

RESOLUTION NO. 2024-632

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 270 AND IMPOSING CONDITIONS ON SAME.

* * * * *

WHEREAS, the City of Fulshear, Texas (the “City”) received the Petition for Consent to Creation of Fort Bend County Municipal Utility District No. 270 (“Petition”), submitted by Double Devco, LLC and D.R. Horton – Texas, Ltd. (collectively, “Petitioner”), attached hereto as **Exhibit A**; and

WHEREAS, the Petition seeks to create Fort Bend County Municipal Utility District No. 270 (the “District”), containing within its boundaries that certain 283.2 acre tract of land described therein (the “Land”), such Land being shown as wholly within the extraterritorial jurisdiction of the City by the map maintained by the City pursuant to Section 41.001 of the Texas Local Government Code; and

WHEREAS, section 54.016 of the Texas Water Code and section 42.0425 of the Texas Local Government Code provide that the District may not include land that is located within the extraterritorial jurisdiction of the City unless the City Council of the City of Fulshear, Texas (the “City Council”) gives its written consent in accordance with section 54.016 of the Texas Water Code and section 42.0425 of the Texas Local Government Code; and

WHEREAS, section 54.016 of the Texas Water Code provides that the City Council may, in its written consent, provide for certain conditions or restrictions on the District; and

WHEREAS, the City Council desires to give its consent to the creation to the District; and

WHEREAS, the City Council desires to place certain conditions or restrictions on the District in giving such consent;

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

Section 1. That the facts set out in the preamble are true and correct and are incorporated herein for all purposes.

Section 2. That the City Council hereby gives its written consent to the creation of the District, subject to the conditions or restrictions provided for herein.

Section 3. That in giving its consent, the City Council hereby places the following conditions or restrictions on the District:

- (a) Before commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City of Fulshear, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer, drainage, and road facilities and related improvements to serve the District and obtain the approval of such plans and specifications therefrom. Prior to the construction of any water, sanitary sewer, drainage or road facilities within or by the District, the District or its engineer will give written notice to the City, stating the date that such construction will be commenced. The construction of the District's water, sanitary sewer, drainage and road facilities will be in accordance with the approved plans and specifications, and with applicable standards and specifications of the City of Fulshear; and during the progress of the construction and installation of such facilities, the City, or representative thereof, may make periodic on-the-ground inspections. After construction, the District will deliver to the City a final copy of all "as-builts" and the project description in the geographic information system.

Section 4. In no way is this Resolution considered an "allocation agreement" between the District and the City, as provided under Texas Water Code Section 54.016.

PASSED, APPROVED, and ADOPTED on the 16th day of July, 2024.

Donald McCoy, Mayor

ATTEST:

Mariela Rodriguez, City Secretary

Exhibit A

PETITION FOR CONSENT TO CREATION OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 270

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FULSHEAR,
TEXAS:

The undersigned, appearing through their duly authorized agent(s) and representative(s), acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Section 42.042 of the Texas Local Government Code, respectfully petition this Honorable Council for its consent to the creation of a municipal utility district, and for cause would respectfully show the following:

I.

The name of the proposed District shall be "Fort Bend County Municipal Utility District No. 270" (the "District").

II.

The District shall be organized under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto, and any special act of the Texas Legislature applicable to the District.

III.

The proposed District shall contain an area of approximately 283.2 acres of land, situated within Fort Bend County, Texas, described by metes and bounds in Exhibit "A", attached hereto and incorporated herein (the "Property"). According to the City's "Future Land Use and Character" map published as of the date of this Petition online at www.city-of-fulshear-coftx.hub.arcgis.com, the Property is wholly within the extraterritorial jurisdiction of the City. The Property is not, and has not been, within extraterritorial jurisdiction or corporate boundaries of any other city.

IV.

The undersigned constitute a majority in value of the holders of title to the Property, as shown by the county tax rolls and conveyances of record since the date of preparation of said county tax rolls. No person or entity holds a lien on the Property. No one resides on the Property.

V.

