

RESOLUTION 22-R-23

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS, CONFIRMING AND RATIFYING THE FOURTH 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 September 1, 2022, in Ordinance 22-R-23, the City approved the addition of approximately 25.679 acres of land into the District; 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 25.679 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 Fourth Amendment to Utility Services Contract. City Council does hereby approve the Fourth 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 1st day of September 2022.

CITY OF ALVIN, TEXAS

ATTEST

By _____
Paul A. Horn, Mayor

By _____
Dixie Roberts, City Secretary