

ORDINANCE NO. 133-24

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

WHEREAS, through passage of House Bill 5326, 88th Texas Legislature, Regular Session, codified as Chapter 8079A of the Texas Special District Local Laws Code (the "Act"), the Texas Legislature created Orchard Municipal Utility District No. 2 (the "District") over 2,717.3 acres of land, which land is described by metes and bounds in Exhibit A attached to this Petition (the "Property");

WHEREAS, Section 8079A.0104 of the Act requires that each municipality in whose corporate limits or extraterritorial jurisdiction the District is located consent to the creation of the District prior to holding an election to confirm the creation of and elect directors for the District;

WHEREAS, the District is located within the extraterritorial jurisdiction of the City of Orchard, Texas (the "City");

WHEREAS, the owner of title to all and, therefore, a majority in value of the Property has submitted a Petition for Consent to Creation of a Municipal Utility District, seeking the consent of the City to the creation of the District;

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. 133-24, as set forth herein for the purpose of consenting to the creation of the District; Now Therefore,

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

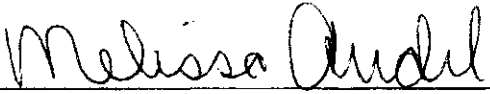
1. The matters and facts set out in the preamble hereof are true and correct.
2. The City Council of the City hereby specifically gives its written consent, pursuant to and in accordance with Section 8079A.0104 of the Act, to the creation of the District within the extraterritorial jurisdiction of the City of Orchard, 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]

PASSED AND APPROVED on this 11 day of June, 2024

  
\_\_\_\_\_  
Mayor, City of Orchard

ATTEST:

  
\_\_\_\_\_  
City Secretary, City of Orchard

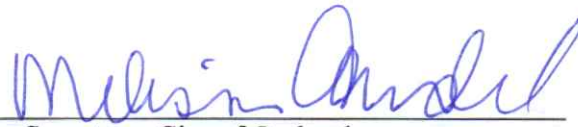
(SEAL)

CERTIFICATE OF ORDINANCE NO. 133-24

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. 133-24, Ordinance of City of Orchard, Texas, Giving Consent to Creation of a Municipal Utility District to be known as Orchard Municipal Utility District No. 2. I further certify that said Ordinance was passed and approved by the City Council of the City of Orchard on June 11, 2024

11 WITNESS MY HAND AND SEAL OF THE CITY OF ORCHARD, TEXAS, this day of June, 2024

  
\_\_\_\_\_  
City Secretary, City of Orchard

(SEAL)

# Exhibit A

Exhibit\_\_ Page 1 of 6 Pages

County: Fort Bend  
Project: RES-VLS - Boundary  
C.I. No.: 1244-23 (Boundary Map Prepared)  
Job Number: 2022-341-020

## METES AND BOUNDS DESCRIPTION 2,717.3 ACRES

Being a 2,717.3 acre tract of land located in the Nancy Spencer Survey, Abstract No. 88, Fort Bend County, Texas; said 2,717.3 acre tract being a portion of a called 3,719.849 acre tract of land (Tract 11) recorded in Clerk's File (C.F.) No. 9632563 of the Official Public Records of Fort Bend County (O.P.R.F.B.C.) said 2,717.3 acre tract being more particularly described as follows (all bearings are referenced to the Texas Coordinate System, North American Datum 1983 (NAD 83), South Central Zone):

**Commencing** at a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the southwest corner of said 3,719.849 acre tract, the southeast corner of a called 191.415 acre tract of land recorded in the name of J.F.D. Moore Estate Heirs Partnership, LTD. in Volume 2729, Page 2237 of the Deed Records of Fort Bend County (D.R.F.B.C.) and being on the northeasterly right-of-way line of the G. C. & S.F. Railroad (formerly B.B.B. & C. Railroad) (100 feet wide);

Thence, with the westerly line of said 3,719.849 acre tract, the easterly line of said 191.415 acre tract, and the easterly line of a called 640 acre tract of land recorded in the name of J.F.D. Moore Estate Heirs Partnership, Ltd. in said Volume 2729, Page 2237 of the O.P.R.F.B.C., North 02 degrees 49 minutes 03 seconds West, a distance of 2,329.33 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" set at the **Point of Beginning** of the herein described tract;

1. Thence, with the westerly line of said 3,719.849 acre tract, the easterly line of said 640 acre tract, and the easterly line of a called 2,155 acre tract of land recorded in the name of J.F.D. Moore Estate Heirs Partnership, Ltd. in said Volume 2729, Page 2237 of the O.P.R.F.B.C., North 02 degrees 49 minutes 03 seconds West, at a distance of 4,247.95 feet pass a concrete monument found at the northeast corner of said 640 acre tract and the southeast corner of said 2,155 acre tract, continuing a total a distance of 18,850.37 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

Thence, continuing with the westerly line of said 3,719.849 acre tract and the easterly line of said 2,155 acre tract, the following three (3) courses:

1. North 03 degrees 02 minutes 24 seconds West, a distance of 2,781.00 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;
2. North 03 degrees 06 minutes 21 seconds West, a distance of 932.80 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found;



