

ORDINANCE NUMBER 5-2023

AN RESOLUTION OF THE VILLAGE OF BONNEY, TEXAS, CONSENTING TO THE CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 64; WITH RELATED PROVISIONS.

WHEREAS, the Village of Bonney, Texas (“the Village”) has received a Petition for Consent to Creation of Brazoria County Municipal Utility District No. 64 in the extraterritorial jurisdiction or corporate limits of the Village, a copy of which is attached hereto as Exhibit 1 and incorporated herein in full; and

WHEREAS, Section 54.016 of the Texas Water Code provides that land within a city or its extraterritorial jurisdiction may not be included within a municipal utility district without such city’s consent; and

WHEREAS, this Resolution is authorized by Section 54.016 of the Texas Water Code, Chapters 49 and 54 of the Texas Water Code, Section 42.042 of the Texas Water Code, and all applicable law; and

WHEREAS, the Board of Alderpersons find that this Resolution was passed in full compliance with the Texas Open Meetings Act and all applicable law; and

WHEREAS, the Board of Alderpersons find that this Resolution promotes the health, safety, and general welfare of the people of the Village;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERPERSONS OF THE VILLAGE OF BONNEY, TEXAS:

Section 1. The Board of Alderpersons hereby finds that all statements contained in the preamble or in any other part of this Resolution are true.

Section 2. The Board of Alderpersons hereby grants its written consent to the creation of Brazoria County Municipal Utility District No. 64 on the Property described in the attached Petition for Consent to Creation of Brazoria County Municipal Utility District No. 64, subject to the terms thereof and to the Consent Conditions attached to that Petition as Exhibit “B” and incorporated herein in full.

Section 3. If any part of this Resolution, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

Section 4. This Resolution shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON THIS 21 DAY OF March, 2023.

VILLAGE OF BONNEY, TEXAS

By: Raymond Cantu
RAYMOND CANTU, MAYOR

ATTEST:

Terry LaCombe
TERRY LaCOMBE,
VILLAGE SECRETARY



Village of Bonney/Resolution/MUD 64/Resolution Consenting to Creation of MUD No. 64 (03-21-2023)

EXHIBIT 1
THE PETITION
WITH ITS EXHIBIT "A" PROPERTY DESCRIPTION
AND
ITS EXHIBIT "B" CONSENT CONDITIONS

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Direct Line: (713) 860-6424
Direct Fax: (713) 860-6624

lsotirake@abhr.com

Linda F. Sotirake
Legal Assistant

March 9, 2023

VIA MESSENGER

Ms. Kaylee Winans
City Secretary
Village of Bonney, Texas
19025 FM 521
Bonney, TX 77583

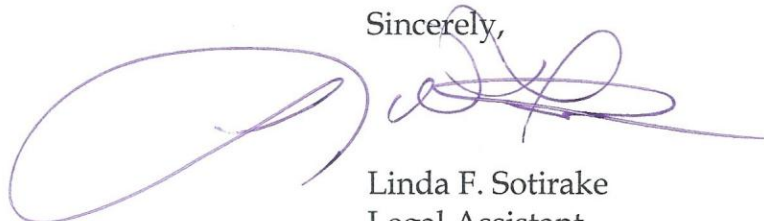
Re: Brazoria County Municipal Utility District No. 64 (the "District")- creation

Dear Ms. Winans:

Enclosed please find the Petition for Consent to the Creation of the District for the Village of Bonney's consideration.

Should you have any questions or need additional information, please feel free to call me at (713) 860-6424 or Rob Seale at (713) 860-6498. Thank you for your attention to this matter.

Sincerely,



Linda F. Sotirake
Legal Assistant

Enclosure

PETITION FOR CONSENT TO THE CREATION
OF A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE VILLAGE OF
BONNEY, TEXAS:

PECAN RANCH DEVELOPMENT, LLC, a Texas limited liability company, **PECAN RANCH NORTH, LLC**, Texas limited liability company, and **PECAN RANCH SQUARE, LLC**, a Texas limited liability company (the "Petitioners"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, respectfully petition the City Council of the Village of Bonney, Texas (the "City"), for its written consent to the creation of a municipal utility district and would show the following:

I.

