

STATE OF TEXAS §
COUNTY OF FORT BEND §

AMENDED ORDER PROHIBITING SOLID WASTE DISPOSAL IN FORT BEND COUNTY

SECTION I.

GENERAL PROVISIONS AND FINDINGS

WHEREAS, the Commissioners Court of Fort Bend County, Texas, has both the responsibility and authority to protect the public health, safety and general welfare by prohibiting solid waste disposal in the unincorporated areas of Fort Bend County, Texas, except for those areas designated as solid waste disposal sites, pursuant to the authority of the Texas Health and Safety Code §363.112; and

WHEREAS, pursuant to its authority under the Texas Health and Safety Code §363.112, the Commissioners Court of Fort Bend County, Texas adopted an Order dated January 22, 2002 prohibiting solid waste disposal in Fort Bend County and designating approved areas for disposal of solid waste in areas of Fort Bend County, Texas in which the disposal of solid waste is not prohibited; and

WHEREAS, Section III of said Order designated (as Area Seven) 334.904 acres of land owned by Sprint Fort Bend County Landfill, L.P., within which the Sprint Fort Bend County Landfill has operated since 1982, as an area in which the disposal of solid waste is not prohibited; and

WHEREAS, the Commissioners Court finds that it is beneficial to Fort Bend County to amend said Order to decrease and reconfigure the area designated as Area Seven in Section III of the January 22, 2002 order, so that it covers a slightly smaller area of 332.989 acres of land owned by Sprint Fort Bend County Landfill, L.P; and

WHEREAS, the Commissioners Court has accepted a donation from the Sprint Fort Bend County Landfill, L.P., of portions of said 334.904-acre tract for West Bellfort Boulevard right of way and storm water detention, and for the Four Corners Park for use as flood water storage areas; and

WHEREAS, the Commissioners Court finds that it is important to protect floodplains from landfill development in order to protect ground water and surface water resources from contamination; and

WHEREAS, the Commissioners Court finds that the resources of the County are best served by designating and reconfiguring certain areas within Fort Bend County, Texas as suitable and unsuitable for solid waste disposal sites and the requested amendment to the order is appropriate and does not impose a greater burden than necessary to protect the public health and safety under the circumstance; and

WHEREAS, this Amended Order has been published for two consecutive weeks in a newspaper of general circulation in the County; and

WHEREAS, the public hearing notices included (1) the proposed amended order prohibiting solid waste disposal in Fort Bend County; (2) the time, place, and date that the Commissioners Court of Fort Bend County was to consider the proposed amended order; and (3) notice that an interested citizen of the county may testify at the hearing; and

WHEREAS, a public hearing on this amended order was held on _____, 2018 before the amended order was considered by the commissioners court, and any interested citizen of the county was allowed to testify at the hearing; and

WHEREAS, a majority of the Commissioners approved this Amended Order on _____, 2018 at a public meeting noticed and held in accordance with the Texas Open Meetings Act:

NOW, THEREFORE, BE IT ORDAINED, AND ORDERED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, that the original Order Prohibiting Solid Waste Disposal in Fort Bend County, shall be amended to include the following provisions:

SECTION II.
AMENDING APPROVED AREAS FOR DISPOSAL OF SOLID WASTE
IN UNINCORPORATED AREAS OF FORT BEND COUNTY

For the above reasons, and pursuant to the provisions of §363.112 of the Texas Health and Safety Code, the Commissioners Court of Fort Bend County hereby ORDAINS, RESOLVES, ORDERS and ESTABLISHES that Section III of the ORDER PROHIBITING SOLID WASTE DISPOSAL IN FORT BEND COUNTY adopted on January 22, 2002, is AMENDED to designate the following as Area Seven:

AREA SEVEN

A FIELD NOTE DESCRIPTION of 332.989 acres of Land being a portion of a call 187.0178 acre tract (Volume 2569, Page 2006; Official Records of Fort Bend County, Texas), a portion of a call 0.9972 acre tract of Land (Fort Bend County Clerk's File No. 9662184), a portion of a call 6.3149 acre tract of Land (Fort Bend County Clerk's File No. 9655320), a portion of a call 6.3149 acre tract of Land (Fort Bend County Clerk's File No. 9655319), a portion of a call 3.1622 acre tract of Land (Parcel 3 - Fort Bend County Clerk's File No. 9655317), a portion of a call 3.1622 acre tract of Land (Parcel 4 - Fort Bend County Clerk's File No. 9655317), a portion of a call 16.3257 acre tract of Land (Fort Bend County Clerk's File No. 95757250), a portion of a call 30.219 acre tract of Land (Volume 2538, Page 1316; Official Records of Fort Bend County, Texas), a portion of a call 57.78 acre tract of Land (Fort Bend County Clerk's File No. 9837853), a portion of a call 3.010 acre tract of Land (Second Tract, Fort Bend County Clerk's File No. 2015074577), a portion of a call 3.021 acre tract of Land (First Tract, Fort Bend County Clerk's File No. 2015074577), a portion of a call

9.028 acre tract of Land (Fort Bend County Clerk's File No. 2006083831), all of a call 1.0000 acre tract of Land (Fort Bend County Clerk's File No. 9884398), all of a call 1.5 acre tract of Land (Fort Bend County Clerk's File No. 2018026478), all of a call 3.348 acre tract of Land (Fort Bend County Clerk's File No. 2018026479), all of a call 3.345 acre tract of Land (Fort Bend County Clerk's File No. 2018026480), all of a call 2.500 acre tract of Land (Fort Bend County Clerk's File No. 2014002046), all of a call 2.500 acre tract of Land (Fort Bend County Clerk's File No. 2013107441), a portion of a call 103.534 acre tract of Land (Fort Bend County Clerk's File No. 2012147528) and a portion of a call 41.636 acre tract of Land (Fort Bend County Clerk's File No. 2016038939), being in the Miles M. Battle Survey, Abstract No. 9, in the D.A. Conner Survey, Abstract No. 158 and in the John Leverton Survey, Abstract No. 402, Fort Bend County, Texas. The basis for bearings in this description is the Texas Coordinate System of 1983 (South Central Zone) and was determined by global positioning system methods.

FOR CONNECTION, begin at a 5/8 inch diameter iron rod found for an interior corner of said call 187.0178 acre tract; said corner being in the northerly line of said Miles M. Battle Survey, being in the southerly line of said D.A. Conner Survey and being the southeast corner of a 2.500 acre tract (Fort Bend County Clerks File No. 2014002046); Thence; North 2 degrees, 31 minutes, 42 seconds West - 570.96 feet along a westerly line of said call 187.0178 acre tract to a five-eighths inch diameter iron rod with cap found for the northeast corner of a 2.500 acre tract (Fort Bend County Clerks File No. 2013107441) and for the southeast corner of a call 9.787 acre tract (Fort Bend County Clerk's File No. 2001115166); said corner being an interior corner in the northerly line of and **PLACE OF BEGINNING** for this 332.989 acre tract;

THENCE; North 2 degrees, 31 minutes, 42 seconds West - 1,015.90 feet continuing along a westerly line of said call 187.0178 acre tract being along the easterly line of said call 9.787 acre tract to a five-eighths inch diameter iron rod with cap found for angle point corner;

THENCE; North 4 degrees, 34 minutes, 17 seconds West - 21.00 feet continuing along a westerly line of said call 187.0178 acre tract to a five-eighths inch diameter iron rod with plastic cap set for the most northerly northwest corner of this tract; said corner being in the southerly line of a 0.645 acre road easement tract (Fort Bend County Clerk's File No. 2002096733);

THENCE; Northeasterly, along the southeasterly right-of-way line of said 0.645 acre road easement tract being along a non-tangent curve to the left, the radius point bears North 17 degrees, 52 minutes, 02 seconds West, with the following curve data:

Delta:	14 degrees, 13 minutes, 51 seconds
Radius:	330.00 feet
Length:	81.96 feet
Tangent:	41.19 feet

Chord: North 65 degrees, 01 minutes, 02 seconds East - 81.75 feet to a five-eighths inch diameter iron rod with cap found for corner;

THENCE; North 57 degrees, 54 minutes, 07 seconds East - 16.15 feet continuing along the southeasterly right-of-way line of said 0.645 acre road easement to a point for corner;

THENCE; Northeasterly, then southeasterly, along the southerly right-of-way line of West Bellfort Boulevard (width varies) crossing said call 187.0178 acre tract, said call 0.9972 acre tract, said call 6.3149 acre tracts, said call 3.1622 acre tracts and a portion of said call 16.3257 acre tract, with the following courses and distances:

North 72 degrees, 21 minutes, 44 seconds East - 104.46 feet to a five-eighths inch diameter iron rod with cap found for corner;

Along a tangent curve to the right with the following curve data:

Delta: 15 degrees, 23 minutes, 23 seconds
Radius: 1,950.00 feet
Length: 523.77 feet
Tangent: 263.47 feet
Chord: North 80 degrees, 3 minutes, 25 seconds East - 522.20 feet to a five-eighths inch diameter iron rod with cap found for corner;

North 87 degrees, 45 minutes, 7 seconds East - 427.63 feet to a five-eighths inch diameter iron rod with cap found for corner;

Along a tangent curve to the right with the following curve data:

Delta: 52 degrees, 6 minutes, 56 seconds
Radius: 1,650.00 feet
Length: 1,500.82 feet
Tangent: 806.82 feet
Chord: South 66 degrees, 11 minutes, 25 seconds East - 1,449.61 feet to a five-eighths inch diameter iron rod with cap set for the most easterly corner of this tract;

THENCE; South 86 degrees, 55 minutes, 2 seconds West - 588.61 feet along a northerly line of a 150 foot wide drainage easement being along a line 150 feet perpendicular distance northerly of and parallel to the southerly lines of said call 3.1622 acre tracts and said call 6.3149 acre tract to a point for interior corner of this tract;

THENCE; South 3 degrees, 47 minutes, 8 seconds East - 896.98 feet along a westerly line of said 150 foot wide drainage easement being along a line 150 feet perpendicular distance westerly of and parallel to the most easterly line of said call 187.0178 acre tract to a point for re-entrant corner of this tract;

THENCE; South 87 degrees, 5 minutes, 20 seconds West - 320.20 feet along a northerly line of said 150 foot wide drainage easement being along a line 150 feet perpendicular distance northerly of and parallel to a southerly line of said call 187.0178 acre tract to a point for interior corner of this tract;

THENCE; South 3 degrees, 26 minutes, 42 seconds West, at 150.93 feet along a westerly line of said drainage easement pass a 3/4 inch inside diameter iron pipe in concrete found for the Northeast corner of said call 30.219 Acre Tract, in all 1,011.45 feet to a point for corner;

THENCE; North 89 degrees, 15 minutes, 0 Seconds East - 70.37 feet along the northerly line of said call 103.534 acre tract to a point for corner;

THENCE; South 2 degrees, 44 minutes, 9 seconds East - 1,906.76 feet crossing into the interior of said call 103.534 acre tract to a point for the southeast corner of this tract;

THENCE; South 87 degrees, 19 minutes, 31 seconds West - 1,809.55 feet continuing within said call 103.534 acre tract to a point for angle;

THENCE; South 88 degrees, 20 minutes, 17 seconds West, at 25.16 feet pass a point for corner in the westerly line of said call 103.534 acre tract being the easterly line of said call 41.636 acre tract, said corner bears South 3 degrees, 12 minutes, 39 seconds East - 420.01 feet from a 2 inch outside diameter iron pipe in concrete found for the northwest corner of said call 103.534 acre tract, in all 1,653.14 feet along a line within said call 41.636 acre tract to a point for the most southerly southwest corner of this tract;

THENCE; North 47 degrees, 7 minutes, 21 seconds West - 212.82 feet along a line within said call 41.636 acre tract to a point for the most westerly southwest corner of this tract;

THENCE; North 2 degrees, 35 minutes, 41 seconds West, at 288.03 feet pass a point for corner in the northerly line of said call 41.636 acre tract being the southerly line of said call 57.78 acre tract, said corner bears North 88 degrees, 5 minutes, 11 seconds East - 224.31 feet from a 1 inch diameter iron rod found for the northwest corner of said call 41.636 acre tract feet, in all 754.34 feet to a point for angle;

