

City of Houston, Texas, Ordinance No. 2020 - 864

AN ORDINANCE CONSENTING TO THE ADDITION OF 45.580 ACRES OF LAND TO Bammel Utility District, FOR INCLUSION IN THE DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, 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, was created by Act of the Texas Legislature, Article 8280-438 V.A.T.C.S., effective May 27, 1969, and was converted to a municipal utility district by Order of the Texas Water Commission on September 11, 1978; and

WHEREAS, the City of Houston, Texas (the "City") consented to the creation of Bammel Utility District (the "District") by Resolution No. 69-3, passed and adopted by the City Council on January 15, 1969; and

WHEREAS, Ordinance No. 2006-160, passed and adopted by the City Council on February 21, 2006, sets forth certain conditions for the creation or inclusion of land within a conservation and reclamation district in the ETJ, and permitting such district to issue bonds for certain recreational, road, and fire-fighting facilities; 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;

WHEREAS, the District and Houston LD, LLC, a Texas limited liability company, have petitioned the City to add 45.580 acres of land 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 45.580 acres of land, 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 7th day of October, 2020.

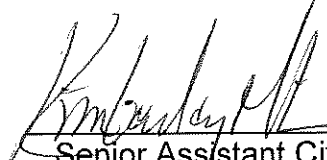
APPROVED this _____ day of _____, 2020.

Mayor of the City of Houston

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



City Secretary

Prepared by Legal Dept. 
AH/sec 7/29/20 Senior Assistant City Attorney
Requested by Carol Ellinger Haddock, P.E.
Director – Houston Public Works Department
(L.D. File No. 0911400011003)
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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	

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: OCT 13 2020

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN
BAMMEL UTILITY DISTRICT**

THE STATE OF TEXAS §
COUNTY OF HARRIS §

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

BAMMEL UTILITY DISTRICT (the "District"), and HOUSTON LD, LLC, a Texas limited liability company ("Landowner") (District and Landowner hereinafter called "Petitioners"), acting pursuant to the provisions of Section 54.016, Texas Water Code, respectfully petition for consent to include additional land in a municipal utility district. In support of this petition, Petitioners would show as follows:

I.

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, was created by Act of the Texas Legislature, Article 8280-438 V.A.T.C.S., effective May 27, 1969, and was converted to a municipal utility district by Order of the Texas Water Commission on September 11, 1978.

II.

Landowner is the sole owner and holder of fee simple title to the land sought to be annexed to the District. Landowner represents and warrants that there are no liens against said land sought to be annexed except for a deed of trust lien held by Prosperity Bank.

III.

The land sought to be added to the District contains approximately 45.580 acres of land, more or less, located wholly within Harris County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of the Texas Local Government Code, Section 42.001 et seq., as amended, said area is within the extraterritorial jurisdiction of the City of Houston and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

IV.

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

V.

The general nature of the work proposed to be done in the area sought to be annexed shall be 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, 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; and
- (3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area.

VI.

There is a necessity for the improvements described above. The area of the District is urban in nature, is within the growing environs of Houston, and is in close proximity to populous and developed sections of Harris County. The land sought to be added to the District is not supplied with adequate water, sanitary sewer and drainage facilities and services, nor is it presently economically feasible for such facilities to be provided to said 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 an adequate water supply and sewage disposal system and an adequate drainage system for and within the land sought to be added to the District. A public necessity exists for the addition of the aforesaid lands to the District in order to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage facilities, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

Petitioners agree and covenant to abide by the conditions set forth in Exhibit "B", attached hereto and made a part hereof for all purposes, until such time as said conditions may be changed by City ordinance or resolution, either specific or general.

VIII.

It is estimated by the Petitioners from such information as is available at this time, that the cost to the District of extending the District's facilities to serve the area sought to be annexed will be approximately \$4,500,000.

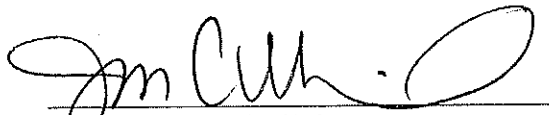
WHEREFORE, Petitioners respectfully pray that this petition be granted in all respects and that the City of Houston give its consent to the annexation of the aforesaid land in said District.