The name of the proposed District shall be BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 64 (the "District").

II.

The District is a municipal utility district duly created on June 19, 2009, pursuant by House Bill No. 1946 of the 81st Regular Session of the Texas Legislature. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

III.

The District shall contain an area of 358.787 acres of land, more or less, situated in Brazoria County, Texas. All of the land proposed to be included within the District is within the extraterritorial jurisdiction of corporate boundaries of the City. All of the land proposed to be included may properly be included in the District. The land proposed to be included within the District is described in Exhibit A-1, Exhibit A-2 and Exhibit A-3, which are attached hereto and incorporated herein for all purposes (the "Land").

IV.

Pecan Ranch Development, LLC holds fee simple title to 169.000 acres of the Land, Pecan Ranch North, LLC holds fee simple title to 147.898 acres of the Land, and Pecan Ranch Square, LLC holds fee simple title to 41.889 acres of the Land. Petitioners hereby represent that they own a majority in value of the Land, which is proposed to be included in the District.

V.

Pecan Ranch Development, LLC represents that there are no lienholders, except Plains State Bank, and no residents on the 169.000 acres owned by Pecan Ranch Development, LLC. Pecan Ranch North, LLC represents that there are no lienholders, except SH 288 and 476 Partners, Ltd., and no residents on the 147.898 acres owned by Pecan Ranch North, LLC. Pecan Ranch Square, LLC represents that there are no lienholders and no residents on the 41.889 acres owned by Pecan Ranch Square, LLC.

VI.

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

VII.

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

VIII.

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

IX.

A preliminary investigation has been made to determine the cost of the proposed District's waterworks system, sanitary sewer system, and drainage and storm sewer system projects, and it is now estimated by the Petitioners, from such information as they have at this time, that such cost will be approximately \$57,500,000.

X.

A preliminary investigation has been made to determine the cost of the proposed District's road projects, and it is now estimated by the Petitioners, from such information as they have at this time, that such cost will be approximately \$25,250,000.

XI.

A preliminary investigation has been made to determine the cost of the proposed District's park and recreational facilities, and it is now estimated by the Petitioners, from such information as they have at this time, that such cost will be approximately \$18,700,000.

XII.

The total cost of the proposed District's projects is estimated by the Petitioners to be approximately \$101,450,000.

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

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED this 30th day of January, 2023.

PECAN RANCH DEVELOPMENT, LLC
a Texas limited liability company

By: Pecan Ranch Holdings LLC
a Delaware limited liability company
Its Manager

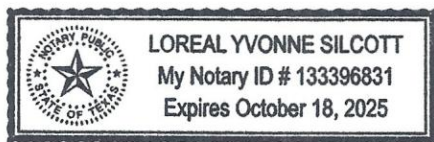
By: Pecan Ranch GP LLC
a Delaware limited liability company
Its Manager

By: Maple X, Inc.
a Texas corporation
its Manager

By: Itiel Kaplan
Itiel Kaplan
President

THE STATE OF TEXAS §
COUNTY OF Tarrant §
§

This instrument was acknowledged before me on this 30th day of January, 2023, by Itiel Kaplan, President of Maple X, Inc., a Texas corporation and Manager of Pecan Ranch GP LLC, a Delaware limited liability company and Manager of Pecan Ranch Holdings LLC., a Delaware limited liability company and Manager of **PECAN RANCH DEVELOPMENT, LLC**, a Texas limited liability company, on behalf of said limited liability companies.



