



City of Pattison
P.O. Box 223
Pattison, TX 77466

ORDINANCE NO. 165-2023

**AN ORDINANCE THE CITY OF THE CITY OF PATTISON, TEXAS
CONSENTING TO A PETITION FOR THE CREATION OF
WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 AND
ESTABLISHING CONDITIONS APPLICABLE TO THE CREATION
OF THE DISTRICT.**

* * * * *

WHEREAS, on or about May 8, 2023, Maple Grove Development, LLC (the “Petitioner”), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, as amended, and V.T.C.A. Local Government Code, § 42.042 the Petitioner filed with the City of Pattison (the “City”) the petition attached hereto as Exhibit “A”, requesting the City consent to the creation of a municipal utility district including approximately 257.543 acres of land to be known as “Waller County Municipal Utility District No. 43” (the “District”) encompassing the property described in Exhibit “A” (the “Property”); and

WHEREAS, the Property lies within the extraterritorial jurisdiction of the City; and

WHEREAS, the City Council has considered the Petition and is willing to consent to the creation of the District upon the terms and conditions hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS:

Section 1. All of the matters and facts set out in the preamble hereof are true and correct and are adopted as findings of the City Council.

Section 2. The City Council officially finds, determines, recites and declares that the adoption of this Ordinance meets all the requirements of the Open Meetings Law, Texas Government Code, Chapter 551.

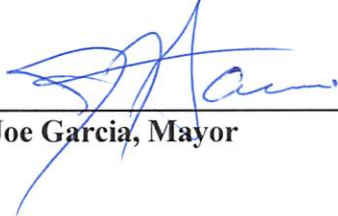
Section 3. The Petition is hereby granted and the City Council, hereby consents to the creation of the District and the inclusion within the District of the Property. Subject to the provisions of this Ordinance the District may be organized for such purposes as are set forth in the Petition and for the accomplishment of such purposes shall have the powers permitted to districts organized under the terms and provisions of Article III, Section 52 and Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto, and subject to the consent conditions attached hereto as Exhibit “B”.

Section 4. This Ordinance shall be effective immediately upon adoption.



City of Pattison
P.O. Box 223
Pattison, TX 77466

PASSED, APPROVED, and ADOPTED this the 8th day of June, 2023.



Joe Garcia, Mayor

ATTEST:



Lorene Hartfiel, City Secretary



City of Pattison
P.O. Box 223
Pattison, TX 77466

EXHIBIT "A"

THE PETITION



City of Pattison
P.O. Box 223
Pattison, TX 77466

EXHIBIT "B"

CONSENT CONDITIONS

PETITION FOR CONSENT TO THE CREATION
OF A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF PATTISON,
TEXAS:

MAPLE GROVE DEVELOPMENT, LLC, a Texas limited liability company (the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, respectfully petition the City Council of the City of Pattison, Texas (the "City"), for its written consent to the creation of a municipal utility district and would show the following:

I.

The name of the proposed District shall be WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 43 (the "District").

II.

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto.

III.

The District shall contain an area of 257.543 acres of land, more or less, situated in Waller County, Texas. All of the land proposed to be included within the District is within the extraterritorial jurisdiction of the City. All of the land proposed to be included may properly be included in the District. The land proposed to be included within the District is described in Exhibit A, which is attached hereto and incorporated herein for all purposes (the "Land").

IV.

The Petitioner holds fee simple title to the Land. The Petitioner hereby represents that it owns a majority in value of the Land, which is proposed to be included in the District, as indicated by the certificate of ownership provided by the Waller County Appraisal District.

V.

The Petitioner represents that there are no lienholders on the Land, except Independent Bank d/b/a Independent Financial, and that there are no residents on the Land.

VI.

The general nature of the work proposed to be done by the District at the present time is the purchase, design, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of a waterworks and sanitary sewer system for residential and commercial purposes, and the construction, acquisition, improvement, extension, maintenance and operation of works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate and amend local storm waters or other harmful excesses of waters, and such other purchase, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of such additional facilities, including roads, parks and recreation facilities, systems, and enterprises as shall be consistent with all of the purposes for which the District is created (the "Project").

VII.

There is, for the following reasons, a necessity for the above-described work. The area proposed to be within the District is urban in nature, is within the growing environs of the City, and is in close proximity to populous and developed sections of Waller County, Texas. There is not now available within the area, which will be developed for single family residential, multifamily, and commercial uses, an adequate waterworks system, sanitary sewer system, or drainage and storm sewer system, or roads, or parks and recreational facilities. The health and welfare of the present and future inhabitants of the area and of the territories adjacent thereto require the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of an adequate waterworks system, sanitary sewer system, and drainage and storm sewer system, roads, or parks and recreational facilities. A public necessity, therefore, exists for the creation of the District, to provide for the purchase, design, construction, acquisition, maintenance, ownership, operation, repair, improvement and extension of such waterworks system, sanitary sewer system, and drainage and storm sewer system, roads, and parks and recreational facilities to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VIII.

