

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. 10

October 4, 2022
9:01 AM – Called to Order by Commissioner Brennan

Commissioners of Brazoria Drainage District No. 4 convened in session October 4, 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. Public Hearing – September 13, 2022

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS; TO APPROVE THE MINUTES FOR THE PUBLIC HEARING AS SUBMITTED. MOTION CARRIED UNANIMOUSLY.

B. Regular Meeting – September 13, 2022

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

IV. APPROVAL OF CHECK NUMBERS

October and November 2022

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS; TO APPROVE THE CHECKS NUMBERED 40740 – 40821. MOTION CARRIED UNANIMOUSLY.

V. NEW BUSINESS

- A. Discussion, Consideration & Possible Action** – To receive a delinquent tax collection report from Perdue, Brandon, Fielder, Collins & Mott, LLP.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO ADOPT THE PRESENTATION FROM MIKE DARLOW INTO THE RECORDS OF THE DISTRICT.

MOTION CARRIED UNANIMOUSLY.

- B. Discussion, Consideration & Possible Action** – Presentation from Gauge Engineering about potential future grant funded projects.

MOTION: COMMISSIONER MOONEY; SECOND: COMMISSIONER ROGERS;
TO GRANT THE SUPERINTENDENT AUTHORITY TO SIGN ALL PAPERWORK AND MOVE FORWARD AS NEEDED FOR UP TO 3 FEDERAL GRANT APPLICATIONS.

MOTION CARRIED UNANIMOUSLY.

- C. Discussion, Consideration & Possible Action** – Consideration of and potential action on a Resolution authorizing the exercise of the power of eminent domain to condemn fee simple interest in the property described in **Exhibit “A”** attached to the Resolution for the establishment, construction, development, operation, and maintenance of a flood mitigation pond and declaring the existence of a public necessity for such acquisition and the construction of such facilities.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
I MOVE THAT THE BOARD OF COMMISSIONERS OF BRAZORIA DRAINAGE DISTRICT NO. 4, IN A PUBLIC RECORD VOTE, ADOPT THE PROPOSED RESOLUTION NO. 2022-005 AND AUTHORIZE THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE FEE SIMPLE INTEREST IN THE PROPERTY DESCRIBED IN EXHIBIT “A” TO THE RESOLUTION FOR THE ESTABLISHMENT, CONSTRUCTION, DEVELOPMENT, OPERATION, AND MAINTENANCE OF A FLOOD MITIGATION POND, AND DELEGATE THE AUTHORITY TO INITIATE A CONDEMNATION PROCEEDING, IF NECESSARY, TO THE CHIEF ADMINISTRATIVE OFFICER SUPERINTENDENT.

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

MOTION CARRIED UNANIMOUSLY.

VI. VARIANCE REQUESTS

- A. Discussion, Consideration & Possible Action** – All Detention Phases to Serve Brazoria County MUD 87– BDD4 #22-000203 – Kathleen Kinchen – Between FM 521 and SH 288 & north of Cedar Rapids (only portions within BDD4 jurisdiction).

Variance Request: Waiver of requirement of 4:1 side slopes for the amenity portion of the lakes.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE A WAIVER OF THE REQUIREMENT OF 4:1 SIDE SLOPES FOR THE AMENITY PORTION OF THE LAKES ON THE CONDITION THE APPLICANT PRODUCES A GEO-TECHNICAL MEMO SUPPORTING THE USE OF 3:1 SIDE SLOPES BELOW THE WATER LINE ONLY.

MOTION CARRIED UNANIMOUSLY.

VII. PLATS & PLAN

- A. Discussion, Consideration & Possible Action** – Del Bello Lakes Section 9 – BDD4 #22-000051 – Final Drainage Plan – LJA Engineering – Del Bello Lakes Boulevard & SH 288.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE THE DEL BELLO LAKES SECTION 9 FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

- B. Discussion, Consideration & Possible Action** – Foxtail Palms Section 1 – BDD4 #22-000196 – Revised Final Drainage Plan – RG Miller Engineering – West of HW 288, North of HW 6, West of Rodeo Palms Ditch (E102-00-00).

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE FOXTAIL PALMS SECTION 1 REVISED FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

- C. Discussion, Consideration & Possible Action** – Del Bello Lakes Section 9 – BDD4 #22-000186 – Final Plat – LJA Engineering – Del Bello Lakes Boulevard & SH 288.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE DEL BELLO LAKES SECTION 9 FINAL PLAT.
AMENDED MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO MAKE SURE STAFF INSPECTIONS DEL BELLO SECTION 8 TO MAKE SURE WE HAVE THE EASEMENT ON DEL BELLO SECTION 8.
MOTION CARRIED UNANIMOUSLY.

- D. Discussion, Consideration & Possible Action** – Alexander Storm Water Pump Station – BDD4 #22-000157 – Final Drainage Plan – LJA Engineering – East of Channel C107-04-02 & South of Bailey Road.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE THE ALEXANDER STORM WATER PUMP STATION FINAL DRAINAGE PLAN.

MOTION CARRIED UNANIMOUSLY.

E. Discussion, Consideration & Possible Action –Tejano Sand Pit– BDD4 #22-000184 – Final Drainage Plan – AL&B Engineering Services – 4161 CR 654, Rosharon, TX 77583.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE THE TEJANO SAND PIT FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

F. Discussion, Consideration & Possible Action – Magnolia Creek Section 1 – BDD4 #22-000071 – Final Plat – Lentz Engineering – Between McKeever and Coward Diversion Channel & Harkey and Veterans.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER MOONEY;
TO APPROVE THE MAGNOLIA CREEK SECTION 1 FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

G. Discussion, Consideration & Possible Action – NOA Subdivision – BDD4 #22-000190 – Final Plat – Boundary One, LLC – South of CR 281, East of BNSF Railroad, West of SH 35.

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE THE NOA SUBDIVISION FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

H. Discussion, Consideration & Possible Action – Pollard Boulevard, Charlotte Street, & Dogwood Avenue Street Dedications – BDD4 #22-000195 – Final Plat – LJA Engineering – East of HWY 288 & North of HWY 6 (only approving portions within BDD4 jurisdiction).

MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE THE POLLARD BOULEVARD, CHARLOTTE STREET, & DOGWOOD AVENUE STREET DEDICATIONS FINAL PLAT.
MOTION CARRIED UNANIMOUSLY.

I. Discussion, Consideration & Possible Action – 21065 Britt Oaks Drive – BDD4 #22-000176 – Final Drainage Plan – Lentz Engineering –Across SH 35 from Resoft Park.


MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE THE 21065 BRITT OAKS DRIVE FINAL DRAINAGE PLAN.
MOTION CARRIED UNANIMOUSLY.

J. Discussion, Consideration & Possible Action – Magnolia Creek Fill and Drainage Plan – BDD4 #22-000191 – Final Drainage Plan – Lentz Engineering – South side of McKeever Road between Veterans and Harkey.

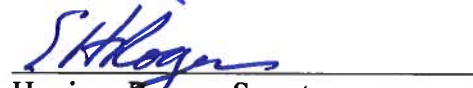
MOTION: COMMISSIONER BRENNAN; SECOND: COMMISSIONER ROGERS;
TO APPROVE THE MAGNOLIA CREEK FILL AND DRAINAGE PLAN FINAL DRAINAGE PLAN.
MOTION CARRIED BY MAJORITY; COMMISSIONER MOONEY DID NOT VOTE.

VIII. ADJOURN

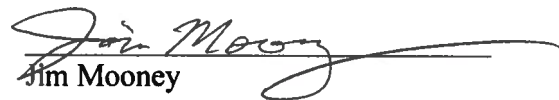
No further business, Commissioner Brennan called for adjournment 10:12 A.M., October 4, 2022.



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

October 04, 2022

Attending Regular Meeting No. 10, held by Commissioners of Brazoria Drainage District No. 4.

NAME	BUSINESS AFILIATION
Adrian Genzo	BDD4
Jim Mooney	BDD4
LEIGH BLUMER	BDD4
Clint Goebel	BDD4
JW Washington	Candidate
LANCE MCLEOD	HALFF
Daniela McElroy	BDD4
Michelle Ester	BDD4
Samantha Haritos	COP

