

MINUTES OF A SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MAY 29, 1990, AT 7:00 P. M. IN THE FIRST FLOOR BOARD ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

The meeting was called to order with the following present:

Chairman	Al Lentz
Commissioner	Mary Starr
Commissioner	Clyde Starns
Commissioner	James Garner
Commissioner	Helen Beckman
Building Official	Ernesto Buenrostro
City Attorney	Lester Rorick
Assistant City Secretary	Pat Vaught

Commissioners Benny Frank and Leroy Savoie were absent from the meeting.

UNFINISHED BUSINESS

MOTION TO REMOVE FROM TABLE CANCELLATION OF RECORDED PLAT, SOUTHWYCK, SECTION EIGHT

It was moved by Mary Starr, seconded by Helen Beckman, that the Cancellation of Recorded Plat, Southwyck, Section Eight, be removed from the table for consideration.

Motion passed 5 to 0.

Chairman Al Lentz brought the Commission up-to-date on matters of concern from the last meeting with reference to this plat and submitted the following comments.

Mr. Lentz advised that a copy of the easement was sent by General Homes to HL&P for execution.

One of the other concerns was whether a MUD could provide water and sewer service to an unplatted piece of property. Ordinance No. 411 gives the Planning and Zoning Commission power to approve residential lots only. Resolution No. R81-2 was also referred to which gave consent to create MUDs 2 and 3 as well as Resolutions R84-12 and R85-13 which also refer to these municipal utility districts.

Mr. Lentz advised General Homes can provide water and sewer service to the unplatted reserve, whether the plat is in force or

has been vacated and stated he felt that whether a MUD could provide service to an out of district customer was an issue that might possibly be addressed by the City Council in the future and suggested the Commission, at its next meeting, consider referring this to Council.

CANCELLATION OF RECORDED PLAT FOR SOUTHWYCK, SECTION EIGHT, DAVID A. HINNERS, AGENT FOR GENERAL HOMES

It was moved by Helen Beckman, seconded by Clyde Starns, that the cancellation of the recorded plat of Southwyck, Section Eight, be approved.

In discussion, it was suggested that the motion might be amended to formally request the City Council to consider this action and the Commission's concerns about setting a precedent.

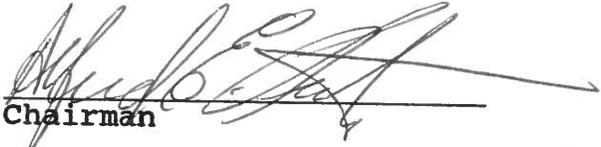
It was suggested that as an alternative, this matter might be referred to the Development Committee which will soon be looking at re-working the subdivision ordinance.

Motion passed 5 to 0.

ADJOURN

The meeting adjourned at 7:08 P. M.

Minutes approved as submitted and/or corrected this 16 day of July, A. D., 1990.


Chairman

ATTEST:


Assistant City Secretary

Druid
No 1

① Sect 1

Don't forget
to meet
at meeting

② Copy & convert
resolutions
to All

5-24-90

There is going to be
a P & 2 meeting also
for next Tues. TAYLOR &
Lies have everything ready.

Druid
No 1

P.M.

Druid



City of Pearland
RECEIVED

FEB 16 1990

CITY ATTORNEY

February 13, 1990

Mr. Robert Talton
City of Pearland
Post Office Box 2068
Pearland, Texas 77588-2068

RE: Southwyck - Cancellation of Subdivision Plat.

Dear Mr. Talton:

This letter is in response to our previous telephone conversation regarding the cancellation of a recorded plat for Southwyck, Section Eight. In that conversation, we agreed that I should send to you a Draft of the "APPLICATION TO CANCEL SUBDIVISION PLAT". This document will be directed to the Brazoria County Commissioner's Court because they hold the Letter of Credit, which we are desirous of having returned. However, because the subject plat covers property within the extraterritorial jurisdiction (ETJ) of the City of Pearland, those authorities must also consent to the cancellation.

Enclosed, please find said Draft of the application. This is for your review and comment. If there is any additional information necessary, or if I can answer any questions, please do not hesitate to call.

Sincerely,

David A. Hinners
Project Manager

DAH/rl

cc: Alan F. Bauer, General Homes Corp.
Mary Petter Cudd, Asst. District Attorney, Civil Div.,
Brazoria County

In the County Commissioners' Court
of Brazoria County, Texas

APPLICATION TO CANCEL SUBDIVISION PLAT

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

TO THE HONORABLE COMMISSIONERS' COURT OF BRAZORIA COUNTY, TEXAS: General Homes Corporation, 7322 Southwest Freeway, Houston, Texas 77074 files this application to cancel the final plat of Southwyck, Section Eight, a subdivision of 74.7779 acres of land being in the George C. Smith Survey, Abstract A-548, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 18, pages 99-102 of the Plat Records of Brazoria County, Texas, pursuant to V.T.C.A., Local Government Code, Section 232.008.

(1) General Homes Corp. is the owner of the following described property being the unsold property of Southwyck, Section Eight, according to the map or plat thereof recorded in Volume 18, pages 99-102 of the Plat Records of Brazoria County, Texas:

Lots 1-55, Block 1; Lots 1-23, Block 2; Lots 1-40, Block 3; Lots 1-31, Block 4; Reserves "A", "B", and "C".

(2) The property is within the jurisdiction of Brazoria County, Texas and is within the extra-territorial jurisdiction of the City of Pearland.

(3) The applicant, General Homes Corp., and the undersigned owners of property within the subdivision are the owners of seventy-five percent (75%) or more of the property included in the subdivision.

(4) It is in the best interest of all parties concerned that the above-described plat be cancelled in order that the property may be more properly developed for purposes suitable to the current market conditions.

PREMISES CONSIDERED, applicant prays that a hearing be set at a time specified, as prescribed by statute; that after notice of this application and the hearing has been published in a newspaper, in the English language, in Brazoria County for at least three (3) weeks prior to action thereon by this Court; that this Court consider this application at a regular term of said Court and thereafter this Court enter an order in its minutes cancelling the plat as set forth above and authorizing the applicant to file a certified copy thereof in the Official Records of Brazoria County, Texas.

Respectfully submitted,
GENERAL HOMES CORPORATION

By: _____
Alan F. Bauer
Designated Representative

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on _____, 1990 by Alan F. Bauer, Designated Representative of General Homes Corporation, on behalf of said corporation.

Notary Public, State of Texas

The undersigned owner of Reserve "D" within Southwyck Section Eight join in and agree to the cancellation of the plat sought in the attached application.

Signature

Executed this date:

(signature)

(printed name)

This is to certify that the City of Pearland, Planning and Zoning Commission of the City of Pearland, and the Brazoria County Drainage District No. 4 consent to the Cancellation of the Recorded Plat for Southwyck, Section Eight.

City of Pearland Consent:

Robert Talton, City Attorney

Planning and Zoning Commission of the City of Pearland Consent:

Al Lentz, Chairman

Leroy Savoie, Vice Chairman

Helen Beckman

Clyde Starnes

Benny Frank

James Garner

Mary Starr

Brazoria County Drainage District No. 4 Consent:

Barry Rose

Roy F. Martin

W. W. Hunter

Malcolm Collins
District Engineer

In the County Commissioners' Court
of Brazoria County, Texas

APPLICATION TO CANCEL SUBDIVISION PLAT

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

TO THE HONORABLE COMMISSIONERS' COURT OF BRAZORIA COUNTY, TEXAS: General Homes Corporation, 7322 Southwest Freeway, Houston, Texas 77074 files this application to cancel the final plat of Southwyck, Section Eight, a subdivision of 74.7779 acres of land being in the George C. Smith Survey, Abstract A-548, Brazoria County, Texas, according to the map or plat thereof recorded in Volume 18, pages 99-102 of the Plat Records of Brazoria County, Texas, pursuant to TEX. LOC. GOV'T CODE ANN. Sections 232.008 and 212.000 et seg.

(1) General Homes Corp. is the owner of the following described property being the unsold property of Southwyck, Section Eight, according to the map or plat thereof recorded in Volume 18, pages 99-102 of the Plat Records of Brazoria County, Texas:

Lots 1-55, Block 1; Lots 1-23, Block 2; Lots 1-40, Block 3; Lots 1-31, Block 4; Reserves "A", "B", and "C".

(2) The property is within the jurisdiction of Brazoria County, Texas and is within the extra-territorial jurisdiction of the City of Pearland.

(3) The applicant, General Homes Corp., and the undersigned owners of property within the subdivision are the owners of seventy-five percent (75%) or more of the property included in the subdivision.

(4) It is in the best interest of all parties concerned that the above-described plat be cancelled in order that the property may be more properly developed for purposes suitable to the current market conditions.

PREMISES CONSIDERED, applicant prays that a hearing be set at a time specified, as prescribed by statute; that after notice of this application and the hearing has been published in a newspaper, in the English language, in Brazoria County for at least three (3) weeks prior to action thereon by this Court; that this Court consider this application at a regular term of said Court and thereafter this Court enter an order in its minutes cancelling the plat as set forth above and authorizing the applicant to file a certified copy thereof in the Official Records of Brazoria County, Texas.

Respectfully submitted,
GENERAL HOMES CORPORATION

By: _____
Alan F. Bauer
Designated Representative

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on _____, 1990 by Alan F. Bauer, Designated Representative of General Homes Corporation, on behalf of said corporation.

Notary Public, State of Texas

The undersigned owner of Reserve "D" within Southwyck Section Eight join in and agree to the cancellation of the plat sought in the attached application.

Signature

Executed this date:

(signature)

(printed name)

This is to certify that the City of Pearland, Planning and Zoning Commission of the City of Pearland, and the Brazoria County Drainage District No. 4 consent to the Cancellation of the Recorded Plat for Southwyck, Section Eight.

City of Pearland Consent:

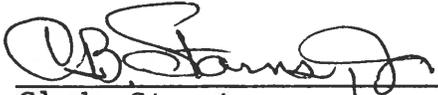
Robert Talton, City Attorney

Planning and Zoning Commission of the City of Pearland Consent:

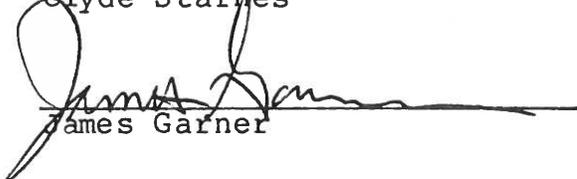

Al Lentz, Chairman

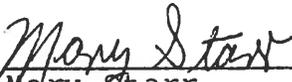
Leroy Savoie, Vice Chairman


Helen Beckman

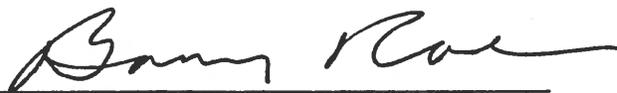

Clyde Starnes

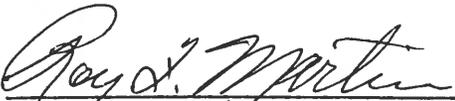
Benny Frank


James Garner

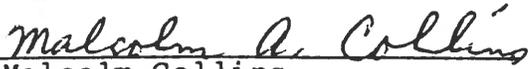

Mary Starr

Brazoria County Drainage District No. 4 Consent:


Barry Rose


Roy F. Martin


W. W. Hunter


Malcolm Collins
District Engineer

This is to certify that the Commissioner's Court of Brazoria County consents to the Cancellation of the Recorded Plat for Southwyck, Section Eight.

Ronnie Broaddus
Commissioner, Precinct 1

G. L. Rouse
Commissioner, Precinct 2

Billy Joe Plaster
Commissioner, Precinct 3

John P. Gayle, Jr.
Commissioner, Precinct 4

John W. Damon
County Judge

AGENDA - SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MAY 29, 1990, AT 7:00 P. M. IN THE FIRST FLOOR BOARD ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. UNFINISHED BUSINESS:

- A. CONSIDERATION AND POSSIBLE ACTION - MOTION TO REMOVE FROM TABLE CANCELLATION OF RECORDED PLAT, SOUTHWYCK, SECTION EIGHT.
- B. CONSIDERATION AND POSSIBLE ACTION - CANCELLATION OF RECORDED PLAT FOR SOUTHWYCK, SECTION EIGHT, DAVID A. HINNERS, AGENT FOR GENERAL HOMES.

