

4813 W. Broadway
Pearland, Texas 77581



(281) 485-1434
info@bdd4.org

Brazoria Drainage District No. 4

A Political Subdivision of the State of Texas

Regular Meeting
No. 9

September 13, 2022
9:00 AM – Called to Order by Commissioner Brennan

Commissioners of Brazoria Drainage District No. 4 convened in session September 13, 2022 with the following Commissioners present:

Jeffrey H. Brennan

Harrison Rogers

Jim Mooney

Others Attending:

See Attached List

Following the invocation and Pledge of Allegiance, the Board considered the following items:

II. PUBLIC COMMENTS

NONE

III. APPROVAL OF MINUTES

A. Regular Meeting – August 2, 2022

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY; TO APPROVE THE MINUTES FOR THE REGULAR MEETING AS SUBMITTED. MOTION CARRIED UNANIMOUSLY.

B. Special Meeting – August 11, 2022

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY; TO APPROVE THE MINUTES FOR THE SPECIAL MEETING AS SUBMITTED. MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF CHECK NUMBERS

September and October 2022

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS; TO APPROVE THE CHECKS NUMBERED 40646 – 40739. MOTION CARRIED UNANIMOUSLY.

V. NEW BUSINESS

- A. Discussion, Consideration & Possible Action** – To approve and authorize the Chairman to sign an Interlocal Agreement with Brazoria County for assistance with labor and equipment only.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE AND AUTHORIZE THE CHAIRMAN TO SIGN AN INTERLOCAL
AGREEMENT WITH BRAZORIA COUNTY FOR ASSISTANCE WITH LABOR AND
EQUIPMENT ONLY.
MOTION CARRIED UNANIMOUSLY

- B. Discussion, Consideration & Possible Action** – To authorize the Superintendent to negotiate, make an offer, and sign all related documents for the purchase of 19.43-acres of land located on Roy Rd. at a price not to exceed appraised value.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO AUTHORIZE THE SUPERINTENDENT TO NEGOTIATE, MAKE AN OFFER, AND SIGN
ALL RELATED DOCUMENTS FOR THE PURCHASE OF 19.43-ACRES OF LAND
LOCATED ON ROY RD. AT A PRICE NOT TO EXCEED THE APPRAISED VALUE OF
\$1,269,840.
MOTION CARRIED UNANIMOUSLY.

- C. Discussion, Consideration & Possible Action** – To set the Property Tax Rate for the year 2022.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO ADOPT THE TAX RATE FOR BRAZORIA DRAINAGE DISTRICT NO. 4 AT
\$0.138000/\$100 IN VALUATION.

RECORD VOTE: COMMISSIONER ROGERS – AYE
COMMISSIONER MOONEY – AYE
COMMISSIONER BRENNAN – AYE

MOTION CARRIED UNANIMOUSLY.

- D. Discussion, Consideration & Possible Action** – To adopt the Annual Budget for the fiscal year beginning October 1, 2022 through September 30, 2022.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO ADOPT THE FISCAL YEAR 2023 ANNUAL BUDGET AS PROPOSED WITH A 6%
RAISE FOR EMPLOYEES FOR A TOTAL AMOUNT OF \$31,001000.
MOTION CARRIED BY MAJORITY; COMMISSIONER ROGERS – NO

- E. Discussion, Consideration & Possible Action** – To authorize the Superintendent to purchase equipment in accordance with the 2022/2023 budget.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO AUTHORIZE THE SUPERINTENDENT TO PURCHASE EQUIPMENT IN
ACCORDANCE WITH THE 2022.2023 BUDGET.
MOTION CARRIED UNANIMOUSLY.

F. Discussion, Consideration & Possible Action – To declare the following equipment as surplus and authorize the Superintendent to dispose of said surplus equipment by trade or public auction as advantageous to the District:

- #304 – 2013 Link Belt 250x3 Long Reach Excavator – VIN: EIDK3-7623
- #305 – 2013 Link Belt Longboom Mower – VIN: EIDK4-7792
- #203 – 2013 Komatsu 51PX-22 Dozer – VIN: B13341
- #601 – 2013 JD 7330 Tractor w/ 2012 Alamo 30' Boom Mower – VIN: 1L07330HCCH73851011282
- #134 – 2015 Ford Transit – VIN: 1FBZX2ZG4FKA42123
- #151 – 2018 Chevrolet Express Van – VIN: 1GAZGNFG0J1337177

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO DECLARE THE ABOVE EQUIPMENT AS SURPLUS AND APPROVE THE SALE OF
THE SURPLUS EQUIPMENT: LINK BELT 250X3 LONG REACH EXCAVATOR; LINK
BELT LONGBOOM MOWER; 2013 KOMATSU 51PX DOZER; 2013 JD 7330 TRACTOR
WITH A 2012 ALAMO 30' BOOM MOWER; 2015 FORD TRANSIT VAN; ALONG WITH A
2018 CHEVROLET EXPRESS VAN.
MOTION CARRIED UNANIMOUSLY.

G. Discussion, Consideration & Possible Action – To authorize the payment of an optional contribution to the District's account in the Subdivision Accumulation Fund System as set forth in Section 845.408 of the Texas County and District Retirement Systems Act.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO PAY \$275,000 TO THE RETIREMENT PROGRAM.
MOTION CARRIED UNANIMOUSLY.

H. Discussion, Consideration & Possible Action – To adopt and authorize the Chairman to sign the Texas County and District Retirement Plan for the year 2023.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE ADOPTING THE AUTHORIZING THE CHAIRMAN TO SIGN THE TEXAS
COUNTY AND DISTRICT RETIREMENT PLAN FOR THE YEAR 2023.
MOTION CARRIED UNANIMOUSLY.

I. Discussion, Consideration & Possible Action – To review the District's Investment Policy and authorize the Chairman to sign Resolution No. 2022-003, the Resolution Approving Review of Investment Policy, Strategies, and Objectives.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE REVIEW OF THE DISTRICT'S INVESTMENT POLICY AND
AUTHORIZE THE CHAIRMAN TO SIGN RESOLUTION NO. 2022-003, THE RESOLUTION
APPROVING REVIEW OF INVESTMENT POLICY, STRATEGIES, AND OBJECTIVES.
MOTION CARRIED UNANIMOUSLY.

J. Discussion, Consideration & Possible Action – To accept access easements on the Cowart Creek Diversion Channel adjacent to the future South Harkey Rd.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE ACCEPTING ACCESS EASEMENTS ON THE COWART CREEK DIVERSION
CHANNEL ADJACENT TO THE FUTURE SOUTH HARKEY RD.
MOTION CARRIED UNANIMOUSLY.

K. Discussion, Consideration & Possible Action – To accept an offer from the City of Brookside Village for the purchase of the previously declared as surplus Gradall XL 4100.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE ACCEPTING AN OFFER OF \$42,000 FROM THE CITY OF BROOKSIDE
VILLAGE FOR THE PURCHASE OF THE PREVIOUSLY DECLARED AS SURPLUS
GRADALL XL 4100.
MOTION CARRIED UNANIMOUSLY.

L. Discussion, Consideration & Possible Action – To accept and authorize the Chairman to sign a contract with the auditing firm McGrath & Co., PLLC to perform the annual financial audit for the District's fiscal year ending September 30, 2022.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE ACCEPTING AND AUTHORIZING THE CHAIRMAN TO SIGN A
CONTRACT WITH THE AUDITING FIRM MCGRATH & CO., PLLC TO PERFORM THE
ANNUAL FINANCIAL AUDIT FOR THE DISTRICT'S FISCAL YEAR ENDING
SEPTEMBER 30, 2022.
MOTION CARRIED UNANIMOUSLY.

M. Discussion, Consideration & Possible Action – To accept a technical memo from the District Engineer clarifying the new requirements from the acceptance of NOAA Atlas 14 rainfall data tables.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
THAT THE NOAA 14 2-YEAR RAINFALL EVENT WILL REPLACE THE PRE-NOAA 14 3-
YEAR RAINFALL EVENT FOR THE PURPOSE OF COMPLYING WITH THE DISTRICT'S
ZERO DOWNSTREAM IMPACT
MOTION CARRIED UNANIMOUSLY.

VI. VARIANCE REQUESTS

A. Discussion, Consideration & Possible Action – Duncanson Barndominium – BDD4 #22-000163 – Marianne Duncanson – 18025 County Road 125, Pearland, TX.
Variance Request: Waiver of requirement to concrete line the extreme event overflow weir.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE A WAIVER OF THE REQUIREMENT TO CONCRETE LINE THE EXTREME
EVENT OVERFLOW WEIR.
MOTION CARRIED UNANIMOUSLY.

B. Discussion, Consideration & Possible Action – 21065 Britt Oaks Drive – BDD4 #22-000187 – Lentz Engineering – North of Moore Road and east of SH-35.

Variance Request: Consideration of detention pond as pervious cover.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE A CONSIDERATION OF DETENTION POND AS PERVIOUS COVER.
MOTION CARRIED UNANIMOUSLY.

