

PETITION FOR CONSENT TO ANNEX LAND INTO
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

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

FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1 (the "District"), acting pursuant to the provisions of Chapter 387, Texas Local Government Code, particularly, together with all amendments and additions thereto, respectfully petitions the City Council of the City of Houston, Texas (the "City") for its written consent to the annexation by the District of the 5.480 acre tract of land described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. 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 September 7, 2011, Fort Bend County, pursuant to Chapter 387, Texas Local Government Code, called an election to create the District within Fort Bend County and impose a sales and use tax within the District's boundaries. Fort Bend County provided the City with notice of its intention to create the District within the City's extraterritorial jurisdiction in Fort Bend County not later than the 60th day before the date Fort Bend County Commissioners Court ordered the election.

II.

The City consented to the creation of the District on October 26, 2011 and, as a condition of its consent, the City and District entered an agreement for the duration, rate, and allocation of sales and use tax within the boundaries of the District (the "Agreement") on December 6, 2011, and the District may annex additional land into the District with City consent.

III.

The District received a Petition for Addition of Certain Land to Fort Bend County Assistance District No. 1 from the owner of a majority of the Land which Petition is attached hereto as **Exhibit B**. The landowner proposes to develop the land for commercial purposes which would generate sales and use taxes and be of a benefit to the District. Therefore, as a proposed annexation of non-road right of way, the Land cannot

be added or annexed to the District until the City has given its written consent by resolution or ordinance of the City Council to such addition or annexation.

IV.

Sales and use tax generated within the Land may be used for the same purposes as land currently within the existing boundaries of the District: (1) the construction, maintenance, or improvement of roads or highways; (2) the provision of law enforcement and detention services; (3) the maintenance or improvement of libraries, museums, parks, or other recreational facilities; (4) the provision of services that benefit the public health or welfare, including the provision of firefighting and fire prevention services; or (5) the promotion of economic development and tourism.

V.

The Land will provide necessary retail development which will generate additional sales and use tax revenue to serve purposes of the District stated above, and the District finds that it is in the best interest of the District to annex the Land into the District.

VI.

The District, by submission of this Petition, requests the City's consent to the addition of certain land to the boundaries of the District and agrees that the imposition of sales and use taxes within the Land shall be governed, as with land currently within the boundaries of the District, by the terms of the Agreement with the City governing the duration, rate, and allocation of sales and use taxes imposed by the District.

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

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on _____, 20__.

**FORT BEND COUNTY ASSISTANCE
DISTRICT NO. 1**

By: _____
Robert E. Hebert, County Judge

Date: _____

ATTEST:

By: _____
Laura Richard, County Clerk

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on _____, 20__, by Robert E. Hebert, County Judge of Fort Bend County, Texas.

(NOTARY SEAL)

Notary Public, State of Texas

EXHIBIT A

METES AND BOUNDS DESCRIPTION

5.480 ACRES

FORT BEND COUNTY, TEXAS

October 8, 2015

All that certain 5.480 acre (238,694 square foot) tract of land located in the Joel E. McCrary Survey, Abstract Number 403, Fort Bend County, Texas, being out of and a part of a residue of a called 179.792 acre tract of land as described in a conveyance to L.O.B. Limited Partnership by a Correction Special Warranty Deed recorded under Fort Bend County Clerk's File (F.B.C.C.F.) Number 2005083650, and being more particularly described by metes and bounds as follows: (All bearings are referenced to the Texas Coordinate System of 1983, South Central Zone 4204)

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found at the northwest corner of Lot 38, in Block 1, of LAKES OF BELLA TERRA SEC 34, a Subdivision as shown on the Plat thereof recorded in Plat Number 20150092 of the Fort Bend County Plat Records (F.B.C.P.R.), an exterior corner of Lot 25, in Block 1, of said SEC 34 and the northeast corner of Restricted Reserve "D", in Block 2, of LAKES OF BELLA TERRA SEC 33, a Subdivision as shown on the Plat thereof recorded in Plat Number 20150088 of the F.B.C.P.R. for the southeast corner of a residue of said 179.792 acre tract and the herein described tract;