III. NEW BUSINESS: None

IV. ADJOURN

Handwritten notes:

- $\$19.21$ (circled)
- $\$$ (crossed out)
- 2080
- $\$12.06$
- $\$.58$ (circled)
- Oct 1, 1989 (circled)
- month maintenance
- 2-27-89
- 14-171

POSTED: 25 DAY OF May, A. D., 1990 5:00 P.M.
REMOVED: _____ DAY OF _____, A. D., 1990.

AGENDA - SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MAY 29, 1990, AT 7:00 P. M. IN THE FIRST FLOOR BOARD ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. UNFINISHED BUSINESS:

- A. CONSIDERATION AND POSSIBLE ACTION - MOTION TO REMOVE FROM TABLE CANCELLATION OF RECORDED PLAT, SOUTHWYCK, SECTION EIGHT.
- B. CONSIDERATION AND POSSIBLE ACTION - CANCELLATION OF RECORDED PLAT FOR SOUTHWYCK, SECTION EIGHT, DAVID A. HINNERS, AGENT FOR GENERAL HOMES.

III. NEW BUSINESS: None

IV. ADJOURN

POSTED: 25 DAY OF May, A. D., 1990 5:00 P.M.
REMOVED: 1 DAY OF June, A. D., 1990.

ARTICLE IV. WATER AND SEWER DISTRICTS***Sec. 30-100. Definitions.**

The following words and terms whenever used or appearing in this article, in the singular or plural form, shall have the scope and meaning here indicated, unless the context clearly indicates otherwise:

- (a) *District*: A municipal utility district or political subdivision operating under the laws of the State of Texas.
- (b) *Municipal utility district*: A district created under and subject to the authority, conditions and restrictions of Article XVI, Section 59, of the Texas Constitution, and in accordance with and having all the powers provided by Chapter 54, Title 4, of the Texas Water Code.
- (c) *Political subdivision*: The term "political subdivision" or "other political subdivision" as used in this article shall mean any political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services. (Ord. No. 411, § 2, 12-17-79; Ord. No. 443, § 32, 8-23-82)

Sec. 30-101. Compliance with regulations required.

Upon the applications and/or petitions by the proponents of any proposed political subdivision or municipal utility district to the city council for its written consent for the creation of a district within the extraterritorial jurisdiction of the city, the city council shall consider all factors relevant to the creation of such district, and if, upon the basis of its consideration and deliberations, it determines that such consent shall be granted, the written consent, by resolution or ordinance, shall provide that the proponents of

*Editor's note—Ord. No. 411, §§ 2—4, adopted Dec. 17, 1979, did not specifically amend the Code, hence inclusion as §§ 30-100—30-102 was at the editor's discretion.

such political subdivision or municipal utility district shall adhere to all of the rules, regulations and standards contained in this article; all applicable rules, regulations, standards and laws of the State of Texas; and any other covenants, agreements and conditions that may be agreeable to the parties and contained in the written consent. (Ord. No. 411, § 3, 12-17-79; Ord. No. 443, § 33, 8-23-82)

Sec. 30-102. Specific regulations.

As a prerequisite to the grant of written consent to a proponent of any political subdivision or municipal utility district for the creation of a district within the area of the extraterritorial jurisdiction of the city, the proponent shall agree and covenant in writing to adhere to the following specific rules, regulations and standards:

- (a) *Bonds, generally:* Bonds may be issued by the district only for the purpose of purchasing or constructing or contracting with the City of Pearland or otherwise acquiring waterworks systems, sanitary sewer systems, sewage treatment facilities, 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 lands, 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. All district bonds shall expressly provide that the district shall reserve the right to redeem said bonds on any interest payment date subsequent to the tenth (10th) anniversary of the date of issuance at a premium not to exceed two and one-half (2½) percent of par value, reducing one-half (½) of one percent of par value each year thereafter to par value. Bonds (other than refunding bonds and bonds sold to a federal or state agency) shall be sold only after the taking of public bids therefor, and no bonds shall be sold for less than

ninety-five (95) percent of par, provided 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, shall not exceed two (2) percent above the highest average interest rate reported by the "Daily Bond Buyer" in its weekly "20 Bond Index" during the thirty-day period next preceding the date of sale of the bonds. Bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. The order or resolution of the district authorizing the issuance of all refunding bonds of the district shall be approved by the city council of the city. The district's resolution authorizing the issuance of its bonds will contain a provision that the 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 Pearland, Texas, or some other city annexes the district, takes over the assets of the district and assumes all of the obligations of the district. No land will be added or annexed to the district until the City of Pearland has given its written consent by resolution of the city council to such addition or annexation.

- (b) *City recommendations regarding sale of bonds:* The City of Pearland will make recommendations to the board of the district and its financial advisor as to the amount of bonds that should be authorized, the installment sale of such authorization, the maturity schedule of each installment, the optional provisions to be contained in such bonds, and the sale and delivery of the district bonds.
- (c) *Approval of mayor of sale of bonds:* Prior to the sale of any series of district bonds, the district shall secure a letter of the mayor to the effect that the district is in compliance with this article, and a letter of the mayor addressed to the Attorney General of Texas approving or objecting to the issuance of any bonds of the district.

- (d) *Bond escrow:* The district shall not be permitted to escrow any funds in excess of two (2) years' interest on the bonds which the district issues and shall levy a tax simultaneously with the first installment of such bonds and will continue a tax levy until such bonds are paid in full, unless the revenues of the system are adequate to discharge such bonds.
- (e) *Initial board of directors:* At least one of the members of the initial board of directors shall be a person selected by the city council.
- (f) *Plans and specifications:* Before the commencement of any construction within the district, the district, its directors, officers or the developers and landowners shall submit to the city or its designated representative all plans and specifications for the construction of water, sanitary sewer and drainage facilities to serve such district and obtain the approval of such plans and specifications by the city. All water wells, water meters, flush valves, valves, pipes and appurtenances installed or used within the district shall conform exactly to the specifications of the city. All water service lines and sewer service lines, lift stations, sewage treatment facilities and appurtenances thereto, installed or used within the district shall comply with the city's standard plans and specifications. Prior to the construction of such facilities within the district, the district or its engineer shall give written notice to the city stating the date that such construction will be commenced. The construction of the district's water, sanitary sewer and drainage facilities shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the city, and during the progress of the construction and installation of such facilities, the city or an employee or designated agent thereof, may make periodic on-the-ground inspections. As a further definition of the terms used in this paragraph, specific mention of the fact is made that "plans and specifications," "standard plans and

specifications," "approved plans and specifications" or "applicable standards and specifications" are defined to mean and to require city approval only of the method of construction and types of materials to be employed therein by the district and are not meant to limit the discretion of the board of directors of the district to determine what facilities may be constructed, paid for and maintained by the district.

- (g) *Plat approval:* The owner or developer of the land within the district shall covenant and agree that he or they will, prior to the sale of any residential lot, obtain the approval of the planning and zoning commission and the city council, if normally required, of a plat thereof and properly record it in the deed records. The district will not provide water and sewer service to a residential lot unless the plat covering such lot has been approved by the planning and zoning commission and the city council.
- (h) *Inspection and reports:* Full-time resident inspection shall be provided during the construction period by district inspectors approved by the mayor of the city, which inspectors shall be removed upon the request by the mayor, if found not to be satisfactory. In addition, an additional inspector or inspectors shall be furnished, if deemed necessary by the city engineer. Daily inspection reports will be kept on file by the district's engineer. Monthly inspection reports shall be furnished to the city. All construction contracts shall be let on a competitive bidding basis with the contract to be awarded on the basis of the lowest and best bid by a responsible competent contractor, unless otherwise approved by the city, which bid shall include evidence of the financial condition of the bidders. Bid bonds, payment bonds, performance bonds and affidavits of payment shall in all cases be required. Upon completion of construction, submission of a complete set of "as built" plans to the city by the engineer for the district shall be required.

- (i) *Utility rates:* The district will use its best efforts to charge rates for water and sewer service not less than the rates charged by the city to its customers.
- (j) *Utility operations:* The district will have its water and sewer system operated and maintained by the city, if both the city and the district can agree upon mutually satisfactory terms and conditions.
- (k) *Deposit:* Within six (6) months after consent to the creation of a district is given by the city or within six (6) months after the district holds a bond election, whichever is the later, the district shall pay twenty thousand dollars (\$20,000.00) to reimburse the city for all of its fiscal, legal and engineering fees and expenses relating to:
- (1) Necessity and feasibility of the creation of the district;
 - (2) The financial advisory services described in subsection (i) hereof;
 - (3) The city's review of plans and specifications of the district's facilities; and
 - (4) Supervision of inspection of district's facilities.

The district shall also be obligated to pay additional expenses incurred by the city for the foregoing not to exceed the additional sum of five thousand dollars (\$5,000.00). Such sum shall be used by the city for the purpose of paying said costs incurred for that purpose. If any part of the deposit is not needed for the purpose of paying such fees and expenses, it shall be returned forthwith to the district. No interest will be allowed on any deposit. It is understood that the fees and expenses paid will be those actually incurred by the city and the city will make an accounting to the district. The persons requesting the city's consent to the creation of a district shall be obligated to guarantee the payments imposed upon the district as set forth in this section. (Ord. No. 411, § 4, 12-17-79; Ord. No. 443, § 32, 8-23-82; Ord. No. 411-1, § 1, 10-21-82)



TELECOMMUNICATION TRANSMITTAL

TO

COMPANY: City of Pearland
ATTN: Ernie Buenrostro
FAX PHONE #: () 445-8164

FROM

SENDER'S NAME: David Hinners EXT. 602
COMPANY: General Homes
DEPARTMENT: Land Dev.

DATE: 5.25.90

NUMBER OF PAGES: 6 (INCLUDING TRANSMITTAL)

COMMENTS: _____

GENERAL HOMES FAX PHONE: (713) 270-0369 - AUTOMATIC RICOH FAX
60 GROUP I, II, III.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE CALL
_____ AT 270-4177 EXT. _____



February 3, 1986

Helen Ross
Houston Lighting & Power Company
H.O. Clark Service Center
12045 S. Main
Houston, Texas 77035

Dear Ms. Ross:

Enclosed herewith is the executed instrument for the easement to the Section VIII amenity area. In accordance with previous arrangements I have attached the rider as approved by Tom Graham in your land and Right-of-Way Department. Please proceed as quickly as possible to initiate the construction of these overhead facilities.

Thank you for your attention to this item.

Sincerely,

A handwritten signature in cursive script that reads 'Alan F. Bauer'.

Alan F. Bauer
Development Manager

AFB/mlp

EASEMENT

Job No. WA-20712
 Map No. 5448/5447
 PS No. 602
 Zone WEST-H.O.C.
 DJW/tmb 01-14-86

STATE OF TEXAS }
 COUNTY OF BRAZORIA }

KNOW ALL MEN BY THESE PRESENTS:

THAT, GENERAL HOMES CORPORATION

(herein called Grantor, whether one or more), for and in consideration of One Dollar (\$1.00) to Grantor paid by Houston Lighting & Power Company (herein called Grantee, P. O. Box 1700, Houston, Texas 77001), has granted and does, by these presents, grant unto said Grantee, its successors and assigns, an easement for electric distribution facilities (consisting of all necessary and desirable equipment and appurtenances) at, below and from ground level upward located on, under, over and across the following described lands in Brazoria County, Texas, to wit:

That certain tract of land out of the George C. Smith Survey, Abstract No. 548, being the same property described in a deed conveyed from South Tract Investments, Inc., to General Homes Consolidated Companies, Inc., and recorded in Volume 1472, Page 219 of the Deed Records of Brazoria County, Texas.

The easements herein granted are described as follows:

1. Sixteen (16) feet wide, the location of which is shown by a crosshatched area on Sketch No. W-86-008, prepared by Houston Lighting and Power Company, hereto attached and made a part hereof, together with an unobstructed aerial easement five (5) feet six (6) inches wide, beginning at a plane sixteen (16) feet above the ground and extending upward, located south of and adjoining said sixteen (16) feet wide easement.
2. An unobstructed aerial easement thirty (30) feet wide, beginning at a plane sixteen (16) feet above the ground and extending upward, the location of the centerline of which is shown by a dot-dash symbol on said attached sketch.
3. Three (3) feet wide easement for Grantee's down guy facilities, the location of the centerline of which is shown on said attached sketch.

