



- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state;
- (9) a water supply for municipal uses, domestic uses and commercial purposes;
- (10) the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites;
- (11) the gathering, conducting, diverting, and controlling of local storm water or other local harmful excesses of water; and
- (12) the construction, acquisition, improvement, operation, repair, extension, or maintenance of park and recreational facilities to the extent authorized by Article XVI, Section 59, of the Texas Constitution.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, easements, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

#### V.

The general nature of the work to be done by and within the Tract at the present time is the construction, maintenance and operation of a waterworks system for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection system; the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the lands to be included within the District; the construction, installation, maintenance, purchase and operation of park and recreational facilities; and the construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

#### VI.

There is a necessity for the improvements above described because the Tract is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature, and is not supplied with adequate water, sanitary sewer, drainage, and park and recreational facilities and services. The health and welfare of the future inhabitants of the Tract require the acquisition, construction, installation, extension, improvement, maintenance, and operation of an adequate waterworks, sanitary sewer, and storm drainage system, and park and recreational facilities.

The purchase, construction, installation, extension, improvement, maintenance, and operation of such waterworks system, storm and sanitary sewer collection and disposal systems, and park and recreational facilities will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the

public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Tract within the District.

VII.

Said proposed improvements are practicable and feasible in that the terrain of the Tract is of such a nature that a waterworks system, sanitary and storm sewer systems, and park and recreational facilities can be constructed at a reasonable cost; and said land will be rapidly developed for residential and commercial purposes.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Tract, and 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 \$8,000,000.

IX.

The undersigned agree and hereby covenant that if the requested consent to the annexation of the Tract to the District is granted, the District and Property Owner will adopt and abide by the conditions set forth in Exhibit "B" attached hereto and incorporated herein for all purposes.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Commission of the City of Texas City, Texas, adopt a resolution giving its written consent to the addition of the Tract to the District.

***[SIGNATURE PAGE FOLLOWS]***

RESPECTFULLY SUBMITTED THIS \_\_\_\_\_, 2021.

“DISTRICT”

GALVESTON COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 53

By: \_\_\_\_\_  
Title: President, Board of Directors

ADDRESS:  
c/o Sanford Kuhl Hagan Kugle Parker Kahn LLP  
1980 Post Oak Boulevard, Suite 1380  
Houston, Texas 77056

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors

(DISTRICT SEAL)

THE STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me on \_\_\_\_\_, 2021,  
by \_\_\_\_\_, President of the Board of Directors of Galveston County Municipal  
Utility District No. 53, a political subdivision, on behalf of said political subdivision.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

**[SIGNATURES AND ACKNOWLEDGEMENTS CONTINUED ON FOLLOWING PAGE]**

“PROPERTY OWNER”

418 SOUTHLAKE, LTD.,  
a Texas limited partnership

By: NEHC Properties, Inc.,  
a Texas corporation,  
its General Partner

By: \_\_\_\_\_  
Joseph H. Fogarty, President

THE STATE OF TEXAS           §  
  §  
COUNTY OF \_\_\_\_\_       §

This instrument was acknowledged before me on \_\_\_\_\_, 2021,  
by Joseph H. Fogarty, President of NEHC Properties, Inc., a Texas corporation, the General Partner  
of 418 Southlake, Ltd., a Texas limited partnership, on behalf of said limited partnership.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

(SEAL)

**EXHIBIT "A"**

**The Tract**

[attached]

DESCRIPTION OF  
65.28 ACRES  
ANNEXATION TRACTS FOR  
GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 53

Being 65.28 acres of land located in the P.G. Merritt Survey, Abstract 155 and the W.G. Banks Survey, Abstract 36, Galveston County, Texas, being all of the following tracts, conveyed to 418 Southlake, LTD.: Tract II (1.24 acres), by instrument of record in File Number 2007061436, of the Official Public Records of said Galveston County, Texas (G.C.O.P.R.), Tract IV (8.08 acres), by instrument of record in said File Number 2007061436, G.C.O.P.R., Tract V (4.56 acres), by instrument of record in said File number 2007061436, G.C.O.P.R., 11.97 acres, by instrument of record in File Number 2008058399, G.C.O.P.R., and a residue of that certain called 5.37 acre tract, conveyed to 418 Southlake, LTD., by instrument of record in File Number 2008028848, G.C.O.P.R., and a portion of that certain called 418.49 acre tract conveyed to 418 Southlake, LTD., by instrument of record in File Number 2007004823, G.C.O.P.R. said 65.28 acres, also being all of the following five (5) 0.14 acre tracts conveyed to 418 Southlake, LTD, by instruments of records in File Numbers 2020017307, 2020017308, 2020017309, 2020017310, 2020017311, G.C.O.P.R., said 65.28 acres being more particularly described in two (2) parts by metes and bounds as follows (all bearings referenced to the deed for said 418.49 acres (F.N. 2007004823, G.C.O.P.R.);

