

City of Houston, Texas, Ordinance No. 2020- 626

AN ORDINANCE FINDING AND DETERMINING PUBLIC CONVENIENCE AND NECESSITY FOR THE ACQUISITION OF REAL PROPERTY INTERESTS IN CONNECTION WITH THE PUBLIC IMPROVEMENT PROJECT KNOWN AS THE PLUM CREEK LIFT STATION ACCESS DRIVE PROJECT; AUTHORIZING THE ACQUISITION OF FEE SIMPLE OR EASEMENT INTEREST TO ONE PARCEL OF LAND REQUIRED FOR THE PROJECT AND SITUATED IN THE JOHN R. HARRIS SURVEY A-27, IN HARRIS COUNTY, TEXAS, SAID PARCEL OF LAND BEING LOCATED ALONG INTERSTATE 610, NEAR GALVESTON ROAD, IN HOUSTON, HARRIS COUNTY, TEXAS, BY GIFT, DEDICATION, PURCHASE AND THE USE OF EMINENT DOMAIN AND FURTHER AUTHORIZING PAYMENT OF THE COSTS OF SUCH PURCHASES AND/OR EMINENT DOMAIN PROCEEDINGS AND ASSOCIATED COSTS FOR RELOCATION ASSISTANCE, APPRAISAL FEES, TITLE POLICIES/SERVICES, RECORDING FEES, COURT COSTS, AND EXPERT WITNESS FEES IN CONNECTION WITH THE ACQUISITION OF FEE SIMPLE OR EASEMENT INTEREST TO THE ONE PARCEL OF LAND REQUIRED FOR THE PROJECT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council of the City of Houston, Texas, deems it necessary, proper and in the best interests of the public to acquire by gift, dedication, purchase, or if necessary, to authorize the use of eminent domain to acquire, real property interests in certain real property located in Harris County, Texas, as described in Exhibit "A" attached hereto, for the Plum Creek Lift Station Access Drive Project (the "Project"); and

WHEREAS, the Project is necessary due to the impending closure of a Union Pacific Railroad Crossing which will result in the loss of the City's only current access point to the Plum Creek Lift Station; and

WHEREAS, the Project is necessary to provide a new access road to the Plum Creek Lift Station so that the City's regular maintenance and monitoring of the Plum Creek Lift Station will not be interrupted or delayed; and

WHEREAS, the Project is required to protect the public health and ensure compliance with regulatory standards and requirements for the maintenance and monitoring of wastewater lift stations throughout the City; and

WHEREAS, the City Council finds that a public necessity and convenience exists for the acquisition of the real property described in Exhibit "A" for the above stated purpose in furtherance of the Plum Creek Lift Station Access Drive Project and in accordance with the Project plans; and

WHEREAS, the record vote of City Council pertaining to this ordinance applies to the unit of property described in Exhibit "A"; **NOW, THEREFORE**,

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

Section 1. That the City Council of the City of Houston, Texas, hereby ratifies, confirms and adopts the finding and recitals contained in the preamble to this Ordinance and further finds that the finding and recitals are true and correct and declares:

(a) that public convenience and necessity requires the subject Project and necessitates the acquisition of a certain tract of real property in fee simple or easement interest to the lands described in Exhibit "A", together with any improvements situated thereon; and,

(b) that the plans for the Plum Creek Lift Station Access Drive Project are hereby approved and shall be filed with Houston Public Works and made available for review by the public.

Section 2. That the City Council also hereby approves and authorizes the fee simple or easement acquisition of real property by gift, dedication or purchase for and in connection with the Project.

Section 3. That the City Council further hereby approves and authorizes the use of eminent domain to acquire fee simple or easement interests in the real property described in Exhibit "A" and in connection with the Project. The City Attorney is hereby authorized and directed to file, or cause to be filed, proceedings in Eminent Domain to acquire fee simple or easement interests in the real property described in Exhibit "A" that cannot be acquired by gift, dedication or purchase. The City Attorney is also authorized to deposit the sum of money equal to the amount of the Award of Special Commissioners into the registry of the Court and pay all costs and expenses associated therewith in any eminent domain action filed to acquire the needed real property, without further authorization from City Council.

Section 4. That the City Council hereby approves and authorizes the payment of all the costs associated with the acquisition of the real property described in Exhibit "A" for and in connection with the Project, including but not limited to the costs of purchases or, if necessary, eminent domain proceedings including settlements thereof, relocation assistance expenses, appraisal fees, title policies/services, recording fees, court costs and expert witness fees, without further authorization from City Council.

Section 5. That the City Council hereby approves and authorizes the contracts, agreements or other undertakings required to carry out the purposes described in the title of this Ordinance and in connection with the Project, including the negotiation and

settlement of any eminent domain proceedings filed as authorized herein, in the form approved by the City Attorney from time to time. The Mayor (or in the absence of the Mayor, the Mayor Pro Tem) is hereby authorized to execute such documents in connection with the Project and take all actions necessary to effectuate the City's intent and objectives in approving such contracts, agreements or legal proceedings, or other undertakings in the event of changed circumstances. The City Secretary (or, in the absence of the City Secretary, any Assistant City Secretary) is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents. The City Attorney is hereby authorized and directed to take all action necessary to enforce legal obligations under said contracts, agreements, legal proceedings or other undertakings including the negotiation and settlement of any eminent domain proceedings filed as authorized herein and the payment of any settlement funds associated therewith, without further authorization from City Council.

