

City of Houston, Texas, Ordinance No. 2020 - 623

AN ORDINANCE CONSENTING TO THE ADDITION OF 4.8094 ACRES OF LAND TO CROSBY MUNICIPAL UTILITY DISTRICT, FOR INCLUSION IN ITS DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the District was created under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54 of the Texas Water Code, on June 17, 1965; and

WHEREAS, Seaboard Controls, LLC, owners of the land hereunder described, have petitioned the City to add 4.8094 acres of land for inclusion into the District; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That attached to this ordinance and made a part hereof is a petition ("Petition") requesting for the consent of the City to the annexation of 4.8094 acres of land, described in Exhibit A to the Petition and within the extraterritorial jurisdiction of the City, into the District. The Petition is hereby granted, subject to the terms and conditions set forth in Exhibit B to the Petition.

Section 3. That the City Council further hereby notifies the referenced District, its residents and property owners of the provisions of applicable law allowing the City to annex any portion of the district located within the City's extraterritorial jurisdiction, including without limitation, the land authorized to be included in the District hereby. The City requires that the District include a statement in its form required under Section 49.455, Texas Water Code, reflecting the possibility of such annexation by the City.

Section 4. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails to sign this ordinance within five days after its

passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 15th day of July, 2020.

APPROVED this _____ day of _____, 2020.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUL 21 2020.

Pat J. Hamiel
City Secretary

Prepared by Legal Dept.
AH/sec 4/1/20

Arva L. Howard
Senior Assistant City Attorney

Requested by Carol Ellinger Haddock, P.E.
Director – Houston Public Works Department
(L.D. File No.0910900006004)
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AYE	NO	
✓		MAYOR TURNER
••••	••••	COUNCIL MEMBERS
✓		PECK
		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN CROSBY
MUNICIPAL UTILITY DISTRICT**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF HOUSTON:

Crosby Municipal Utility District (the "District"), a political subdivision of the State of Texas and Seaboard Controls, LLC ("Landowner"), (Landowner and District hereinafter called "Petitioners"), acting pursuant to the provisions of Section 54.016, Texas Water Code, respectfully petition the City Council of the City of Houston, Texas (the "City"), for its written consent to the annexation into the District, of 4.8094 acres of land (the "Property"). In support of this petition, Petitioners would show as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54 of the Texas Water Code, as amended, and was created by Order in 1965.

II.

Landowner is the sole owner and holder of fee simple title to the Land sought to be annexed to the District, as indicated by the tax rolls of Harris County, Texas. The Landowner represents and warrants that there are no lienholders on the Property.

III.

The Property sought to be added to the District contains approximately 4.8094 acres of land, more or less, and lies wholly within Harris County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of the Texas Local Government Code, Section 42.001 *et. seq.*, as amended, said area is within the extraterritorial jurisdiction of the City of Houston and is not within such jurisdiction of any other city. All of the territory to be annexed may be properly annexed to the District.

IV.

The Property sought to be added to the area of the District is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

V.

The general nature of the work proposed to be done in the area sought to be annexed shall be for the purpose of purchase, construction, acquisition, repair, extension, and improvement of

land, easements, works, improvements, facilities, plants, equipment and appliances necessary to collect transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state and provide water and drainage facilities.

VI.

There is necessity for the improvements described above. The area of the District is urban in nature, is within the growing environs of Houston, and is in close proximity to populous and developed sections of Harris County. The land sought to be added to the District is not supplied with public water lines or public sanitary sewer facilities and services. The health and welfare of the present and future inhabitants of the District require the installation and acquisition of adequate water and sewer facilities for and within the land sought to be added to the District. A public necessity exists for the purchase, construction, extension, improvement, maintenance and operation of such facilities, so as to promote and protect the purity and sanitary conditions of the State's waters and the public health and welfare of the community.

VII.

Petitioners agree and covenant to abide by the conditions set forth in Exhibit "B", attached hereto and made a part hereof for all purposes, until such time as said conditions may be changed by City ordinance or resolution, either specific or general.

VIII.

The Petitioners estimate, from such information as it has at this time, that the cost of extending the District's facilities to serve the area sought to be annexed will be \$113,000, and will not require the authorization of additional bonds by the District.

WHEREFORE, Petitioners respectfully pray that this petition be heard and granted in all respects and that the City of Houston, Texas, give its written consent to the annexation of the Land to the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED this 21st day of January, 2020.

CROSBY MUNICIPAL UTILITY DISTRICT

Steven Schreiber
Steven Schreiber, President

ATTEST:

Wesley Zarsky
Wesley Zarsky, Secretary
Billy E. Foster, Assist. Secretary
(DISTRICT SEAL)
DISTRICT OF HARRIS COUNTY

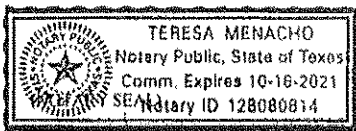
THE STATE OF TEXAS

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§

COUNTY OF HARRIS

Billy E. Foster

This instrument was subscribed, acknowledged and sworn before me on this 21st day of January, 2020, by Steven Schreiber and ~~Wesley Zarsky~~ of the Board of Directors of Crosby Municipal Utility District, a political subdivision of the State of Texas.



Teresa Menacho
Notary Public in and for the State of Texas

LANDOWNER:

SEABOARD CONTROLS, LLC

By: 
Name: Philip Muro
Title: CEO

THE STATE OF TEXAS

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§

COUNTY OF HARRIS

This instrument was subscribed, acknowledged and sworn before me on this 18 day of December, 2018, by Philip Muro, CEO of Seaboard Controls, LLC.