C. Discussion, Consideration & Possible Action – 16923 Herridge Road Forgotten Angels Home Park – BDD4 #22-000189 – R West Development – Bailey and 1128 Road.

Variance Request: Waiver of requirement to concrete line the extreme event overflow weir.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE A WAIVER OF THE REQUIREMENT TO CONCRETE LINE THE EXTREME
EVENT OVERFLOW WEIR.
MOTION CARRIED BY MAJORITY; COMMISSIONER MOONEY DID NOT VOTE.

D. Discussion, Consideration & Possible Action – CR 58 Sanitary Sewer Extension – BDD4 #22-000185 – LJA Engineering, Inc. – Orchard Park Lane and Croix Parkway along the north side of CR 58.

Variance Request: Encroachment of maintenance berm with 8” sanitary sewer.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE AN ENCROACHMENT OF A MAINTENANCE BERM WITH AN 8”
SANITARY SEWER.
MOTION CARRIED UNANIMOUSLY.

VII. PLATS & PLAN

A. Discussion, Consideration & Possible Action – Cole’s Flea Market Phase II – BDD4 #22-000139 – Final Drainage Plan – PRD Land Development Services – West side of SH 35 and South of Clear Creek (Flea Market).

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE COLE’S FLEA MARKET PHASE II FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

B. Discussion, Consideration & Possible Action – Magnolia RV Park – BDD4 #22-000050 – Final Drainage Plan – Baker & Lawson Inc. – South of CR 59 and west of CR 48.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE THE MAGNOLIA RV PARK FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

C. Discussion, Consideration & Possible Action – Guardian Self Storage – BDD4 #21-000090 – Revised Final Drainage Plan – ALJ Lindsey – 16120 HWY 6, Rosharon, TX.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE THE GUARDIAN SELF STORAGE REVISED FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

D. Discussion, Consideration & Possible Action – Houston Garden Centers – BDD4 #21-000008 – Final Drainage Plan – ESDM, Inc. – South of CR 58 (Croix) and west of SH 288.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE HOUSTON GARDEN CENTERS FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

E. Discussion, Consideration & Possible Action – Pomona Kirby Drive Bridge – BDD4 #22-000164 – Revised Final Drainage Plan – LJA Engineering, Inc. – East of the GCWA Canal intersection with Mustang Bayou along Pomona Parkway.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE THE POMONA KIRBY DRIVE BRIDGE REVISED FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

F. Discussion, Consideration & Possible Action – Magnolia Creek Section 2 – BDD4 #22-000072 – Final Plat – Civil-Surv Land Surveying – Between McKeever and Coward Diversion Channel and Harkey Rd and Veterans Rd.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE MAGNOLIA CREEK SECTION 2 FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

G. Discussion, Consideration & Possible Action – BCMUD 87 Clearing and Grubbing – BDD4 #22-000158 – Final Drainage Plan – LJA Engineering, Inc. – North of CR 57 and east of FM 521 (only approving portions within BDD4 jurisdiction).

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE ONLY THE PORTION WITHIN BDD4 JURISDICTION OF THE BCMUD 87
CLEARING AND GRUBBING FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

H. Discussion, Consideration & Possible Action – Magnolia RV Park – BDD4 #22-000049 – Final Plat – Baker Lawson Inc. – South of CR 59 and West of CR 48.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE MAGNOLIA RV PARK FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

I. Discussion, Consideration & Possible Action – Foxtail Palms – BDD4 #22-000150 – Final Plat – Miller Survey Group – South of Rodeo Palms Parkway, West of SH 288, east of Old Airline Road and north of SH 6.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE THE FOXTAIL PALMS FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

J. Discussion, Consideration & Possible Action – Achour Subdivision Replat No. 2 – BDD4 #22-000090 – Final Plat – Windrose Land Services – 321 E. Broadway St.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE ACHOUR SUBDIVISION REPLAT NO. 2 FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

K. Discussion, Consideration & Possible Action – Alexander Detention Facilities – BDD4 #22-000130 – Final Drainage Plan – LJA Engineering, Inc. – North and South side of Bailey Street and West of S. Main Street (SH 35).

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE ALEXANDER DETENTION FACILITIES FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

L. Discussion, Consideration & Possible Action – 3818 Joe Drive Storage Building – BDD4 #22-000083 – Final Drainage Plan – N Engineering Group – South of Bailey Road on Joe Drive.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE 3818 JOE DRIVE STORAGE BUILDING FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

M. Discussion, Consideration & Possible Action – Magnolia Marketplace Detention Pond – BDD4 #21-000055 – Final Drainage Plan – Kimley Horn – West of FM 1128 and south of Magnolia Boulevard.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE THE MAGNOLIA MARKETPLACE DETENTION POND FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

N. Discussion, Consideration & Possible Action – CR 100 Waterline Extension East – BDD4 #22-000160 – Final Drainage Plan – R.G. Miller Engineers – East of Harkey along CR 100.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE CR 100 WATERLINE EXTENSION EAST FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

O. Discussion, Consideration & Possible Action – Time Mart at Trammel Fresno – BDD4 #22-000104 – Final Plat – Windrose Land Services – CR 58 and CR 48.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE TIME MART AT TRAMMEL FRESNO FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

P. Discussion, Consideration & Possible Action – South Harkey Road Improvements – BDD4 #22-000058 – Final Drainage Plan – R.G. Miller Engineers – Harkey Road continuation south of McKeever.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE SOUTH HARKEY ROAD IMPROVEMENTS FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

Q. Discussion, Consideration & Possible Action – Pomona Section 28 – BDD4 #22-000087 – Final Drainage Plan – LJA Engineering, Inc. – Along Orchard Park Lane, north of CR 58, in the southern portion of the Pomona development.


MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS
TO APPROVE THE POMONA SECTION 28 FINAL DRAINAGE PLAN.
MOTION CARRIED BY MAJORITY; COMMISSIONER MOONEY DID NOT VOTE.

R. Discussion, Consideration & Possible Action – Magnolia Creek Offsite Waterline – BDD4 #22-0000173 – Final Drainage Plan – Lentz Engineering – Begins at south side of McKeever midway between Harkey and Veterans & ends at Veterans and Bailey.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY
TO APPROVE THE MAGNOLIA CREEK OFFSITE WATERLINE FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

VIII. ADJOURN

No further business, the meeting adjourned at 10:04 A.M., September 13, 2022.



Jeffrey H. Brennan, Chairman



Harrison Rogers, Secretary



Jim Mooney

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Pearland, Texas 77581



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Brazoria Drainage District No. 4

A Political Subdivision of the State of Texas

September 13, 2022

Attending Regular Meeting No. 8, held by Commissioners of Brazoria Drainage District No. 4.

NAME	BUSINESS AFILIATION
Colette Garcia	McGroth & Co.
Hannah Horsfield	LJA Engineering, Inc.
BRIAN EDWARDS	LJA ENGINEERING, INC.
SCOTT FEULERS	CANDIDATE
RENEE MCGUIRE	FAF / R. WEST DEVELOPMENT
TAD ADKINS	FAF / R. WEST DEV.
Marco Montes	RG Miller Engineers
JASON DYER	BDDC
Alan Mueller	Massog Oaks
G W Washington	Candidate P

Jim Mooney
Commissioner

Jeffrey Brennan
Commissioner

Harrison Rogers
Commissioner

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Brazoria Drainage District No. 4

A Political Subdivision of the State of Texas

September 13, 2022

Attending Regular Meeting No. 8, held by Commissioners of Brazoria Drainage District No. 4.

NAME	BUSINESS AFILIATION
Michelle Estes	BDD4
Danica Metkoy	BDD4
Doog Roesler	Baker's Lanes Inc

Jim Mooney
Commissioner

Jeffrey Brennan
Commissioner

Harrison Rogers
Commissioner

Brazoria Drainage District No.4
Fiscal Year 2023
October 1, 2022 thru September 30, 2023

	<u>Budget Amt</u>
Current Tax	\$22,094,985
Delinquent Tax	\$130,000
Penalty & Interest Revenue	\$100,000
Rendition Penalty Revenue	\$6,000
Interest Revenue - CD's	\$40,000
Plat/Plan Income	\$170,000
Checking Account Interest	\$5,000
Equipment Sales	\$200,000
City of Pearland Project Reimbursements	\$3,200,000
Reserves	\$5,055,015
<u>Income Totals</u>	<u>\$31,001,000</u>

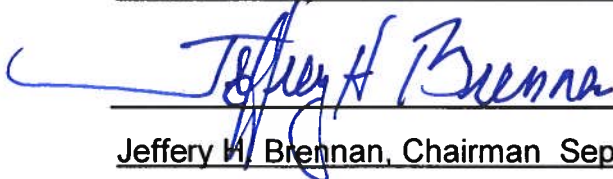
Adopted Budget for 2022-2023 0.138000 / \$100 - Tax Rate for Year 2022


Jeffery H. Brennan, Chairman September 13, 2022

Brazoria Drainage District No.4
Fiscal Year 2023
October 1, 2022 thru September 30, 2023

