

RESOLUTION NO. 2024-633

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE ADDITION OF CERTAIN LAND INTO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 220 AND IMPOSING CONDITIONS ON SAME.

* * * * *

WHEREAS, the City of Fulshear, Texas (the “City”) received the Petition for Consent to Include Additional Land in Fort Bend County Municipal Utility District No. 220 (“Petition”), submitted by Fort Bend County Municipal Utility District No. 220 (the “District”), Charles E. Odom, and D.R. Horton – Texas, Ltd. (collectively, “Petitioner”), attached hereto as **Exhibit A**; and

WHEREAS, the Petition seeks to add that certain 139.81 acre tract of land described therein (the “Land”) to the District, the same being wholly within the extraterritorial jurisdiction of the City; 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 add 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 addition of the Land 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 addition of the Land to 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 INCLUDE ADDITIONAL LAND IN FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 220

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

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

CHARLES E. ODOM, being the holder of title to a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Fort Bend County, Texas ("Landowner"), D.R. HORTON – TEXAS, LTD., a Texas limited partnership, as the contract purchaser of the land hereinafter described ("Developer"), and FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 220 ("District") (Landowner, Developer, and District hereinafter called "Petitioner"), acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petition for consent to include additional land in a municipal utility district. In support of this petition, Petitioner shows as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, as amended and was created by order of the Texas Commission on Environmental Quality dated January 6, 2017. Landowner is the owner and holder of fee simple title to a majority in value of the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Fort Bend County, Texas, and is under contract to sell said land to Developer. Landowner represents and warrants that there are no holders of liens against said land.

II.

The land sought to be added to the District contains approximately 139.81 acres of land, more or less, and lies wholly within Fort Bend County, Texas. Under the provisions of Vernon's Texas Civil Statutes, Local Government Code, Section 42.001 et seq., as amended, said area is within the extraterritorial jurisdiction of the City of Fulshear and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

The land sought to be added to the area of the District is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

IV.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal, domestic and commercial purposes;
- (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 harmful excesses of water in the area;
- (4) establish, finance, provide, operate and maintain a fire department and/or fire-fighting services ("firefighting-facilities") within the District subject to approval of the Texas Commission on Environmental Quality pursuant to its rules and Chapter 49 of the Texas Water Code, as amended, as and if required;
- (5) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law;
- (6) design, acquire, construct, finance, issue bonds for, operate, maintain and convey roads pursuant to applicable law, as amended ("Road Powers"), as, if, and when required; and
- (7) to provide such other facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is created and permitted under state law.

V.

The area of the District is urban in nature, is within the growing environs of the City of Fulshear and is in close proximity to populous and developed sections of Fort Bend County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Therefore, there is a necessity for the improvements described above for the following reasons:

- (1) The land sought to be added to the District is not supplied with adequate water and sanitary sewer facilities and services, or with adequate drainage facilities nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District, and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the land sought to be added to the District.
- (2) The present and future inhabitants of the District, the land sought to be added to the District, and of territories adjacent thereto require recreational facilities, as same are

necessary and desirable for the health and well-being of such inhabitants. The land sought to be added to the District does not currently include adequate recreational facilities.

(3) The present and future inhabitants of the District, the land sought to be added to the District and of territories adjacent thereto may require fire-fighting facilities in order to supplement or supplant fire-fighting services otherwise provided by governmental entities other than the District, as fire-fighting services are necessary and desirable for the health and welfare of such inhabitants.

(4) The present and future inhabitants of the District, the land sought to be added to the District and of territories adjacent thereto require adequate road facilities, as same are necessary and desirable for the health and welfare of such inhabitants, and for the orderly growth of residential and commercial development within the area and territories adjacent thereto. Road Powers are of necessity to the land within the District and the land sought to be added to the District as such powers will allow the District to construct, acquire, improve, and provide financing for road facilities that may not otherwise be constructed in a manner that will proactively address safety, capacity, durability, economic feasibility, and regional mobility issues.

A public necessity exists for the addition of said lands to the District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the purchase, construction, extension, improvement, maintenance and operation of a water supply and sanitary sewer system, drainage facilities, recreational facilities, and road facilities.

VI.

The Petitioner agrees and hereby covenants that if the requested consent to the annexation of the land to the District is given, the Petitioner will adopt and abide by the conditions set forth in Exhibit "B" attached hereto and incorporated herein for all purposes.

VII.

It is now estimated by the Petitioner from such information as is available at this time, that the amount of bonds necessary to be issued to finance development costs contemplated within the area proposed to be annexed will be approximately \$36,000,000.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Fulshear give its consent to the annexation of the aforesaid land into said District.

[Remainder of Page Intentionally Left Blank]

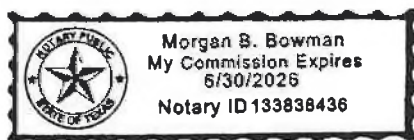
19^(WB)
Dated this the 20th day of JUNE 2024.

Landowner

Charles E. Odom
Charles E. Odom

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 19th day of JUNE, 2024, by Charles E. Odom.



Morgan B. Bowman
Notary Public in and for
The State of TEXAS

[SEAL]

Dated this the 20th day of JUNE 2024.