IN WITNESS WHEREOF, the District and the Petitioner have executed this Petition effective as of the 11th day of May, 2020.

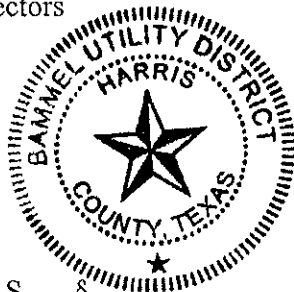
BAMMEL UTILITY DISTRICT
(the "District")

By: 
President, Board of Directors

ATTEST:


Secretary, Board of Directors

[SEAL]

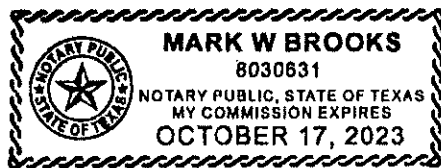


THE STATE OF TEXAS

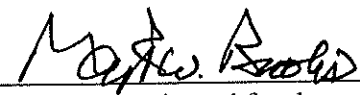
COUNTY OF HARRIS

§
§
§

This instrument was acknowledged before me on this 11th day of May, 2020, by Nicholas P. Fava, President of Bammel Utility District.



[SEAL]


NOTARY PUBLIC in and for the
STATE OF TEXAS

HOUSTON LD, LLC,
a Texas limited liability company

By: David C. Frye
David C. Frye, Manager

THE STATE OF ARKANSAS §
 §
COUNTY OF WASHINGTON §

This instrument was acknowledged before me on this the 29th day of April, 2020 by David C. Frye, Manager of HOUSTON LD, LLC, a Texas limited liability company, on behalf of said limited liability company.

Heather Henley
NOTARY PUBLIC in and for the
STATE OF ARKANSAS

[SEAL]



EXHIBIT A

TRACT "D"

METES AND BOUNDS DESCRIPTION
OF 45.580 ACRES OF LAND
IN THE GEORGE H. DELESDERNIER SURVEY, ABSTRACT NUMBER 229
HARRIS COUNTY, TEXAS

BEING 45.580 acres of land in the George H. Delesdernier Survey, Abstract Number 229 in Harris County, Texas and being all of the 9.238 acre tract described in the deed from Jim Kelly's Ice Tee, L.L.C. to Mulligans & More, LLC recorded under File Number 20120582495 of the Official Public Records of Real Property of Harris County, Texas, all of the 16.658 acre tract described in the deed from Spring Independent School District to P.A. Diller, INC. recorded under File Number S078482 of the Official Public Records of Real Property of Harris County, Texas and all of the 19.576 acre tract described in the deed from Stuebner-19, LTD. to Hong Band Lin, Trustee recorded under File Number H484747 of the Official Public Records of Real Property of Harris County, Texas and being more particularly described by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at the most northerly northwest corner of said 9.238 acre tract, the most northerly northwest corner of the herein described tract, and the north corner of the 0.9998 acre tract described in the deed from Texas Commerce Bank National Association to Paul Irwin Rhodes recorded under File Number N259844 of the Official Public Records of Real Property of Harris County, Texas, in the southeast line of the 1.43 acre tract described in the deed from Jim-Hydie Corp. et al. to 28 Stuebner-Airline, J.V. recorded under File Number 20080046646 of the Official Public Records of Real Property of Harris County, Texas, from which a found 5/8-inch iron rod bears South 36° 16' 00" East – 1.65 feet;

THENCE North 55° 46' 00" East - 871.43 feet, with a northwest line of said 9.238 acre tract, and the southeast line of said 1.43 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the north corner of the herein described tract and the north corner of said 9.238 acre tract;

THENCE South 33° 54' 59" East – 1053.78 feet, with the northeast line of said 9.238 acre tract and with the northeast line of said 16.658 acre tract, to an angle corner of the herein described tract, in a northwest line of said 19.576 acre tract, from which a found 3/4-inch iron pipe bears North 57° 40' 16" West – 0.41 feet;

