

## RESOLUTION 20-R-06

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, CONFIRMING AND RATIFYING THE SECOND AMENDMENT TO THE UTILITY SERVICES CONTRACT WITH BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NUMBER 73; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, the City of Alvin, Texas (the “City”), is a municipal corporation that provides a full-range of governmental services to its citizens, and the City owns and operates water production and distribution facilities and wastewater collection and treatment facilities and provides other municipal services; and

**WHEREAS**, the City and Rooted Development Group, LLC (“RDG”), on behalf of itself and Brazoria County Municipal Utility District No. 73 (the “District”), entered into that certain Utility Services Contract dated effective as of September 21, 2017 (the “Original Agreement”), relative to, among other things, the provision of water and sanitary sewer service for approximately 69.728 acres of land situated within the boundaries of the City and the District (the “Original Tract”); and

**WHEREAS**, by that certain Assignment of Utility Services Contract dated August 16, 2018, RDG assigned all of its rights, benefits and obligations in and to the Original Agreement to the District, all as contemplated by and in accordance with Section 5.8 of the Original Agreement; and

**WHEREAS**, on June 6, 2019, in Ordinance 19-O, the City approved the addition of approximately 18.65 acres of land into the District (the “MC Detention Pond No. 1”), thereby conferring ownership and maintenance of the detention pond currently located thereon; and

**WHEREAS**, on June 6, 2019, in Ordinance 19-P, the City approved the addition of approximately 55.90 acres of land into the District (the “Stanton Tract”); and

**WHEREAS**, on February 20, 2020, in Ordinance 20-F, the City approved the addition of approximately 9.99 acres of land into the District (“Planka Tract”); and

**WHEREAS**, the District is requesting an amendment to the Utility Services Contract to amend certain provisions of the Original Agreement in connection with the proposed addition of the approximately 9.99 acres to the District;

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

#### **Section 1. Findings**

(a) The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct and are adopted as part of this Resolution for all

purposes.

(b) It is hereby found and declared that the terms of this Resolution will be beneficial to the City and its citizens.

**Section 2. Approval of Second Amendment to Utility Services Contract.** City Council does hereby approve the Second Amendment to Utility Services Contract between the City and the Brazoria County Municipal Utility District Number 73.

**Section 3. Open Meetings Act.** It is hereby officially found and determined that this meeting 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.

**Section 4. Effective Date.** The resolution shall take effect upon the passage of this Resolution.

**PASSED AND APPROVED** on this the 20<sup>th</sup> day of February 2020.

**CITY OF ALVIN, TEXAS**

**ATTEST**

By   
Paul A. Horn, Mayor

By   
Dixie Roberts, City Secretary