3. North 02 degrees 49 minutes 21 seconds West, a distance of 1,502.80 feet to the westerly high bank of the Brazos River;

Thence, generally with said westerly high bank of the Brazos River, the following eleven (11) courses:

4. South 72 degrees 44 minutes 02 seconds East, a distance of 14.76 feet;
5. South 78 degrees 41 minutes 04 seconds East, a distance of 417.66 feet;
6. South 75 degrees 00 minutes 02 seconds East, a distance of 229.22 feet;
7. South 70 degrees 02 minutes 45 seconds East, a distance of 180.03 feet;
8. South 67 degrees 00 minutes 16 seconds East, a distance of 165.02 feet;
9. South 61 degrees 35 minutes 51 seconds East, a distance of 207.59 feet;
10. South 63 degrees 19 minutes 42 seconds East, a distance of 248.21 feet;
11. South 56 degrees 54 minutes 06 seconds East, a distance of 204.89 feet;
12. South 44 degrees 17 minutes 52 seconds East, a distance of 257.06 feet;
13. South 26 degrees 27 minutes 30 seconds East, a distance of 215.03 feet;
14. South 32 degrees 02 minutes 31 seconds East, a distance of 22.36 feet;
15. Thence, across aforesaid 3,719.849 acre tract, 4,373.78 feet along the arc of a curve to the left, said curve having a central angle of 94 degrees 55 minutes 26 seconds, a radius of 2,640.00 feet and a chord that bears South 00 degrees 36 minutes 58 seconds East, a distance of 3,890.45 feet;
16. Thence, continuing across said 3,719.849 acre tract, 4,150.57 feet along the arc of a curve to the left, said curve having a central angle of 90 degrees 04 minutes 47 seconds, a radius of 2,640.00 feet and a chord that bears South 44 degrees 24 minutes 01 seconds East, a distance of 3,736.12 feet to aforesaid westerly high bank of the Brazos River;

Thence, generally with said westerly high bank of the Brazos River, the following eighty (80) courses:

17. South 34 degrees 28 minutes 13 seconds East, a distance of 433.92 feet;
18. South 41 degrees 29 minutes 22 seconds East, a distance of 354.45 feet;

19. South 59 degrees 43 minutes 40 seconds East, a distance of 178.25 feet;
20. South 64 degrees 55 minutes 25 seconds East, a distance of 217.46 feet;
21. South 45 degrees 36 minutes 07 seconds East, a distance of 156.54 feet;
22. South 61 degrees 02 minutes 24 seconds East, a distance of 290.45 feet;
23. South 62 degrees 55 minutes 23 seconds East, a distance of 220.95 feet;
24. South 51 degrees 38 minutes 39 seconds East, a distance of 205.63 feet;
25. South 50 degrees 33 minutes 15 seconds East, a distance of 241.04 feet;
26. South 64 degrees 47 minutes 04 seconds East, a distance of 180.54 feet;
27. South 47 degrees 48 minutes 24 seconds East, a distance of 192.00 feet;
28. South 37 degrees 06 minutes 08 seconds East, a distance of 227.18 feet;
29. South 36 degrees 59 minutes 46 seconds East, a distance of 159.52 feet;
30. South 43 degrees 31 minutes 03 seconds East, a distance of 503.94 feet;
31. South 40 degrees 03 minutes 12 seconds East, a distance of 672.25 feet;
32. South 33 degrees 07 minutes 00 seconds East, a distance of 172.05 feet;
33. South 35 degrees 00 minutes 51 seconds East, a distance of 236.49 feet;
34. South 40 degrees 01 minutes 43 seconds East, a distance of 214.33 feet;
35. South 32 degrees 15 minutes 15 seconds East, a distance of 219.68 feet;
36. South 26 degrees 38 minutes 11 seconds East, a distance of 222.66 feet;
37. South 31 degrees 11 minutes 43 seconds East, a distance of 242.07 feet;
38. South 29 degrees 50 minutes 26 seconds East, a distance of 263.79 feet;
39. South 12 degrees 47 minutes 53 seconds East, a distance of 200.25 feet;
40. South 20 degrees 55 minutes 56 seconds East, a distance of 300.61 feet;
41. South 20 degrees 01 minutes 43 seconds East, a distance of 209.00 feet;

