

ORDINANCE NO. 2015-1174

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, APPROVING PETITIONS FOR CONSENT TO CREATION AND SUPPORT OF LEGISLATION FOR FULSHEAR MUNICIPAL UTILITY DISTRICT NOS. 4, 5, AND 6 (THE "DISTRICTS").

* * * * *

WHEREAS, the City of Fulshear, Texas (the "City") received the petition of Highland Management, Inc. ("Petitioner"), requesting the City's consent to the creation of Fulshear Municipal Utility District No. 4, containing approximately 227.024 acres of land wholly within the corporate limits of the City, being more particularly described in the attached **Exhibit A(4)**; Fulshear Municipal Utility District No. 5, containing approximately 636.76 acres of land partially within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City, being more particularly described in the attached **Exhibit A(5)**; and Fulshear Municipal Utility District No. 6, containing approximately 631.62 acres of land wholly within the extraterritorial jurisdiction of the City, being more particularly described in the attached **Exhibit A(6)** (collectively, the "Districts"); and

WHEREAS, Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code provide that land within a city's corporate limits or extraterritorial jurisdiction may not be included within a municipal utility district without the city's written consent; and

WHEREAS, the Petitioner submitted to the City proposed legislation creating the Districts (the "Legislation"), attached hereto as **Exhibit B** and incorporated herein by reference; and

WHEREAS, the Legislation requires the Districts to comply with all applicable restrictions or conditions provided by the City pursuant to Section 54.016 or 54.0165 of the Texas Water Code; and

WHEREAS, pursuant to Section 54.016 of the Texas Water Code, the City desires to provide for certain restrictions or conditions ("Consent Conditions"), as fully set forth in **Exhibit C** and incorporated herein by reference; and

WHEREAS, after due consideration, it is the opinion of the City Council that consent to the creation of the Districts should be given, subject to the Consent Conditions;

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

Section 1. That the facts set out in the preamble are true and correct and incorporated herein for all purposes.

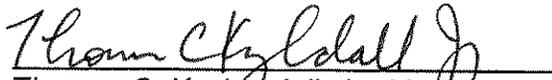
Section 2. That the City of Fulshear, Texas, hereby consents to the creation of Fulshear Municipal Utility District No. 4, containing approximately 227.024 acres of land wholly within the corporate limits of the City, being more particularly described in the attached **Exhibit A(4)**; Fulshear Municipal Utility District No. 5, containing approximately 636.76 acres of land partially within the corporate limits of the City and partially within the extraterritorial jurisdiction of the City, being more particularly described in the attached **Exhibit A(5)**; and Fulshear Municipal Utility District No. 6, containing approximately 631.62 acres of land wholly within the extraterritorial jurisdiction of the City, being more particularly described in the attached **Exhibit A(6)** (collectively, the "Districts").

Section 3. That the consent granted herein is only an authorization to initiate proceedings to create the Districts by introducing proposed legislation substantially similar in all material respects to the Legislation attached hereto as **Exhibit B**.

Section 4. That the consent to the creation of Fulshear Municipal Utility District Nos. 4, 5 and 6 is subject to the restrictions or conditions set forth in **Exhibit C** and agreed to herein by Petitioner.

Section 5. In no way is this Ordinance considered an "allocation agreement" between the District and the City, as provided under Texas Water Code Section 54.016.

PASSED, APPROVED, and ADOPTED on the 29th day of January, 2015.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

EXHIBIT "A(4)"
(Legal description of property)

HENRY STEINKAMP, INC.
Land Boundary & Topographic Surveying
909 Fifth Street
Rosenberg, Texas 77471
Telephone/Fax 281.342.2241
email: schodek@yahoo.com

Franklin R. Schodek
Registered Professional Land Surveyor

James L. Syptak, Sr.
Registered Professional Land Surveyor

September 13, 2013
Revised: September 19, 2013

A Field Note Description of 227.024 Acres of Land, being the same call 227.08 Acre Tract of Land (Volume 1376, Page 598; Deed Records of Fort Bend County, Texas), and being out of the original W.J. Walker, Jr. call 318.91 Acre Tract in the David Randon & I. Pennington League, Abstract No. 75, Fort Bend County, Texas.

For Connection Begin at the Northeast corner of said David Randon & I. Pennington League, Abstract No. 75; THENCE, Call South 00deg.22'30" West, 2653.0 feet to a 5/8 inch capped iron rod stamped "1535-4035" set marking the Northeast corner of and **place of beginning** for this tract;

THENCE, South 00deg.17'17" East, along a wire fence line, 2420.0 feet to a 1 inch iron pipe found marking the Southeast corner of this tract;

THENCE, North 89deg.59'30" West, along the North line of the **ELLIS CATTLE COMPANY DIVISION** (an unrecorded subdivision), at 297.6 feet pass a Seaway Pipeline (Enterprise), at 305.4 feet pass another Seaway Pipeline (Enterprise), at 330.1 feet pass the Exxon Pipeline, continuing along a fence line, at 3754.49 feet pass the Phillips Pipeline, at 3860.19 feet pass a 1 inch iron pipe found in the East right-of-way line of Bois D' Arc Lane (width varies), in all 3888.0 feet to a point in the center of said Bois D' Arc Lane marking the Southwest corner of this tract; said point also marks the Northwest corner of the Pamela Carr call 7.036 Acre Tract (FBC 2006054222)

THENCE, North 00deg.40'36" East, 2580.18 feet along a line is said Bois D' Arc Lane to a point marking the Northwest corner of this tract;

THENCE, South 89deg.59'38" East, at 30.26 feet pass a 1 inch iron pipe found in the East right-of-way line of said Bois D' Arc Lane, then along the South line of **BOIS D'ARC ESTATE ACRES** (an unrecorded subdivision), in all 2769.04 feet to a 1 inch iron pipe found marking an angle point;

THENCE, South 81deg.31'45" East, passing said Exxon Pipeline and two Seaway Pipelines (Enterprise), 1088.2 feet to the place of beginning and containing 227.024 Acres of Land, including 1.720 Acres in Bois d' Arc Lane, leaving a net of 225.304 Acres.

Signed: Franklin R. Schodek
Registered Professional Land Surveyor No. 1535

EXHIBIT "A" (5) "
(Legal description of property)

October 8, 2014

M.U.D. - Tract 1

636.76 acres in the D. Randon & I. Pennington Survey, Abstract No. 75, and in the Churchill Fulshear Survey, Abstract No. 29, Fort Bend County, Texas

A FIELD NOTE DESCRIPTION of a 636.76 acre tract of land in the D. Randon & I. Pennington Survey, Abstract No. 75, and in the Churchill Fulshear Survey, Abstract No. 29, Fort Bend County, Texas; said 636.76 acre tract being that same called 635.1725 acre tract of land conveyed to Highland Management, Inc., as recorded in Volume 1438, Page 632 of the Fort Bend County Deed Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

COMMENCING FOR REFERENCE at a fence post found for the northeast corner of a called 514.321 acre tract conveyed to said Highland Management, Inc., as recorded in Volume 801, Page 410 of the Fort Bend County Deed Records;

THENCE, South 88° 42' 45" West – 40.00 feet with the north line of said 514.321 acre tract to a fence post broken off at ground level found for the southeast corner of a 200.013 acre tract of land conveyed to Highland Management, Inc., as recorded in Volume 1089, Page 165 of the Fort Bend County Deed Records;

THENCE, North 01° 12' 55" West – 1,244.75 feet with the west right-of-way line of Montgomery Road and with the east line of said 200.013 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an angle point;

THENCE, North 04° 04' 05" West – 116.45 feet with the west right-of-way line of Montgomery Road and with the east line of said 200.013 acre tract to a TXDOT monument disk found corner;

THENCE, South 87° 26' 43" West – 48.23 feet with the south line of a tract of land conveyed to the County of Fort Bend, as recorded in Volume 2205, Page 1910 of the Fort Bend County Deed Records to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for corner;

THENCE, North 02° 33' 17" West with the west line of said County of Fort Bend tract, at a distance of 213.19 feet pass a 5/8-inch iron rod with cap stamped "T.E.A.M." set and continuing for a total distance of 414.35 feet to a point for a south corner and POINT OF BEGINNING of this tract;

THENCE the following courses and distances with the north line of Cottonwood Slough:

- 1.) North 32° 21' 49" West - 134.59 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 2.) In a northwesterly direction with a curve to the left having a radius of 175.00 feet, a central angle of 44° 24' 58", a length of 135.66 feet, and a chord bearing North 54° 52' 13" West – 132.29 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 3.) North 32° 39' 45" West - 177.53 feet to a 1-1/4-inch iron pipe found;

THENCE the flowing courses and distances with a line parallel to and approximately 200 feet north of the centerline of an existing canal:

- 1.) In a southwesterly direction with a curve to the left having a radius of 325.00 feet, a central angel of 38° 59' 02", a length of 221.13 feet, and a chord bearing South 60° 28' 27" West – 216.89 feet to a 1-1/4-inch iron pipe found;
- 2.) South 41° 01' 32" West – 1,644.35 feet to a 1-1/4-inch iron pipe found;
- 3.) In a westerly direction with a curve to the right having a radius of 516.80 feet, a central angel of 61° 36' 54", a length of 555.76 feet, and a chord bearing South 71° 50' 37" West – 529.36 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 4.) North 77° 20' 57" West - 288.00 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 5.) In a northwesterly direction with a curve to the right having a radius of 771.50 feet, a central angel of 21° 11' 00", a length of 285.24 feet, and a chord bearing North 66° 45' 27" West – 283.62 feet to a 1-1/4-inch iron pipe found;
- 6.) North 56° 09' 57" West – 1,498.21 feet to a 1-1/4-inch iron pipe found;
- 7.) In a northwesterly direction with a curve to the left having a radius of 816.50 feet, a central angel of 13° 11' 30", a length of 187.99 feet, and a chord bearing North 62° 35' 06" West – 187.57 feet to a 1-1/4-inch iron pipe found;
- 8.) North 69° 18' 32" West - 368.65 feet to a 1/2-inch iron pipe found;
- 9.) North 72° 04' 49" West – 1,006.13 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set to replace a disturbed 1-1/4-inch iron pipe found for a southwest corner of this tract;

THENCE, North 01° 00' 37" West - 417.97 feet with the east line of Gulf Coast Water Authority Pumping Station, as recorded in Volume 138, Page 170 and Volume 121, Page 301 of the Fort Bend County Deed Records to a 3/4-inch iron pipe found for an interior corner of this tract;

THENCE, North 82° 42' 48" West – 447.90 feet with the north line of said Gulf Coast Water Authority Pumping Station to a 3/4-inch iron pipe found for an angle point of this tract;

THENCE, North 78° 57' 13" West with the north line of said Gulf Coast Water Authority Pumping Station, at a distance of 485.02 feet pass a 5/8-inch iron rod with cap stamped "T.E.A.M." set and continuing for a total distance of 585.02 feet to a point for a west corner of this tract;

THENCE, North 73° 20' 40" East – 477.14 feet with the south line of a tract of land conveyed to Transcontinental Gas Pipeline Corporation, as recorded in Volume 272, Page 532 of the Fort Bend County Deed Records, at a distance of 100 feet pass a 5/8-inch iron rod with cap stamped "T.E.A.M." set and continuing for a total distance of 477.14 feet to a 1/2-inch iron pipe found for an interior corner of this tract;

