

Controller's Office

To the Honorable Mayor and City Council of the City of Houston, Texas:

I hereby certify, with respect to the money required for the contract, agreement, obligation or expenditure contemplated by the Ordinance set out below that:

- () Funds have been encumbered out of funds previously appropriated for such purpose.
- () Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the Ordinance set out below.
- () Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- () No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- (✓) The money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.
- () A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated hereby by this reference.
- () Other - Grant Funds Available.

[Handwritten Signature]
Fund File

Date: 10.6, 2020 City Controller of the City of Houston

mg
SCC FUND REF: 4012-3600 ⁵²⁰⁰¹⁰ AMOUNT: \$111,008.00 ENCUMBRANCE NO: FR 3-5363
FMBS 3-23342

City of Houston, Texas, Ordinance No. 2020 - 863

[Handwritten Mark]
AN ORDINANCE APPROPRIATING \$111,008.00 OUT OF THE PARKS SPECIAL FUND; AUTHORIZING REMITTANCE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR THE AMOUNT OF \$111,008.00 RECEIVED BY THE CITY OF HOUSTON, TEXAS, FROM M2E3, LLC, REPRESENTING PAYMENTS FOR THE CONVEYANCE OF THREE PIPELINE EASEMENTS UPON THREE PARCELS OF LAND; CONTAINING OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston, Texas ("City") owns three parcels of land, consisting of approximately 60.221 total acres, located at the vicinity of Mykawa Road, Beltway 8, State Highway 35 and Clear Creek area, and more specifically described in the attached **Exhibits A, B, and C** (collectively "Properties"); and

WHEREAS, City acquired the Properties for park and ecosystem restoration utilizing grant funds awarded ("Award") by the Gulf Coast Ecosystem Restoration Council ("Council") under the United States *Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies Act of the Gulf Coast States Act of 2012* and under the Texas Commission on Environmental Quality ("TCEQ") grant contract ("Grant"); and

WHEREAS, in accordance with the terms of the Award and Grant, the Properties are subject to a (i) Covenant of Purpose and Use ("Restrictions") to ensure that they are used and maintained for purposes defined in the Award and Grant, and (ii) a federal interest in the Properties; and

WHEREAS, pursuant to Ordinance No. 2020-416, passed and adopted by the City Council on May 13, 2020, City granted to M2E3, LLC, a Texas limited liability company, ("Grantee"), a non-exclusive fifty feet (50') wide perpetual easement located within each of the Properties in order to, among others, construct, operate and maintain a pipeline for the transportation of natural gas, natural gas liquids, crude petroleum and hydrocarbon liquids, including all constituents, derivatives and products thereof, and any above- and below-ground appurtenant facilities necessary for the operation and safety of the pipeline in, over, through, across, under, and along each of the Properties ("Permanent Easements") and a temporary easement upon the surface of two of the Properties that are immediately adjacent to the Permanent Easements for use as a workspace that may be necessary or desirable in connection with the construction of the pipeline ("Temporary Easements");

WHEREAS, the Permanent Easements had been appraised by an independent appraiser, whose written appraisal reports were taken into consideration in determining the action therein taken; and

WHEREAS, Grantee agreed to comply with the Restrictions and to indemnify the City in the event that the Council finds any violation of the Restrictions; and

WHEREAS, the Council had reviewed and authorized the Permanent Easements as a condition to the Grant; and

WHEREAS, the amount of consideration that Grantee paid to the City for the Permanent and Temporary Easements was \$111,008.00 ("Funds"), which is greater than the appraised value as determined by an independent appraiser; and

WHEREAS, Council asserted a claim for the Funds pursuant to its federal interest; and

WHEREAS, Council shall add the Funds to the Award for additional purchase of land; and

WHEREAS, City received a disposition instructions letter dated July 6, 2020, ("Instructions") from the Council instructing the City to transfer the Funds to TCEQ within 180 days from the Instructions' date; **NOW, THEREFORE**,

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

Section 1. That the City Council hereby finds and determines that the facts and recitals contained in the preamble of this Ordinance are true and correct and hereby adopts the recitals set forth above.

Section 2. That the City Council hereby appropriates the amount of \$111,008.00 out of the Parks Special Fund (4012) and approves and authorizes the remittance of \$111,008.00 to TCEQ as agent for the Council.

Section 3. That the Mayor (or, in the absence of the Mayor, the Mayor Pro Tem) is hereby authorized to execute such documents and all related documents on behalf of the City. The City Secretary is hereby authorized to affix the seal of the City to all such documents.

Section 4. That the Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this Ordinance, in the event of changed circumstances.

Section 5. That the City Attorney is hereby authorized to take all actions necessary to enforce legal obligations under said agreement without further authorization from the City Council.

Section 6. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

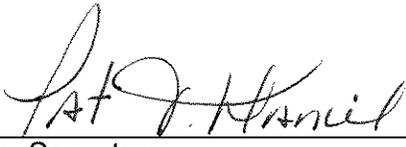
Section 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND ADOPTED this 7th day of October, 2020.

APPROVED this _____ day of _____, 2020.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Charter of the City of Houston, Texas, the effective date of the foregoing Ordinance is OCT 13 2020.



City Secretary


Prepared by Legal Dept. _____
AA/ems 8-5-2020 Senior Assistant City Attorney
Requested by Steve Wright
Director, Houston Parks & Recreation Department

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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	

M2E3, LLC
Midland to Echo Pipeline Project
TX-HR-0014.00000
Revision 2
Harris County, Texas

EXHIBIT "A"
DESCRIPTION FOR A PERMANENT EASEMENT
CITY OF HOUSTON, A TEXAS HOME RULE MUNICIPALITY

BEING A CENTERLINE DESCRIPTION FOR A PROPOSED FIFTY FOOT (50') WIDE PERMANENT EASEMENT, FOR A PIPELINE LOCATED IN THE W.R. WILSON SURVEY, ABSTRACT NO. 856, HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 40.31 ACRE TRACT OF LAND, TO THE CITY OF HOUSTON, A TEXAS HOME RULE MUNICIPALITY, AND DESCRIBED IN FILE NO. RP-2019-520829, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS COUNTY, TEXAS; SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a calculated point on the west line of said 40.31 acre tract, same being the east margin of State Highway 35, for the **POINT OF BEGINNING** of the centerline described herein, from which a 3-inch TXDOT Aluminum Disk found on the west line of said 40.31 acre tract, same being the east margin of State Highway 35, bears South 00°51'33" East, a distance of 42.54 feet;

THENCE, over and across said 40.31 acre tract, the following two (2) courses and distances:

- 1) North 87°43'11" East, a distance of 56.56 feet to a calculated point, and
- 2) North 43°03'25" East, a distance of 300.80 feet to a calculated point on the north line of said 40.31 acre tract, same being the south line of the remainder of a called 11.160 acre tract, described in Volume 2702, Page 269, Deed Records, Harris County, Texas, for the **POINT OF TERMINATION** of the centerline described herein, from which a 1-inch iron rod found at a northeast corner of said 40.31 acre tract, same being the southeast corner of said remainder of an 11.160 acre tract, bears North 87°40'42" East, a distance of 1,853.10 feet.

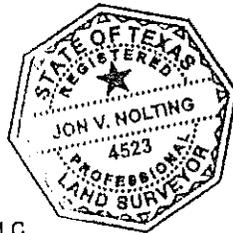
Described centerline being a total distance of 357.36 feet (21.66 Rods).

