

CAD 2
3

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

ORDER OF INCLUSION AND ANNEXATION

RECITALS

WHEREAS, Fort Bend County Assistance District No. 2 (hereinafter 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; and

WHEREAS, the City of Houston (the "City") consented to the creation of the District and, as a condition of such consent, the City and the 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

WHEREAS, although under Section 387.003(f), the District may include by order an area within its boundaries upon receipt of a petition signed by the owner of the land to be included; under the Agreement, the parties agreed that for land within the extraterritorial jurisdiction of the City that is not solely for right of way purposes, the District may annex additional land within into boundaries only upon the City providing its written consent to such addition or annexation; and

WHEREAS, District received a Petition for Addition of Certain Land to Fort Bend County Assistance District No. 2 from LM Land Holdings, LP (the "Owner"), owner of a certain 3.7777 acres of land within the extraterritorial jurisdiction of the City (the "Property") and; the District subsequently petitioned the City Council to pass and approve an ordinance or resolution granting the consent to the addition of land to the boundaries of the District; and

WHEREAS, on September 18, 2013, the City, acting by and through its City Council, consented to the addition of the Property to the boundaries of the District, by City of Houston, Texas Ordinance No. 2013-848, attached hereto as Exhibit A and incorporated herein for all purposes; Now, therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE DISTRICT THAT:

Section 1: The Property is hereby included within the boundaries of the District by annexation, eligible for the functions permitted to be performed by CAD No. 2, and the imposition of the sales and use tax of one percent as currently collected within the existing boundaries of the District.

Section 2: This Order is effective immediately upon passage.

ADOPTED this 28 day of July, 2015.

FORT BEND COUNTY ASSISTANCE
DISTRICT NO. 2

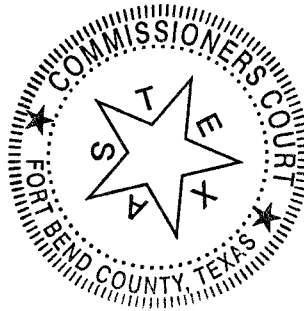
By: _____

Robert E. Hebert, Director

ATTEST:

By: _____

Laura Richard, County Clerk



City of Houston, Texas, Ordinance No. 2013-848

AN ORDINANCE CONSENTING TO THE ADDITION OF 3.77 ACRES OF LAND TO FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2; MAKING FINDINGS AND CONTAINING PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City has received a petition requesting consent of the City to the addition of 3.77 acres to Fort Bend County Assistance District No. 2; and

WHEREAS, on October 26, 2011 the City approved Ordinance 2011-924 consenting to the creation of Fort Bend County Assistance District No. 2 within the City's extraterritorial jurisdiction in Fort Bend County; and

WHEREAS, Ordinance 2011-924 also approved an Agreement for the Duration, Rate and Allocation of Sales and Use Tax for Fort Bend County Assistance District No. 2 as the District boundaries are modified; and

WHEREAS, the City finds and declares that no portion of the proposed or existing boundaries of Fort Bend County Assistance District No. 2 are located within the City's corporate limits; and

WHEREAS, Fort Bend County will not interfere with the City's current rights and obligations for areas within or currently proposed for limited purpose annexation; **NOW, THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

Section 1. The findings set forth in the preamble of this Ordinance are determined to be true and correct and are hereby adopted.

Section 2. That attached to this ordinance and made a part hereof is a petition requesting the consent of the City of Houston, Texas, to the annexation of a total of 3.77 acres of land into Fort Bend County Assistance District No. 2; such petition is hereby granted, subject to the terms and conditions set forth herein

Section 3. The City hereby notifies the referenced District, its residents and property owners of the provisions of applicable law allowing the City to annex any portion of the district located within the City's extraterritorial jurisdiction, including without limitation the land included in the district hereby.

Section 4. The City of Houston, Texas, hereby consents to the addition of 3.77 acres to Fort Bend County Assistance District No. 2, consisting of land within the extraterritorial jurisdiction of the City in Fort Bend County, subject to the terms and conditions set forth in Exhibit "A" below. The boundaries of such area consisting of approximately 3.77 acres in Fort bend County are set out in "Exhibit B," a property description and also represented visually in "Exhibit C," a map. The Petition requesting the consent of the City of Houston to the addition to Fort Bend County Assistance District No. 2, is included as "Exhibit D." All the exhibits, furnished by the Planning and Development Department, are attached hereto, incorporated herein, and made a part hereof for all purposes.

Section 5. The Agreement for the Duration, Rate, and Allocation of Sales and Use Tax (the "Agreement") is attached as Exhibit "E" is hereby approved by City Council and the City's representatives are authorized to execute the Agreement. The consent granted in Section 1 above is conditioned on (i) Fort Bend County approving the Agreement; and (ii) Fort Bend County Assistance District No. 2 approving the agreement prior to implementing a sales and use tax. The Agreement may be amended at any time

with the mutual written agreement of the City, Fort Bend County, and Fort Bend County Assistance District No. 2 without impacting the consent granted herein.

