

**CERTIFICATE FOR RESOLUTION**

THE STATE OF TEXAS §  
COUNTY OF HARRIS §  
BRIDGESTONE MUNICIPAL UTILITY DISTRICT §

We, the undersigned officers of the Board of Directors of Bridgestone Municipal Utility District, hereby certify as follows:

1. The Board of Directors of Bridgestone Municipal Utility District, convened in regular session on the 21<sup>st</sup> day of November, 2023, at the regular meeting place thereof, outside the boundaries of the District, and the roll was called of the duly constituted officers and members of the Board to-wit:

Michael Crayton	President
Martha Gutierrez	Vice President
David Berry	Secretary
Mikuel K. Draper	Assistant Secretary
Martha Velazquez	Treasurer

All members of the Board were present, except Director Velazquez, thus constituting a quorum. Whereupon, among other business, the following was transacted at such meeting:

**RESOLUTION ADOPTING POLICY CONCERNING EXISTING FACILITY  
REMOVAL AND REPLACEMENT FOR SANITARY SEWER REHABILITATION**

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted; and, after due discussion, such motion, carrying with it the adoption of said Order, prevailed and carried by the following vote:

AYES:      4              NOES:      0  

2. A true, full, and correct copy of the aforesaid Order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Order has been duly recorded in said Board's minutes of such meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such Order; 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 such meeting and that such Order would be introduced and considered for adoption at such meeting and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; such meeting was open to the public, as required by law, and public notice of the time, place and purpose of such meeting was given as required by Chapter 551, Government Code and Section 49.063, Texas Water Code, as amended.

PASSED AND ADOPTED THIS 21<sup>st</sup> of November, 2023.

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

ATTEST:

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

(DISTRICT SEAL)



**RESOLUTION ADOPTING POLICY CONCERNING EXISTING FACILITY  
REMOVAL AND REPLACEMENT FOR SANITARY SEWER REHABILITATION**

**Adopted November 21, 2023**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BRIDGESTONE MUNICIPAL UTILITY DISTRICT §

WHEREAS, BRIDGESTONE MUNICIPAL UTILITY DISTRICT (the "District"), is a governmental agency and body politic and corporate of the State of Texas and a conservation and reclamation district created and operating under the provisions of Article XVI, Section 59 of the Constitution of Texas, and Chapters 49 and 54, Texas Water Code, as amended from time to time;

WHEREAS, pursuant to Chapters 49.211, Texas Water Code, as amended from time to time, the District has the functions, powers, authority, rights, and duty to establish policies and procedures that will permit accomplishment of the purposes for which it was created or the purposes authorized by this code or any other law; and

WHEREAS, the District is proceeding with a Sanitary Sewer Rehabilitation project to rehabilitate the aging sanitary sewer collection system within the District and desires to adopt the Policy Concerning Existing Facility Removal and Replacement for Sanitary Sewer Rehabilitation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF BRIDGESTONE MUNICIPAL UTILITY DISTRICT THAT:

1. The recitals hereinabove are found to be true and correct in all material respects and adequately portrays the intentions of the Board.
2. The District hereby adopts this Resolution Adopting Policy Existing Facility Removal and Replacement for Sanitary Sewer Rehabilitation, which is attached hereto as "Exhibit A".
3. This Resolution shall be effective immediately upon its adoption.

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]**

**EXHIBIT A**

## **Policy Concerning Existing Facility Removal and Replacement for Sanitary Sewer Rehabilitation in Bridgestone Municipal Utility District**

Bridgestone Municipal Utility District (the "District") is proceeding with a Sanitary Sewer Rehabilitation project to rehabilitate the aging sanitary sewer collection system within the District. In order for the District, through its contractor, to make certain repairs, it will require excavation within the public utility easements located generally in the front yard along the street and/or in the back yard along the property line. Below is the District's Policy on the removal and replacement of any obstruction located on a resident's property and within the public utility easements. **The District is not legally required to repair or replace any obstruction within the public utility easements.**

**Variations:** If a resident requests a variance to this policy, it is up to the owner to contact the District's Engineer, Quiddity Engineering, LLC ("Quiddity"), by email or letter. If any additional costs are associated with the resident's request, the responsibility for these costs will be discussed as needed.

**Notice:** The District's contractor shall notify any resident whose property will be accessed in order to make necessary repairs. Notice will be provided via door hangers, 48-72 hours before the District's contractor requires initial access to the affected property.

**Fences:** If a fence exists within an area where the District's contractor needs to make a repair, the District's contractor will notify the resident 48-72 hours in advance to allow the resident to secure all pets. If an invisible or underground fence exists on the property, the resident of the property must notify Quiddity and the necessary arrangements will be made. The District's contractor will remove and replace, where economically reasonable, those sections of the fence necessary to make the repair. The District's contractor will reuse pieces of the existing fence where possible. In the event the District's contractor determines the fence is in such poor condition that the entire fence needs to be replaced, the contractor will only be responsible for removing and replacing the portion of fencing where the repair is to occur, and the resident will be notified of such decision. If the contractor needs to leave the fence down for an extended period, temporary fencing will be installed at the end of each day. The District's contractor may need to remove the gate on the resident's fence to allow equipment and materials to be delivered to the location of the point repair. If the resident's gate needs to be removed, the District's contractor will replace, to the extent reasonably possible, the gate to the existing condition and provide temporary fencing during construction. The temporary fencing will be installed on the same day as the removal of the original fence. Permanent replacement will occur within a reasonable period, not exceeding ten business days, once the property is no longer needed for repairs.