Jim Mooney
Commissioner

Jeffrey Brennan
Commissioner

Harrison Rogers
Commissioner

WHEN EXPERIENCE, REPUTATION AND PERFORMANCE MATTER



PERDUE BRANDON
FIELDER COLLINS & MOTT LLP

ATTORNEYS AT LAW

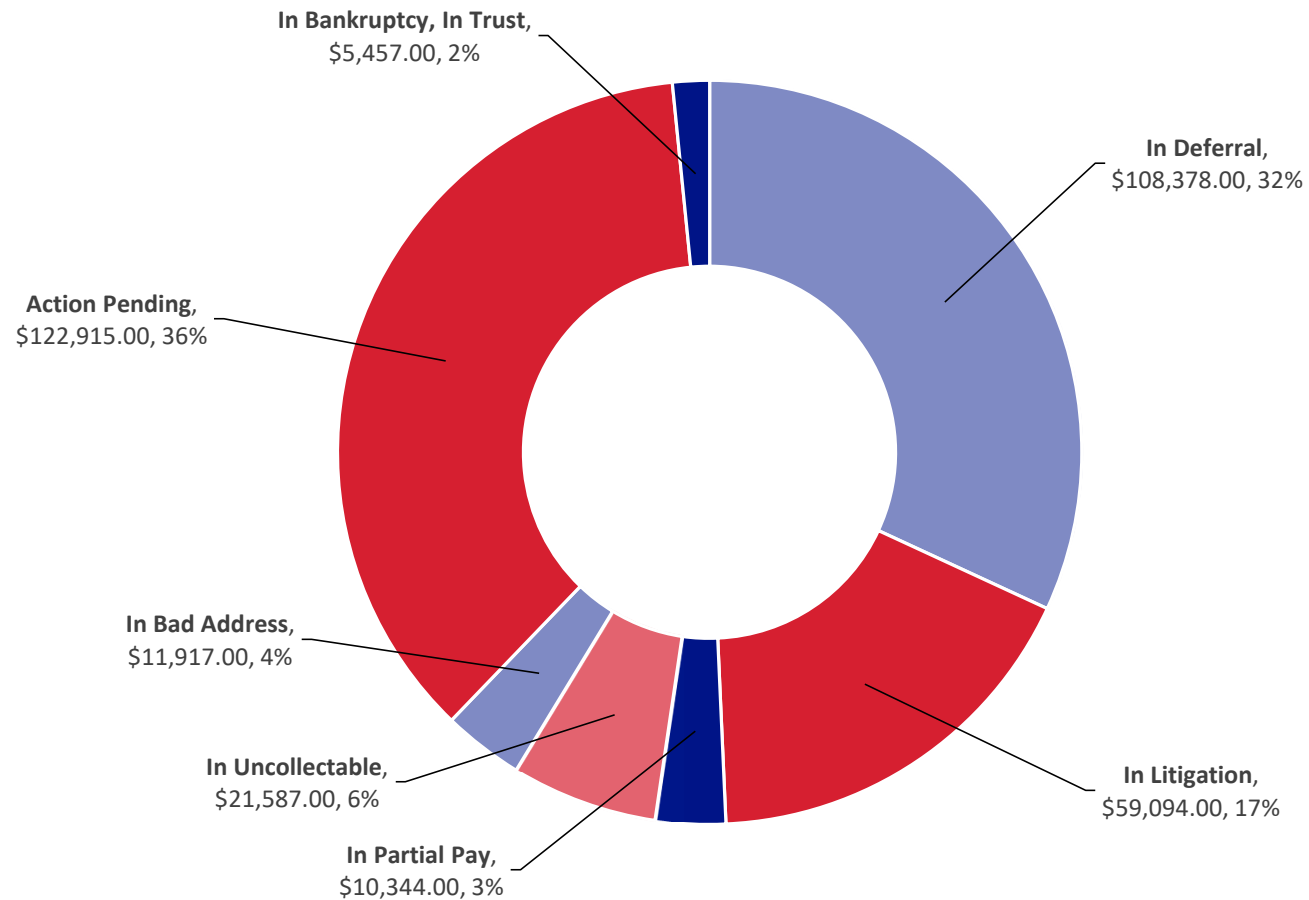
COLLECTION REPORT TO BRAZORIA DRAINAGE DISTRICT #4

Submitted by: *Michael Darlow*
September 2022
www.pbfcml.com



ACCOUNT BREAKDOWN CHART FOR BRAZORIA DRAINAGE DISTRICT #4

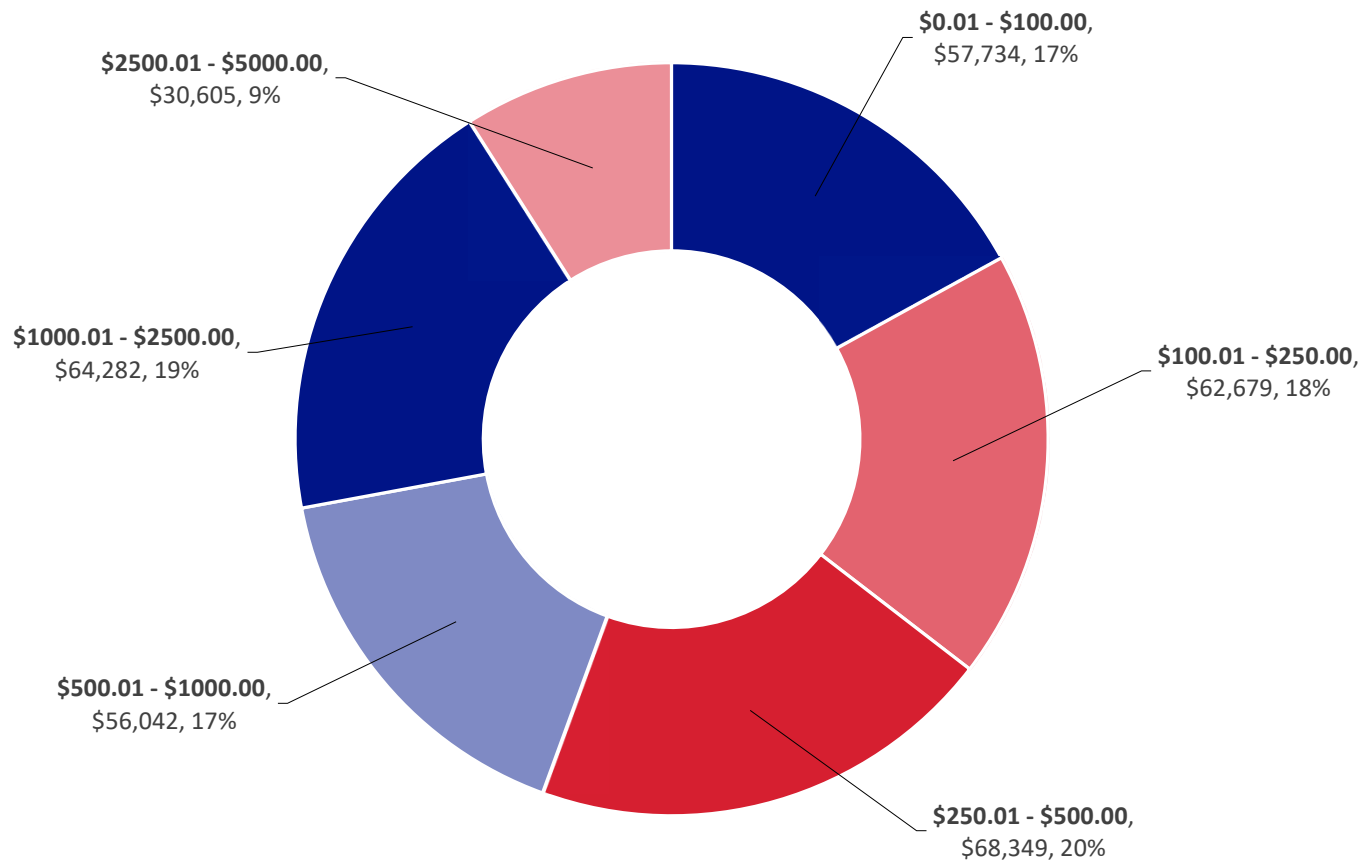
As of 9/06/2022 - Total Base Tax: \$339,692





DOLLAR RANGE CHART FOR BRAZORIA DRAINAGE DISTRICT #4

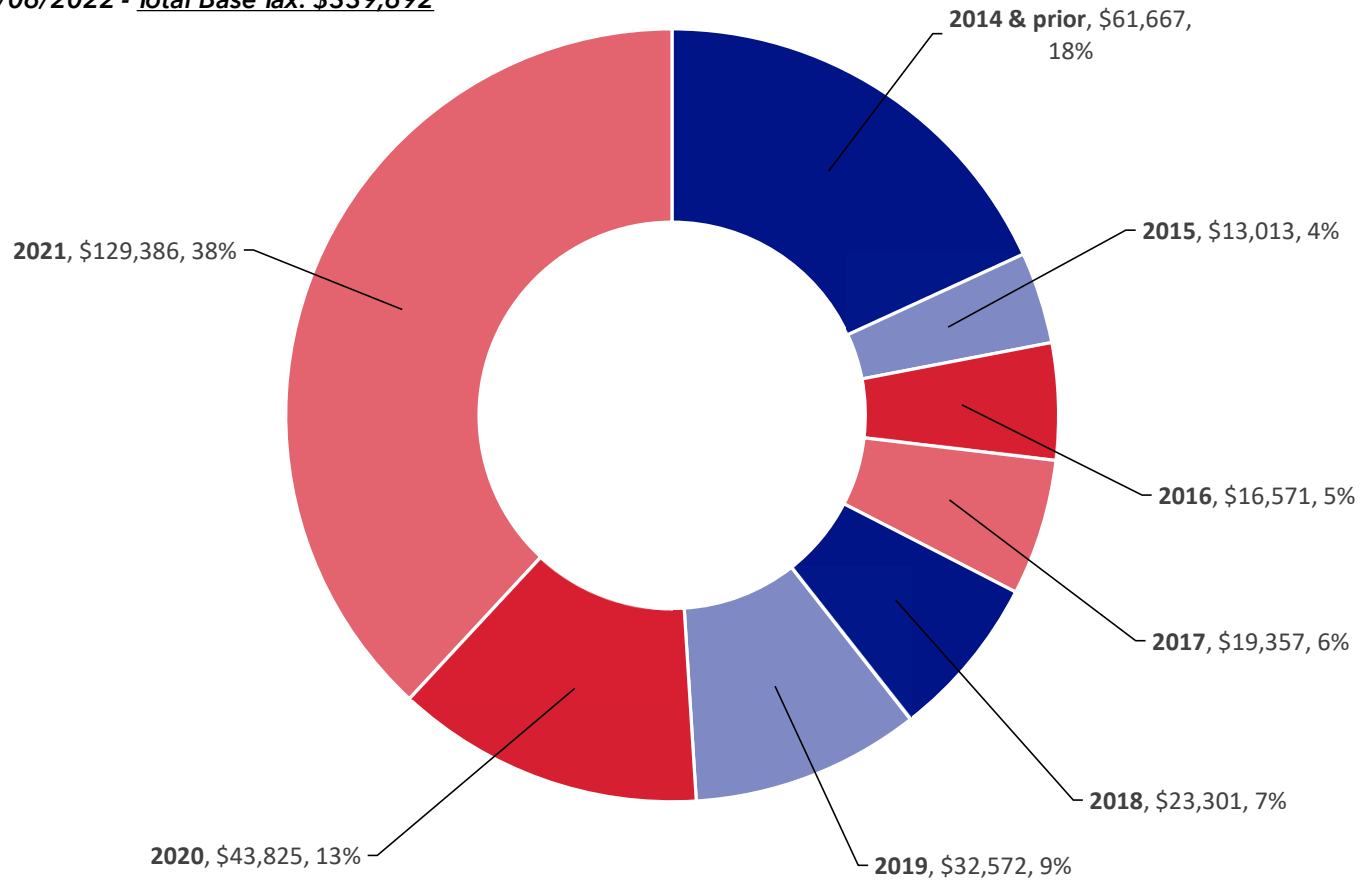
As of 9/06/2022 - Total Base Tax: \$339,692