	<u>Budget Amt</u>
Labor - Gross	\$5,600,000
Employee Benefit	\$3,400,000
Liability/WC Insurance	\$320,000
Accounting	\$20,000
HR	\$20,000
Engineering	\$60,000
Legal	\$90,000
Capital Equipment M/R	\$420,000
Fuel & Oil	\$915,000
Shop & Safety Supplies	\$280,000
Office & Misc	\$156,000
Utilities	\$90,000
Audit Expense	\$35,000
County Services	\$180,000
Equipment Replacement	\$1,440,000
Capital Improvement	\$50,000
Flood Control	\$15,925,000
Land Acquisition	\$2,000,000
Totals	\$31,001,000

Adopted Budget for 2022-2023 0.138000 / \$100 - Tax Rate for Year 2022



Jeffery H. Brennan, Chairman September 13, 2022

BRAZORIA DRAINAGE DISTRICT NO. 4

RESOLUTION NO. 2022-003

Resolution Approving Review of Investment
Policy, Strategies and Objectives

The Board of Commissioners (“Board”) of Brazoria Drainage District No. 4 (“District”) met at the Board’s regular meeting place on September 13, 2022, with a quorum of Commissioners present, as follows:

Jeffrey H. Brennan, Chairman
Harrison Rogers, Secretary
Jim Mooney, Commissioner

and the following Commissioners absent:

none

when the following business was transacted:

Whereas, the District is required by the Public Funds Investment Act, Tex. Gov’t. Code Chapter 2256 (the “Act”) to adopt an investment policy for the purchase and management of investments for District funds; and

Whereas, Section 2256.005 (e) of the Act and the District’s investment policy requires that the District review its investment policy, strategies and objectives not less than annually; and

Whereas, as a part of the District’s fiscal year end audit review, the District has reviewed its investment policy, strategies and objectives and has determined that the policy should remain in effect with no changes.

Whereas, as a part of its annual review, the District shall review, revise and adopt a list of qualified brokers that are authorized to engage in investment transactions with the District.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the District
as follows:


1. In accordance with Section 2256.005(e) of the Act and the District's investment policy, the investment policy and the investment strategies and objectives of the District have been reviewed by the Board.

2. The Board has determined that the investment policy and investment strategies and objectives of the District are appropriate for the District's purposes and should not be changed.

3. The brokers listed on Exhibit "A" are qualified and authorized to engage in investment transactions with the District.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

The Chairman is authorized to execute and the Secretary to attest this Resolution
on behalf of the District.


Jeffrey H. Brennan, Chairman

ATTEST:



Harrison Rogers, Secretary

[SEAL]

I, the undersigned Secretary of the Board of Commissioners of Brazoria Drainage District No. 4, hereby certify that the foregoing is a true and correct copy of the resolution adopted by said Board at its meeting of September 13, 2022, and a minute entry of that date showing the adoption thereof, the original of which resolution appears in the minute book of said Board, on file in the District's office.

I further certify that said meeting was open to the public, and that notice thereof was posted in compliance with the provisions of Tex. Gov't. Code Ann. § 551.001 et seq.

Witness my hand and seal of said District, this September 13, 2022.



Harrison Rogers, Secretary

Exhibit A

CERTIFICATE OF COMPLIANCE WITH REQUIREMENTS
OF THE PUBLIC FUNDS INVESTMENT ACT

To: BRAZORIA DRAINAGE DISTRICT NO. 4

From: Randall L. Ferguson President
(Name) (Office)
of Pearland State Bank (the "Business Organization")

Date: _____

In accordance with the provisions of Sections 2256.005 (k) and 2256.005 (l) of the Texas Government Code, I hereby certify that:

1. Place an "X" in the appropriate box.

 I am a registered principal of the Business Organization and hold all the licenses required in the State of Texas to sell the District the investments listed below. (To be used by broker/dealers or others holding securities licenses.)

 X I am an officer of the Business Organization with authority to bind the Business Organization to the terms of this certificate and to sign on behalf of such Business Organization. (To be used by depositories for direct issuances of certificates of deposit.)

2. The Business Organization proposes to sell the following investments to the District: _____

Certificates of Deposit

(collectively referred to herein as the "investments").

3. I, or a registered investment professional that services the District's account, have received and thoroughly reviewed the District's Investment Policy dated October 6, 2015 the "Investment Policy", which the District has represented is the complete investment Policy of the District now in full force and affect. The District has further represented that there are no policies affecting the investment of District funds other than those contained in this Investment Policy and acknowledged that the Business Organization is entitled to rely on this representation until the District provides the Business Organization with any amendments to or any newly adopted forms of the Investment Policy.
4. The Business Organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the Business Organization and the District.

5. The Business Organization has reviewed the terms, conditions and characteristics of the investments and has determined (i) that each of the investments is an authorized investment for local governments under the Public Funds Investment Act, Chapter 2256, Texas Government Code and (ii) each of the investments is an authorized investment for the fund in question under the District's Investment Policy. The Business Organization makes no representation as to whether any limits on the amount of District monies to be invested in the investments exceeds or in any way violates the District's Investment Policy.
6. The Business Organization makes no representations or guarantees regarding the prudence, reasonableness or adequacy of the Investment Policy.
7. The Business Organization has attached hereto, for return to the District, a prospectus or disclosure document for each of the Investments other than certificates of deposit and direct obligations of the United States.

By: _____

Name: Randall L. Ferguson

Title: President

Business Organization name and address:

PEARLAND STATE BANK

2301 N. MAIN

PEARLAND, TX. 77581

Investments other than certificates of deposit are not FDIC insured, are not deposits or other obligations of the Business Organization or any of its affiliates, and are subject to investment risks, including possible loss of the principal amount invested.

EXHIBIT “A”

Pearland State Bank

ACCESS EASEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF BRAZORIA §

THAT MO LB, LP, a Texas limited partnership, (hereinafter called "Grantor"), for and in consideration of the mutual benefits to be derived herefrom, by these presents does hereby grant unto BRAZORIA DRAINAGE DISTRICT NO. 4, a body politic and corporate and a political subdivision of the State of Texas ("Grantee"), an easement upon, over and across the property (the "Easement Area") situated in Brazoria County, Texas, as described in Exhibit "A" which is attached hereto and by this reference are made a part hereof.

The easement rights and privileges herein granted shall be used only for the purposes of ingress and egress to the Grantee's drainage facilities adjacent to the Easement Area.

This easement granted herein shall be subject to and governed by the following provisions:

(1) The easement, rights and privileges granted herein are non-exclusive, and the Grantor reserves and retains the right to convey, plat and/or dedicate similar rights and easements, as well as other types of rights and easements, to such other persons or entities as Grantor may deem proper, providing such other conveyances do not materially affect the Grantee's use of the easement conveyed herein.

(2) The easement, rights and privileges herein granted shall terminate when or at such time as the purposes hereof cease to exist, are abandoned by Grantee, or become impossible of performance.

(3) The easement, rights and privileges herein granted shall be subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements of record as of the date hereof, including building and zoning ordinances, as well as all laws,

regulations, and restrictions by municipal or other governmental authority applicable to and enforceable against the easement hereby granted.

(4) Further, Grantor expressly reserves the right to use the enjoyment of the Easement Tract for any and all purposes; provided, however, Grantor's use and enjoyment of the Easement Tract shall not materially affect or prevent Grantee's use of the Easement for the purpose expressly stated herein.

(5) The grant made hereunder is not a conveyance of the Easement Area nor of any interest in the oil, gas, and other minerals in, on, or under the land subject to the easement herein granted, but is a grant solely of the easement as above described.

(6) The covenants contained herein shall be covenants running with the land and shall be binding on the Grantee, its successors and assigns.

TO HAVE AND TO HOLD the above described easement for the said purposes, together with all and singular, the rights, privileges, and appurtenances thereto as described above in anywise belonging to the said Grantee, its successors and assigns forever, subject to the limitations, conditions and restrictions set forth hereinabove.

EXECUTED this 25 day of August, 2022.

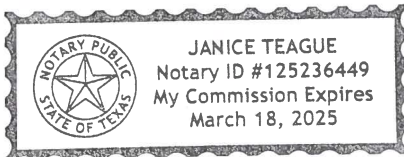
GRANTOR:

MO LB, LP, a Texas limited partnership

By: [Signature]
Name: PAUL CONNOR
Title: Manager

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 25 day of August, 2022 by Paul Connor, the Manager of MO LB, LP.



Janice Teague
Notary Public, State of Texas

EXECUTED this 13TH day of SEPTEMBER, 2022.

GRANTEE:

BRAZORIA DRAINAGE DISTRICT No. 4

By: Jeffrey H. Brennan

Name: JEFFREY H. BRENNAN

Title: CHAIRMAN

THE STATE OF TEXAS
COUNTY OF BRAZORIA

§
§

This instrument was acknowledged before me on the 13th day of SEPTEMBER, 2022 by JEFFREY BRENNAN, the CHAIRMAN of Brazoria Drainage District No. 4, a political subdivision of the State of Texas, on behalf of said political subdivision.



