

RESOLUTION NO. 2024-635

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS, CONSENTING TO THE ADDITION OF CERTAIN LAND INTO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 188 AND IMPOSING CONDITIONS ON SAME.

* * * * *

WHEREAS, the City of Fulshear, Texas (the “City”) received the Petition for Consent to Addition of Land to a Municipal Utility District (“Petition”) of Fort Bend County Municipal Utility District No. 188 (the “District”) and 187 Muske Investments, Ltd. (collectively, “Petitioner”), attached hereto as **Exhibit A**; and

WHEREAS, the Petition seeks to add that certain 17.286 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 20th day of August, 2024.

Don McCoy, Mayor

ATTEST:

Mariela Rodriguez, City Secretary

Exhibit A

PETITION FOR CONSENT TO ADDITION OF LAND TO A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND CITY

COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

The undersigned, Fort Bend County Municipal Utility District No. 188 (the "District") and 187 Muske Investments, Ltd., a Texas limited partnership (the "Property Owner"), respectfully petitions the City of Fulshear, Texas for its consent to the addition of land to the District. In support of this Petition, the Property Owner would show the following:

I.

The land sought to be added to the District (the "Property") is described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

The Property lies wholly within Fort Bend County, Texas, and within the extraterritorial jurisdiction of the City of Fulshear, Texas, as such term is determined pursuant to Chapter 42 V.T.C.A. Local Government Code.

III.

Property Owner constitutes a majority of value of the holders of title to the Property as shown by the Fort Bend County Tax Rolls and conveyances of record. No person or entity holds a lien on the Property, except Frost Bank, a Texas state bank, and D.R. Horton-Texas, Ltd., a Texas limited partnership. No one resides on the Property.

IV.

The District was created by an Order of the Texas Commission on Environmental Quality (the "Commission") dated March 16, 2006. The District is organized for the purposes found in Chapter 54, Texas Water Code, as amended, and Special Districts Local Laws Code Chapter 8470 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.

V.

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 lands to be included within the District; and the construction, installation, maintenance, purchase and operation of roads, parks and recreational facilities and of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Property 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. 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, roads and park and recreational facilities.

The purchase, construction, extension, improvement, maintenance and operation of such waterworks system and storm and sanitary sewer collection and disposal systems 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 inclusion of the Property within the District.

VII.

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

VIII.

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 \$2,750,000.

WHEREFORE, the undersigned respectfully prays 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 addition of the Property to the District.

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RESPECTFULLY SUBMITTED this 10th day of June, 2024.

“DISTRICT”

FORT BEND COUNTY MUNICIPAL UTILITY
DISTRICT NO. 188



President, Board of Directors

ATTEST:



Secretary, Board of Directors

“PROPERTY OWNER”

187 MUSKE INVESTMENTS, LTD., a Texas
limited partnership

By: FW Companies, LLC, a Texas limited
liability company, its general partner

By: _____
Israel Fogiel, President

April 9, 2024
Job No. 1931-6071C

DESCRIPTION OF
17.286 ACRES (752,963 SQUARE FEET)
TAMARRON SECTION 71

Being 17.286 acres (752,963 square feet) of land located in the H. & T.C. R.R. Co. Survey, Abstract Number 261, Fort Bend County, Texas, more particularly being a portion of that certain called 187.244 acre tract conveyed to 187 Muske Investments, Ltd. by an instrument of record in File Number 2020179946, of the Official Public Records of Fort Bend County, Texas (F.B.C.O.P.R.), said 17.286 acre tract being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83):

COMMENCING for reference at a 1-inch iron pipe found for the northwest corner of that certain called 631.26 acre tract conveyed to D.R. Horton – Texas, Ltd. By an instrument of record in File Number 2013000056, F.B.C.O.P.R., and that certain called 0.1148 acre tract conveyed to D.R. Horton – Texas, Ltd. By an instrument of record under File Number 2022024233, F.B.C.O.P.R., same being the northeast corner of that certain called 72.76 acre tract (Tract 1) conveyed to D.R. Horton -Texas, LTD by an instrument of record in File Number 2023010362, F.B.C.O.P.R., being on the south line of said 3.880 acre tract (Tract 2) conveyed to D.R. Horton -Texas, LTD by an instrument of record in File Number 2023097054, F.B.C.O.P.R., and on the south line of said H & T.C.R.R. Co. Survey common to the north line of the Micajah Autrey Survey, Abstract 100, Fort Bend County, Texas, from which a 1-inch iron pipe found for the southwest corner of said 631.26 acre tract bears South 02° 28' 44" East, 3,037.30 feet;

Thence, South 87° 59' 28" West, along the south line of said 3.880 acre tract common to the north line of said 72.76 acre tract and said common survey line, 90.62 feet to a point;



