

RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR REQUESTS FOR  
RIGHT OF ENTRY ONTO DISTRICT PROPERTY

WHEREAS, Fulshear Municipal Utility District No. 1 of Fort Bend County (the "District") is a conservation and reclamation district, a governmental agency and body politic of the State of Texas created pursuant to Article XVI, Section 59 of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, the District was created and organized for the purpose, among others, of providing water, wastewater, and drainage facilities to serve areas within its boundaries, as well as the additional purpose of providing recreational facilities to serve members of the public; and

WHEREAS, in order to carry out these purposes, the District has or will acquire property within the District for drainage, detention, and/or recreational facilities (collectively, the "District Property"); and

WHEREAS, the District from time to time receives requests from property owners in the District for a right of entry onto the District Property adjacent to their residence for the purpose of allowing entry and egress of construction personnel, equipment, and/or materials for the installation of pools, spas, outdoor kitchens, pavilions, or other residential improvements; and

WHEREAS, the District wishes to establish policies and procedures under which the District will permit requests for such access; and

WHEREAS, the District previously has established Rules and Regulations Governing Use of District Facilities, as may be amended from time to time (the "Rules and Regulations"); and

WHEREAS, such Rules and Regulations remain in effect, and the policies and procedures pursuant to this Resolution shall be in addition to such Rules and Regulations; NOW THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY THAT:

Section 1. The facts recited above are hereby declared to be true and correct.

Section 2. Pursuant to its authority under Section 54.205 of the Texas Water Code, the District hereby adopts and considers appropriate and reasonable, the Policies and Procedures for Requests for Right of Entry Onto District Property attached hereto as Exhibit A (the "Policies and Procedures").

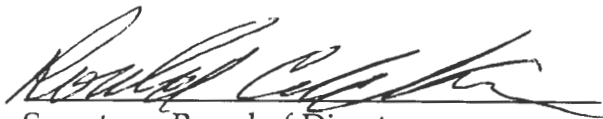
Section 3. Any person, corporation, or other entity violating the Policies and Procedures may be subject to a fine of up to \$10,000 per violation, as provided for in Section 49.004 of the Texas Water Code.

Section 4. The District is hereby authorized to publish a substantive statement of these rules, regulations, and penalties as required by Section 54.207 of the Texas Water Code, and such penalties described herein shall be effective and enforceable five days after publication.

PASSED AND APPROVED on January 24, 2024.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

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



CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

I, the undersigned officer of the Board of Directors of Fulshear Municipal Utility District No. 1 of Fort Bend County, hereby certify as follows:

1. The Board of Directors of Fulshear Municipal Utility District No. 1 of Fort Bend County convened in regular session on January 24, 2024, inside the boundaries of the District, and the roll was called of the members of the Board:

|                            |   |
|----------------------------|---|
| Mr. Brooks D. Tueting      | President                                 |
| Mr. John Verburg           | Vice President                            |
| Mr. Ronald (Ron) Catchings | Secretary                                 |
| Mr. William "Kevin" White  | Assistant Vice President/ Asst. Secretary |
| Mr. Todd Gnospelius        | Assistant Vice President/ Asst. Secretary |

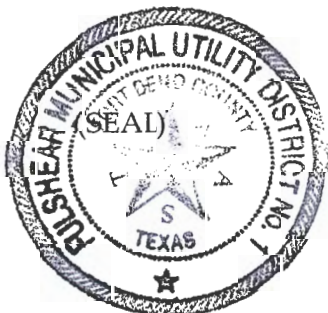
and all of said persons were present except Director(s) Gnospelius and white thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

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was introduced for the consideration of the Board. It was then duly moved and seconded that the resolution be adopted, and, after due discussion, the motion, carrying with it the adoption of the resolution, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the resolution has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on January 24, 2024.



  
Secretary, Board of Directors

## EXHIBIT A

### POLICIES AND PROCEDURES FOR REQUESTS FOR RIGHT OF ENTRY ONTO FULSHEAR MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY (THE "DISTRICT") PROPERTY

Unless specifically authorized by the District's Board of Directors, the following policies and procedures apply to requests from property owners in the District for a right of entry onto the District Property adjacent to their residence for the purpose of allowing entry and egress of construction personnel, equipment, and/or materials for the installation of pools, spas, outdoor kitchens, pavilions, or other residential improvements:

1. The requestor must submit a written request to the District specifying the proposed location and route for access onto the District Property, including an exhibit depicting same; date(s) requested; type of equipment, personnel, and materials that will cross in and out of the District Property; and type of improvements being constructed, including copies of all documentation submitted to the Fulbrook on Fulshear Creek Homeowners Association (the "Association") for architectural review in connection with the proposed improvements.
2. The District's engineer and landscape maintenance contractor will review the request and, within ten (10) business days of receipt of the request, shall determine whether the District Property will be adversely affected by the requested access. If the District's engineer and landscape maintenance contractor determine the District Property will not be adversely affected by the requested access, they shall conditionally approve the request and shall notify the requestor of the additional requirements provided herein that must be met prior to access. If the District's engineer and landscape maintenance contractor determine the District Property will be adversely affected by the requested access, they shall deny the request and shall notify the requestor of the reasons of the denial.
3. Upon the conditional approval of the request, the requestor shall pay a deposit to the District in the amount of \$2,000 that will be deposited by the District and held until completion of the improvements and full restoration of the District Property to its previously existing condition, as determined by the District in its sole discretion. In the event the requestor fails to restore the District Property to its previously existing condition, the District shall notify the requestor and provide them with an opportunity to cure the issue. If the requestor still does not restore the District Property to its previously existing condition, as determined by the

District in its sole discretion, the District shall repair the District Property and apply the cost against the requestor's deposit. In the event the cost exceeds the deposit amount, the District shall invoice the requestor for the difference, and such amount will be due and payable to the District within thirty (30) days. In the event all or any portion of the requestor's deposit remains after completion of the improvements and restoration of the District Property, the District shall refund such remaining amount to the requestor within forty-five (45) days.

4. Upon payment of the required deposit, the District will prepare a right of entry agreement documenting the terms of the requested access. Such right of entry agreement must be executed by the District, the requestor, and the requestor's contractor prior to any access onto the District Property, and, among other items, shall require (1) that the requestor provide evidence of approval of the improvements by the Association prior to access onto the District Property, (2) that the requestor provide at least twenty-four (24) hours advanced notice to the District prior to entering the District Property, and (3) that the requestor and their contractor indemnify the District for any harm or losses incurred by the District as a result of the access onto the District Property. All access to the District Property is subject to and must be in accordance with the terms of the right of entry agreement.

These Policies and Procedures are in addition to, and not in lieu of, all Federal, State, and municipal laws, rules, and regulations applicable to the Facilities.

The provisions of these Policies and Procedures are severable. If any word, phrase, clause, sentence, section, provision or part of these Policies and Procedures should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Board of Directors that these Policies and Procedures would have been adopted as to the remaining portions, regardless of the invalidity of any part.

These Policies and Procedures may be amended at any time at the discretion of the Board of Directors.

A copy of the Policies and Procedures is on file in the principal office of the District, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, where the Policies and Procedures may be read by any interested person.

Any violation of these Policies and Procedures shall subject the violator to a penalty not to exceed Ten Thousand Dollars (\$10,000) for each violation. Each day that a violation of any of these Policies and Procedures hereof continues shall be considered a separate violation.

Any access to the District Property pursuant to these Policies and Procedures shall be at the sole risk of each individual. The District accepts no responsibility or liability for any injuries sustained by any individual as a result of such access.