Section 6. This Ordinance and the Amendment will only become effective upon the provision of a stamped and dated confirmation that (i) Fort Bend County approved the Amendment; and (ii) Fort Bend County Assistance District No. 2 approved the amendment prior to implementing a sales and use tax. Confirmation must be delivered to the City Attorney and must be provided within ninety days of the approval of this Ordinance by City Council.

Section 7. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't Code Ann., ch. 551; and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails to sign this ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND APPROVED this 18th day of September, 2013.

Annise D. Parker

Mayor of the City of Houston, Texas

Prepared by Legal Dept. Sameen Kazim Mahesh
Senior Assistant City Attorney

Requested by Marlene Gafrick, Director, Department of Planning and Development (LD # 0611300063001)

AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		BROWN
✓		DAVIS
✓		COHEN
✓		ADAMS
✓		MARTIN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		LASTER
✓		GREEN
	ABSENT	COSTELLO
✓		BURKS
✓		NORIEGA
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

EXHIBIT "A"

**ETJ CONSENT CONDITIONS FOR
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2**

EXHIBIT "A"

(a) 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, and drainage facilities, 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.

(b) 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 their designated representatives, all plans and specifications for the construction of water, sanitary sewer, and drainage facilities 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 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 such 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, and drainage 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.

(c) The District will agree to employ a sewage plant operator holding a valid certificate of competency issued under the direction of the Texas Department of Health as required by Article 4477-1, §20(a), Tex. Rev. Civ. Stat. Ann. (Vernon Supp. 1994). 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 (now, the Texas Natural Resources Conservation Commission) 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 TNRCC. 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 Map and Plat 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.

EXHIBIT "B"

METES AND BOUNDS FOR THE 3.77 ACRE ADDITION TO
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2

EXHIBIT A

Page 1 of 3 Pages

County: Fort Bend
Project: Fort Bend County Assistance District No. 2
C.I. No.: 1193-13 (Map prepared)
Job Number: 2011-103-001

**FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2
3.7777 ACRE ANNEXION TRACT**

Being a 3.7777 acre tract of land located in the I. & G.N. R.R. Company Survey, A-353 in Fort Bend County, Texas; said 3.7777 acre tract being a portion of "Tract 1" and a portion of "Tract 2" both recorded in the name of LM Holdings, LP. in Clerk's File Number 2002106104 of the Official Records of Fort Bend County (O.R.F.B.C.); said 3.7777 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone):

Commencing at a 5/8-inch iron rod found at the north corner of a call 5.5093 acre tract of land recorded in Clerk's File Number 2012144744 of the O.R.F.B.C.;

Thence, South 55 degrees 00 minutes 53 seconds East, a distance of 314.87 feet to the **Point of Beginning** of the herein described tract, same being on an interior line of Fort Bend County Assistance District No. 2;

Thence, through said "Tract 2" and said "Tract 1", the following four (4) courses:

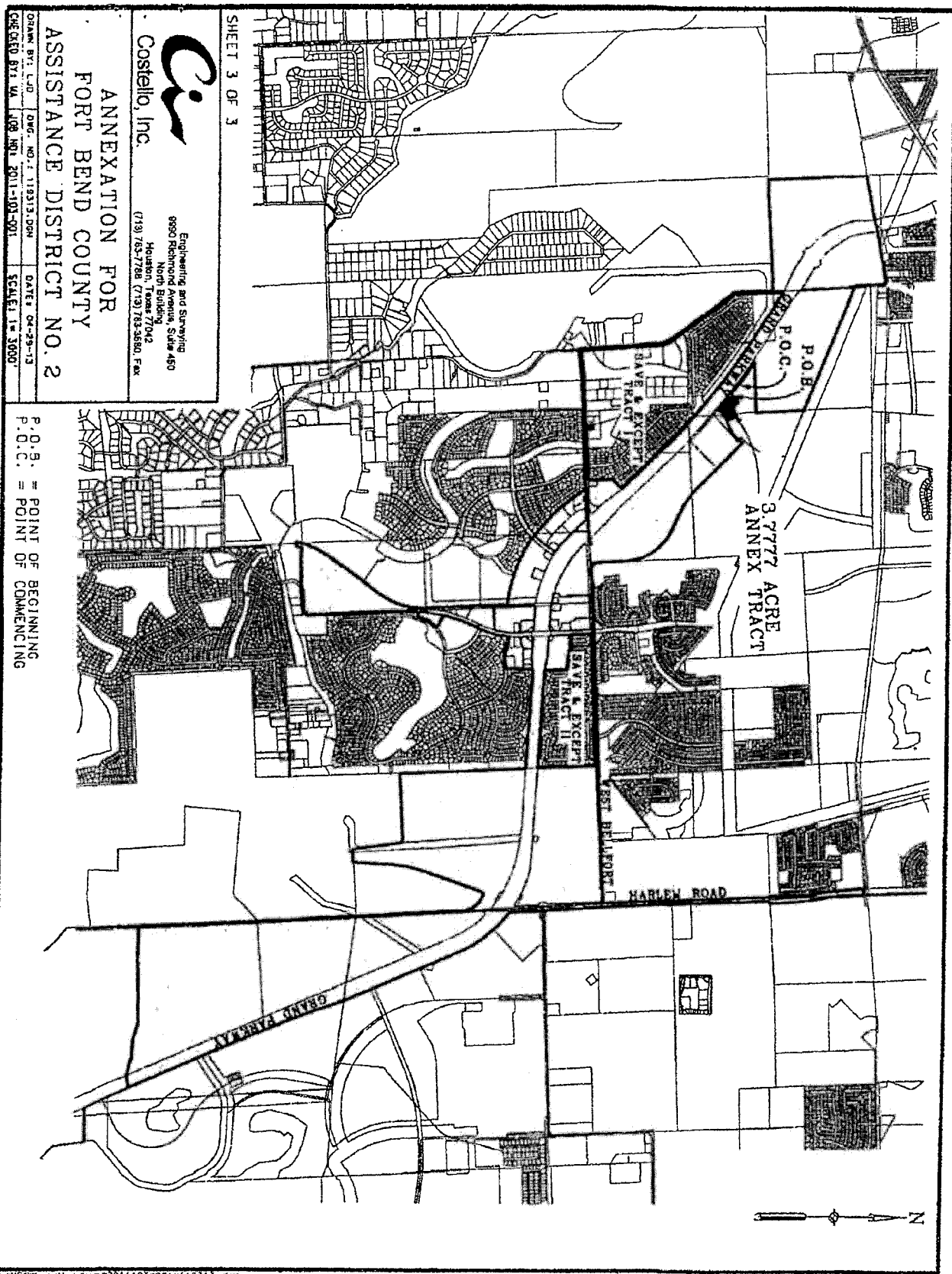
1. North 38 degrees 23 minutes 17 seconds East, a distance of 251.19 feet;
 2. South 51 degrees 36 minutes 43 seconds East, a distance of 201.49 feet;
 3. North 65 degrees 02 minutes 25 seconds East, a distance of 232.77 feet;
 4. South 24 degrees 57 minutes 35 seconds East, a distance of 267.29 feet to the northwest line of proposed Long Prairie Tract, same being an interior line of aforesaid Fort Bend Assistance District No. 2;
 5. Thence, with said northwest line and said interior line, 355.80 feet along the arc of a curve to the left, said curve having a central angle of 31 degrees 36 minutes 21 seconds, a radius of 645.00 feet and a chord that bears South 51 degrees 31 minutes 53 seconds West, a distance of 351.31 feet;
 6. Thence, continuing with said interior line, North 51 degrees 16 minutes 13 seconds West, a distance of 464.92 feet to the **Point of Beginning** and containing 3.7777 acres of land.
-
-

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.



EXHIBIT "C"

**MAP DEPICTING THE BOUNDARIES OF
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2 INCLUDING THE PROPOSED
3.77 ACRE ADDITION**



SHEET 3 OF 3



Costello, Inc.
 Engineering and Surveying
 9990 Richmond Avenue, Suite 450
 North Building
 Houston, Texas 77042
 (713) 763-7788 (713) 763-3650, FAX

ANNEXATION FOR
 FORT BEND COUNTY
 ASSISTANCE DISTRICT NO. 2

DRAWN BY: LJD DWG. NO.: 19313.06A DATE: 04-23-13
 CHECKED BY: VA 108 HOU 2011-03-301 SCALE: 1" = 300'

P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCING

EXHIBIT "D"

PETITION REQUESTING CONSENT TO THE ADDITION OF
3.77 ACRE TO FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2

PETITION FOR CONSENT FOR THE ADDITION OF CERTAIN LAND
TO FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2

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

Fort Bend County Assistance District No. 2 (herein the "Petitioner" or referred to as the "District"), acting pursuant to the provisions of Chapters 42 and 387, Texas Local Government Code, respectfully petitions the City Council of the City of Houston, Texas, (hereinafter referred to as the "City") for its written consent to the addition of certain land to the boundaries of the Petitioner and 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. Under Section 5 of the Agreement, the City and District agreed that the District may annex additional land into its boundaries, provided such land is limited to road right-of-way and is contiguous to the District.

III.

The District received a Petition for Addition of Certain Land to Fort Bend County Assistance District No. 2 from LM Land Holdings, LP, an owner of a 3.777 acre parcel of land contiguous to the District within the extraterritorial jurisdiction of the City (the "Land") described in Exhibit A, attached hereto and incorporated herein for all purposes. The landowners propose to develop the Land for commercial purposes. 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.