Developer

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

By: D.R. Horton, Inc., a Delaware
corporation, Its authorized agent

By: Ernest Loeb

Name: Ernest Loeb

Title: Vice President

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

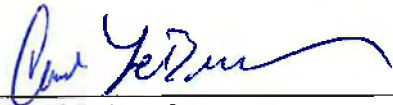
This instrument was acknowledged before me on the 20th day of JUNE, 2024, by ERNEST LOEB in his/her capacity as DVP of D.R. Horton, Inc., a Delaware corporation, which is the authorized agent of D. R. HORTON – TEXAS, LTD., a Texas limited partnership, known to be the person whose name is subscribed to the foregoing instrument, and the he/she executed the same on behalf of said corporation and limited partnership.

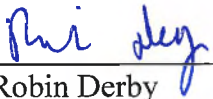


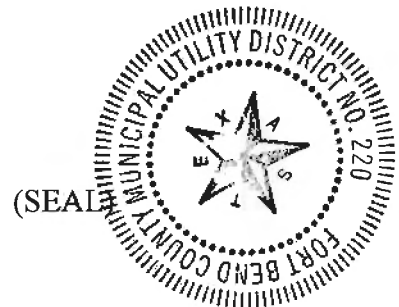
Morgan Bowman
Notary Public in and for
The State of TEXAS

[SEAL]

FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 220

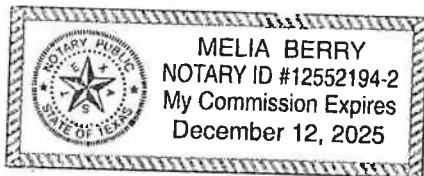
By: 
Name: Chad LeBouf
Title: President, Board of Directors

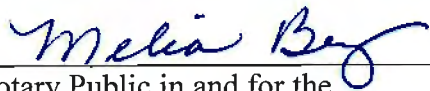
By: 
Name: Robin Derby
Title: Secretary, Board of Directors



STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 5th day of June, 2024, by Chad LeBouf, the President of Fort Bend County Municipal Utility District No. 220, on behalf of said District.




Notary Public in and for the
State of Texas

(SEAL)

Exhibit "A"

Isaac N. Charles ½ League, Abstract 17

STATE OF TEXAS §

COUNTY OF FORT BEND §

A **METES & BOUNDS** description of a 139.81 acre tract of land in the Isaac N. Charles ½ League, Abstract 17, Fort Bend County, Texas, being comprised of that certain called 42.692 acre tract recorded under County Clerk's File Number 2023067808, Official Public Records, Fort Bend County, Texas, and that certain called 97.12 acre tract recorded under County Clerk's File Number 9773118, Official Public Records, Fort Bend County, Texas, with all bearings based upon the Texas Coordinate System of 1983, South Central Zone.

Beginning at the upper northeast corner of said called 42.692 acre tract, same being the northwest corner of an adjoining called 8.7778 acre tract recorded under County Clerk's File Number 2013096348, Official Public Records, Fort Bend County, Texas, for the upper northeast corner and **Place of Beginning** of the herein described tract, said point being in the south right-of-way line of Hunt Road (width varies);

Thence South 02 degrees 09 minutes 12 seconds East along the common line of the herein described tract and said adjoining called 8.7778 acre tract, 576.42 feet to a reentry corner to the herein described tract and said called 42.692 acre tract, same being the upper southwest corner of said adjoining called 8.7778 acre tract;

Thence South 88 degrees 56 minutes 31 seconds East continuing along said common line, 222.91 feet to the lower northeast corner of the herein described tract and said called 42.692 acre tract, same being a reentry corner to said adjoining called 8.7778 acre tract;

Thence South 04 degrees 10 minutes 17 seconds East continuing along said common line, 272.10 feet to an angle point, said point being the lower southwest corner of said adjoining called 8.7778 acre tract, same being the northwest corner of the adjoining Summerview Section 2, according to map or plat thereof recorded under County Clerk's File Number 20230185, Plat Records, Fort Bend County, Texas;

Thence South 02 degrees 52 minutes 40 seconds East along the common line of the herein described tract and said adjoining Summerview Section 2, 1,156.59 feet to the southeast corner of the herein described tract and said called 42.692 acre tract, being the southwest corner of said adjoining Summerview Section 2, and being in the north line of the adjoining residue of a called 102.886 acre tract (Parcel 4) recorded under County Clerk's File Number 2020165125, Official Public Records, Fort Bend County, Texas;

Thence South 87 degrees 10 minutes 04 seconds West along the common line of the herein described tract and said adjoining called 102.886 acre tract, 881.02 feet to an angle point;

Thence North 88 degrees 59 minutes 15 seconds West continuing along said common line, 129.33 feet to an angle point, being the southwest corner of said called 42.692 acre tract, same being the southeast corner of said called 97.12 acre tract;

Thence North 88 degrees 50 minutes 31 seconds West continuing along said common line, 85.48 feet to an angle point;

Thence North 87 degrees 12 minutes 00 seconds West continuing along said common line, 29.13 feet to an angle point;

