

City of Houston, Texas, Ordinance No. 2020 - 705

**AN ORDINANCE CONSENTING TO THE CREATION OF THE RICHFIELD RANCH MANAGEMENT DISTRICT IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY AND THE INCLUSION OF CERTAIN LAND WITHIN THE DISTRICT; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the District has been created by an Act of the 86<sup>th</sup> Texas Legislature (the "Act") under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, and shall be organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, Article III, Section 52 and 52-a of the Constitution of Texas, the Act, Chapter 375 of the Texas Local Government Code, now codified at Chapter 3975, Texas Special District Local Laws Code, and the applicable provisions of Chapter 49 and Chapter 54 of the Texas Water Code, as amended; and

**WHEREAS**, the District is located in Harris County, and one or more drainage plans for grading, fill, construction of buildings or infrastructure within the proposed area to be annexed into an existing district, will be required to be submitted and approved by Harris County; and

**WHEREAS**, components of the drainage plan may include a variety of engineering solutions to manage and mitigate flooding based on the County's floodplain management rules and regulations; and

**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 the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City of the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 3.** That attached to this ordinance and made a part hereof is a petition ("Petition") requesting for the consent of the City to the creation of the District and the inclusion of 296.69 acres of land, consisting of one tract, described in Exhibit A to the Petition and outside the corporate limits 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.

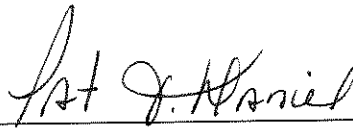
**Section 4.** That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor 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 19<sup>th</sup> day of August, 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 AUG 25 2020.

  
\_\_\_\_\_  
City Secretary

Prepared by Legal Dept.

AH/sec 8/17/20

Requested by Requested by Margaret Wallace Brown, Director,  
Director, Planning and Development Department

L.D. File No. 0612000097001

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\_\_\_\_\_  
Senior Assistant City Attorney

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

CAPTION PUBLISHED IN DAILY COURT

REVIEW

DATE:

AUG 25 2020

PETITION FOR CONSENT TO CREATION  
OF A MANAGEMENT DISTRICT

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

The undersigned, hereinafter called "Petitioner" (whether one or more), being the holder of title to all and, therefore, a majority in value of the lands hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Harris County, Texas, acting pursuant to the provisions of Section 3975.0506, Texas Special District Local Laws Code, respectfully petitions for consent to the creation of a special district, hereinafter called "District". In support of this petition for consent to creation of the District, Petitioner shows as follows:

I.

The name of the District is RICHFIELD RANCH MANAGEMENT DISTRICT OF HARRIS COUNTY, TEXAS.

II.

The area of the land to be included in the District contains 296.69 acres, more or less, and lies wholly within Harris County, Texas. All of said area is within the extraterritorial jurisdiction of the City of Houston and is not within the corporate limits or extraterritorial jurisdiction of any other city. Petitioner hereby certifies that the lienholder executing this petition below is the only holder of liens against the land to be included in the District.

III.

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

IV.

The District has been created by an Act of the 86<sup>th</sup> Texas Legislature (the "Act") under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, and shall be organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas, Article III, Section 52 and 52-a of the Constitution of Texas, the Act, Chapter 375 of the Texas Local Government Code, and the applicable provisions of Chapter 49 and Chapter 54 of the Texas Water Code, as amended. The purposes of and the general nature of the work proposed to be done by the District shall include the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal uses, domestic uses and commercial purposes;

(3) The future inhabitants of the area and of territories adjacent thereto require adequate road facilities, as same are necessary and desirable for the health and welfare of such inhabitants, and for the orderly growth of residential and commercial development within the area and territories adjacent thereto. Road Powers are of necessity to the District and to the land within the District as such powers will allow the District to own, operate, maintain, design, acquire, construct and provide financing for road facilities that may not otherwise be constructed in a manner that will proactively address safety, capacity, durability, economic feasibility, and regional mobility issues.

(4) The future inhabitants of the area and of territories adjacent thereto require such additional facilities as may be authorized by the Act and as may be necessary to promote, develop, encourage and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety and the public welfare in the area within the District.