By execution hereof, Grantee accepts the conditions described in Exhibit A attached hereto and made part of hereof for all purposes.

Grantee shall also have rights of ingress and egress to or from said easement, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting and removing said electric distribution facilities, together with the additional right to remove from said easement and land adjoining thereto, all bushes, trees and parts thereof or other structures which, in the opinion of Grantee, endanger or may interfere with the efficiency, safety and proper operation and maintenance of said electric distribution facilities.

Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to warrant and forever defend all and singular the above described easement and rights unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 4th day of February, 1986

ATTEST:
 BY: Patricia G. Klein
 (Signature) Secretary

PATRICIA G. KLEIN
 ASSISTANT SECRETARY
 (Name Typed or Printed)

GENERAL HOMES CORPORATION
 BY: Kenneth F. Belanger
 (Signature) Vice President

KENNETH F. BELANGER
 VICE PRESIDENT
 (Name Typed or Printed)

STATE OF TEXAS

I

COUNTY OF

I

This instrument was acknowledged before me on 2-4-86
by Kenneth F. Belanger Vice President of General Homes
Corporation, a corporation, on behalf of said corporation.

(Notary's
Signature)

M. Louise Parris

Notary Public State of Texas

M. LOUISE PARRIS

Notary's Name, Printed, Typed or Stamped

Commission Expires: 10-24-88

RIDER TO EASEMENT INSTRUMENT
GENERAL HOMES CORPORATION

The easement herein granted is for the use and benefit of all public utilities.

The grant of an easement hereunder shall become null and void when that easement is incorporated in a plat of a subdivision or addition in Brazoria County, Texas, which has been filed for record in the map or plat records of Brazoria County, Texas, so that the dedication by means of the plat will supersede and replace any grant hereunder, provided, however, that the dedication shall replace entirely all easement rights granted hereunder.

Grantor reserves the right to place surfacing materials over and across the easement herein granted and to use the same for parking and/or driveways or walkways, provided, however, no improvements shall be placed on the easement which will obstruct the easement or interfere with the exercise of Grantee's rights. In the event Grantor shall utilize the easement area for parking purposes, protective barriers shall be erected and maintained around Grantee's ground structures, and Grantee retains the right to prohibit and/or restrict parking during periods of construction or maintenance work upon its line.

In the event Grantee, its successors and assigns, shall abandon such easement, this grant shall terminate and all rights hereunder shall thereupon revert to Grantor, its successors and assigns and in the event of such abandonment, at Grantor's request, Grantee shall provide a recordable Release of Easement.

The easement herein granted is subject to any and all easements, estates, rights or interests heretofore granted or reserved with respect to the premises covered hereby either of record or evidenced by improvements upon the ground.

OK *gms*
gms

ORDINANCE NO. 411

AN ORDINANCE OF THE CITY OF PEARLAND, TEXAS, REGARDING THE CREATION OF WATER OR SEWER DISTRICTS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; PROVIDING DEFINITIONS; CONTAINING GENERAL PROVISIONS RELATING TO THE SUBJECT; A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, applicable laws of the State of Texas provide that no political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services may be created within the area of the extraterritorial jurisdiction of any city without the written consent of such city; and

WHEREAS, the City Council of the City of Pearland foresees that there will be applications and/or petitions for the written consent of the City by proponents of municipal utility districts and other political subdivisions for the creation of districts within the extraterritorial jurisdiction of the City; and

WHEREAS, the City Council hereby finds, determines and declares that it is to the best interests of the City of Pearland and of the territory within its extraterritorial jurisdiction, that the proponents of any municipal utility district or other political subdivision seeking the consent of the City for the creation of any type of district within the area of the extraterritorial jurisdiction of the City, should agree and covenant in writing to adhere to specific rules, regulations, and standards as a prerequisite to the granting of consent by the City; and

WHEREAS, applicable law provides that the City has authority to formulate rules, regulations and standards and to prescribe same in the City's written consent for the creation of districts within its extraterritorial jurisdiction; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

I.

That all of the matters and facts set forth in the preamble hereof are true and correct.

II.

The following words and terms whenever used or appearing in this ordinance, in the singular or plural form, shall have the scope and meaning here indicated, unless the context clearly indicates otherwise:

1. Municipal Utility District. A district created under and subject to the authority, conditions, and restrictions of Article XVI, Section 59, of the Texas Constitution, and in accordance with and having all the powers provided by Chapter 54, Title 4, of the Texas Water Code.
2. Political Subdivision. The term "Political Subdivision" or "other Political Subdivision" as used in this ordinance shall mean any political subdivision having as one of its purposes the supplying of fresh water for domestic or commercial uses or the furnishing of sanitary sewer services.
3. District. Means a municipal utility district or political subdivisions operating under the laws of the State of Texas.

III.

Upon the applications and/or petitions by the proponents of any proposed political subdivision or municipal utility district to the City Council for its written consent for the creation of a district within the extra-territorial jurisdiction of the City, the City Council shall consider all factors relevant to the creation of such district, and if, upon the basis of its consideration and deliberations, it determines that such consent shall be granted, the written consent, by resolution or ordinance, shall provide that the proponents of such political subdivision or municipal utility district shall adhere to all of the rules, regulations, and standards contained in this ordinance, all applicable rules, regulations, standards, and laws of the State of Texas, and any other covenants, agreements, and conditions that may be agreeable by the parties and contained in the written consent.

IV.

As a prerequisite to the grant of written consent to a proponent of any political subdivision or municipal utility district for the creation of a district within the area of the extraterritorial jurisdiction of the City, the proponent shall agree and covenant in writing to adhere to the following specific rules, regulations, and standards:

A. Bonds: Bonds may be issued by the district only for the purpose of purchasing and constructing, or purchasing or constructing, or under contract with the City of Pearland, or otherwise acquiring waterworks systems, sanitary sewer systems, sewage treatment facilities, 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 lands, 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. All district bonds shall expressly provide that the district shall reserve the right to redeem said bonds on any interest payment date subsequent to the tenth (10th) anniversary of the date of issuance at a premium not to exceed two and one-half ($2\frac{1}{2}$) percent of par value reducing one-half ($\frac{1}{2}$) of one percent of par value each year thereafter to par value. Bonds (other than refunding bonds and bonds sold to a federal or state agency) shall be sold only after the taking of public bids therefor, and no bonds shall be sold for less than ninety-five (95) percent of par, provided 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, shall not exceed two (2) percent above the highest average interest rate reported by the "Daily Bond Buyer" in its weekly "20 Bond Index" during the thirty-day period next preceding the date of sale of the bonds. Bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. The order or resolution of the district authorizing the issuance of all refunding bonds of the district shall be approved by the City Council of the City. The district's resolution authorizing the issuance of its bonds will contain a provision that the 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 Pearland, Texas,

or some other city annexes the district, takes over the assets of the district and assumes all of the obligations of the district. No land will be added or annexed to the district until the City of Pearland has given its written consent by resolution of the City Council to such addition or annexation.

B. Plans and Specifications: Before the commencement of any construction within the district, the district, its directors, officers or the developers and landowners shall submit to the City or its designated representative all plans and specifications for the construction of water, sanitary sewer and drainage facilities to serve such district and obtain the approval of such plans and specifications by the City. All water wells, water meters, flush valves, valves, pipes, and appurtenances installed or used within the district shall conform exactly to the specifications of the City. All water service lines and sewer service lines, lift stations, sewage treatment facilities, and appurtenances thereto, installed or used within the district shall comply with the City's standard plans and specifications. Prior to the construction of such facilities within the district, the district, or its engineer, shall give written notice to the City stating the date that such construction will be commenced. The construction of the district's water, sanitary sewer and drainage facilities shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the City, and during the progress of the construction and installation of such facilities, the City or an employee, or a designated agent thereof, may make periodic on-the-ground inspections. As a further definition of the terms used in this paragraph, specific mention of the fact is made that "plans and specifications," "standard plans and specifications," "approved plans and specifications," or "applicable standards and specifications" are defined to mean and to require City approval only of the method of construction and types of materials to be employed therein by the district and are not meant to limit the discretion of the board of directors of the district to determine what facilities may be constructed, paid for and maintained by the district.

C. Plat Approval: The owner or developer of the land within the district shall covenant and agree that he or they will, prior to the sale of any residential lot, obtain the approval of the planning and zoning commission and the City Council, if normally required, of a plat thereof and properly record it in the deed records.

The district will not provide water and sewer service to a residential lot unless the plat covering such lot has been approved by the planning and zoning commission and the City Council.

D. Inspection and Reports: Full-time resident inspection shall be provided during the construction period by district inspectors approved by the Mayor of the City, which inspectors shall be removed upon request by the Mayor, if found not to be satisfactory. In addition, an additional inspector or inspectors shall be furnished, if deemed necessary by the City Engineer. Daily inspection reports will be kept on file by the district's engineer. Monthly inspection reports shall be furnished to the City. All construction contracts shall be let on a competitive bidding basis with the contract to be awarded on the basis of the lowest and best bid by a responsible competent

contractor, unless otherwise approved by the City, which bid shall include evidence of the financial condition of the bidders. Bid bonds, payment bonds, performance bonds and affidavits of payment shall in all cases be required. Upon completion of construction, submission of a complete set of "as built" plans to the City by the Engineer for the district shall be required.

E. Initial Board: At least one of the members of the initial board of directors shall be a person selected by the City Council.

F. Bond Escrow: The district shall not be permitted to escrow any funds in excess of two (2) years interest on the bonds which the district issues and shall levy a tax simultaneously with the first installment of such bonds and will continue a tax levy until such bonds are paid in full, unless the revenues of the system are adequate to discharge such bonds.

G. Bond Sales: Prior to the sale of any series of district bonds, the district shall secure a letter of the Mayor to the effect that the district is in compliance with this article, and a letter of the Mayor addressed to the Attorney General of Texas approving the form of the resolution or order of the board of directors authorizing the issuance of any bonds of the district absent the interest rates on and sales price of the bonds.

H. Utility Rates: The district will use its best efforts to charge rates for water and sewer service not less than the rates charged by the City to its customers.

I. City Recommendations: The City of Pearland will make recommendations to the board of the district and its financial advisor as to the amount of bonds that should be authorized, the installment sale of such authorization, the maturity schedule of each installment, the optional provisions to be contained in such bonds, and the sale and delivery of the district bonds.

J. Utility Operations: The district will have its water and sewer system operated and maintained by the City, if both the City and the district can agree upon mutually satisfactory terms and conditions.

K. Deposit: Within six (6) months after consent to the creation of a district is given by the City or within six (6) months after the district holds a bond election, whichever is the later, the district shall pay Twenty Thousand Dollars (\$20,000.00) to reimburse the City for all of its fiscal, legal and engineering fees and expenses relating to: (1) necessity and feasibility of the creation of the district; (2) the financial advisory services described in Subsection (I) hereof; (3) the City's review of plans and specifications of the district's facilities; and (4) supervision of inspection of district's facilities. The district shall also be obligated to pay additional expenses incurred by the City for the foregoing not to exceed the additional sum of Five Thousand Dollars (\$5,000.00). Such sum shall be used by the City for the purpose of paying said costs incurred for that purpose. If any part of the deposit is not needed for the purpose of paying such fees and expenses, it shall be returned forthwith to the district. No interest will be allowed on any deposit. It is understood that the fees and expenses paid will be those actually incurred by the City and the City will make an accounting to the district. The persons requesting City's

consent to the creation of a district shall be obligated to guarantee the payments imposed upon a district as set forth in this Section.

V.

If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a Court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

VI.

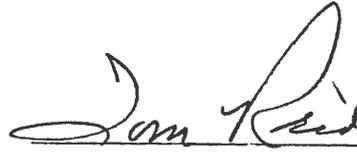
It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pearland, Texas, and the sections of this Ordinance may be renumbered to accomplish such intentions, and the Code of Ordinances of the City is hereby expressly amended so as to include the provisions of this Ordinance.

VII.

This Ordinance shall take effect from and after the second and final reading.

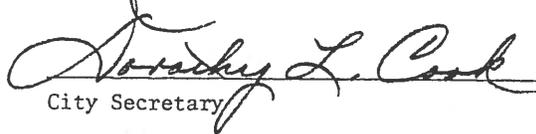
PASSED AND APPROVED ON FIRST READING this 3 day of

December, A. D., 1979.