THENCE, North 16° 39' 20" West - 150.00 feet with the east line of said Transcontinental Gas Pipeline Corporation tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an interior corner of this tract; from which a 1/2-inch iron pipe found bears North 75° 16' 06" East – 7.39 feet; also from which a 3/4-inch iron pipe found bears North 75° 06' 23" West – 25.71 feet;

THENCE, South 73° 20' 40" West with the north line of said Transcontinental Gas Pipeline Corporation tract, at a distance of 443.79 feet pass a 5/8-inch iron rod with cap stamped "T.E.A.M." set and continuing for a total distance of 543.79 feet to a point in the lowest bank of the Brazos River at the mature vegetation growth for a southwest corner of this tract;

THENCE, the following two courses and distances along the lowest bank of the Brazos River at the mature vegetation growth:

- 1.) North 28° 02' 36" West – 416.20 feet to a point;
- 2.) North 22° 27' 03" West - 405.70 feet to a point in the centerline of Fulshear Creek;

THENCE, with the centerline of said Fulshear Creek the following twenty four courses and distances:

- 1.) North 05° 49' 46" East - 100.03 feet to a point;
- 2.) North 10° 15' 10" East - 49.43 feet to a point;
- 3.) North 01° 08' 50" West - 153.09 feet to a point;
- 4.) North 17° 00' 01" West - 61.41 feet to a point;
- 5.) North 26° 45' 17" West - 239.18 feet to a point;
- 6.) North 01° 17' 17" East - 113.22 feet to a point;
- 7.) North 24° 32' 42" East - 108.82 feet to a point;
- 8.) North 37° 42' 16" East - 136.42 feet to a point;
- 9.) North 56° 21' 03" East - 94.64 feet to a point;
- 10.) North 75° 04' 37" East - 115.64 feet to a point;
- 11.) North 58° 04' 04" East - 72.09 feet to a point;
- 12.) North 16° 14' 40" East - 41.14 feet to a point;
- 13.) North 06° 12' 56" West - 65.26 feet to a point;
- 14.) North 19° 51' 43" West - 35.03 feet to a point;
- 15.) North 29° 54' 57" West - 25.60 feet to a point;
- 16.) North 17° 09' 05" West - 64.07 feet to a point;
- 17.) North 07° 30' 33" West - 113.18 feet to a point;
- 18.) North 20° 21' 38" West - 145.53 feet to a point;
- 19.) North 23° 57' 03" West - 80.13 feet to a point;
- 20.) North 30° 00' 50" West - 152.00 feet to a point;
- 21.) North 19° 40' 07" West - 45.93 feet to a point;
- 22.) North 02° 27' 59" East - 92.84 feet to a point;
- 23.) North 05° 08' 30" West - 139.91 feet to a point;
- 24.) North 15° 23' 49" East - 67.42 feet to a point for a northwest corner of this tract;

THENCE, North 89° 40' 14" East, at a distance of 159.51 feet pass a car axle found and continuing for a total distance of 655.88 feet with the south line of a tract of land conveyed to Jeffrey Jacob Schaatt, as recorded in Fort Bend County Clerk's File No. 9440230 to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an angle point of this tract;

THENCE, North 88° 58' 48" East - 633.16 feet with the south line of a 9.44 acre tract, as surveyed by Charlie Kalkomey, RPLS No. 1399, on October 16, 2003, to a flat iron bar found for an interior corner of this tract;

THENCE, North 01° 31' 53" West – 451.97 feet with the east line of said 9.44 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for a northwest corner of this tract; from which a 3/4-inch iron pipe found bears North 68° 23' 31" East – 1.21 feet;

THENCE, North 68° 23' 31" East - 669.50 feet with the south line of a 38.27 acre tract conveyed to Dan J. Harrison, Jr., as recorded in Volume 512, Page 107 of the Fort Bend County Deed Records to a 3/4-inch iron pipe found for an angle point of this tract;

THENCE, North 69° 32' 30" East - 155.02 feet with the south line of a 18.35 acre tract of land conveyed to Dan J. Harrison, Jr, as recorded in Volume 512, Page 110 of the Fort Bend County Deed Records and with the south line of a 2.83 acre tract of land conveyed to Harrison Interests, Ltd., as recorded in Fort Bend County Clerk's File No. 9669126 to a 3/4-inch iron pipe found for an angle point of this tract;

THENCE, North 87° 47' 02" East - 378.33 feet with the south line of said Harrison Interests, Ltd. tract and with the south line of a 1.0 acre tract of land conveyed to Dan J. Harrison III, as recorded in Fort Bend County Clerk's File No. 2007136540 to a 1-1/4-inch iron pipe found for a northeast corner of this tract;

THENCE, South 01° 35' 13" East with the west line of a tract of land conveyed to Derrick B. Woods and Gloria Kelly, as recorded in Fort Bend County Clerk's File No. 2007013056, at a distance of 750.90 feet pass a 3/4-inch iron pipe found and continuing for a total distance of 1,478.13 feet with the west line of a tract of land conveyed to Laura Monroe, as recorded in Fort Bend County Clerk's File No. 2002085617 to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an interior corner of this tract;

THENCE, North 88° 15' 42" East with the south line of said Laura Monroe tract, at a distance of 654.48 feet pass a 5/8-inch iron rod with cap stamped "1943 4349" found and continuing for a total distance of 773.44 feet to a 5/8-inch iron rod with cap stamped "1943 4349" found for a northeast corner of this tract; from which a 1-1/4-inch iron pipe found bears South 78° 16' 03" West - 6.68 feet;

THENCE, South 00° 48' 50" East - 905.14 feet with the west line of a tract of land conveyed to Kimberly J. Renshaw, Trustee, as recorded in Fort Bend County Clerk's File No. 2003116900 and as surveyed by C. Tim Griffith, RPLS No. 4349 on December 09, 2002, to a 5/8-inch iron rod with cap stamped "1048 4948" found for an interior corner of this tract; from which a 1-1/4-inch iron pipe found bears South 83° 55' 10" West - 15.65 feet;

THENCE, North 88° 14' 41" East - 529.27 feet with the south line of said Kimberly J. Renshaw tract, as surveyed by said C. Tim Griffith to a 5/8-inch iron rod found for an interior corner of this tract; from which a 1-inch iron pipe found bears South 71° 00' 07" West - 9.87 feet;

THENCE, North 00° 48' 32" West with the east line of said Kimberly J. Renshaw tract, as surveyed by said C. Tim Griffith, at a distance of 904.99 feet pass a 5/8-inch iron rod with cap stamped "Kaluza" found and continuing for a total distance of 1,631.92 feet to a 3/4-inch iron rod found for an angle point of this tract;

THENCE, North 00° 23' 13" West - 525.84 feet with the east line of said Derrick B. Woods and Gloria Kelly tract to a 1-1/4-inch iron pipe found in the south right-of-way line of Red Bird Lane for a northwest corner of this tract;

THENCE, North 83° 40' 55" East - 627.27 feet with the south right-of-way line of said Red Bird Lane to a 1-1/4-inch iron pipe found for an angle point of this tract;

THENCE, North 80° 56' 53" East - 340.41 feet with the south right-of-way line of said Red Bird Lane to a 3/4-inch iron pipe found for an angle point of this tract;

THENCE, North 69° 57' 23" East - 213.19 feet with the south right-of-way line of said Red Bird Lane to a 1-1/4-inch iron pipe found for an angle point of this tract;

THENCE, North 88° 34' 50" East - 754.52 feet with the south right-of-way line of said Red Bird Lane to a 1-1/4-inch iron pipe found for a northeast corner of this tract; from which a 3/4-inch iron pipe found bears North 13° 42' 36" East - 28.03 feet

THENCE, South 00° 49' 07" East - 152.65 feet to a point in Cottonwood Slough for an interior corner of this tract;

THENCE, North 89° 11' 54" East - 516.40 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for a northeast corner of this tract;

THENCE, South 01° 11' 18" East - 178.00 feet with the west line said Pleasant Hill Cemetery, as recorded in Fort Bend County Clerk's File No. 2002098914 to a point in Cottonwood Creek for an interior corner of this tract;

THENCE, North 83° 23' 44" East - 489.40 feet with the south line of said Pleasant Hill Cemetery to a 1-1/4-inch iron pipe found for a northeast corner of this tract;

THENCE, South 00° 31' 15" East - 2,678.08 feet with the east line of said 635.1725 acre tract and with the west right-of-way line of Bois D'Arc Lane to a 1-1/4-inch iron pipe found for an angle point of this tract;

THENCE, South 02° 20' 36" East feet with the east line of said 635.1725 acre tract and with the west right-of-way line of said Bois D'Arc Lane, at a distance of 1,32.24 feet pass a 3/4-inch iron pipe found and continuing for a total distance of 1,702.81 feet to a TXDOT monument disk found for a southeast corner of this tract;

THENCE, South 87° 26' 43" West - 37.53 feet with the north line of said County of Fort Bend tract to a TXDOT monument disk found for an interior corner of this tract;

THENCE, South 02° 33' 17" East - 7.65 feet with the west line of said County of Fort Bend tract to the POINT OF BEGINNING and containing 636.76 acres

Note: This metes-and-bounds description was written in conjunction with a survey performed on even date herewith.

COMPILED BY:
Texas Engineering And Mapping Co.
Civil Engineers - Land Surveyors
Firm Registration No. 10119000
Stafford, Texas
Job No. 1126-1
WA1126-1_MUD_North.doc




Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

EXHIBIT "A" (6) "
(Legal description of property)

October 8, 2014

M.U.D. – Tract 2

**631.62 acres in the D. Randon & I. Pennington Survey, Abstract No. 75, and
in the Churchill Fulshear Survey, Abstract No. 29
Fort Bend County, Texas**

A FIELD NOTE DESCRIPTION of a 631.62 acre tract of land in the D. Randon & I. Pennington Survey, Abstract No. 75, and in the Churchill Fulshear Survey, Abstract No. 29, Fort Bend County, Texas; said 631.62 acre tract being all of called 200.013 acre tract of land conveyed to Highland Management, Inc., as recorded in Volume 1089, Page 165 of the Fort Bend County Deed Records, and being out of a called 514.321 acre tract of land conveyed to Highland Management, Inc., as recorded in Volume 801, Page 410 of the Fort Bend County Deed Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a fence post found for the northeast corner of said called 514.321 acre tract for a northeast corner of this tract;

THENCE, South $01^{\circ} 42' 53''$ East – 5,953.33 feet with the east line of said 514.321 acre tract to a point for a southeast corner of this tract; from which a 5/8-inch iron rod with cap stamped "T.E.A.M." set bears South $01^{\circ} 42' 53''$ East – 1,411.13 feet;

THENCE, South $89^{\circ} 17' 07''$ West – 1,992.07 feet to a point in the lowest bank of the Brazos River at the mature vegetation growth for the southwest corner of this tract;

THENCE, the following courses and distances along the lowest bank of the Brazos River at the mature vegetation growth:

1. North $03^{\circ} 11' 41''$ West – 430.76 feet;
2. North $06^{\circ} 04' 31''$ East – 26.26 feet;
3. North $12^{\circ} 54' 35''$ West – 565.76 feet;
4. North $22^{\circ} 25' 36''$ West – 644.88 feet;
5. North $27^{\circ} 40' 58''$ West – 307.69 feet;
6. North $29^{\circ} 38' 28''$ West – 437.35 feet;
7. North $31^{\circ} 48' 49''$ West – 627.73 feet;
8. North $38^{\circ} 31' 29''$ West – 562.58 feet;
9. North $46^{\circ} 01' 27''$ West – 449.81 feet;
10. North $45^{\circ} 15' 08''$ West – 697.67 feet;
11. North $48^{\circ} 07' 57''$ West – 497.49 feet;
12. North $50^{\circ} 57' 15''$ West - 593.34 feet;
13. North $68^{\circ} 49' 05''$ West - 424.90 feet;
14. North $53^{\circ} 29' 12''$ West - 562.34 feet;
15. North $34^{\circ} 16' 18''$ West - 808.37 feet;
16. North $15^{\circ} 44' 19''$ West - 467.54 feet to a point for a northwest corner of this tract;

THENCE, North $87^{\circ} 31' 50''$ East - 1,007.16 feet with the south line of a Gulf Coast Water Authority Pumping Station, as recorded in Volume 138, Page 170 and Volume 121, Page 301 of the Fort Bend County Deed Records to a 3/4-inch iron pipe found for an interior corner of this tract;

THENCE, North 03° 56' 57" West - 625.49 feet with the east line of said Gulf Coast Water Authority Pumping Station and with the west line of said 200.013 acre tract to a 3/4-inch iron pipe found for an angle point of this tract;

THENCE, North 05° 00' 40" West - 776.08 feet with the east line of said Gulf Coast Water Authority Pumping Station and with the west line of said 200.013 acre tract to a point in a 54-inch pecan tree for an angle point of this tract;

THENCE, North 17° 29' 55" East - 43.79 feet with the east line of said Gulf Coast Water Authority Pumping Station and with the west line of said 200.013 acre tract to a fence post found for an angle point of this tract;

THENCE, North 00° 21' 32" West - 46.08 feet with the east line of said Gulf Coast Water Authority Pumping Station and with the west line of said 200.013 acre tract to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for a northwest corner of this tract; from which a 1/2-inch iron pipe found bears South 00° 21' 32" East - 7.66 feet;

THENCE, the following ten courses and distances with a line parallel to and approximately 50 feet south of the centerline of an existing canal:

- 1.) South 72° 04' 49" East - 894.48 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 2.) South 69° 18' 32" East - 362.30 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 3.) In a southeasterly direction with a curve to the right having a radius of 566.50 feet, a central angle of 13° 12' 05", a length of 130.53 feet and a chord bearing South 62° 33' 16" East - 130.24 feet;
- 4.) South 56° 09' 57" East - 1,498.63 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 5.) In a southeasterly direction with a curve to the left having a radius of 1,021.50 feet, a central angle of 21° 11' 00", a length of 377.67 feet and a chord bearing South 66° 45' 27" East - 375.52 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 6.) South 77° 20' 57" East - 288.00 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 7.) In a northeasterly direction with a curve to the left having a radius of 766.80 feet, a central angle of 61° 38' 12", a length of 824.90 feet and a chord bearing North 71° 49' 58" East - 785.69 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 8.) North 41° 01' 32" East - 1,644.40 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 9.) In an easterly direction with a curve to the right having a radius of 75.00 feet, a central angle of 106° 36' 38", a length of 139.55 feet and a chord bearing South 85° 40' 08" East - 120.27 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;
- 10.) South 32° 21' 49" East - 308.27 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an angle point;

THENCE, South 02° 33' 17" East - 213.19 feet with the west line of a tract of land conveyed to the County of Fort Bend, as recorded in Volume 2205, Page 1910 of the Fort Bend County Deed Records to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an interior corner of this tract;

THENCE, North 87° 26' 43" East - 48.23 feet to a TXDOT disk found for a northeast corner of this tract;

THENCE, South 04° 04' 05" East - 116.45 feet with the east line of said 200.013 acre tract and with the west right-of-way line Montgomery Road to a 5/8-inch iron rod with cap stamped "T.E.A.M." set for an angle point of this tract;

THENCE, South 01° 12' 55" East - 1,244.75 feet with the east line of said 200.013 acre tract and with the west right-of-way line Montgomery Road to a fence post broken off at ground level found for the southeast corner of said 200.013 acre tract and for an interior corner of this tract;

THENCE, North 88° 42' 45" East - 40.00 feet with the north line of said 514.321 acre tract to the POINT OF BEGINNING and containing 631.62 acres of land.

Note: This metes-and-bounds description was written in conjunction with a survey performed on even date herewith.

COMPILED BY:
Texas Engineering And Mapping Co.
Civil Engineers - Land Surveyors
Firm Registration No. 10119000
Stafford, Texas
Job No. 1126-1
WA1126-1_MUD_South.doc

Brian Nesvadba
Registered Professional Land Surveyor
State of Texas No. 5776

EXHIBIT B

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Fulshear Municipal Utility
3 Districts Nos. 4, 5, and 6; granting a limited power of eminent
4 domain; providing authority to issue bonds; providing authority to
5 impose assessments, fees, and taxes.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. CREATION OF MUNICIPAL UTILITY DISTRICTS

8 SECTION 1.01. Subtitle F, Title 6, Special District Local
9 Laws Code, is amended by adding Chapter 8494 to read as follows:

10 CHAPTER 8494. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 4

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8494.001. DEFINITIONS. In this chapter:

13 (1) "Board" means the district's board of directors.

14 (2) "Commission" means the Texas Commission on
15 Environmental Quality.

16 (3) "Director" means a board member.

17 (4) "District" means the Fulshear Municipal Utility
18 District No. 4.

19 Sec. 8494.002. NATURE OF DISTRICT. The district is a

1 directors as provided by Section 49.102, Water Code.

2 Sec. 8494.004. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section 8494.003
4 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 8494.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
9 The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

11 (1) a municipal utility district as provided by
12 general law and Section 59, Article XVI, Texas Constitution; and

13 (2) Section 52, Article III, Texas Constitution, that
14 relate to the construction, acquisition, improvement, operation,
15 or maintenance of macadamized, graveled, or paved roads, or
16 improvements, including storm drainage, in aid of those roads.

17 Sec. 8494.006. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2.01 of the Act enacting this chapter.

20 (b) The boundaries and field notes contained in Section 2.01
21 of the Act enacting this chapter form a closure. A mistake made in
22 the field notes or in copying the field notes in the legislative

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8494.051. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 8494.052, directors serve
7 staggered four-year terms.

8 Sec. 8494.052. TEMPORARY DIRECTORS. (a) On or after
9 September 1, 2015, the owner or owners of a majority of the assessed
10 value of the real property in the district may submit a petition to
11 the commission requesting that the commission appoint as temporary
12 directors the five persons named in the petition. The commission
13 shall appoint as temporary directors the five persons named in the
14 petition.

15 (b) Temporary directors serve until the earlier of the date
16 permanent directors are elected under Section 8494.003 or September
17 1, 2019.

18 (c) If permanent directors have not been elected under
19 Section 8494.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8494.101. GENERAL POWERS AND DUTIES. The district has
9 the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 8494.102. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8494.103. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8494.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

1 or extraterritorial jurisdiction of a municipality, the road
2 project must meet all applicable construction standards,
3 subdivision requirements, and regulations of each county in which
4 the road project is located.

5 (c) If the state will maintain and operate the road, the
6 Texas Transportation Commission must approve the plans and
7 specifications of the road project.

8 Sec. 8494.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
9 OR RESOLUTION. (a) Except as provided by this section, the
10 district shall comply with all applicable requirements of any
11 ordinance or resolution that is adopted under Section 54.016 or
12 54.0165, Water Code, and that consents to the creation of the
13 district or to the inclusion of land in the district.

14 (b) Section 54.016(f), Water Code, does not apply to the
15 district.

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8494.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
18 district may issue, without an election, bonds and other
19 obligations secured by:

20 (1) revenue other than ad valorem taxes; or

21 (2) contract payments described by Section 8494.153.

22 (b) The district must hold an election in the manner

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 8494.152. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 8494.151, the district
5 may impose an operation and maintenance tax on taxable property in
6 the district in accordance with Section 49.107, Water Code.

7 (b) The board shall determine the tax rate. The rate may not
8 exceed the rate approved at the election.

9 Sec. 8494.153. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

15 (b) A contract approved by the district voters may contain a
16 provision stating that the contract may be modified or amended by
17 the board without further voter approval.

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8494.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, contract payments, grants, or other district money, or any

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

4 Sec. 8494.203. BONDS FOR ROAD PROJECTS. At the time of
5 issuance, the total principal amount of bonds or other obligations
6 issued or incurred to finance road projects and payable from ad
7 valorem taxes may not exceed one-fourth of the assessed value of the
8 real property in the district.

9 SECTION 1.02. Subtitle F, Title 6, Special District Local
10 Laws Code, is amended by adding Chapter 8495 to read as follows:

11 CHAPTER 8495. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 5

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 8495.001. DEFINITIONS. In this chapter:

14 (1) "Board" means the district's board of directors.

15 (2) "Commission" means the Texas Commission on
16 Environmental Quality.

17 (3) "Director" means a board member.

18 (4) "District" means the Fulshear Municipal Utility
19 District No. 5.

20 Sec. 8495.002. NATURE OF DISTRICT. The district is a
21 municipal utility district created under Section 59, Article XVI,
22 Texas Constitution.

1 temporary directors may not hold an election under Section 8495.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located has
4 consented by ordinance or resolution to the creation of the
5 district and to the inclusion of land in the district.

6 Sec. 8495.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

7 The district is created to serve a public purpose and benefit.

8 (b) The district is created to accomplish the purposes of:

9 (1) a municipal utility district as provided by
10 general law and Section 59, Article XVI, Texas Constitution; and

11 (2) Section 52, Article III, Texas Constitution, that
12 relate to the construction, acquisition, improvement, operation,
13 or maintenance of macadamized, graveled, or paved roads, or
14 improvements, including storm drainage, in aid of those roads.

15 Sec. 8495.006. INITIAL DISTRICT TERRITORY. (a) The

16 district is initially composed of the territory described by
17 Section 2.02 of the Act enacting this chapter.

18 (b) The boundaries and field notes contained in Section 2.02
19 of the Act enacting this chapter form a closure. A mistake made in
20 the field notes or in copying the field notes in the legislative
21 process does not affect the district's:

22 (1) organization, existence, or validity;

1 Sec. 8495.007. ANNEXATION BY MUNICIPALITY. (a)

2 Notwithstanding any other law, if all of the territory of the
3 district is annexed by a municipality into the corporate limits of
4 that municipality before the date of the election under Section
5 8495.003, the district may not be dissolved and shall continue
6 until the district is dissolved under Section 43.074, Local
7 Government Code.

8 (b) Section 54.016(f), Water Code, does not apply to the
9 district.

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8495.051. GOVERNING BODY; TERMS. (a) The district is
12 governed by a board of five elected directors.

13 (b) Except as provided by Section 8495.052, directors serve
14 staggered four-year terms.

15 Sec. 8495.052. TEMPORARY DIRECTORS. (a) On or after
16 September 1, 2015, the owner or owners of a majority of the assessed
17 value of the real property in the district may submit a petition to
18 the commission requesting that the commission appoint as temporary
19 directors the five persons named in the petition. The commission
20 shall appoint as temporary directors the five persons named in the
21 petition.