There is an imminent need for the continued construction, maintenance, and improvement of roads or highway to serve the areas within the existing boundaries of the District and the adjacent Land proposed for annexation. The area is urban in nature, is within the growing extraterritorial jurisdiction of the City of Houston, Texas, and is in close proximity to populous and developed sections of Fort Bend County, Texas. The District provides Fort Bend County with the ability to generate the necessary local funds to construct, maintain, and improve roads and highways within the District that benefit the local area. The welfare and mobility of the present and future inhabitants of the area and of the territories adjacent thereto require the construction, maintenance, and improvement of roads and highways. Additional commercial tracts are needed to enhance the District's ability to generate the necessary local funds. A public necessity, therefore, exists for the annexation of the Land to the District, to provide for the construction, maintenance, and improvement of roads and highways. The County's construction of these roads prior to the City's annexation will benefit the City because (i) the City will not be required to expend the funds to construct the roads; and (2) mobility will be enhanced significantly earlier than it would be if construction were deferred until the City's annexation.

VI.

Petitioner, 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.

VII.

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 addition of the Land to the District and authorizing the inclusion of the Land described herein within the District.

RESPECTFULLY SUBMITTED this 4 day of June, 2013.

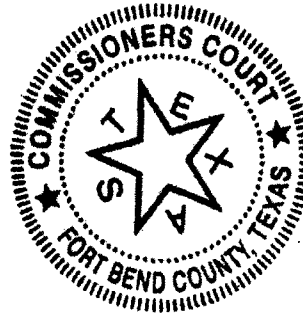
FORT BEND COUNTY ASSISTANCE
DISTRICT NO. 2

By: *Robert E. Hebert*
Robert E. Hebert, Director

Date: June 4, 2013

ATTEST:

By: *Dianne Wilson*
Dianne Wilson, County Clerk

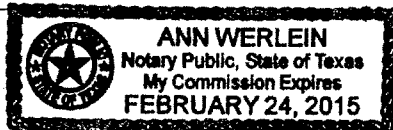


APPROVED AS TO FORM:

Marcus D. Spencer
Marcus D. Spencer, Assistant County Attorney

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on 6-4, 2013,
by Robert Hebert, County Judge



Ann Werlein
Notary Public, State of Texas

(NOTARY PUBLIC)

Exhibit A
Landowner's Petition



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PETITION FOR ADDITION OF CERTAIN LAND TO
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

TO: THE BOARD OF DIRECTORS OF FORT BEND COUNTY ASSISTANCE
DISTRICT NO. 2:

LM LAND HOLDINGS, LP, a Texas limited partnership (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, petitions this Honorable Board to add the of land described by metes and bounds in Exhibit A, attached hereto and incorporated herein for all purposes, to FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2 (the "District"), and in support of this petition the Petitioner represents, covenants, and agrees as follows:

Section 1: The land sought to be added to the District lies entirely within Fort Bend County, Texas, and is accurately described by metes and bounds in Exhibit A (the "Land").

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land, as show on the appraisal rolls of the Fort Bend Central Appraisal District.

Section 3: All of the Land is within the extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of Houston, Texas. No part of the Land is within the limits of any incorporated city, town, or village.

Section 4: The addition of the Land to the District is feasible and practical and will be to the advantage of and a benefit to the District and the roads and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District.

Section 5: The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land, and all improvements thereon presently existing or to be constructed hereafter, of a pro rata share of all present and future obligations of the District, and acknowledges that the District levies a one percent (1%) sales tax.

Section 6: The Petitioner hereby certifies that there are no qualified voters residing on the Land.

CCM 6-4-13 #CAD2
Fort Bend County Clerk
Return Admin Serv Coord #3

Section 7: The Petitioner hereby certifies that there are no holders of liens on the Land except Texas Capital Bank, National Association.

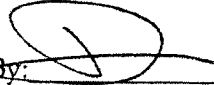
WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the District; and that this Petition, if granted, be filed for record and be recorded in the Official Public Records of Fort Bend County, Texas, and filed with the Texas Commission on Environmental Quality.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED on MAY 20th, 2013.

LM LAND HOLDINGS, LP, a Texas
limited partnership

By: LM Land, LLC, a Texas
limited liability company,
general partner

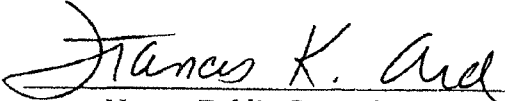
By: 
David A. Cannon
Manager

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me this 20th day of MAY, 2013, by David A. Cannon, Manager of LM Land, LLC, a Texas limited liability company, general partner of LM LAND HOLDINGS, LP, a Texas limited partnership, on behalf of said limited liability company and said limited partnership.

(NOTARY SEAL)




Notary Public, State of Texas

Attachment:
Exhibit A - Description of the Land

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Yvonne Onak.

