

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NOS. 169 AND 173**

c/o Allen Boone Humphries Robinson LLP  
3200 Southwest Freeway, Suite 2600  
Houston, Texas 77027

March 10, 2021

Fort Bend County Facilities Department  
c/o Pacheco Koch  
Attn: Jim Roberts  
20329 State Highway 249, Suite 350  
Houston, TX 77070

Re: Agreement (this "Agreement") Regarding Acquisition of Water/Sewer/Drainage/Detention Capacity From Fort Bend County Municipal Utility District No. 169 ("MUD 169") and Fort Bend County Municipal Utility District No. 173 ("MUD 173") for an approximately 2.841 acre tract of land, as described and depicted on Exhibit "A" attached hereto (the "Tract"), owned by Fort Bend County within MUD 173.

To Mr. Roberts:

You have indicated to the Boards of Directors of MUD 169 and MUD 173 (collectively, the "Districts") that Fort Bend County (referred to herein as "you" or "your") owns the above-referenced Tract, which is proposed to be developed as a Fort Bend County Public Safety Annex. You have indicated that you seek to acquire 1,026 gallons per day ("gpd") of sewage treatment plant and conveyance capacity, 4,740 gpd of water plant and waterline capacity, and drainage/detention capacity from the Districts ("Requested Capacity"), as applicable, for the Tract. The Boards of Directors of the Districts hereby agree that you do hereby acquire from the Districts, as applicable, 1,026 gpd of sewage treatment plant and conveyance capacity, 4,740 gpd of water plant and waterline conveyance capacity, and drainage/detention capacity to serve the Tract, subject to all of the following terms and conditions:

1. MUD 173 has or will (i) construct potable water, sanitary sewer, and storm sewer facilities serving land within its boundaries (ii) convey them to the City of Fulshear (the "City") for ownership and operation, and (iii) reserve for itself all of the capacity in said facilities. MUD 169, in its capacity as Master District, has or will (i) construct certain potable water, sanitary sewer, and storm sewer facilities serving its approximate 3,293 acre service area ("Service Area"), (ii) convey them to the City for ownership and operation, and (iii) reserve for itself all of the capacity in said facilities. You understand that the City (not the Districts) owns or will own the potable

water, sanitary sewer, and storm sewer facilities serving the Tract, and that the detention/drainage ditch facilities serving the Tract are owned by MUD 169. Accordingly, you understand and agree that this Agreement is only an acquisition of capacity, and the City (not the Districts) is responsible for maintenance and operation of potable water, sanitary sewer, and storm sewer facilities and for the provision of potable water, sanitary sewer, and storm sewer service from said facilities. The Districts will not be responsible to provide you any water, sanitary sewer, or storm sewer service.

2. The acquisition of capacity described herein shall be valid only in an amount not exceeding that indicated above and only for the Tract and shall not be valid for any area outside of the Tract. You represented that your land use for the Tract will be for a Fort Bend County Public Safety Annex. The acquisition of capacity described herein shall be valid only for that land use, and for no other land use without the Districts' written approval. You will not permit connections on the Tract that will result in total connections that exceed the capacity amounts indicated above.
3. You must commence design of the facilities to serve the Tract within one year from the date hereof or the Districts may, in their sole discretion, terminate this Agreement.
4. You must commence construction of your development on the Tract within two years from the date hereof or the Districts may, in their sole discretion, terminate this Agreement. You shall have the right to request from the Districts a one-year extension of this commitment immediately succeeding the expiration of the two-year term and the Districts shall determine in their sole discretion whether or not to grant such extension.
5. If not previously platted, you must prepare a plat of the acreage which you are developing within your Tract in accordance with City subdivision requirements and receive City approval of your plat and file and record said plat with Fort Bend County prior to receipt of water or sanitary sewer service from the City.
6. All plans and specifications for the water, sanitary sewer, and drainage facilities to serve the Tract must be reviewed and approved by the City, the Districts, and all other regulatory authorities having jurisdiction prior to commencement of construction of such facilities.
7. You will pay for all engineering and construction and any other costs involved in providing internal water, sanitary sewer, and storm sewer utilities within the Tract. You will be responsible for providing and maintaining the internal utilities within the Tract.