The proposed District shall be organized for the purposes found in Chapter 54, Texas Water Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state; and
- (9) the construction, operation and maintenance of roads serving the District.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation and incident, helpful or necessary to:

- (1) supply water for municipal uses, domestic uses, power, and commercial purposes and all other beneficial uses or controls;
- (2) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
- (3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the District;
- (4) irrigate the land in the District;
- (5) alter land elevation in the District where it is needed;
- (6) navigate coastal and inland waters of the District;

(7) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and

(8) provide parks and recreational facilities for the inhabitants in the District, subject to the provisions of Chapter 49.

VI.

The general nature of the work to be done by and within the Property at the present time is the construction, maintenance and operation of a waterworks system for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection system and sewage disposal plant; the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; the construction of macadamized, graveled, or paved roads, or improvements in aid of those roads; and the construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises, all to the extent authorized by law from time to time.

VII.

There is a necessity for the improvements above described because the District is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer and drainage facilities and services, and roads. The health and welfare of the future inhabitants of the Property requires the acquisition and installation of an adequate waterworks, sanitary sewer and storm drainage system and roads.

The purchase, construction, extension, improvement, maintenance and operation of such waterworks system and storm and sanitary sewer collection and disposal systems and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of said District.

The property cannot be developed without the creation of the District to finance the water, sanitary sewer, drainage facilities and services, and roads; therefore a public necessity exists.

VIII.

Said proposed improvements are practicable and feasible, in that the terrain of the Property is of such a nature that a waterworks system and sanitary and storm sewer systems and services and roads can be constructed or provided at a reasonable cost; and said land will be rapidly developed for commercial, multi-family and/or residential purposes.

IX.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Property, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$212,000,000.

X.

The undersigned request consent to the creation of the District encompassing the Property.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Fulshear, Texas, adopt a resolution giving its written consent to the creation of the District.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

RESPECTFULLY SUBMITTED this 3 day of April, 2024.

DOUBLE R DEVCO, LLC,
a Texas limited liability company

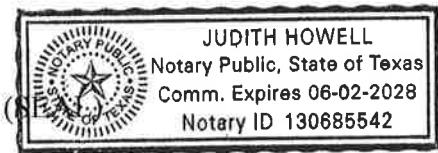
By: [Signature]
Name: Ryan Horton
Title: Manager

THE STATE OF TEXAS

COUNTY OF Tarrant

§
§
§

This instrument was acknowledged before me on the 3rd day of April, 2024
by Ryan Horton, Manager of DOUBLE R DEVCO, LLC, a Texas limited liability company, on
behalf of said entity.



[Signature]
Notary Public in and for
the State of Texas

D.R. HORTON-TEXAS, LTD.,
a Texas limited partnership

By: D.R. Horton, Inc.,
a Delaware corporation
Authorized Agent

By: [Signature]
Name: Liz Harun
Title: Division President

THE STATE OF TEXAS

COUNTY OF FORT BEND

§
§
§

This instrument was acknowledged before me on the 11th day of APRIL, 2024, by LIZ HARTIN, DIVISION PRESIDENT of D.R. Horton, Inc., a Delaware Corporation, the authorized agent of D.R. Horton-Texas, Ltd, a Texas limited partnership, on behalf of said entity.



(SEAL)

[Signature]
Notary Public in and for
the State of Texas

EXHIBIT "A"

County: Fort Bend
Project: Tamarron Allen Tract
Job No.: 222606
MB No.: 22-382

FIELD NOTES FOR 283.245 ACRES

Being a tract containing 283.245 acres located in the J.G. Bennett Survey, Abstract Number 611, in Fort Bend County, Texas; said 283.245 acre tract being a portion of a call 444.29 acre tract recorded in the name of DJH Ranching LP in Fort Bend County Clerk's File (F.B.C.C.F.) Number 2021180585; said 283.245 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System, NAD '83, South Central Zone, derived from GPS observations):

Commencing at 5/8-inch iron rod found at the northeasterly corner of Tamarron Section 55, a subdivision recorded in Plat Number 20220057 of the Fort Bend County Plat Records (F.B.C.P.R.) and on the westerly Right-of-Way (R.O.W.) line of Texas Heritage Parkway (width varies) recorded in F.B.C.C.F. Number 2020140473;

