



ORDINANCE NO. 136-24

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

WHEREAS, pursuant to Chapter 1005, Acts of the 86th Texas Legislature, Regular Session, codified at Chapter 3792, Texas Special District Local Laws Code (the "Act"), the Texas Legislature created Orchard Management District No. 1 (the "District") over approximately 920 acres of land (the "Land") located within the extraterritorial jurisdiction of the City of Orchard, Texas (the "City"); and

WHEREAS, Section 3792.0506 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 bond election for the District; 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 management 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, rail facilities, parking and transportation facilities, and such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District was created and are permitted under state law; and

WHEREAS, the City Council of the City of Orchard desires to create Ordinance No. 136-24, 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 3792.0506 of the Texas Special District Local Laws 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. 136-24

CITY OF ORCHARD, TEXAS

I, the undersigned City Secretary of the City of Orchard, Texas hereby certify that the attached and foregoing is a true and correct copy of Ordinance No. 136-24, Ordinance of City of Orchard, Texas, Giving Consent to Creation of a Management District to be known as Orchard Management District No. 1. I further certify that said Ordinance was passed and approved by the City Council of the City of Orchard on November 14th, 2024.

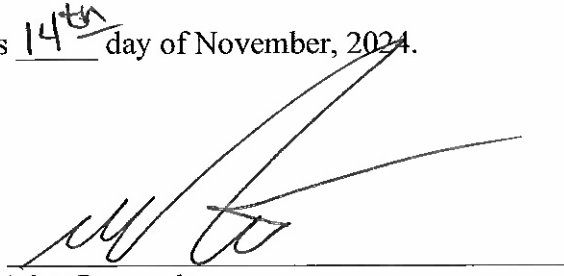
WITNESS MY HAND AND SEAL OF THE CITY OF ORCHARD, TEXAS, this 15th
day of November, 2024.



(SEAL)

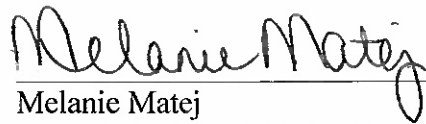
Melanie Renee Matej
Melanie Matej
City Clerk, City of Orchard

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 MANAGEMENT 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 3792.0506, Texas Special District Local Laws Code and Section 42.042, Texas Local Government Code, as amended, respectfully petitions for consent to the creation of a special 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 MANAGEMENT DISTRICT NO. 1.

II.

The area of the land to be included in the District contains 920 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 by an Act of the 86th Texas Legislature (the "Act") under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, and shall be organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, Article III, Section 52 and 52-a of the Constitution of Texas, the Act, Chapter 375 of the Texas Local Government Code, and the applicable provisions of 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) exercise road powers and authority ("Road Powers") pursuant to applicable law;
- (5) promote, develop, encourage and maintain employment, commerce, economic development, safety, and the public welfare in the area within the District;
- (6) secure expanded and improved public transportation and parking and pedestrian facilities and systems to benefit land and property within the District;
- (7) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and
- (8) 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.

The District will be created to serve a public use and benefit. The creation of the District is essential to further the public purposes of development and diversification of the economy of the state, the elimination of unemployment and underemployment, and the development or expansion of transportation and commerce, and is in the public interest.

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 require such additional facilities as may be authorized by the Act and as may be necessary to promote, develop, encourage and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety and the public welfare in the area within the District.

A public necessity exists for the organization of such District to promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare in the area within the District and to 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, rail facilities, parking and transportation facilities, and such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District was created and are permitted under state law.

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 \$524,000,000 for water, sewer and drainage facilities, \$171,000,000 for recreational facilities, \$218,000,000 for road facilities, and \$158,000,000 for other infrastructure and facilities as may be permitted by the Act, including, without limitation, rail facilities, parking and public transportation facilities, and conduits for fiber-optic cable, electronic transmission and distribution lines and other transmission and distribution lines.

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 the owner 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.

IMM Land Holdings, LP,
a Texas limited partnership

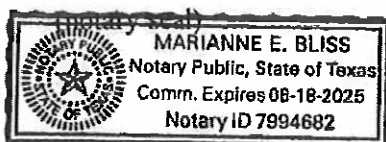
By: IMM Land Holdings GP, LLC,
a Texas limited liability company,
its General Partner

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.