8. All sanitary sewage discharges from your Tract must be solely domestic in nature and must comply with all of the City's (and Districts', if any) orders, ordinances, rules, and regulations, and with any amendments hereafter to such orders, ordinances, rules, and regulations.
9. The Districts shall not be responsible for making any tap or connection to any facilities constructed by the Districts. You will be responsible for obtaining from the City a connection(s) to the City's water system and sanitary sewer system. You will be responsible for paying the City any fees or charges required by the City in accordance with the City's rules, regulations, orders and ordinances, which fees and charges can be adjusted by the City from time to time. As a user of the City's water and sewer services, you shall pay the applicable rates provided in, and the terms of services shall be subject to, the City's orders, ordinances, rules and regulations, which may be amended from time to time.
10. Prior to the connection of any improvement within the Tract to the water and sanitary sewer system constructed by the Districts, you must pay the Districts for your pro rata share of the water, sanitary sewer, and drainage/detention facilities necessary to provide service to the Tract (the "Non-Taxable User Fee"). As set forth in Exhibit "B" attached hereto, the Non-Taxable User Fee equals \$50,741.75, which figure has been calculated by MUD 173's engineer and MUD 169's engineer and the parties hereby approve such calculations. Such Non-Taxable User Fee must be paid to MUD 169 prior to receiving water and sanitary sewer service to serve the Tract and the Districts may prohibit you from connecting to any facilities constructed by the Districts until such Non-Taxable User Fee is paid. With respect to any portion of the Non-Taxable User Fee that is based on estimated costs for facilities that have not yet been constructed or current contract amounts for projects currently under construction, after such facilities have been accepted by MUD 173 or MUD 169, as applicable, you will be invoiced (which will be due upon receipt) for any underpayment made by you, and MUD 173 or MUD 169, as applicable, will pay you any overpayment made by you, all as determined and calculated by the Districts after consulting with their engineers.
11. This Agreement shall not be assignable by you without the prior written consent of the Districts.
12. You are aware and acknowledge that the Districts lie entirely within the corporate boundaries of the City, and you are further aware and acknowledge that the City has the legal authority to dissolve the Districts. The Districts make no representation regarding when such dissolution

might occur or what the effect of such dissolution might be upon this Agreement.

13. Any capacity not needed for the Tract following its development, as determined by the Districts' Boards of Directors, shall be freed of this Agreement and shall automatically revert to the Districts, as applicable.
14. The acquisition of capacity described herein shall not be effective until all parties have executed this Agreement and the Non-Taxable User Fee has been paid to MUD 169.

[EXECUTION PAGES FOLLOW]

The Districts look forward to dealing with you in the development of the Tract.

Very truly yours,

FORT BEND COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 169



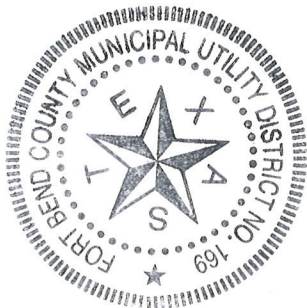
\_\_\_\_\_  
President, Board of Directors

ATTEST:



\_\_\_\_\_  
Secretary, Board of Directors

(SEAL)

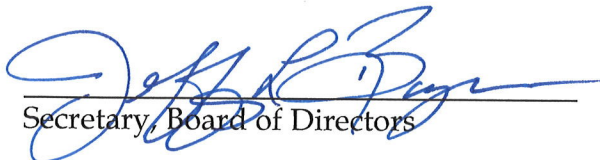


FORT BEND COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 173



\_\_\_\_\_  
President, Board of Directors

ATTEST:



\_\_\_\_\_  
Secretary, Board of Directors

(SEAL)



Fort Bend County agrees to all of the above terms and conditions.

EXECUTED this 27 day of July, 2021.

Fort Bend County,  
a political subdivision of the State of Texas

By: KP George

Name: County Judge KP George

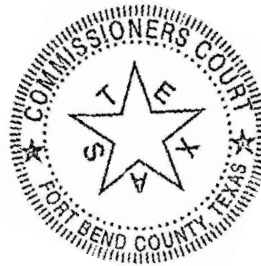
Title: County Judge

ATTEST:

