

## 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 20<sup>th</sup> 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;













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.