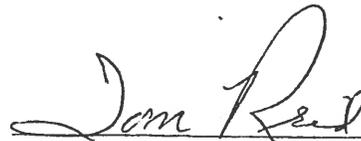
Mayor, City of Pearland, Texas

ATTEST:


City Secretary

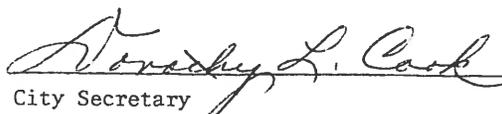
PASSED, APPROVED, AND ADOPTED ON SECOND AND FINAL READING this 17

day of December, A. D., 1979.



Mayor, City of Pearland, Texas

ATTEST:


City Secretary

ORDINANCE NO. 411-1

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF PEARLAND, TEXAS, BY ADDING AND DELETING SPECIFIC SECTIONS THERETO; PROVIDING FOR AN EFFECTIVE DATE AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

SECTION I

(Under Code Section # 19, it will be 30-73)

That Section 30-73 Subsection (C), of Article IV, Chapter 30, entitled "Approval of Mayor of Sale of Bonds," of the Code of Ordinances of the City of Pearland, Texas, be and the same is hereby amended to hereafter read as follows:

"(C) Approval of Mayor of Sale of Bonds. Prior to the sale of any series of district bonds, the district shall secure a letter of the Mayor to the effect that the district is in compliance with this article, and a letter of the Mayor addressed to the Attorney General of Texas approving or objecting to the issuance of any bonds of the district."

SECTION II

If any section, paragraph, clause, or sentence shall be declared void or unenforceable or unconstitutional, it is hereby declared the intention of the City Council of the CITY OF PEARLAND, TEXAS, that the remainder of such ordinance shall remain in full force and effect.

SECTION III

It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall be made part of the Code of Ordinances of the CITY OF PEARLAND, TEXAS, and the sections of this Ordinance may be renumbered to accomplish such intention.

SECTION IV

All provisions of the Code of Ordinances of the CITY OF PEARLAND, TEXAS, in conflict with amendments herein made are hereby expressly repealed to the extent of such conflict.

SECTION V

This Ordinance shall be effective and in full force on its passage and approval on second and final reading.

PASSED and APPROVED ON FIRST READING this 11 day of October, 1982.

CITY OF PEARLAND, TEXAS

ATTEST:

Norahy L. Cook
City Secretary

By: Thomas J. Reid
Thomas J. Reid, Mayor

PASSED and APPROVED ON SECOND and FINAL READING this 11 day of October, 1982.

CITY OF PEARLAND, TEXAS

ATTEST:

Norahy L. Cook
City Secretary

By: Thomas J. Reid
Thomas J. Reid, Mayor

APPROVED AS TO FORM:

Bobby J. Williams
BOBBY J. WILLIAMS,
City Attorney

TRACT: GH-19
(30.4093 ACRES)

BRAZORIA COUNTY, TEXAS

"A"

H. T. & B. R. R. CO. (GEORGE C. SMITH) SURVEY, A-548
SECTION 22

A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF BRAZORIA, CONTAINING 30.4093 ACRES OF LAND, NOW OR FORMERLY OWNED BY DOUGLAS WILSON, TRUSTEE, AS RECORDED IN VOLUME 1612, PAGE 21 AND VOLUME 1612, PAGE 17, OF THE BRAZORIA COUNTY DEED RECORDS, SAME BEING LOTS 18, 21 AND 24 OF THE KANAWHA-TEXAS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 51, OF THE BRAZORIA COUNTY PLAT RECORDS, AND BEING IN SECTION 22 OF THE H. T. & B. R. R. CO. SURVEY, A-548, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. ALL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE.

BEGINNING AT A POINT FOR CORNER, BEING THE NORTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, MARKED BY A 1" IRON PIPE (FOUND), HAVING A TEXAS PLANE COORDINATE VALUE OF X=3,158,684.20; Y=637,655.77, SAID POINT OF BEGINNING BEING IN THE CENTERLINE OF A DEDICATED COUNTY ROAD, HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET, AS RECORDED IN THE ABOVE-MENTIONED SUBDIVISION PLAT, AND BEING REFERENCED IN TWO CALLS FROM THE NORTHEAST CORNER OF THE AFOREMENTIONED H. T. & B. R. R. CO. SURVEY, A-548, SECTION 22, AS FOLLOWS:

S87° 20' 24"W, 2,640.53 FEET

AND S02° 41' 40"E, 2,465.04 FEET TO SAID POINT OF BEGINNING.

THENCE S02° 41' 14"E, 1,504.29 FEET ALONG THE EAST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, AND ALONG THE CENTERLINE OF THE AFOREMENTIONED DEDICATED COUNTY ROAD, TO A POINT FOR CORNER MARKED BY A 5/8" IRON ROD (FOUND), AND BEING THE SOUTHEAST CORNER OF THIS TRACT. AT 399.50 FEET PASS THE CENTERLINE OF THE PAN AMERICAN PIPELINE EASEMENT, HAVING A RIGHT-OF-WAY WIDTH OF 20 FEET, AS RECORDED IN VOLUME 1029, PAGE 151, OF THE BRAZORIA COUNTY DEED RECORDS. AT 457.31 FEET PASS THE CENTERLINE OF THE HOUSTON LIGHTING & POWER COMPANY EASEMENT, HAVING A RIGHT-OF-WAY WIDTH OF 80 FEET, AS RECORDED IN VOLUME 842, PAGE 131, OF THE BRAZORIA COUNTY DEED RECORDS. AT 1,481.29 FEET PASS THE CENTERLINE OF NORTH MARY'S CREEK, HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET.

RAS:hrf
9/21/82

TRACT: GH-19
(30.4093 ACRES)

BRAZORIA COUNTY, TEXAS

THENCE S87° 02' 13"W, 879.40 FEET ALONG THE SOUTH BOUNDARY OF THIS TRACT TO A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF THIS TRACT, MARKED BY A 5/8" IRON ROD (FOUND).

THENCE N02° 41' 15"W, 1,508.30 FEET ALONG THE WEST BOUNDARY OF THIS TRACT TO A POINT FOR CORNER, BEING THE NORTHWEST CORNER OF THIS TRACT, MARKED BY A 1" IRON PIPE (FOUND). AT 23.00 FEET PASS THE CENTERLINE OF NORTH MARY'S CREEK.

THENCE N87° 17' 53"E, 879.40 FEET ALONG THE NORTH BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED TO THE POINT OF BEGINNING CONTAINING 30.4093 ACRES OF LAND. AT 92.07 FEET PASS THE CENTERLINE OF THE AFOREMENTIONED HOUSTON LIGHTING & POWER COMPANY EASEMENT. AT 191.61 FEET PASS THE CENTERLINE OF THE AFOREMENTIONED PAN AMERICAN PIPELINE EASEMENT.



TRACT: 369.6033 ACRES

BRAZORIA COUNTY, TEXAS

"B"

MUNICIPAL UTILITY DISTRICT NO. 3

JOHN W. MAXEY SURVEY (A-721)

H. T. & B. R. R. CO. SURVEY (A-548)
SECTION 22

A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF BRAZORIA, CONTAINING 369.6033 ACRES OF LAND, NOW OR FORMERLY OWNED BY GENERAL HOMES CORPORATION, AND BEING WITHIN THE JOHN W. MAXEY SURVEY, A-721, AND THE H. T. & B. R. R. CO. SURVEY, A-548, SECTION 22, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. ALL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE.

BEGINNING AT A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED, HAVING A TEXAS PLANE COORDINATE VALUE OF X=3,155,202.68; Y=634,683.22; SAID POINT OF BEGINNING BEING AT ITS INTERSECTION WITH THE CENTERLINE OF COUNTY ROAD NO. 101 AND THE CENTERLINE OF A DEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 90, AND SAID POINT OF BEGINNING BEING ALSO THE SOUTHWEST CORNER OF SAID JOHN W. MAXEY SURVEY, A-721, BEING COMMON WITH THE NORTHWEST CORNER OF THE R. B. LYLE SURVEY, A-541.

THENCE ALONG THE WEST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD NO. 90, AND BEING ALSO THE WEST BOUNDARY OF THE ABOVEMENTIONED JOHN W. MAXEY SURVEY, A-721, COMMON WITH THE EAST BOUNDARY OF THE A. C. H. & B. R. R. CO. SURVEY, A-415, AS FOLLOWS:

N03° 02' 46"W, 1,747.71 FEET TO A POINT FOR CORNER
AND ANGLE POINT

AND N03° 00' 14"W, 2,588.07 FEET TO A POINT FOR CORNER,
BEING THE NORTHWEST CORNER OF THIS TRACT.

THENCE ALONG THE NORTHERLY BOUNDARY OF THIS TRACT AS FOLLOWS:

N86° 43' 18"E, 339.81 FEET TO A POINT FOR CORNER

S62° 32' 54"E, 1,959.88 FEET TO A POINT FOR CORNER
AND POINT OF CURVATURE (P. C.)

RAS:hrf
2/29/84

TRACT: 369.6033 ACRES

BRAZORIA COUNTY, TEXAS

ALONG AN ARC TO THE LEFT, HAVING A CENTRAL ANGLE OF $50^{\circ} 14' 16''$ (LEFT), BASED ON A RADIUS OF 250.00 FEET, HAVING AN ARC LENGTH OF 219.20 FEET, AND HAVING A CHORD CALL OF $S87^{\circ} 34' 01''E$, 212.25 FEET TO A POINT OF TANGENCY (P. T.)

$N87^{\circ} 18' 51''E$, 2,106.73 FEET TO A POINT OF CURVATURE (P. C.)

ALONG AN ARC TO THE RIGHT, HAVING A CENTRAL ANGLE OF $20^{\circ} 00' 00''$ (RIGHT), BASED ON A RADIUS OF 1,780.00 FEET, HAVING AN ARC LENGTH OF 621.34 FEET, AND HAVING A CHORD CALL OF $N77^{\circ} 18' 51''E$, 618.19 FEET TO A POINT OF TANGENCY (P. T.)

$N87^{\circ} 18' 45''E$, 7.35 FEET TO A POINT FOR CORNER

$S02^{\circ} 41' 15''E$, 192.45 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF NORTH MARY'S CREEK, HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET

AND $N87^{\circ} 18' 51''E$, 120.00 FEET ALONG THE CENTERLINE OF SAID NORTH MARY'S CREEK TO A POINT FOR CORNER, BEING THE NORTHEAST CORNER OF THIS TRACT.

THENCE ALONG THE EAST AND SOUTH BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED AS FOLLOWS:

$S02^{\circ} 41' 15''E$, 2,650.66 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF MARY'S CREEK (SOUTH FORK)

$S87^{\circ} 28' 44''W$, 1,319.68 FEET ALONG THE CENTERLINE OF SAID MARY'S CREEK (SOUTH FORK) TO A POINT FOR CORNER

$S02^{\circ} 41' 14''E$, 23.00 FEET TO A POINT FOR CORNER

$S87^{\circ} 02' 13''W$, 879.40 FEET TO A POINT FOR CORNER MARKED BY A 1" IRON PIPE (FOUND). AT 30.00 FEET PASS A 1" IRON PIPE (FOUND)

TRACT: 369.6033 ACRES

BRAZORIA COUNTY, TEXAS

AND S02° 41' 18"E, 1,297.85 FEET TO A POINT FOR CORNER, BEING THE SOUTHERNMOST SOUTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, AND BEING IN THE CENTERLINE OF COUNTY ROAD NO. 101, HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET. AT 1,268.50 FEET PASS A 1" GALVANIZED IRON PIPE (FOUND) FOR REFERENCE CORNER, SAID POINT BEING ALSO AT ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE AFOREMENTIONED H. T. & B. R. R. CO. SURVEY, A-548, SECTION 22, COMMON WITH THE NORTH BOUNDARY OF THE R. B. LYLE SURVEY, A-541.

THENCE S87° 19' 10"W, 2,737.69 FEET ALONG THE SOUTHERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING ALSO THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD NO. 101, AND BEING A COMMON BOUNDARY, THE SOUTH BOUNDARY OF THE ABOVEMENTIONED H. T. & B. R. R. CO. SURVEY, A-548, SECTION 22, THE SOUTH BOUNDARY OF THE JOHN W. MAXEY SURVEY, A-721, AND THE NORTH BOUNDARY OF THE R. B. LYLE SURVEY, A-541, TO THE POINT OF BEGINNING CONTAINING 369.6033 ACRES OF LAND.