[Signature]
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
BRAZORIA DRAINAGE DISTRICT NO. 4
4813 W. Broadway
Pearland, TX 77581-3943

County: Brazoria
Project: Massey Oaks Harkey Road Street Dedication
M.S. No.: 221125R2
Job Number: 3084.SD1-PL

**FIELD NOTES FOR 0.0162 ACRE
20' ACCESS EASEMENT**

Being a tract of land containing 0.0162 acre (706 square feet) located within the C.W. Groos Survey, Abstract-525, in Brazoria County, Texas and being out of a called 25.062 acre tract recorded in the name of MO LB, L.P. in Brazoria County Clerk's File (B.C.C.F.) Number (No.) 2021083487. Said 0.0162 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983 (NAD83), South Central Zone, Per GPS Observations):

COMMENCING at a 5/8-inch iron rod found on an interior line of a called 3.159 acre tract (Tract 5) recorded in B.C.C.F. No. 2017051881, at the northeast corner of a called 1.1852 acre tract (Parcel 2A) recorded in the name of City of Pearland, Texas in B.C.C.F. No. 2011044376, from which a 5/8-inch iron rod found for the northwest corner of said 1.1852 acre tract bears, South 87 degrees 18 minutes 40 seconds West, a distance of 49.91 feet;

THENCE, with an interior line of said 3.159 acre tract and the north lines of said 1.1852 acre tract and a called 5.6180 acre tract recorded in the name of City of Pearland in B.C.C.F. No. 2009032506, South 51 degrees 41 minutes 48 seconds East, a distance of 332.60 feet to an angle point on the north line of said 5.6180 acre tract, being the south line of said 25.062 acre tract, for the **POINT OF BEGINNING** and southwest corner of the herein described tract;

THENCE, through and across said 25.062 acre tract, the following three (3) courses:

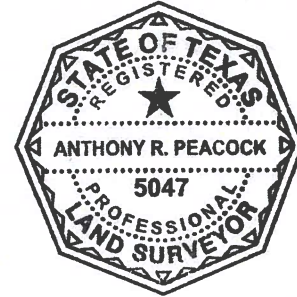
1. North 02 degrees 41 minutes 30 seconds West, a distance of 26.62 feet to an angle point for the northwest corner of the herein described tract;
2. North 87 degrees 18 minutes 30 seconds East, a distance of 20.00 feet to an angle point for the northeast corner of the herein described tract;
3. South 02 degrees 41 minutes 30 seconds East, a distance of 44.00 feet to an angle point on the north line of said 5.6180 acre tract;

THENCE, with the line common to the south line of said 25.062 acre tract and the north line of said 5.6180 acre tract, North 51 degrees 41 minutes 48 seconds West, a distance of 26.50 feet to the **POINT OF BEGINNING** and containing 0.0162 acre of land.

An exhibit of the herein described tract was prepared in conjunction with and accompanies this description.

Anthony R. Peacock

Anthony R. Peacock, R.P.L.S.
Texas Registration No. 5047



Miller Survey

www.millersurvey.com

Texas Firm Reg. 10047100

Ph: (713) 413-1900

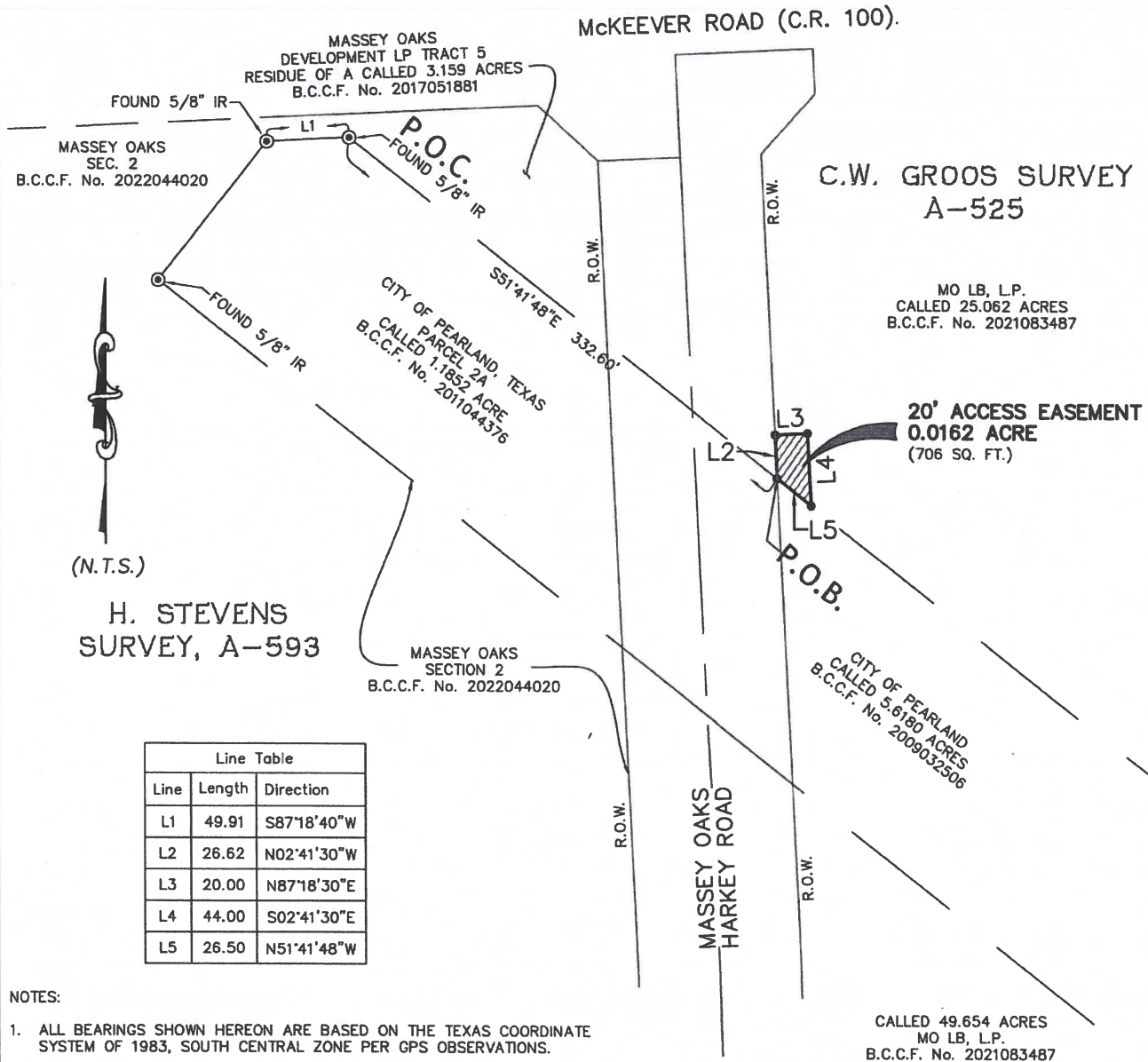
M&B No. 221125R2

Date: May 10, 2022

Revised Date: August 10, 2022

Revised Date: August 25, 2022

H:\A JOB FOLDER\3084-MASSEY RANCH PEARLAND\3084-MASSEY OAKS HARKEY ROAD STREET DEDICATION SEC 1\DWG\3084-EXH-46 83.DWG 8/30/22 Trevor Griffin



REVISION:	8/30/2022	REVISED EXHIBIT
REVISION:	8/25/2022	REVISED BOUNDARY CONFIGURATION
REVISION:	8/10/2022	REVISED BOUNDARY CONFIGURATION
20' ACCESS EASEMENT BEING A 0.0162 ACRE TRACT LOCATED IN THE C.W. GROOS SURVEY, A-525 IN BRAZORIA COUNTY, TEXAS		
MILLER SURVEY DCCM Miller Survey Firm Reg. No. 10047100 1760 W. Sam Houston Pkwy N. Houston, TX 77043 713.413.1900 millersurvey.com		
JOB NO.: 3084.SD1-PL	SCALE: N.T.S.	DATE: 05/10/2022
DWG. NO.: 3084-EXH-46R-3	DRAWN BY: JRW	CHK. BY: ARP
		FIELD BOOK: N/A
		M&B No.: 221125R2

County: Brazoria
Project: Massey Oaks Harkey Road Street Dedication
M.S.G. No.: 221122R
Job Number: 3084.SD1-PL

**FIELD NOTES FOR 0.0132 ACRE
20' ACCESS EASEMENT**

Being a tract of land containing 0.0132 acre (574 square feet) located within the C.W. Groos Survey, Abstract-525, in Brazoria County, Texas and being out of a called 49.654 acre tract recorded in the name of MO LB, L.P. in Brazoria County Clerk's File (B.C.C.F.) Number (No.) 2021083487. Said 0.0132 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983 (NAD83), South Central Zone, Per GPS Observations):