22 (b) Temporary directors serve until the earlier of:

1 expired, successor temporary directors shall be appointed or
2 reappointed as provided by Subsection (d) to serve terms that
3 expire on the earlier of:

4 (1) the date permanent directors are elected under
5 Section 8495.003; or

6 (2) the fourth anniversary of the date of the
7 appointment or reappointment.

8 (d) If Subsection (c) applies, the owner or owners of a
9 majority of the assessed value of the real property in the district
10 may submit a petition to the commission requesting that the
11 commission appoint as successor temporary directors the five
12 persons named in the petition. The commission shall appoint as
13 successor temporary directors the five persons named in the
14 petition.

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8495.101. GENERAL POWERS AND DUTIES. The district has
17 the powers and duties necessary to accomplish the purposes for
18 which the district is created.

19 Sec. 8495.102. MUNICIPAL UTILITY DISTRICT POWERS AND
20 DUTIES. The district has the powers and duties provided by the
21 general law of this state, including Chapters 49 and 54, Water Code,
22 applicable to municipal utility districts created under Section 59,

1 Article XVI, Texas Constitution.

2 Sec. 8495.104. AUTHORITY FOR ROAD PROJECTS. Under Section
3 52, Article III, Texas Constitution, the district may design,
4 acquire, construct, finance, issue bonds for, improve, operate,
5 maintain, and convey to this state, a county, or a municipality for
6 operation and maintenance macadamized, graveled, or paved roads, or
7 improvements, including storm drainage, in aid of those roads
8 inside or outside the district.

9 Sec. 8495.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road
10 project must meet all applicable construction standards, zoning and
11 subdivision requirements, and regulations of each municipality in
12 whose corporate limits or extraterritorial jurisdiction the road
13 project is located.

14 (b) If a road project is not located in the corporate limits
15 or extraterritorial jurisdiction of a municipality, the road
16 project must meet all applicable construction standards,
17 subdivision requirements, and regulations of each county in which
18 the road project is located.

19 (c) If the state will maintain and operate the road, the
20 Texas Transportation Commission must approve the plans and
21 specifications of the road project.

22 Sec. 8495.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8495.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3 district may issue, without an election, bonds and other
4 obligations secured by:

5 (1) revenue other than ad valorem taxes; or

6 (2) contract payments described by Section 8495.153.

7 (b) The district must hold an election in the manner
8 provided by Chapters 49 and 54, Water Code, to obtain voter approval
9 before the district may impose an ad valorem tax or issue bonds
10 payable from ad valorem taxes.

11 (c) The district may not issue bonds payable from ad valorem
12 taxes to finance a road project unless the issuance is approved by a
13 vote of a two-thirds majority of the district voters voting at an
14 election held for that purpose.

15 Sec. 8495.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8495.151, the district
17 may impose an operation and maintenance tax on taxable property in
18 the district in accordance with Section 49.107, Water Code.

19 (b) The board shall determine the tax rate. The rate may not
20 exceed the rate approved at the election.

21 Sec. 8495.153. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may impose a tax other than

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4 Sec. 8495.201. AUTHORITY TO ISSUE BONDS AND OTHER
5 OBLIGATIONS. The district may issue bonds or other obligations
6 payable wholly or partly from ad valorem taxes, impact fees,
7 revenue, contract payments, grants, or other district money, or any
8 combination of those sources, to pay for any authorized district
9 purpose.

10 Sec. 8495.202. TAXES FOR BONDS. At the time the district
11 issues bonds payable wholly or partly from ad valorem taxes, the
12 board shall provide for the annual imposition of a continuing
13 direct ad valorem tax, without limit as to rate or amount, while all
14 or part of the bonds are outstanding as required and in the manner
15 provided by Sections 54.601 and 54.602, Water Code.

16 Sec. 8495.203. BONDS FOR ROAD PROJECTS. At the time of
17 issuance, the total principal amount of bonds or other obligations
18 issued or incurred to finance road projects and payable from ad
19 valorem taxes may not exceed one-fourth of the assessed value of the
20 real property in the district.

21 SECTION 1.03. Subtitle F, Title 6, Special District Local
22 Laws Code, is amended by adding Chapter 8496 to read as follows:

1 Environmental Quality.

2 (3) "Director" means a board member.

3 (4) "District" means the Fulshear Municipal Utility
4 District No. 6.

5 Sec. 8496.002. NATURE OF DISTRICT. The district is a
6 municipal utility district created under Section 59, Article XVI,
7 Texas Constitution.

8 Sec. 8496.003. CONFIRMATION AND DIRECTORS' ELECTION
9 REQUIRED. The temporary directors shall hold an election to
10 confirm the creation of the district and to elect five permanent
11 directors as provided by Section 49.102, Water Code.

12 Sec. 8496.004. CONSENT OF MUNICIPALITY AND DEVELOPMENT
13 AGREEMENT REQUIRED. The temporary directors may not hold an
14 election under Section 8496.003 until each municipality in whose
15 corporate limits or extraterritorial jurisdiction the district is
16 located has:

17 (1) consented by ordinance or resolution to the
18 creation of the district and to the inclusion of land in the
19 district; and

20 (2) entered into a development agreement under Section
21 212.172, Local Government Code, with the owners of the land
22 described by Section 2.03 of the Act enacting this chapter.

1 (2) Section 52, Article III, Texas Constitution, that
2 relate to the construction, acquisition, improvement, operation,
3 or maintenance of macadamized, graveled, or paved roads, or
4 improvements, including storm drainage, in aid of those roads.

5 Sec. 8496.006. INITIAL DISTRICT TERRITORY. (a) The
6 district is initially composed of the territory described by
7 Section 2.03 of the Act enacting this chapter.

8 (b) The boundaries and field notes contained in Section 2.03
9 of the Act enacting this chapter form a closure. A mistake made in
10 the field notes or in copying the field notes in the legislative
11 process does not affect the district's:

12 (1) organization, existence, or validity;

13 (2) right to issue any type of bond for the purposes
14 for which the district is created or to pay the principal of and
15 interest on a bond;

16 (3) right to impose a tax; or

17 (4) legality or operation.

18 Sec. 8496.007. ANNEXATION BY MUNICIPALITY. (a)
19 Notwithstanding any other law, if all of the territory of the
20 district is annexed by a municipality into the corporate limits of
21 that municipality before the date of the election under Section
22 8496.003, the district may not be dissolved and shall continue

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8496.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8496.052, directors serve
5 staggered four-year terms.

6 Sec. 8496.052. TEMPORARY DIRECTORS. (a) On or after
7 September 1, 2015, the owner or owners of a majority of the assessed
8 value of the real property in the district may submit a petition to
9 the commission requesting that the commission appoint as temporary
10 directors the five persons named in the petition. The commission
11 shall appoint as temporary directors the five persons named in the
12 petition.

13 (b) Temporary directors serve until the earlier of:

14 (1) the date permanent directors are elected under
15 Section 8496.003; or

16 (2) September 1, 2019.

17 (c) If permanent directors have not been elected under
18 Section 8496.003 and the terms of the temporary directors have
19 expired, successor temporary directors shall be appointed or
20 reappointed as provided by Subsection (d) to serve terms that
21 expire on the earlier of:

22 (1) the date permanent directors are elected under

1 may submit a petition to the commission requesting that the
2 commission appoint as successor temporary directors the five
3 persons named in the petition. The commission shall appoint as
4 successor temporary directors the five persons named in the
5 petition.

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 8496.101. GENERAL POWERS AND DUTIES. The district has
8 the powers and duties necessary to accomplish the purposes for
9 which the district is created.

10 Sec. 8496.102. MUNICIPAL UTILITY DISTRICT POWERS AND
11 DUTIES. The district has the powers and duties provided by the
12 general law of this state, including Chapters 49 and 54, Water Code,
13 applicable to municipal utility districts created under Section 59,
14 Article XVI, Texas Constitution.

15 Sec. 8496.103. LEVEE IMPROVEMENT DISTRICT POWERS AND
16 DUTIES. The district has the powers and duties provided by the
17 general law of this state, including Chapter 57, Water Code,
18 applicable to levee improvement districts created under Section 59,
19 Article XVI, Texas Constitution.

20 Sec. 8496.104. AUTHORITY FOR ROAD PROJECTS. Under Section
21 52, Article III, Texas Constitution, the district may design,
22 acquire, construct, finance, issue bonds for, improve, operate,

1 project must meet all applicable construction standards, zoning and
2 subdivision requirements, and regulations of each municipality in
3 whose corporate limits or extraterritorial jurisdiction the road
4 project is located.

5 (b) If a road project is not located in the corporate limits
6 or extraterritorial jurisdiction of a municipality, the road
7 project must meet all applicable construction standards,
8 subdivision requirements, and regulations of each county in which
9 the road project is located.

10 (c) If the state will maintain and operate the road, the
11 Texas Transportation Commission must approve the plans and
12 specifications of the road project.

13 Sec. 8496.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
14 OR RESOLUTION. The district shall comply with all applicable
15 requirements of any ordinance or resolution that is adopted under
16 Section 54.016 or 54.0165, Water Code, and that consents to the
17 creation of the district or to the inclusion of land in the
18 district.

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8496.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
21 district may issue, without an election, bonds and other
22 obligations secured by:

1 payable from ad valorem taxes.

2 (c) The district may not issue bonds payable from ad valorem
3 taxes to finance a road project unless the issuance is approved by a
4 vote of a two-thirds majority of the district voters voting at an
5 election held for that purpose.

6 Sec. 8496.152. OPERATION AND MAINTENANCE TAX. (a) If
7 authorized at an election held under Section 8496.151, the district
8 may impose an operation and maintenance tax on taxable property in
9 the district in accordance with Section 49.107, Water Code.

10 (b) The board shall determine the tax rate. The rate may not
11 exceed the rate approved at the election.

12 Sec. 8496.153. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax and use the revenue derived from
15 the tax to make payments under a contract after the provisions of
16 the contract have been approved by a majority of the district voters
17 voting at an election held for that purpose.

18 (b) A contract approved by the district voters may contain a
19 provision stating that the contract may be modified or amended by
20 the board without further voter approval.

21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22 Sec. 8496.201. AUTHORITY TO ISSUE BONDS AND OTHER

1 Sec. 8496.202. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 board shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 Sec. 8496.203. BONDS FOR ROAD PROJECTS. At the time of
8 issuance, the total principal amount of bonds or other obligations
9 issued or incurred to finance road projects and payable from ad
10 valorem taxes may not exceed one-fourth of the assessed value of the
11 real property in the district.

12 ARTICLE 2. METES AND BOUNDS

13 SECTION 2.01. FULSHEAR MUNICIPAL UTILITY DISTRICT NO.
14 4. The Fulshear Municipal Utility District No. 4 initially
15 includes all the territory contained in the following area:

16 A Field Note Description of 227.024 Acres of Land, being the
17 same call 227.08 Acre Tract of Land (Volume 1376, Page 598; Deed
18 Records of Fort Bend County, Texas), and being out of the original
19 W.J. Walker, Jr. call 318.91 Acre Tract in the David Randon & I.
20 Pennington League, Abstract No. 75, Fort Bend County, Texas.