PETITION FOR CONSENT TO ANNEX
LAND IN A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF PEARLAND:

The undersigned, hereinafter called "petitioners", being the holders of title to a majority in value of the lands hereinafter described, as such values are indicated by the tax rolls of Brazoria County, Texas, acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petition for the consent to annex land in a municipal utility district, hereinafter called "District", within the terms and provisions of Section 59, Article 16, Constitution of Texas. In support of this petition for consent to include said lands within the District, petitioners show as follows:

I.

The name of the District is Brazoria County Municipal Utility District No. 3, (hereinafter called "District").

II.

The area of land to be annexed in the District contains 30.4093 acres, more or less, and lies wholly within Brazoria County, Texas. None of said area is within the limits of the City of Pearland, Texas. Said area is within the extraterritorial jurisdiction of the City of Pearland and is not within such jurisdiction of any other city.

III.

The land, described by metes and bounds sought to be included within the area of the District is as follows. The area to be annexed into the District consists of one tract as shown on Exhibit "A" attached hereto for all purposes.

IV.

District is organized for the purposes of and the general nature of the work proposed to be done shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(1) provide a water supply for municipal uses, domestic uses, and commercial purposes;

(2) collect, transport, process, dispose of, and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; and

(3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction, and interest during construction.

V.

There is a necessity for the improvements above described for the following reasons: The area to be annexed into the District is urban in nature, is within the growing environs of Pearland and is in close proximity to populous and developed sections of Brazoria County. That area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services, nor with adequate drainage facilities. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require installation and acquisition of an adequate water supply and sewage disposal system and an adequate drainage system for and within the area of the District.

A public necessity exists for the annexation of said lands into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage facilities, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

Petitioners request consent for the annexation of the aforesaid lands into the District under the same terms and conditions as the City of Pearland currently employs in the granting of the City's consent to create districts or annex lands into districts.

VII.

It is now estimated by those filing this petition, from such

information as they have at this time, that the ultimate cost of the development contemplated will be proportionately the same amount attributable to these lands in the original Petition for City's Consent to create the district containing this land.

WHEREFORE, petitioners respectfully pray that this petition be granted in all respects and that the City of Pearland give its written consent to the annexation of the aforesaid land in said District.

EXECUTED this 19 day of April, 1984.

GENERAL HOMES CORPORATION

By Andrew E. Howard

Andrew E. Howard
Vice President

ATTEST:

Patricia G. Klein

PATRICIA G. KLEIN
ASSISTANT SECRETARY

TRACT: GH-19
(30.4093 ACRES)

BRAZORIA COUNTY, TEXAS

"A"

H. T. & B. R. R. CO. (GEORGE C. SMITH) SURVEY, A-548
SECTION 22

A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF BRAZORIA, CONTAINING 30.4093 ACRES OF LAND, NOW OR FORMERLY OWNED BY DOUGLAS WILSON, TRUSTEE, AS RECORDED IN VOLUME 1612, PAGE 21 AND VOLUME 1612, PAGE 17, OF THE BRAZORIA COUNTY DEED RECORDS, SAME BEING LOTS 18, 21 AND 24 OF THE KANAWHA-TEXAS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 51, OF THE BRAZORIA COUNTY PLAT RECORDS, AND BEING IN SECTION 22 OF THE H. T. & B. R. R. CO. SURVEY, A-548, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. ALL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE.

BEGINNING AT A POINT FOR CORNER, BEING THE NORTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, MARKED BY A 1" IRON PIPE (FOUND), HAVING A TEXAS PLANE COORDINATE VALUE OF X=3,158,684.20; Y=637,655.77, SAID POINT OF BEGINNING BEING IN THE CENTERLINE OF A DEDICATED COUNTY ROAD, HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET, AS RECORDED IN THE ABOVE-MENTIONED SUBDIVISION PLAT, AND BEING REFERENCED IN TWO CALLS FROM THE NORTHEAST CORNER OF THE AFOREMENTIONED H. T. & B. R. R. CO. SURVEY, A-548, SECTION 22, AS FOLLOWS:

S87° 20' 24"W, 2,640.53 FEET

AND S02° 41' 40"E, 2,465.04 FEET TO SAID POINT OF BEGINNING.

THENCE S02° 41' 14"E, 1,504.29 FEET ALONG THE EAST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, AND ALONG THE CENTERLINE OF THE AFOREMENTIONED DEDICATED COUNTY ROAD, TO A POINT FOR CORNER MARKED BY A 5/8" IRON ROD (FOUND), AND BEING THE SOUTHEAST CORNER OF THIS TRACT. AT 399.50 FEET PASS THE CENTERLINE OF THE PAN AMERICAN PIPELINE EASEMENT, HAVING A RIGHT-OF-WAY WIDTH OF 20 FEET, AS RECORDED IN VOLUME 1029, PAGE 151, OF THE BRAZORIA COUNTY DEED RECORDS. AT 457.31 FEET PASS THE CENTERLINE OF THE HOUSTON LIGHTING & POWER COMPANY EASEMENT, HAVING A RIGHT-OF-WAY WIDTH OF 80 FEET, AS RECORDED IN VOLUME 842, PAGE 131, OF THE BRAZORIA COUNTY DEED RECORDS. AT 1,481.29 FEET PASS THE CENTERLINE OF NORTH MARY'S CREEK, HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET.

RAS:hrf
9/21/82

TRACT: GH-19
(30.4093 ACRES)

BRAZORIA COUNTY, TEXAS

THENCE S87° 02' 13"W, 879.40 FEET ALONG THE SOUTH BOUNDARY OF THIS TRACT TO A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF THIS TRACT, MARKED BY A 5/8" IRON ROD (FOUND).

THENCE N02° 41' 15"W, 1,508.30 FEET ALONG THE WEST BOUNDARY OF THIS TRACT TO A POINT FOR CORNER, BEING THE NORTHWEST CORNER OF THIS TRACT, MARKED BY A 1" IRON PIPE (FOUND). AT 23.00 FEET PASS THE CENTERLINE OF NORTH MARY'S CREEK.

THENCE N87° 17' 53"E, 879.40 FEET ALONG THE NORTH BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED TO THE POINT OF BEGINNING CONTAINING 30.4093 ACRES OF LAND. AT 92.07 FEET PASS THE CENTERLINE OF THE AFOREMENTIONED HOUSTON LIGHTING & POWER COMPANY EASEMENT. AT 191.61 FEET PASS THE CENTERLINE OF THE AFOREMENTIONED PAN AMERICAN PIPELINE EASEMENT.



RESOLUTION NO. R 81-2

A RESOLUTION OF THE CITY OF PEARLAND, TEXAS,
TO REPEAL A PORTION OF RESOLUTION NO. R80-5,
GIVING CONSENT TO THE CREATION OF
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 2
AND BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

WHEREAS, the City Council of the City of Pearland passed Resolution No. R80-5 on January 28, 1980, by which the City of Pearland granted its consent to the creation of Brazoria County Municipal Utility Districts No. 1, 2, and 3 within its extraterritorial jurisdiction; and

WHEREAS, Brazoria County Municipal Utility District No. 2 has requested that its boundaries be changed to include the reduced area of 449.8473 acres, more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes; and

WHEREAS, Brazoria County Municipal Utility District No. 3 has requested that its boundaries be changed to include an enlarged area of 515.0633 acres, more particularly described in Exhibit "B", attached hereto and made a part hereof for all purposes; and

WHEREAS, the City Council of the City of Pearland is willing to grant such consent upon the conditions and terms hereinafter stated;
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

1. Resolution No. R80-5, which was passed on January 28, 1980, is hereby repealed with respect to the creation of Brazoria County Municipal Utility Districts No. 2 and 3.
2. That upon the following terms and conditions the City Council of the City of Pearland, Texas, hereby specifically gives its written consent, as provided by Section 54.016 Texas Water Code, as amended, to the creation of two (2) Municipal Utility Districts within the extraterritorial jurisdiction of said City. Said Municipal Utility Districts shall be created by authority of Article XVI, Section 59, Texas Constitution, and in accordance with the provisions of Chapter 54, Texas Water Code, as amended. The Municipal Utility Districts shall be

called Brazoria County Municipal Utility District No. 2 and Brazoria County Municipal Utility District No. 3, the boundaries of such Districts being described by metes and bounds in Exhibits "A" and "B" attached hereto and made a part hereof for all purposes.

3. Except to the extent herein set forth, the consent herein granted is conditioned upon the terms, conditions and covenants as follows:

(a) That all of the aforescribed Municipal Utility Districts, and all owners or developers within said Districts, shall abide and adhere to all of the terms and conditions set forth in City of Pearland Ordinance No. 411, as adopted on December 17, 1979; and

(b) That prior to the first issue of bonds, notes, warrants, or other obligations of the Districts, the Districts and the City shall enter into an allocation agreement which shall contain all of the provisions set forth in Section 54.016(f) (1), (2), (3) and (4) of the Texas Water Code, and that this requirement shall be in addition to requirements set forth in Ordinance 411 hereinabove provided; and

(c) That the Districts shall issue bonds, warrants or other debt obligations as authorized by the Constitution and laws of the State of Texas, for the purpose of providing Police, Fire and Emergency Medical Services to the residents of the Districts when it is determined by the City and the Districts that such services are needed for the health, safety and general welfare of the said residents; and

(d) That the owner or developer of the land within the areas of Municipal Utility District's Numbers 2 and 3, will, covenant and agree that he, they, or it, will develop said areas within said Districts in accordance with the following development criteria, to-wit:

(1) That all areas within the aforementioned Districts shall be developed in strict accordance with the Conceptual Plan and Density Ratios set forth on the plat attached hereto and made a part of this Resolution for all intents and purposes as Exhibit "B".

(2) That except for the Patio Home Lots, all developed lots intended for use as Single family detached dwellings shall be of a minimum size of sixty (60) feet in width and one hundred ten (110) feet in depth. Patio Home minimum lot size shall be forty-five (45) feet in width by one hundred fifteen (115) feet in depth.

(3) That all developed lots abutting existing on future pipe

line easements within the District's area shall have no permanent building structure closer than sixty-five (65) feet from the outer boundary of said pipe line easement.

4. That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Pearland and it is accordingly so resolved.

PASSED and APPROVED this 26th day of January, 1981, at a regular meeting of the City Council duly called as required by law.

CITY OF PEARLAND, TEXAS

By Tom Reid
Tom Reid, Mayor
City of Pearland, Texas

ATTEST:

Dorothy L. Cook
City Secretary, Dorothy Cook

Approved as to Content:

GENERAL HOMES CONSOLIDATED COMPANIES, INC.
DBA EDEN CORPORATION

By S. H. Yager
S. H. Yager, Vice President

EXHIBIT "A"

449.8473 ACRES

BRAZORIA COUNTY, TEXAS

BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

H. T. & B. R. R. CO. SURVEY,
SECTION 1, A-309

JOHN W. MAXEY SURVEY, A-721
R. B. LYLE SURVEY, A-539

A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF BRAZORIA, CONTAINING 449.8473 ACRES OF LAND, AND BEING WITHIN THE H. T. & B. R. R. CO. SURVEY, SECTION 1, A-309, THE JOHN W. MAXEY SURVEY, A-721, AND THE R. B. LYLE SURVEY, A-539, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. ALL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE.

BEGINNING AT A POINT FOR CORNER, BEING THE SOUTHERNMOST SOUTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, BEING MARKED BY A 1/2" IRON ROD (FOUND) HAVING A TEXAS PLANE COORDINATE VALUE OF X=3,154,971.56; Y=639,062.90, SAID POINT OF BEGINNING BEING ALSO THE SOUTHEAST CORNER OF THE ABOVEMENTIONED R. B. LYLE SURVEY, A-539, AND BEING COMMON WITH THE NORTHEAST CORNER OF THE A. C. H. & B. R. R. CO. SURVEY, A-415, AT ITS INTERSECTION WITH THE WEST BOUNDARY OF THE ABOVEMENTIONED JOHN W. MAXEY SURVEY, A-721, SAID POINT OF BEGINNING BEING AT ITS INTERSECTION WITH THE CENTERLINE OF AN UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 90, AND THE CENTERLINE OF AN UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 59.

