

Resolution _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS CONSENTING TO THE ADDITION OF 497.066 ACRES OF LAND BY BROOKFIELD WATER CONTROL AND IMPROVEMENT DISTRICT OF DENTON COUNTY AND SUPERCEDING RESOLUTION 5427-06-2021 THAT ADDED 489.816 ACRES OF LAND; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Fort Worth (the “City”) previously adopted Resolution No. 5427-06-2021 consenting to the addition of approximately 489.816 acres of land in the City’s extraterritorial jurisdiction (“ETJ”) to the boundaries of Brookfield Fresh Water Supply District No. 1 on June 22, 2021, consisting of 407.409 acres (“Tract 1”) and 82.407 acres (“Tract 2”) (collectively, the “Original Consent Property”); and

WHEREAS, Brookfield Fresh Water Supply District No. 1 was subsequently converted to a water control and improvement district and renamed Brookfield Water Control and Improvement District of Denton County (the “District”); and

WHEREAS, on November 4, 2022, the District received a petition for the addition of 453.818 acres of land (the “Petition Property”), being a portion of and fully contained within the Original Property; and

WHEREAS, due to the provisions of Section 51.714, Texas Water Code, the District was unable to add the entirety of the Original Property in a single calendar year; and

WHEREAS, on November 4, 2022, the District added 230 acres of the Petition Property, which was also a portion of the Original Consent Property described in Resolution No. 5427-06-2021 to the District, , by Order of the Board of Directors; and

WHEREAS, on February 6, 2023, the District added the remaining 223.818 acres of the Petition Property, which was also a portion of the Original Consent Property described in Resolution No. 5427-06-2021 to the District, by Order of the Board of Directors; and

WHEREAS, Double R DevCo, a Texas limited liability company (“Double R”), is the owner of 494.840 acres of land, consisting of (i) Tract 1, (ii) a portion of Tract 2, consisting of 78.697 acres of land, and (iii) approximately 8.721 acres of land adjacent to Tract 1 (collectively, the “Double R Property”); and

WHEREAS, DRH-Highway 114, LLC, a Delaware limited liability company (“DRH”), owns approximately 2.226 acres of land in the City’s ETJ, consisting of right-of-way for Pembine Lane (the ‘Pembine ROW”), which will be constructed by or on behalf of the District to connect the Property to State Hwy 114; and

WHEREAS, the District has provided the City with a copy of Double R’s petition to the City for the consent to the addition of all of the Double R Property that was not annexed by the District by order dated November 4, 2022 or order dated February 6, 2023, and has requested that the City provide a consent resolution evidencing the City’s consent to the addition of such property to the District; and

WHEREAS, the District has provided the City with a copy of DRH's petition to the City for consent to the addition of the Pembine ROW to the District and requested that the City provide a consent resolution evidencing the City's consent to the addition of the Pembine ROW to the District; and

WHEREAS, the City Council finds that it is in the public interest to grant consent to the addition to the District of the Double R Property that has not been annexed by the District and the Pembine ROW , taking into consideration the public health, safety and general welfare;

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

Section 1. The City hereby consents to the addition of the Double R Property to the District in accordance with Double R's petition and the addition of the Pembine ROW to the District in accordance with DRH's petition, which are attached hereto and incorporated herein by reference as Exhibit "A" and Exhibit "B", respectively.

Section 2. This consent resolution supercedes Resolution No. 5427-06-2021 but in no way affects (i) the City's consent to addition of Petition Property, consisting of a portion of the Double R Property, to the District pursuant to such resolution or (ii) the validity of the November 4, 2022 and February 6, 2023, Orders Adding Lands and Redefining Boundaries approved by the Board of Directors of the District.

Section 3. The consent of the City to the addition of the Pembine ROW and the Double R Property to the District does not in any way release the Pembine ROW or the Double R Property from the extraterritorial jurisdiction of the City.

Section 4. The requirements to renegotiate and execute development agreements or other agreements with the City, including creation and operation agreements and utility agreements set out in Section 3 of the Original Consent Resolution have been fully satisfied and the City Council's consent to addition of the Double R Property and the Pembine ROW to the District is not subject to conditions.

Section 5. The terms and provisions of this Resolution shall be deemed to be severable and if the validity of any section, subsection, sentence, clause, or phrase of this Resolution should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Resolution.

Section 6. This Resolution shall take effect immediately upon its passage.

Adopted this ____ day of __, 2023.

Attest:

Jannette Goodall, City Secretary

Exhibit A
Double R Petition

Exhibit B
DRH Petition