

ORDINANCE NO. 6-2022

AN ORDINANCE OF THE VILLAGE OF BONNEY, TEXAS, CONSENTING TO THE CREATION OF BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 88; 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. 88 in the extraterritorial jurisdiction 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 municipality or its extraterritorial jurisdiction may not be included within a municipal utility district without such Village’s consent; and

WHEREAS, this Ordinance 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;

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

WHEREAS, the Board of Alderpersons finds that this Ordinance 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 Ordinance are true.

Section 2. The Board of Alderpersons hereby grants its written consent to the creation of Brazoria County Municipal Utility District No. 88 on the Property described in the attached Petition for Consent to Creation of Brazoria County Municipal Utility District No. 88, 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 Ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

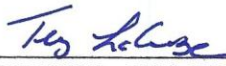
Section 4. This Ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON THIS 15th DAY OF NOVEMBER 2022.

VILLAGE OF BONNEY, TEXAS

  
\_\_\_\_\_  
RAYMOND CANTU, MAYOR

ATTEST:

  
\_\_\_\_\_  
TERRY LaCOMBE,  
VILLAGE SECRETARY



Bonney/ /MUD 88/Ordinance Consenting to Creation of MUD No. 88 (11-15-22)

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

# ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

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lsotirake@abhr.com

Linda F. Sotirake  
Legal Assistant

October 6, 2022

## VIA OVERNIGHT DELIVERY

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

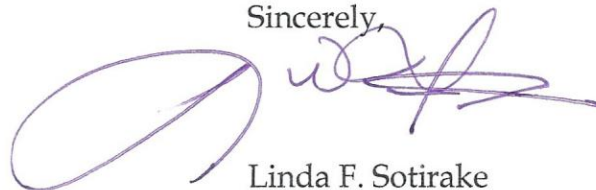
Re: Brazoria County Municipal Utility District No. 88 (the "District")- creation

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:

**MAPLE VIEW DEVELOPMENT LLC**, a Texas limited liability company (the "Petitioner"), acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, respectfully petition the City Council of the 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. 88 (the "District").

II.

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

III.

The District shall contain an area of 238.466 acres of land, more or less, situated in Brazoria County, Texas. All of the land to be included in the District is within the extraterritorial jurisdiction of the City and the extraterritorial jurisdiction of the City of Alvin, Texas. All of the land proposed to be included may properly be included in the District. The land proposed to be included within the District consists of one tract described by metes and bounds in Exhibit "A," which is attached hereto and incorporated herein for all purposes (the "Land").

IV.

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

V.

Petitioner represents that there are no lienholders on the Land, except Plains State Bank, and that there are no residents on the Land.



## VI.

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

## VII.

There is, for the following reasons, a necessity for the above-described work. The area proposed to be within the District is urban in nature, is within the growing environs of the City, and is in close proximity to populous and developed sections of 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 Petitioner, by submission of this Petition, requests the City's consent to the creation of the District containing the Land under the same conditions as set forth in Exhibit B, which is attached hereto and incorporated herein for all purposes.

## IX.

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

system projects, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$29,500,000.

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 Petitioner, from such information as it has at this time, that such cost will be approximately \$13,000,000.

XI.

A preliminary investigation has been made to determine the cost of the proposed District's park and recreational facilities, and it is now estimated by the Petitioner, from such information as it has at this time, that such cost will be approximately \$7,500,000.

XII.

The total cost of the proposed District's projects is estimated by the Petitioner to be approximately \$50,000,000.

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

**[EXECUTION PAGES FOLLOW]**

RESPECTFULLY SUBMITTED this 19 day of September, 2022.

**MAPLE VIEW DEVELOPMENT LLC**  
a Texas limited liability company

By: Maple View Holdings LLC  
a Delaware limited liability company  
its Manager

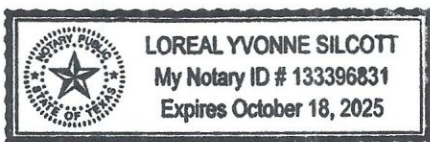
By: Maple View GP LLC  
a Delaware limited liability company  
its Manager

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

By: Itiel Kaplan  
Name: Itiel Kaplan  
Title: President

THE STATE OF TEXAS           §  
  §  
COUNTY OF Harris           §

This instrument was acknowledged before me on this 19 day of September, 2022, by Itiel Kaplan, President of Maple X, Inc., a Texas corporation and Manager of Maple View GP LLC, a Delaware limited liability company and Manager of Maple View Holdings LLC, a Delaware limited liability company and Manager of MAPLE VIEW DEVELOPMENT LLC, a Texas limited liability company, on behalf of said limited liability companies.