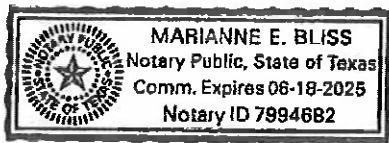


Marianne E. Bliss
Notary Public in and for
the State of TEXAS

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 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

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
Registered Professional Land Surveyor

January 25, 2019

ORCHARD MANAGEMENT DISTRICT

A Field Note Description of 920 Acres of Land, more or less, being the Easterly 300 Acres of Land, more or less, of the German Emigration Company Survey No. 6, Abstract 176 and 605 Acres of Land, more or less, being the remainder of the David Scott Heirs Survey, Abstract 316, Fort Bend County, Texas.

Beginning at a point in the South line of the Gail Borden League, Abstract 12 marking the Northwest corner of the Peter McGreal Survey, Abstract 338 and Northeast corner of said German Emigration Company Survey No. 6, Abstract 176 and the Northeast corner of and place of beginning of this 905 Acre Tract;

THENCE, South, 3279.63 feet, more or less, along the East line of said German Emigration Company Survey No. 6, Abstract 176 and the West line of said Peter McGreal Survey, Abstract 338 to the Southeast corner of said German Emigration Company Survey No. 6, Abstract 176 and the Southwest corner of said Peter McGreal Survey, Abstract 338 to a point marking a re-entrant corner OF this tract;

THENCE, East, 1120 feet, more or less, along the North line of the David Scott Heirs Survey, Abstract 316 and the South line of said Peter McGreal Survey, Abstract 338 to a point marking the Northeast corner of said David Scott Heirs Survey, Abstract 316 and Northwest corner of the German Emigration Company Survey No. 8, Abstract 177 and marking a Southerly Northeast corner for this tract;

THENCE, South, 5445 feet, more or less, along the East line of said David Scott Heirs Survey, Abstract 316 and West line of said German Emigration Company Survey No. 8, Abstract 177 and Heirs of L. Burknapp Survey, Abstract 109 to the Southeast corner of said David Scott Heirs Survey, Abstract 316 for the Southeast corner of this tract; said corner also marking the Northeast corner of the Mark Smith Survey, Abstract 314;

THENCE, West, 5060 feet, more or less, along the North line of said Mark Smith Survey, Abstract 314 and South line of said David Scott Heirs Survey, Abstract 316 to a point in the East right-of-way line of State Farm Market Road No. 1489 marking the Southwest corner of this tract;

Page 2.
920 Acres
Orchard Management District

THENCE, North, along said East right-of-way line of said State Farm Market Road No. 1489, at 5445 feet, more or less, pass the North line of said David Scott Heirs Survey, Abstract 316 and South line of said German Emigration Company Survey No. 6, Abstract 176, in all 7487.25 feet, more or less, to the point of curve to the right;

THENCE, Continuing along said Southeast right-of-way line of said State Farm Market Road No. 1489, Northeasterly along a curve to the right with the following data: Delta=63degrees 19'06", Radius=1086.28 feet, Length=1200.48 feet and Chord= North 31deg.39'33" East, 1140.3 feet, more or less to point of tangency;

THENCE, North 63deg.19'04" East, 594.11 feet, more or less along said Southeast right-of-way line of said State Farm Market Road No. 1489 to a point in the South line of said Gail Borden League, Abstract 12 marking the Northwest corner for this tract;

THENCE, East, 2810.65 feet, more or less, along said South line of said Gail Borden League, Abstract 12 and North line of said German Emigration Company Survey No. 6 to the place of beginning and containing 920 Acres of Land, more or less.

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



PROPOSED ORCHARD MUNICIPAL MANAGEMENT DISTRICT

920 ACRES
FORT BEND COUNTY, TEXAS
JANUARY 30, 2016

LEGEND:
[] ORCHARD MMD BOUNDARY

STENKAMP, INC.
Land Boundary & Topographic Surveying
Texas Licensed Surveying Firm No. 10005000
908 FIFTH STREET
ROSENBERG, TEXAS 77471
TELEPHONE/FAX 281.342.2241
email "stchodak@yahoo.com"

KALLIZA, INC.
Exhibit prepared by:
Consulting Engineers and Surveyors
Texas Licensed Surveying Firm No. 10010000
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Rosenberg, Texas
(281) 341-0808
bschodak@kalliza.com