A public necessity exists for the organization of such District to promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare in the area within the District and to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the purchase, construction, extension, improvement, maintenance and operation of a water supply and sanitary sewer system, drainage facilities, recreational facilities, road facilities, parking and transportation facilities, and such other facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is created and permitted under state law.

#### VI.

Petitioner agrees and hereby covenants that if the requested consent to the creation of the District is given, Petitioner will adopt and abide by, and will cause the District upon its final creation to adopt and abide by, the conditions set forth in Exhibit "B" and Exhibit "C", attached hereto and incorporated herein for all purposes.

#### VII.

It is now estimated by Petitioner, from such information as is available at this time, that the ultimate cost of the development contemplated will be approximately \$45,132,000 for water, sewer and drainage facilities, \$10,827,000 for recreational facilities, \$23,022,000 for road facilities, and \$27,514,000 for other infrastructure and facilities as may be permitted by the Act, including, without limitation, parking and public transportation facilities.

The undersigned, being a lienholder on all or a portion of the property described in the foregoing Petition consents to the creation of RICHFIELD RANCH MANAGEMENT DISTRICT OF HARRIS COUNTY, TEXAS over the land which is more particularly described in said Petition, and to the filing of said Petition with the City of Houston, Texas.

DYNAMIC FINANCE CORPORATION,  
A California corporation

By: [Signature]  
Name: DOMINIC LEUNG  
Title: TREASURER

Attest

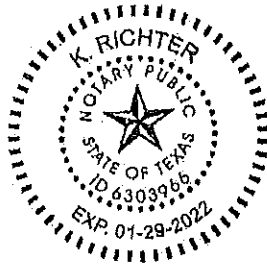
By: Molly Brennan  
Name: MOLLY BRENNAN  
Title: WITNESS

"LIENHOLDER"

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 17<sup>th</sup> day of DECEMBER, 2019, by DOMINIC LEUNG, TREASURER, president of Dynamic Finance Corporation, a California corporation.

[Signature]  
Notary Public in and for  
the State of TEXAS



537308.4

# Exhibit A

Exhibit\_\_ Page 1 of 3 Pages

County: Harris  
Project: Richfield Ranch Management District of Harris County, Texas-Boundary  
C.I. Number: 1471-18  
Job Number: 2018-321-503

## METES AND BOUNDS DESCRIPTION 296.69 ACRES

Being a 296.69 acre tract of land located within the John W. Baker Survey, A-116, the Edward Goodsir Survey, A-285, and the H.T.&B.R.R. Co. Survey, A-402, all in Harris County, Texas; said 296.69 acre tract being a part of a call 2523.670 acre tract of land recorded in Clerk's File Number U036618 of the Official Public Records of Real Property of Harris County (O.P.R.R.P.H.C); said 296.69 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the south line of said 2523.670 acre tract):

**Beginning** at a 3/4-inch iron rod found at an interior corner of said 2523.670 acre tract and the northeast corner of a call 3,220 acre tract of land recorded in Volume 6368, Page 357 of the Harris County Deed Records (H.C.D.R.), and being on the south Right-of-Way (R.O.W.) line of the Union Pacific Railroad (100 feet wide) recorded in Volume 964, Page 88 of the H.C.D.R.;

1. Thence with common line of said 2523.670 acre tract and said Union Pacific Railroad, South 68 degrees 09 minutes 04 seconds East, a distance of 3,468.29 feet to the west R.O.W. line of State Highway 99 (Grand Parkway) recorded in Clerk's File Number 20120310531 of the O.P.R.R.P.H.C.;

Thence, with said west R.O.W. line, the following thirteen (13) courses

2. South 03 degrees 24 minutes 19 seconds East, a distance of 389.11 feet;
3. South 14 degrees 45 minutes 04 seconds East, a distance of 620.00 feet;
4. South 02 degrees 04 minutes 37 seconds East, a distance of 182.04 feet;
5. 843.74 feet along the arc of a curve to the right, said curve having a central angle of 04 degrees 17 minutes 37 seconds, a radius of 11,259.16 feet and a chord that bears South 00 degrees 04 minutes 11 seconds West, a distance of 843.54 feet;
6. South 02 degrees 12 minutes 59 seconds West, a distance of 74.10 feet;
7. South 47 degrees 12 minutes 59 seconds West, a distance of 49.50 feet;
8. South 02 degrees 12 minutes 59 seconds West, a distance of 100.00 feet;
9. South 42 degrees 47 minutes 01 seconds East, a distance of 49.50 feet;

