

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 34.4289 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__.

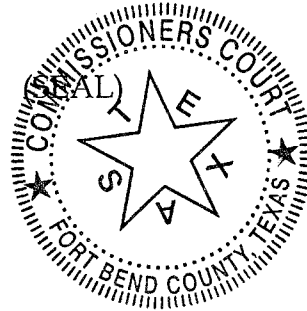
FORT BEND COUNTY ASSISTANCE
DISTRICT NO. 1

By: *Robert E. Hebert*
Robert E. Hebert, County Judge

Date: September 22, 2015

ATTEST:

By: *Luisa Richard*



THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on September 22, 2015, by Robert E. Hebert, County Judge.

Luisa M. Bowers
Notary Public, State of Texas

(NOTARY SEAL)



Attachment:

Exhibit A: Description of the Land

Exhibit B: Petition for Addition of Certain Land to District

EXHIBIT A

March 5, 2015

**34.4289 acre of land in the Stephen Hobermaker Survey, Abstract No. 189,
Fort Bend County, Texas**

A FIELD NOTE DESCRIPTION of 34.4289 acres (1,499,723 square feet) of land in the Stephen Hobermaker Survey, Abstract No. 189, Fort Bend County, Texas; said 34.4289 acre tract of land being all of a 1.4499 acre tract of land conveyed to W.K. King Family Limited Partnership, as recorded in Fort Bend County Clerk's File No. 2012021203 and being all of the remainder of a 64.891 acre tract of land conveyed to W.K. King Family Limited Partnership, as recorded in Fort Bend County Clerk's File No. 9818121; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a 3/4-inch iron pipe with cap stamped "Brown & Gay" found in the southeast right-of-way line of Greenbusch Road (called 100 feet wide), as recorded in Fort Bend County Clerk's File Nos. 2012069375 and 2012081906 for the west corner of Reserve "C", Marshall Oaks Sec 1, according to the map or plat recorded in Plat No. 20130324 of the Fort Bend County Plat Records and for the north corner of this tract;

THENCE, South 47° 20' 44" East - 1,472.29 feet with the southwest line of said Marshall Oaks Sec 1 to a 5/8-inch iron rod with cap stamped "Brown & Gay" found for an east corner of this tract;

THENCE, South 43° 11' 16" West - 200.02 feet with the northwest line of Restricted Reserve "A", Fort Bend County M.U.D. 185 Water Plant No. 1, according to the map or plat recorded in Plat No. 20080040 of the Fort Bend County Plat Records to a 5/8-inch iron rod with cap stamped "Brown & Gay" found for an interior corner of this tract;

THENCE, South 47° 20' 44" East - 326.00 feet with the southwest line of said Restricted Reserve "A" to a 5/8-inch iron rod with cap stamped "JNS" found in the northwest right-of-way line of Falcon Landing Boulevard (100 feet wide), according to the map or plat recorded in Plat No. 20120251 of the Fort Bend County Plat Records for an east corner of this tract;

THENCE, in a southwesterly direction with the northwest right-of-way line of said Falcon Landing Boulevard and with a curve to the left having a radius of 950.00 feet, a central angle of 48° 52' 50", a length of 810.47 feet and a chord bearing South 69° 43' 14" West - 786.11 feet to a 5/8-inch iron rod stamped "JNS" found for the east end of a radial cutback at the intersection of the northwest right-of-way line of said Falcon Landing Boulevard with the northeast right-of-way line of Katy-Gaston Road (width varies), as recorded in Fort Bend County Clerk's File No. 2012081906 and Plat No. 20110175 of the Fort Bend County Plat Records for a south corner of this tract;

THENCE, in a westerly direction with said radial cutback being a curve to the right having a radius of 25.00 feet, a central angle of 87° 56' 11", a length of 38.36 feet and a chord bearing South 89° 15' 23" West - 34.71 feet to a 5/8-inch iron rod stamped "JNS" found for the west end of said radial cutback and for a south corner of this tract;