COMMENCING at a 5/8-inch iron rod found on an interior line of Massey Oaks Section 2, a subdivision of record in B.C.C.F. No. 2022044020, at the west corner of a called 1.1852 acre tract (Parcel 2A) recorded in the name of City of Pearland, Texas in B.C.C.F. No. 2011044376, from which a 5/8-inch iron rod found for the northwest corner of said 1.1852 acre tract bears, North 38 degrees 18 minutes 12 seconds East, a distance of 107.26 feet;

THENCE, with the southwest line of said 1.1852 acre tract and an interior line of said Massey Oaks Section 2, the north line of said 49.654 acre tract, being the south line of a called 5.6180 acre tract recorded in the name of City of Pearland in B.C.C.F. No. 2009032506, the following two (2) courses:


1. South 51 degrees 41 minutes 48 seconds East, a distance of 492.14 feet to the **POINT OF BEGINNING** and northwest corner of the herein described tract;
2. South 51 degrees 41 minutes 48 seconds East, a distance of 26.50 feet with the line common to the north line of said 49.654 acre tract and the south line of said 5.6180 acre tract, to an angle point for the northeast corner of the herein described tract;

THENCE, through and across said 49.654 acre tract, the following three (3) courses:

1. South 02 degrees 41 minutes 30 seconds East, a distance of 20.00 feet to an angle point for the southeast corner of the herein described tract;
2. South 87 degrees 18 minutes 30 seconds West, a distance of 20.00 feet to the southwest corner of the herein described tract;
3. North 02 degrees 41 minutes 30 seconds West, a distance of 37.38 feet to the

POINT OF BEGINNING and containing 0.0132 acre of land.

An exhibit of the herein described tract was prepared in conjunction with and accompanies this description.


Anthony R. Peacock, R.P.L.S.
Texas Registration No. 5047



Miller Survey

www.millersurvey.com

Texas Firm Reg. 10047100

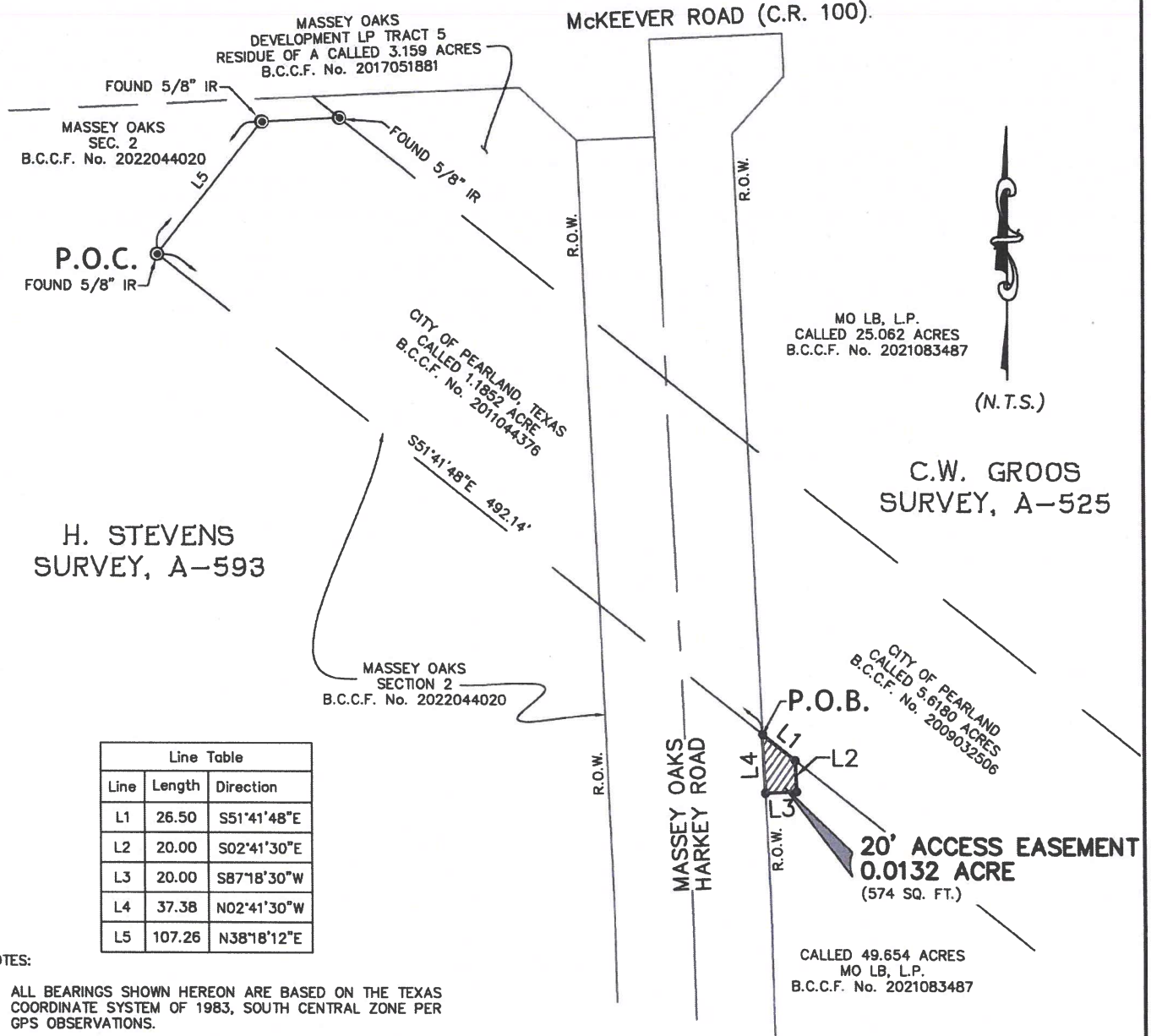
Ph: (713) 413-1900

Date: May 10, 2022

Revised Date: August 30, 2022

M&B No. 221122R

H:\A FOLDER\3084-MASSEY OAKS PLATTING\3084-MASSEY OAKS HARKEY ROAD STREET DEDICATION SEC 1\DWG\3084-EXH-43R.DWG 6/30/22 Randy Percock

**20' ACCESS EASEMENT**

BEING A 0.0132 ACRE TRACT LOCATED IN
THE C. W. GROOS SURVEY, A-525 IN
BRAZORIA COUNTY, TEXAS

MILLER SURVEY**DCCM**

Miller Survey | Firm Reg. No. 10047100

1760 W. Sam Houston Pkwy N.
Houston, TX 77043

713.413.1900 | millersurvey.com

LEGEND

B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
B.C.M.R. = BRAZORIA COUNTY MAP RECORDS
B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
FND = FOUND
No. = NUMBER
IR = IRON ROD
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R.O.W. = RIGHT-OF-WAY
S.F. = SQUARE FEET
PG. = PAGE
VOL. = VOLUME
⊙ = FOUND 5/8-INCH IRON ROD
(UNLESS OTHERWISE NOTED)
● = ANGLE POINT

JOB NO.: 3084.SD1-PL	SCALE: N.T.S.	DATE: 05/10/2022	FIELD BOOK: N/A
DWG. NO.: 3084-EXH-43-R	DRAWN BY: TJG	CHK. BY: ARP	M&B No.: 221122R

FILED and RECORDED

Instrument Number: 2022053304

Filing and Recording Date: 09/14/2022 11:52:12 AM Pages: 11 Recording Fee: \$62.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-april



ACCESS EASEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF BRAZORIA §

THAT MASSEY OAKS DEVELOPMENT, LP, a Texas limited partnership, (hereinafter called "Grantor"), for and in consideration of the mutual benefits to be derived herefrom, by these presents does hereby grant unto BRAZORIA DRAINAGE DISTRICT NO. 4, a body politic and corporate and a political subdivision of the State of Texas ("Grantee"), an easement upon, over and across the property (the "Easement Area") situated in Brazoria County, Texas, as described in Exhibit "A" which is attached hereto and by this reference are made a part hereof.

The easement rights and privileges herein granted shall be used only for the purposes of ingress and egress to the Grantee's drainage facilities adjacent to the Easement Area.

This easement granted herein shall be subject to and governed by the following provisions:

(1) The easement, rights and privileges granted herein are non-exclusive, and the Grantor reserves and retains the right to convey, plat and/or dedicate similar rights and easements, as well as other types of rights and easements, to such other persons or entities as Grantor may deem proper, providing such other conveyances do not materially affect the Grantee's use of the easement conveyed herein.

(2) The easement, rights and privileges herein granted shall terminate when or at such time as the purposes hereof cease to exist, are abandoned by Grantee, or become impossible of performance.

(3) The easement, rights and privileges herein granted shall be subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements of record as of the date hereof, including building and zoning ordinances, as well as all laws,

regulations, and restrictions by municipal or other governmental authority applicable to and enforceable against the easement hereby granted.

(4) Further, Grantor expressly reserves the right to use the enjoyment of the Easement Tract for any and all purposes; provided, however, Grantor's use and enjoyment of the Easement Tract shall not materially affect or prevent Grantee's use of the Easement for the purpose expressly stated herein.