**Pets:** Residents are responsible for securing or making arrangements for all pets in backyards. The District's contractor will hang door hangers 48-72 hours before needing access or performing work in a resident's yard.

**Grass:** Grass that is disturbed during construction will be replaced by the District's contractor with the same type of grass and substantially to the condition of the grass prior to construction.. ***The resident will be responsible for watering and promoting healthy growing conditions.*** The District's contractor will not replace grass until a reasonable period after the repair to the sanitary sewer pipe has been completed to allow for settlement.

**Obstruction(s) within easement and/or street right-of-way:**

The following policy shall apply to any and all obstruction(s) located, wholly or partially, within an easement and/or a street right-of-way and which interferes with the District contractor's access to or work to be performed within such area, including, but not limited to, the following: plants, gardens, flower beds, shrubs, trees, decks, patios, storage sheds, doll houses, ponds, pools, fixed spas (collectively referred to as the "Obstructions"). The policy shall apply to all Obstructions regardless of material, size, type or age.

If any Obstruction(s) exists within an easement or street right-of-way and if it interferes with the work or access to said work that is to be completed by the District's contractor, the District will provide notice to the resident 48-72 hours before the District's contractor requires initial access to the affected property. The resident may choose to have the Obstruction(s) moved, pruned, adjusted, modified, eliminated, or removed, at the resident's expense; however, resident must complete the work in time to avoid delaying the District contractor's work or access to the area.

In the event resident does not complete such modifications in a timely fashion, the District's contractor will: (1) move, prune, adjust or modify the Obstruction, if it is feasible to do so without high cost or delay, or (2) eliminate or remove the Obstruction, in which case the owner must reimburse the District for the cost, if any, which will be determined by Quiddity. If the impacted Obstruction is eliminated or removed, the resident may decide whether to have the District's contractor replace it with standard sod or not. Replacement with anything other than standard sod is the responsibility of the resident, at their expense.

**Sprinklers:** If a sprinkler/irrigation system exists within an easement or street right-of-way where the District's contractor needs to access or do work, and it interferes with the work or access, the District's contractor will have a licensed irrigator adjust or remove and replace the sprinkler system in the area of work, substantially to the conditions present prior to construction.

**Sidewalks:** If a sidewalk exists within an easement or street right-of-way where the District's contractor needs to do work or get access, and if it interferes with the work or access, the District's contractor will remove and replace the sidewalk to the nearest joint, substantially to preconstruction conditions, but using standard concrete instead of any other material.

**Driveways:** If a driveway exists within an easement or street right-of-way where the District's contractor needs to do work or get access, and if it interferes with the work or access, the District's contractor will remove and replace the driveway to the nearest joint, substantially to preconstruction conditions, but using standard concrete instead of any other material. In the event the resident wishes to have the driveway replaced with concrete with a pebble finish or coloring, the resident may request that the District have the contractor do so by notifying Quiddity a reasonable time before the replacement is made. The request must be accompanied by payment for the incremental cost to be incurred by the District, as determined by Quiddity. Neither the District nor its contractor can guarantee that the new material will match the existing material exactly.

**Improper Tie-Ins:** If District identifies improper tie-ins to the District's sanitary sewer system, including but not limited to roof drains or yard drains, the District's contractor will remove the improper tie-in, at the resident's expense.

**EFFECT OF POLICY, ADMINISTRATIVE REMEDIES, ETC.** Nothing in this Policy should be considered a final order or decision by the District. An affected resident may request: (1) an interpretation of provision(s) of this Policy, (2) approval of an alternative construction design or method, or (3) a variance from this Policy.

Each request must be submitted to Quiddity (Ryan T. Schilhab, PE) by email to [rschilhab@quiddity.com](mailto:rschilhab@quiddity.com) or the District's Attorney (Jon Polley) at [jon@polleygarza.com](mailto:jon@polleygarza.com).

Quiddity is authorized to approve a request, approve it with conditions, or deny it. However, Quiddity is not authorized to approve a request that would significantly increase the cost to District or significantly change a contractor's work on a project.

An affected resident may appeal any denial and any approval with conditions to the District by notifying Quiddity by email or letter. If requested by the resident, the District shall provide a hearing on such appeal, including an opportunity to appear in person or by a representative and to present documents, photographs, and other evidence. The District must act on each request and appeal within a reasonable time by approving it, approving it with conditions, or denying it.

The District's action on each request must be fair, feasible, and reasonable, taking into account: (1) when and how the existing facilities or conditions began and who caused them; (2) property rights, including easement rights; (3) costs and alternative approaches; (4) age, condition, and value of the existing facilities and other properties; (5) any special conditions or hardships; and (6) customary and equitable reconciliations of burdens and benefits relating to uses of utility and street areas. If action on a request would significantly change a contractor's scope of work or cost, the action is not effective until an appropriate change order is issued to cover the changes. Quiddity or the District may grant a request with conditions designed to reduce disruption, delay, costs, etc. Conditions may require that an affected owner, purchaser, or occupant of the property bear all or part of any increase in costs incurred by District, including any change order costs.

In addition to the administrative remedies mentioned above, any person aggrieved by this Policy or any action taken or not taken under this Policy may: (1) respond directly to Quiddity, the District, or both, and/or (2) appear before the District's Board of Directors at a District meeting.

Neither this Policy nor any action taken or not taken under this Policy excuses any violations or failures to comply with applicable laws, ordinances, rules, or regulations. Violation or failure to comply with the District's rules or regulations shall be grounds for suspending or withholding approvals, connections, and water/sewer service and disconnection of any connections made without proper authorization or otherwise in violation of or non-compliance with the District's rules and regulations. Other remedies and sanctions may also apply.