The Petitioner, by submission of this Petition, requests the City's consent to the creation of the District containing the Land under the same conditions as set forth in Exhibit B, which is attached hereto and incorporated herein for all purposes.

IX.

A preliminary investigation has been made to determine the cost of the proposed District's waterworks system, sanitary sewer system, and drainage and storm sewer

system projects, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$46,250,000.

X.

A preliminary investigation has been made to determine the cost of the proposed District's road projects, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$24,000,000.

XI.

A preliminary investigation has been made to determine the cost of the proposed District's park and recreational facilities, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$6,250,000.

XII.

The total cost of the proposed District's projects is estimated by the Petitioner to be approximately \$76,500,000.

WHEREFORE, the Petitioner prays that this petition be heard and that the City Council duly pass and approve an ordinance granting the consent to the creation of the District and authorizing the inclusion of the Land within the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED this 20 day of March, 2023.

MAPLE GROVE DEVELOPMENT, LLC
a Texas limited liability company

By: Texas Maple Grove Holdings, LLC
a Delaware limited liability company
its Manager

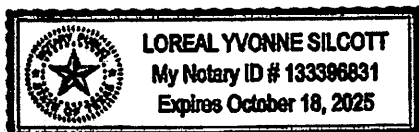
By: Maple Grove GP, LLC
a Delaware limited liability company
its Manager

By: Maple X Inc.
a Texas corporation
its Manager

By: Itiel Kaplan
Name: Itiel Kaplan
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on this 20 day of March, 2023, by Itiel Kaplan, President of Maple X Inc., a Texas corporation and Manager of Maple Grove GP, LLC, a Delaware limited liability company and Manager of Texas Maple Groves Holdings, LLC, a Delaware limited liability company and Manager of MAPLE GROVE DEVELOPMENT, LLC, a Texas limited liability company, on behalf of said limited liability companies.



(NOTARY SEAL)

Loreal Silcott
Notary Public, State of Texas

County: Waller
Project: Waller County MUD No. 43
M&B No.: 221180-R1
Job Number: 4375.00-MUD

**FIELD NOTES FOR 257.543 ACRES
WALLER COUNTY MUD NO. 43**

Being a tract of land containing 257.543 acres (11,218,578 square feet) located in the T.S. Reese Survey, Abstract Number (No.) 328 in Waller County Texas; Said 257.543 acre tract being all of that called 257.540 acre tract recorded in the name of Maple Grove Development, LLC under Waller County Clerk File (W.C.C.F.) No. 2114577; said 257.543 acre tract being more particularly described by metes and bounds as follows, (all bearings are based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, per GPS observations):

BEGINNING at a 1/2-inch iron rod found at the northwest corner of said 257.540 acre tract, being the intersection of the monumented east Right-Of-Way (ROW) Neuman Road (monumented at 50 wide) of and the south ROW of Prairie Grass Lane (sixty feet wide per plat of Green Acres Subdivision recorded in Waller County Deed Record (W.C.D.R.) Vol. 294, Pg. 797);

THENCE, with the line common to said 257.540 acre tract and the south ROW of said Prairie Grass Lane, North 87 degrees 55 minutes 43 seconds East a distance of 2642.26 feet to a 5/8-inch iron rod with cap found at the southeast corner of said Prairie Grass Lane, being the most northerly northeast corner of the herein described tract, and being located on the west line of a called 152.694 acre tract recorded in the name of Poarch/Swinbank, LLC under W.C.C.F. No. 2102032;

THENCE, with the line common to said 257.540 acre tract and said 152.694 acre tract the following two (2) courses:

1. South 01 degrees 58 minutes 26 seconds East, a distance of 777.56 feet to a 1/2-inch iron pipe found at the southwest corner of said 152.694 acre tract, and an angle point of the herein described tract;
2. North 87 degrees 56 minutes 10 seconds East, a distance of 2602.03 feet to a 1/2-inch iron rod found at the southeast corner of said 152.694 acre tract, and the most southerly northeast corner of the herein described tract, being located on the west line of a called 366.143 acre tract recorded in the name of Joseph Freeland Interests, LLC under W.C.D.R. Vol. 607, Pg. 138;

THENCE, with the line common to said 257.540 acre tract and said 366.143 acre tract, South 02 degrees 02 minutes 37 seconds East a distance of 1009.44 feet to an angle point at the most northerly southeast corner of the herein described tract, being the northeast corner of the remainder of a called 317.3080 acre tract recorded in the name of Morton RD Property under W.C.C.F. No. 1900318;

THENCE, with the line common to said 257.540 acre tract and said remainder of a 317.3080 acre tract, the following two (2) courses:

1. South 87 degrees 56 minutes 10 seconds West, a distance of 2604.15 feet to a 1/2-inch iron pipe found at the northeast corner of said 317.3080 acre tract and an angle point of the herein described tract;
2. South 01 degrees 55 minutes 23 seconds East, a distance of 1712.92 feet to a 1-inch iron pipe found at the southwest corner of said 317.3080 acre tract and the most southerly southeast corner of the herein described tract, and being on the north ROW of Morton Road as currently occupied;

THENCE, with the line common to said 257.540 acre tract, and said north ROW of Morton Road as currently occupied, South 87 degrees 55 minutes 36 seconds West, a distance of 1822.99 feet to the southeast corner of a called 15.000 acre tract recorded in the name of Maple Grove Square, LLC under W.C.C.F. No. 2114558, and being the most southerly southwest corner of the herein described tract;


THENCE, with the line common to said 257.540 acre tract and said 15.000 acre tract, the following two (2) courses:

1. North 01 degrees 58 minutes 32 seconds West, a distance of 800.01 feet to the northeast corner of said 15.000 acre tract, and an angle point in the herein described tract;
2. South 87 degrees 55 minutes 38 seconds West, a distance of 816.76 feet to northwest corner of said 15.000 acre tract, and being the most westerly southwest corner of the herein described tract, also being on said monumented east ROW of Neuman Road as presently occupied, and being on the west line of a 40' wide Brookshire-Katy Drainage District Easement as recorded under W.C.D.R. Vol. 180, Pg. 617;

THENCE, with the line common to said 257.540 acre tract, and said monumented east ROW of Neuman Road, and said west line of a 40' wide Brookshire-Katy Drainage District Easement, North 01 degrees 58 minutes 32 seconds West, a distance of 2699.99 feet to the **POINT OF BEGINNING** and containing 257.543 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

A District Boundary Map of the subject tract has been prepared by Miller Survey and accompanies this description.


John Mark Otto, R.P.L.S.
Texas Registration No. 6672



Miller Survey | DCCM
www.millersurvey.com
Texas Firm Reg. 10047100
Ph: (713) 413-1900
M&B No. 221180-R1
Dwg. No. 4375-MUD-43
Date: August 23, 2022
Revised: March 3, 2023

Exhibit B - Consent Conditions

(a) The purposes for which the District may issue bonds are limited to the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to: provide a water supply for municipal uses, domestic uses and commercial purposes; collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; gather, conduct, divert and control local storm water or other local harmful excesses of water in the District; construct, acquire, improve, maintain and operate macadamized, graveled, or paved roads, or improvements in aid of those roads pursuant to Section 54.234, Texas Water Code; construct, acquire, improve, maintain, and operate parks and recreational facilities pursuant to Sections 49.461 - 49.466, Texas Water Code; the payment of organization expenses, operation expenses during construction and interest during construction; and any such other things as authorized by law from time to time. Such bonds must expressly provide that the District reserves the right to redeem the bonds without premium on any interest payment date subsequent to the tenth (10th) anniversary of the date of issuance and that public bids shall be taken on the sale of all bonds, other than refunding bonds, unless otherwise specifically authorized by law. No bonds, other than refunding bonds, may be sold for less than 95% 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, may 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 bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given.

(b) Plans and specifications for the construction of any facilities financed in whole or in part with bond proceeds or any public water, sanitary sewer, drainage or related facilities constructed to serve land in the District must be submitted to the City and approved prior to the commencement of construction. All water wells, water meters, all valves, pipes and appurtenances installed or used within the District shall conform 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 the District, or its engineer, shall give written notice by registered or certified mail 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 representative thereof, shall be permitted to make periodic on-the-ground inspections. After construction, the District shall deliver to the City a final copy of all final plans,

with a certification by the District's engineer that the facilities have been constructed in general conformance with such plans.

(c) The District shall provide the City with reasonable notice of all meetings of its governing Board of Directors by mailing to the Mayor a copy of each notice and agenda of each meeting held by the District.

(d) On an annual basis, the District shall file with the City Secretary of the City, a copy of its annual audit report.

(e) All land will be identified as "Pattison" in all marketing, promotional, advertising, and other similar materials.

(f) No land may be added or annexed to the District until the City has given its written consent by ordinance or resolution of the City Council to such addition or annexation.

(g) The District may not provide permanent water or wastewater service outside the boundaries of the District without written authorization from the City and will not enter into an agreement with another district, municipality, or water authority to receive permanent water or wastewater services without the prior written authorization from the City.

(h) Prior approval by the City is required for all easements granted by the District to entities outside the District.

(i) The District will not be dissolved by the City until (1) [the first to occur of (x) development of ninety percent (90%) of all lots in the District or (y) thirty (30) years from the date of creation of the District] and (2) the District has issued all of its ad valorem tax bonds and reimbursed the applicable developer, to the maximum extent permitted by law, for the developer's costs in installing and constructing the public water, sewer and drainage facilities, public roads, and parks and recreational facilities serving the District.