

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 SPELLMAN DETENTION BASIN PROJECT; AUTHORIZING THE ACQUISITION OF FEE SIMPLE INTEREST TO THREE PARCELS OF LAND REQUIRED FOR THE PROJECT AND SITUATED IN THE DEMAS ELLIOT SURVEY, ABSTRACT NO. 107, AND THE B.B.B. & C. R.R. SURVEY, ABSTRACT NO. 180, IN HARRIS COUNTY, TEXAS, SAID PARCELS OF LAND BEING LOCATED ALONG WEST BELLFORT AVENUE, ADJACENT TO THE FONDREN DIVERSION CHANNEL, AND NORTH OF WILLOW WATERHOLE, 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 INTEREST TO THE THREE PARCELS OF LAND REQUIRED FOR THE PROJECT; DECLARING THE CITY'S INTENT TO SEEK REIMBURSEMENT FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); 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 Exhibits "A", "B", and "C" attached hereto, for the Spellman Detention Basin Project (the "Project"); and

WHEREAS, the Project will provide a detention basin with a proposed maximum volume of 208 acre-feet and is necessary to help mitigate flood risk to residential and commercial structures in the Willow Waterhole Bayou drainage area of the Brays Bayou watershed; and

WHEREAS, the funding for the project will be reimbursed to the City by utilizing funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG-DR15) program; and

WHEREAS, the funding for the Project will be administered by the City's Housing and Community Development Department and will be used to reimburse the City for all real estate acquisition costs and expenditures pursuant to a Letter of Agreement

between Houston Department of Housing and Houston Public Works Department, and

WHEREAS, expenditures for the Project from the Dedicated Drainage and Street Renewal Capital Fund-Ad Valorem Tax (Fund 4046) will cause a transfer of funds from the Dedicated Drainage and Street Renewal Fund-Ad Valorem Tax (Fund 2311) when such costs and bills are presented for payment and the reimbursement to the City of such eligible expenditures, costs, and bills for the Project should be deposited into Fund 2311; and

WHEREAS, the City Council finds that a public necessity and convenience exists for the acquisition of the real property described in Exhibits "A", "B", and "C" for the above stated purpose in furtherance of the Spellman Detention Basin Project and in accordance with the Project plans; and

WHEREAS, the record vote of City Council pertaining to this ordinance applies to the units of property described in Exhibits "A", "B", and "C"; **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 interest to the lands described in Exhibits "A", "B", and "C" together with any improvements situated thereon; and,

(b) that the plans for the Spellman Detention Basin Project are hereby approved and being finalized and will be filed with Houston Public Works and made available for review by the public.

Section 2. That the City Council hereby approves and authorizes the expenditures of funds for the purposes set out in Section 1 above, and declares its intent to seek reimbursement for some, or all, of the expenditures of such funds from the U.S. Department of Housing and Urban Development (HUD) and other eligible sources to the extent allowed by law and hereby authorizes the Mayor to take all actions necessary to secure such reimbursement.

Section 3. 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 4. That the City Council further hereby approves and authorizes the

use of eminent domain to acquire fee simple interest in the real property described in Exhibits "A", "B", and "C" 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 interest in the real property described in Exhibits "A", "B", and "C" 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 5. That the City Council hereby approves and authorizes the payment of all the costs associated with the acquisition of the real property described in Exhibits "A", "B", and "C" 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 6. 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 7. That the City Council hereby approves and authorizes the deposit of funds received as reimbursement of project expenditures initially funded out of out of the Dedicated Drainage and Street Renewal Capital Fund-Ad Valorem Tax (Fund 4046) into the Dedicated Drainage and Street Renewal Fund-Ad Valorem Tax (Fund 2311).

Section 8. 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 Exhibits "A", "B", and "C" without further authorization from City Council.

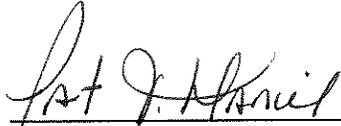
Section 9. That there exists a public emergency requiring that the Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; 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 2nd day of September, 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 SEP 08 2020.


