

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*
Robert E. Hebert, County Judge

Date: 1-24-2017

ATTEST:

By: *Laura Richard*
Laura Richard, County Clerk



APPROVED AS TO FORM:

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

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on January 24, 2017,
by Robert E. Hebert, County Judge
of Fort Bend County

Luisa Maria Bowers
Notary Public, State of Texas

(NOTARY PUBLIC)

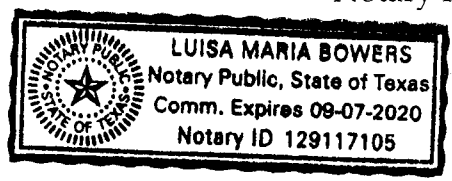


Exhibit A
Metes and Bounds Description of the Land

EXHIBIT A

County: Fort Bend
Highway: F.M. 1093
Project: Fort Bend CAD 1

FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1

BEGINNING in the west boundary line of the existing Fort Bend County Assistance District No. 1 with the intersection of the proposed south right-of-way line of FM 1093 and the west Right-of-Way line of F.M. 359 (80 foot width) as described in Volume 243 Page 159 filed in the Fort Bend County Deed Records (F.B.C.D.R.) Fort Bend County, Texas;

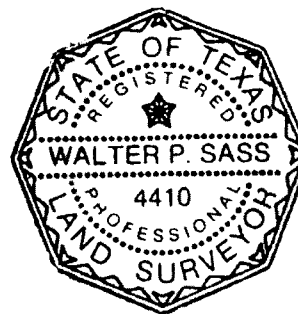
- 1) THENCE, in a westerly direction with the proposed south right-of-way line of FM 1093 (variable width), to its intersection with Flewellen Creek;
- 2) THENCE, in a westerly direction with the proposed south right-of-way line of FM 1093 located 100 feet south of the existing south right-of-way line of the Fort Bend County Tollroad Authority Corridor tract, as dedicated by Fort Bend County Clerk's File Nos. 2015058468, 2015058447, and 2015058441 of the Official Public Records of Real Property Fort Bend County to a point located approximately 200 feet east of the west property line of the calculated 564.69 acre tract described in deed to Harrison Interest, LTD., filed in Volume 1289, Page 624 of the Official Public Records of Fort Bend County;
- 3) THENCE, in a westerly direction with the proposed south right-of-way line of FM 1093 located 90 feet south of the existing south right-of-way line of the Fort Bend County Tollroad Authority Corridor, to a point located approximately 100 feet west of the east property line of the residue of a called 12.183 acre tract described in deed to Stefano-Ratcliff Interest Inc., filed in Clerk's File No. 9707378 of the Official Public Records of Fort Bend County;
- 4) THENCE, in a westerly direction with the proposed south right-of-way line of FM 1093 located 80 feet south of the existing south right-of-way line of the Fort Bend County Tollroad Authority Corridor, to the east property line of the residue of a called 26.5629 acre tract described in deed to Fulshear Land Investment partners, LTD., filed in Clerk's File No. 2006150741 of the Official Public Records of Fort Bend County;
- 5) THENCE, in a westerly direction with the proposed south right-of-way line of FM 1093 (variable width), to the intersection of the west right-of-way line of Fulshear Trace (100 feet wide) as dedicated in Plat No. 20140297 of the Plat Records of Fort Bend County, and the east right-of-way line of the existing south right-of-way line of FM 1093 (variable width) as dedicated in Volume 285, Page 305 of the Deed Records of Fort Bend County;
- 6) THENCE, continuing in a westerly direction with the existing south right-of-way line of FM 1093 (100 foot wide), to a point in the south right-of way line of said FM 1093 a distance of approximately 1585 feet past the intersection of the west right-of-way line of James Lane as dedicated by Plat No. 20140072 of the Fort Bend County Plat Records and the south right-of-way line of FM 1093;

EXHIBIT A

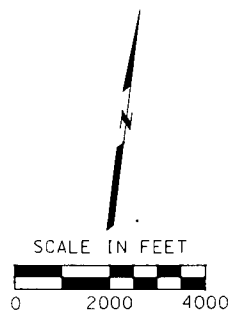
- 7) THENCE, in a northerly direction over and across said FM 1093 and the Fort Bend County Tollroad Authority Corridor, to the proposed north right-of-way line of FM 1093 and to a point in the west line of a called 101 acre tract as described in deed to Kenneth G. McCann, Gerald W. McCann, and John D. McCann, filed in Clerk's File No. 2005014004 of the Official Public Records of Fort Bend County;
- 8) THENCE, in an easterly direction with the proposed north right-of-way line of FM 1093 and the north line of said Fort Bend County Tollroad Authority Corridor to the intersection of the west right-of-way line of Wallis Street (30 feet wide) as dedicated in Volume U, Page 177 of the Deed Records of Fort Bend County and the south right-of-way line of N. Front Street (Variable Width) as dedicated in Volume U, Page 177 of the Deed Records of Fort Bend County;
- 9) THENCE, in a northerly direction with the west right-of-way line of Wallis Street (30 feet wide) to a point in the north right-of-way line of said N. Front Street (Variable Width);
- 10) THENCE, in an easterly direction with the north line of said N. Front Street to the intersection of the west right-of-way line of Syms Street (60 feet wide) as dedicated in Volume U, Page 177 of the Deed Records of Fort Bend County;
- 11) THENCE, in a northerly direction with the west right-of-way line of Syms Street (30 feet wide) to the intersection of the existing north right-of-way line of FM 1093 (120' R.O.W.) Volume 243, Page 145 and in Volume 243, Page 157 of the Deed Records of Fort Bend County;
- 12) THENCE, in an easterly direction with the north line of said FM 1093 to the intersection of the west right-of-way line of FM 1463 (100 feet wide) as dedicated by Volume 285, Page 260 of the Fort Bend County Deed Records;
- 13) Thence in a southerly direction over and across FM 1093 to the POINT OF BEGINNING of the herein described tract 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.