(NOTARY SEAL)

Loreal Silcott
Notary Public, State of Texas

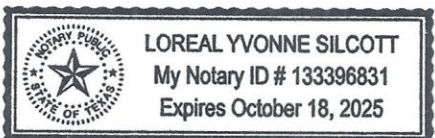
PECAN RANCH NORTH, LLC
Texas limited liability company

By: Maple X, Inc.
a Texas corporation
its Manager

By: *Itiel Kaplan*
Itiel Kaplan
President

THE STATE OF TEXAS §
 §
COUNTY OF *Tarrant* §

This instrument was acknowledged before me on this 30th day of January, 2023, by Itiel Kaplan, President of Maple X, Inc., a Texas corporation and Manager of PECAN RANCH NORTH, LLC, a Texas limited liability company, on behalf of said limited liability companies.



(NOTARY SEAL)

Loreal Silcott
Notary Public, State of Texas

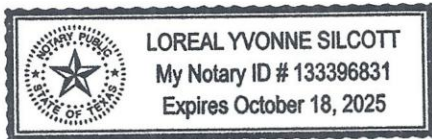
PECAN RANCH SQUARE, LLC
Texas limited liability company

By: Maple X, Inc.
a Texas corporation
its Manager

By: Itiel Kaplan
Itiel Kaplan
President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on this 30th day of January, 2023, by Itiel Kaplan, President of Maple X, Inc., a Texas corporation and Manager of PECAN RANCH SQUARE, LLC, a Texas limited liability company, on behalf of said limited liability companies.



(NOTARY SEAL)

Loreal Silcott
Notary Public, State of Texas

EXHIBIT A-1, PAGE 1 OF 2 PAGES

County: Brazoria
Project: Maple View 169 Ac.
M&B No: 21-220
CS Job No: 21142

METES AND BOUNDS DESCRIPTION OF 169.000 ACRES

Being a tract of land containing 169.000 acres, located in the S.F. Austin Survey, Abstract 24, in Brazoria County, Texas; Said 169.000 acre tract being out of a called 210.77 acre tract of land recorded in the name of SH288 and 476 Partners, Ltd., in Brazoria County Clerk's File Number (B.C.C.F. No.) 2008012779; Said 169.000 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, of 1983, South Central Zone):

BEGINNING, at a 3/4-inch iron rod found at the northwest corner of said 210.77 acre tract and the northeast corner of Lot 3, Block 1, Coleman Estates, a subdivision recorded in Plat Number 2020065354 of the Brazoria County Plat Records on the south Right-of-Way (R.O.W.) line of County Road 618 (aka Coleman Road, sixty feet wide), for the northwest corner of the herein described tract;

THENCE, North 87° 17' 56" East, with the north line of said 210.77 acre tract and with the south R.O.W. line of said Coleman Road, a distance of 2,882.32 feet to a 5/8-inch capped iron rod set for the northeast corner of the herein described tract;

THENCE, South 03° 01' 28" East, through and across said 210.77 acre tract, a distance of 2,553.12 feet to a 5/8-inch capped iron rod set on the south line of said 210.77 acre tract and the north line of a called 209.54 acre tract of land recorded in the name of Doyle Dean McConathy, Jr. and Darlene N. McConathy in B.C.C.F. No. 1997022435, for the southeast corner of the herein described tract;

THENCE, South 86° 50' 42" West, with the south line of said 210.77 acre tract and with the north line of said 209.54 acre tract, a distance of 2858.96 feet to a 5/8-inch capped iron rod set for the southwest corner of said 210.77 acre tract and the herein described tract, on the east line of aforesaid Coleman Estates, from which a one inch iron pipe found disturbed at the southeast corner of Lot 7, Block 1, of said Coleman Estates bears South 03° 32' 36" East, a distance of 3.06 feet;

EXHIBITA-1, PAGE 2 OF 2 PAGES

THENCE, North 03° 32' 36" West, with the west line of said 210.77 acre tract and with the east line of said Coleman Estates, at 454.00 feet pass a 5/8-inch capped iron road found at the northeast corner of said Lot 7 and the southeast corner of Lot 6 of said Coleman Estates, at 1,824.24 feet pass a 5/8-inch iron rod found for the northeast corner of Lot 4 of said Coleman Estates and the southeast corner of said Lot 3, and continuing an overall distance of 2,576.00 feet to the **POINT OF BEGINNING** and containing 169.000 acres of land.

