

ORDER ADOPTING POLICIES REGARDING MAINTENANCE,
REPAIR AND IMPROVEMENT OF SIDEWALKS AND
LANDSCAPING IN ROAD RIGHT-OF-WAY

WHEREAS, Collin County Municipal Utility District No. 1 (the "District") is a conservation and reclamation district and political subdivision of the State of Texas existing and operating pursuant to the provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, Chapters 49 and 54, Texas Water Code, and Chapter 8164, Special District Local Laws Code (the "District Act");

WHEREAS, pursuant to the provisions of Article III, Section 52(b)(3), of the Texas Constitution and the District Act, the District is authorized to construct, acquire, improve, maintain, and operate macadamized, graveled or paved roads and turnpikes, or improvements in aid thereof;

WHEREAS, the District has issued bonds for and acquired roads and improvements in aid thereof that serve the District, including the necessary road rights-of-way ("ROW");

WHEREAS, builders within the District have constructed and will continue to construct sidewalks within District ROW containing standard residential streets;

WHEREAS, under Subchapter N, Chapter 49, of the Texas Water Code, the District is authorized and permitted, but not required, to develop and maintain "recreational facilities" within the District, which include "parks, landscaping, parkways, greenbelts, sidewalks, trails, public right-of-way beautification projects, and recreational equipment and facilities;" provided, that such development and maintenance may not be financed through the issuance of bonds by the District supported by ad valorem taxes;

WHEREAS, the Board of Directors (the "Board") of the District has determined that for the health, safety, and welfare of the public it is appropriate to adopt a formal policy and regulation relating to the maintenance, repair and improvement of the sidewalks and landscaping located within the District ROW. For the purposes of this order, "landscaping" shall include, but not be limited to, grass, trees, bushes, shrubbery, flora, fauna, and any improvement installed or constructed within the District ROW for the purpose of improving aesthetic appearance.

WHEREAS, pursuant to Section 49.004, Water Code, the District's governing board may set reasonable civil penalties for the breach of any rule of the District.

NOW, THEREFORE, BE IT ORDERED by the Board of Directors of Collin County Municipal Utility District No. 1 that the following policies be adopted with respect to the maintenance, repair and improvement of sidewalks and landscaping within the District ROW:

1. The Board, may, at its discretion, determine to use legally available District funds for the maintenance and/or improvement of any sidewalk or landscaping in the District ROW adjacent to property owned by the District and not located adjacent to a residence, commercial property or common area of homeowners' association ("Recreational Sidewalk/Landscaping").

2. The District shall not be responsible for the maintenance, repair or improvement of any sidewalk or landscaping in the District ROW that is not determined by the Board, in its discretion, to be Recreational Sidewalk/Landscaping.

3. The maintenance, repair and improvement of any sidewalk or landscaping in the District ROW not determined by the Board to be Recreational Sidewalk/Landscaping shall be the responsibility of the abutting property owner (the "Owner"). Should the District determine that a sidewalk or landscaping described in this section is in a condition that presents a threat to the health, safety or welfare of the public, the District shall provide written notice to the responsible Owner requiring the Owner to perform the necessary maintenance, repair or improvement to the sidewalk or landscaping that resolves the unsafe or otherwise threatening condition and returns the sidewalk or other improvement to the condition existing prior to such unsafe or otherwise threatening condition. In such written notice the District shall provide guidance to the Owner on options and methods of repair and the District shall provide thirty (30) days from the date of the written notice for the Owner to perform or begin performing the action required to resolve the issue. Should the Owner not perform or begin performing the required action to resolve the issue within such thirty (30) days of such written notice, the District shall have the option of performing the action needed to resolve the issue. Should the District take such action the Owner shall be subject to a monetary penalty representing the costs incurred by the District in performing the necessary action, which could include, but are not limited to, construction and administration costs incurred by the District. Following completion of the action taken by the District, the District shall remit written notice of the monetary penalty along with instructions on payment to the District. The penal provisions imposed under this Order shall not preclude the District from filing suit to enjoin a violation of this Order. The District retains all legal rights and remedies available to it pursuant to local, state and federal law.

4. An Owner who believes that monetary penalties imposed are invalid may have the monetary penalties imposition reviewed, upon the delivery of written notice of appeal to the Board within five (5) business days of receipt of notice of the monetary penalties. The Board shall provide a written decision within thirty (30) business days of receipt of an appeal in accordance with this section. Failure to render a decision within thirty (30) business days shall constitute a denial. Any notice of appeal should be sent to the Board at:

Board of Directors
COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1
c/o Crawford & Jordan LLP
19 Briar Hollow Lane, Suite 245
Houston, Texas 77027

5. In the case of any sidewalk or landscaping damage in the District that is reasonably determined by the District's engineer to be caused by or directly related to the operation or malfunction of any District utility facility, the District shall be responsible for the repair of such damage and improvement of the sidewalk or landscaping to its condition prior to such damage.

6. This Order shall become effective immediately upon passage and approval by the Board.

7. The Secretary of the Board of Directors of the District shall give notice of the adoption of this Order by publishing a descriptive caption of the Order in a newspaper of circulation within the District.

THIS ORDER ADOPTING POLICIES REGARDING MAINTENANCE, REPAIR AND IMPROVEMENT OF SIDEWALKS AND LANDSCAPING IN ROAD RIGHT-OF-WAY PASSED AND APPROVED this 7th day of February, 2021.

**COLLIN COUNTY MUNICIPAL
UTILITY DISTRICT NO. 1**

By: [Signature]
President

Attest: [Signature]
Secretary