EXHIBIT A

Page 1 of 3 Pages

County: Fort Bend
Project: Fort Bend County Assistance District No. 2
C.I. No.: 1193-13 (Map prepared)
Job Number: 2011-103-001

**FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2
3.7777 ACRE ANNEXION TRACT**

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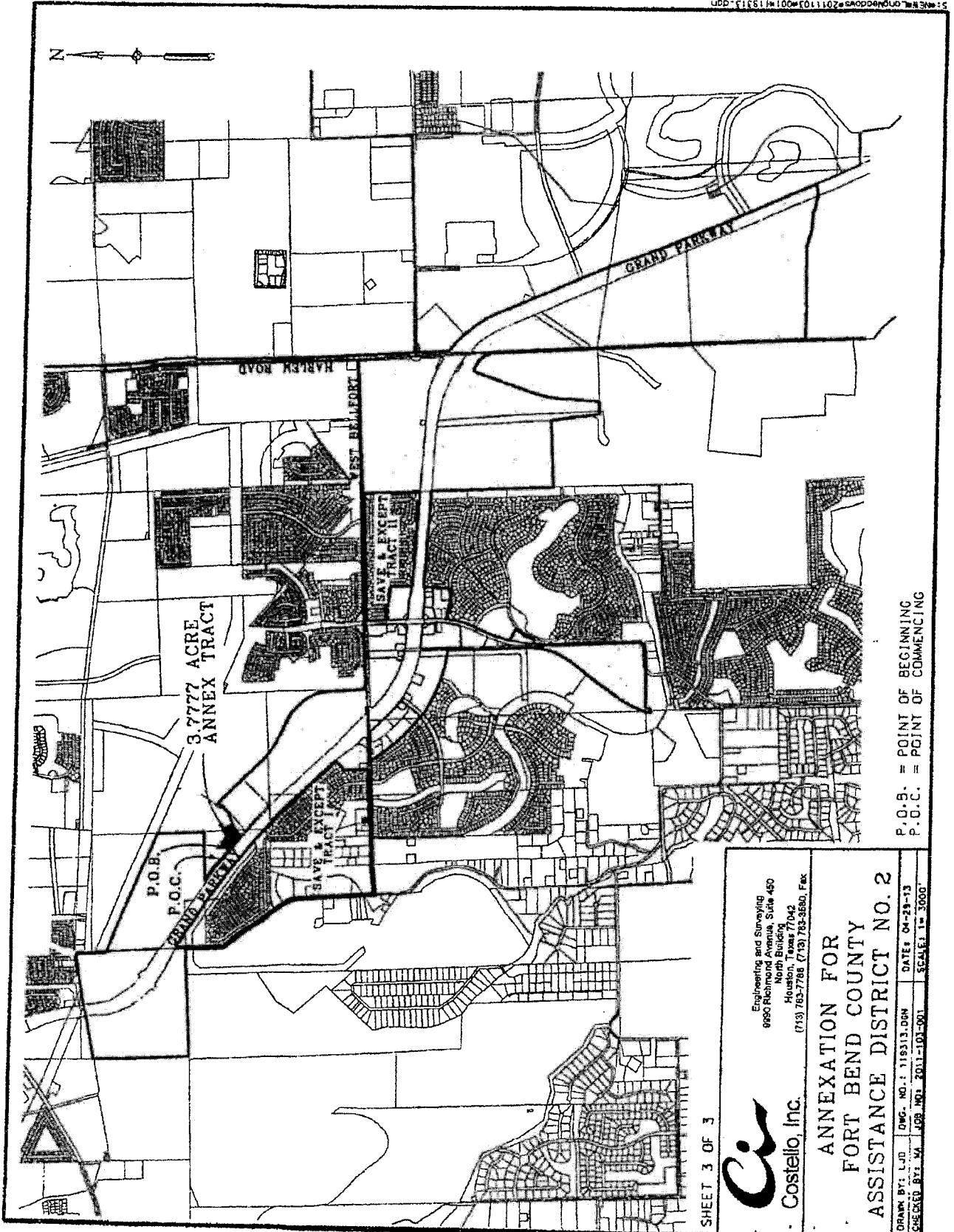
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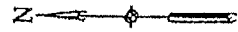
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 4. South 24 degrees 57 minutes 35 seconds East, a distance of 267.29 feet to the northwest line of proposed Long Prairie Tract, same being an interior line of aforesaid Fort Bend Assistance District No. 2;
 5. Thence, with said northwest line and said interior line, 355.80 feet along the arc of a curve to the left, said curve having a central angle of 31 degrees 36 minutes 21 seconds, a radius of 645.00 feet and a chord that bears South 51 degrees 31 minutes 53 seconds West, a distance of 351.31 feet;
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UDP-1103-001-119313-DGN



P.O.B.
P.C.C.
3.7777 ACRE
ANNEX TRACT

GRAND PARKWAY

HARLEY ROAD

EAST BRIMFORD

SAVE & EXCEPT
TRACT II

SAVE & EXCEPT
TRACT I

P.O.B. = POINT OF BEGINNING
P.C.C. = POINT OF COMMENCING

SHEET 3 OF 3



Engineering and Surveying
6950 Richmond Avenue, Suite 450
North Building
Houston, Texas 77042
(713) 783-7788 (713) 783-3580, Fax

