

City of Houston, Texas, Ordinance No. 2020 - 835

**AN ORDINANCE CONSENTING TO THE ADDITION OF 0.0971 ACRES OF LAND TO SPRING CREEK UTILITY DISTRICT, FOR INCLUSION IN THE DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, Spring Creek Utility District (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, Texas Water Code, as amended and now codified under Chapter 8407, Texas Special District Local Laws Code; and

**WHEREAS**, the District is located in Montgomery 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 Montgomery 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;

**WHEREAS**, the District has petitioned the City of Houston, Texas ("City") to add 0.0971 acres of land, consisting of one (1) tract, 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 0.0971 acres of land, consisting of one (1) tract, 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 30<sup>th</sup> 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 foregoing Ordinance is OCT 06 2020.

At J. Hanil  
City Secretary

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: OCT 06 2020

DocuSigned by:

*Awa L. Howard*

Prepared by Legal Dept.

AH/sec 8/21/20

Requested by Carol Ellinger Haddock, P.E.

Director – Houston Public Works Department

(L.D. File No. 0910000014013)

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Senior Assistant City Attorney

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



- (1) provide a water supply for municipal, domestic and commercial purposes;
- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
- (3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area;
- (4) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and
- (5) provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District was created and permitted under state law.

V.

The area of the District is urban in nature, is within the growing environs of the City of Houston, and is in close proximity to populous and developed sections of Montgomery County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Therefore, there is a necessity for the improvements described above for the following reasons:

The land sought to be added to the District is not supplied with adequate water and sanitary sewer facilities and services, or with adequate drainage facilities nor is it presently economically feasible for such facilities to be added to the land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District, and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the land sought to be added to the District.

A public necessity exists for the addition of said lands to the District 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.

VI.

The Petitioner agrees and hereby covenants that if the requested consent to the annexation of the land to the District is given, the Petitioner will adopt and abide by the conditions set forth in Exhibit "B" attached hereto and incorporated herein for all purposes.

VII.

It is now estimated by the Petitioner from such information as is available at this time, that the amount of bonds necessary to be issued to finance development costs contemplated within the area proposed to be annexed will be approximately \$0.00.

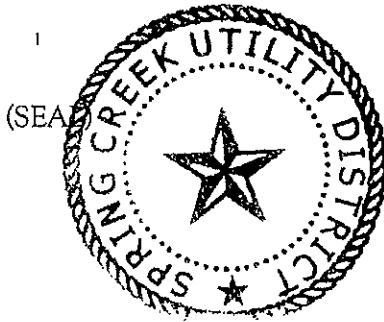
WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Houston give its consent to the annexation of the aforesaid land into said District.

SPRING CREEK UTILITY DISTRICT

By: *Claude Humbert*

Name: CLAUDE HUMBERT

Title: Vice President



THE STATE OF TEXAS

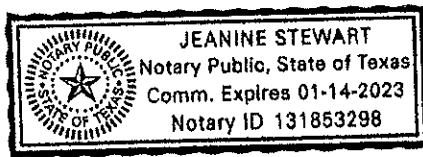
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COUNTY OF MONTGOMERY

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§

This instrument was acknowledged before me on this 26<sup>th</sup> day of March, 2020, by Claude Humbert, Vice President of SPRING CREEK UTILITY DISTRICT, on behalf of said District.



*Jeanine Stewart*  
Notary Public in and for the  
State of Texas

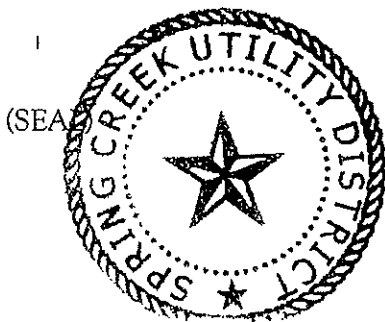
(SEAL)

SPRING CREEK UTILITY DISTRICT

By: *Claude Humbert*

Name: CLAUDE HUMBERT

Title: Vice President



THE STATE OF TEXAS

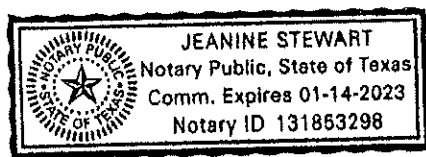
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(SEAL)