TAX YEAR CHART FOR BRAZORIA DRAINAGE DISTRICT #4

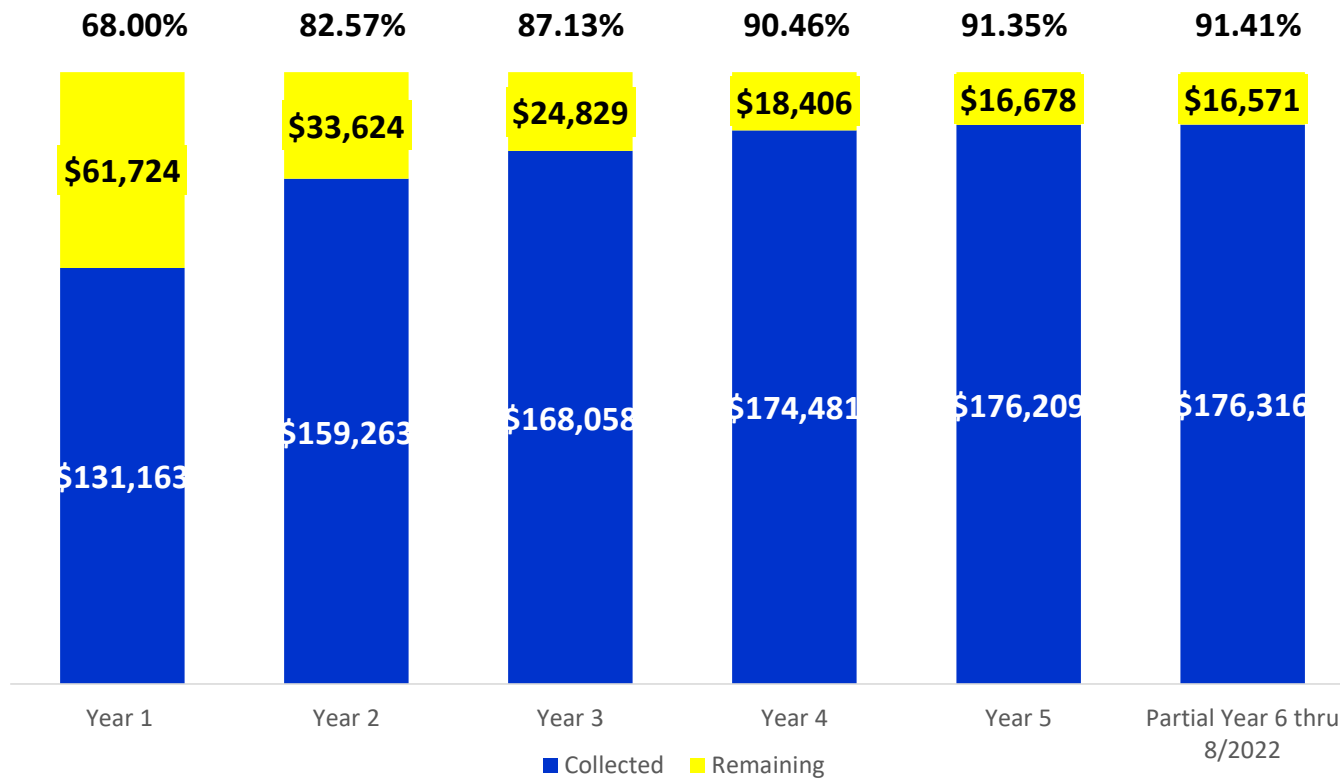
As of 9/06/2022 - Total Base Tax: \$339,692





