

**RESOLUTION 20-R-29**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, APPROVING THE UTILITY CONVEYANCE AND SECURITY AGREEMENT ACCEPTING THE WATER DISTRIBUTION, WASTEWATER COLLECTION AND STORM WATER FACILITIES THAT SERVE MUSTANG CROSSING, SECTIONS FIVE AND FIVE B AND AUTHORIZE THE MAYOR TO SIGN.**

**WHEREAS**, Brazoria County Municipal Utility District No. 73 (the “District”) has acquired certain improvements, structures, and facilities designed to provide water and wastewater to serve areas within the District’s boundaries and the boundaries of the City of Alvin, Texas;

**WHEREAS**, certain facilities were constructed by or on behalf of the District pursuant to a construction contract dated June 8, 2018, for the water distribution, wastewater collection, and storm water facilities to serve Mustang Crossing, Sections Five and Five B; and

**WHEREAS**, the District has constructed the facilities and is conveying the facilities to the City pursuant to the Utility Services Contract, dated September 21, 2007, which was assumed by the District on August 16, 2018; and

**WHEREAS**, this conveyance is made subject to the terms of that Agreement;

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

**Section 1.** That the City Council hereby approves the Utility Conveyance and Security Agreement Accepting the Utility Conveyance and Security Agreement accepting the water distribution, wastewater collection, and storm water facilities that serve Mustang Crossing, Sections 5 and 5B.

**Section 2.** That the Utility Conveyance and Security Agreement shall be signed by the Mayor.

**Section 3.** That this Resolution shall take effect immediately upon its passage.

**PASSED AND APPROVED** on this the 5th day of November 2020.

**CITY OF ALVIN, TEXAS**

**ATTEST:**

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

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

UTILITY CONVEYANCE AND SECURITY AGREEMENT  
(Water Distribution, Wastewater Collection, and Storm Water Facilities  
to serve Mustang Crossing, Sections 5 and 5B)

STATE OF TEXAS           §  
                                      §           KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF BRAZORIA   §

Brazoria County Municipal Utility District No. 73 (the "District") has acquired certain improvements, structures, and facilities designed to provide water, wastewater and drainage to serve areas within the District's boundaries and the boundaries of the City of Alvin, Texas (the "City"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the District hereby conveys, transfers, and delivers to the City, its successors and assigns, subject to a security interest therein, those certain facilities described as follows:

Those certain facilities constructed by or on behalf of the District pursuant to the construction contract with Blazey Construction Services, LLC, dated June 8, 2018, for Detention Pond, Phase 2 and Water, Sewer and Drainage Facilities – Mustang Crossing Subdivision, Section 5, and together with any improvements, structures, storm sewer mains, plants, service pumps, storage reservoirs, electrical equipment, plant equipment, distribution lines, collection lines, water mains, lift stations, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements, rights-of-way, licenses, operating rights and all other property therein whether real, personal or mixed, owned by the District in connection with the facilities being conveyed hereby, but specifically excluding any detention ponds or sites upon which such ponds are located (the "Facilities").

The District has constructed the Facilities and is conveying the Facilities to the City pursuant to the Utility Services Contract, dated September 21, 2017, between the City, and Rooted Development Group, LLC ("RDG"), on behalf of themselves and proposed Brazoria County Municipal Utility District No. 73, which was assigned to the District by RDG (or its assignee) on August 16, 2018, and which has been amended thereafter (the "Agreement"). This conveyance is made subject to the terms of the Agreement. The District hereby reserves (and the City grants) a security interest in the Facilities to secure the capacity reserved to the District in the Facilities under the Agreement.

The District hereby assigns to the City all rights, maintenance bonds, warranties and manufacturer's warranties, if any, owned or acquired by the District for the Facilities.

The City hereby agrees by its acceptance of this conveyance to operate and maintain the Facilities in accordance with the terms of the Agreement.

IN WITNESS WHEREOF, this conveyance is executed on 6/19/20.

BRAZORIA COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 73

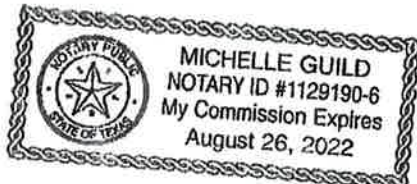
By: [Signature]  
Name: Lewis Locke  
Title: President, Board of Directors

THE STATE OF TEXAS §  
                                          §  
COUNTY OF Harris §

This instrument was acknowledged before me on 6/19/20, by Lewis Locke, as President of the Board of Directors of Brazoria County Municipal Utility District No. 73, a political subdivision of the State of Texas, on behalf of said political subdivision.

[Signature]  
Notary Public in and for  
the State of T E X A S

(NOTARY SEAL)



IN WITNESS WHEREOF, this conveyance is executed on 6/19/20.

BRAZORIA COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 73

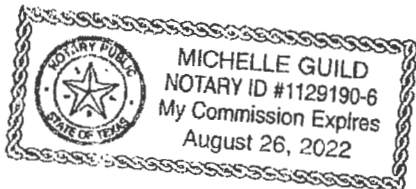
By: [Signature]  
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[Signature]  
Notary Public in and for  
the State of T E X A S

(NOTARY SEAL)



## EXHIBIT "A"

Those certain water distribution, wastewater collection, and storm water collection facilities serving Mustang Crossing Subdivision, Sections 5 and 5B, within Brazoria County Municipal Utility District No. 73 (the "District"), together with all improvements, structures, fences, distribution lines, collection lines, storm sewer mains, water mains, flushing valves, meters, valves, pipes, fittings, connections, meter boxes, laterals, easements and rights-of-way (specifically including those listed on "Attachment "1"" hereto), licenses, operating rights and all other property therein whether real, personal, or mixed, contract rights or equipment used or useful in connection with said facilities being conveyed hereby, and being more particularly described as all such facilities installed pursuant to a contract between Blazey Construction Services, LLC, dated June 8, 2018, as further identified and described in record drawings on file in the Office of the City Secretary of the City of Alvin, Texas, for construction of the said facilities; provided, however that, notwithstanding anything hereinabove to the contrary, there is saved and excepted from the above any storm water detention ponds and systems constructed under said contract, which excepted facilities shall not be conveyed to the City hereunder, all as provided in the Utility Contract referenced in the instrument to which this exhibit is attached.

ATTACHMENT "1"

1. Public Roads and Utility Easements in the Mustang Crossing Section 5 Subdivision, a subdivision consisting of 14.77 acres of land in Brazoria County, Texas, according to the map or plat thereof recorded in the Official Public Records of Brazoria County, Texas under Clerk's File No. 2019039269.
2. Public Roads and Utility Easements in the Mustang Crossing Section 5B Subdivision, a subdivision consisting of 2.9314 acres of land in Brazoria County, Texas, according to the map or plat thereof recorded in the Official Public Records of Brazoria County, Texas under Clerk's File No. 2019039262.
3. Public Roads and Utility Easements in the Mustang Crossing Detention Pond 2 Subdivision, a subdivision consisting of 14.35 acres of land in Brazoria County, Texas, according to the map or plat thereof recorded in the Official Public Records of Brazoria County, Texas under Clerk's File No. 2019017776.