



ORDINANCE NO. 135-24

**ORDINANCE OF CITY OF ORCHARD, TEXAS,
GIVING CONSENT TO THE CREATION OF
A MUNICIPAL UTILITY DISTRICT**

WHEREAS, pursuant to Chapter 549, Acts of the 86th Texas Legislature, Regular Session, codified at Chapter 8079, Texas Special District Local Laws Code (the "Act"), the Texas Legislature created Orchard Municipal Utility District No. 1 (the "District") over approximately 1,443 acres of land (the "Land") located within the extraterritorial jurisdiction of the City of Orchard, Texas (the "City"); and

WHEREAS, Section 8079.0104 of the Act provides that the consent of the City to the creation of the District and to the inclusion of land in the District is required prior to the holding of a confirmation and directors' election and bond election for the District; and

WHEREAS, Section 8079.0301 of the Act provides the District with the powers and duties provided by the general laws of the State of Texas, including Chapters 49 and 54 of the Texas Water Code; and

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

WHEREAS, the owners of the Land have submitted to the Mayor and City Council of the City a petition for consent to creation of a municipal utility district; and

WHEREAS, the general nature of the work to be done in the District is the purchase, construction, extension, improvement, maintenance and operation of a waterworks and sanitary sewer system and a storm sewer and drainage system, recreational facilities, road facilities and, subject to the laws of the State of Texas and the rules of the Texas Commission on Environmental Quality, firefighting facilities; and

WHEREAS, the City Council of the City of Orchard desires to create Ordinance No. 135-24, as set forth herein for the purpose of consenting to the creation of the District and the inclusion of the Land in the District; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS, that:

1. The matters and facts set out in the preamble hereof are true and correct.

2. The City Council of the City hereby specifically gives its written consent, as provided by Section 8079.0104 of the Texas Special District Local Laws Code and Section 54.016 of the Texas Water Code, to the creation of the District within the extraterritorial jurisdiction of the City of Orchard and the inclusion of the Land within said District, the boundaries of such Land being described by metes and bounds in Exhibit A attached hereto and made a part hereof for all purposes.

[SIGNATURES COMMENCE ON THE FOLLOWING PAGE]

CERTIFICATE OF ORDINANCE NO. 135-24

CITY OF ORCHARD, TEXAS

I, the undersigned City ^{Clerk}~~Secretary~~ of the City of Orchard, Texas hereby certify that the attached and foregoing is a true and correct copy of Ordinance No. 135-24, Ordinance of City of Orchard, Texas, Giving Consent to Creation of a Municipal Utility District to be known as Orchard Municipal Utility District No. 1. I further certify that said Ordinance was passed and approved by the City Council of the City of Orchard on November 15th, 2024.

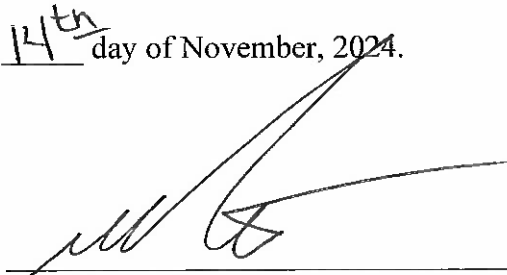
WITNESS MY HAND AND SEAL OF THE CITY OF ORCHARD, TEXAS, this 15th
day of November, 2024.



(SEAL)

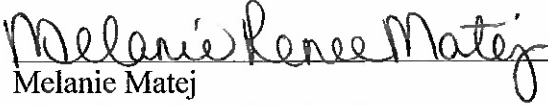
Melanie Renee Matej
Melanie Matej
City Clerk, City of Orchard

PASSED AND APPROVED on this 14th day of November, 2024.



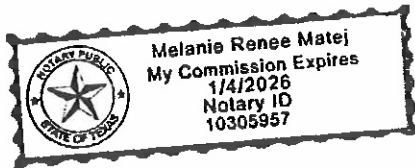
Matt Perreault
Mayor, City of Orchard

ATTEST:



Melanie Matej
City Clerk, City of Orchard

(SEAL)



PETITION FOR CONSENT TO CREATION
OF A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND
CITY COUNCIL OF THE CITY OF ORCHARD:

The undersigned, hereinafter called "Petitioner" (whether one or more), being the holder of title to all and, therefore, a majority in value of the lands hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Fort Bend County, Texas, acting pursuant to the provisions of Section 8079.0104, Texas Special District Local Laws Code and Section 54.016, Texas Water Code, as amended, respectfully petitions for consent to the creation of a municipal utility district, hereinafter called "District". In support of this petition for consent to the creation of the District, Petitioner shows as follows:

I.

