

PETITION FOR CONSENT TO THE INCLUSION OF REAL PROPERTY
TO FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1

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

Fort Bend County Assistance District No. 1 (herein the "Petitioner" or referred to as the "District"), acting pursuant to the provisions of Section 387.0031, Texas Local Government Code, respectfully petitions the City Council of the City of Fulshear, Texas, for its written consent to the inclusion of real property described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes, consisting of a road and road right of way to be used for road purposes to the boundaries of the Petitioner. In support of this Petition, the District would show the following:

I.

The District was created and organized under the terms and provisions of Chapter 387, Texas Local Government Code, together with all amendments and additions thereto. On November 16, 2011, Fort Bend County Commissioners Court certified the results of the November 8, 2011 election in which the voters authorized the creation of the District and the imposition of a sales and use tax at the rate of one percent (1%) within the boundaries of the District to perform certain functions within the District including but not limited to the construction, maintenance, or improvements of roads or highways.

II.

The District received a Petition for Addition of Certain Land to Fort Bend County Assistance District No. 1 from the sole owner of the Land, the Fort Bend County Toll Road Authority, ("FBCTRA") which Petition is attached hereto as **Exhibit B**. FBCTRA proposes to have the land utilized for road right of way purposes in connection with the widening of FM 1093 (the "Project") to be constructed by Fort Bend County (the "County").

III.

Although the District currently contains an area of land that is not within the municipal boundaries or the extraterritorial jurisdiction of the City of Fulshear, Texas (the "City"), Petitioner intends for the metes and bounds in the attached **Exhibit A** of the Land to form a closure and for the boundaries of the District to extend into both the municipal boundaries and the extraterritorial jurisdiction of the City. Petitioner, as a District created by the County that has a population of more than 580,000 that borders a county with a population of more than four million is authorized to include the Land

upon the City's consent to such inclusion pursuant to Section 387.0031 of the Texas Local Government Code. As the proposed use of the Land is intended for road right of way and non-commercial purposes that would not generate sales and use taxes, there will be no imposition of the sales and use tax applicable to the Land that would exceed the maximum combined rate of sales and use taxes imposed by political subdivisions of this state prescribed by Sections 321.101 and 323.101 of the Texas Tax Code.

IV.

Petitioner is limited by statute to perform its functions and spend its revenue within its boundaries, but there is an imminent need beyond the boundaries of the District for the construction, maintenance, and improvement of roads or highways. Specifically, it is anticipated that additional local funds will be required to meet the needs of the Project. The inclusion of the Land will allow the District to assist the County in funding the construction, maintenance and improvements of the entire Project beyond the current limits of the District into the extraterritorial jurisdiction and within the municipal boundaries of the City that will benefit the entire area. The welfare and mobility of the present and future residents of the area and of the territories adjacent thereto require the construction, maintenance, and improvement of the Project.

V.

A public necessity, therefore, exists for granting the consent to the inclusion of the Land within the boundaries of the District, to provide for the construction, maintenance, and improvement of roads and highways within such Land, including but not limited to the Project. Further, with the additional funding provided by the District, the County's construction of the Project will benefit the City without utilizing any sales and tax revenue that would otherwise be available to the City.

Petitioner, by submission of this Petition, requests the City's consent to the inclusion of the Land within the boundaries of the District to perform its functions within the Land, and spend its revenue collected from other sales and use tax generating areas within the boundaries of the District on the construction, maintenance and improvements of roads or highway, such as the Project.

VI.

WHEREFORE, Petitioner prays that this petition be heard and that the City Council duly pass and approve an ordinance or resolution granting the consent to the inclusion of the Land to the District and authorizing the inclusion of the Land described herein within the District.

RESPECTFULLY SUBMITTED this _____ day of _____, 2017.

FORT BEND COUNTY, TEXAS

By: _____
Robert E. Hebert, County Judge

Date: _____

ATTEST:

By: _____
Laura Richard, County Clerk

APPROVED AS TO FORM:

Marcus D. Spencer, First Assistant County Attorney

THE STATE OF TEXAS §

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COUNTY OF FORT BEND §

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This instrument was acknowledged before me on _____, 2017,
by _____

Notary Public, State of Texas

(NOTARY PUBLIC)

Exhibit A
Metes and Bounds Description of the Land

Exhibit B
Petition for Addition of Certain Land to Fort Bend County Assistance District No. 1
By Fort Bend County Toll Road Authority

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