**ANNEXATION FOR
FORT BEND COUNTY
ASSISTANCE DISTRICT NO. 2**

DRAWN BY: L.J.D. DWG. NO.: 119313.DGN DATE: 04-29-13
CHECKED BY: SA. JOB NO.: 2011-101-001 SCALE: 1" = 3000'

COUNTY CLERK'S CERTIFICATE

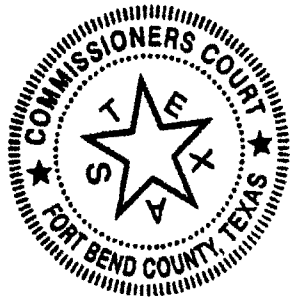
THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, the undersigned County Clerk of Fort Bend County, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Addition Of Certain Land to Fort Bend County Assistance District No. 2 that was filed with the Board of Directors of the District on June 4, 2013.

WITNESS MY HAND AND SEAL on June 4, 2013.

By: *Gianne Wilson*
FORT BEND COUNTY CLERK

(SEAL)



CERTIFICATE OF AUTHORITY

I, the undersigned officer of LM Land, LLC (the "Company"), hereby certify that:

1. the Company is the general partner of LM LAND HOLDINGS, LP, a Texas limited partnership (the "Partnership");
2. David A. Cannon is the Manager of the Company;
3. in such capacity, he is authorized to execute any and all documents in connection with the annexation of land into Fort Bend County Assistance District No. 2 (the "District"), including, specifically, the Petition for Addition of Certain Land into the District and any certificates needed by the City of Houston, Texas, ~~the Texas Commission on Environmental Quality and the Attorney General of Texas~~ (the "Annexation Documents"); F Fort Bend County
4. such execution of the Annexation Documents is duly authorized by the Company's organizational documents and by the limited partnership agreement of the Partnership, and such authorizations remained valid as of the date on which the Annexation Documents were executed.

AS PER ORIGINAL

WITNESS MY HAND, this the 20 day of MAY, 2013.

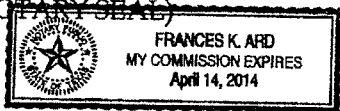
LM LAND, LLC, a Texas limited liability company

By: 
Robert E. Fondren, Manager

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 20th day of MAY, 2013, by Robert E. Fondren, Manager of LM LAND, LLC, a Texas limited liability company, on behalf of said limited liability company.

(NOTARY SEAL)



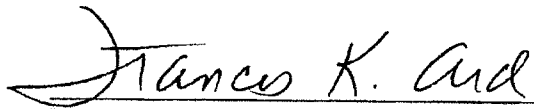

Notary Public, State of Texas

EXHIBIT A

Page 1 of 3 Pages

County: Fort Bend
Project: Fort Bend County Assistance District No. 2
C.I. No.: 1193-13 (Map prepared)
Job Number: 2011-103-001

**FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2
3.7777 ACRE ANNEXTION TRACT**

Being a 3.7777 acre tract of land located in the I. & G.N. R.R. Company Survey, A-353 in Fort Bend County, Texas; said 3.7777 acre tract being a portion of "Tract 1" and a portion of "Tract 2" both recorded in the name of LM Holdings, LP. in Clerk's File Number 2002106104 of the Official Records of Fort Bend County (O.R.F.B.C.); said 3.7777 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone):

Commencing at a 5/8-inch iron rod found at the north corner of a call 5.5093 acre tract of land recorded in Clerk's File Number 2012144744 of the O.R.F.B.C.;