A Land Title Survey of the herein described tract was prepared in conjunction with and accompanies this description.



Chris Rhodes, R.P.L.S.
Texas Registration Number 6532

CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
December 3, 2021



EXHIBIT A-2, PAGE 1 OF 2 PAGES

County: Brazoria
Project: Pecan Ranch East 33 acres
M&B No: 21-221
CS Job No: 21142

METES AND BOUNDS DESCRIPTION OF 41.889 ACRES

Being a tract of land containing 41.889 acres, located in the S.F. Austin Survey, Abstract 24, in Brazoria County, Texas; Said 41.889 acre tract being out of a called 210.77 acre tract of land recorded in the name of SH288 and 476 Partners, Ltd., in Brazoria County Clerk's File Number (B.C.C.F. No.) 2008012779; Said 41.889 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, of 1983, South Central Zone):

COMMENCING, at a 3/4-inch iron rod found at the northwest corner of said 210.77 acre tract and the northeast corner of Lot 3, Block 1, Coleman Estates, a subdivision recorded in Plat Number 2020065354 of the Brazoria County Plat Records on the south Right-of-Way (R.O.W.) line of County Road 618 (aka Coleman Road, sixty feet wide);

THENCE, with the north line of said 210.77 acre tract and with the south R.O.W. line of said Coleman Road, the following two (2) courses:

1. North 87° 17' 56" East, a distance of 2,882.32 feet to a 5/8-inch capped iron rod set for the northwest corner and **POINT OF BEGINNING** of the herein described tract,
2. North 87° 17' 56" East, a distance of 945.37 feet to a 5/8-inch capped iron rod set at the southwest intersection of said Coleman Road and County Road 48 (width varies) for the northeast corner of said 210.77 acre tract and the herein described tract;

THENCE, with east lines of said 210.77 acre tract and with the west R.O.W. line of said County Road 48, the following three (3) courses:

1. South 21° 03' 23" East, a distance of 172.26 feet to a concrete monument found for an angle point;
2. South 70° 38' 52" West, a distance of 27.31 feet to a concrete monument found for an angle point;
3. South 18° 29' 06" East, a distance of 149.88 feet to a concrete monument found for the northerly corner of a transition line from the west R.O.W. line of said County Road 48 to the west R.O.W. line of State Highway 288 (width varies);

THENCE, South 25° 12' 36" West, with said transition line, a distance of 70.30 feet to a concrete monument found at the south corner of said transition line;

EXHIBIT A-2, PAGE 2 OF 2 PAGES

THENCE, continuing with east lines of said 210.77 acre tract and with the west R.O.W. line of said State Highway 288, the following five (5) courses:

1. South 72° 02' 59" West, a distance of 51.65 feet to 5/8-inch capped iron rod set for the beginning of a curve to the left;
2. 720.02 feet along the arc of said curve to the left, having a radius of 458.37 feet, a central angle of 90° 00' 04", and a chord that bears South 26° 02' 11" West, a distance of 648.24 feet to a concrete monument found at a point of tangency;
3. South 18° 57' 50" East, a distance of 311.37 feet to concrete monument found at the beginning of a non-tangent curve to the right;
4. 817.33 feet along the arc of said curve to the right, having a radius of 1,273.24 feet, a central angle of 36° 46' 47", and a chord that bears South 00° 41' 09" East, a distance of 803.37 feet to a concrete monument found;
5. South 17° 49' 48" West, a distance of 520.91 feet to 3/4-inch iron rod found for the northeast corner of a called 209.54 acre tract of land recorded in the name of Doyle Dean McConathy, Jr. and Darlene N. McConathy in B.C.C.F. No. 1997022435 for the southeast corner of said 210.77 acre tract and the herein described tract;

