

PETITION FOR CONSENT TO ANNEX LAND INTO
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

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

The undersigned, FORT BEND COUNTY, TEXAS, (the “Petitioner”), a political subdivision of the state of Texas, and FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23 (the “District”), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, together with all amendments and additions thereto, respectfully petition the City Council of the City of Houston, Texas (the “City”), for its written consent to the annexation by the District of approximately 4.635 acres 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 undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on February 15, 1978. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code, as amended.

II.

The Petitioner holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District and as executed of a certain Warranty Deed recorded on February 26, 2019 under file number 2019018547 in the Official Public Records of Fort Bend County, Texas.

III.

The Petitioner represents that there are no lienholders on the Land.

IV.

The Land is situated wholly within Fort Bend County, Texas. No part of the Land is within the corporate limits of any incorporated city, town or village, and no part of the Land is within the extraterritorial jurisdiction (as such term is defined in Texas Local Government Code, Section 42.021

et seq., as amended) of any city, town or village except the City. All of the Land may properly be annexed into the District.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, and a drainage and storm sewer system.

V.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City, is in close proximity to populous and developed sections of Fort Bend County, Texas, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system nor an adequate drainage system, and it is not presently economically feasible for the Land to provide for such systems itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system and a drainage and storm sewer system, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage and storm sewer system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$73,000.00.

VII.

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

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on _____, 2025.

FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 23

By: _____

Name: _____

Title: _____

ATTEST:

(SEAL)

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §

§

COUNTY OF HARRIS §

§

This instrument was acknowledged before me on _____, 2025, by
_____, as _____, and
_____, as _____, of the
Board of Directors of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23,
a political subdivision of the State of Texas, on behalf of said political subdivision.

Notary Public, State of Texas

(NOTARY SEAL)

FORT BEND COUNTY, TEXAS

By: _____
KP George, Fort Bend County Judge

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on _____, 2025,
by KP George, as County Judge, of Fort Bend County, Texas, a political subdivision of
the state of Texas, on behalf of Fort Bend County, Texas.

Notary Public, State of Texas

(NOTARY SEAL)

Attachments:

Exhibit A: Description of the Land

Exhibit B: Conditions of the City

EXHIBIT "A"

County: Fort Bend
Street: South Post Oak Boulevard
Civilcorp Job No.: 1520100

Page 1 of 3

Property Description for Tract 38A

Being a 4.635 acre tract of land, situated in the Manuel Escalera Survey, Abstract 170, Fort Bend County, Texas, being the residual of a 4.6443 acre tract conveyed from Larry Cattell and Lydia Cattell to 1034 Sycamore L.P., dated August 8, 2018 as recorded in Clerk's File No. 2018097833, Official Records Fort Bend County, Texas, (O.R.F.B.C.T.), said 4.635 acre tract of land being more fully described by metes and bounds as follows:

COMMENCING at a 5/8 inch diameter iron rod with plastic cap found in the East right-of-way line of Windsome Drive (60 foot right-of-way), said iron rod marking the southwest corner of Restricted Reserve "B" of Teal Run Section Ten, an addition to the City of Fresno, Fort Bend County, Texas as recorded in Slide No. 1933A, P.R.F.B.C.T.;

THENCE, North 02 deg. 40 min. 51 sec. West, with the existing East right-of-way line of Windsome Drive, a distance of 110.10 feet to a calculated point for the northwest corner of said Restricted Reserve "B", Teal Run Section Ten, also being in the South line of a 0.540 acre tract of land conveyed to Fort Bend County, dated August 14, 2012 as recorded in Clerk's File No. 2012098515, Official Public Records Fort Bend County, Texas, (O.P.R.F.B.C.T.);

THENCE, North 87 deg. 19 min. 09 sec. East, with the common line of said Restricted Reserve "B", and said 0.540 acre tract, a distance of 5.29 feet to a 5/8 inch diameter iron rod with a plastic cap found for the southwest corner of the herein described tract, said iron rod being the southeast corner of said 0.540 acre tract, having Surface Coordinates of N=13,756,774.92, E=3,091,790.40 and being the **POINT OF BEGINNING**;

THENCE, with the East line of said 0.540 acre tract the following 3 courses;

- (1) North 02 deg. 40 min. 36 sec. West, a distance of 281.88 feet to a 5/8 inch diameter iron rod with plastic cap stamped "CIVILCORP" set for an angle point of the herein described tract and being the beginning of a curve to the right;
- (2) With said curve to the right having a radius of 20.00 feet, an arc length of 31.42 feet, a delta of 01 deg. 30 min. 50 sec., and a chord bearing and length of North 42 deg. 19 min. 24 sec. East, 28.28 feet to a 5/8 inch diameter iron rod with plastic cap found for end of said curve;
- (3) North 02 deg. 40 min 36 sec. West, a distance of 20.00 feet to a 5/8 inch diameter iron rod with plastic cap stamped "CIVILCORP" set for the northwest corner of the herein described parcel and being in the South right-of-way line of Sycamore Street (called 60.2 foot right-of-way) (occupied right-of-way varies);

EXHIBIT "A"

County: Fort Bend
Street: South Post Oak Boulevard
Civilcorp Job No.: 1520100

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Property Description for Tract 38A