21 For Connection Begin at the Northeast corner of said David
22 Randon & I. Pennington League, Abstract No. 75; THENCE, Call South

1 of this tract;

2 THENCE, North 89deg.59'30" West, along the North line of the
3 ELLIS CATTLE COMPANY DIVISION (an unrecorded subdivision), at 297.6
4 feet pass a Seaway Pipeline (Enterprise), at 305.4 feet pass
5 another Seaway Pipeline (Enterprise), at 330.1 feet pass the Exxon
6 Pipeline, continuing along a fence line, at 3754.49 feet pass the
7 Phillips Pipeline, at 3860.19 feet pass a 1 inch iron pipe found in
8 the East right-of-way line of Bois D' Arc Lane (width varies), in
9 all 3888.0 feet to a point in the center of said Bois D' Arc Lane
10 marking the Southwest corner of this tract; said point also marks
11 the Northwest corner of the Pamela Carr call 7.036 Acre Tractc (FBC
12 2006054222)

13 THENCE, North 00drg.40'36" East, 2580.18 feet along a line is
14 said Bois D' Arc Lane to a point marking the Northwest corner of
15 this tract;

16 THENCE, South 89deg.59'38" East, at 30.26 feet pass a 1 inch
17 iron pipe found in the East right-of-way line of said Bois D'Arc
18 Lane, then along the South line of BOIS D'ARC ESTATE ACRES (an
19 unrecorded subdivision), in all 2769.04 feet to a 1 inch iron pipe
20 found marking an angle point;

21 THENCE, South 81deg.31'45" East, passing said Exxon Pipeline
22 and two Seaway Pipelines (Enterprise), 1088.2 feet to the place of

1 A FIELD NOTE DESCRIPTION of a 636.76 acre tract of land in the
2 D. Randon & I. Pennington Survey, Abstract No. 75, and in the
3 Churchill Fulshear Survey, Abstract No. 29, Fort Bend County,
4 Texas; said 636.76 acre tract being that same called 635.1725 acre
5 tract of land conveyed to Highland Management, Inc., as recorded in
6 Volume 1438, Page 632 of the Fort Bend County Deed Records; said
7 tract being more particularly described by metes-and-bounds as
8 follows with the bearings being based on Texas State Plane
9 Coordinate System, South Central Zone (NAD83) per GPS Observations
10 using National Geodetic Survey Continuously Operating Reference
11 Stations:

12 COMMENCING FOR REFERENCE at a fence post found for the
13 northeast corner of a called 514.321 acre tract conveyed to said
14 Highland Management, Inc., as recorded in Volume 801, Page 410 of
15 the Fort Bend County Deed Records;

16 THENCE, South 88° 42' 45" West - 40.00 feet with the north line
17 of said 514.321 acre tract to a fence post broken off at ground
18 level found for the southeast corner of a 200.013 acre tract of land
19 conveyed to Highland Management, Inc., as recorded in Volume 1089,
20 Page 165 of the Fort Bend County Deed Records;

21 THENCE, North 01° 12' 55" West - 1,244.75 feet with the west
22 right-of-way line of Montgomery Road and with the east line of said

1 THENCE, South 87° 26' 43" West - 48.23 feet with the south line
2 of a tract of land conveyed to the County of Fort Bend, as recorded
3 in Volume 2205, Page 1910 of the Fort Bend County Deed Records to a
4 5/8- inch iron rod with cap stamped "T.E.A.M." set for corner;

5 THENCE, North 02° 33' 17" West with the west line of said
6 County of Fort Bend tract, at a distance of 213.19 feet pass a
7 5/8-inch iron rod with cap stamped "T.E.A.M." set and continuing
8 for a total distance of 414.35 feet to a point for a south corner and
9 POINT OF BEGINNING of this tract;

10 THENCE the following courses and distances with the north
11 line of Cottonwood Slough:

12 1.) North 32° 21' 49" West - 134.59 feet to a 5/8-inch iron
13 rod with cap stamped "T.E.A.M." set;

14 2.) In a northwesterly direction with a curve to the left
15 having a radius of 175.00 feet, a central angle of 44° 24' 58", a
16 length of 135.66 feet, and a chord bearing North 54° 52' 13" West -
17 132.29 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;

18 3.) North 32° 39' 45" West - 177.53 feet to a 1-1/4-inch iron
19 pipe found;

20 THENCE the flowing courses and distances with a line parallel
21 to and approximately 200 feet north of the centerline of an existing
22 canal:

23 1.) In a southwesterly direction with a curve to the left

1 iron pipe found;

2 3.) In a westerly direction with a curve to the right having
3 a radius of 516.80 feet, a central angel of $61^{\circ} 36' 54''$, a length of
4 555.76 feet, and a chord bearing South $71^{\circ} 50' 37''$ West -529.36 feet
5 to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;

6 4.) North $77^{\circ} 20' 57''$ West - 288.00 feet to a 5/8-inch iron
7 rod with cap stamped "T.E.A.M." set;

8 5.) In a northwesterly direction with a curve to the right
9 having a radius of 771.50 feet, a central angel of $21^{\circ} 11' 00''$, a
10 length of 285.24 feet, and a chord bearing North $66^{\circ} 45' 27''$ West -
11 283.62 feet to a 1- 1/4-inch iron pipe found;

12 6.) North $56^{\circ} 09' 57''$ West - 1,498.21 feet to a 1-1/4-inch
13 iron pipe found;

14 7.) In a northwesterly direction with a curve to the left
15 having a radius of 816.50 feet, a central angel of $13^{\circ} 11' 30''$, a
16 length of 187.99 feet, and a chord bearing North $62^{\circ} 35' 06''$ West -
17 187.57 feet to a 1-1/4- inch iron pipe found;

18 8.) North $69^{\circ} 18' 32''$ West - 368.65 feet to a 1/2-inch iron
19 pipe found;

20 9.) North $72^{\circ} 04' 49''$ West - 1,006.13 feet to a 5/8-inch iron
21 rod with cap stamped "T.E.A.M." set to replace a disturbed
22 1-1/4-inch iron pipe found for a southwest corner of this tract;

1 THENCE, North 82° 42' 48" West -447.90 feet with the north
2 line of said Gulf Coast Water Authority Pumping Station to a
3 3/4-inch iron pipe found for an angle point of this tract;

4 THENCE, North 78° 57' 13" West with the north line of said Gulf
5 Coast Water Authority Pumping Station, at a distance of 485.02 feet
6 pass a 5/8-inch iron rod with cap stamped "T.E.A.M." set and
7 continuing for a total distance of 585.02 feet to a point for a west
8 corner of this tract;

9 THENCE, North 73° 20' 40" East -477.14 feet with the south
10 line of a tract of land conveyed to Transcontinental Gas Pipeline
11 Corporation, as recorded in Volume 272, Page 532 of the Fort Bend
12 County Deed Records, at a distance of 100 feet pass a 5/8-inch iron
13 rod with cap stamped "T.E.A.M." set and continuing for a total
14 distance of 477.14 feet to a 1/2-inch iron pipe found for an
15 interior corner of this tract;

16 THENCE, North 16° 39' 20" West - 150.00 feet with the east line
17 of said Transcontinental Gas Pipeline Corporation tract to a
18 5/8-inch iron rod with cap stamped "T.E.A.M." set for an interior
19 corner of this tract; from which a 1/2-inch iron pipe found bears
20 North 75° 16' 06" East -7.39 feet; also from which a 3/4-inch iron
21 pipe found bears North 75° 06' 23" West - 25.71 feet;

22 THENCE, South 73° 20' 40" West with the north line of said

1 THENCE, the following two courses and distances along the
2 lowest bank of the Brazos River at the mature vegetation growth:

- 3 1.) North 28° 02' 36" West -416.20 feet to a point;
4 2.) North 22° 27' 03" West - 405.70 feet to a point in the
5 centerline of Fulshear Creek;

6 THENCE, with the centerline of said Fulshear Creek the
7 following twenty four courses and distances:

- 8 1.) North 05° 49' 46" East - 100.03 feet to a point;
9 2.) North 10° 15' 10" East - 49.43 feet to a point;
10 3.) North 01° 08' 50" West - 153.09 feet to a point;
11 4.) North 17° 00' 01" West - 61.41 feet to a point;
12 5.) North 26° 45' 17" West - 239.18 feet to a point;
13 6.) North 01° 17' 17" East - 113.22 feet to a point;
14 7.) North 24° 32' 42" East - 108.82 feet to a point;
15 8.) North 37° 42' 16" East - 136.42 feet to a point;
16 9.) North 56° 21' 03" East - 94.64 feet to a point;
17 10.) North 75° 04' 37" East - 115.64 feet to a point;
18 11.) North 58° 04' 04" East - 72.09 feet to a point;
19 12.) North 16° 14' 40" East - 41.14 feet to a point;
20 13.) North 06° 12' 56" West - 65.26 feet to a point;
21 14.) North 19° 51' 43" West - 35.03 feet to a point;
22 15.) North 29° 54' 57" West - 25.60 feet to a point;

- 1 21.) North 19° 40' 07" West - 45.93 feet to a point;
2 22.) North 02° 27' 59" East - 92.84 feet to a point;
3 23.) North 05° 08' 30" West - 139.91 feet to a point;
4 24.) North 15° 23' 49" East - 67.42 feet to a point for a
5 northwest corner of this tract;

6 THENCE, North 89° 40' 14" East, at a distance of 159.51 feet
7 pass a car axle found and continuing for a total distance of 655.88
8 feet with the south line of a tract of land conveyed to Jeffrey
9 Jacob Schaatt, as recorded in Fort Bend County Clerk's File
10 No. 9440230 to a 5/8-inch iron rod with cap stamped "T.E.A.M." set
11 for an angle point of this tract;

12 THENCE, North 88° 58' 48" East - 633.16 feet with the south
13 line of a 9.44 acre tract, as surveyed by Charlie Kalkomey, RPLS
14 No. 1399, on October 16, 2003, to a flat iron bar found for an
15 interior corner of this tract;

16 THENCE, North 01° 31' 53" West - 451.97 feet with the east line
17 of said 9.44 acre tract to a 5/8-inch iron rod with cap stamped
18 "T.E.A.M." set for a northwest corner of this tract; from which a
19 3/4-inch iron pipe found bears North 68° 23' 31" East - 1.21 feet;

20 THENCE, North 68° 23' 31" East - 669.50 feet with the south
21 line of a 38.27 acre tract conveyed to Dan J. Harrison, Jr., as
22 recorded in Volume 512, Page 107 of the Fort Bend County Deed

1 Records and with the south line of a 2.83 acre tract of land
2 conveyed to Harrison Interests, Ltd., as recorded in Fort Bend
3 County Clerk's File No. 9669126 to a 3/4-inch iron pipe found for an
4 angle point of this tract;

5 THENCE, North 87° 47' 02" East - 378.33 feet with the south
6 line of said Harrison Interests, Ltd. tract and with the south line
7 of a 1.0 acre tract of land conveyed to Dan J. Harrison III, as
8 recorded in Fort Bend County Clerk's File No. 2007136540 to a
9 1-1/4-inch iron pipe found for a northeast corner of this tract;

10 THENCE, South 01° 35' 13" East with the west line of a tract of
11 land conveyed to Derrick B. Woods and Gloria Kelly, as recorded in
12 Fort Bend County Clerk's File No. 2007013056, at a distance of
13 750.90 feet pass a 3/4-inch iron pipe found and continuing for a
14 total distance of 1,478.13 feet with the west line of a tract of
15 land conveyed to Laura Monroe, as recorded in Fort Bend County
16 Clerk's File No. 2002085617 to a 5/8-inch iron rod with cap stamped
17 "T.E.A.M." set for an interior corner of this tract;