THENCE S86° 43' 18"W, 2,640.03 FEET ALONG A SOUTHERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED TO A POINT FOR CORNER, BEING ALSO A COMMON BOUNDARY BETWEEN THE SOUTH BOUNDARY OF SAID R. B. LYLE SURVEY, A-539, COMMON WITH THE NORTH BOUNDARY OF THE A. C. H. & B. R. R. CO. SURVEY, A-415, AND BEING ALSO THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD NO. 59.

THENCE N03° 12' 50"W, 2,640.77 FEET TO A POINT FOR CORNER, BEING THE WESTERNMOST NORTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED. AT 2,634.57 FEET PASS A 5/8" IRON ROD (FOUND).

THENCE N86° 43' 18"E, 2,638.19 FEET ALONG A WESTERLY NORTH BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED TO A POINT FOR CORNER MARKED BY A 1" IRON PIPE (FOUND), BEING THE CENTERLINE OF THE ABOVEMENTIONED UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 90.

THENCE N03° 01' 04"W, 2,753.41 FEET ALONG A WESTERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, AND BEING ALSO THE WEST BOUNDARY OF THE ABOVEMENTIONED JOHN W. MAXEY SURVEY, A-721, AND BEING COMMON WITH THE EAST BOUNDARY OF THE ABOVEMENTIONED R. B. LYLE SURVEY, A-539, AND THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD, TO A POINT FOR CORNER, BEING THE WESTERNMOST NORTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED AT CENTERLINE INTERSECTION WITH COUNTY ROAD NO. 92.

RAS:hrt

12/15/80

449.8473 ACRES

WAZORIA COUNTY, TEXAS

THENCE N50° 28' 43"E, 1,294.00 FEET ALONG THE NORTHERNMOST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED AND ALONG THE CENTERLINE OF THE AFOREMENTIONED COUNTY ROAD NO. 92, TO A POINT FOR CORNER, BEING A COMMON CORNER, AN INTERIOR SOUTHEASTERLY CORNER OF THE AFOREMENTIONED JOHN W. MAXEY SURVEY, A-721, AND BEING COMMON WITH THE WEST BOUNDARY OF THE AFOREMENTIONED H.T.& B. R. R. CO. SURVEY, SECTION 1, A-309.

THENCE S02° 48' 12"E, 1,537.39 FEET ALONG AN EASTERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING COMMON WITH THE EASTERLY BOUNDARY OF THE AFOREMENTIONED JOHN W. MAXEY SURVEY, A-721, TO A POINT FOR CORNER.

THENCE, SEVERING THE H. T. & B. R. R. CO. SURVEY, SECTION 1, A-309, AS FOLLOWS:

N87° 21' 50"E, 561.97 FEET, AS FENCED AND OCCUPIED, TO A POINT FOR CORNER MARKED BY A 1" IRON PIPE (FOUND). AT 22.32 FEET PASS A 1" IRON ROD (FOUND) FOR REFERENCE CORNER

S03° 11' 03"E, 1,106.35 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF A 60 FOOT WIDE UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 91

N87° 19' 03"E, 2,070.68 FEET ALONG THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD TO A POINT FOR CORNER

AND

S02° 45' 26"E, 2,630.00 FEET TO A 1/2" IRON PIPE (FOUND), AND CONTINUE FOR A TOTAL DISTANCE OF 2,640.00 FEET TO A POINT FOR CORNER, BEING THE EASTERNMOST SOUTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, AND BEING AT ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE AFOREMENTIONED H. T. & B. B. R. CO. SURVEY, SECTION 1, A-309, AND BEING A COMMON BOUNDARY WITH THE NORTH BOUNDARY OF THE H.T.& B. R. R. CO. SURVEY, SECTION 22, A-548.

THENCE S87° 20' 24"W, 3,647.18 FEET ALONG THE EASTERNMOST SOUTHERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING THE COMMON BOUNDARY BETWEEN THE ABOVEMENTIONED SURVEYS, TO A POINT FOR CORNER, BEING AN INTERIOR SOUTHEASTERLY CORNER OF THE TRACT HEREIN BEING DESCRIBED, AND BEING ALSO AT ITS INTERSECTION WITH THE WEST BOUNDARY OF THE AFOREMENTIONED JOHN W. MAXEY SURVEY, A-721, COMMON WITH THE EAST BOUNDARY OF THE AFOREMENTIONED R. B. LYLE SURVEY, A-539, IN THE CENTERLINE OF THE AFOREMENTIONED COUNTY ROAD NO. 90.

449.8473 ACRES

BRAZORIA COUNTY, TEXAS

THENCE S03° 00' 14"E, 887.14 FEET ALONG THE SOUTHERNMOST EAST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING A COMMON BOUNDARY BETWEEN THE ABOVEMENTIONED MAXEY SURVEY AND THE LYLE SURVEY, AND ALONG THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD, TO THE POINT OF BEGINNING CONTAINING 449.8473 ACRES OF LAND.



EXHIBIT "B"

515.0633 ACRES

BRAZORIA COUNTY, TEXAS

BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

H. T. & B. R. R. CO. SURVEY,
SECTION 22, A-548

JOHN W. MAXEY SURVEY, A-721

A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF BRAZORIA, CONTAINING 515.0633 ACRES OF LAND, AND BEING WITHIN THE H. T. & B. R. R. CO. SURVEY, SECTION 22, A-548, AND THE JOHN W. MAXEY SURVEY, A-721, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. ALL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE.

BEGINNING AT A POINT FOR CORNER, BEING THE SOUTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED, HAVING A TEXAS PLANE COORDINATE VALUE OF X=3,155,202.68; Y=634,683.22, SAID POINT OF BEGINNING BEING AT ITS INTERSECTION WITH THE CENTERLINE OF COUNTY ROAD NO. 101 AND THE CENTERLINE OF AN UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 90, AND SAID POINT OF BEGINNING BEING ALSO THE SOUTHWEST CORNER OF SAID JOHN W. MAXEY SURVEY, A-721, BEING COMMON WITH THE NORTHWEST CORNER OF THE R. B. LYLE SURVEY, A-541.

THENCE ALONG THE WEST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD NO. 90, AND BEING ALSO THE WEST BOUNDARY OF THE ABOVEMENTIONED JOHN W. MAXEY SURVEY, A-721, COMMON WITH THE EAST BOUNDARY OF THE A. C. H. & B. R. R. CO. SURVEY, A-415, AND THE R. B. LYLE SURVEY, A-539, AS FOLLOWS:

N03° 02' 46"W, 1,747.71 FEET TO A POINT FOR CORNER AND ANGLE POINT

AND N03° 00' 14"W, 3,525.21 FEET TO A POINT FOR CORNER, BEING THE NORTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED. AT 2,638.07 FEET PASS A 1/2" IRON ROD (FOUND), BEING IN THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD NO. 90 AT ITS INTERSECTION WITH THE CENTERLINE OF AN UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 59.

THENCE N87° 20' 24"E, 4,967.14 FEET ALONG THE NORTH BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, SEVERING THE JOHN W. MAXEY SURVEY, A-721, AND BEING ALSO A COMMON BOUNDARY, THE SOUTH BOUNDARY OF THE H. T. & B. R. R. CO. SURVEY, SECTION 1, A-309, AND THE NORTH BOUNDARY OF THE H. T. & B. R. R. CO. SURVEY, SECTION 22, A-548.

RAS:hrf
12/16/80

THENCE S02° 41' 15"E, 886.43 FEET TO A POINT FOR CORNER.

THENCE N87° 18' 51"E, 1,320.24 FEET TO A POINT FOR CORNER, BEING THE EASTERNMOST NORTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, AND BEING IN THE CENTERLINE OF COUNTY ROAD NO. 89, HAVING A RIGHT-OF-WAY WIDTH OF 60 FEET, AND BEING ALSO AT ITS INTERSECTION WITH THE EAST BOUNDARY OF THE AFOREMENTIONED H. T. & B. R. R. CO. SURVEY, SECTION 22, A-548, COMMON WITH THE WEST BOUNDARY OF THE M. T. & B. R. R. CO. SURVEY, SECTION 18, A-547.

THENCE S02° 40' 01"E, 412.45 FEET ALONG THE EASTERNMOST EAST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, AND ALONG THE CENTERLINE OF THE AFOREMENTIONED COUNTY ROAD NO. 89, AND BEING ALSO THE COMMON SURVEY LINE OF THE ABOVE SURVEYS, TO A POINT FOR CORNER IN THE CENTERLINE OF MARY'S CREEK (NORTH FORK).

THENCE SEVERING SAID H. T. & B. R. R. CO. SURVEY, SECTION 22, A-548, AND ALONG THE SOUTHEASTERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, AS FOLLOWS:

S87° 18' 51"W, 1,320.10 FEET TO A POINT FOR CORNER,
ALONG THE CENTERLINE OF MARY'S CREEK (NORTH FORK)

S02° 41' 15"E, 2,650.65 FEET TO A POINT FOR CORNER
IN THE CENTERLINE OF MARY'S CREEK (SOUTH FORK)

S87° 28' 44"W, 1,319.03 FEET ALONG THE CENTERLINE OF
SAID MARY'S CREEK (SOUTH FORK) TO A POINT FOR CORNER

N02° 38' 07"W, 1,483.03 FEET TO A POINT FOR CORNER,
BEING AN INTERIOR SOUTHERLY CORNER MARKED BY A 2"
GALVANIZED IRON PIPE (FOUND)

S87° 11' 07"W, 881.39 FEET TO A POINT FOR CORNER
MARKED BY A 1" IRON PIPE (FOUND)

AND S02° 41' 18"E, 2,806.15 FEET TO A POINT FOR CORNER,
BEING THE SOUTHERNMOST SOUTHEAST CORNER OF THE TRACT
HEREIN BEING DESCRIBED, AND BEING IN THE CENTERLINE
OF COUNTY ROAD NO. 101, HAVING A RIGHT-OF-WAY WIDTH
OF 60 FEET. AT 1,478.51 FEET PASS THE CENTERLINE OF
MARY'S CREEK (SOUTH FORK), AND AT 2,776.79 FEET PASS
A 1" GALVANIZED IRON PIPE (FOUND) FOR REFERENCE
CORNER, SAID POINT BEING ALSO AT ITS INTERSECTION
WITH THE SOUTH BOUNDARY OF THE AFOREMENTIONED
H. T. & B. R. R. CO. SURVEY, SECTION 22, A-548,
COMMON WITH THE NORTH BOUNDARY OF THE R. B. LYLE
SURVEY, A-541.

515.0633 ACRES

BRAZORIA COUNTY, TEXAS

THENCE S87° 19' 01"W, 2,737.71 FEET ALONG THE SOUTHERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING ALSO THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD NO. 101, AND BEING A COMMON BOUNDARY, THE SOUTH BOUNDARY OF THE ABOVEMENTIONED H. T. & B. R. R. CO. SURVEY, SECTION 22, A-548, THE SOUTH BOUNDARY OF THE JOHN W. MAXEY SURVEY, A-721, AND THE NORTH BOUNDARY OF THE R. B. LYLE SURVEY, A-541, TO A POINT FOR CORNER AND POINT OF BEGINNING CONTAINING 515.0633 ACRES OF LAND.



PETITION FOR CONSENT TO INCLUDE
LAND IN A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF PEARLAND:

The undersigned, hereinafter called "petitioners", being the holders of title to a majority in value of the lands hereinafter described, as such values are indicated by the tax rolls of Brazoria County, Texas, acting pursuant to the provisions of Section 54.016, Texas Water Code, respectfully petition for the inclusion of land in a municipal utility district, hereinafter called "District", within the terms and provisions of Section 59, Article 16, Constitution of Texas. In support of this petition for consent to include said lands within the District, petitioners show as follows:

I.

The name of the District will be Brazoria County Municipal Utility District No. 2.

II.

The area of the land to be included in the District contains 449.8473 acres, more or less, and lies wholly within Brazoria County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of the Municipal Annexation Act (Article 970a, V.T.C.S.), said area is within the extraterritorial jurisdiction of the City of Pearland and is not within such jurisdiction of any other city.

III.