- (4) **THENCE**, North 87 deg. 19 min. 34 sec. East, with the existing South right-of-way line of said Sycamore Street, a distance of 586.40 feet to a 5/8 inch diameter iron rod with plastic cap stamped "CIVILCORP" set for the northeast corner of the herein described tract, and the northwest corner of a 0.2307 acre tract of land conveyed to Fort Bend County, dated January 21, 2019, as recorded in Clerk File number 2019018547 of said O.P.R.F.B.C.T.;

THENCE, with the West line of said 0.2307 acre tract of land the following two courses;

- (5) South 47 deg. 51 min. 45 sec. East, a distance of 31.85 feet to a 5/8 inch diameter iron rod with plastic cap stamped "CIVILCORP" set for an angle point of the herein described tract;
- (6) South 02 deg. 57 min. 31 sec. East, a distance of 299.36 feet to a to a calculated point for the southeast corner of the herein described tract, also being the southwest corner of said 0.2307 acre tract and the northeast corner of said Restricted Reserve Tract "B", from which a found 5/8 inch diameter iron rod with plastic cap stamped "SURVEY 1" bears North 87 deg. 36 min. 28 sec. East, a distance of 0.41 feet;
- (7) **THENCE**, South 87 deg. 19 min. 09 sec. West, with the North line of said Restricted Reserve Tract "B" a distance of 630.47 feet to the **POINT OF BEGINNING**, containing 4.635 acres of land, more or less.

EXHIBIT "A"

County: Fort Bend
Street: South Post Oak Boulevard
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Property Description for Tract 38A

All bearings and coordinates are based on the Texas Coordinate System, South Central Zone (4204) NAD83. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 1.000130.

I hereby certify the foregoing legal description was prepared from a survey performed on the ground and that it correctly represents the facts found at the time of the survey. A survey plat of even date herewith accompanies this legal description.



07/24/2020

A handwritten signature in dark ink, appearing to read "Brandon Absher".

Brandon M. Absher
Registered Professional Land Surveyor
License No. 6654, State of Texas
CivilCorp, LLC - 4611 E. Airline Suite #300, Victoria, Texas 77904
361-570-7500
TBPLS Firm Registration No. 100576-00

Date: 07/24/2020



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 Houston, or otherwise acquiring waterworks systems, sanitary sewer 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 therefor, 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 subsequent to the fifteenth (15th) anniversary of the date of issuance without premium and will be sold only after the taking of public bids therefor, 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 bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. The resolution authorizing the issuance of the District's bonds will contain a provision that any pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City of Houston, Texas, annexes the District, takes over the assets of the District and assumes all of the obligations of the District. No land located within the extraterritorial jurisdiction of the City of Houston will be added or annexed to the District until the City of Houston has given its written consent by resolution or ordinance of the City Council to such addition or annexation.

(b) (1) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the Director of the Department of Public Works and Engineering of the City of Houston, or to his 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. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform exactly to the specifications of the City of Houston. All water service lines and sewer service lines, lift stations, sewage treatment facilities, and road facilities, and appurtenances thereto, installed or used within the District will comply with the City of Houston's standard plans and specifications as amended from time to time. 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 by registered or certified mail to the Director of Public Works and Engineering, 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 Houston; and during the progress of the construction and installation of such facilities, the Director of Public Works and

Engineering of the City of Houston, or an employee thereof, may make periodic on-the-ground inspections.

(2) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of recreational facilities, the District shall obtain and maintain on file, from a registered landscape architect, registered professional engineer or a design professional allowed by law to engage in architecture, a certification that the recreational facilities, as constructed, conform to the applicable recreational facilities design standards and specifications of the City of Houston's Department of Parks and Recreation and shall submit a copy of the certification and the "as built" plans and specifications for such recreational facilities to the Director of the City of Houston Parks and Recreation Department.

(3) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of facilities for fire-fighting services, the District shall obtain and maintain on file, from a registered architect, registered professional engineer or a design professional allowed by law to engage in facility design and construction, a certification that the facilities for fire-fighting services, as constructed, conform to the applicable fire-fighting facilities design standards and specifications of the City of Houston's Fire Department and shall submit a copy of the certification and the "as built" plans and specifications for such facilities for fire-fighting services to the Chief of the City of Houston Fire Department.

(c) The District will agree to engage a sewage plant operator holding a valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality, or such successor agency as the legislature may establish ("TCEQ"), as required by Section 26.0301, Texas Water Code, as may be amended from time to time. The District will agree to make periodic analyses of its discharge pursuant to the provisions of Order No. 69-1219-1 of the Texas Water Quality Board (predecessor agency to the TCEQ) and further to send copies of all such effluent data to the Department of Public Works and Engineering, City of Houston, as well as to the TCEQ. The District will agree that representatives of the City of Houston may supervise the continued operations of the sewage treatment facility by making periodic inspections thereof.

(d) The District, its board of directors, officers, developers, and/or landowners will not permit the construction, or commit to any development within, the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District's allocated capacity therein.

(e) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning Commission of the City of Houston of a plat which will be duly recorded in the Real Property Records of Harris County, Texas, and otherwise comply with the rules and regulations of the Department of Planning and Development and the Department of Public Works and Engineering of the City of Houston.

CERTIFICATE

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, the undersigned Secretary of the Board of Directors of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23, do hereby certify that the attached and foregoing is a true and correct copy of the Petition for Consent to Annex Land into Fort Bend County Municipal Utility District No. 23 that was filed with the Board of Directors of the District on _____, 2025.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on _____,
2025.

**FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 23**

By: _____
Secretary, Board of Directors

(SEAL)