(5) The grant made hereunder is not a conveyance of the Easement Area nor of any interest in the oil, gas, and other minerals in, on, or under the land subject to the easement herein granted, but is a grant solely of the easement as above described.

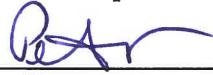
(6) The covenants contained herein shall be covenants running with the land and shall be binding on the Grantee, its successors and assigns.

TO HAVE AND TO HOLD the above described easement for the said purposes, together with all and singular, the rights, privileges, and appurtenances thereto as described above in anywise belonging to the said Grantee, its successors and assigns forever, subject to the limitations, conditions and restrictions set forth hereinabove.

EXECUTED this 19 day of AUGUST, 2022.

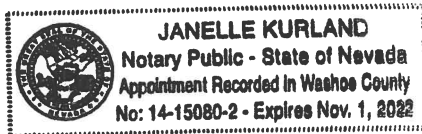
GRANTOR:

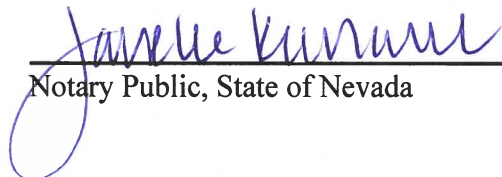
**MASSEY OAKS DEVELOPMENT, LP,
a Texas limited partnership**

By: 
Name: PETER GHISHAN
Title: MANAGER

THE STATE OF NEVADA §
COUNTY OF WASHOE §

This instrument was acknowledged before me on the 19 day of August, 2022 by Peter Ghishan, the manager of Massey Oaks Development LP.




Notary Public, State of Nevada

EXECUTED this 13TH day of SEPTEMBER, 20 22

GRANTEE:

BRAZORIA DRAINAGE DISTRICT No. 4

By: Jeffrey H. Brennan

Name: JEFFREY H. BRENNAN

Title: CHAIRMAN

THE STATE OF TEXAS
COUNTY OF BRAZORIA

§
§

This instrument was acknowledged before me on the 13th day of SEPTEMBER, 2022 by JEFFREY BRENNAN, the CHAIRMAN of Brazoria Drainage District No. 4, a political subdivision of the State of Texas, on behalf of said political subdivision.



[Signature]
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
BRAZORIA DRAINAGE DISTRICT NO. 4
4813 W. Broadway
Pearland, TX 77581-3943

County: Brazoria
Project: Massey Oaks Harkey Road Street Dedication
M.S.G. No.: 221124
Job Number: 3084.SD1-PL

**FIELD NOTES FOR 0.0132 ACRE
20' ACCESS EASEMENT**

Being a tract of land containing 0.0132 acre (574 square feet) located within the H. Stevens Survey, Abstract-593, in Brazoria County, Texas and being out of a called 3.159 acre tract (Tract 5) recorded in the name of Massey Oaks Development LP in Brazoria County Clerk's File (B.C.C.F.) Number (No.) 2017051881. Said 0.0132 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983 (NAD83), South Central Zone, Per GPS Observations):

COMMENCING at a 5/8-inch iron rod found on an interior line of said 3.159 acre tract, at the northeast corner of a called 1.1852 acre tract (Parcel 2A) recorded in the name of City of Pearland, Texas in B.C.C.F. No. 2011044376, from which a 5/8-inch iron rod found for the northwest corner of said 1.1852 acre tract bears, South 87 degrees 18 minutes 40 seconds West, a distance of 49.91 feet;

THENCE, with the northeast line of said 1.1852 acre tract and an interior line of said 3.159 acre tract, South 51 degrees 41 minutes 48 seconds East, a distance of 173.62 feet to an angle point for the **POINT OF BEGINNING** and southwest corner of the herein described tract;

THENCE, through and across said 3.159 acre tract, the following three (3) courses:

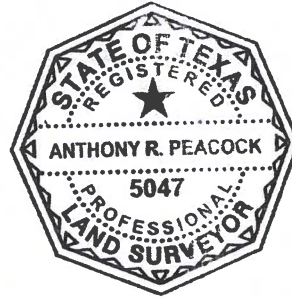
1. North 02 degrees 41 minutes 30 seconds West, a distance of 20.00 feet to an angle point for the northwest corner of the herein described tract;
2. North 87 degrees 18 minutes 30 seconds East, a distance of 20.00 feet to an angle point for the northeast corner of the herein described tract;
3. South 02 degrees 41 minutes 30 seconds East, a distance of 37.38 feet to an angle point on the northeast line of said 1.1852 acre tract, for the southeast corner of the herein described tract;

THENCE, with an interior line of said 3.159 acre tract and the northeast line of said 1.1852 acre tract, North 51 degrees 41 minutes 48 seconds West, a distance of 26.50 feet to the **POINT OF BEGINNING** and containing 0.0132 acre of land.

An exhibit of the herein described tract was prepared in conjunction with and accompanies this description.

Anthony R. Peacock

Anthony R. Peacock, R.P.L.S.
Texas Registration No. 5047



Miller Survey

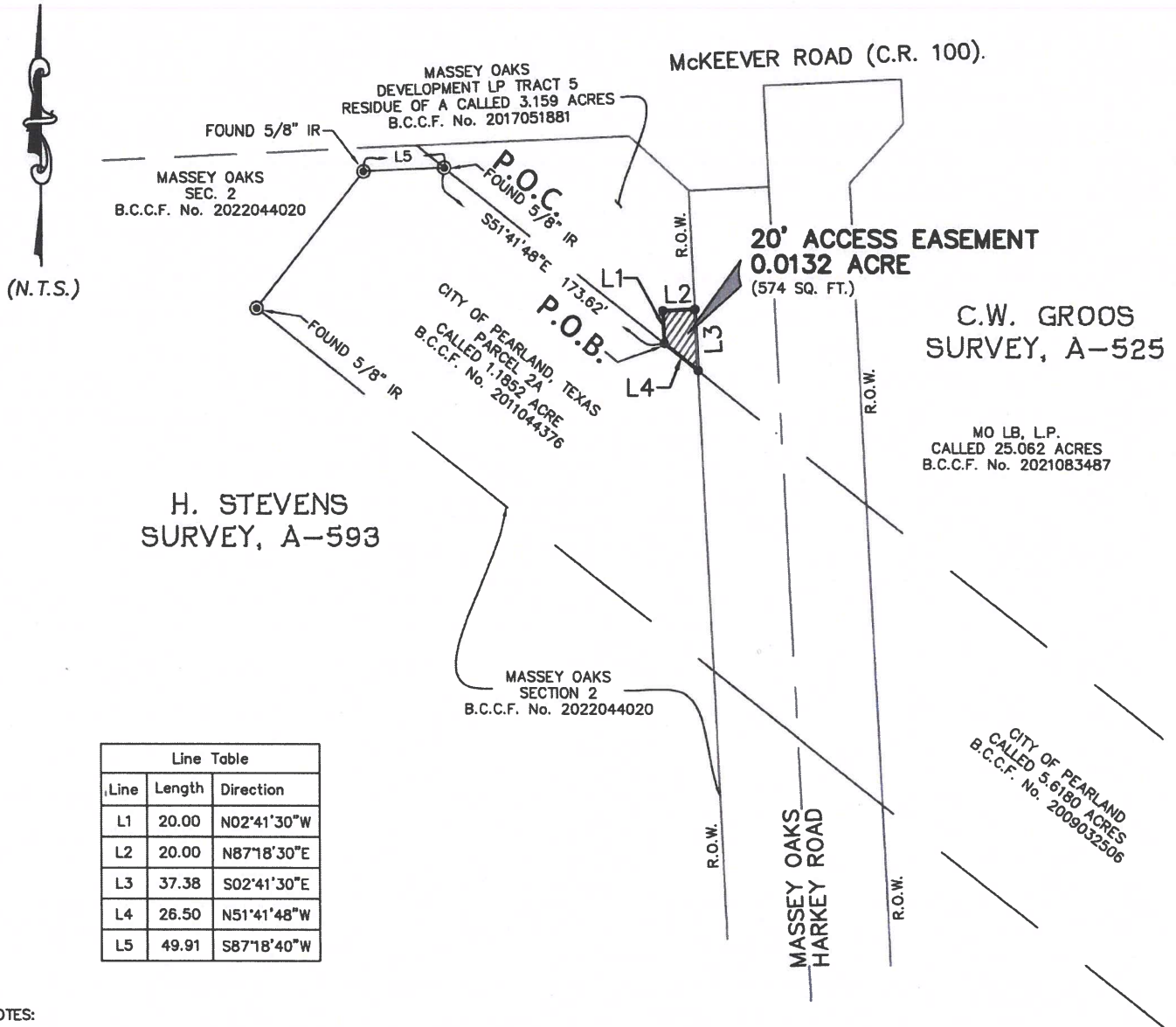
www.millersurvey.com

Texas Firm Reg. 10047100

Ph: (713) 413-1900

Date: May 10, 2022

M&B No. 221124



H:\A JOB FOLDER\3084-MASSEY OAKS HARVEY ROAD STREET DEDICATION SEC 1\DWG\3084-EXH-45.DWG 8/30/22 Randy Peacock

FILED and RECORDED

Instrument Number: 2022053305

Filing and Recording Date: 09/14/2022 11:52:12 AM Pages: 8 Recording Fee: \$50.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-april



ACCESS EASEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF BRAZORIA §

THAT MASSEY OAKS DEVELOPMENT, LP, a Texas limited partnership, (hereinafter called "Grantor"), for and in consideration of the mutual benefits to be derived herefrom, by these presents does hereby grant unto BRAZORIA DRAINAGE DISTRICT NO. 4, a body politic and corporate and a political subdivision of the State of Texas ("Grantee"), an easement upon, over and across the property (the "Easement Area") situated in Brazoria County, Texas, as described in Exhibit "A" which is attached hereto and by this reference are made a part hereof.