2016 PERCENTAGE OF COLLECTION FOR BRAZORIA DRAINAGE DISTRICT #4

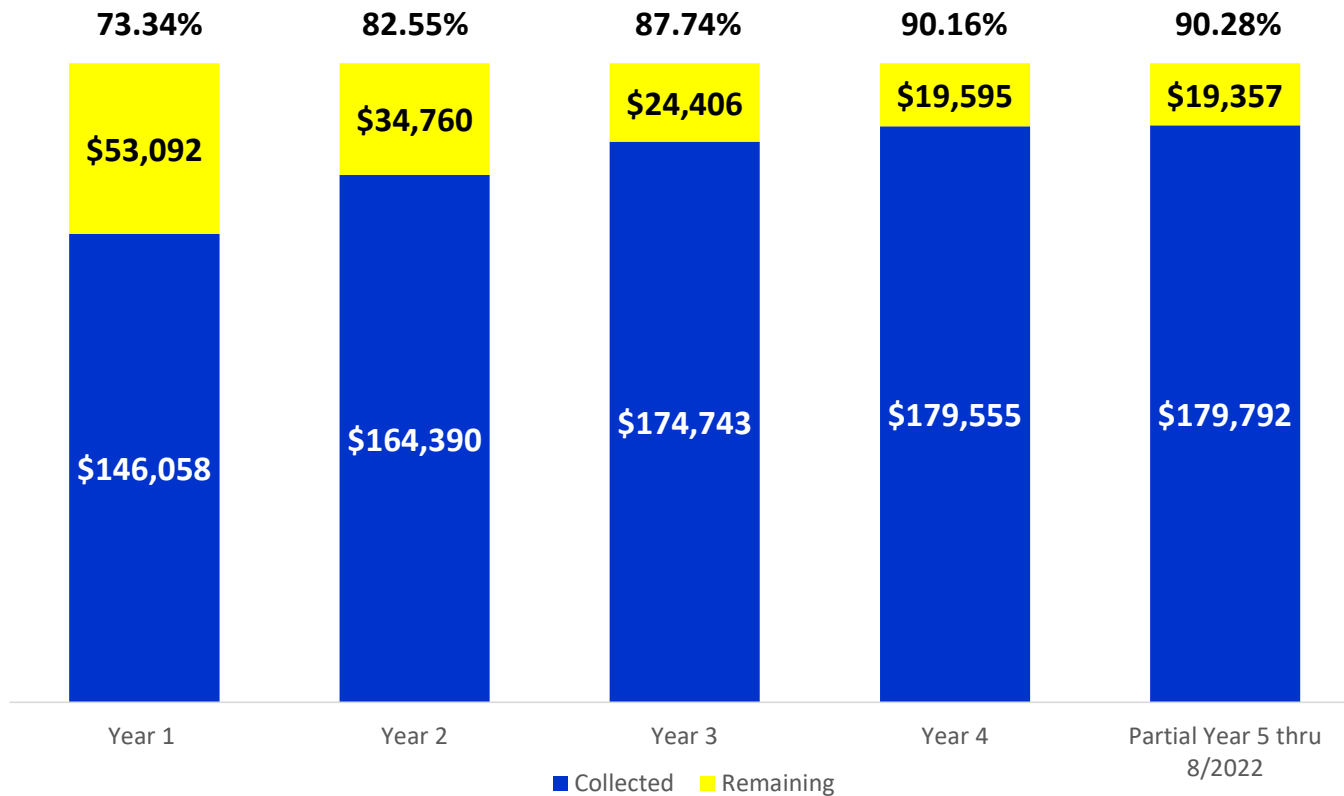
As of 07/01 - 6/30 for each year - Initial Outstanding Base Tax \$192,887





2017 PERCENTAGE OF COLLECTION FOR BRAZORIA DRAINAGE DISTRICT #4

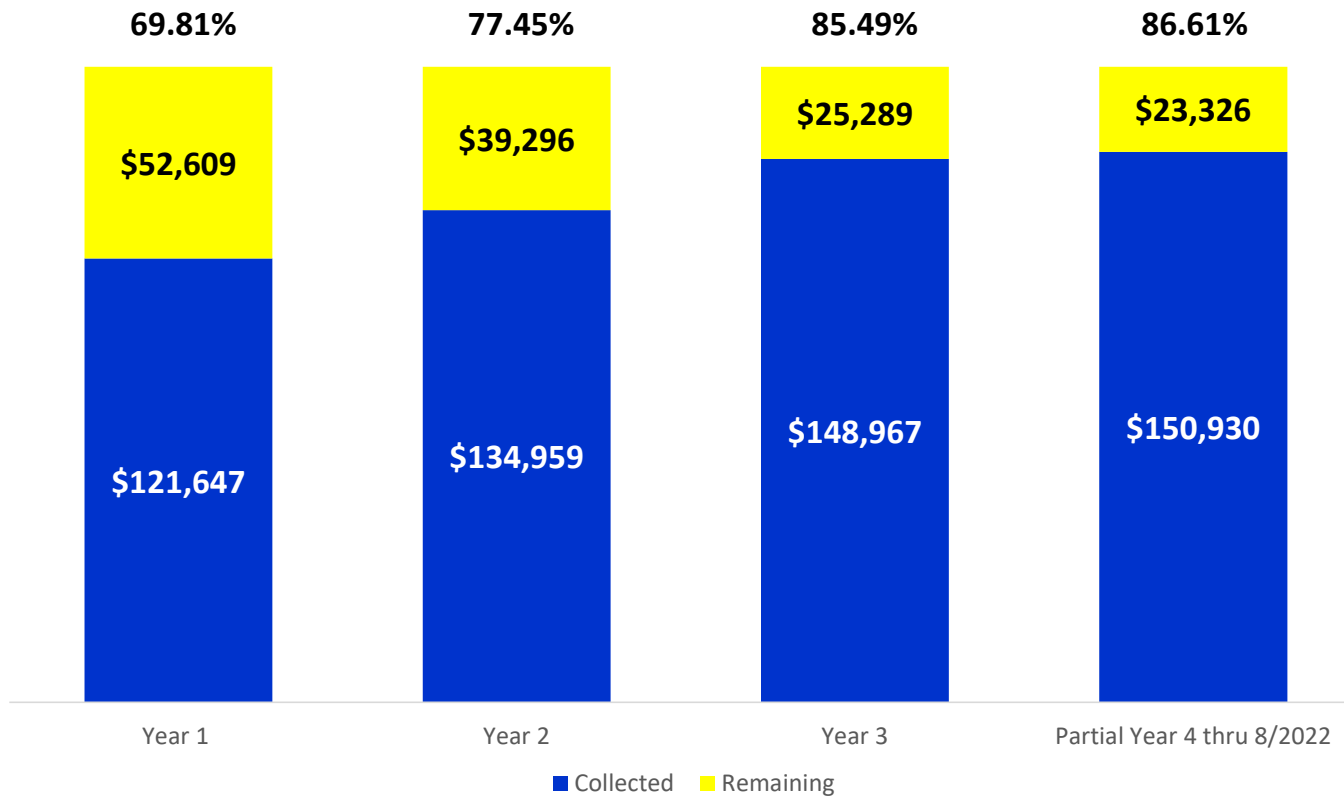
As of 07/01 - 6/30 for each year - Initial Outstanding Base Tax \$199,150