The name of the District is ORCHARD MUNICIPAL UTILITY DISTRICT NO. 1.

II.

The area of the land to be included in the District contains 1,443 acres, more or less, and lies wholly within Fort Bend County, Texas. All of said area is within the extraterritorial jurisdiction of the City of Orchard and is not within the corporate limits or extraterritorial jurisdiction of any other city. Petitioner hereby certifies that there are no holders of liens against the land to be included in the District.

III.

The land sought to be included within the area of the District is described by metes and bounds on Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

IV.

The District has been created and will be organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, Chapter 8079 of the Texas Special District Local Laws Code, and Chapter 49 and Chapter 54 of the Texas Water Code, as amended. The purposes of and the general nature of the work proposed to be done by the District shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal uses, domestic uses and commercial purposes;
- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;

(3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction and interest during construction;

(4) establish, finance, provide, operate and maintain a fire department and/or fire-fighting services ("firefighting facilities") within the District subject to approval of the Texas Commission on Environmental Quality pursuant to its rules and Chapter 49 of the Texas Water Code, as amended, as and if required;

(5) exercise road powers and authority ("Road Powers") pursuant to applicable law;

(6) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and

(7) to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created and permitted under state law.

V.

The area of the District is urban in nature, is within the growing environs of the City of Orchard, and is in close proximity to populous and developed sections of Fort Bend County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Therefore, there is a necessity for the improvements described above for the following reasons:

(1) The District's area is not supplied with adequate water and sanitary sewer facilities and services, or with adequate drainage facilities. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the area of the District.

(2) The future inhabitants of the area and of territories adjacent thereto require recreational facilities, as same are necessary and desirable for the health and well-being of such inhabitants. The District's area does not currently include adequate recreational facilities within its boundaries.

(3) The future inhabitants of the area and of territories adjacent thereto require adequate road facilities, as same are necessary and desirable for the health and welfare of such inhabitants, and for the orderly growth of residential and commercial development within the area and territories adjacent thereto. Road Powers are of necessity to the District and to the land within the District as such powers will allow the District to construct, acquire, improve, and provide financing for road facilities that may not otherwise be constructed in a manner that will proactively address safety, capacity, durability, economic feasibility, and regional mobility issues.

(4) The future inhabitants of the area and of territories adjacent thereto may require fire-fighting facilities in order to supplement or supplant fire-fighting services otherwise provided by governmental entities other than the District, as fire-fighting services are necessary and desirable for the health and welfare of such inhabitants.

A public necessity exists for the organization of such District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the purchase, construction, extension, improvement, maintenance and operation of a water supply and sanitary sewer system, drainage facilities, recreational facilities, road facilities, and, subject to the laws of the State of Texas and the rules of the Texas Commission on Environmental Quality, fire-fighting facilities.

VI.

It is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$708,500,000 for water, sewer and drainage facilities, \$268,600,000 for recreational facilities, and \$408,200,000 for road facilities.

WHEREFORE, Petitioner: (i) has executed this petition in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute and be one and the same instrument, and the signature pages of which may be removed and aggregated to form one petition reflecting execution by all owners of the land included in the District, and (ii) respectfully prays that this petition be granted in all respects and that the City of Orchard give its written consent to the creation of said District.

[SIGNATURES COMMENCE ON THE FOLLOWING PAGE]

Dated this 12th day of November, 2024.

JFD Land Holdings, LP,
a Texas limited partnership

By: JFD Land Holdings GP, LLC,
a Texas limited liability company,
its General Partner

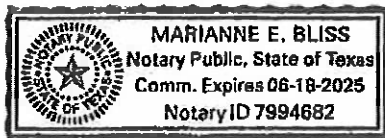
By: Raymond E. Moore, IV
Raymond E. Moore, IV
President

By: Jack H. Moore
Jack H. Moore,
Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this the 12th day of November, 2024, by Raymond E. Moore, IV, President of JFD Land Holdings GP, LLC, a Texas limited liability company and the General Partner of JFD Land Holdings, LP, a Texas limited partnership, on behalf of said entities.

(notary seal)

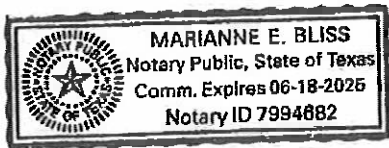


Marianne E Bliss
Notary Public in and for
the State of TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this the 12 day of November, 2024, by Jack H. Moore, Secretary of JFD Land Holdings GP, LLC, a Texas limited liability company and the General Partner of JFD Land Holdings, LP, a Texas limited partnership, on behalf of said entities.