Section 6. That the City of Houston's Public Works Department, the City Attorney, the City Secretary, the City Controller, or their agents be and they are hereby authorized and directed to perform any and all acts within their respective spheres of official duties toward the final acquisition of those certain tracts of real property described in Exhibit "A" without further authorization from City Council.

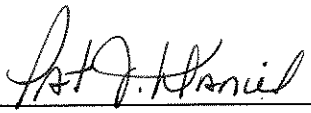
Section 7. That there exists a public emergency requiring that the Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however in the event that 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, Charter of the City of Houston, Texas.

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 forgoing Ordinance is JUL 21 2020.


 City Secretary

(Prepared by Legal Dept.) 
 May 28, 2020 Steven Beard
 Senior Assistant City Attorney

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
		ABSENT-ON PERSONAL BUSINESS
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
 REVIEW
 DATE: JUL 21 2020

EXHIBIT "A"

Parcel No.: AY20-121

Work Order Engineering Services For Various
Wastewater Lift Stations Improvements
WBS No. R-000267-0171-3

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PARCEL NO	AY20-121
PROJ NO	R-000267-0171-3
DWG NO	66658

Property Description for Parcel No: AY20-121

Being a 0.3249 acre (14,154 square foot) easement parcel of land being part of and out of Block One (1), PARK TERRACE ADDITION as per map or plat of said addition recorded in Volume 572 Page 372 of the Deed Records of Harris County, Texas in the John R. Harris Survey A-27 in Houston, Harris County Texas, being out of a called 3.0296 acre tract of land as described by instrument to ISALIAH RESTORATION, LLC, a Texas limited liability company, recorded under Harris County Clerk's File Number (H.C.C.F. No.) 20120586365 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), said 0.3249 acre parcel being more particularly described by metes and bounds as follows:

Point of Beginning at a found TxDOT type II concrete monument with bronze ROW disk found at a Point of intersection on the easterly right-of-way (R.O.W.) line of IH 610 same being the westerly corner of a parcel conveyed to State of Texas (variable width R.O.W.) per Volume 8033, Page 419 of the Harris County Deed Records (H.C.D.R.), being on the west line of said 3.0296 acre tract and being a Point of Intersection of the herein described parcel and having grid coordinates of N= 13,822,073.60, E=3,150,471.83;

THENCE, North 47° 52' 19" East, along the existing east right-of-way line of said IH 610 and the west line of said called 3.0296 same being the west line of this 0.3249 acre easement parcel, a distance of 191.88 feet to 5/8" IR with yellow CivilCorp Cap set, for the northeast corner of the herein described parcel and having grid coordinates of N= 13,822,202.29, E=3,150,614.11;

THENCE, South 21° 47' 45" East along the east line of said 0.3249 acre easement a Distance of 26.66 feet to a 5/8" IR with yellow CivilCorp Cap set for corner.

THENCE, South 47° 52' 32" West along the east line of said 0.3249 acre easement a Distance of 180.48 feet to a 5/8" IR with yellow CivilCorp Cap set for corner.

THENCE, South 38° 05' 07" West along the east line of said 0.3249 acre easement a Distance of 257.74 feet to a 5/8" IR with yellow CivilCorp Cap set for corner.

EXHIBIT "A"
Parcel No.: AY20-121
Work Order Engineering Services For Various
Wastewater Lift Stations Improvements
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THENCE, South 46° 21' 34" West along the east line of said 0.3249 acre easement a Distance of 108.60 feet to a 5/8" IR with yellow CivilCorp Cap set for corner.

THENCE, South 87° 07' 14" West along the south line of said 0.3249 acre easement a Distance of 38.29 feet to the said East TxDOT ROW line and the West line said called 3.0296 acre tract to a 5/8" IR with yellow CivilCorp Cap set corner.

THENCE, North 46° 21' 34" East along the east line of said 0.3249 acre easement said East TxDOT ROW line a Distance of 135.80 feet to a point for corner for corner from which a found 5/8" IR bears South 53°35 West 1.3 feet.

THENCE, North 38° 05' 18" East along the east line of said 0.3249 acre easement and the said East TxDOT ROW line a Distance of 258.08 feet to the POINT OF BEGINNING and containing 0.3249 acre (14,154 square foot) parcel of land.

PARCEL NO	AY20-121
PROJ NO	R-000267-0171-3
DWG NO	66658

Notes:

All bearings and coordinates shown hereon are based on the Texas Coordinate System, South Central (4204), North American Datum of 1983 (2011 adj. Epoch 2010.00). All coordinates shown hereon are grid and may be converted to surface by multiplying by a combined adjustment factor of 1.00013.

The unit of measure is in U.S. Survey Foot.

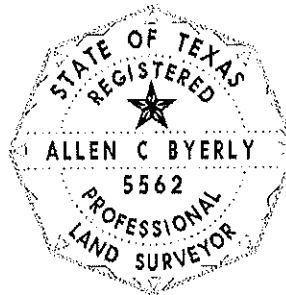
A parcel plat of even date was prepared in conjunction with this property description.

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I hereby certify that this survey was performed on the ground under my supervision and that this property description and accompanying parcel plat represents the facts as found at the time of the survey.

Survey Date March 2020



Allen C Byerly 04/29/2020

Allen C. Byerly. Date
Registered Professional Land Surveyor
Texas Registration No. 5562
CivilCorp
P.O. Box 1029, Fulshear, Texas 77441
Tel. 832-252-8100 Fax 832-252-8103
TBPLS Firm No. 10193783

PARCEL NO	AY20-121
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CHECKED *[Signature]*
DATE 4-30-2020
APPROVED *[Signature]*