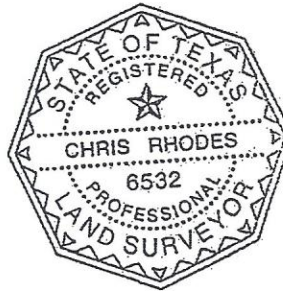
THENCE, South 86° 50' 42" West, with the south line of said 210.77 acre tract and with the north line of said 209.54 acre tract, a distance of 481.67 to a 5/8-inch capped iron rod set for the southwest corner of the herein described tract;

THENCE, North 03° 01' 28" West, through and across said 210.77 acre tract, a distance of 2,553.12 feet to the **POINT OF BEGINNING** and containing 41.889 acres of land.

A Land Title Survey of the herein described tract was prepared in conjunction with and accompanies this description.



Chris Rhodes, R.P.L.S.
Texas Registration Number 6532



CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
December 3, 2021

EXHIBIT A-3, PAGE 1 OF 3 PAGES

County: Brazoria
Project: 148ac Pecan Ranch
M&B No: 21-171
CS Job No: 21142

METES AND BOUNDS DESCRIPTION OF 147.898 ACRES

Being a tract of land containing 147.898 acres, located in the S.F. Austin Survey, Abstract 24, in Brazoria County, Texas; Said 147.898 acre tract being all of the remainder of a called 148.36 acre tract of land recorded in the name of SH288 and 476 Partners, Ltd., in Brazoria County Clerk's File Number (B.C.C.F. No.) 2008012779 and all of Director's Lot 2 as recorded in the name of SH288 and 476 Partners, Ltd., in B.C.C.F. No. 2021013070; Said 147.898 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, of 1983, South Central Zone):

BEGINNING, at a 5/8-inch capped iron rod set at the northeast corner of said remainder tract, same being the southeast corner of Lot 265 of Paloma Acres Section III, a subdivision of record in B.C.C.F. No. 2006050280 of the Brazoria County Plat Records (B.C.P.R.), on the west Right-of-Way (R.O.W.) line of State Highway 288 (four hundred and twenty feet wide per Volume 1082, Page 925 and Volume 1133, Page 85, of the Brazoria County Deed Records (B.C.D.R.)), for the northeast corner of the herein described tract;

THENCE, with the east lines of said remainder tract and with the west R.O.W. line of said State Highway 288, the following four (4) courses:

1. 1,306.36 feet along the arc of a curve to the right, having a radius of 11,249.16 feet, a central angle of $06^{\circ} 39' 13''$, and a chord that bears South $24^{\circ} 59' 27''$ West, a distance of 1,305.63 feet to a 5/8-inch capped iron rod set at a point of tangency;
2. South $27^{\circ} 37' 34''$ West, a distance of 2,053.50 feet to a 5/8-inch capped iron rod set at the beginning of a non-tangent curve to the right;
3. 548.33 feet along the arc of said non-tangent curve to the right, having a radius of 1,095.92 feet, a central angle of $28^{\circ} 40' 02''$, and a chord that bears South $56^{\circ} 27' 19''$ West, a distance of 542.63 feet to a concrete monument found at a point of tangency;
4. South $70^{\circ} 55' 31''$ West, a distance of 241.69 feet to a concrete monument found at the most southerly corner of said remainder tract, same being the southeast end of a transition line from the west R.O.W. line of said State Highway 288 to the northeast R.O.W. line of County Road 48 (width varies), for the most southerly corner of the herein described tract;

EXHIBIT A-3, PAGE 2 OF 3 PAGES

THENCE, North 64° 04' 29" West, with said transition line, a distance of 71.21 feet to a concrete monument found at the northwest corner of said transition line;

THENCE, North 18° 51' 33" West, with a southwest line of said remainder tract and with the northeast R.O.W. line of said County Road 48, a distance of 25.23 feet to a 5/8-inch capped iron rod set at the southerly corner of Director's Lot 5 as recorded in the name of Timothy Green in B.C.C.F. No. 2014055084;