The easement rights and privileges herein granted shall be used only for the purposes of ingress and egress to the Grantee's drainage facilities adjacent to the Easement Area.

This easement granted herein shall be subject to and governed by the following provisions:

(1) The easement, rights and privileges granted herein are non-exclusive, and the Grantor reserves and retains the right to convey, plat and/or dedicate similar rights and easements, as well as other types of rights and easements, to such other persons or entities as Grantor may deem proper, providing such other conveyances do not materially affect the Grantee's use of the easement conveyed herein.

(2) The easement, rights and privileges herein granted shall terminate when or at such time as the purposes hereof cease to exist, are abandoned by Grantee, or become impossible of performance.

(3) The easement, rights and privileges herein granted shall be subject to all valid and subsisting encumbrances, conditions, covenants, restrictions, reservations, exceptions, rights-of-way and easements of record as of the date hereof, including building and zoning ordinances, as well as all laws,

regulations, and restrictions by municipal or other governmental authority applicable to and enforceable against the easement hereby granted.

(4) Further, Grantor expressly reserves the right to use the enjoyment of the Easement Tract for any and all purposes; provided, however, Grantor's use and enjoyment of the Easement Tract shall not materially affect or prevent Grantee's use of the Easement for the purpose expressly stated herein.

(5) The grant made hereunder is not a conveyance of the Easement Area nor of any interest in the oil, gas, and other minerals in, on, or under the land subject to the easement herein granted, but is a grant solely of the easement as above described.


(6) The covenants contained herein shall be covenants running with the land and shall be binding on the Grantee, its successors and assigns.

TO HAVE AND TO HOLD the above described easement for the said purposes, together with all and singular, the rights, privileges, and appurtenances thereto as described above in anywise belonging to the said Grantee, its successors and assigns forever, subject to the limitations, conditions and restrictions set forth hereinabove.

EXECUTED this 19 day of AUGUST, 2022.

GRANTOR:

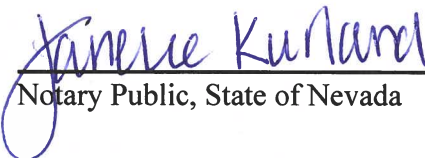
**MASSEY OAKS DEVELOPMENT, LP,
a Texas limited partnership**

By: 
Name: PETER GHISHAN
Title: MANAGER

THE STATE OF NEVADA §
COUNTY OF WASHOE §

This instrument was acknowledged before me on the 19 day of August, 2022 by Peter Ghishan, the manager of Massey Oaks Development, LP.




Notary Public, State of Nevada

EXECUTED this 13TH day of SEPTEMBER, 2022.

GRANTEE:

BRAZORIA DRAINAGE DISTRICT No. 4

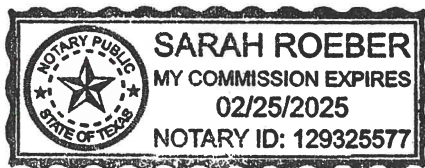
By: Jeffrey H. Brennan

Name: JEFF BRENNAN

Title: CHAIRMAN

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the 13th day of SEPTEMBER, 2022 by JEFFREY BRENNAN, the CHAIRMAN of Brazoria Drainage District No. 4, a political subdivision of the State of Texas, on behalf of said political subdivision.



[Signature]
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
BRAZORIA DRAINAGE DISTRICT NO. 4
4813 W. Broadway
Pearland, TX 77581-3943

County: Brazoria
Project: Massey Oaks Harkey Road Street Dedication
M.S.G. No.: 221123R2
Job Number: 3084.SD1-PL

**FIELD NOTES FOR 0.0131 ACRE
20' ACCESS EASEMENT**

Being a tract of land containing 0.0131 acre (573 square feet) located within the H. Stevens Survey, Abstract-593, in Brazoria County, Texas and being out Massey Oaks Section 2, a subdivision of record in B.C.C.F. No. 2022044020. Said 0.0131 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983 (NAD83), South Central Zone, Per GPS Observations):

COMMENCING at a 5/8-inch iron rod found on an interior line of Massey Oaks Section 2, a subdivision of record in B.C.C.F. No. 2022044020, at the west corner of a called 1.1852 acre tract (Parcel 2A) recorded in the name of City of Pearland, Texas in B.C.C.F. No. 2011044376, from which a 5/8-inch iron rod found for the northwest corner of said 1.1852 acre tract bears, North 38 degrees 18 minutes 12 seconds East, a distance of 107.26 feet;

THENCE, with the southwest line of said 1.1852 acre tract and an interior line of said Massey Oaks Sec 2, the following two (2) courses:

1. South 51 degrees 41 minutes 48 seconds East, a distance of 333.05 feet to an angle point for the **POINT OF BEGINNING** and northwest corner of the herein described tract;
2. South 51 degrees 41 minutes 48 seconds East, a distance of 26.42 feet to an angle point for the northeast corner of the herein described tract;

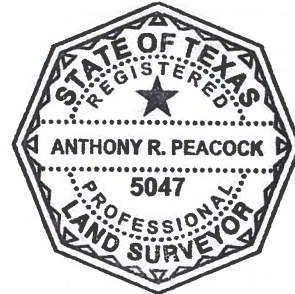
THENCE, through and across said Massey Oaks Sec 2, the following three (3) courses:

1. South 02 degrees 41 minutes 30 seconds East, a distance of 20.00 feet to an angle point for the southeast corner of the herein described tract;
2. South 87 degrees 23 minutes 45 seconds West, a distance of 20.00 feet to an angle point for the southwest corner of the herein described tract;
3. North 02 degrees 36 minutes 15 seconds West, a distance of 37.30 feet to the **POINT OF BEGINNING** and containing 0.0131 acre of land.

An exhibit of the herein described tract was prepared in conjunction with and accompanies this description.