Compiled by:
Weisser Engineering Company
19500 Park Row, Suite 100
Houston, Texas 77084
January, 2017



NOTE: A parcel plat of even date was prepared in conjunction with this property description.



FULSHEAR

CALLED 101 ACRES
KENNETH G. MCCANN,
GERALD W. MCCANN,
JOHN D. MCCANN
FILE NO. 2005014004
DATED JANUARY 18, 2005
OPRFBC.

WALLIS ST.
HARRIS ST.
F.M. 359
WILSON DR.
SYMS ST.

N. FRONT ST.

FULSHEAR - KATY

BOIS D. ARC LN

F.M. 1093

FLEWELLEN WAY

F.M. 1463

F.M. 1093

JAMES LN

CEMETERY

BOIS D. ARC LN

CALCULATED 56469 ACRES
HARRISON INTERESTS LTD.
VOL. 1289 PG. 624
DATE SEPTEMBER 9, 1983.
OPRFBC.

EXISTING FORT BEND CAD NO. 1

P.O.B.

F.M. 359

RESIDUE OF
CALLED 75,562.9 ACRES
(CALCULATED 16,264 ACRES)
FULSHEAR LAND INVESTMENT PARTNERS, LTD.
FILE NO. 2006150741
DATE NOVEMBER 16, 2006
OPRFBC.

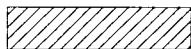
RESIDUE OF
CALLED 12,183 ACRES
(CALCULATED 12,150 ACRES)
STEPANO-RATCOLEFF INTEREST INC.
FILE NO. 9707378
DATE JANUARY 22, 1997
OPRFBC.

FLEWELLEN CREEK

BESSIES CREEK

CREEK

WALKER



EXISTING FORT BEND CAD NO. 1



PROPOSED ADDITION TO FORT BEND CAD NO. 1

EXHIBIT "B"

FORT BEND COUNTY
ASSISTANCE DISTRICT NO. 1
FORT BEND COUNTY, TEXAS

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

**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:

Fort Bend County Toll Road Authority, a local government corporation (the "Petitioner"), acting pursuant to the provisions of Subchapter D of the Texas Transportation Corporation Act, Chapter 431, Texas Transportation Code, petitions this Honorable Board to add the portion of land acquired by Petitioner in that certain Deed and Assignment described and recorded under Fort Bend Clerk's File No. 2015058468 in the Real Property Records of Fort Bend County, Texas, that lies from FM 1463 to James Lane and described in **Exhibit A** (the "Land"), to FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1 (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.

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

Section 3: Based on information and belief, a portion of the Land is within the corporate limits of the City of Fulshear, Texas.

Section 4: The Land is currently owned by Petitioner to be used as road right-of-way in connection with the widening of FM 1093.

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.

Section 7: The Petitioner hereby certifies that there are no holders of liens on the Land.

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.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED on December 21, 2016.

FORT BEND COUNTY TOLL ROAD
AUTHORITY

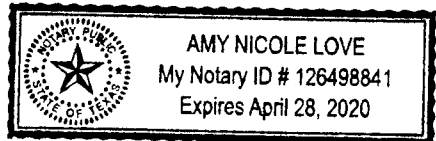


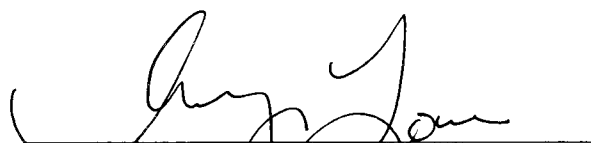
Chairman, Board of Directors

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on December 21 2016, by Dr. James D. Condney, DDS, as Chairman.