THENCE, North 71° 08' 27" East, with the southeast line of said Director's Lot 5, a distance of 100.00 feet to a 5/8-inch capped iron rod set at the easterly corner of said Director's Lot 5;

THENCE, North 18° 51' 33" West, with the northeast lines of said Director's Lot 5 and Director's Lots 4 and 3 as recorded in the name of Scott Goforth in B.C.C.F. No. 2009038136, a distance of 150.00 feet to a 5/8-inch capped iron rod set at the northerly corner of said Lot 3 and the easterly corner of said Lot 2;

THENCE, South 71° 08' 27" West, with the line common to said Director's Lots 2 and 3, a distance of 100.00 feet to a 5/8-inch capped iron rod set at the southerly corner of said Director's Lot 2 and the westerly corner of said Director's Lot 3, on the northeast R.O.W. line of said County Road 48;

THENCE, North 18° 51' 33" West, with the southwest line of said Director's Lot 2 and with the northeast R.O.W. line of said County Road 48, a distance of 50.00 feet to a 5/8-inch capped iron rod set at the westerly corner of said Director's Lot 2 and the southerly corner of Director's Lot 1 as recorded in the name of Laura Smith in B.C.C.F. No. 2009038133;

THENCE, North 71° 08' 27" East, with the line common to said Director's Lots 1 and 2, a distance of 100.00 feet to a 5/8-inch capped iron rod set at the northerly corner of said Director's Lot 2 and the easterly corner of said Director's Lot 1;

THENCE, with the northeast and northwest lines of said Director's Lot 1, the following two (2) courses:

1. North 18° 51' 33" West, a distance of 50.00 feet to a 5/8-inch capped iron rod set at the northerly corner of said Director's Lot 1;
2. South 71° 08' 27" West, a distance of 100.00 feet to a 5/8-inch capped iron rod set at the westerly corner of said Director's Lot 1, on the northeast R.O.W. line of said County Road 48;

THENCE, with the southwest lines of said remainder tract and with the northeast R.O.W. line of said County Road 48, the following four (4) courses:

1. North 18° 51' 33" West, a distance of 25.23 feet to a concrete monument found at an angle point;

EXHIBIT A-3, PAGE 3 OF 3 PAGES

2. South 73° 18' 44" West, a distance of 18.40 feet to a concrete monument found at an angle point;
3. North 21° 09' 12" West, a distance of 273.48 feet to a concrete monument found at an angle point;
4. North 18° 51' 23" West, a distance of 2,790.10 feet to a 5/8-inch capped iron rod set at the northwest corner of said remainder tract, for the northwest corner of the herein described tract;

THENCE, North 87° 00' 16" East, with the north line of said remainder tract, at a distance of 20.00 feet pass a point at the southwest corner of Lot 1 of Paloma Acres Section 1, a subdivision of record in Volume 21, Pages 165-166, of the B.C.P.R., continuing with the north line of said remainder tract and with the south lines of said Paloma Acres Section 1 and aforesaid Paloma Acres Section III, a total distance of 3,368.30 feet to the **POINT OF BEGINNING** and containing 147.898 acres of land.

A Land Title Survey of the herein described tract was prepared in conjunction with and accompanies this description.