The land, described by metes and bounds sought to be included within the area of the District is as follows:

449.8473 ACRES

BRAZORIA COUNTY, TEXAS

BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

H. T. & B. R. R. CO. SURVEY,
SECTION 1, A-309

JOHN W. MAXEY SURVEY, A-721
R. B. LYLE SURVEY, A-539

A TRACT OF LAND SITUATED IN THE STATE OF TEXAS, COUNTY OF BRAZORIA, CONTAINING 449.8473 ACRES OF LAND, AND BEING WITHIN THE H. T. & B. R. R. CO. SURVEY, SECTION 1, A-309, THE JOHN W. MAXEY SURVEY, A-721, AND THE R. B. LYLE SURVEY, A-539, BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. ALL CONTROL IS REFERRED TO THE TEXAS PLANE COORDINATE SYSTEM, LAMBERT PROJECTION, SOUTH CENTRAL ZONE.

BEGINNING AT A POINT FOR CORNER, BEING THE SOUTHERNMOST SOUTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, BEING MARKED BY A 1/2" IRON ROD (FOUND) HAVING A TEXAS PLANE COORDINATE VALUE OF X=3,154,971.56; Y=639,062.90, SAID POINT OF BEGINNING BEING ALSO THE SOUTHEAST CORNER OF THE ABOVEMENTIONED R. B. LYLE SURVEY, A-539, AND BEING COMMON WITH THE NORTHEAST CORNER OF THE A. C. H. & B. R. R. CO. SURVEY, A-415, AT ITS INTERSECTION WITH THE WEST BOUNDARY OF THE ABOVEMENTIONED JOHN W. MAXEY SURVEY, A-721, SAID POINT OF BEGINNING BEING AT ITS INTERSECTION WITH THE CENTERLINE OF AN UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 90, AND THE CENTERLINE OF AN UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 59.

THENCE S86° 43' 18"W, 2,640.03 FEET ALONG A SOUTHERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED TO A POINT FOR CORNER, BEING ALSO A COMMON BOUNDARY BETWEEN THE SOUTH BOUNDARY OF SAID R. B. LYLE SURVEY, A-539, COMMON WITH THE NORTH BOUNDARY OF THE A. C. H. & B. R. R. CO. SURVEY, A-415, AND BEING ALSO THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD NO. 59.

THENCE N03° 12' 50"W, 2,640.77 FEET TO A POINT FOR CORNER, BEING THE WESTERNMOST NORTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED. AT 2,634.57 FEET PASS A 5/8" IRON ROD (FOUND).

THENCE N86° 43' 18"E, 2,638.19 FEET ALONG A WESTERLY NORTH BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED TO A POINT FOR CORNER MARKED BY A 1" IRON PIPE (FOUND), BEING THE CENTERLINE OF THE ABOVEMENTIONED UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 90.

THENCE N03° 01' 04"W, 2,753.41 FEET ALONG A WESTERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, AND BEING ALSO THE WEST BOUNDARY OF THE ABOVEMENTIONED JOHN W. MAXEY SURVEY, A-721, AND BEING COMMON WITH THE EAST BOUNDARY OF THE ABOVEMENTIONED R. B. LYLE SURVEY, A-539, AND THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD, TO A POINT FOR CORNER, BEING THE WESTERNMOST NORTHWEST CORNER OF THE TRACT HEREIN BEING DESCRIBED AT CENTERLINE INTERSECTION WITH COUNTY ROAD NO. 92.

RAS:hmf

12/15/80

THENCE N50° 28' 43"E, 1,294.00 FEET ALONG THE NORTHERNMOST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED AND ALONG THE CENTERLINE OF THE AFOREMENTIONED COUNTY ROAD NO. 92, TO A POINT FOR CORNER, BEING A COMMON CORNER, AN INTERIOR SOUTHEASTERLY CORNER OF THE AFOREMENTIONED JOHN W. MAXEY SURVEY, A-721, AND BEING COMMON WITH THE WEST BOUNDARY OF THE AFOREMENTIONED H.T.& B. R. R. CO. SURVEY, SECTION 1, A-309.

THENCE S02° 48' 12"E, 1,537.39 FEET ALONG AN EASTERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING COMMON WITH THE EASTERLY BOUNDARY OF THE AFOREMENTIONED JOHN W. MAXEY SURVEY, A-721, TO A POINT FOR CORNER.

THENCE, SEVERING THE H. T. & B. R. R. CO. SURVEY, SECTION 1, A-309, AS FOLLOWS:

N87° 21' 50"E, 561.97 FEET, AS FENCED AND OCCUPIED, TO A POINT FOR CORNER MARKED BY A 1" IRON PIPE (FOUND). AT 22.32 FEET PASS A 1" IRON ROD (FOUND) FOR REFERENCE CORNER

S03° 11' 03"E, 1,106.35 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF A 60 FOOT WIDE UNDEDICATED COUNTY ROAD, REFERRED TO AS COUNTY ROAD NO. 91

N87° 19' 03"E, 2,070.68 FEET ALONG THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD TO A POINT FOR CORNER

AND S02° 45' 26"E, 2,630.00 FEET TO A 1/2" IRON PIPE (FOUND), AND CONTINUE FOR A TOTAL DISTANCE OF 2,640.00 FEET TO A POINT FOR CORNER, BEING THE EASTERNMOST SOUTHEAST CORNER OF THE TRACT HEREIN BEING DESCRIBED, AND BEING AT ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE AFOREMENTIONED H. T. & B. B. R. CO. SURVEY, SECTION 1, A-309, AND BEING A COMMON BOUNDARY WITH THE NORTH BOUNDARY OF THE H.T.& B. R. R. CO. SURVEY, SECTION 22, A-548.

THENCE S87° 20' 24"W, 3,647.18 FEET ALONG THE EASTERNMOST SOUTHERLY BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING THE COMMON BOUNDARY BETWEEN THE ABOVEMENTIONED SURVEYS, TO A POINT FOR CORNER, BEING AN INTERIOR SOUTHEASTERLY CORNER OF THE TRACT HEREIN BEING DESCRIBED, AND BEING ALSO AT ITS INTERSECTION WITH THE WEST BOUNDARY OF THE AFOREMENTIONED JOHN W. MAXEY SURVEY, A-721, COMMON WITH THE EAST BOUNDARY OF THE AFOREMENTIONED R. B. LYLE SURVEY, A-539, IN THE CENTERLINE OF THE AFOREMENTIONED COUNTY ROAD NO. 90.

449.8473 ACRES

BRAZORIA COUNTY, TEXAS

THENCE S03° 00' 14"E, 887.14 FEET ALONG THE SOUTHERNMOST EAST BOUNDARY OF THE TRACT HEREIN BEING DESCRIBED, BEING A COMMON BOUNDARY BETWEEN THE ABOVEMENTIONED MAXEY SURVEY AND THE LYLE SURVEY, AND ALONG THE CENTERLINE OF THE ABOVEMENTIONED COUNTY ROAD, TO THE POINT OF BEGINNING CONTAINING 449.8473 ACRES OF LAND.



IV.

District will be organized for the purposes of and the general nature of the work proposed to be done shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(1) provide a water supply for municipal uses, domestic uses, and commercial purposes;

(2) collect, transport, process, dispose of, and control all domestic, industrial or communal wastes whether in fluid, solid, or composite state; and

(3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction, and interest during construction.

V.

There is a necessity for the improvements above described for the following reasons: The area of the District is urban in nature, is within the growing environs of Pearland and is in close proximity to populous and developed sections of Brazoria County. District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services, nor with adequate drainage facilities. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require installation and acquisition of an adequate water supply and sewage disposal system and an adequate drainage system for and within the area of the District.

A public necessity exists for the organization of such District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage facilities, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

Petitioners request consent for the inclusion of the aforesaid lands in a municipal utility district under the following conditions, until such time as said conditions may be changed by City ordinance or resolution, either specific or general:

(a) Bonds will be issued by the District only for the purpose of purchasing and constructing, or purchasing or constructing, or under contract with the City of Pearland 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, constructions, 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 said 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 ninety-five percent (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 the 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 Pearland, Texas, annexes the District, takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until the City of Pearland has given its written consent by resolution of the City Council to such addition or annexation.

(b) Before the commencement of any construction within the District, the District, its directors, officers or the developers and landowners will submit to the Director of the Department of Public Works of the City of Pearland, or to his designated representative, all plans and specifications for the construction of water, sanitary sewer and drainage facilities to serve such District and obtain the approval of such plans and specifications. All water wells, water flushing valves, valves, pipes and appurtenances installed or used within the District will conform exactly to the specifications of the City of Pearland. 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 Pearland standard plans and specifications. Prior to the construction of such facilities within the District, the District or its engineer will give written notice by registered or certified mail to the Director of Public Works, 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 Pearland; and during the progress of the construction and installation of such facilities, the Director of Public Works of the City of Pearland, or his designated representative, will 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 State Health Department as required by Section 20(a) of Article 4477-1, V.T.C.S. The District will agree to make periodic analyses of its discharge pursuant to the provisions of Texas Water Quality Board Order No. 69-1219-1 and further will agree to send copies of all such effluent data to the Department of Public Works, City of Pearland, as well as to the Texas Department of Water Resources. The District will agree that representatives of the City of Pearland may supervise the continued operations of the sewage treatment facility by making periodic inspections thereof.

(d) 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 a Planning Commission of the City of Pearland of a plat which will be duly recorded in the Map and Plat Records of Brazoria County, Texas, and otherwise comply with the rules and regulations of the Planning Department of the City of Pearland.

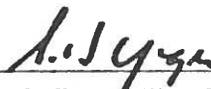
VII.

It is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$7,647,404.

WHEREFORE, petitioners respectfully pray that this petition be granted in all respects and that the City of Pearland give its written consent to the inclusion of the aforesaid land in said District.

Dated at Brazoria County, Texas, this 21st day of January,
19 81.

GENERAL HOMES CONSOLIDATED COMPANIES, INC.
d/b/a EDEN CORPORATION



S. H. Yager, Vice President

THE STATE OF TEXAS §
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared S. H. Yager, Vice President of General Homes Consolidated Companies, Inc., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

Given under my hand and seal of office this 21st day of January, 1981.

Paula Falconer Arriaga
Notary Public in and for
Harris County, Texas

PAULA FALCONER ARRIAGA
Notary Public in and for the State of Texas
My Commission expires March 12, 1984

Ernie B
copy to
CE
Levy

RESOLUTION NO. R 85-13

A RESOLUTION OF THE CITY OF PEARLAND, TEXAS
TO REPEAL A PORTION OF RESOLUTIONS NOS. R80-5
AND R81-2, GIVING CONSENT TO THE CREATION OF
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 1,
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 2,
AND BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

WHEREAS, the City Council of the City of Pearland passed Resolution No. R80-5 on January 28, 1980, by which the City of Pearland granted its consent to the creation of Brazoria County Municipal Utility Districts Nos. 1, 2, and 3, within its extraterritorial jurisdiction; and

WHEREAS, the City Council of the City of Pearland passed Resolution No. R81-2 on January 26, 1981, by which the City of Pearland amended its consent to the creation of Brazoria County Municipal Utility Districts Nos. 2 and 3 to provide for a reduction in area for District No. 2 and an enlargement in area in District No. 3; and

WHEREAS, the City Council of the City of Pearland is willing to further amend said Resolutions such that the current and ongoing policy of the City of Pearland towards municipal utility districts situated within its extraterritorial jurisdiction remains constant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

1. Resolutions Nos. R80-5 and R81-2, which were passed on January 28, 1980 and January 26, 1981, respectively, are hereby amended with respect to the creation of Brazoria County Municipal Utility Districts Nos. 1, 2, and 3.
2. Section 3(b) of Resolution No. R80-5, mandating that the City of Pearland and Brazoria County Municipal Utility Districts Nos. 1, 2, and 3 enter into a written allocation agreement prior to the first issue of bonds, notes, warrants, or other district obligations, is hereby repealed.
3. Section 3(b) of Resolution No. R81-2, mandating that the City of Pearland and Brazoria County

Municipal Utility Districts Nos. 2 and 3 enter into a written allocation agreement prior to the first issue of bonds, notes, warrants, or other district obligations, is hereby repealed.

4. The City of Pearland specifically reserves unto itself, all constitutional, statutory, contractual, and common law rights available in regards to the future annexation(s) of territories within the boundaries of Brazoria County Municipal Utility Districts Nos. 1, 2, and 3, to include contracting with any or all of said Districts to provide for the orderly annexation of territories within the Districts and to provide for the fair and equitable apportionment of tax responsibilities and utility service charges upon, between, and among residents of the Districts, annexed residents formerly residing in the Districts, and existing and future residents of the City of Pearland.
5. Certified copies of this Resolution shall be filed in the offices of Brazoria County Municipal Utility District No. 1, Brazoria County Municipal Utility District No. 2, and Brazoria County Municipal Utility District No. 3.
6. That this Resolution shall take effect immediately from and after its passage, in accordance with the provisions of the Charter of the City of Pearland, and it is accordingly so resolved.