(notary seal)



Marianne E Bliss
Notary Public in and for
the State of T E X A S

IMM Land Holdings, LP,
a Texas limited partnership

By: IMM Land Holdings GP, LLC,
a Texas limited liability company,
its General Partner

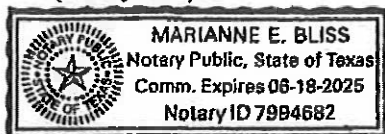
By: Raymond E. Moore, IV
Raymond E. Moore, IV
President

By: Jack H. Moore
Jack H. Moore,
Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this the 12 day of November, 2024, by Raymond E. Moore, IV, President of IMM Land Holdings GP, LLC, a Texas limited liability company and the General Partner of IMM Land Holdings, LP, a Texas limited partnership, on behalf of said entities.

(notary seal)

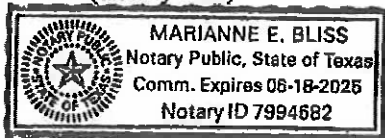


Marianne E Bliss
Notary Public in and for
the State of T E X A S

[illegible]

This instrument was acknowledged before me on this the 12 day of November, 2024, by Jack H. Moore, Secretary of IMM Land Holdings GP, LLC, a Texas limited liability company and the General Partner of IMM Land Holdings, LP, a Texas limited partnership, on behalf of said entities.

(notary seal)



Marianne E. Bless
Notary Public in and for
the State of TEXAS

Wade McNeil Exempt Unitrust

By: JP Morgan Chase Bank, N.A.,
a National Banking Association,
its Trustee

By: _____
Brent Seidenberger,
Executive Director

[illegible]

This instrument was acknowledged before me on this the ____ day of November, 2024, by Brent Seidenberger, Executive Director of JP Morgan Chase Bank, N.A., as Trustee of the Wade McNeil Exempt Unitrust, on behalf of said entities.

(notary seal)

**Notary Public in and for
the State of TEXAS**

Wade McNeil Exempt Unitrust

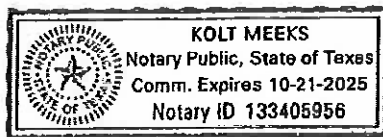
By: JP Morgan Chase Bank, N.A.,
a National Banking Association,
its Trustee

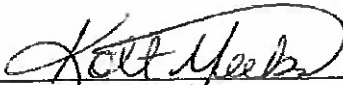
By: 
Brent Seidenberger,
Executive Director

THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the 12 day of November, 2024, by Brent Seidenberger, Executive Director of JP Morgan Chase Bank, N.A., as Trustee of the Wade McNeil Exempt Unitrust, on behalf of said entities.

(notary seal)




Notary Public in and for
the State of T E X A S

750949v2

Exhibit A

HENRY STEINKAMP, INC.
Texas Licensed Surveying Firm No. 10005000
Land Boundary & Topographic Surveying
909 Fifth Street
Rosenberg, Texas 77471
Telephone/Fax 281.342.2241
email: schodek@yahoo.com
Franklin R. Schodek
James L. Syptak, Sr.
Registered Professional Land Surveyor
Registered Professional Land Surveyor

January 30, 2019

ORCHARD MUNICIPAL UTILITY DISTRICT NO. 1.

A Field Note Description of 1443 Acres of Land, more or less, being in the Heirs of L. Burknapp Survey, Abstract 109; B.B.B. & C. Railroad Company Survey No. 19, Abstract 135; German Emigration Company Survey, Abstract 181; W.T. Lightfoot Survey, Abstract 282 and Vandell Ferris Survey, Abstract 376, Fort Bend County, Texas.

Beginning at a point in Long Lane marking the Southeast corner of the Gail Borden League, Abstract 12; said point being in a West line of this tract;

THENCE, North, 784 feet, more or less, along the East line of said Gail Borden League, Abstract 12 and a West line of said L. Burknapp Survey, Abstract 109 and the centerline of Long Lane to a point marking the Northwest corner of this tract;

THENCE, East, 2403 feet, more or less, along the North line of said Heirs of L. Burknapp Survey, Abstract 109 and the centerline of Roper Road to a point for corner;

THENCE, South, 1212 feet, more or less, along the West line of the said W.T. Lightfoot Survey, Abstract 282 to a point for corner;

THENCE, East, 3662 feet, more or less, along the South line of five (5) parcels owned by others to a point in the East line of said W.T. Lightfoot Survey, Abstract 282 for re-entrant corner;

THENCE, North, 1298 feet, more or less, to the Northwest corner of the said German Emigration Company Survey, Abstract 181 for corner;

