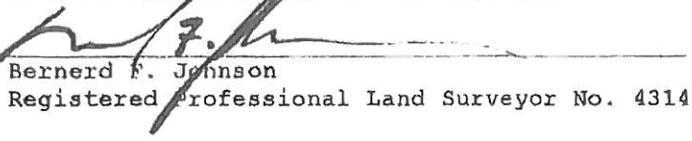
THENCE, in a Southwesterly direction, along the Westerly right-of-way line of proposed Cox Lane the following Five (5) courses and distances:

- 1) South 22°32'01 West, a distance of 17.81 feet to an angle point;
- 2) South 26°15'10 West, a distance of 445.61 feet to a point for a curve to the Left;
- 3) Southwesterly, along said curve to the Left, having a radius of 520.00 feet, a central angle of 03°43'09", an arc length of 33.75 and a chord bearing and distance of South 24°23'35" West, 33.75 feet to a point for the Point of Tangency;
- 4) South 22°32'01 West, a distance of 73.95 feet to a point for a curve to the Right;
- 5) Southwesterly, along said curve to the Right, having a radius of 30.00 feet, a central angle of 90°00'09", an arc length of 47.13 and a chord bearing and distance of South 67°32'06" West, 42.43 feet to the POINT OF BEGINNING and containing 13.3838 acres (582,997 square feet) of land, more or less.

CENTURY ENGINEERING, INC.

Dated this 4th day of June, 2007

Revised this 28th day of January, 2016


Bernerd F. Johnson
Registered Professional Land Surveyor No. 4314



CEI Job NO. 04027-02.0
(bill) SV 04027I.T

Exhibit B

(a) Bonds may be issued by the District only for the purpose of purchasing and constructing, or purchasing or constructing, or under contract with the City of Alvin, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, recreational facilities, facilities for fire-fighting services, or roads, or parts of such systems, facilities or roads, to make any and all necessary purchases, construction, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District and to refund bonds issued by the District. Such bonds shall expressly provide that the District shall reserve the right to redeem said bonds on any date subsequent to the fifteenth (15th) anniversary of the date of issuance (or such earlier date as may be determined by the District) without premium, and, other than refunding bonds, shall only be sold after the taking of public bids therefor, and none of such bonds, other than refunding bonds, shall be sold, for less than 95% of par, provided the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, shall not exceed 2% above the highest average interest rate reported by the *Daily Bond Buyer* in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given and bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. If the District pledges revenues in payment of its bonds, the resolution authorizing the issuance of the District's bonds will contain a provision that the pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City of Alvin, Texas, annexes the District, takes over the assets of the District, and assumes all of the obligations of the District. No land will be added or annexed to the District until the City of Alvin has given its written consent by resolution of the City Council to such addition or annexation.

(b) The District, its directors, officers, or the Developers and landowners shall submit to the City Engineer of the City of Alvin or to his designated representative before the commencement of any construction within the District all plans and specifications for the construction of water, sanitary sewer, and drainage facilities, and roads to serve such District and obtain the approval of such plans and specifications. All water wells, water meters, fire hydrants, valves, pipe, and appurtenances installed or used within the District shall conform exactly to the specifications of the City of Alvin. All water service lines and sewer service lines, lift stations, sewer treatment facilities, road facilities, and appurtenances thereto, installed or used within the District shall comply with the City of Alvin's standard plans and specifications. Prior to the construction of such facilities within the District, the District, or its engineer, shall give

written notice by registered or certified mail to the City Engineer of the City of Alvin stating the date that such construction will be commenced. The construction of the District's water, sanitary sewer and drainage facilities, and roads shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the City of Alvin, and during the progress of the construction and installation of such facilities, the City Engineer of the City of Alvin, or a designated representative thereof, may make periodic on-the-ground inspections.

(c) The District will agree to employ a sewage plant operator holding a valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality or such successor agency as the legislature may establish (the "TCEQ"), as required by Section 26.0301, Texas Water Code, as may be amended from time to time if the District operates a wastewater treatment plant. The District will agree to make periodic analysis of its discharge pursuant to the provisions of Texas Water Quality Board Order No 69-1219-1 and further will agree to send copies of all such effluent data to the Department of Public Works, City of Alvin, as well as to the TCEQ. The District will agree that representatives of the City of Alvin may supervise the continued operations of the sewage treatment facility by making periodic inspections thereof.

(d) The District, its board of directors, officers, developers, and/or landowners will not permit the construction of or commit to any development within the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District' allocated capacity therein.

(e) The owner or the developer of the land included within the limits of the District shall, prior to the sale of any lot or parcel of land, obtain final approval by the appropriate entity of the City of Alvin of a plat which will be duly recorded in the Map and Plat Records of Brazoria County, Texas, and otherwise comply with the applicable subdivision regulations of the City of Alvin.