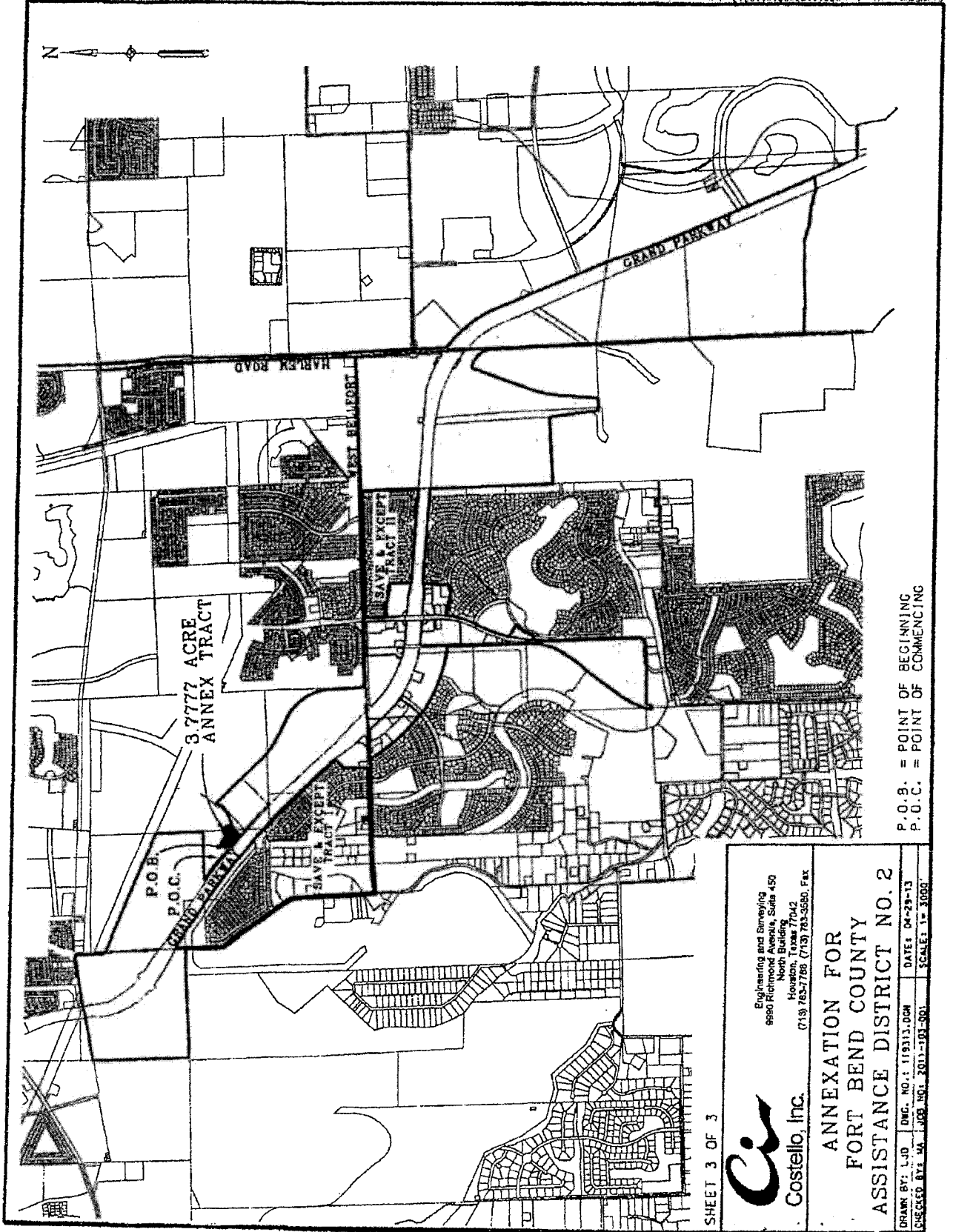
Thence, South 55 degrees 00 minutes 53 seconds East, a distance of 314.87 feet to the **Point of Beginning** of the herein described tract, same being on an interior line of Fort Bend County Assistance District No. 2;

Thence, through said "Tract 2" and said "Tract 1", the following four (4) courses:

1. North 38 degrees 23 minutes 17 seconds East, a distance of 251.19 feet;
2. South 51 degrees 36 minutes 43 seconds East, a distance of 201.49 feet;
3. North 65 degrees 02 minutes 25 seconds East, a distance of 232.77 feet;
4. South 24 degrees 57 minutes 35 seconds East, a distance of 267.29 feet to the northwest line of proposed Long Prairie Tract, same being an interior line of aforesaid Fort Bend Assistance District No. 2;
5. Thence, with said northwest line and said interior line, 355.80 feet along the arc of a curve to the left, said curve having a central angle of 31 degrees 36 minutes 21 seconds, a radius of 645.00 feet and a chord that bears South 51 degrees 31 minutes 53 seconds West, a distance of 351.31 feet;
6. Thence, continuing with said interior line, North 51 degrees 16 minutes 13 seconds West, a distance of 464.92 feet to the **Point of Beginning** and containing 3.7777 acres of land.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.





S:\MEX\KONG\dwg\2011103\001\1313.dwg

P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCING

SHEET 3 OF 3

Costello, Inc.
 Engineering and Surveying
 6660 Richmond Avenue, Suite 450
 North Building
 Houston, Texas 77042
 (713) 783-7766 (713) 783-3560, Fax

**ANNEXATION FOR
 FORT BEND COUNTY
 ASSISTANCE DISTRICT NO. 2**

DRAWN BY: LJD	DWG. NO.: 119313.DWG	DATE: 04-29-13
CHECKED BY: MA	JOB NO.: 2013-103-001	SCALE: 1" = 3000'

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

Dianne Wilson, County Clerk
Fort Bend County, Texas

June 13, 2013 11:42:47 AM



FEE: \$0.00 LW
PETITION

2013072790

EXHIBIT "E"

**AGREEMENT FOR THE
DURATION, RATE AND ALLOCATION OF SALES AND USE TAX
FOR FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2**

AGREEMENT FOR THE DURATION, RATE, AND ALLOCATION OF SALES AND USE TAX

This Agreement for the Duration, Rate, and Allocation of Sales and Use Tax (the "Agreement") is made and entered into by and between the City of Houston, Texas (the "City"), Fort Bend County, Texas (the "County"), and Fort Bend County Assistance District No. 2 (the "District"), Fort Bend County, Texas.