Anthony R. Peacock

Anthony R. Peacock, R.P.L.S.
Texas Registration No. 5047



Miller Survey

www.millersurvey.com

Texas Firm Reg. 10047100

Ph: (713) 413-1900

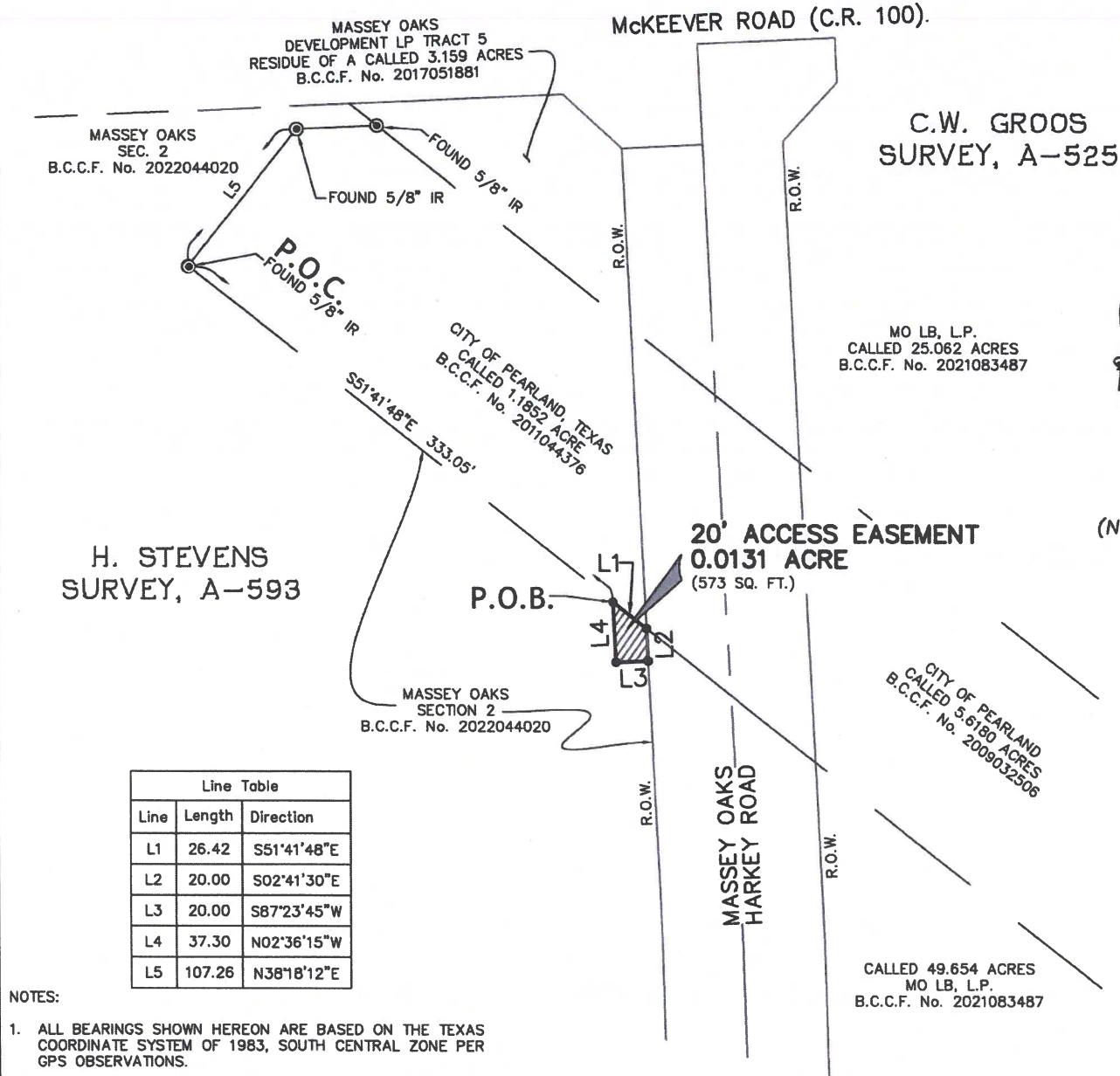
Date: May 10, 2022

Revised Date: July 25, 2022

Revised Date: August 30, 2022

M&B No. 221123R2

H:\A JOB FOLDER\3084-MASSEY OAKS PLATTING\3084-MASSEY OAKS HARVEY ROAD STREET DEDICATION SEC 1\DWG\3084-EXH-44-RLDWG 8/20/22 Randy Peacock



NOTES:

1. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE PER GPS OBSERVATIONS.
2. A METES AND BOUNDS DESCRIPTION OF THE SUBJECT TRACT HAS BEEN PREPARED BY MILLER SURVEY GROUP AND ACCOMPANIES THIS EXHIBIT.

REVISION: 8/30/2022 REVISED EXHIBIT

REVISION: 7/25/2022 REVISED BOUNDARY CONFIGURATION

20' ACCESS EASEMENT

BEING A 0.0131 ACRE TRACT LOCATED IN
THE H. STEVENS SURVEY, A-593 IN
BRAZORIA COUNTY, TEXAS

MILLER SURVEY

DCCM

Miller Survey | Firm Reg. No. 10047100

1760 W. Sam Houston Pkwy N.
Houston, TX 77043

713.413.1900 | millersurvey.com

LEGEND

B.C.C.F. = BRAZORIA COUNTY CLERK'S FILE
B.C.M.R. = BRAZORIA COUNTY MAP RECORDS
B.C.D.R. = BRAZORIA COUNTY DEED RECORDS
FND = FOUND
No. = NUMBER
IR = IRON ROD
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R.O.W. = RIGHT-OF-WAY
S.F. = SQUARE FEET
PG. = PAGE
VOL. = VOLUME
⊙ = FOUND 5/8-INCH IRON ROD
(UNLESS OTHERWISE NOTED)
● = ANGLE POINT

JOB NO.: 3084.SD1-PL	SCALE: N.T.S.	DATE: 05/10/2022	FIELD BOOK: N/A
DWG. NO.: 3084-EXH-44-R2	DRAWN BY: TJG	CHK. BY: ARP	M&B No.: 221123R2

FILED and RECORDED

Instrument Number: 2022053306

Filing and Recording Date: 09/14/2022 11:52:12 AM Pages: 8 Recording Fee: \$50.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-april

MCGRATH & CO., PLLC

Certified Public Accountants
2900 North Loop West, Suite 880
Houston, Texas 77092
713-493-2620

September 13, 2022

Board of Commissioners
Brazoria Drainage District No. 4
Brazoria County, Texas

We are pleased to confirm our understanding of the services we are to provide Brazoria Drainage District No. 4 (the "District").

Audit Scope and Objectives

We will audit the financial statements of the governmental activities and General Fund, and the disclosures, which collectively comprise the basic financial statements of the District as of and for the District's fiscal year ending September 30, 2022.

Accounting standards generally accepted in the United States of America (GAAS) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the District's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the District's RSI in accordance with GAAS. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles (GAAP) and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis
- Budgetary Comparison Schedule
- Schedule of Changes in Net Pension Liability and Related Ratios – Last Ten Years
- Schedule of Changes in Total OPEB Liability and Related Ratios – Retiree Medical Plan – Last Ten Years
- Schedule of Changes in Total OPEB Liability and Related Ratios – Group Term Life Insurance – Last Ten Years
- Schedule of Contributions for Pension Plan – Last Ten Years

We have also been engaged to report on supplementary information other than RSI that accompanies the District's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements:

- Texas Supplementary Information as required by the Texas Commission on Environmental Quality (TCEQ)

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the District or to acts by management or consultants acting on behalf of the District.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a

direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the District's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We may also request written representations from your attorneys as part of the engagement and they may bill you for responding to this inquiry.

Audit Procedures—Internal Control

We will obtain an understanding of the District and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards. We will also communicate with management the significant risks of material misstatement that were identified during the audit.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also perform the following non-attest services for the District based on information provided by the District:

- Preparation of financial statements in conformity with accounting principles generally accepted in the United States of America
- Preparation of journal entries necessary to report on the full accrual basis of accounting for the government wide statements, and
- Preparation of depreciation schedule

We will perform these other services in accordance with applicable professional standards. Other services are limited to the services identified above. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with accounting principles generally accepted in the United States of America.

Management is responsible for making all financial records and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the District from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the District involving (1) management, (2) consultants who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the District received in communications from consultants, former consultants, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the District complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with accounting principles generally accepted in the United States of America. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

With regard to publishing the financial statements on your website, you understand that websites are a means of distributing information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

You agree to assume all management responsibilities for the financial statement preparation services and any other non-attest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We will schedule the engagement based in part on your normal meeting schedule and reporting deadlines. We will plan the engagement based on the assumption that your consultants will provide your accounting records and all related documents within sixty days of fiscal year end. If, for whatever reason, your consultants are unable to provide your accounting records or are unavailable to answer inquiries in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate or in late completion of the audit.

Colette Garcia is the engagement partners and are responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We expect to begin our audit and issue our report in accordance with time frames acceptable to the District's management as determined at the outset of our work. These time frames will be set out to comply with established TCEQ reporting submission timelines.

Our fee for services will be at our standard hourly rates in effect at the time that the work is performed. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. We estimate our fees for these services will not exceed \$35,000. Our invoices for these fees will be rendered when a draft report is issued and when a final report is issued. The estimated fee will be based on anticipated cooperation from your consultants

and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Reporting

We will issue a written report upon completion of our audit of the District's financial statements. Our report will be addressed to the Board of Commissioners of the District. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete an audit or are unable to form or have not formed opinions, we may decline to express opinions or withdraw from this engagement.

Texas Requirements

McGrath & Co., PLLC ("McGrath") hereby represents and warrants that at the time of this agreement neither McGrath, nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of McGrath: (i) engages in business with Iran, Sudan, or any foreign terrorist organization pursuant to Subchapter F of Chapter 2252 of the Texas Government Code; or (ii) is a company listed by the Texas Comptroller pursuant to Section 2252.153 of the Texas Government Code. The term "foreign terrorist organization" has the meaning assigned to such term pursuant to Section 2252.151 of the Texas Government Code.

By signing and entering into this agreement, McGrath verifies, pursuant to Chapter 2271 and Chapter 2274 (as added by Senate Bill 13, 87th Legislature Regular Session) of the Government Code, it does not boycott Israel or boycott energy companies and will not boycott Israel or boycott energy companies during the term of this agreement. "Boycott Israel" has the meaning assigned by Section 808.001, Government Code. "Boycott energy company" has the meaning assigned by Section 809.001, Government Code.

By signing and entering into this agreement, McGrath verifies, pursuant to Chapter 2274 (as added by Senate Bill 19, 87th Legislature Regular Session) of the Government Code, that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this agreement against a firearm entity or firearm trade association. "Discriminate against a firearm entity or firearm trade association" has the meaning assigned by Section 2274.001(3), Government Code.

We appreciate the opportunity to be of service to District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign a copy and return it to us.

Board of Commissioners
Brazoria Drainage District No. 4
September 13, 2022
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Sincerely,

McGrath & Co, PLLC

McGrath & Co., PLLC
Certified Public Accountants

RESPONSE:

This letter correctly sets forth the understanding of Brazoria Drainage District No. 4.

Signature: _____

Jeffrey H. Brennan

Title: _____

CHAIRMAN

Date: _____

SEPTEMBER 13, 2022