Tract 1

BEGINNING at the most westerly corner of said 418.49 acres, same being on the south line of the remainder of a tract of land conveyed to Tracy D. High by instrument of record at Film Code 013-53-2400 of the Deed Records of said Galveston County (G.C.D.R.)

Thence, North 86° 59' 00" East, along the common line of said south line and said 418.49 acres, 1177.80 feet to a point for corner, same being an angle point of said 418.49 acres;

Thence, South 03° 01' 00" East, leaving said common line, an approximate distance of 1119.31 feet to a point for corner on a south line of the Corporate Limits of the City of Texas City described in the City of Texas City Ordinance No. 05-34 of record in File No. 2006082443, G.C.O.P.R., same being a north line of the Corporate Limits of the City of Dickinson as described in a 1977 order of record in Book 2879, Page 576, of the Deed Records of Galveston County, Texas (G.C.D.R.);

Thence, South 86° 53' 09" West, with the common corporate limits line of said City of Texas City and said City of Dickinson, 1036.08 feet to a point for corner, same being on the southwesterly line of said 418.49 acres and on the centerline of Gum Bayou;

Thence, departing said common corporate limits line, along the common line of said 418.49 acres and the centerline of said Gum Bayou, the following three (3) courses;

1. North 22° 01' 00" West, 147.34 feet to a point for corner;
2. North 52° 32' 58" West, 63.93 feet to a point for corner;
3. North 68° 57' 58" West, 49.41 feet to a point for corner, same being a westerly corner of said 418.49 acres and the southeast corner of that certain tract conveyed to Ron River Associates, LLC., by instrument of record in File Number 2004060161, G.C.O.P.R.;

Thence, North 03° 01' 00" West, departing the centerline of Gum Bayou, along the west line of said 418.49 acres, 920.14 feet to the POINT OF BEGINNING and containing 29.84 acres of land.

Tract 2

BEGINNING at the southwest corner of aforementioned 4.56 acres, same being the northwest corner of said 418.49 acres;

Thence, North 03° 01' 00" West, along the west line of said 4.56 acres, 995.73 feet to a point for corner, same being the northwest corner of said 4.56 acres;

Thence, South 88° 23' 51" East, along the north line of said 4.56 acres, aforementioned 1.24 acres, and aforementioned 8.08 acres, 767.71 feet to the northeast corner of said 8.08 acres;

Thence, along the east line of said 8.08 acres, the following seven (7) courses;

1. South 12° 17' 40" East, 42.90 feet to a point for corner;
2. South 03° 03' 20" East, 99.41 feet to a point for corner;
3. South 02° 35' 31" East, 61.01 feet to a point for corner;
4. South 02° 40' 18" East, 51.44 feet to a point for corner;
5. South 02° 17' 53" East, 24.69 feet to a point for corner;
6. South 10° 16' 00" East, 50.20 feet to a point for corner;
7. South 35° 21' 55" East, 14.22 feet to a point for corner, same being the most easterly corner of said 8.08 acres, and the northwest corner of the aforementioned 11.97 acres;

Thence, along the northerly line of said 11.97 acres, aforementioned 418.49 acres and the southerly line of that certain called 4.34 acre tract described in deed of record in File Number 2008058402, G.C.O.P.R., the following twenty-three (23) courses;