*Jeanine Stewart*  
 Notary Public in and for the  
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EXHIBIT A, PAGE 1 OF 3 PAGES

County: Montgomery  
Project: Rayford at Spring Forest  
M&B No: 17-043  
CS Job No: 16076

**METES AND BOUNDS DESCRIPTION OF 0.0971 ACRE**

Being a tract of land containing 0.0971 acre (4,231 square feet), located in the Montgomery County School Land Survey, Abstract Number 351, in Montgomery County, Texas; Said 0.0971 acre being out of Lot 252, Block 19, of Spring Forest Section Two, a subdivision of record in Volume 8, Page 45, of the Montgomery County Map Records (M.C.M.R.), same being recorded in the name of Grand Oaks Partners, LLC, in Montgomery County Clerk's File Number (M.C.C.F. No.) 2016108328; Said 0.0971 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

**COMMENCING**, at a point on the west line of said Lot 248, at the southeast intersection of Rayford Road (one-hundred feet wide per Montgomery County Clerk's File Number (M.C.C.F. No.) 8555617) and Heather Rose Drive (sixty feet wide per Volume 7, Page 379, of the M.C.M.R, also known as Wild Rose Drive), from which a 5/8-inch capped iron rod found bears South 30° East, a distance of 2.9 feet and from which a 5/8-inch capped iron rod found at the southwest corner of Lot 247 of said Block 19 and the northeast intersection of said Heather Rose Drive and Greenglade Lane (sixty feet wide per Volume 8, Page 45, of the M.C.M.R.) bears South 04° 20' 16" East, a distance of 424.67 feet;

**THENCE**, through and across Lots 248, 249, 250, 251 and 252 of Block 19, respectively, and with the south Right-of-Way (R.O.W.) line of said Rayford Road, the following two (2) courses:

1. 467.83 feet along the arc of a curve to the right, having a radius of 1,650.00 feet, a central angle of 16° 14' 43", and a chord that bears South 86° 47' 29" East, a distance of 466.26 feet to the northwest corner and **POINT OF BEGINNING** of the herein described tract;



EXHIBIT A, PAGE 2 OF 3 PAGES

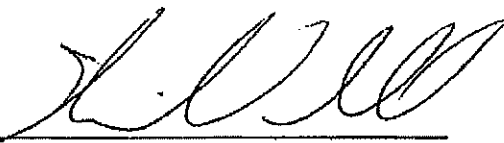
2. 67.92 feet continuing along the arc of said curve to the right, having a radius of 1,650.00 feet, a central angle of  $02^{\circ} 21' 31''$ , and a chord that bears South  $77^{\circ} 29' 22''$  East, a distance of 67.92 feet to a point on the east line of said Lot 252 and the west line of a called 10.76 acre tract of land recorded in the name of Montgomery County Drainage District No. 6 in Volume 1112, Page 513, of the Montgomery County Deed Records, for the northeast corner of the herein described tract;

**THENCE**, South  $04^{\circ} 20' 16''$  East, with the line common to said Lot 252 and said 10.76 acre tract, a distance of 55.00 feet to a point for the southeast corner of the herein described tract;

**THENCE**, through and across said Lot 252, the following two (2) courses:

1. South  $85^{\circ} 39' 44''$  West, a distance of 65.00 feet to a point for the southwest corner of the herein described tract;
2. North  $04^{\circ} 20' 16''$  West, a distance of 74.68 feet to the **POINT OF BEGINNING** and containing 0.0971 acre (4,231 square feet) of land.

An Exhibit Map of the herein described property was prepared in conjunction with and accompanies this description.