THENCE, South 83° 01' 51" West, along the north line, of said SEC 33, a distance of 169.20 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found at an angle point in the north line of Lot 36, in Block 2, of said SEC 33 and being an angle point in the south line of a residue of said 179.792 acre tract and the herein described tract;

THENCE, South 80° 44' 51" West, continuing along the north line, of said SEC 33, a distance of 151.10 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found at the common exterior corner of Lots 19 & 35, in Block 2, of said SEC 33 for an angle point in the south line of a residue of said 179.792 acre tract and the herein described tract;

THENCE, South 83° 01' 51" West, continuing along the north line, of said SEC 33, a distance of 596.49 feet to a point in the north line of Lot 10, in Block 2, of said SEC 33 at the southeast corner of a residue of a called 28.267 acre tract of land as described in a conveyance to L.O.B. Limited Partnership by a Special Warranty Deed recorded under F.B.C.C.F. Number 2007068297 for the southwest corner of a residue of said 179.792 acre tract and the herein described tract;

THENCE, North 42° 36' 37" East, along the common line of a residue of said 28.267 and a residue of said 179.792 acre tract, a distance of 509.10 feet to the northwest corner of the herein described tract;

THENCE, North 83° 02' 10" East, a distance of 135.58 feet to the point of curvature of a curve to the left;

THENCE, northeasterly, a distance of 393.75 feet along the arc of said curve to the left having a radius of 6,524.00 feet through a central angle of 03° 27' 29" and a chord that bears North 81° 18' 25" East, a distance of 393.69 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found at an exterior corner of Lot 22, in Block 1, of said SEC 34 for the northeast corner of the herein described tract;

5.480 Acres

October 8, 2015

THENCE, South 06° 58' 09" East, along the west line of said SEC 34 and along the east line of a residue of said 179.792 acre tract, a distance of 335.91 feet to the **POINT OF BEGINNING** and containing a computed area of 5.480 acres (238,694 square feet) of land.

This description is based on a survey made on the ground of the subject property and was prepared by Benchmark Engineering Corporation, Job No. 04044-133