Thence, with the northerly line of said Tamarron Section 55 and the southerly line of said 444.29 acre tract, South 87 degrees 49 minutes 53 seconds West, at a distance of 51.16 feet pass a 5/8-inch iron rod found at the southeasterly corner of said 444.29 acre tract, in all a distance of 1248.58 feet to a 5/8-inch capped iron rod set for the **Point of Beginning** of the tract herein described;

Thence, continuing with said northerly line, the northerly line of Tamarron Section 52, a subdivision recorded in Plat Number 20220096 and said southerly line, South 87 degrees 49 minutes 53 seconds West, a distance of 1437.09 feet to a 1/2-inch iron pipe found at the southwesterly corner of said 444.29 acre tract and the southeasterly corner of a call 187.244 acre tract recorded in the name of 187 Muske Investments, Ltd. in F.B.C.C.F. Number 2020179946;

Thence, with the westerly line of said 444.29 acre tract and the easterly line of said 187.244 acre tract, North 00 degrees 17 minutes 33 seconds West, a distance of 2905.43 feet to a 1/2-inch iron pipe found at the northeasterly corner of said 187.244 acre tract and the southeasterly corner of a call 1352.43 acre tract recorded in the name of Fort Bend Jordan Ranch, LP in F.B.C.C.F. Number 2015027940;

Thence, continuing with the westerly line of said 444.29 acre tract and with the easterly line of said 1352.43 acre tract, North 01 degree 11 minutes 56 seconds West, a distance of 2565.79 feet to a 1-inch iron pipe found;

Thence, continuing with the westerly line of said 444.29 acre tract and with the easterly lines of said 1352.43 acre tract, Jordan Ranch Section 14, a subdivision recorded in Plat Number 20170222 of the F.B.C.P.R., Jordan Ranch Section 11, a subdivision recorded in Plat Number 20180084 of the F.B.C.P.R. and Jordan Ranch Section 10, a subdivision recorded Plat Number 20180082 of the F.B.C.P.R., North 01 degree 54 minutes 43 seconds West, at a distance of 869.24 feet pass the southeasterly corner of said Jordan Ranch Section 14, at a distance of 1473.09 feet pass the northeasterly corner of said Jordan Ranch Section 14 and the southeasterly corner of said Jordan Ranch Section 11, in all a distance of 2397.66 feet to a mag nail in fence post found at the northwesterly corner of said 444.29 acre tract and the southwesterly corner of Jordan Ranch Section 13, a subdivision recorded in Plat Number 20190156 of the F.B.C.P.R.;

Thence, with the northerly line of said 444.29 acre tract and with the southerly lines of said Jordan Ranch Section 13, Jordan Ranch Section 19, a subdivision recorded in Plat Number 20200044 and aforesaid 1352.43 acre tract, North 87 degrees 14 minutes 39 seconds East, a distance of 1617.98 feet to a 5/8-inch capped iron rod found;

Thence, through and across said 444.29 acre tract, the following five (5) courses:

- 1) South 04 degrees 12 minutes 13 seconds West, a distance of 553.24 feet to a 5/8-inch capped iron rod set;
- 2) South 04 degree 10 minutes 24 seconds West, a distance of 2639.56 feet to a 5/8-inch capped iron rod set;
- 3) South 12 degrees 31 minutes 48 seconds East, a distance of 4000.53 feet to a 5/8-inch capped iron rod set;
- 4) 831.46 feet along the arc of a curve to the left, said curve having a central angle of 24 degrees 25 minutes 50 seconds, a radius of 1950.00 feet and a chord which bears South 75 degrees 27 minutes 50 seconds West, a distance of 825.18 feet to a 5/8-inch capped iron rod set;
- 5) South 12 degrees 31 minutes 48 seconds East, a distance of 608.18 feet to the **Point of Beginning** and containing 283.245 acres of land.

A PLAT OF SURVEY WAS PREPARED IN CONNECTION WITH THIS DESCRIPTION
AND IS FILED IN JOB NUMBER 222606 AT GBI PARTNERS.

GBI PARTNERS
TBPELS FIRM #10130300
281.499.4539
August 29, 2022
Revised: November 2, 2022



[Handwritten Signature]
11/2/2022