Thence South 88 degrees 04 minutes 29 seconds West continuing along said common line, 504.98 feet to an angle point;

Thence North 09 degrees 59 minutes 54 seconds West continuing along said common line, 17.02 feet to an angle point;

Thence South 87 degrees 36 minutes 42 seconds West continuing along said common line, and along the north line of an adjoining called 13.413 acre tract recorded under County Clerk's File Number 2022055456, Official Public Records, Fort Bend County, Texas, 791.59 feet to an angle point;

Thence South 86 degrees 48 minutes 46 seconds West along the north line of said adjoining called 13.413 acre tract, and along the north line of an adjoining called 35.828 acre tract recorded under County Clerk's File Number 2022083022, Official Public Records, Fort Bend County, Texas, 571.74 feet to an angle point, being the northwest corner of said adjoining called 35.828 acre tract, same being the northeast corner of an adjoining called 35.028 acre tract recorded under County Clerk's File Number 2016015026, Official Public Records, Fort Bend County, Texas;

Thence South 87 degrees 58 minutes 44 seconds West along the north line of said adjoining called 35.028 acre tract, 336.07 feet to the southwest corner of the herein described tract and said called 97.12 acre tract, same being the southeast corner of an adjoining called 50.0000 acre tract recorded under County Clerk's File Number 9446623, Official Public Records, Fort Bend County, Texas;

Thence North 02 degrees 14 minutes 17 seconds West along the lower west line of said called 97.12 acre tract, same being the east line of said adjoining called 50.0000 acre tract, 1,426.02 feet to the lower northwest corner of the herein described tract and said called 97.12 acre tract, same being the northeast corner of said adjoining called 50.0000 acre tract, and being in the south line of an adjoining called 2.653 acre tract (Tract IV) recorded under County Clerk's File Number 9535346, Official Public Records, Fort Bend County, Texas;

Thence North 87 degrees 43 minutes 20 seconds East along the south line of said adjoining called 2.653 acre tract, and the south line of an adjoining called 4.204 acre tract (Tract V) and an adjoining called 5.00 acre tract (Tract VI) recorded under County Clerk's File Number 9535346, Official Public Records, Fort Bend County, Texas, 775.87 feet to a reentry corner to the herein described tract and said called 97.12 acre tract, same being the southeast corner of said adjoining called 5.00 acre tract;

Thence North 02 degrees 07 minutes 55 seconds West along the east line of said adjoining called 5.00 acre tract, 580.49 feet to the upper northwest corner of the herein described tract and said called 97.12 acre tract, same being the northeast corner of said adjoining called 5.00 acre tract, and being in the south right-of-way line of Hunt Road;

Thence North 87 degrees 52 minutes 26 seconds East along the north line of the herein described tract, the north line of said called 97.12 acre tract, and the north line of said called 42.692 acre tract, same being the south right-of-way line of Hunt Road, 2,310.30 feet to the **Place of Beginning** and containing 139.81 acres of land, more or less.

This document prepared under 22 Texas Administrative Code §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

For reference and further description see Drawing No. 19818 prepared by the undersigned on same date.

April 5, 2024

Job Number 28929-0005-01

Quiddity Engineering, LLC
2322 W Grand Parkway North, Suite 150
Katy, TX 77449
(281) 342-2033
Texas Board of Professional Land
Surveying Registration No. 10046100



A handwritten signature in black ink, appearing to read "CDK", written over a horizontal line.

Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@quiddity.com

EXHIBIT "B"

(a) To the extent authorized by law, the District will issue bonds only for the purpose of purchasing and constructing, or purchasing, or constructing under contract with the City of Fulshear, or otherwise acquiring waterworks systems, sanitary systems, storm sewer systems, drainage facilities, recreational facilities, road facilities, or facilities for fire-fighting services, or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefore, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds will expressly provide that the District reserves the right to redeem the bonds on any interest-payment date prior to the fifteenth (15th) anniversary of the date of issuance without premium and will be sold only after the taking of public bids therefore, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that the bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given.

(b) Before the 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, upon request by the City, will deliver to the City a final copy of all "as-builts".

(c) The District shall provide the City Manager of the City with reasonable notice of all meetings of its governing Board of Directors by e-mailing to the City Manager a copy of each notice and agenda of each such meeting held by the District. In addition, the District shall provide the City Manager with a copy of all minutes of such meetings.

(d) On an annual basis, the District shall file with the City Secretary and City Manager of the City a copy of its annual audit report.

(e) The District agrees not to annex additional land (outside of the total approved and consented acreage contained in the consent resolution or ordinance to which this exhibit is attached) into the District without written consent from the City.

(f) In accordance with Local Government Code Chapter 212, the City will review and approve all plats.

(g) The District may not provide permanent water or wastewater service outside the boundaries of the District without written authorization from the City, which such authorization shall not be unreasonably withheld, conditioned, or delayed, and will not enter into an agreement with another district or municipality to receive permanent water or wastewater services without the prior written authorization from the City, which such authorization shall not be unreasonably withheld, conditioned, or delayed. For purposes of this paragraph (g), water or wastewater services are considered permanent if they are provided or received for three (3) or more years.