 City Secretary

(Prepared by Legal Dept.)
 August 18, 2020


 Steven Beard
 Senior Assistant City Attorney

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	

CAPTION PUBLISHED IN DAILY COURT
 REVIEW
 DATE: SEP 08 2020

PARCEL LY20-021
 SPELLMAN DETENTION BASIN PROJECT
 M-420HUD-005A-2

Being a tract or parcel of land containing 1.239 acres (53,956 square feet) of land situated in the B.B.B. & C. R.R. Survey, Abstract Number 180, and in the Demas Elliot Survey, Abstract Number 107, Harris County, Texas; being all of Unrestricted Reserve "A", Block 1, Fondren Southwest Northbrook, Section 2, a subdivision plat of record in Volume 205, Page 91 of the Map Records of Harris County, Texas (H.C.M.R.); being all of a called 1.239 acre tract of land conveyed to Impact Health Services P.L.L.C. as described in deed recorded under Harris County Clerk's File (H.C.C.F.) Number 20120468182; said 1.239 acre tract of land being more particularly described as follows (bearings herein are referenced to the bearing base reflected in said record plat of Fondren Southwest Northbrook, Section 2 subdivision):

BEGINNING at a 1/2-inch iron rod found in the north right-of-way (R.O.W.) line of West Belfort Street (platted as West Belfort Avenue) (100-foot wide) marking the southerly end of a R.O.W. cutback line with the intersection of the east R.O.W. line of Gallo Drive (60-foot wide); and marking the most southerly southwest corner of the aforesaid Unrestricted Reserve "A" and the herein described tract;

THENCE, North 47° 14' 55" West, along said R.O.W. cutback line, a distance of 14.14 feet to a 5/8-inch iron rod found marking the most northerly end of said R.O.W. cutback line and the westerly southwest corner of said Unrestricted Reserve "A" and the herein described tract;

THENCE, North 02° 14' 55" West, along said east R.O.W. line of Gallo Drive, a distance of 129.48 feet to the most southerly end of a R.O.W. cutback line with the intersection of the south R.O.W. line of Spellman Road (60-foot wide) and the most westerly northwest corner of said Unrestricted Reserve "A" and the herein described tract, from which a found 5/8-inch iron rod bears South 24° 53' 13" East, 0.95 feet;

THENCE, North 42° 32' 38" East, along said R.O.W. cutback line, a distance of 14.19 feet to the most northerly end of said R.O.W. cutback line and the most northerly northwest corner of said Unrestricted Reserve "A" and the herein described tract, from which a found 3/8-inch iron rod bears North 34° 08' 17" West, 0.82 feet;

THENCE, North 87° 20' 10" East, along said south R.O.W. line of said Spellman Road, at a distance of 61.23 passing the east R.O.W. line of said Spellman Road, from which a found 5/8-inch iron rod bears North 20° 49' 10" East, 0.32 feet, continuing along the south line of Reserve "A", Ammar Estates, a subdivision plat of record at Film Code Number 665287 H.C.M.R., a total distance of 348.47 feet to the southeast corner of said Reserve "A", Ammar Estates and the northeast corner of the aforesaid Unrestricted "Reserve "A" and the herein described tract;

THENCE, South 02° 17' 42" East, along the west line of Unrestricted Reserve "B" of the aforesaid Block 1, Fondren Southwest Northbrook, Section 2, a distance of 152.08 feet to a 3/8-inch iron rod in the aforesaid north R.O.W. line of West Belfort Street, marking the southwest corner of said Unrestricted Reserve "B", and marking the southeast corner of said Unrestricted Reserve "A" and the herein described tract;

THENCE, South 87° 45' 05" West, along said north R.O.W. line of West Belfort Street, a distance of 348.58 feet the POINT OF BEGINNING and containing a calculated 1.239 acres (53,956 square feet) of land. This description is based on the survey and plat made by Precision Surveyors dated December 29, 2016.

RP-2017-139116

PARCEL LY20-021
1.239 ACRES (53,958 SQUARE FEET)
SPELLMAN DETENTION BASIN PROJECT
M-420HUD-005A-2



EXHIBIT "B"