2018 PERCENTAGE OF COLLECTION FOR BRAZORIA DRAINAGE DISTRICT #4

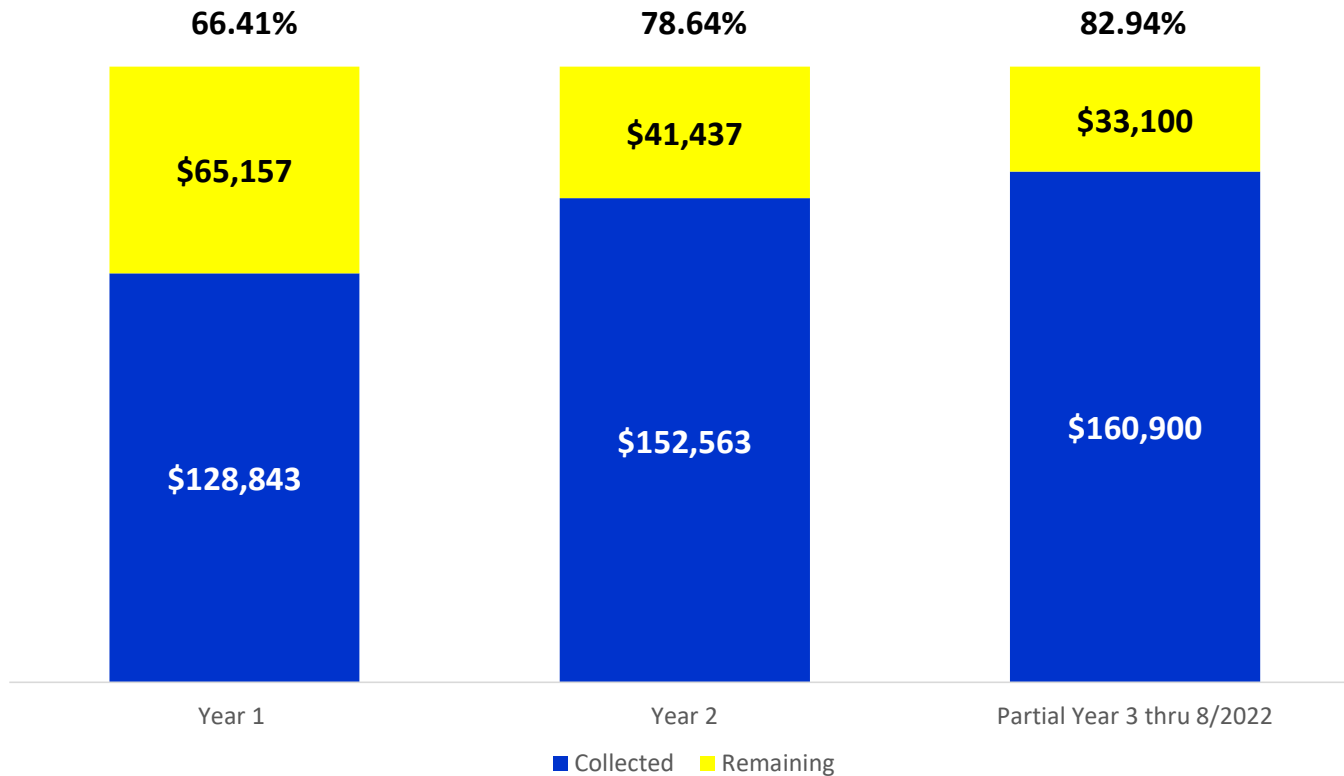
As of 07/01 - 6/30 for each year - Initial Outstanding Base Tax \$174,255





2019 PERCENTAGE OF COLLECTION FOR BRAZORIA DRAINAGE DISTRICT #4

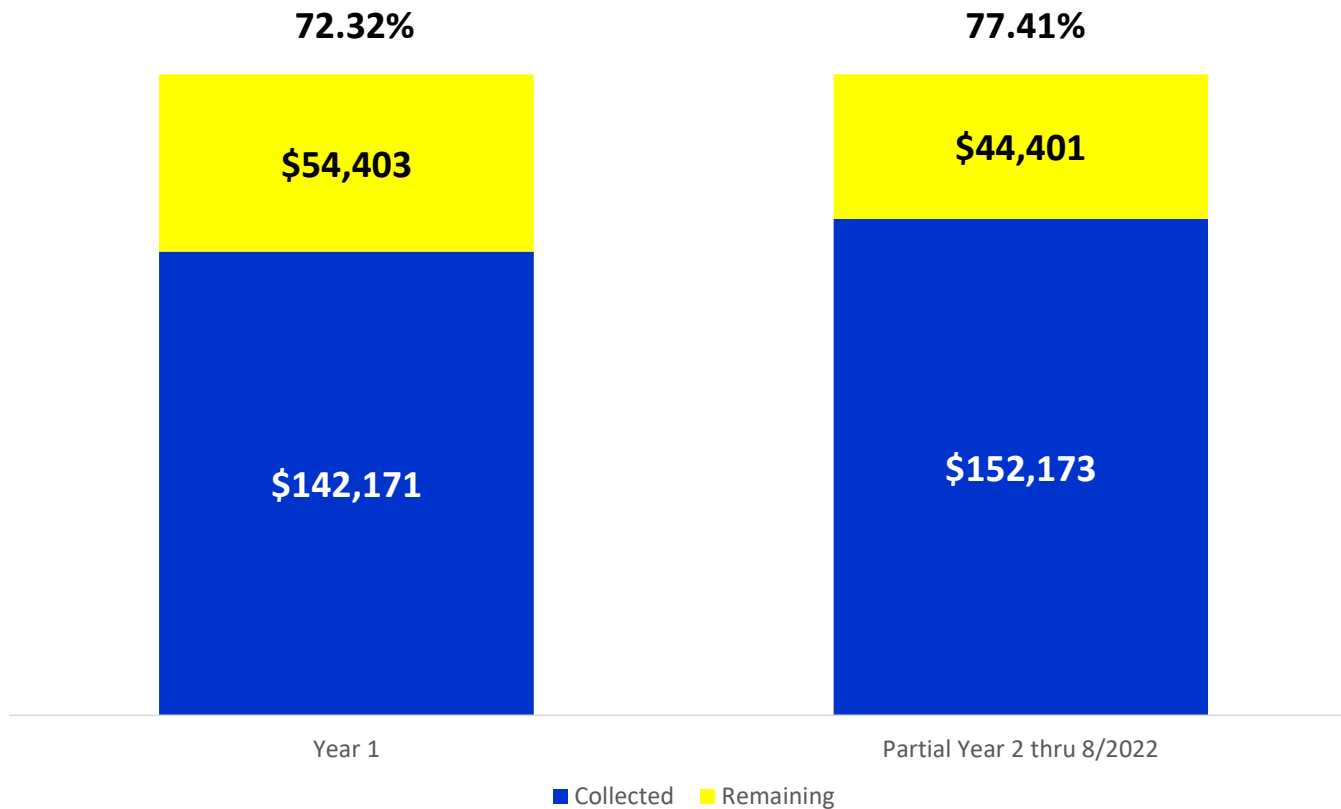
As of 07/01 - 6/30 for each year - Initial Outstanding Base Tax \$194,000