PASSED and APPROVED this 13th day of May, 1985, at a regular meeting of the City Council duly called as required by law.

CITY OF PEARLAND, TEXAS

BY: Tom Reid
Tom Reid, Mayor; City of
Pearland, Texas

ATTEST:

Kay Krouse
City Secretary

RESOLUTION NO. R84-12

RESOLUTION OF THE CITY OF PEARLAND
GIVING THE CITY'S CONSENT TO THE ANNEXATION
OF LANDS INTO
BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

WHEREAS, Section 54.016, Texas Water Code, as amended, provides that no land within the corporate limits of a city shall be annexed into a municipal utility district unless the City grants its written consent, by resolution or ordinance, to the annexation of such land within the district; and

WHEREAS, the City Council has heretofore found and determined, and hereby affirmatively finds and determines that there exists within the corporate limits of the City of Pearland, Texas, an area wherein it is desired that a municipal utility district be created; and

WHEREAS, Brazoria County Municipal Utility District No. 3 has been organized as a conservation and reclamation district (more particularly a municipal utility district) by authority of Article XVI, Section 59, Texas Constitution, in accordance with and having all the powers provided by Chapter 54, Texas Water Code, as amended; and

WHEREAS, said district now wishes to obtain the City's Consent to annex lands into its boundaries;

THEREFORE, BE IT RESOLVED by the City Council of the City of Pearland, Texas:

1. That all of the matters and facts set out in the preamble hereof are true and correct.

2. That the City Council of the City of Pearland, Texas, hereby specifically gives its written consent as provided in Section 54.016, Texas Water Code, to the annexation of the land described by metes and bounds in Exhibit "A" into Brazoria County Municipal Utility District No. 3 of Brazoria County, Texas, a municipal utility district organized by authority of Article XVI, Section 59, Texas Constitution, and in accordance with and having all the powers provided by Chapter 54, Texas Water Code, as amended.

3. That the annexed territory shall comply with the terms and conditions of the City's Consent Resolution approving the creation of

Brazoria County Municipal Utility District No. 3 which includes, inter alia, an agreement that the municipal utility district and the owners or developers of lands therein will comply with City of Pearland Ordinance No. 411 -1.

4. The City hereby expressly covenants and agrees that annexation of the property in the redefined district (Exhibit "B" attached hereto) by the City of Pearland shall not occur (a) prior to (i) the installation of facilities by the District sufficient to serve ninety percent (90%) of the total aggregate number of equivalent dwelling units of the District calculated at the maximum densities established in the Conceptual Plan dated September, 1982 (Exhibit "C") as approved by the City of Pearland and (ii) the issuance of Bonds in an amount sufficient to finance the facilities required by the preceding phrase or (b) until the fifteenth (15th) anniversary date of the Consent Date, whichever shall first occur.

5. That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Pearland and it is accordingly so resolved.

PASSED AND APPROVED this 14 day of May, 1984, at a regular meeting of the City Council duly called as required by law.

CITY OF PEARLAND, TEXAS

By Tom Reid
TOM REID, Mayor
City of Pearland, Texas

ATTEST:

Sarahy L. Cook
City Secretary

APPROVED AS TO CONTENT:

GENERAL HOMES CORPORATION,
a Texas Limited Partnership

By Andrew E. Howard
Andrew E. Howard
Title VICE PRESIDENT



TELECOMMUNICATION TRANSMITTAL

TO

COMPANY: City of Pearland
ATTN: Ernie Buenrostro
FAX PHONE #: () 485 - 8764

FROM

SENDER'S NAME: David A. Hinners EXT. 602
COMPANY: General Homes
DEPARTMENT: Land

DATE: 5-29-90

NUMBER OF PAGES: 5 (INCLUDING TRANSMITTAL)

COMMENTS: -----

GENERAL HOMES FAX PHONE: (713) 270-0369 - AUTOMATIC RICOH FAX
60 GROUP I, II, III.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE CALL

86253 348

8513

RIGHT-OF-WAY EASEMENT DEED

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §

KNOW ALL MEN BY THESE PRESENTS

That GENERAL HOMES CORPORATION, a Texas corporation, acting herein by and through its duly authorized officers (hereinafter called "Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to the Grantor in hand paid by BRAZORIA COUNTY, acting through the Commissioner's Court of said County (hereinafter called "Grantee"), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents, does GRANT, SELL and CONVEY unto Grantee, subject to the exceptions and reservations hereinafter made, the free and uninterrupted use, liberty and privilege of the passage in, along and across that certain strip of land in Brazoria County, Texas, more particularly described in Exhibit A attached hereto and made a part hereof and owned by Grantor.

TO HAVE AND TO HOLD the above described easement and right-of-way, together with all and singular the rights and appurtenances thereto in anywise belonging, including all necessary rights of ingress, egress and regress, unto the Grantee, its successors and assigns for so long as it is used for the purposes set forth herein.

The right-of-way easement granted herein shall be used solely for the purpose of placing, constructing, operating, repairing, maintaining and reconstructiong a paved road or highway upon and across the above described easement and right-of-way, and shall revert to the Grantor at such time as it is no longer used for such purposes. The Grantee may do and perform all acts necessary to construct, reconstruct, repair, relocate, remove or maintain said roadway and operate thereon all necessary machinery and equipment to efficiently prosecute such work;

86253 349

provided, however, that the Grantee assumes the responsibility for the appearance of the easement and right-of-way and maintains the same at its expense.

The easement and the right-of-way herein granted (the "Easement") are subject to the following reservations, provisions, covenants and exceptions set forth below:

(1) The rights of Grantee and its employees, contractors, agents, successors and assigns, including the right of ingress and egress, shall be and are hereby limited to the area in the Easement as herein described;

(2) Grantor expressly reserves unto Grantor, its successors and assigns, the right and privilege to construct, improve, maintain or repair storm sewer, sanitary sewer and water lines or other improvements located under the road right-of-way granted herein;

(3) This Easement shall automatically terminate upon the proper filing and acceptance by the County of Brazoria of a subdivision plat covering land including the area covered by the Easement, provided that such plat effectively dedicates or grants an easement and right-of-way for the use and benefit of Grantee substantially similar in scope to the Easement with respect to the area covered by the Easement;

(4) The Grantee shall not construct any buildings or other structures or facilities in, on, over or across the area in the Easement;

(5) Grantor reserves for itself and its successors and assigns, all oil, gas and other minerals in, on and under the Easement, Grantor hereby waiving all right of ingress and egress to and from the surface of the land covered by the Easement for the purpose of drilling, mining, exploring and development such minerals, and all other rights in and to the land covered by the Easement which are not inconsistent with the specific use to be made of the Easement by the Grantee hereunder;

(6) The Easement is granted subject to all matters of record affecting the land covered by the Easement, to the extent that the same are validly existing and affect such land;

(7) If the Easement shall be abandoned, the Easement shall thereupon terminate, and the land covered thereby shall revert to Grantor and Grantor's successors and assigns, free and clear of the Easement. In this regard, the Easement shall be deemed abandoned if it is not used for the purposes set forth herein for a continuous period of two (2) years. In the event of the termination of the Easement, the Grantee, on request, shall furnish to Grantor a satisfactory recordable release of the Easement for the purpose of confirming the same; and

(8) Grantor reserves the right of ingress to and egress from its property on each side of any easement created hereunder, and Grantor reserves the right to cross any easement created hereunder in the process of exercising its reserved rights of ingress to and egress from its property.

86253 350

(EXHIBIT A)

DESCRIPTION

PROPOSED MORGAN ROAD

Being 0.5496 acres or 23,940 square feet of land, being out of Lot 9 and 12 of the Kanawha-Texas Company, Charleston, Va. Subdivision in the George C. Smith Survey, Abstract No. 548, being in Brazoria County, Texas, said 0.5496 acres being more particularly described by metes and bounds as follows:

BEGINNING at the Southerly cutback corner, having a radius of 25.00 feet at the Southeast intersecting corner of Southfork Drive and Morgan Road, also being in the Southeast line of the replat of Southwyck Subdivision, Section 7, as recorded in Volume 17, Page 349 of the Plat Records of Brazoria County, Texas;

THENCE South 22°41'09" East along the Easterly line of proposed Morgan Road, a distance of 170.00 feet to a point for the beginning of a curve to the right;

THENCE in a Southerly direction along said Easterly line of proposed Morgan Road, having a central angle of 13°08'23", a radius of 785.00 feet, an arc length of 180.03 feet and a chord bearing of South 16°06'58" East, a chord distance of 179.63 feet to a point for corner;

THENCE South 80°27'14" West a distance of 70.00 feet to a point for corner in the Westerly line of said proposed Morgan Road;

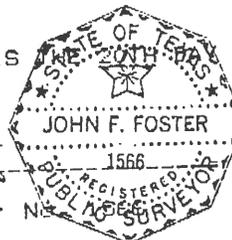
THENCE in a Northerly direction along said Westerly line of proposed Morgan Road, having a central angle of 13°08'23", a radius of 715.00 feet, an arc length of 163.97 feet and a chord bearing of North 16°06'58" West, a chord distance of 163.61 feet to a point of tangency;

THENCE North 22°41'08" West along said Westerly line of proposed Morgan Road, a distance of 170.00 feet to a point for corner being the most Southerly Southwest corner of said Southwyck Subdivision, Section 7;

THENCE North 67°18'56" East along the Southerly line of said Southwyck Subdivision, Section 7, a distance of 70.00 feet to the PLACE OF BEGINNING of the herein described tract, and containing within these calls 0.5496 acres or 23,940 square feet of land.

WITNESS MY HAND AND SEAL THIS 20TH DAY OF JANUARY, 1986

John F. Foster
JOHN F. FOSTER
Registered Public Surveyor No.



BILLY R. FOSTER & ASSOCIATES SURVEYING, INC.
3425 Federal
Pasadena, Texas 77504

Phone: (713) 941-0070

JOB NO. 2001-86

WS #3 - B:2001-86

EXECUTED as of this the 4th day of March, 1986.

ATTEST:

GENERAL HOMES CORPORATION

Patricia G. Klein
Secretary
PATRICIA G. KLEIN
ASSISTANT SECRETARY

By [Signature]
Kenneth F. Belanger
Vice President

THE STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, the undersigned authority, on this day personally appeared Kenneth F. Belanger, Vice President of GENERAL HOMES CORPORATION, a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 4th day of March, 1986.

M. Louise Parris
Notary Public in and for
the State of Texas
M. Louise Parris

My Commission Expires:
10/24/88

✓ Return to:
Donna S. Penick
General Homes Corporation
7322 Southwest Freeway, Suite 1600
Houston, Texas 77074



FILED FOR RECORD
MAR 12 10 19 AM '86
Billy Bailey
COUNTY CLERK
BRAZORIA COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF BRAZORIA
I, USULLY BAILEY, Clerk of the County Court in and for Brazoria County, Texas, do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the Volume and Page of the OFFICIAL RECORD at the time and date indicated herein to-wit:
[Signature]

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JUNE 26, 1990, AT 7:30 P. M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Regular Meeting of May 22, 1990
Special Meeting of May 29, 1990

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - CAPITAL IMPROVEMENTS RECOMMENDATIONS FOR 1990-91 BUDGET YEAR.

IV. ADJOURN

POSTED: 22 DAY OF June, A. D., 1990 5:00 P.M.
REMOVED: _____ DAY OF _____, A. D., 1990

AGENDA - REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON JUNE 26, 1990, AT 7:30 P. M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES: Regular Meeting of May 22, 1990
Special Meeting of May 29, 1990

III. NEW BUSINESS

A. CONSIDERATION AND POSSIBLE ACTION - CAPITAL IMPROVEMENTS RECOMMENDATIONS FOR 1990-91 BUDGET YEAR.

IV. ADJOURN

Meeting was not held due to lack of a quorum.

*Pat Vaught
Asst. City Secretary*

POSTED: 22 DAY OF June, A. D., 1990 5:00 P.M.

REMOVED: 2 DAY OF July, A. D., 1990