THENCE, East, 8340 feet, more or less, along the North line of said German Emigration Company Survey, Abstract 181 and the North line of the said B.B.B. & C. Railroad Company Survey No. 19, Abstract 135 to the Northeast corner of said B.B.B. & C. Railroad Company Survey No. 19, Abstract 135 and Southeast corner of the Sarah Kennedy League, Abstract 45 and being in the West line of the Nancy Spencer Survey, Abstract 88;

Page 2.
1443 Acres
MUD NO. 1

THENCE, South, along the East line of said B.B.B. & C. Railroad Company Survey No. 19, Abstract 135 and the Vandell Ferris Survey, Abstract 376 and being in the West line of the Nancy Spencer League, Abstract 88, 4586 feet, more or less to a point for corner in a Westerly City of Rosenberg 5280 foot Radius Extra-Territorial Jurisdiction Line for corner;

THENCE, South 35deg.18' West, 1959 feet more or less, along said City of Rosenberg 5280 foot Radius Extra-Territorial Jurisdiction Line curve to the left, to a point in the Northeast line of the G.C. & S.F. Railroad right-of-way for corner;

THENCE, North 70deg.24' West, 845 feet, more or less, along said Northeast line of the G.C. & S.F. Railroad right-of-way to a point for corner;

THENCE, South, crossing the G.C. & S.F. Railroad right-of-way and State Highway No. 36 then along the East line of the 85 Acre Lot 2, a total distance of 2426 feet, more or less, to the Southeast corner of the Wade McNeill call 85 Acre Lot 2 of the J.M. MOORE SUBDIVISION (Volume 109, Page 585; Deed Records);

THENCE, West, 1479 feet, more or less, to the Southwest corner of said 85 Acre Tract;

THENCE, North, 2695 feet, more or less, to a point in the Southwest line of State Highway No. 36 marking the Northwest corner of said McNeill Tract;

THENCE, North 70deg.14' West, 3493 feet, more or less, along said Southwest line of said State Highway No. 36 to a point in the West line of said Vandell Ferris Survey and East line of the said German Emigration Company Survey, Abstract 181 for corner;

THENCE, South, 978 feet, along the West line of said said Vandell Ferris Survey and East line of the German Emigration Company Survey, Abstract 181 to the Northeast corner of the Heirs of L. Burknapp Survey, Abstract 109 for corner;

THENCE, West, 1638 feet, more or less, along the South line of said German Emigration Company Survey, Abstract 181 and a North line of said Heirs of L. Burknapp Survey, Abstract 109 to a point in the East line of said W.T. Lightfoot Survey, Abstract 283 for corner;

THENCE, North, 1577 feet, more or less, along the West line of the German Emigration Company Survey, Abstract 181 and East line of said W.T. Lightfoot Survey, Abstract 283 to a point in the Southwest line of the State Highway No. 36 for corner;

Page 3.
1443 Acres
MUD NO. 1

THENCE, North 70deg.17' West, 390 feet, more or less along the North line of said W.T. Lightfoot Survey, Abstract 283 and South line of the said W.T. Lightfoot Survey, Abstract 282 for corner;

THENCE, West, 3393 feet, along said North line of said W.T. Lightfoot Survey, Abstract 283 and South line of the W.T. Lightfoot Survey, Abstract 282 to the Southwest corner of said W.T. Lightfoot Survey, Abstract 282;

THENCE, North, 564 feet, more or less, to angle point;

THENCE, North 8deg.26' East, 514.22 feet, more or less, to a point in the Southwest line of said State Highway No. 36 for corner;

THENCE, North 70deg.08' West, 2524.26 feet, more or less, along the Southwest line of said State Highway No. 36 to a point marking the Southwest corner for this tract;

THENCE, North, crossing State Highway No. 36 and said G.C. & S.F. Railroad right-of-way, then along the centerline of Long Lane in all, 915 feet, more or less, to the place of beginning and containing 1443 Acres of Land, more or less.

Signed: _____
Registered Professional Land Surveyor No. 1535

Note: Not a field survey this date, prepared from available information.,

STEINKAMP, INC.
Land Surveyors & Topographic Surveying
Texas Licensed Surveying Firm No. 10000000
908 Fifth Street
ROCKWELL, TEXAS 77471
TELEPHONE/FAX 281-942,2241
FAX 281-942,2241

CONK prepared by:
KALLIZ, INC. Surveyors
Consulting Engineers and
Texas Licensed
Surveying Firm No. 10010009
3014 Austin I.
Rockwell, Texas 77471
(281) 942-0600