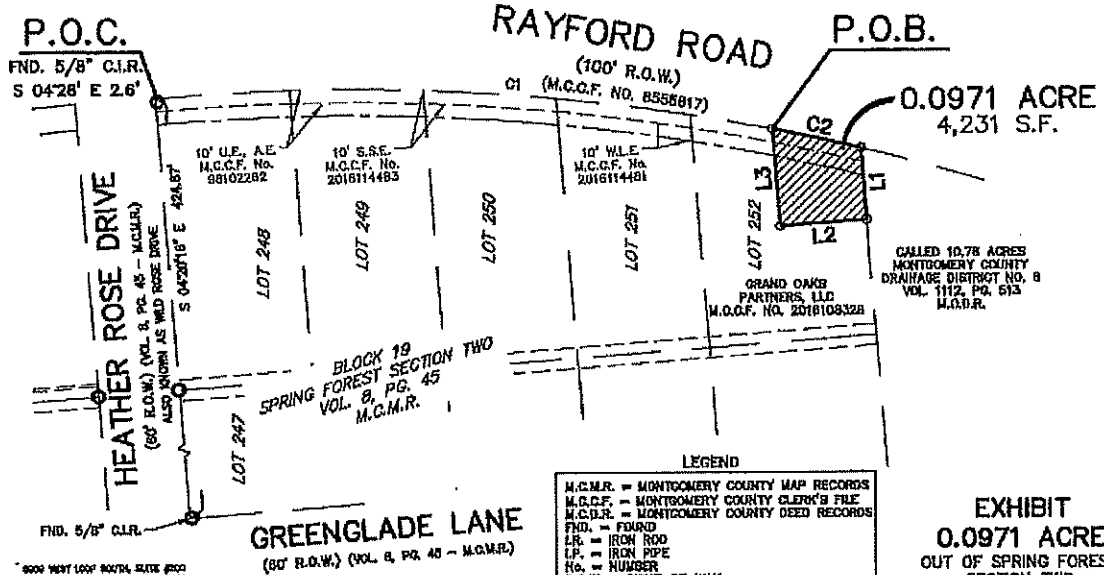
  
\_\_\_\_\_  
Michael Hall, R.P.L.S.  
Texas Registration Number 5765



CIVIL-SURV LAND SURVEYING, LC  
PH: (713) 839-9181  
May 15, 2017

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S 4°20'16" E	55.00'
L2	S 85°39'44" W	85.00'
L3	N 4°20'16" W	74.88'

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	1650.00'	16°14'43"	467.83'	S 86°47'26" E	469.26'
C2	1650.00'	2°21'31"	67.92'	S 77°29'22" E	67.92'



**Civil-Surv**  
Land Surveying, LLC

2000 WEST LOOP SOUTH, SUITE 2000  
DALLAS, TEXAS 75201  
OFFICE: (214) 839-8200  
FAX: (214) 839-8200

TXLS No. 10112200  
Email: rhd@civil-surf.com

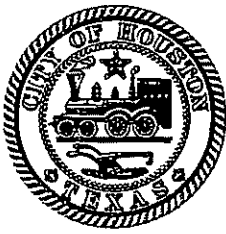
**NOTE:**

1. THE BEARINGS SHOWN ON THIS EXHIBIT ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH AND ACCOMPANIES THIS EXHIBIT.

**LEGEND**

- M.C.M.R. = MONTGOMERY COUNTY MAP RECORDS
- M.C.C.F. = MONTGOMERY COUNTY CLERK'S FILE
- M.C.D.R. = MONTGOMERY COUNTY DEED RECORDS
- FND. = FOUND
- IR = IRON ROD
- IP = IRON PIPE
- NO. = NUMBER
- R.O.W. = RIGHT-OF-WAY
- B.L. = BUILDING LINE
- U.E. = UTILITY EASEMENT
- A.E. = AERIAL EASEMENT
- VL = VOLU/2
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- L = LENGTH
- R = RADIUS
- CA = CENTRAL ANGLE
- CB = CHORD BEARING
- CD = CHORD DISTANCE

**EXHIBIT**  
**0.0971 ACRE**  
OUT OF SPRING FOREST  
SECTION TWO  
AS RECORDED IN VOL. 8,  
PG. 45, M.C.M.R.  
**MONTGOMERY COUNTY**  
**SCHOOL LAND SURVEY,**  
**ABSTRACT NO. 351**  
MONTGOMERY COUNTY, TEXAS  
MAY 15, 2017  
JOB# 15082



## 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.