1. South 87° 35' 57" East, 40.68 feet to a point for corner;
2. South 82° 29' 37" East, 51.78 feet to a point for corner;
3. South 85° 27' 38" East, 53.39 feet to a point for corner;
4. South 86° 33' 08" East, 53.31 feet to a point for corner;
5. South 87° 40' 56" East, 50.20 feet to a point for corner;
6. North 87° 36' 37" East, 50.87 feet to a point for corner;
7. North 86° 09' 17" East, 50.85 feet to a point for corner;
8. North 87° 30' 04" East, 52.13 feet to a point for corner;
9. South 87° 29' 55" East, 50.11 feet to a point for corner;
10. South 85° 54' 10" East, 53.44 feet to a point for corner;
11. South 82° 11' 57" East, 52.25 feet to a point for corner;
12. South 78° 50' 22" East, 89.19 feet to a point for corner;
13. South 78° 49' 30" East, 31.06 feet to a point for corner;

65.28 Acres

August 2, 2021  
Job No. LJAS001-1178-0002

14. South 82° 34' 55" East, 42.25 feet to a point for corner;
15. South 85° 30' 53" East, 68.21 feet to a point for corner;
16. South 86° 17' 53" East, 148.63 feet to a point for corner;
17. South 73° 41' 13" East, 120.95 feet to a point for corner;
18. South 77° 53' 12" East, 112.05 feet to a point for corner;
19. South 83° 37' 46" East, 192.09 feet to a point for corner;
20. South 60° 49' 16" East, 158.75 feet to a point for corner;
21. South 59° 51' 31" East, 193.45 feet to a point for corner;
22. South 60° 21' 32" East, 195.17 feet to a point for corner;
23. South 62° 15' 28" East, 51.78 feet to a point for corner, same being on the east line of the residue of the aforementioned 5.37 acres;

Thence, South 03° 04' 21" East, along said east line, 60.53 feet to a point for corner;

Thence, South 87° 06' 54" West, 2630.78 feet to the POINT OF BEGINNING and containing 35.44 acres of land.

Said Tract 1 and Tract 2 containing a total of 65.28 acres of land.

65.28 Acres

August 2, 2021  
Job No. LJAS001-1178-0002

Note: 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.



LJA Surveying, Inc.

*Keith W. Monroe*

8-2-2021

## Exhibit B

(a) Bonds will be issued by the District only for the purpose of purchasing and constructing, or purchasing or constructing under contract with The City of Texas City, Texas, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, fire-fighting facilities, parks and recreational facilities, and street, road and bridge facilities or parts of such systems or facilities, and to make any and all necessary purchases, construction, 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. Such bonds will expressly provide that the District reserves the right to redeem the bonds on any interest-payment date subsequent to the fifteenth (15th) anniversary of the date of issuance without premium and will be sold only after the taking of public bids therefor, and none of such bonds, other than refunding bonds, will be sold for less than 95% 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 (2%) 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 notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. The resolution authorizing the issuance of the District's bonds will contain a provision that any pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City of Texas City, Texas, dissolves the District, takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until The City of Texas City, Texas, has given its written consent by resolution of the City Commission to such addition or annexation.

(b) Any refunding bonds of the District must provide for a minimum of three percent present value savings and no maturity of the refunding bonds may extend beyond the latest maturity of the refunded bonds, unless approved by the City in writing prior to the sale thereof.

(c) Before the commencement of any construction within the District, the District, its directors, officers, or the developers and landowners will submit to the Director of Public Works and the City Engineer of The City of Texas City, Texas, or to his/her designated representative, all plans and specifications for the construction of water, sanitary sewer, and drainage facilities and street, road and bridge facilities 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 exactly to the specifications of The City of

Texas City, Texas. All water service lines and sewer service lines, lift stations, sewage treatment facilities, and appurtenances thereto, installed or used within the District will comply with The City of Texas City, Texas' standard plans and specifications. Prior to the construction of such facilities within the District, the District or its engineer will give written notice by registered or certified mail to the Director of Public Works and the City Engineer, stating the date that such construction will be commenced. The construction of the District's water, sanitary sewer, and drainage facilities and street, road, and bridge facilities will be in accordance with the approved plans and specifications, and with applicable standards and specifications of The City of Texas City, Texas; and during the progress of the construction and installation of such facilities, the District Engineer of record shall periodically monitor and observe the construction of facilities and submit to the City a certification that all facilities have been installed to City and State plans and specifications. Additionally, the District shall provide funds to pay the City's cost of contracting with an inspector to provide full time monitoring and inspection of the construction of facilities. The Director of Public Works and the City Engineer of the City of Texas City, Texas, or his/her designated representative, may make periodic on-the-ground inspections.