18 THENCE, North 88° 15' 42" East with the south line of said
19 Laura Monroe tract, at a distance of 654.48 feet pass a 5/8-inch
20 iron rod with cap stamped "1943 4349" found and continuing for a
21 total distance of 773.44 feet to a 5/8-inch iron rod with cap
22 stamped "1943 4349" found for a northeast corner of this tract; from

1 surveyed by C. Tim Griffith, RPLS No. 4349 on December 09, 2002, to
2 a 5/8-inch iron rod with cap stamped "1048 4948" found for an
3 interior corner of this tract; from which a 1-1/4-inch iron pipe
4 found bears South 83° 55' 10" West - 15.65 feet;

5 THENCE, North 88° 14' 41" East - 529.27 feet with the south
6 line of said Kimberly J. Renshaw tract, as surveyed by said C. Tim
7 Griffith to a 5/8-inch iron rod found for an interior corner of this
8 tract; from which a 1- inch iron pipe found bears South 71° 00' 07"
9 West - 9.87 feet;

10 THENCE, North 00° 48' 32" West with the east line of said
11 Kimberly J. Renshaw tract, as surveyed by said C. Tim Griffith, at a
12 distance of 904.99 feet pass a 5/8-inch iron rod with cap stamped
13 "Kaluza" found and continuing for a total distance of 1,631.92 feet
14 to a 3/4-inch iron rod found for an angle point of this tract;

15 THENCE, North 00° 23' 13" West - 525.84 feet with the east line
16 of said Derrick B. Woods and Gloria Kelly tract to a 1-1/4-inch iron
17 pipe found in the south right-of-way line of Red Bird Lane for a
18 northwest corner of this tract;

19 THENCE, North 83° 40' 55" East - 627.27 feet with the south
20 right-of-way line of said Red Bird Lane to a 1-1/4-inch iron pipe
21 found for an angle point of this tract;

22 THENCE, North 80° 56' 53" East - 340.41 feet with the south

1 THENCE, North 88° 34' 50" East - 754.52 feet with the south
2 right-of-way line of said Red Bird Lane to a 1-1/4-inch iron pipe
3 found for a northeast corner of this tract; from which a 3/4-inch
4 iron pipe found bears North 13° 42' 36" East - 28.03 feet

5 THENCE, South 00° 49' 07" East - 152.65 feet to a point in
6 Cottonwood Slough for an interior corner of this tract;

7 THENCE, North 89° 11' 54" East - 516.40 feet to a 5/8-inch iron
8 rod with cap stamped "T.E.A.M." set for a northeast corner of this
9 tract;

10 THENCE, South 01° 11' 18" East - 178.00 feet with the west line
11 said Pleasant Hill Cemetery, as recorded in Fort Bend County
12 Clerk's File No. 2002098914 to a point in Cottonwood Creek for an
13 interior corner of this tract;

14 THENCE, North 83° 23' 44" East - 489.40 feet with the south
15 line of said Pleasant Hill Cemetery to a 1- 1/4-inch iron pipe found
16 for a northeast corner of this tract;

17 THENCE, South 00° 31' 15" East - 2,678.08 feet with the east
18 line of said 635.1725 acre tract and with the west right-of-way line
19 of Bois D'Arc Lane to a 1-1/4-inch iron pipe found for an angle
20 point of this tract;

21 THENCE, South 02° 20' 36" East feet with the east line of said
22 635.1725 acre tract and with the west right-of-way line of said Bois

1 an interior corner of this tract;

2 THENCE, South 02° 33' 17" East - 7.65 feet with the west line
3 of said County of Fort Bend tract to the POINT OF BEGINNING and
4 containing 636.76 acres

5 SECTION 2.03. FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 6.
6 The Fulshear Municipal Utility District No. 6 initially includes
7 all the territory contained in the following area:

8 A FIELD NOTE DESCRIPTION of a 631.62 acre tract of land in the
9 D. Randon & I. Pennington Survey, Abstract No. 75, and in the
10 Churchill Fulshear Survey, Abstract No. 29, Fort Bend County,
11 Texas; said 631.62 acre tract being all of called 200.013 acre tract
12 of land conveyed to Highland Management, Inc., as recorded in
13 Volume 1089, Page 165 of the Fort Bend County Deed Records, and
14 being out of a called 514.321 acre tract of land conveyed to
15 Highland Management, Inc., as recorded in Volume 801, Page 410 of
16 the Fort Bend County Deed Records; said tract being more
17 particularly described by metes-and-bounds as follows with the
18 bearings being based on Texas State Plane Coordinate System, South
19 Central Zone (NAD83) per GPS Observations using National Geodetic
20 Survey Continuously Operating Reference Stations:

21 BEGINNING at a fence post found for the northeast corner of
22 said called 514.321 acre tract for a northeast corner of this tract;

1 the lowest bank of the Brazos River at the mature vegetation growth
2 for the southwest corner of this tract;

3 THENCE, the following courses and distances along the lowest
4 bank of the Brazos River at the mature vegetation growth:

- 5 1. North 03° 11' 41" West - 430.76 feet;
- 6 2. North 06° 04' 31" East - 26.26 feet;
- 7 3. North 12° 54' 35" West - 565.76 feet;
- 8 4. North 22° 25' 36" West - 644.88 feet;
- 9 5. North 27° 40' 58" West - 307.69 feet;
- 10 6. North 29° 38' 28" West - 437.35 feet;
- 11 7. North 31° 48' 49" West - 627.73 feet;
- 12 8. North 38° 31' 29" West - 562.58 feet;
- 13 9. North 46° 01' 27" West - 449.81 feet;
- 14 10. North 45° 15' 08" West - 697.67 feet;
- 15 11. North 48° 07' 57" West - 497.49 feet;
- 16 12. North 50° 57' 15" West - 593.34 feet;
- 17 13. North 68° 49' 05" West - 424.90 feet;
- 18 14. North 53° 29' 12" West - 562.34 feet;
- 19 15. North 34° 16' 18" West - 808.37 feet;
- 20 16. North 15° 44' 19" West - 467.54 feet to a point for a

21 northwest corner of this tract;

22 THENCE, North 87° 31' 50" East - 1,007.16 feet with the south

1 of said Gulf Coast Water Authority Pumping Station and with the west
2 line of said 200.013 acre tract to a 3/4-inch iron pipe found for an
3 angle point of this tract;

4 THENCE, North 05° 00' 40" West - 776.08 feet with the east line
5 of said Gulf Coast Water Authority Pumping Station and with the west
6 line of said 200.013 acre tract to a point in a 54-inch pecan tree
7 for an angle point of this tract;

8 THENCE, North 17° 29' 55" East - 43.79 feet with the east line
9 of said Gulf Coast Water Authority Pumping Station and with the west
10 line of said 200.013 acre tract to a fence post found for an angle
11 point of this tract;

12 THENCE, North 00° 21' 32" West - 46.08 feet with the east line
13 of said Gulf Coast Water Authority Pumping Station and with the west
14 line of said 200.013 acre tract to a 5/8-inch iron rod with cap
15 stamped "T.E.A.M." set for a northwest corner of this tract; from
16 which a 1/2-inch iron pipe found bears South 00° 21' 32" East - 7.66
17 feet;

18 THENCE, the following ten courses and distances with a line
19 parallel to and approximately 50 feet south of the centerline of an
20 existing canal:

21 1.) South 72° 04' 49" East - 894.48 feet to a 5/8-inch iron
22 rod with cap stamped "T.E.A.M." set;

1 130.24 feet;

2 4.) South $56^{\circ} 09' 57''$ East - 1,498.63 feet to a 5/8-inch iron
3 rod with cap stamped "T.E.A.M." set;

4 5.) In a southeasterly direction with a curve to the left
5 having a radius of 1,021.50 feet, a central angle of $21^{\circ} 11' 00''$, a
6 length of 377.67 feet and a chord bearing South $66^{\circ} 45' 27''$ East -
7 375.52 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;

8 6.) South $77^{\circ} 20' 57''$ East - 288.00 feet to a 5/8-inch iron
9 rod with cap stamped "T.E.A.M." set;

10 7.) In a northeasterly direction with a curve to the left
11 having a radius of 766.80 feet, a central angle of $61^{\circ} 38' 12''$, a
12 length of 824.90 feet and a chord bearing North $71^{\circ} 49' 58''$ East -
13 785.69 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;

14 8.) North $41^{\circ} 01' 32''$ East - 1,644.40 feet to a 5/8-inch iron
15 rod with cap stamped "T.E.A.M." set;

16 9.) In an easterly direction with a curve to the right
17 having a radius of 75.00 feet, a central angle of $106^{\circ} 36' 38''$, a
18 length of 139.55 feet and a chord bearing South $85^{\circ} 40' 08''$ East -
19 120.27 feet to a 5/8-inch iron rod with cap stamped "T.E.A.M." set;

20 10.) South $32^{\circ} 21' 49''$ East - 308.27 feet to a 5/8-inch iron
21 rod with cap stamped "T.E.A.M." set for an angle point;

22 THENCE, South $02^{\circ} 33' 17''$ East - 213.19 feet with the west line

1 found for a northeast corner of this tract;

2 THENCE, South 04° 04' 05" East - 116.45 feet with the east line
3 of said 200.013 acre tract and with the west right-of-way line
4 Montgomery Road to a 5/8-inch iron rod with cap stamped "T.E.A.M."
5 set for an angle point of this tract;

6 THENCE, South 01° 12' 55" East - 1,244.75 feet with the east
7 line of said 200.013 acre tract and with the west right-of-way line
8 Montgomery Road to a fence post broken off at ground level found for
9 the southeast corner of said 200.013 acre tract and for an interior
10 corner of this tract;

11 THENCE, North 88° 42' 45" East - 40.00 feet with the north line
12 of said 514.321 acre tract to the POINT OF BEGINNING and containing
13 631.62 acres of land.

14 ARTICLE 3. LEGAL NOTICE, EMINENT DOMAIN, AND EFFECTIVE DATE

15 SECTION 3.01. (a) The legal notice of the intention to
16 introduce this Act, setting forth the general substance of this
17 Act, has been published as provided by law, and the notice and a
18 copy of this Act have been furnished to all persons, agencies,
19 officials, or entities to which they are required to be furnished
20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
21 Government Code.

22 (b) The governor, one of the required recipients, has

1 representatives within the required time.

2 (d) All requirements of the constitution and laws of this
3 state and the rules and procedures of the legislature with respect
4 to the notice, introduction, and passage of this Act are fulfilled
5 and accomplished.

6 SECTION 3.02. (a) If this Act does not receive a two-thirds
7 vote of all the members elected to each house, Subchapter C, Chapter
8 8494, Special District Local Laws Code, as added by Section 1.01 of
9 this Act, is amended by adding Section 8494.106 to read as follows:

10 Sec. 8494.106. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

12 (b) This section is not intended to be an expression of a
13 legislative interpretation of the requirements of Section 17(c),
14 Article I, Texas Constitution.

15 SECTION 3.03. (a) If this Act does not receive a two-thirds
16 vote of all the members elected to each house, Subchapter C, Chapter
17 8495, Special District Local Laws Code, as added by Section 1.02 of
18 this Act, is amended by adding Section 8495.107 to read as follows:

19 Sec. 8495.107. NO EMINENT DOMAIN POWER. The district may
20 not exercise the power of eminent domain.

21 (b) This section is not intended to be an expression of a
22 legislative interpretation of the requirements of Section 17(c),

1 Sec. 8496.107. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

3 (b) This section is not intended to be an expression of a
4 legislative interpretation of the requirements of Section 17(c),
5 Article I, Texas Constitution.