2020 PERCENTAGE OF COLLECTION FOR BRAZORIA DRAINAGE DISTRICT #4

As of 07/01 - 6/30 for each year - Initial Outstanding Base Tax \$196,575

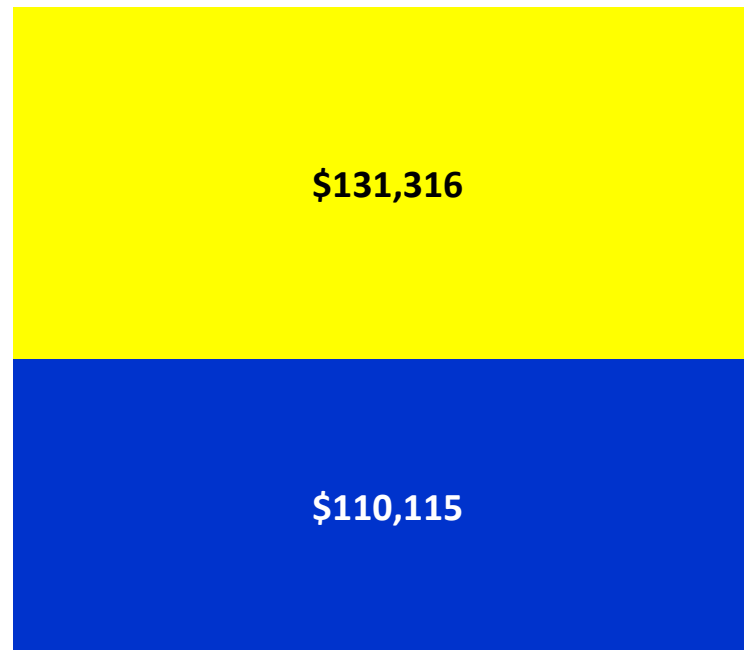




2021 PERCENTAGE OF COLLECTION FOR BRAZORIA DRAINAGE DISTRICT #4

As of 07/01 - 6/30 for each year - Initial Outstanding Base Tax \$241,431

45.61%



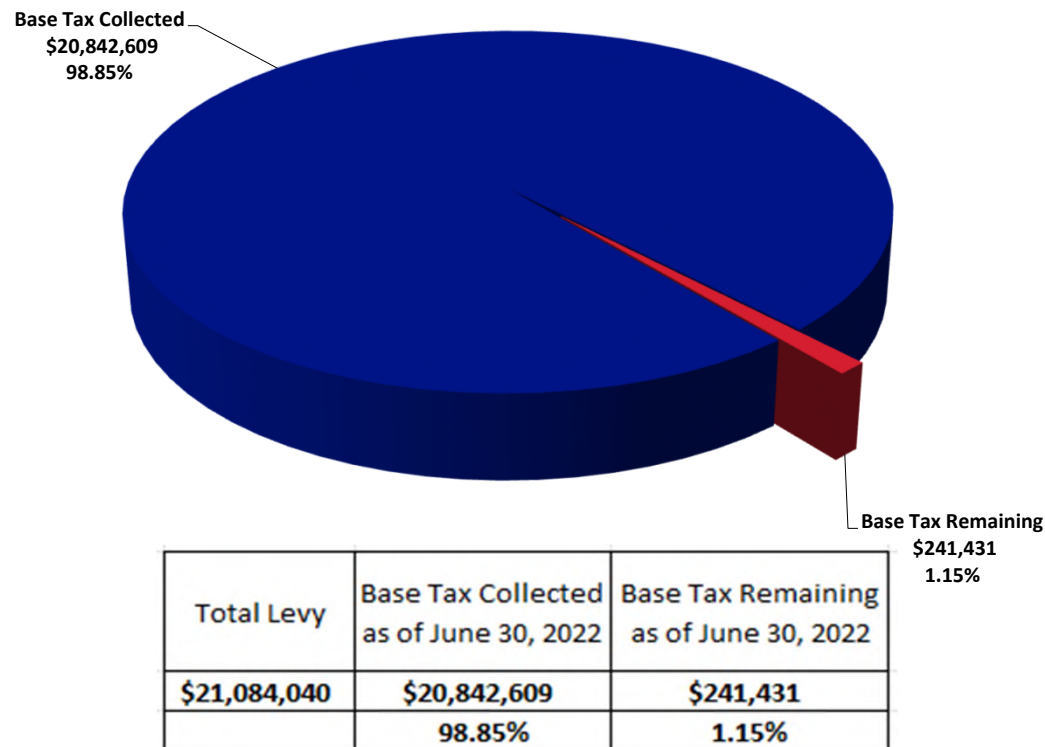
Partial Year 1 thru 8/2022

■ Collected ■ Remaining



2021 Tax Year BASE TURNOVER CHART FOR BRAZORIA DRAINAGE DISTRICT #4

Total 2021 Levy: \$21,084,040 *Amounts Provided by the Brazoria County Tax Office



STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

RESOLUTION NO. 2022-005

RESOLUTION BY THE BOARD OF COMMISSIONERS OF BRAZORIA DRAINAGE DISTRICT NUMBER FOUR DECLARING THE EXISTENCE OF A PUBLIC NECESSITY FOR THE ESTABLISHMENT, CONSTRUCTION, DEVELOPMENT, OPERATION, AND MAINTENANCE OF A FLOOD MITIGATION POND AND THE ACQUISITION, BY DONATION, PURCHASE, OR EXERCISE OF THE POWER OF EMINENT DOMAIN, OF PROPERTY INTERESTS REQUIRED FOR THAT PROJECT; AUTHORIZING THE ACQUISITION OF SUCH PROPERTY INTERESTS; DELEGATING AUTHORITY TO THE CHIEF ADMINISTRATIVE OFFICIAL; AND RESOLVING MATTERS INCIDENTAL AND RELATED THERETO.