THENCE, North 46° 46' 28" West - 75.40 feet with the northeast right-of-way of said Katy-Gaston Road to a 5/8-inch iron rod stamped "JNS" found for a point-of-curvature of a curve to the left;

THENCE, in a northwesterly direction with the northeast right-of-way of said Katy-Gaston Road and with said curve to the left having a radius of 2,050.00 feet, a central angle of 12° 06' 55", a length of 433.48 feet and a chord bearing North 52° 50' 49" W - 432.67 feet to a 5/8-inch iron rod stamped "JNS" found for a point-of-tangency;

THENCE, North 58° 55' 10" West - 75.22 feet with the northeast right-of-way of said Katy-Gaston Road to a 5/8-inch iron rod stamped "T.E.A.M." set for a point-of-curvature of a curve to the right;

THENCE, in a northwesterly direction with the northeast right-of-way of said Katy-Gaston Road and with said curve to the right having a radius of 1,950.00 feet, a central angle of 11° 24' 22", a length of 388.19 feet and a chord bearing North 53° 12' 59" W - 387.55 feet to a 5/8-inch iron rod found for a point-of-tangency;

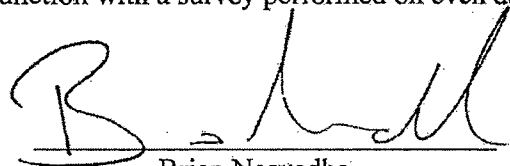
THENCE, North 47° 30' 49" West - 424.14 feet with the northeast right-of-way of said Katy-Gaston Road to a 5/8-inch iron rod stamped "JNS" found for the south end of a radial cutback corner at the intersection of the northeast right-of-way of said Katy-Gaston Road with the southeast right-of way line of said Greenbusch Road and for a west corner of this tract;

THENCE, in a northerly direction with said radial cutback being a curve to the right having a radius of 25.00 feet, a central angle of 90° 13' 28", a length of 39.37 feet and a chord bearing North 02° 24' 05" West - 35.42 feet to a 5/8-inch iron rod stamped "JNS" found for the north end of said radial cutback and for a west corner of this tract;

THENCE, North 42° 42' 39" East - 995.56 feet with the southeast line of said Greenbusch Road to the point of beginning and containing 34.4289 acres (1,499,723 square feet) of land.

Note: This metes-and-bounds description was written in conjunction with a survey performed on even date.

COMPILED BY:
Texas Engineering And Mapping Company Co.
Civil Engineers - Land Surveyors
Stafford, Texas
Firm Registration No.: 10119000
Job No. 356-194
W:356-194_Tract.doc



Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

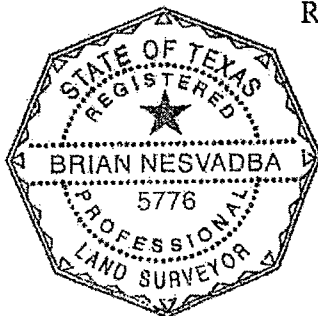


EXHIBIT B

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:

A-S 134 Katy Gaston-Falcon Landing, L.P., 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 (the "Land") and incorporated herein for all purposes, 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 majority of the Land proposed to be included in the District pursuant to Section 387.003(i) and is not located in an area in which the combined tax rate of all local sales and use taxes imposed, including the rate to be imposed by the District, would exceed the maximum combined rate of sales and use taxes imposed by political subdivisions of this state.

III.

Petitioner represents that there are no lienholders on the Land.

IV.

All of the Land may properly be annexed into the District, and the addition of the Land to the District is feasible and practical and will be to the advantage and benefit to the District.

V.

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

VI.

The Petitioner acknowledges, consents to, and affirmatively requests the addition of the Land into the District and the imposition 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]

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March 5, 2015

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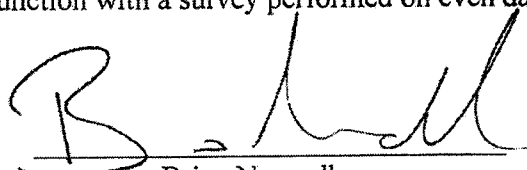
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COMPILED BY:
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Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

