



ORDINANCE NO. 185-2024

**AN ORDINANCE THE CITY OF THE CITY OF PATTISON, TEXAS
CONSENTING TO A PETITION FOR THE CREATION OF
WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 42 AND
ESTABLISHING CONDITIONS APPLICABLE TO THE CREATION
OF THE DISTRICT.**

* * * * *

WHEREAS, on or about August 6, 2024, BGM LAND INVESTMENTS, LTD (the “Petitioner”), an affiliate of Woodmere Development Company, LTD. 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 Petitioners 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 416.439 acres of land to be known as “Waller County Municipal Utility District No. 42” (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 “A”.

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

PASSED, APPROVED, and ADOPTED this the 12 day of September 2024.



Daphney Kirby, Mayor

ATTEST:



Lorene Hartfiel, City Secretary



EXHIBIT "A"

THE PETITION WITH CONSENT CONDITIONS

EXHIBIT "A"

PETITION FOR CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT

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

The undersigned, BGM LAND INVESTMENTS, LTD., a Texas limited partnership (herein the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, as amended, respectfully petitions the City Council of the CITY OF PATTISON, TEXAS, 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. 42 (the "District").

II.

The District shall be created and organized under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 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 416.439 acres of land, more or less, situated in Waller County, Texas. All or a portion of the land is within the extraterritorial jurisdiction (as such term is defined in Local Government Code Section 42.021 et seq., as amended) 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 by metes and bounds 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, as indicated by the certificate of ownership provided by the Waller County Appraisal District and supplemented, as needed, by certified deeds recorded in the Official Public Records of Waller County, Texas.

V.

The Petitioner represents that there are no lienholders on the Land other than FIELDSTONE COLORADO CORPORATION, THE HAROLD BLUMENSTEIN AND PENNY B. BLUMENSTEIN IRREVOCABLE TRUST II, THE PAT MEDORS 2009 FAMILY TRUST, THE JAMES GROSFELD TRUST U/A/D DECEMBER 16, 1988 AS AMENDED, ROGER B. MEDORS, GROSFELD BGM INVESTMENTS LLC, AND THE ROGER AND PAT MEDORS 2010 REVOCABLE LIVING TRUST and that there are no residents on the Land.

VI.

The general nature of the work 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 parks and recreational facilities, and road facilities, systems, plants and enterprises as shall be consistent with all of the purposes for which the District is created.

VII.

There is, for the following reasons, a necessity for the above-described work. The Land 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 residential and commercial uses, an adequate waterworks system, sanitary sewer system, or drainage and storm sewer system or adequate road facilities, 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 and road facilities and 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 and road facilities 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.

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 attached hereto and incorporated herein for all purposes. Petitioner hereby covenants that if the requested consent to creation of the District is given, Petitioner will adopt and abide by said conditions.

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 \$68,000,000.

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 \$10,500,000.

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 \$25,525,000.

XII.

The total cost of the proposed District's projects is estimated by the Petitioner to be approximately \$104,025,000.

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

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED this 2nd day of August, 2024.

BGM LAND INVESTMENTS, LTD.,
a Texas limited partnership

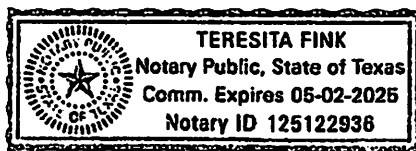
By: GP LandVest, LLC,
a Texas limited liability company,
its General Partner

By: Roger B. Medors
Roger B. Medors, Manager

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on August 2, 2024,
by Roger B. Medors, as Manager of GP LandVest, LLC, a Texas limited liability company,
General Partner of BGM LAND INVESTMENTS, LTD., a Texas limited partnership, on
behalf of said limited liability company and said limited partnership.

(Notary Seal)



Teresita Fink
Notary Public, State of Texas

Attachments:

- Exhibit A: Description of the Land
- Exhibit B: Conditions of City of Pattison

County: Waller County
Project: Waller County MUD 42
M&B No. 231089-R1
MSG Job No. 4232-MUD

**FIELD NOTES FOR A 416.439 ACRE TRACT
WALLER COUNTY MUNICIPAL UTILITY DISTRICT No. 42**

Being a tract of land containing 416.439 acres (18,140,102 square feet) located in the W. W. Snyder Survey, Abstract Number (No.) 339, Waller County, Texas; said 416.439 acre tract being a portion of a called 507.219 acre tract recorded in the name of BGM Land Investments, Ltd., in Waller County Clerk's File (W.C.C.F.) No. 202113213; said 416.439 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):

COMMENCING at a 3/4-inch iron pipe found on the north Right-of-Way (R.O.W.) line of Morton Road (80-feet wide per occupation, no record document found), at the southeast corner of a called 18.451 acre tract recorded in the name of Elias Guzman and Dolores J. Guzman in Volume (Vol.) 1183, Page (Pg.) 104, Waller County Deed Records (W.C.D.R.), marking the southwest corner of said 507.219 acre tract;

THENCE, with the north R.O.W. line of said Morton Road and the south line of said 507.219 acre tract, North 87 degrees 54 minutes 32 seconds East, a distance of 1,824.65 feet to an angle point at the beginning of a non-tangent curve to the left, being on the east line of City of Pattison City Limit Line per Annexing Ordinance No. 31 of record in Vol. 378, Pg. 920, W.C.D.R., for the southerly southwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, with the east and north lines of said City of Pattison City Limit Line and through and across said 507.219 acre tract, the following two (2) courses:

1. 2,785.83 feet along the arc of said non-tangent curve to the left, having a radius of 5,280.00 feet, a central angle of 30 degrees 13 minutes 49 seconds, and a chord that bears North 24 degrees 17 minutes 19 seconds West, a distance of 2,753.63 feet to an angle point;
2. South 50 degrees 35 minutes 46 seconds West, a distance of 1,619.82 feet to an angle point on the east line of a called 12.00 acre tract recorded in the name of Vichayitos Properties, LLC in W.C.C.F. No. 201502313 and the west line of said 507.219 acre tract;

Exhibit A, Page 2 of 3 Pages

THENCE, with the line common to said 507.219 acre tract, said 12.00 acre tract, and a called 24.472 acre tract recorded in the name of Vichayitos Properties, LLC in W.C.C.F. No. 201502313, North 19 degrees 54 minutes 46 seconds West, distance of 1,609.35 feet to an angle point on the easterly R.O.W. line of Farm to Market (F.M.) 362 (100-foot wide per occupation and TxDOT map, CSJ: 0523-02-049, Sheets 54-63), being the most northerly corner of said 24.472 acre tract, marking the most westerly corner of said 507.219 acre tract and the herein described tract, from which a 3/4-inch iron pipe found bears South 21 degrees 07 minutes East, a distance of 1.4 feet;

THENCE, with the easterly R.O.W. line of said F.M. 362 and the westerly line of said 507.219 acre tract, the following two (2) courses:

1. North 32 degrees 06 minutes 23 seconds East, at a distance of 180.03 feet passing a TxDOT disk found, continuing a distance of 2,458.83 feet to a TxDOT disk found at the beginning of a curve to the left;
2. 106.84 feet along the arc of said curve to the left, having a radius of 622.96 feet, a central angle of 09 degrees 49 minutes 36 seconds, and a chord that bears North 27 degrees 11 minutes 34 seconds East, a distance of 106.71 feet to an angle point at the intersection of the easterly R.O.W. line of said F.M. 362 and the southerly R.O.W. line of Gassner Lane (50-foot wide per occupation, no record document found), marking the northwest corner of said 507.219 acre tract and the herein described tract;

THENCE, with the southerly R.O.W. line of said Gassner Lane and the north line of said 507.219 acre tract, North 87 degrees 53 minutes 17 seconds East, a distance of 2,781.88 feet to a 1/2-inch iron pipe found at the northwest corner of a called 1.6045 acre tract recorded in the name of Brandon L. England in Vol. 1238, Pg. 681, W.C.D.R., marking a northeasterly corner of said 507.219 acre tract and the herein described tract;

THENCE, with the line common to said 507.219 and said 1.6045 acre tract, South 02 degrees 06 minutes 43 seconds East, a distance of 389.84 feet to a 1/2-inch iron pipe found at the southwest corner of said 1.6045 acre tract;

THENCE, with the line common to said 507.219 acre tract, said 1.6045 acre tract, and a called 2.345 acre tract recorded in the name of Diane Galicia in W.C.C.F. No. 201906066, and through and across said 507.219 acre tract, North 87 degrees 53 minutes 17 seconds East, a distance of 646.67 feet to an angle point on the westerly R.O.W. line of Neuman Road also known as Stalknecht Road (100-foot wide per occupation, no record document found) being the east line of said 507.219 acre tract, for the northeast corner of the herein described tract;

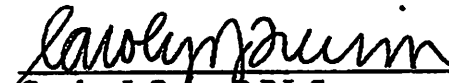
Exhibit A , Page 3 of 3 Pages

THENCE, with the westerly R.O.W. line of said Neuman Road and the east line of said 507.219 acre tract, South 01 degrees 58 minutes 03 seconds East, a distance of 4,837.99 feet to a 3/4-inch iron pipe found at the intersection of the northerly R.O.W. line of said Morton Road and the westerly R.O.W. line of said Neuman Road, marking the southeast corner of said 507.219 acre tract and the herein described tract;

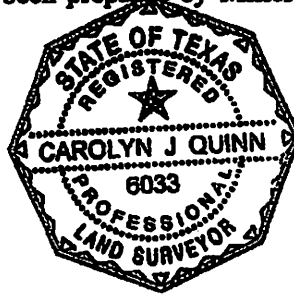
THENCE, with the northerly R.O.W. line of said Morton Road and the south line of said 507.219 acre tract, South 87 degrees 54 minutes 32 seconds West, a distance of 2,031.25 feet to the **POINT OF BEGINNING** and containing 416.439 acres of land.

This document was prepared under 22 TAC 138.95, 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.



Carolyn J. Quinn, R.P.L.S.
Texas Registration No. 6033



Miller Survey Group | DCCM
Texas Firm Reg. No. 10047100
www.millersurvey.com
Ph: (713) 413-1900
M&B No. 231089
Dwg No. 4232-MUD
Date: May 2, 2023;
Revised: December 8, 2023

EXHIBIT B

(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 pave roads, or improvements in aid of those roads pursuant to Section 54.234, 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, 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 "as-builts."

(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. In addition, the District shall provide the City with a certified copy of all minutes of such meetings.

(d) On an annual basis, the District shall file with the City Secretary of the City, a copy of its annual audit report, a report on the status of construction and bond sales, and a copy of its proposed and final budgets for the following year showing expenses, income, and revenue.

(e) 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.

(f) The District may not provide 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 water or wastewater services without the prior written authorization from the City.

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

(h) 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 and public roads serving the District.