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Thence, North $02^{\circ} 00' 32''$ West, departing the south line of said 3.880 acre tract, the north line of said 72.76 acre tract, and said common survey line, 70.00 feet to the southeast corner and POINT OF BEGINNING of the herein described tract;

Thence, South $87^{\circ} 59' 28''$ West, departing the west line of said easement, 545.91 feet to a point for corner;

Thence, North $47^{\circ} 00' 32''$ West, 27.07 feet to a point for corner;

Thence, North $02^{\circ} 00' 32''$ West, 95.86 feet to a point for corner, the beginning of a curve;

Thence, 23.18 feet along the arc of a non-tangent curve to the left, having a radius of 25.00 feet, a central angle of $53^{\circ} 07' 48''$, and a chord which bears South $24^{\circ} 33' 23''$ West, 22.36 feet to a point for corner;

Thence, South $02^{\circ} 00' 32''$ East, 80.00 feet to a point for corner on the north line of said 3.880 acre tract;

Thence, South $87^{\circ} 59' 28''$ West, along the north line of said 3.880 acre tract, 80.00 feet to a point for corner;

Thence, North $02^{\circ} 00' 32''$ West, departing the north line of said 3.880 acre tract, 80.00 feet to a point for corner, the beginning of a curve;

Thence, 34.24 feet along the arc of a tangent curve to the left, having a radius of 25.00 feet, a central angle of $78^{\circ} 27' 47''$, and a chord which bears North $41^{\circ} 14' 25''$ West, 31.62 feet to a point for corner;

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Thence, South 02° 00' 32" East, 100.21 feet to a point for corner;

Thence, South 42° 59' 28" West, 27.27 feet to a point for corner;

Thence, South 87° 59' 28" West, 484.80 feet to a point for corner on the east line of that certain called 6.750 acre tract (Tract 1) conveyed to D.R. Horton -Texas, LTD by an instrument of record in File Number 2023097054, F.B.C.O.P.R.;

Thence, North 11° 11' 00" West, along the east line of said 6.750 acre tract, 879.33 feet to a point for corner;

Thence, North 78° 49' 07" East, departing the east line of said 6.750 acre tract, 117.33 feet to a point for corner;

Thence, South 67° 41' 26" East, 144.04 feet to a point for corner;

Thence, South 13° 18' 08" West, 112.75 feet to a point for corner, the beginning of a curve;

Thence, 15.78 feet along the arc of a non-tangent curve to the right, having a radius of 50.00 feet, a central angle of 18° 05' 02", and a chord which bears South 67° 39' 20" East, 15.72 feet to a point for corner;

Thence, North 31° 23' 11" East, 112.78 feet to a point for corner;

Thence, South 67° 41' 26" East, 353.06 feet to a point for corner;

Thence, South 27° 11' 57" West, 91.73 feet to a point for corner, the beginning of a curve;

Thence, 12.35 feet along the arc of a non-tangent curve to the right, having a radius of 50.00 feet, a central angle of $14^{\circ} 09' 02''$, and a chord which bears South $55^{\circ} 43' 32''$ East, 12.32 feet to a point for corner;

Thence, North $41^{\circ} 20' 58''$ East, 99.39 feet to a point for corner;

Thence, South $67^{\circ} 41' 26''$ East, 202.46 feet to a point for corner;

Thence, South $20^{\circ} 16' 15''$ East, 20.00 feet to a point for corner, the beginning of a curve;

Thence, 127.99 feet along the arc of a non-tangent curve to the right, having a radius of 50.00 feet, a central angle of $146^{\circ} 40' 16''$, and a chord which bears South $36^{\circ} 56' 07''$ East, 95.80 feet to a point for corner;

Thence, North $87^{\circ} 59' 28''$ East, 110.82 feet to a point for corner;

Thence, South $57^{\circ} 28' 27''$ East, 132.09 feet to a point for corner, the beginning of a curve;

Thence, 164.32 feet along the arc of a non-tangent curve to the right, having a radius of 50.00 feet, a central angle of $188^{\circ} 17' 56''$, and a chord which bears South $53^{\circ} 19' 29''$ East, 99.74 feet to a point for corner, the beginning of a reverse curve;

Thence, 17.45 feet along the arc of a tangent curve to the left, having a radius of 25.00 feet, a central angle of $39^{\circ} 59' 18''$, and a chord which bears South $20^{\circ} 49' 50''$ West, 17.10 feet to a point for corner;

Thence, North $87^{\circ} 59' 28''$ East, 125.67 feet to a point for corner;

Thence, South $18^{\circ} 46' 56''$ East, 20.64 feet to a point for corner;

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Thence, South 02° 28' 46" East, 292.27 feet to the POINT OF BEGINNING and containing 17.286 acres (752,963 square feet) of land.

Corner monuments were not set at the Client's request.

LJA Surveying, Inc.