(NOTARY SEAL)





Notary Public, State of Texas

After recording, return to;
Fort Bend County Attorney's Office
Attention: Marcus D. Spencer
401 Jackson Street, 3rd Floor
Richmond, Texas 77469

EXHIBIT A

County: Fort Bend
Highway: F.M. 1093
Project: Fort Bend CAD 1

FORT BEND COUNTY ASSISTANCE DISTRICT NO. 1

BEGINNING at the west boundary line of the existing Fort Bend County Assistance District No. 1, at a 5/8 inch iron rod with cap (stamped "Weisser Eng., Houston, TX") found at the intersection of the south line of the Fort Bend County Tollroad Authority Corridor tract, as dedicated by Fort Bend County Clerk's File Nos. 2015058468, 2015058447, and 2015058441 of the Official Public Records of Real Property Fort Bend County (O.P.R.R.P.F.B.C.) and with the west Right-of-Way line of F.M. 359 (80 foot width) as described in Volume 243 Page 159 filed in the Fort Bend County Deed Records (F.B.C.D.R.) Fort Bend County, Texas;

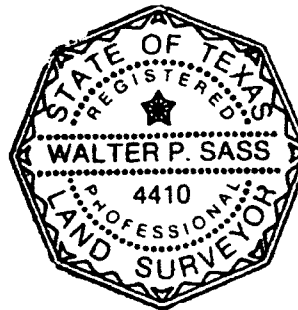
- 1) THENCE, in a westerly direction with the south line of the said Fort Bend County Tollroad Authority Corridor, to a found 5/8 inch iron rod with cap (stamped "Weisser Eng., Houston, TX") located in the northwest corner of a called 20.089 acre tract described in deed to Fulshear Real Estate Partners LP, filed in Clerk's File No. 2014024160 (O.P.R.F.B.C.);
- 2) THENCE, in a southerly direction, to a found 5/8 inch iron rod with cap (stamped "Weisser Eng., Houston, TX") located in the northeast corner of the residue of a called 26.5629 acre tract described in deed to Fulshear Land Investment Partners, Ltd, filed in Clerk's File No. 2006150741 (O.P.R.F.B.C.);
- 3) THENCE in a westerly direction with the south line of said Fort Bend County Tollroad Authority Corridor, to a point in the north right-of-way line of F.M. 1093 (120 foot width) as described in Volume 285, Page 305 filed in the F.B.C.D.R. and the southeast corner of a called 0.413 acre tract described in deed to City Of Fulshear, filed in Clerk's File No. 2003059725 (O.P.R.F.B.C.);
- 4) THENCE, in a northerly direction, to a found 5/8 inch iron located in the northwest corner of said 0.413 acre tract;
- 5) THENCE, in a westerly direction with the south line of said Fort Bend County Tollroad Authority Corridor and the north right-of-way of F.M. 1093 (120 foot width), a distance of approximately 3500 feet to a point in the south line of said corridor;
- 6) THENCE, in a northerly direction over and across said Fort Bend County Tollroad Authority Corridor, to the southwest corner of a called 101 acre tract as described in deed to Kenneth G. McCann, Gerald W. McCann, and John D. McCann, filed in Clerk's File No. 2005014004 (O.P.R.F.B.C.);

EXHIBIT A

- 7) THENCE, in an easterly direction with the north line of said Fort Bend County Tollroad to a point in the north line of said corridor, a point in the south right-of-way line of F.M. 1093 (120 foot width) as described in Volume 243, Page 159 filed in the F.B.C.D.R. at its intersection with the west right-of-way line of F.M. 359 (80 foot wide) and a point in the west boundary line of the existing Fort Bend County Assistance District No. 1;
- 8) THENCE, in a southerly direction with the west boundary line of said Fort Bend County Assistance District No. 1 and the west right-of-way line of F.M. 359 (80 foot wide), to the POINT OF BEGINNING of the herein described tract of land.

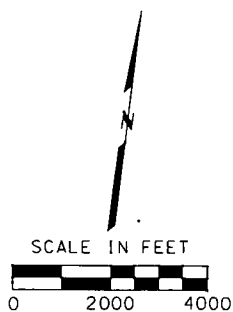
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL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

Compiled by:
Weisser Engineering Company
19500 Park Row, Suite 100
Houston, Texas 77084
December, 2016

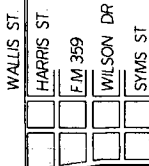


A handwritten signature in black ink, appearing to read "Walter P. Sass", written over a faint, circular, dotted-line background.

NOTE: A parcel plat of even date was prepared in conjunction with this property description.



FULSHEAR



FULSHEAR KATY

BOIS D. ARC LN

F.M. 1093

FLEWELLEN WAY

F.M. 1463

F.M. 1093

JAMES LN

CEMETERY

SIOB D. ARC LN

P.O.B.

EXISTING FORT BEND CAD NO. 1

F.M. 359

BESSIES CREEK

CREEK

WALKER

FLEWELLEN CREEK



EXISTING FORT BEND CAD NO. 1



PROPOSED ADDITION TO FORT BEND CAD NO. 1

EXHIBIT "B"

FORT BEND COUNTY
ASSISTANCE DISTRICT NO. 1
FORT BEND COUNTY, TEXAS