

RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS CONSENTING TO THE CREATION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 255 IN MONTGOMERY COUNTY, TEXAS AND ESTABLISHING CONDITIONS APPLICABLE TO THE CREATION OF THE DISTRICT.

WHEREAS, on or about October 17, 2024, TRI POINTE HOMES TEXAS, INC., acting pursuant to the provisions of Chapters 49 and 54, Texas Water Code, as amended, (the "Enabling Legislation") did petition the City of Montgomery, Texas (the "City") in writing (the "Petition") for consent to the creation of a municipal utility district to be known as MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 255 (the "District") and the inclusion in the District of approximately 108.85 acres of land, which land is more particularly described in Exhibit A attached to the Petition (the "District Tract"), which is attached hereto and incorporated herein by this reference; and

WHEREAS, 76.61 acres of the District lies wholly within the extraterritorial jurisdiction of the City and 32.24 acres of the District lies outside of the corporate boundaries or the extraterritorial jurisdiction of the City; and

WHEREAS, the City Council of the City has considered the Petition and is willing to consent to the creation of the District upon the terms and conditions hereinafter provided;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

Section 1. All of the matters and facts set out in the preamble hereof are true and correct and are adopted as findings of the City Council.

Section 2. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Texas Government Code, Chapter 551 and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. The City Council of the City of Montgomery, Texas, hereby consents to the creation of the District and the inclusion within the District of the territory described by metes and bounds in **Exhibit A** to the Petition attached hereto. Subject to the provisions of this Resolution, the District may be organized for such purposes as are set forth in the Petition and for the accomplishment of such purposes shall have the powers permitted to districts organized under the

terms and provisions of Article III, Section 52 and Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto. In addition, the District shall have and may exercise any other powers granted to the District under the terms of any enabling legislation authorizing the creation of the District.

Section 4. In addition to the rights and remedies provide by the laws of the state, in the event the District violates the terms and provisions of the City’s written consent, the City shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the District and its officials to observe and comply with the terms and conditions of this Resolution.

Section 5. This Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 11TH day of February, 2025.

SARA COUNTRYMAN, Mayor

APPROVED:

ATTEST:

ALAN P. PETROV, Attorney

RUBY BEAVEN, City Secretary