42. South 12 degrees 26 minutes 57 seconds East, a distance of 254.24 feet;
43. South 08 degrees 08 minutes 54 seconds East, a distance of 202.50 feet;
44. South 03 degrees 28 minutes 48 seconds East, a distance of 146.68 feet;
45. South 00 degrees 08 minutes 48 seconds East, a distance of 268.65 feet;
46. South 08 degrees 27 minutes 15 seconds West, a distance of 223.96 feet;
47. South 13 degrees 58 minutes 09 seconds West, a distance of 181.17 feet;
48. South 25 degrees 23 minutes 14 seconds West, a distance of 155.08 feet;
49. South 35 degrees 06 minutes 01 seconds West, a distance of 590.15 feet;
50. South 31 degrees 39 minutes 21 seconds West, a distance of 175.38 feet;
51. South 28 degrees 17 minutes 22 seconds West, a distance of 217.41 feet;
52. South 37 degrees 20 minutes 10 seconds West, a distance of 237.30 feet;
53. South 38 degrees 08 minutes 03 seconds West, a distance of 225.32 feet;
54. South 35 degrees 15 minutes 38 seconds West, a distance of 248.60 feet;
55. South 35 degrees 51 minutes 07 seconds West, a distance of 309.84 feet;
56. South 23 degrees 27 minutes 15 seconds West, a distance of 320.51 feet;
57. South 13 degrees 04 minutes 47 seconds East, a distance of 261.27 feet;
58. South 25 degrees 58 minutes 32 seconds West, a distance of 91.14 feet;
59. South 04 degrees 23 minutes 14 seconds West, a distance of 138.87 feet;
60. South 04 degrees 29 minutes 37 seconds West, a distance of 127.72 feet;
61. South 17 degrees 35 minutes 25 seconds East, a distance of 89.22 feet;
62. South 21 degrees 29 minutes 39 seconds East, a distance of 246.80 feet;
63. South 29 degrees 42 minutes 34 seconds East, a distance of 301.29 feet;

Exhibit\_\_ Page 5 of 6 Pages

64. South 08 degrees 28 minutes 17 seconds East, a distance of 128.18 feet;
65. South 20 degrees 05 minutes 47 seconds East, a distance of 206.11 feet;
66. South 30 degrees 59 minutes 24 seconds East, a distance of 377.55 feet;
67. South 29 degrees 33 minutes 11 seconds East, a distance of 275.71 feet;
68. South 30 degrees 19 minutes 21 seconds East, a distance of 254.07 feet;
69. South 33 degrees 15 minutes 30 seconds East, a distance of 219.30 feet;
70. South 19 degrees 03 minutes 31 seconds East, a distance of 171.86 feet;
71. South 23 degrees 26 minutes 15 seconds East, a distance of 272.19 feet;
72. South 12 degrees 44 minutes 43 seconds East, a distance of 240.72 feet;
73. South 09 degrees 23 minutes 30 seconds East, a distance of 186.65 feet;
74. South 01 degrees 54 minutes 46 seconds East, a distance of 227.10 feet;
75. South 02 degrees 07 minutes 28 seconds East, a distance of 126.95 feet;
76. South 02 degrees 18 minutes 17 seconds West, a distance of 214.97 feet;
77. South 03 degrees 32 minutes 30 seconds West, a distance of 166.10 feet;
78. South 06 degrees 43 minutes 00 seconds West, a distance of 227.41 feet;
79. South 02 degrees 44 minutes 35 seconds West, a distance of 227.16 feet;
80. South 11 degrees 11 minutes 12 seconds West, a distance of 78.67 feet;
81. South 05 degrees 39 minutes 02 seconds West, a distance of 321.46 feet;
82. South 05 degrees 41 minutes 54 seconds East, a distance of 227.87 feet;
83. South 14 degrees 53 minutes 08 seconds West, a distance of 319.90 feet;
84. South 07 degrees 34 minutes 26 seconds West, a distance of 174.93 feet;
85. South 08 degrees 13 minutes 38 seconds West, a distance of 212.27 feet;
86. South 03 degrees 31 minutes 38 seconds West, a distance of 211.05 feet;



- 87. South 04 degrees 57 minutes 34 seconds West, a distance of 190.45 feet;
- 88. South 13 degrees 55 minutes 15 seconds West, a distance of 187.57 feet;
- 89. South 02 degrees 38 minutes 58 seconds West, a distance of 111.89 feet;
- 90. South 04 degrees 24 minutes 56 seconds East, a distance of 188.93 feet;
- 91. South 06 degrees 34 minutes 35 seconds East, a distance of 211.19 feet;
- 92. South 29 degrees 48 minutes 08 seconds East, a distance of 152.26 feet;
- 93. South 36 degrees 12 minutes 51 seconds East, a distance of 223.21 feet;
- 94. South 44 degrees 17 minutes 23 seconds East, a distance of 255.63 feet;
- 95. South 50 degrees 13 minutes 52 seconds East, a distance of 260.97 feet;
- 96. South 49 degrees 01 minutes 22 seconds East, a distance of 40.16 feet;

Thence, across aforesaid 3,719.849 acre tract, the following three (3) courses:

- 97. North 76 degrees 00 minutes 11 seconds West, a distance of 2,189.13 feet;
- 98. North 73 degrees 24 minutes 35 seconds West, a distance of 140.77 feet;
- 99. 5,835.67 feet along the arc of a curve to the left, said curve having a central angle of 63 degrees 19 minutes 32 seconds, a radius of 5,280.00 feet and a chord that bears South 76 degrees 18 minutes 17 seconds West, a distance of 5,543.15 feet to the **Point of Beginning** and containing 2,717.3 acres of land.

*Joseph B. May*  
10-16-2023