Chris Rhodes, R.P.L.S.
Texas Registration Number 6532

CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
September 9, 2021

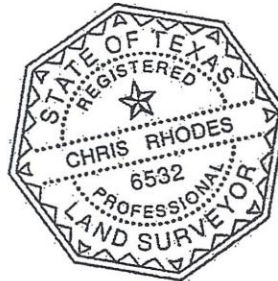


EXHIBIT B

Consent Conditions

(a) The District may issue bonds, including refunding bonds, only for the purpose of purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, and fire, parks and recreational facilities, and streets and thoroughfares, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. No bonds will be issued with a final maturity date more than 25 years from the date of issuance, and the first principal maturity must occur within five years of the date of issuance. The Bonds shall have level debt service requirements. Level debt service shall mean that during the period beginning with the calendar year of the first principal payment on a bond issue and ending in the calendar year of the final scheduled maturity of said issue, the spread from the greatest debt service in a calendar year during said period to the least debt service in a calendar year during said period shall not be more than \$20,000. Compliance with this requirement may be satisfied by submitting a proposed Preliminary Official Statement and estimated bid with a pro-forma debt service schedule for the purpose of bonds showing the proposed maturity pattern that shows coupons, interest and total debt service requirements that meets the required standard above to the Village for prior approval. Having shown intent to comply by getting approval of the structure by the Village in advance of advertising for sale will be sufficient in the event the actual results of a competitive sale return debt service payments that otherwise would not meet the standard of \$20,000 difference between maximum and minimum annual debt service payments. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the 10th anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 97 percent 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 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 of the advertisement for the sale of such bonds. No bonds of the District may be issued without specific Village consent if the Village has given notice to the District that it intends to dissolve the District in accordance with applicable law within 120 or fewer days after such notice.

(b) Any refunding bonds of the District must provide for level debt service savings (annual savings must be approximately equal for each year with no more than \$7,500 between the maximum and minimum savings per year except for the first partial year and the first full calendar year), a minimum of three percent present value savings, and no maturity beyond the latest maturity of the refunded bonds, unless approved by the Village in writing prior to the sale thereof.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the Village, or to its designated

representative. all plans and specifications for the construction of water, sanitary sewer, drainage facilities and roadways and thoroughfares to serve the District and obtain the approval of such plans and specifications. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform to the standard specifications of the Village. All water service lines and sewer service lines, lift stations, and appurtenances thereto, installed or used within the District will comply with the Village's standard plans and specifications as amended from time to time. The construction of the District's water, sanitary sewer, and drainage facilities will be in accordance with the approved plans and specifications and with applicable standards and specifications of the Village; and during the progress of the construction and installation of such facilities, the Village may make periodic on-the-ground inspections. All roads and thoroughfares within the District will comply with the Village's standard plans and specifications as amended from time to time.

(d) Before the expenditure by the District of bond proceeds for the acquisition construction or development of recreational facilities, the District shall obtain and maintain on file, from a registered landscape architect, registered professional engineer or a design professional allowed by law to engage in architecture, a certification that the recreational facilities, as constructed, conform to the applicable recreational facilities design standards and specifications of the Village of Bonney and shall submit a copy of the certification and the "as built" plans and specifications for such recreational facilities to the Village of Bonney.

(e) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of facilities for fire-fighting services, the District shall obtain and maintain on file, from a registered architect, registered professional engineer or a design professional allowed by law to engage in facility design and construction, a certification that the facilities for fire-fighting services, as constructed, conform to the applicable fire-fighting facilities design standards and specifications of the Village of Bonney and shall submit a copy of the certification and the "as built" plans and specifications for such facilities for fire-fighting services to the Village of Bonney.

(f) The District will agree to engage a sewage plant operator holding a valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality, or such successor agency as the legislature may establish ("TCEQ"), as required by Section 26.0301, Texas Water Code, as may be amended from time to time. The District will agree to make periodic analyses of its discharge pursuant to the provisions of Order No. 69-1219-1 of the Texas Water Quality Board (predecessor agency to the TCEQ) and further to send copies of all such effluent data to the Village of Bonney as well as to the TCEQ. The District will agree that representatives of the Village of Bonney may supervise the continued operations of the sewage treatment facility by making periodic inspections thereof.

(g) The District, its board of directors, officers, developers, and/ or landowners will not permit the construction, or commit to any development within, the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District's allocated capacity therein.

(h) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Village of Bonney of a plat which will be duly recorded in the Real Property Records of Brazoria County, Texas, or otherwise comply with the rules and regulations of the Village of Bonney.