TEMPORARY WORKSPACE

Being additional sixty foot (60') wide strips of land to be used during the construction of the pipeline. The 60 foot wide strips of land will be parallel to and coincident with the above described 50 foot wide permanent easement, as shown on Exhibit "B". In addition, adjacent to and across any and all highways, roads, streets, railroads, canals, ditches, streams or other waterways and pipelines and where the bearing of the easement changes, grantee shall have the right to use additional temporary work space as shown on Exhibit "B" for the construction of the pipelines and appurtenant facilities.

Notes:

- 1) Easement centerline not necessarily the same as pipeline centerline.
- 2) For additional information, see attached easement plat (Exhibit "B") made in conjunction with and considered an integral part of the above described easement.
- 3) Bearings shown hereon are grid bearings and are based on Texas State Plane Coordinate System, Texas Central Zone, NAD83(2011) Geoid 12B. Distances shown hereon are grid and are based on said Horizontal Datum.
- 4) This description and the attached easement plat (Exhibit "B") were prepared for the purposes of creating an easement and are not intended for use as a property boundary survey.
- 5) Record information shown hereon is based upon a public records search performed by Summit Resources, LLC.
- 6) Date of Survey: 3/30/2019



Surveying And Mapping, LLC
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Tx. Firm Reg. No. 10064300

Jon V. Nolting
Jon V. Nolting
Registered Professional Land Surveyor
No. 4523 - State of Texas
Date 4-28-2020

EXHIBIT "B"

**DESCRIPTION FOR A PERMANENT EASEMENT
CITY OF HOUSTON, A TEXAS HOME RULE MUNICIPALITY**

BEING A CENTERLINE DESCRIPTION FOR A PROPOSED FIFTY FOOT (50') WIDE PERMANENT EASEMENT, FOR A PIPELINE LOCATED IN THE W.R. WILSON SURVEY, ABSTRACT NO. 856, HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 7.491 ACRE TRACT OF LAND, TO THE CITY OF HOUSTON, A TEXAS HOME RULE MUNICIPALITY, AND DESCRIBED IN FILE NO. RP-2019-520829, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS COUNTY, TEXAS; SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a calculated point on the north line of said 7.491 acre tract, same being the south line of the remainder of a called 11.160 acre tract, described in Volume 2702, Page 269, Deed Records, Harris County, Texas, for the **POINT OF BEGINNING** of the centerline described herein, from which a 1-inch iron rod found at the northwest corner of said 7.491 acre tract, same being the southwest corner of said remainder of a 11.160 acre tract, bears South 87°40'42" West, a distance of 347.24 feet;

THENCE, over and across said 7.491 acre tract, the following six (6) courses and distances:

- 1) South 47°18'03" East, a distance of 261.28 feet to a calculated point,
- 2) South 59°55'13" East, a distance of 17.68 feet to a calculated point,
- 3) South 65°03'02" East, a distance of 16.23 feet to a calculated point,
- 4) South 74°51'04" East, a distance of 17.97 feet to a calculated point,
- 5) South 81°58'44" East, a distance of 20.43 feet to a calculated point, and
- 6) North 87°43'11" East, a distance of 420.31 feet to a calculated point on the east line of said 7.491 acre tract, same being the west margin of State Highway 35, for the **POINT OF TERMINATION** of the centerline described herein, from which a 3-inch TXDOT brass disc found on the west margin of State Highway 35 at a northeast corner of said 7.491 acre tract, bears North 04°52'45" East, a distance of 10.62 feet.

Described centerline being a total distance of 753.90 feet (45.69 Rods).

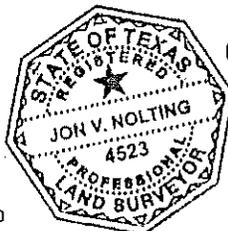
TEMPORARY WORKSPACE

Being an additional sixty foot (60') wide strip of land to be used during the construction of the pipeline. The sixty foot wide strip of land will be parallel to and coincident with the above described 50 foot wide permanent easement, as shown on Exhibit "B". In addition, adjacent to and across any and all highways, roads, streets, railroads, canals, ditches, streams or other waterways and pipelines and where the bearing of the easement changes, grantee shall have the right to use additional temporary work space as shown on Exhibit "B" for the construction of the pipelines and appurtenant facilities.

Notes:

- 1) Easement centerline not necessarily the same as pipeline centerline.
- 2) For additional information, see attached easement plat (Exhibit "B") made in conjunction with and considered an integral part of the above described easement.
- 3) Bearings shown hereon are grid bearings and are based on Texas State Plane Coordinate System, Texas Central Zone, NAD83(2011) Geoid 12B. Distances shown hereon are grid and are based on said Horizontal Datum.
- 4) This description and the attached easement plat (Exhibit "B") were prepared for the purposes of creating an easement and are not intended for use as a property boundary survey.
- 5) Record information shown hereon is based upon a public records search performed by Summit Resources, LLC.
- 6) Date of Survey: 03/29/2019

Surveying And Mapping, LLC
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300



Jon V. Nolting
Registered Professional Land Surveyor
No. 4523 - State of Texas

9-28-2020
Date

EXHIBIT "C"

**DESCRIPTION FOR A PERMANENT EASEMENT
CITY OF HOUSTON, A TEXAS HOME RULE MUNICIPALITY**

BEING A CENTERLINE DESCRIPTION FOR A PROPOSED FIFTY FOOT (50') WIDE PERMANENT EASEMENT, FOR A PIPELINE LOCATED IN THE W.B. WALKER SURVEY, ABSTRACT NO. 857, HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 12.42 ACRE TRACT OF LAND, TO THE CITY OF HOUSTON, A TEXAS HOME RULE MUNICIPALITY, AND DESCRIBED IN FILE NO. RP-2019-520830, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, HARRIS COUNTY, TEXAS; SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

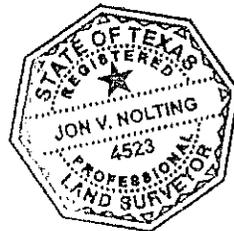
BEGINNING at a calculated point on the west line of said 12.42 acre tract, same being the east margin of a tributary to Clear Creek, for the **POINT OF BEGINNING** of the centerline described herein, from which a 1/2-inch iron rod found on the west line of said 12.42 acre tract, same being the east margin of said tributary to Clear Creek, bears South 02°46'07" East, a distance of 99.51 feet;

THENCE North 87°42'28" East, over and across said 12.42 acre tract, a distance of 411.79 feet to a calculated point on an east line of said 12.42 acre tract, same being the west margin of Mykawa Road, for the **POINT OF TERMINATION** of the centerline described herein, from which a 1/4-inch iron rod with a yellow cap found on the west margin of Mykawa Road, at a southeast corner of said 12.42 acre tract, bears South 17°16'25" East, a distance of 84.32 feet.

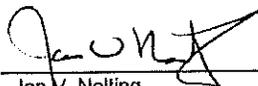
Described centerline being a total distance of 411.79 feet (24.96 Rods).

Notes:

- 1) Easement centerline not necessarily the same as pipeline centerline.
- 2) For additional information, see attached easement plat (Exhibit "B") made in conjunction with and considered an integral part of the above described easement.
- 3) Bearings shown hereon are grid bearings and are based on Texas State Plane Coordinate System, Texas Central Zone, NAD83(2011) Geoid 12B. Distances shown hereon are grid and are based on said Horizontal Datum.
- 4) This description and the attached easement plat (Exhibit "B") were prepared for the purposes of creating an easement and are not intended for use as a property boundary survey.
- 5) Record information shown hereon is based upon a public records search performed by Summit Resources, LLC.
- 6) Date of Survey: 3/28/2019



Surveying And Mapping, LLC
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Tx. Firm Reg. No. 10064300


Jon V. Nolting Date
Registered Professional Land Surveyor
No. 4523 – State of Texas