

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 2  
AMENDED AND RESTATED SIDEWALK REPAIR AND REPLACEMENT  
AND LANDSCAPE REMOVAL POLICY**

**August 28, 2018**

1. The Board of Directors ("Board") of Fort Bend County Municipal Utility District No. 2 ("District") has adopted a Sidewalk Repair and Replacement Policy ("Policy") effective June 11, 2008, which reflected a continuation of the District's policy regarding sidewalk repair and replacement as it has been in effect since at least July 2005. The Board desires to update and revise its Policy.
2. This Policy applies to all sidewalks, ramps, and aprons of driveways within the District's boundaries that are either on District property or are not on District property but are located within public right-of-way ("Sidewalks") and to trees and other landscaping ("Landscaping") located within District or public easements and rights-of-way.
3. The District will not undertake repair or replacement of Sidewalks unless the engineer and/or operator determines repair and/or replacement is necessary to maintain the integrity of a District water, sanitary sewer, or drainage facility ("District Facility"). Unless the engineer and/or operator make a different recommendation, when repair and/or replacement of a Sidewalk occurs, the repair and/or replacement of the Sidewalk shall occur from ramp to ramp or intersection to intersection ("Repair Points") and shall include the Sidewalk between the Repair Points, the Sidewalk through the driveways between the Repair Points, the aprons of the driveways between the Repair Points, and a two-foot transition section of each driveway between the Repair Points that connects the replaced portion of the driveway to the existing driveway at the right-of-way line, along with the installation of a new expansion joint ("Sidewalk Work").
4. Where, in the opinion of the District's engineer and/or operator, a situation arises that is likely to result in a loss of water pressure and/or serious degradation of water quality at one or more customer locations, a blockage of any type in the sewage and/or storm water collection system, major leaks in the water distribution system (meaning any water distribution leak that impairs the quality or quantity of water delivered to the District customer(s) to a degree that violates regulatory requirements for a public water supply), or a condition that poses an immediate threat to develop into one of the aforementioned emergencies ("Emergency Situation"), the engineer and/or operator will undertake the Sidewalk Work and contact the authorized board liaison, or, if unavailable, any other Board member to notify the District of the Emergency Situation.
5. If, in the opinion of the District's engineer and/or operator, the need arises for Sidewalk Work that is not related to an Emergency Situation, no individual director or directors may authorize Sidewalk Work, and no operator or engineer may undertake Sidewalk Work without the Board's approval; rather, all requests and recommendations for Sidewalk Work outside of an Emergency Situation shall be brought by the District's engineer and/or operator to the Board for consideration and approval. Notwithstanding the foregoing, however, the District may, by written contract approved by the Board,

designate the operator and/or engineer to undertake Sidewalk Work on specified terms without first seeking the Board's approval.

6. When any portion of a driveway is repaired and/or replaced in accordance with this Policy, the owner of the driveway may seek to separately contract with the contractor performing the Sidewalk Work to repair and/or replace other portions of the driveway, at the property owner's expense
7. Landscaping located within District or public easements and rights-of-way will be removed without compensation to any property owner if, in the opinion of the Board of Directors, after receiving a recommendation for removal from the District's operator or engineer, the roots of the Landscaping caused or contributed to damage to a District facility, or is likely to cause or contribute to damage to a District facility. Further, Landscaping within the District or public easements and rights-of-way will be removed without compensation to any property owner if, in the opinion of the District's operator or engineer, the Landscaping obstructs or interferes with a District Facility or fire hydrant or, is likely to obstruct or interfere in the future with any District Facility or fire hydrant.
8. This Policy may be revised, repealed, or modified in the Board's sole discretion upon proper consideration and vote.
9. No Sidewalk or driveway may be repaired or replaced with District funds except pursuant to this Policy.

  
Secretary, Board of Directors

  
President, Board of Directors