WHEREAS, Brazoria Drainage District Number Four, of Brazoria County, Texas (the "District") is lawfully and duly constituted and operates under applicable articles of the Texas Constitution and state law including, but not limited to, Chapters 49 and 56 of the Texas Water Code, special legislation, and rules and regulations adopted by the District's Board of Commissioners; and

WHEREAS, the District was created for the purposes, among others, of constructing, owning, acquiring, maintaining, and operating facilities for the provision of adequate drainage and flood control of property located within the District; and

WHEREAS, in furtherance of these purposes, the District's Board of Commissioners has determined that it is necessary, proper, and is in the public interest to acquire property and/or property interests in connection with the establishment, construction, development, operation, and maintenance of a flood mitigation pond (the "Facilities"); and

WHEREAS, in order to proceed with the establishment, construction, development, operation, and maintenance of the Facilities, it is necessary and proper to acquire fee simple interest in the property described in Volume 345, Page 146 recorded in the Deed Records of Brazoria County, Texas and additionally described in **Exhibit "A"** attached hereto (the "Property"); and

WHEREAS, the District's Board of Commissioners has further determined that it is necessary, proper, is in the public interest, and a public necessity exists for the District to acquire the Property by donation, purchase, or exercise of the power of eminent domain for use in connection with the establishment, construction, development, operation, and maintenance of the Facilities.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BRAZORIA DRAINAGE DISTRICT NUMBER FOUR THAT:

Section 1. Findings and Determinations. The declarations, determinations, and findings declared, made, and found in the preamble to this Resolution are hereby adopted and made a part of the operative provisions hereof.

Section 2. Public Purpose and Necessity. There exists a public necessity for, and the public interest will be served by, the establishment, construction, development, operation, and maintenance of the Facilities, which will devoted to the public use of providing adequate drainage and flood control for the benefit of residents, businesses, and other persons and entities within the District's boundaries.

Section 3. Acquisition of the Property.

- A. There exists a public necessity for, and it is in the public interest, for the District to acquire, by donation, purchase, or exercise of the power of eminent domain, the Property for the establishment, construction, development, operation, and maintenance of the Facilities; and
- B. In the event the Property cannot be acquired voluntarily, the Superintendent as Chief Administrative Official of the District, is directed and delegated the authority to cause to be initiated a condemnation proceeding to acquire the Property through the exercise of the power of eminent domain.

Section 4. Delegation of Authority. The Board hereby authorizes and directs the District's consultants and attorneys under the supervision, direction, and instruction of the Chief Administrative Official, to take the following actions with respect to the design and development of the Facilities and the acquisition of the Property:

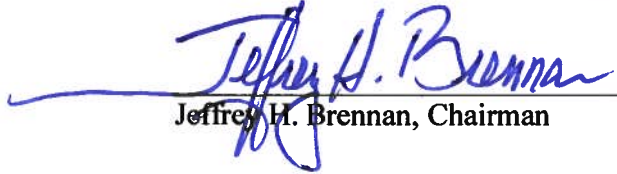
- A. Determine the final location for the Facilities;
- B. Determine the property and property interests to be acquired and the terms for such acquisition, including, as they may determine to be necessary and appropriate, whether to acquire fee simple interests, permanent or temporary easements, or other property interests;
- C. Negotiate with the respective owners and interest holders of Property on which the Facilities are to be constructed and installed regarding the acquisition of the necessary property interests;
- D. Obtain surveys and appraisals of and initiate condemnation proceedings to acquire the Property; and
- E. Do and perform all such other acts and things and enter into, execute, and deliver all such certificates, agreements, applications, affidavits, acknowledgements, instruments, contracts, statements, and other documents that are necessary or appropriate to effectuate and carry out the purposes and intent of the foregoing resolution.

Section 4. Effective Date. This Resolution shall be effective upon its adoption and shall remain in effect until amended or rescinded by the Board of Commissioners of the District.

[SIGNATURE PAGE FOLLOWS]

PASSED AND APPROVED this 4TH day of OCTOBER, 2022.

BRAZORIA DRAINAGE DISTRICT NO. 4



Jeffrey H. Brennan, Chairman

ATTEST:



Harrison Rogers, Secretary

(SEAL)

EXHIBIT "A"

Forty (40) acre tract of land out of the northeast corner of Section Seven (7), H. T. & B. R. Co. Survey, Abstract No. 219. Beginning at a stake in the center of Clear Creek, being the northeast corner of said Section Seven (7);

Thence south with the east line of Section 7, and the west line of Section 6, 1,760 feet to corner; thence west 995 feet to a stake for corner. Thence north 1,740 feet to a stake for corner in the center of Clear Creek.

Thence down Clear Creek with its meanders to the place of beginning, and being the same tract of land conveyed to O. F. Magee by Wm. C. Nelson and wife by deed dated October 17, 1918 and recorded in Volume 148, Page 300 of the Deed Records of Brazoria County, Texas, and being Tract No. 1, conveyed to C. F. Bowman by J. Edgar Lafferty by deed recorded in Volume 209, Page 566 of the Deed Records of Brazoria County, Texas, to all of which reference is made for a more particular description.

Also being the same property described in the Deed executed on February 28, 1941 from Lena Berlowitz and her husband J. O. Berlowitz to J. Ryemon and J. O. Berlowitz recorded in Volume 345, Page 146 of the Deed Records of Brazoria County, Texas.