

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

The Commissioners Court of Fort Bend County, Texas, convened in REGULAR SESSION AT A REGULAR TERM OF SAID COURT, open to the public, on the _____ day of _____, 2016, at the County Courthouse, and the roll was called of the duly constituted officers and members of the Commissioners Court and officer of the County, to-wit:

| | |
|---------------------|------------------------------|
| Robert Hebert | County Judge |
| Richard Morrison | Commissioner, Precinct No. 1 |
| Grady Prestage | Commissioner, Precinct No. 2 |
| W. A. "Andy" Meyers | Commissioner, Precinct No. 3 |
| James Patterson | Commissioner, Precinct No. 4 |
| Laura Richard | County Clerk |

and all of said persons were present, except _____. Whereupon, among other business the following was transacted at said meeting: a written order entitled:

ORDER UPON HEARING ON A PETITION TO CREATE FORT BEND
COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21;
MAKING FINDINGS AND DETERMINATIONS
IN CONNECTION THEREWITH; ESTABLISHING FORT BEND
COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21
AND DEFINING THE BOUNDARIES THEREOF; AND
CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

(the "Order") was duly introduced for the consideration of the Commissioners Court and reviewed in full. It was then duly moved and seconded that the Order be passed; and, after due discussion, the motion, carrying with it the passage of the Order, prevailed and carried by the following vote:

AYES:

NOES:

The County Judge thereupon announced that the Order had been duly and lawfully adopted. The Order thus adopted follows:

**ORDER UPON HEARING ON A PETITION TO CREATE FORT BEND
COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21;
MAKING FINDINGS AND DETERMINATIONS
IN CONNECTION THEREWITH; ESTABLISHING FORT BEND
COUNTY LEVEE IMPROVEMENT DISTRICT NO. 21
AND DEFINING THE BOUNDARIES THEREOF; AND
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WHEREAS, there has been presented to the County Judge and Commissioners Court of Fort Bend County, Texas, a petition (hereinafter referred to as the "Petition") requesting creation of a levee improvement district to be known as Fort Bend County Levee Improvement District No. 21 (hereinafter referred to as the "District"), under the authority of Article XVI, Section 59, Texas Constitution and Chapter 57, Texas Water Code, as amended, a copy of which Petition is attached hereto as Exhibit "A" and is incorporated herein for all purposes; and

WHEREAS, by Order duly passed and adopted by the Court on the 1st day of March, 2016, a hearing before the Court on the Petition was set for 22nd day of March, 2016, which date is 15 or more, but not more than 30 days from the date of such Order setting hearing; and

WHEREAS, upon such hearing being convened there was presented proper proof and evidence that notice of such hearing had been posted and had been mailed to the Executive Director of the Texas Commission on Environmental Quality in accordance with the provisions of Section 57.015, Texas Water Code, as amended; and

WHEREAS, the Court invited any interested person, or his attorney, to appear and contend for or contest the creation of the District and to offer testimony pertinent to any issue presented, and heard evidence on the Petition and all issues with respect to the creation of the District, including evidence on (i) whether Petition is signed by the owners of a majority of the acreage in the proposed District; (ii) whether notice of the hearing on the Petition was properly given; (iii) whether the proposed improvements are desirable, feasible, and practicable, and (iv) whether the proposed improvements would be a public utility and a public benefit and would be conducive to public health; and

WHEREAS, the proponents of the District and others offered evidence, both oral and documentary, in favor of all of the foregoing matters and the allegations in the Petition and the creation of the District; and

WHEREAS, the Texas Commission on Environmental Quality ("TCEQ") filed a written report with the Court on the matters which have been investigated, including an examination of the proposed District and of the necessity, feasibility, and probable costs of reclaiming the land of the District from overflow and of draining it properly, and a determination of the costs of

organizing the District and maintaining it, a copy of which is attached to this Order as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, while the TCEQ's written report only addresses the cost of maintenance of the District for two years, the District will maintain its land for the life of the District; and

WHEREAS, such hearing has been properly convened and based upon the evidence and testimony presented, this Court finds as follows:

- a. That the Petition is in proper form and was signed by the owners of a majority of the acreage in the proposed District, and was accompanied by a deposit of Fifty and No/100 Dollars (\$50.00);
- b. That the hearing upon such Petition was properly called, held and conducted and that notice of such hearing was posted within the County and the proposed district and mailed to the Texas Commission on Environmental Quality as required by law;
- c. That this Court has jurisdiction to entertain such Petition and to hold and conduct hearings thereon and to enter upon the record and minutes of this Court its finding relative to such hearing under the provisions of Chapter 57, Texas Water Code, as amended;
- d. That the allegations contained in such Petition are true and correct and the relief sought in such Petition should in all respects be granted;
- e. That creation of the proposed District and that the proposed improvements are desirable, feasible and practicable and would be a public utility and a public benefit and would be conducive to public health;
- f. That the engineering report presented with the Petition is a preliminary estimate of the levee and other drainage facilities to be constructed and the final location and specific levee and drainage facilities shall be determined the by the District in accordance with all applicable laws; and
- g. That this meeting of the Commissioners Court of Fort Bend County, Texas, is open to the public and that proper notice has been given and posted as required by law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioners Court of Fort Bend County, Texas:

Section 1: The foregoing findings and judgments of this Court are hereby determined to be true, correct and complete and are hereby approved and adopted.

Section 2: The Petition is in all respects granted.

Section 3: Fort Bend County Levee Improvement District No. 21 is hereby created and established, and the boundaries of such District are hereby defined as containing 5,583.61 acres

of land, more or less, in Fort Bend County, Texas, as more particularly described by metes and bounds in Exhibit "A" to the Petition which description is hereby incorporated by reference for all purposes as if set forth in full herein.

Section 4: That Chuck Hewell, James Michael Flory, and Larry Nemec are hereby appointed to serve as directors of the District to serve as provided by law, and that each director shall be entitled to per diems not to exceed the maximum amount allowed by law.

Section 5: That a copy of this Order and the findings and judgments of this Court relative to the hearing on the Petition to create Fort Bend County Levee Improvement District No. 21 shall be recorded in the minutes of this Court and in the Official Records of Fort Bend County, Texas.

PASSED AND ADOPTED this ____ day of _____, 2016.

Robert Hebert, County Judge

ATTEST:

Laura Richard
County Clerk and Ex-Officio
Clerk of the Commissioners
Court of Fort Bend County, Texas

(SEAL)

Attachments:

Exhibit A – Petition for Creation

Exhibit B – Texas Commission on Environmental Quality Report

CERTIFICATE FOR ORDER

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We, the undersigned officers of the Commissioners Court (the "Court") of Fort Bend County, Texas, (the "County") do hereby certify as follows:

1. That we are the duly chosen, qualified and acting officers of the Court for the offices shown below our signatures and that as such we are familiar with the facts herein certified.

2. That there is attached to and follows this certificate an excerpt of proceedings from the minutes of a meeting of the Court which is a true, full and complete excerpt of all proceedings from the minutes of the Court pertaining to the adoption of the order described therein; and that the persons named in such excerpt as the officers and members of the Court or as officers of the County are the duly chosen, qualified and acting officers and members as indicated therein.

3. That a true and complete copy of the order (the "Order"), as adopted at the meeting described in such excerpt from the minutes, is attached to and follows such excerpt.

4. That the Order has been duly and lawfully adopted by the Court and that the County Judge of the County has approved, and hereby approves, the Order; that the County Judge and the County Clerk of the County have duly signed and attested the Order and each, respectively, hereby declares that the signing of this certificate shall also constitute the signing of the Order for all purposes; and that the Order, as signed, has been duly recorded in the minutes of the Court for such meeting.

5. That each of the officers and members of the Court was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and subject of such meeting of the Court, and that the Order would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting to consider and act upon such subject.

6. That written notice of the date, hour, place and subject of the meeting of the Court described in the excerpt from the minutes was posted on a bulletin board located at a place convenient to the public in the County Courthouse of the County; and that such meeting was open to the public as required by law at all times during which

the Order and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Article 6252-17, Vernon's Texas Civil Statutes, as amended.

SIGNED AND SEALED THE _____ day of _____, 2016.

Laura Richard
County Clerk

Robert Hebert
County Judge