RECITALS

WHEREAS, the City requires the execution of this Agreement as a condition to its consent for the creation of the District;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the parties agree as follows:

AGREEMENT

Section 1. General. The City consented to the creation of the District on _____. The City, the County and the District agree that the District's imposition of sales and use tax within the boundaries of the District shall be governed by the terms of this Agreement. The City, the County, and the District agree that the District may perform the following functions in 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.

Section 2. Duration. The City will not annex any land within the boundaries of the District for full purposes earlier than December 20, 2037 (the "Earliest Termination Date"). In the event the City annexes a portion of the District for full purposes, the City must provide the County and the District with six (6) months' notice of any such annexation and, as of the annexation date, the area annexed shall be automatically excluded from the boundaries of the District. If the City annexes the entirety of the District for full purposes, the City must provide the County and the District with six (6) months' notice of such annexation and, as of the annexation date, the District shall no longer be authorized to collect sales and use tax within the District.

Section 3. Rate and Allocation. The sales and use tax imposed by the District may not exceed one percent and may only be used for lawful purposes within the boundaries of the District. the District is not required, and the City agrees that it is not entitled to, any allocation of the sales and use tax collected by the District.

Section 4. Bonds or obligations. Neither the County nor the District may issue or enter into bonds, notes, or other obligations extending beyond the Earliest Termination Date, if such bonds, notes, or other obligations are secured by a pledge or other encumbrance or lien on the sales and use tax collected by the District.

Section 5. Annexation. The City agrees that the District may annex additional land into its boundaries, provided such land is limited to road right-of-way and is contiguous to the District. Land located within the extraterritorial jurisdiction of the City of Houston that is not road right of way will not 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.

Section 6. Termination of Agreement. This Agreement is to remain in full force and effect unless terminated by mutual agreement of the parties hereto. Notwithstanding the above, if the City annexes the entirety of the District for full purposes the Agreement shall terminate.

Section 7. Entire Agreement; Modification. This Agreement constitutes the entire agreement between the City, the County, and the District concerning the duration, rate, and allocation of the imposition of sales and use tax by the District. There have been and are no agreements, covenants, representations, or warranties between the parties other than those expressly stated or provided for herein. No modification hereof or subsequent agreement relative to the subject matter hereof shall be binding on any party unless reduced to writing and signed by the parties.

Section 8. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the City, the County, and the District and shall not be construed to confer any benefit or right upon any other party, including particularly any resident of the District, the County, or the City.

Section 9. Severability. The provisions of this Agreement are severable, and if any word, phrase, clause, sentence, paragraph, section, or other part of this Agreement or the application thereof to any other person or circumstance shall ever be held by any court of competent jurisdiction to contravene or be invalid under the constitution or laws of the State of Texas for any reason, that contravention or invalidity shall not invalidate the entire Agreement. Instead, this Agreement shall be construed as if it did not contain the particular provision or provisions held to be invalid, the rights and obligations of the parties shall be enforced accordingly, and this Agreement shall remain in full force and effect, as construed. The remainder of this Agreement and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Agreement to the other parties or circumstances shall not be affected thereby.

Section 10. Successors and Assigns. This Agreement shall apply to and be binding upon the parties hereto and their respective officers, directors, successors, and assigns. This Agreement and any of the rights obtained hereunder are not assignable by any party hereto without the express written consent of the other parties, which consent shall not be unreasonably withheld.

Section 11. Authorization. Each party represents that (i) execution and delivery of this Agreement by it has been duly authorized by its governing body or other persons from whom such party is legally bound to obtain authorization; (ii) that the consummation of the contemplated transactions will not result in a breach or violation of, or a default under, any agreement by which it or any of its properties is bound, or by any statute, rule, regulation, order, or other law to which it is subject; and (iii) this Agreement is a binding and enforceable agreement on its part.

Section 12. Applicable Law. This Agreement shall be governed and construed in accordance with the laws of the State of Texas.

Section 13. Effective Date. This Agreement will be effective as of the date of the execution by the last party to execute this Agreement.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the Parties have executed this Agreement in multiple counterparts, each of which shall be deemed to be an original.

FORT BEND COUNTY, TEXAS

By: _____

Robert Hebert
County Judge

Date: _____

ATTEST:

By: _____

Dianne Wilson
County Clerk

APPROVED AS TO FORM:

_____, County Attorney

**FORT BEND COUNTY ASSISTANCE
DISTRICT NO. 2**

By: _____

Title: _____

Date: _____

ATTEST:

By: _____

Title: _____

CITY OF HOUSTON, TEXAS

By: _____
Mayor

ATTEST:

By: _____
City Secretary

APPROVED:

By: _____
Director, Department of Planning and Development

APPROVED AS TO FORM:

By: _____
Assistant City Attorney
L.D. File No. 0611100134001

COUNTERSIGNED:

By: _____
City Controller

DATE COUNTERSIGNED: _____