6 SECTION 3.05. This Act takes effect September 1, 2015.

EXHIBIT C

Exhibit C

(a) No later than ninety (90) days before the issuance of bonds, the District's financial advisor shall participate in a public hearing held by the City, and shall present the following:

1. The amount of bonds being proposed for issuance,
2. The projects to be funded by such bonds,
3. The proposed debt service tax rate after issuance of the bonds.

All bonds issued by the District shall remain obligations of the District until dissolution. The District's initial bond debt maturity date will not exceed twenty-five (25) years. Once the District has established a maturity date for its bonds, the maturity date for any refunding bonds will not extend beyond the maturity date for the bonds which are being refunded, without the approval of the City. The District may not fund more than 24 months of capitalized interest in a bond issue. At least thirty (30) days before the issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that bonds are being issued within the existing economic feasibility guidelines established by the TCEQ - whether or not the District has been approved by the TCEQ. The report, provided to the City Administrator, should also state the following:

1. The amount of bonds being proposed for issuance,
2. The projects to be funded by such bonds,
3. The proposed debt service tax rate after issuance of the bonds.

Within 30 days after the District closes the sale of a series of bonds, the District shall deliver to the City Administrator a copy of the final official statement for such series of bonds as well as any additional information requested by the City. No bonds shall be issued after notice of annexation is provided to the District by the City, unless agreed by the City.

To the extent authorized by law, the District will issue bonds only for the purpose of purchasing and constructing, or purchasing, or constructing under contract with the City of Fulshear, or otherwise acquiring waterworks systems, sanitary systems, storm sewer systems, drainage facilities, recreational facilities, road facilities, or facilities for fire-fighting services, 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 land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefore, 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 the bonds on any interest-payment date subsequent to the fifteenth (15th) anniversary of the date of issuance without premium; and, other than refunding bonds, the bonds will be sold only after the taking of public bids therefore, and none of such bonds, other than refunding bonds, will be sold for less than 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 the bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given.

(b) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City of Fulshear, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer, drainage, and road facilities and related improvements to serve the District and obtain the approval of such plans and specifications therefrom. Prior to the construction of any water, sanitary sewer, drainage or road facilities within or by the District, the District or its engineer will give written notice to the City, stating the date that such construction will be commenced. The construction of the District's water, sanitary sewer, drainage and road facilities will be in accordance with the approved plans and specifications, and with applicable standards and specifications of the City of Fulshear; and during the progress of the construction and installation of such facilities, the City, or representative thereof, may make periodic on-the-ground inspections. After construction, the District, upon request of the City, will deliver to the City a final copy of all "as-builts" and the project description in the geographic information system.

(c) The District shall provide the City Administrator of the City with reasonable notice of all meetings of its governing Board of Directors by mailing to the City Administrator a copy of each notice and agenda of each such meeting held by the District. In addition, the District shall provide the City Administrator with a certified copy of all minutes of such meetings. After fifty (50) qualified voters are residing within the District, all public meetings of the District's Board of Directors shall be held at a location in either the City's corporate limits or the City's extraterritorial jurisdiction.

(d) On an annual basis, the District shall file with the City Secretary and City Administrator of the City a copy of its annual audit report, if any, and a copy of its then current budget showing expenses, income, and revenue.

(e) The Districts all agree not to annex additional land (outside of the total approved and consented contained in the consent resolution or ordinance to which this exhibit is attached) into a District without written consent from the City.

(f) In accordance with Local Government Code Chapter 212, and any applicable City ordinances, as may be amended, the City will review and approve all plats.

(g) The District may not provide permanent water or wastewater service outside the boundaries of the District without the prior written authorization from the City and will not enter into an agreement with another district or municipality to receive permanent water or wastewater services without the prior written authorization from the City. For purposes of this paragraph (g), water or wastewater services are considered permanent if they are provided or received for three (3) or more years.

(h) Prior approval by the City is required for all easements granted outside the boundaries of the District. Easements granted within the boundaries of the Districts shall be subject to the platting requirements of any applicable City ordinances.

(i) The developer(s) of any land located in the City's extraterritorial jurisdiction will enter into a development agreement with the City. Such development agreement shall provide that the owner or developer of land within a district that constructs public infrastructure shall pay a fee for the infrastructure plan review and inspection fee for engineering and planning expenses related to the city's review of infrastructure plans and specifications for the district's facilities and inspection of the district's facilities when the District is created or obtains the final authority to exercise a power that the District did not have at the time of its creation and the developer constructs public infrastructure related to that power or when the District annexes new land into the District and public infrastructure improvements are constructed in the newly annexed area. The infrastructure plan review and inspection fee shall be paid each time the owner or developer of land within the District requests the City's initial acceptance of the public infrastructure located in the city limits. Additionally, such development agreement shall provide that the owner or developer shall pay a fee to the City for processing the development agreement, which fee shall be in an amount reasonably related to the expense incurred in processing the development agreement, but not less than \$10,000 and not more than \$20,000, provided that the foregoing range shall not apply if the development agreement is not processed within five (5) years of the adoption of the consent resolution or ordinance to which this exhibit is attached, and such fee shall be reasonably related to the expense incurred in processing the development agreement without limitation.

(j) If commercial property is created within any District territory located in the City's extraterritorial jurisdiction, then such District shall enter into a Strategic Partnership Agreement between the City of Fulshear and the District after the District(s) are confirmed. Such Strategic Partnership Agreement shall impose all available sales and use tax, be shared with the District on an even basis and the District's use of the sales proceeds shall only be used for either the reduction of its debt, construction of

further infrastructure or for the payment of contracted police service from the City of Fulshear.

(k) Within six (6) months after consent to the creation of the District is given by the City, or within three (3) months after the District is created by the Texas Legislature, the Texas Commission on Environmental Quality or its successor agency, whichever is later, the owner or the developer of the land within the District shall pay a fee of \$10,000 to the City for processing the petition to create the District.

(l) The District shall allow the City to designate one (1) representative of the City, who shall be provided with all notices, agendas, and related items for each meeting of the District's board of directors at the same time and in the same manner as such notices, agendas, and related items are provided to the District's board of directors.

(m) Unless specifically required by applicable law, the District shall not be divided into two or more districts.

ORDINANCE NO. 2015-1175

AN ORDINANCE OF THE CITY OF FULSHEAR PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 9, 2015, FOR THE PURPOSE OF ELECTING TWO (2) ALDERMEN; TO PROVIDE FOR APPOINTMENT OF A NEW EARLY VOTING CLERK, THE POLLING PLACE FOR EARLY VOTING, THE TIME FOR EARLY VOTING, AND THE DATES FOR EARLY VOTING; AUTHORIZING THE MAYOR OR THE CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, TO THE CONTRACT BETWEEN THE CITY AND FORT BEND COUNTY FOR THE CONDUCTION OF A JOINT ELECTION.

* * * * *

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

Section 1. That the Mayor of the City of Fulshear, Texas, with the concurrence of the City Council, pursuant to Texas Election Code, Sec. 3.004, does hereby call an election for the City of Fulshear, to be held on **Saturday, the 9th day of May, 2015**, for the purpose of electing city officials of the City of Fulshear, to-wit, two (2) Alderman.

Section 2. All applications for a place on the ballot must be filed with the City Secretary of the City of Fulshear no later than 5:00 p.m. on the 27th day of February, 2015, in compliance with Texas Election Code, Section 143.007. The City Council finds that the election herein ordered has been ordered not later than the 78th day before the election in accordance with Texas Election Code, Sec. 3.005.

Section 3. That the Mayor or the City Secretary of the City of Fulshear are hereby authorized to execute or issue, for and on behalf of the City, such orders, documents and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.

Section 4. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

Irene Stern Community Center

6920 Katy Fulshear Road

Fulshear, Texas 77441

ELECTION OFFICERS

as appointed by the County Commissioners of
Fort Bend County, Texas

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment, as required by Section 32.009 of the Texas Election Code.

The presiding judge shall appoint no more than one (1) clerk to assist in the holding of said election. Said election officers shall also serve as the early voting ballot board for such election; and the Presiding Judge of the election precinct shall also serve as the presiding officer of such board. Personnel working in support of the Early Voting Ballot or central counting station on election night will be compensated at the rate set by Fort Bend County.

Section 5. Early voting and voting on Election Day shall be performed on the eSlate polling place voting system and the non digital ballot imaging system from Hart InterCivic, Inc., in accordance with the Texas Election Code. All expenditures necessary

for the conduct of the election, purchase of materials, and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

Section 6. Ms. Robin Heiman, Fort Bend County Assistant Election Administrator, is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for such voting by the City Secretary shall be in accordance with Sections 83.031 et seq. of the Texas Election Code.

Said clerks shall keep said office open for at least four (4) hours, that is, from nine o'clock (9:00) a.m. until one o'clock (1:00) p.m., on each day for early voting which is not a Sunday, or an official state holiday, beginning on the twelfth (12th) day (April 27, 2015) and continuing through the fourth (4th) day (May 5, 2015) preceding the date of said election. In addition to the foregoing hours, early voting will be open at the location herein designated from 7:00 a.m. until 7:00 p.m. on Monday, May 4, and Tuesday, May 5, 2015. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote by personal appearance at any time when such office is not open to the public. The clerk's mailing address to which ballot applications and ballots voted by mail may be sent is Fort Bend County Elections Administrator, 4520 Reading Road, Rosenberg, Texas 77471. The early voting clerk, in accordance with the provisions of the Texas Election Code, shall maintain a roster listing each person who votes by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State. The City Secretary or the Fort Bend County Elections Administrator shall receive applications by mail for a ballot to be voted by mail from March 11, 2015 until the close of business on April 30, 2015.

Section 7. In full compliance with the Texas Election Code, Sec. 4.003, the Mayor of the City shall have authority and is required to give notice of this election; and notice may be properly given in one of the following ways:

- a. By publishing the notice at least once, not earlier than the 30th day or later than the 10th day before the election, in a newspaper of general circulation or the official newspaper of the City; or
- b. By posting, not later than 21 days before the election, a copy of the notice at a public place in each election precinct that is in the City of Fulshear; or
- c. By mailing, not later than the 10th day before the election, a copy of the notice to each registered voter of the City.

In addition to the notice as herein previously provided, not later than the 21st day before the election, the Mayor of the City shall post a copy of the notice of the election on the bulletin board used for posting notices of the meetings of the governing body of the City. The notice as herein required shall provide a statement as to the nature and date of the election, the location of each polling place and the hours the polls will be open, and shall be signed by the Mayor. An appropriate record of the notice requirements shall be maintained in accordance with Texas Election Code, Sec. 4.005.

Section 8. That pursuant to the provisions of Chapter 87 of the Texas Election Code, an Early Voting Ballot Board is created, which shall consist of a presiding judge and clerks as appointed by the contracting officer of the county. The Early Voting Ballot Board shall perform such functions and shall have such duties as are provided for by the Texas Election Code. In addition, the counting station for all ballots cast in such election shall be operated by John Oldham, Elections Administrator of Fort Bend County, Texas, (the Contracting Officer,) and such clerks as shall be necessary to count the ballots and to

prepare the election returns in accordance with the provisions of Chapter 65 of the Texas Election Code.