THENCE North 56° 05' 26" East - 522.09 feet, continuing with said northwest line, to an angle corner of the herein described tract, in the southwest right-of-way line of Gladeridge Drive (60' R.O.W.), from which a found 5/8-inch iron rod bears North 11° 15' 11" West – 0.61 feet;

THENCE South 30° 42' 47" East - 576.83 feet, continuing with said southwest right-of-way line, to the northeast corner of the herein described tract, at the intersection of said Gladeridge Drive and Fernglade Drive (60' R.O.W.), from which a found 5/8-inch iron rod bears North 00° 51' 48" West – 0.45 feet;

THENCE South 54° 41' 27" West - 1555.47 feet, with the northwest right-of-way line of said Fernglade Drive, to a 5/8-inch iron rod found for the east end of northeast right-of-way cutback line at the intersection of said Fernglade Drive and Stuebner-Airline Road (R.O.W. Varies);

THENCE North 78° 32' 31" West - 12.20 feet, with the northeast right-of-way cutback line, to a 5/8-inch iron rod found for the north end of said cutback line, in the northeast right-of-way line of said Stuebner-Airline Road and the beginning of a non-tangent curve to the left;

THENCE in a northwesterly direction, with said northeast right-of-way line and with said curve to the left, having a radius of 2050.00 feet, a central angle of 02° 12' 04", a chord bearing and distance of North 32° 45' 38" West - 78.75 feet, and an arc distance of 78.75 feet, to a P-K Nail in concrete found for the end of curve;

THENCE North 33° 51' 40" West - 434.26 feet, continuing with said northeast right-of-way line, to the beginning of a non-tangent curve to the left, from which a found 5/8-inch iron rod bears South 33° 51' 40" East - 1.45 feet;

THENCE in a northwesterly direction, with said northeast right-of-way line and with said curve to the left, having a radius of 2050.00 feet, a central angle of 02° 23' 29", a chord bearing and distance of North 35° 03' 25" West - 85.56 feet, and an arc distance of 85.57 feet, to a 2-1/4-inch iron pipe found for the south corner of the 1 acre tract described in the deed from Espanola Whitfield to James Edward Whitfield, et al. recorded under File Number 20150504654 of the Official Public Records of Real Property of Harris County, Texas;

THENCE North 55° 33' 23" East - 204.00 feet, with the southeast line of said 1 acre tract, to a 2-1/4-inch iron pipe found for the east corner of said 1 acre tract;

THENCE North 34° 20' 17" West - 214.52 feet, with the northeast line of said 1 acre tract, to a 2-1/4-inch iron pipe found for the north corner of said 1 acre tract;

THENCE South 55° 30' 00" West - 210.43 feet, with the northwest line of said 1 acre tract, to a 1-1/4-inch pinched top pipe found for the west corner of said 1 acre tract, in the northeast right-of-way line of said Stuebner-Airline Road;

THENCE North 33° 51' 40" West - 631.08 feet, with said northeast right-of-way line, to the most westerly northwest corner of the herein described tract and the south corner of said 0.9998 acre tract, from which a found 5/8-inch iron rod bears South 88° 58' 01" West - 0.83 feet;

THENCE North 56° 06' 45" East - 209.29 feet, with a northwest line of said 9.238 acre tract and the southeast line of said 0.9998 acre tract, to a 5/8-inch iron rod found for an angle corner of said 9.238 acre tract and the east corner of said 0.9998 acre tract;

THENCE North 33° 53' 15" West - 210.32 feet, with the northeast line of said 0.9998 acre tract and a southwest line of said 9.238 acre tract, to the POINT OF BEGINNING of the herein described tract and containing 45.580 acres of land.

Prepared by:
IDS Engineering Group
Job No. 774-059-00-620

April 8, 2020

Michael L Swan

Michael L. Swan
Registered Professional Land Surveyor
Texas Registration Number 5551



THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

THIS DOCUMENT FOR THE Bammel Municipal Utility District was prepared based on information taken from previous district metes and bounds and supplemented by documents for parcel annexation to the same district.

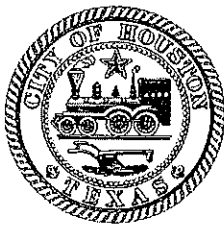


EXHIBIT "B"

(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.