- THENCE;** North 17 degrees, 41 minutes, 38 seconds West - 869.71 feet to a point for corner in the centerline of Red Gully; said corner being in the westerly line of said call 57.78 acre tract;
- THENCE;** North 2 degrees, 41 minutes, 15 seconds West - 422.63 feet along the westerly line of said call 57.78 Acre Tract to a one-half inch inside diameter iron pipe found for angle point corner;
- THENCE;** North 2 degrees, 28 minutes, 0 seconds West - 871.95 feet along the westerly line of said call 57.78 acre tract to a one-half inch inside diameter iron pipe found for the most westerly northwest corner of this tract; said corner being the northwest corner of said call 57.78 Acre Tract;
- THENCE;** North 82 degrees, 2 minutes, 55 seconds East - 827.17 feet along the northerly line of said call 57.78 Acre Tract to a five-eighths inch diameter iron rod with cap found for interior corner of this tract; said corner being the southwest corner of said call 3.010 acre tract;
- THENCE;** North 3 degrees, 8 minutes, 14 seconds West - 40.87 feet to a five-eighths inch diameter iron rod with cap found for the most Westerly Northwest corner of said call 3.010 acre tract;
- THENCE;** North 60 degrees, 37 minutes, 42 seconds East - 167.36 feet along the Northwesternly line of said call 3.010 acre tract to a five-eighths inch diameter iron rod with cap found for corner;
- THENCE;** North 26 degrees, 18 minutes, 10 seconds East - 43.31 feet continuing along the Northwesternly line of said call 3.010 acre tract to a point for re-entrant corner of this tract;
- THENCE;** North 87 degrees, 25 minutes, 14 seconds East -1,330.13 feet crossing said call 3.010 acre, 3.021 acre and 9.028 acre tracts to the **PLACE OF BEGINNING** and containing 332.989 acres of Land.

SECTION III. CIVIL REMEDIES AND PENALTIES

Any violation of this Amended Order is subject to a civil penalty for each violation, such penalty to be forfeited to Fort Bend County, Texas. Each day that a violation continues constitutes a separate ground for recovery.

The Commissioners Court of Fort Bend County, Texas, may bring a legal action to enjoin violations of this Amended Order and seek judgment for any civil penalties.

SECTION IV. SEVERABILITY

If any portion of this Amended Order is deemed to be in violation of the statutes or the constitution of this state or the United States by a court of competent jurisdiction, said portion shall be severed, and the remaining portions of this Amended Order shall remain in full force and effect.

SECTION V. WITHDRAWAL OR RETURN OF PERMIT

In the event that an application for permit or other authorization under Texas Health and Safety Code Chapter 361 which was pending before the Texas Natural Resources Conservation Commission at the time of the adoption of this Order for an area listed in Section II of this Order is withdrawn by or returned to the applicant, or if a permit is overturned by a final appeal, then such area shall be removed from Section II of this Order and unincorporated areas of Fort Bend County, Texas.

SECTION VI. REPEALER AND SAVINGS CLAUSE

IT IS ORDERED that this Amended Order shall be cumulative of all other orders dealing with the same subject and any provision of any order in direct conflict with any provision of this Amended Order is hereby repealed and the provisions of this Amended Order shall supersede any provisions in conflict herewith; all provisions of any other order not in conflict herewith shall remain in full force and effect.

IT IS FURTHER ORDERED that the disposal of solid waste is PROHIBITED in all other areas of Fort Bend County, Texas, that have not been designated as approved areas for disposal of solid waste.

Notwithstanding the provisions of Section IV above, if Section II of this Amended Order is declared invalid in whole or any part for any reason, Section III, Area Seven of the Order Prohibiting Solid Waste Disposal in Fort Bend County, Texas, which was adopted on January 22, 2002, is revived, reinstated and effective for all purposes.

SECTION VII.
ADOPTION OF AMENDED ORDER

On motion of Commissioner _____, seconded by Commissioner _____, duly put and carried, THIS AMENDED ORDER PROHIBITING SOLID WASTE DISPOSAL IN FORT BEND COUNTY IS HEREBY ADOPTED by the Commissioner's Court of Fort Bend County, Texas, duly convened and acting in its capacity as governing body of Fort Bend County, on this _____ day of _____, 2018.

IT IS ORDERED that the Fort Bend County Judge, Robert Hebert, be, and he is hereby, authorized to execute the Amended Order Prohibiting Solid Waste Disposal in Fort Bend County, Texas.

FORT BEND COUNTY, TEXAS

By: _____
Robert Hebert, County Judge

ATTEST:

By: _____
Laura Richard, County Clerk

APPROVED AS TO FORM:

ROY L. CORDES, JR.
FORT BEND COUNTY ATTORNEY

By: _____
LaNetra S. Lary
Assistant County Attorney