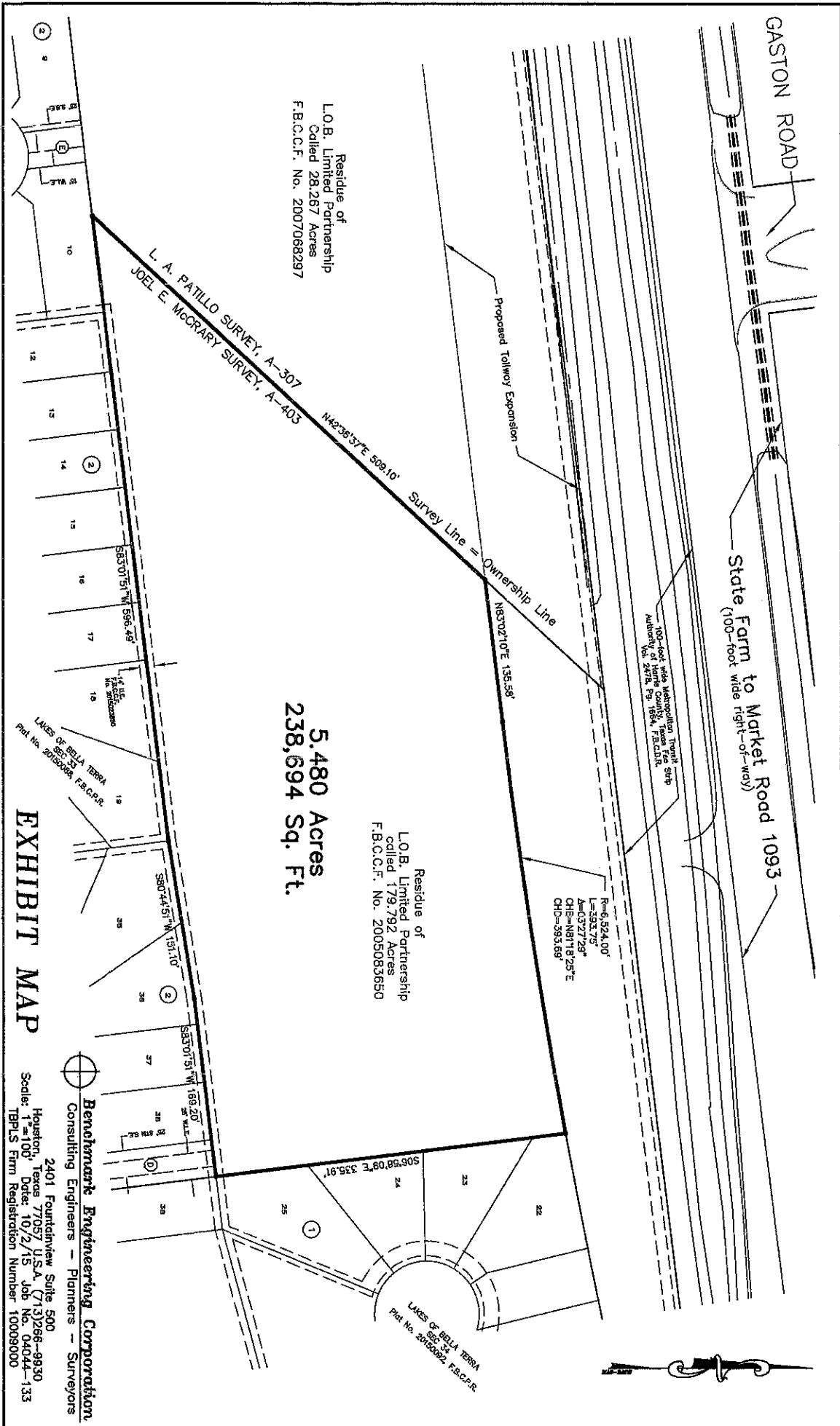


EXHIBIT B

PETITION FOR ADDITION OF CERTAIN LAND TO
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TO THE BOARD OF DIRECTORS OF FORT BEND COUNTY ASSISTANCE DISTRICT
NO. 1:

L.O.B. Limited Partnership, a Texas limited partnership, (the "Petitioner") acting pursuant to the provisions of Chapter 387, Texas Local Government Code, particularly Section 387.003, together with all amendments and additions thereto, petitions this Honorable Board to add the land described by metes and bounds in **Exhibit A**, attached hereto and incorporated herein for all purposes, (the "Land") to FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1 (the "District"). In support of this Petition, the Petitioner would show the following:

I.

The Land is situated wholly within Fort Bend County, Texas and is within the extraterritorial jurisdiction (as such term is defined in Local Government Code Section 42.001 et seq., as amended) of the city of Houston, Texas (the "City"). No part of the Land is within the limits of any incorporated city, town or village, and no part of the Land is within the extraterritorial jurisdiction of any city, town or village except the City.

II.

The Petitioner is the owner of the Land proposed to be included in the District pursuant to Section 387.003(i).

III.

The Petitioner certifies that there are no registered voters in the Land sought to be included in the District.

IV.

The Petitioner acknowledges, consents to, and affirmatively requests the addition of the Land into the District and the imposition on the Land of the sales and use tax of the District which is a one percent (1%) sales tax.

WHEREFORE, the Petitioner prays that this Petition be granted in all respects and that the Land be added to and become a part of the District.

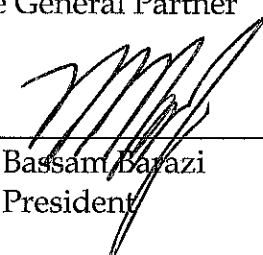
[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on October 13, 2015.

L.O.B. LIMITED PARTNERSHIP

By: Ryko Development, Inc.,
a Virginia corporation
its Sole General Partner

By: _____


Bassam Barazi
President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 13 day of October, 2015, by Bassam Barazi, President of Ryko Development, Inc., a Virginia corporation, as sole General Partner of L.O.B. LIMITED PARTNERSHIP, a Texas limited partnership, on behalf of said limited partnership and said corporation.

(NOTARY SEAL)



Notary Public, State of Texas



Attachments:

Exhibit A: Description of the Land

METES AND BOUNDS DESCRIPTION

5.480 ACRES

FORT BEND COUNTY, TEXAS

October 8, 2015

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