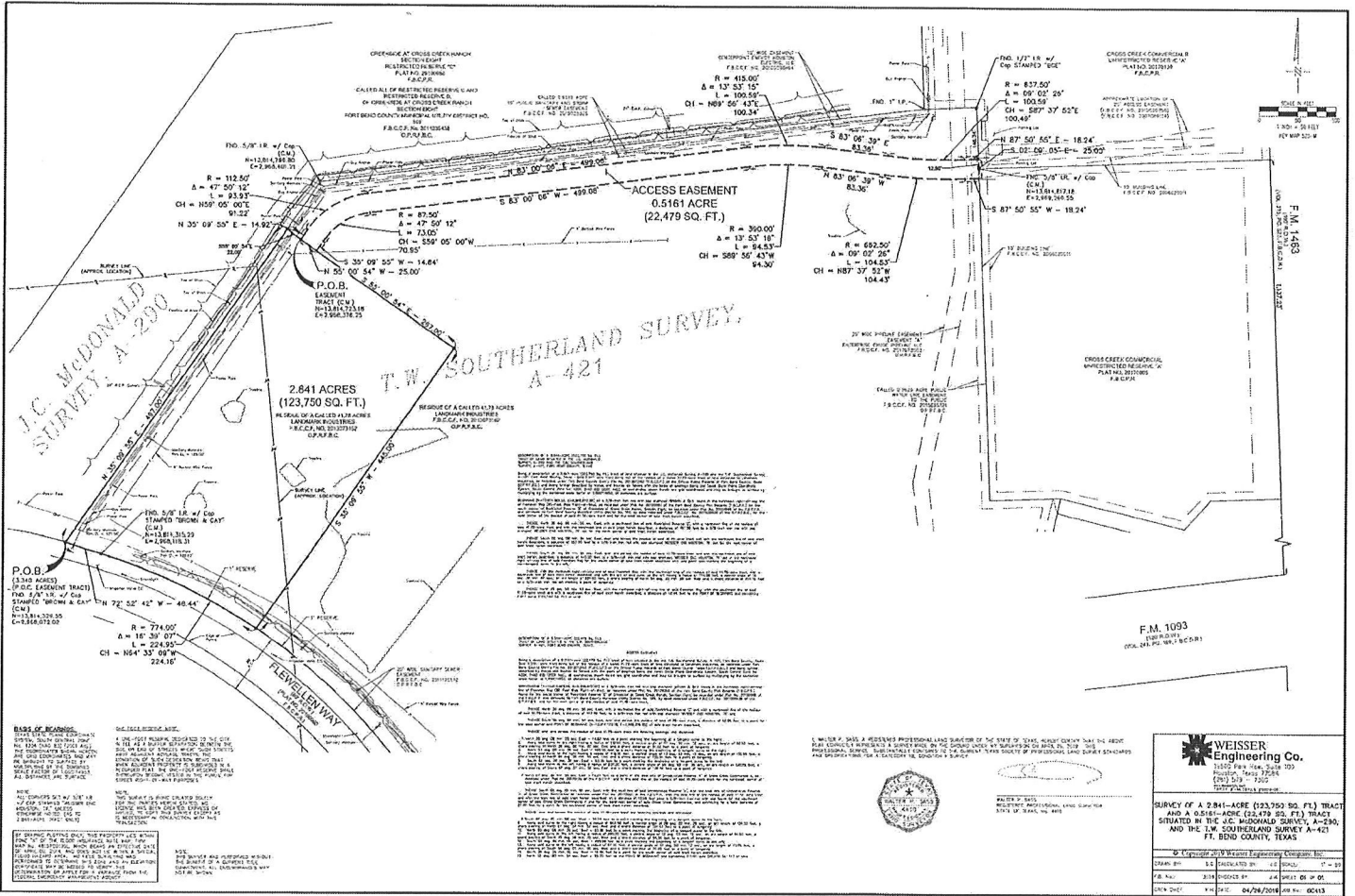
By: Laura Richard

Name: Laura Richard

Title: County Clerk



## EXHIBIT A



**WEISSER Engineering Co.**  
10000 F.M. 1093, Suite 100  
Houston, Texas 77055  
(281) 599-7500  
www.weisser-engineering.com

**SURVEY OF A 2.841-ACRE (123,790 SQ. FT.) TRACT AND A 0.6161-ACRE (22,479 SQ. FT.) TRACT SITUATED IN THE J.C. McDONALD SURVEY, A-290, AND THE T.W. SOUTHERLAND SURVEY, A-421, FT. BEND COUNTY, TEXAS**

COMPILED BY	J.E.	DATE	04/06/2010
DESIGNED BY	J.E.	DATE	04/06/2010
FIELD BY	J.E.	DATE	04/06/2010
CHECKED BY	J.E.	DATE	04/06/2010

Scale: 1" = 100'



## EXHIBIT B

**Exhibit**  
**Fort Bend County MUD No. 169**  
**Summary of Cost Estimate Shares to Fort Bend County Public Safety Annex**  
**Revised February 23, 2021**

	<u><b>FBCMUD No. 169 Share</b></u>		<u><b>TOTAL</b></u>
<b>Water Facilities <sup>(1)</sup></b>	\$	31,284.69	\$ 31,284.69
<b>Wastewater Facilities <sup>(2)</sup></b>	\$	16,921.42	\$ 16,921.42
<b>Storm Sewer and Detention/Drainage Facilities <sup>(3)</sup></b>	\$	2,535.64	\$ 2,535.64
<b>TOTAL COST</b>	\$	<b>50,741.75</b>	<b>\$ 50,741.75</b>

Notes:

- (1) Cost share is based on 12 ESFC of capacity for Public Safety Annex tract (requested 4,740 gpd of average daily flow for water / 420 gpd per ESFC = 12 ESFC).
- (2) Cost share is based on 6 ESFC of capacity for Public Safety Annex tract (requested 1,026 gpd of average daily flow for sewer / 180 gpd per ESFC = 6 ESFC).
- (3) Cost share is based on Public Safety Annex tract acreage of 2.841 acres.