Notary Public in and for the State of Texas

(NOTARY SEAL)

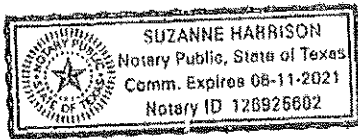


EXHIBIT "A"
SEABOARD CONTROLS LLC TRACT
4.8094 ACRES

BEING 4.8094 acres of land in the T. Walker Survey, Abstract No. 853 in Harris County, Texas and being all of SEABOARD CONTROLS SUBDIVISION according to the plat thereof recorded under Film Code Number 634005 in the Map Records of Harris County, Texas and being all of the 2.8750 acre tract described in the deed from Michael J. Gullo et al. to Seaboard Controls, LLC. recorded under File Number RP-2016-245781 in the Official Public Records of Harris County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said SEABOARD CONTROLS SUBDIVISION and the northeast corner of the herein described tract, in the northwest right-of-way line of Highway 90 (Beaumont Highway) R.O.W. Varies;

THENCE South 25° 23' 45" West – 319.96 feet, with the northwest right-of-way line of said Highway 90 (Beaumont Highway), to the southeast corner of said SEABOARD CONTROLS SUBDIVISION and the southeast corner of the herein described tract;

THENCE South 87° 07' 25" West – 674.23 feet, with the south line of said SEABOARD CONTROLS SUBDIVISION and the south line of said 2.8750 acre tract, to the southwest corner of said 2.8750 acre tract and the southwest corner of the herein described tract;

THENCE North 04° 00' 06" West – 275.52 feet, with the west line of said 2.8750 acre tract, to the northwest corner of said 2.8750 acre tract and the northwest corner of the herein described tract;

THENCE North 86° 41' 16" East – 831.22 feet, with the north line of said 2.8750 acre tract and the north line of said SEABOARD CONTROLS SUBDIVISION, to the **POINT OF BEGINNING** and containing 4.8094 acres of land.



EXHIBIT "B"

(a) To the extent authorized by law, the District will issue bonds only for the purpose of purchasing and constructing, or purchasing, or constructing under contract with the City of Houston, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, recreational facilities, road facilities, or facilities for fire-fighting services, or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds will expressly provide that the District reserves the right to redeem the bonds on any interest-payment date subsequent to the fifteenth (15th) anniversary of the date of issuance without premium and will be sold only after the taking of public bids therefor, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. The resolution authorizing the issuance of the District's bonds will contain a provision that any pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City of Houston, Texas, annexes the District, takes over the assets of the District and assumes all of the obligations of the District. No land located within the extraterritorial jurisdiction of the City of Houston will be added or annexed to the District until the City of Houston has given its written consent by resolution or ordinance of the City Council to such addition or annexation.

(b) (1) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the Director of the Department of Public Works and Engineering of the City of Houston, or to his designated representative, all plans and specifications for the construction of water, sanitary sewer, drainage, and road facilities and related improvements to serve the District and obtain the approval of such plans and specifications therefrom. All water wells, water meters, flushing valves, valves, pipes, and appurtenances thereto, installed or used within the District, will conform exactly to the specifications of the City of Houston. All water service lines and sewer service lines, lift stations, sewage treatment facilities, and road facilities, and appurtenances thereto, installed or used within the District will comply with the City of Houston's standard plans and specifications as amended from time to time. Prior to the construction of any water, sanitary sewer, drainage or road facilities within or by the District, the District or its engineer will give written notice by registered or certified mail to the Director of Public Works and Engineering, stating the date that such construction will be commenced. The construction of the District's water, sanitary sewer, drainage and road facilities will be in accordance with the approved plans and specifications, and with applicable standards and specifications of the City of Houston; and during the progress of the construction and installation of such facilities, the Director of Public Works and

Engineering of the City of Houston, or an employee thereof, may make periodic on-the-ground inspections.

(2) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of recreational facilities, the District shall obtain and maintain on file, from a registered landscape architect, registered professional engineer or a design professional allowed by law to engage in architecture, a certification that the recreational facilities, as constructed, conform to the applicable recreational facilities design standards and specifications of the City of Houston's Department of Parks and Recreation and shall submit a copy of the certification and the "as built" plans and specifications for such recreational facilities to the Director of the City of Houston Parks and Recreation Department.

(3) Before the expenditure by the District of bond proceeds for the acquisition, construction or development of facilities for fire-fighting services, the District shall obtain and maintain on file, from a registered architect, registered professional engineer or a design professional allowed by law to engage in facility design and construction, a certification that the facilities for fire-fighting services, as constructed, conform to the applicable fire-fighting facilities design standards and specifications of the City of Houston's Fire Department and shall submit a copy of the certification and the "as built" plans and specifications for such facilities for fire-fighting services to the Chief of the City of Houston Fire Department.

(c) The District will agree to engage a sewage plant operator holding a valid certificate of competency issued under the direction of the Texas Commission on Environmental Quality, or such successor agency as the legislature may establish ("TCEQ"), as required by Section 26.0301, Texas Water Code, as may be amended from time to time. The District will agree to make periodic analyses of its discharge pursuant to the provisions of Order No. 69-1219-1 of the Texas Water Quality Board (predecessor agency to the TCEQ) and further to send copies of all such effluent data to the Department of Public Works and Engineering, City of Houston, as well as to the TCEQ. The District will agree that representatives of the City of Houston may supervise the continued operations of the sewage treatment facility by making periodic inspections thereof.

(d) The District, its board of directors, officers, developers, and/or landowners will not permit the construction, or commit to any development within, the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District's allocated capacity therein.

(e) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval of the Planning Commission of the City of Houston of a plat which will be duly recorded in the Real Property Records of Harris County, Texas, and otherwise comply with the rules and regulations of the Department of Planning and Development and the Department of Public Works and Engineering of the City of Houston.