10. South 02 degrees 12 minutes 59 seconds West, a distance of 1,486.42 feet;
11. 1,398.54 feet along the arc of a curve to the left, said curve having a central angle of 03 degrees 27 minutes 58 seconds, a radius of 23,118.32 feet and a chord that bears South 00 degrees 29 minutes 00 seconds West, a distance of 1,398.33 feet;
12. South 01 degrees 14 minutes 59 seconds East, a distance of 1,972.40 feet;
13. South 43 degrees 22 minutes 43 seconds West, a distance of 71.17 feet;
14. South 01 degrees 14 minutes 59 seconds East, a distance of 70.13 feet to the common line of aforesaid 2523.670 acre tract and a call 1158.2 acre tract recorded in Volume 3131, Page 393 of the H.C.D.R.;
15. Thence, with said common line, South 88 degrees 00 minutes 19 seconds West, a distance of 1,250.11 feet;

Thence, through said 2523.670 acre tract, the following five (5) courses:

16. North 01 degrees 14 minutes 59 seconds West, a distance of 2,109.44 feet;
17. 1,477.19 feet along the arc of a curve to the right, said curve having a central angle of 03 degrees 27 minutes 58 seconds, a radius of 24,418.32 feet and a chord that bears North 00 degrees 29 minutes 00 seconds East, a distance of 1,476.96 feet;
18. North 02 degrees 12 minutes 59 seconds East, a distance of 1,730.52 feet;
19. 1,014.11 feet along the arc of a curve to the left, said curve having a central angle of 05 degrees 50 minutes 03 seconds, a radius of 9,959.16 feet and a chord that bears North 00 degrees 42 minutes 03 seconds West, a distance of 1,013.67 feet;
20. North 68 degrees 09 minutes 04 seconds West, a distance of 2,829.49 feet to the common line of said 2523.670 acre tract and a call 523.376 acre tract of land recorded in Clerk's File Number H793053 of the O.P.R.R.H.C.;
21. Thence, with said common line, North 02 degrees 09 minutes 14 seconds West, a distance of 157.88 feet;



22. Thence, through said 2523.670 acre tract, North 27 degrees 35 minutes 08 seconds East, at a distance of 306.42 feet passing an interior corner of said 2523.670 acre tract and the south corner of aforesaid 3.220 acre tract, in all, a total distance of 1161.59 feet to the **Point of Beginning** and containing 296.69 acres of land.



*Andrew P. McConnell*  
12-20-19

## EXHIBIT "B"

(a) To the extent authorized by law and except as provided in Exhibit "C", 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 (15<sup>th</sup>) 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 service 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.

## EXHIBIT "C"

(a) Bonds will be issued by the District for purposes other than those identified in Exhibit "B" only for the purposes provided in the legislation creating the District, as amended. The City, through this Ordinance granting consent and imposing the conditions in Exhibit "B" and Exhibit "C," grants approval for the District to issue its bonds subject to such conditions. The District must obtain the approval of the City Council of the City of Houston of the issuance of bonds for any improvement project that is not identified in Exhibit "B". In lieu of approval of an individual bond issue by the City Council of the City of Houston, the District may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period of not to exceed ten years setting forth the projects for which the District proposes to issue its bonds. In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston.

(b) In addition to the requirements of Exhibit "B", the District must obtain approval from the Department of Planning and Development and the Public Works and Engineering Department of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or land owned by the City of Houston.

(c) Upon inclusion of the District within the corporate limits of the City, the District shall be dissolved, and in accordance with Sections 375.263 and 43.075, Local Government Code, the City of Houston shall (1) succeed to the property and assets of the District and (2) assume all debts, obligations and liabilities of the District.