(NOTARY SEAL)

Loreal Silcott  
Notary Public, State of Texas



EXHIBIT A, PAGE 1 OF 3 PAGES

County: Brazoria  
Project: Maple View DBM 2  
M&B No: 21-166  
CS Job No: 21141

**METES AND BOUNDS DESCRIPTION OF 238.466 ACRES**

Being a tract of land containing 238.466 acres, located in the S.F. Austin Survey, Abstract 24, in Brazoria County, Texas; Said 238.466 acre tract being all of a called 235.281 acre tract of land recorded in the name of Maple View Development, LLC, in Brazoria County Clerk's File Number (B.C.C.F. No.) 2021085535, same being out of Lots 6, 7, 10 and 11 of the N.S. Hansen Subdivision, a subdivision of record in Volume 23, Page 544, of the Brazoria County Deed Records (B.C.D.R.), and out of County Road 48, a sixty feet wide public Right-of-Way (R.O.W.) of record in Volume 23, Page 544, of the B.C.D.R.; Said 238.466 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 1/2-inch iron rod found at the northerly northeast corner of said 235.281 acre tract, same being the northwest end of a transition line from the south R.O.W. line of County Road 35 (called sixty feet wide, occupied at eighty-four feet wide) to the west R.O.W. line of State Highway 288 (four hundred-twenty feet wide per Volume 1114, Page 251, of the B.C.D.R.), for the northerly northeast corner of the herein described tract;

**THENCE**, South 47° 57' 17" East, with said transition line, a distance of 70.73 feet to a concrete monument found at the easterly northeast corner of said 235.281 acre tract and the herein described tract, same being the southeast end of said transition line;

**THENCE**, with the east lines of said 235.281 acre tract and with the west R.O.W. line of said State Highway 288, the following two (2) courses:

1. South 02° 58' 18" East, a distance of 370.42 feet to a concrete monument found at the beginning of a curve to the right;
2. 2,071.41 feet along the arc of said curve to the right, having a radius of 11,249.16 feet, a central angle of 10° 33' 01", and a chord that bears South 02° 18' 13" West, a distance of 2,068.48 feet to a 1/2-inch iron rod found at the southeast corner of said 235.281 acre tract and the herein described tract, same being the northwest intersection of said State Highway 288 with a forty feet wide unnamed road per Volume 23, Page 544, of the B.C.D.R.;

**THENCE**, South 86° 48' 44" West, with the south line of said 235.281 acre tract and with the north R.O.W. line of said forty feet wide road, a distance of 3,727.34 feet to a 5/8-inch capped iron rod set at the southeast corner of a called 3.00 acre tract of land described as Tract I and recorded in the name of Marvin Dale Goodwin in B.C.C.F. No. 1995021598, for the southwest corner of the herein described tract;

EXHIBIT A, PAGE 2 OF 3 PAGES

**THENCE**, North 02° 53' 38" West, with the east lines of said Tract I and a called 2.00 acre tract of land described as Tract II and recorded in the name of Marvin Dale Goodwin in B.C.C.F. No. 1995021598, a distance of 500.00 feet to a 1/2-inch iron rod found at the northeast corner of said Tract II;

**THENCE**, South 87° 02' 26" West, with the north line of said Tract II, a distance of 62.50 feet to a 1/2-inch iron rod found at the southeast corner of a called 5.00 acre tract of land recorded in the name of Maria F. Mota in B.C.C.F. No. 2007056923;

**THENCE**, with the east and north lines of said 5.00 acre tract, the following two (2) courses:

1. North 02° 55' 01" West, a distance of 583.39 feet to a 1/2-inch iron rod found at the northeast corner of said 5.00 acre tract;
2. South 87° 05' 00" West, at a distance of 373.56 feet pass a 1/2-inch iron rod found at the westerly southwest corner of said 235.281 acre tract, same being the northwest corner of said 5.00 acre tract, on the east R.O.W. line of said County Road 48, continuing through and across said County Road 48 in all a distance of 433.56 feet to a point on the west R.O.W. line of said County Road 48, same being the east line of Lot 2 of said N.S. Hansen Subdivision;

**THENCE**, North 02° 56' 26" West, with the west R.O.W. line of said County Road 48 and with the east lines of Lots 2 and 1 of said N.S. Hansen Subdivision, through and across said County Road 35, and with the east line of a called 25.000 acre tract of land recorded in the name of Stephen Judd in B.C.C.F. No. 2001045320, respectively, a distance of 2,312.50 feet to a point for the northerly northwest corner of the herein described tract;

**THENCE**, North 87° 03' 34" East, through and across said County Road 48, a distance of 60.00 feet to a point on the east R.O.W. line of said County Road 48 and the west line of a called 122.9334 acre tract of land recorded in the name of WB Pradera Oaks Land 1 LLC, in B.C.C.F. No. 2019031292;

**THENCE**, South 02° 56' 26" East, with the east R.O.W. line of said County Road 48 and with the east line of said 122.9334 acre tract and through and across said County Road 35, respectively, a distance of 907.00 feet to a 1/2-inch iron rod found at the northwest corner of said 235.281 acre tract, same being the southeast intersection of said County Road 48 with said County Road 35;



EXHIBIT A, PAGE 3 OF 3 PAGES

**THENCE**, North 86° 57' 45" East, with the north line of said 235.281 acre tract and with the south R.O.W. line of said County Road 35, a distance of 4,301.55 feet to the **POINT OF BEGINNING** and containing 238.466 acres of land.

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

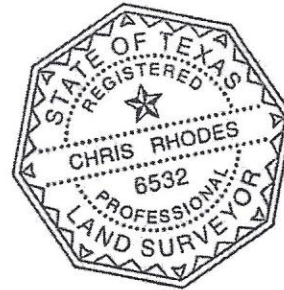
An Exhibit Map of the herein described tract was prepared in conjunction with and accompanies this description.



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

CIVIL-SURV LAND SURVEYING, LC  
PH: (713) 839-9181  
August 11, 2022



## 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.