PARCEL LY19-027
9.9727 ACRES
SPELLMAN DETENTION BASIN PROJECT
M-420HUD-005A-2

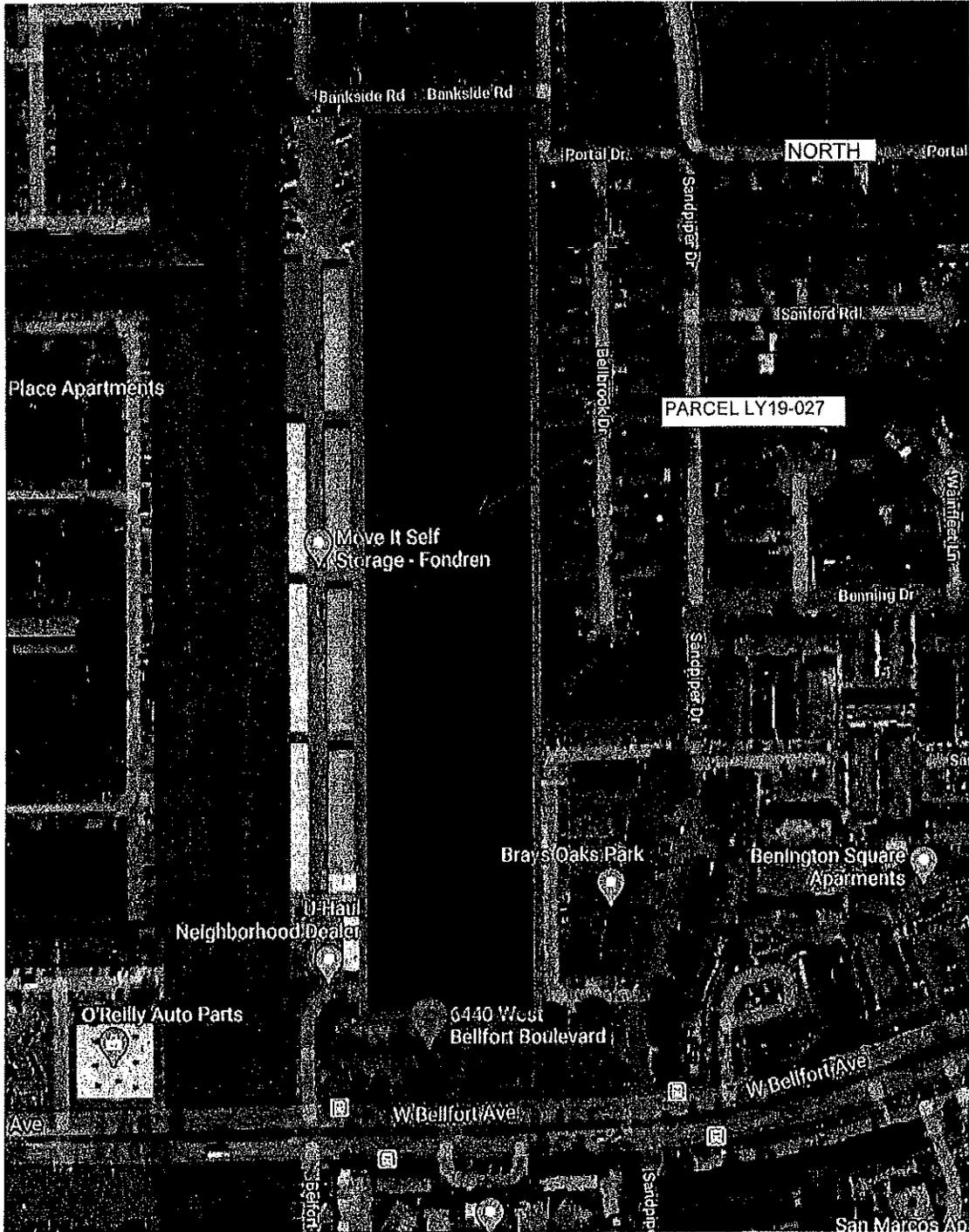


EXHIBIT "C"

PARCEL LY20-022
SPELLMAN DETENTION BASIN PROJECT
M-420HUD-005A-2

LEGAL DESCRIPTION OF THE PROPERTY

BEING A TRACT OF LAND CONTAINING 4.375 ACRES OF LAND AND BEING ALL OF UNRESTRICTED RESERVE "A" OF THE REPLAT OF FONDREN SOUTHWEST NORTHBROOK, SECTION FOUR, AS RECORDED IN VOLUME 280, PAGE 38 OF THE HARRIS COUNTY MAP RECORDS (HCMR), SITUATED IN THE B.B.B. & C. R.R. SURVEY, ABSTRACT NO. 180, CITY OF HOUSTON, HARRIS COUNTY, TEXAS.

RP-2016-33951

PARCEL LY20-022
4.375 ACRES (190,580 SQUARE FEET)
SPELLMAN DETENTION BASIN PROJECT
M-420HUD-005A-2