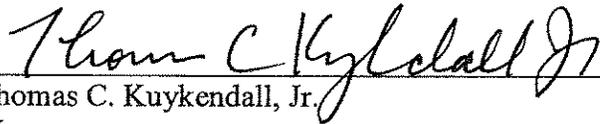
Section 9. That the City Council of the City, as the canvassing authority of this election, pursuant to the provisions of the Texas Election Code, Sec. 67.003, does hereby call a special meeting to be held on the 19th day of May 2015, at 7:00 o'clock p.m. in the City Council Chamber of the City, for the purposes of canvassing the returns of the election, said meeting to occur not earlier than the eighth day nor later than the 11th day after the election, at which time the City Secretary shall deliver the sealed precinct returns to the City Council. In public session, the City Council shall open the returns for each precinct and canvass the same by preparing a tabulation for each candidate and a tabulation for and against each measure, indicating the total number of votes received in each precinct and the total for all precincts; and a tabulation, as a separate document or as a part of the local election register, shall be made; and the returns shall be compared with the correspondent tally list, and in the event a discrepancy is discovered between the vote totals shown on the returns and those shown on the tally list for a precinct, the presiding judge of the precinct shall examine the returns and the tally list and make necessary corrections on the returns. At the completion of the canvass, the Mayor shall deliver the precinct returns and tally lists used in the canvass to the City Secretary; and the City Secretary shall preserve them for a period in accordance with law.

Section 10. City Council hereby authorizes and ratifies all actions taken by the City Secretary, Diana Gordon Offord, and the Mayor, Thomas C. Kuykendall, Jr., related to the occurrence of this election, including but not limited to the execution of the contract

with Fort Bend County, Texas, for the conduct of a joint election between the City of Fulshear and Fort Bend County, Texas.

Section 11. Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED the 17th day of February, 2015.



Thomas C. Kuykendall, Jr.
Mayor

ATTEST:



Diana Gordon Offord
City Secretary

ORDINANCE NO. 2015-1176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF THE CITY OF FULSHEAR, TEXAS, TO PROVIDE FOR AN ADDITION OF A DEFINITION FOR "GAMING ESTABLISHMENT"; CHANGES TO THE USES PERMITTED BY RIGHT IN THE COMMERCIAL DISTRICT AND INDUSTRIAL DISTRICT; AND REGULATIONS FOR GAMING ESTABLISHMENTS; PROVIDING A PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas, ("City") is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing land use, structures, businesses and related activities; and

WHEREAS, the City Council further finds that the rules and regulations governing land use, structures, businesses, and related activities promotes the health, safety, morals and general welfare of the City; and

WHEREAS, the City Council further finds that changes to the zoning ordinance are in the best interests of the City; and

WHEREAS, the Texas Local Government Code requires a public hearing on the proposed zoning text amendment to hear any and all person desiring to be heard ;

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

Section 1. The facts and recitations found in the preamble are hereby found to be true and correct and are incorporated for all purposes.

Section 2. A new definition is added to section 1-72 to read as follows:

"Gaming establishment means an establishment wherein one or more gaming machines, as defined as any machine when such machine or machines dispense or are used or are capable of being used to dispense a representation of value where such representation of value is redeemable for noncash merchandise prizes, toys or novelties that have a wholesale value from a single play of the game or device of not more than ten times the amount charged to play the game or device once, or \$5.00, whichever is less, are operational.

Section 3. Section 1-188(b) is hereby replaced with a new subsection (b) to read as follows:

"(b) Uses permitted by right. In the Commercial (C) District, no building or land shall be used and no building erected except for one (1) or more of the following specified uses, unless otherwise provided in this division:

- (1) Safety services;
- (2) Parks and recreation;
- (3) Retail;
- (4) Convenience retail;
- (5) Office;
- (6) Day care center
- (7) Place of Worship;
- (8) Art gallery or museum; and
- (9) Thrift shops or secondhand stores."

Section 4. Section 1-189(d) is hereby replaced and a new subsection (d) is added to read as follows:

"Uses permitted by right. In the Industrial (I) District, no building or land shall be used and no building erected except for one or more of the following specified uses, unless otherwise provided in this division:

- (1) Pawn shops;
- (2) Automobile display or sales, repair garage, tire or seat cover shop;
- (3) Blacksmithing;
- (4) Carpentry, painting, plumbing, or tin smithing shop (including contractor's shop or storage);
- (5) Ceramic or pottery manufacture - with dust, odor, and fume control;
- (6) Manufacturing of saddles, other leather products, jewelry, draperies or interior decorations;
- (7) Radio or television broadcasting stations or studios with on-site towers;

- (8) Textile manufacturing;
- (9) Wholesale distribution and warehousing- no outside storage;
- (10) Woodworking or planning mill - with dust, odor, and fume control;
- (11) Accessory buildings and uses customarily associated with any of the above establishments to which they refer, except that they shall not be placed within any required setback; and
- (12) Outdoor storage, mini-storage, self-storage, or facilities requiring the storage of goods or equipment outside (e.g. truck or van rentals, heavy equipment rentals, outdoor nurseries, etc.).
- (13) Gaming establishments.”

Section 5.

A new Section 1-230 is added to read as follows:

“Section 1-230. Gaming establishments.

- (a) A Gaming establishment may not be located on a site that is:
 - (1) Within 1,000 feet of a site that contains another gaming establishment;
 - (2) Within 200 feet of a property in a district in which a residential use is allowed or located;
 - (3) Within 300 feet of a church, school, or hospital;
 - (4) Within 500 feet of the right of way of FM 359; or
 - (5) Within the Residential acreage (R1), Residential lots (R2), Multi-family (MF), Community Facilities (CF), Commerical District (C), Downtown District (DD), or Manufactured Housing (MH) District.
- (b) A Gaming establishment may only be located within a freestanding structure and may not be co-located in the same structure with other uses.”

Section 6. The table in Section 1-196 (Land use categories table) of the Fulshear Zoning Code is amended to add the Gaming establishment use and to indicate that the Gaming establishment use is permitted in the Industrial (I) District. The table in Section 1-196 is further amended to indicate that automobile sales are no longer permitted in the Commercial (C) District, but are permitted in the Industrial (I) District.

Section 7. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 8. Repeal. Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

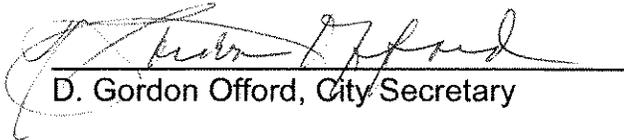
Section 9. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional, the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 10. Effective date. This Ordinance shall be effective after being published as required by law.

PASSED, APPROVED, and ADOPTED on the 17th day of February,
2015.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

February 13, 2015

Mayor Thomas C. Kuykendall, Jr.
City of Fulshear
PO 279
Fulshear, Texas 77441

Dear Mayor Kuykendall,

This letter comes to serve as the Planning and Zoning Commission's report to the City Council regarding its Public Hearing and action on the proposed amendment to the Zoning Ordinance. The Commission held a Public Hearing on Friday February 13, 2015. There were no comments received from the public on this issue. Later the Commission took action to approve unanimously the changes proposed.

Please feel free to contact me should you require any additional information. Thank you for your consideration.

Sincerely,

Derek Einkauf
Chair
City of Fulshear, Planning and Zoning Commission

ORDINANCE NO. 2015-1177

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, RECLASSIFYING CERTAIN POSITIONS WITHIN THE POLICE DEPARTMENT; SETTING A WORK PERIOD AND ADOPTING AN EXEMPTION FOR POLICE OFFICER OVERTIME AS ALLOWED UNDER THE FAIR LABOR STANDARDS ACT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, to protect the safety of life and property, the City of Fulshear, Texas, (“City”) established a Police Department; and

WHEREAS, the City’s Police Department has grown substantially over the last few years which growth necessitates revising exempt positions for overtime purposes and amending how the City calculates and compensates for overtime worked;

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

Section 1. The facts and recitations contained in the preamble to this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. The purpose of this Ordinance is to promulgate compliance with the Fair Labor Standards Act (“FLSA”) requirements for Law Enforcement employees, while also availing the City of the overtime exemptions created under 29 U.S.C. §207(k) of the FLSA through the creation of a designated work period for Law Enforcement employees.

Section 3. The Chief of Police and Police Captain positions of the City of Fulshear, Texas, are hereby classified as Exempt positions. All other Law Enforcement employees of the City of Fulshear, Texas, are hereby reclassified as "Non-Exempt."

Section 4. Under the provisions of Section 207(k) of the FLSA, the City hereby designates a work period for all Non-Exempt Law Enforcement employees as a period consisting of fourteen (14) consecutive days with a maximum allowable work schedule of 84 hours. Any hours worked over 84 hours during a work period shall entitle the Law Enforcement employee to overtime pay at no less than time and one half the employee's regular rates of pay, or the City may elect, by amending its Personnel Manual, to provide compensatory time for new employees, in lieu of cash payment for overtime. If the City elects to provide compensatory time, employees shall receive one and a half hours for each overtime hour worked. Employees may accrue up to 480 hours of compensatory time.

Section 5. *Repeal.*

All ordinances or parts of ordinances which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

Section 6. *Severability.*

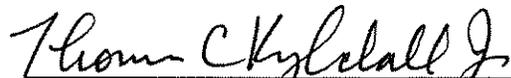
In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the

City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. *Effective Date.*

This Ordinance shall become effective immediately.

PASSED, APPROVED and ADOPTED this, the 17th day of February, 2015.


Thomas C. Kuykendall, Jr., Mayor

ATTEST:


D. Gordon Offord, City Secretary

ORDINANCE NO. 2015-1178

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2013-1123 AN ORDINANCE ADOPTING A REVISED CONVENIENCE FEE OF 3.00% PER TRANSACTION FOR THE ACCEPTANCE OF CREDIT CARD PAYMENTS; REPEALING ALL PREVIOUS RESOLUTIONS OR ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility and conservation, it has been deemed in the best interest of the City of Fulshear, Texas to adopt a fee charged for the convenience of making credit card payments to the City; AND

WHEREAS, City Council took such measure through its adoption of Ordinance No. 2013- 1123; AND

WHEREAS, it is the desire of the City Council of the City of Fulshear to develop a fee structure that will offset the costs of the City to provide such a service; AND

WHEREAS, following the implementation of the fees adopted in Ordinance No. 2013-11 23 it was discovered that the fee can be assessed for point of sale and online type payments

WHEREAS, the City Council of the City of Fulshear, Texas believes that these financial goals are best attained through the revised fee structure contained herein.

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise the convenience fee for accepting credit card payments, previously adopted in Ordinance No. 2013-11 23.

SECTION 2.0

REVISED AND ADOPTED: The following fee is hereby adopted to offset the City's costs for providing the convenience service of making credit card payments:

- (a) The fee charged for the convenience of making credit card payments shall be 3.00% of the actual total transaction cost.

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

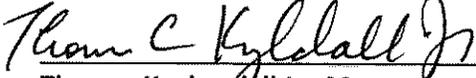
SECTION 5.0

CITY OF FULSHEAR, ORDINANCE 2015-1178

EFFECTIVE DATE: This Ordinance shall be effective on March 1, 2015.

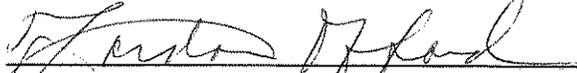
SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.



Thomas Kuykendall Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary