

City of Houston, Texas, Ordinance No. 2020 - 867

AN ORDINANCE CONSENTING TO THE ADDITION OF 9.99 ACRES OF LAND TO HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 542, FOR INCLUSION IN THE DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the District is a municipal utility district duly created under the laws of the State of Texas on January 8, 2016. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code; and

WHEREAS, the City of Houston, Texas (the "City") consented to the creation of Harris County Municipal Utility District (the "District") No. 542 by Ordinance No. 2015-389, passed and adopted by the City Council on April 29, 2015; 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 district, to be created or lands 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, Dean Krakosky, and Lisa Krakosky, owners of the land hereunder described, have petitioned the City to add 9.99 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 9.99 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~~.

Pat J. Hanuel
City Secretary

DocuSigned by:
Arwa L. Howard
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Prepared by Legal Dept.
AH/sec 9/2/20
Requested by Carol Ellinger Haddock, P.E.
Director – Houston Public Works Department
(L.D. File No. 0911500008002)
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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 ANNEX LAND INTO
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 542

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

The undersigned, Harris County Municipal Utility District No. 542 (the "District"), and Dean Krakosky and Lisa Krakosky (the "Petitioners"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of Houston, Texas (the "City"), for its written consent to the annexation by the District of the 9.99-acre tract of land described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on January 8, 2016. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

The Petitioners hold fee simple title to the Land, as indicated by the certificate of ownership provided by the Harris County Appraisal District. The Petitioners represent that there are no lienholders on the Land.

III.

The Land is situated wholly within Harris County, Texas. No part of the Land is within the limits of any incorporated city, town or village, and no part of the Land is within the extraterritorial jurisdiction (as such term is defined in Local Government Code Section 42.001 et seq., as amended) of any city, town or village except the City. All of the Land may properly be annexed into the District.

IV.

The general nature of the work to be done in the area sought to be annexed into the District is the construction, acquisition, maintenance and operation of a waterworks

system, sanitary sewer system, a drainage and storm sewer system, recreational facilities system, and road system.

V.

There is, for the following reasons, a necessity for the above-described work. The Land proposed to be annexed into the District, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City, is in close proximity to populous and developed sections of Harris County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the area sought to be annexed to the District an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, recreational facilities system, or road system, and it is not presently economically feasible for the area sought to be annexed to provide for such systems itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, recreational facilities system, and road system, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such systems, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$442,000.

VII.

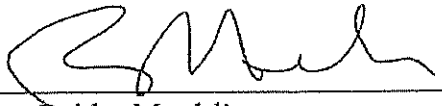
The Petitioners and the District agree and hereby covenant that if the requested consent to the annexation of the Land to the District is given, the Petitioners and the District will adopt and abide by the conditions set forth in **Exhibit B**, attached hereto and incorporated herein for all purposes.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

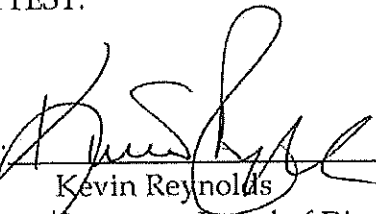
[EXECUTION PAGES FOLLOW]

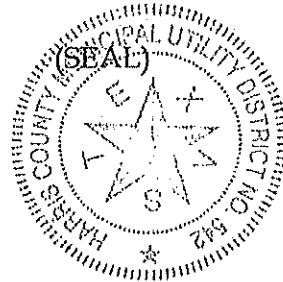
RESPECTFULLY SUBMITTED on this 27th day of February, 2019.

HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 542

By: 
Bobby Mauldin
President, Board of Directors


ATTEST:

By: 
Kevin Reynolds
Secretary, Board of Directors



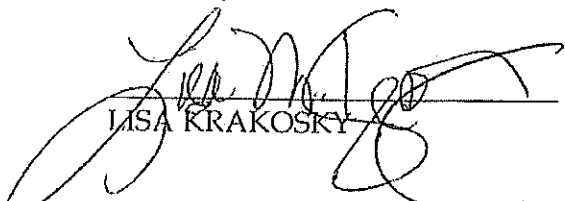
THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 27th day of February, 2019, by Bobby Mauldin, as President, and Kevin Reynolds, as Secretary, of the Board of Directors of Harris County Municipal Utility District No. 542, a political subdivision of the State of Texas, on behalf of said political subdivision.

 LINDA SOTIRAKE
Notary ID # 312753
My Commission Expires
August 31, 2020
(NOTARY SEAL)



Notary Public, State of Texas

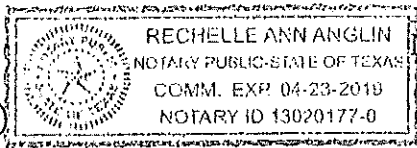

DEAN KRAKOSKY


LISA KRAKOSKY

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

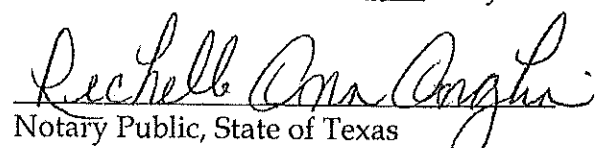
This instrument was acknowledged before me on this 25th day of January, 2019, by Dean Krakosky.


Notary Public, State of Texas

(NOTARY SEAL) 

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 25th day of January, 2019, by Lisa Krakosky.


Notary Public, State of Texas

(NOTARY SEAL) 

- Attachments:**
Exhibit A: Description of the Land
Exhibit B: Conditions of the City

After recording, return to: Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Linda F. Sotirake.

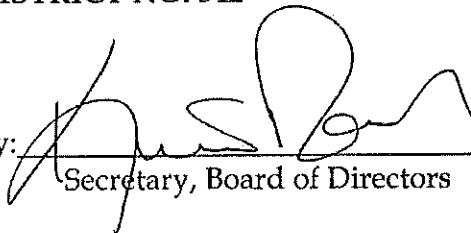
CERTIFICATE

THE STATE OF TEXAS §
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COUNTY OF HARRIS §

I, the undersigned Secretary of the Board of Directors of Harris County Municipal Utility District No. 542, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Consent To Annex Land Into Harris County Municipal Utility District No. 542 that was filed with the Board of Directors of the District on this 27th day of February, 2019.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on this 27th day of February, 2019.

**HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 542**

By: 
Secretary, Board of Directors

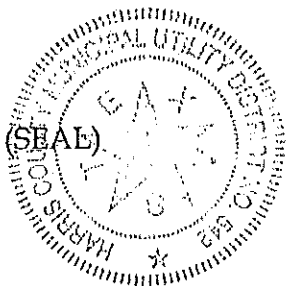


EXHIBIT A

July 25, 2018
Job No. LJAS001-2510-0002

METES AND BOUNDS DESCRIPTION
9.99 ACRES
HARRIS COUNTY MUNICIPAL DISTRICT NO 542
ANNEXATION TRACT

All of that certain 9.99 acres of land, located in the Solomon Brown Survey, A-7, Harris County, Texas, out of the 10.000 acre tract of land described in the deed to Dean Krakosky and spouse, Cheryl McShan by an instrument of record under File Number 20070754178, of the Official Public Records of Real Property of Harris County, Texas, and more particularly described by metes and bounds as follows (Bearings based on Texas Coordinate System, South Central Zone, NAD83, 2001 Adjustment):

BEGINNING at a 5/8-inch iron rod found for the southeast corner of said 10.000 acre tract, the southeast corner of the herein described tract, and the northeast corner of the 51.264 acre tract described in the deed to Shawn Edward Kuehn by an instrument of record under File Number 20120441374 of the Official Public Records of Real Property, Harris County, Texas, lying in the west right-of-way line of Rosehill Church Road (60.00 feet wide);

THENCE, South $88^{\circ} 27' 52''$ West, along the south line of said 10.000 acre tract, the south line of the herein described tract and the north line of said 51.264 acre tract, 911.46 feet to a 5/8-inch iron rod found corner;

THENCE, South $85^{\circ} 41' 37''$ West, along said common line, 444.48 feet to the southwest corner of said 10.000 acre tract, the southwest corner of the herein described tract and the southeast corner of the 1.00 acre tract described in the deed to Roger Hammons and wife, Rebecca Hammons by an instrument of record under File Number Y800358 of the Official Public Records of Real Property, Harris County, Texas;

THENCE, North $02^{\circ} 29' 30''$ West, departing said common line, along the west line of said 10.000 acre tract, common with the west line of the herein described tract, 331.96 feet to the northwest corner of said 10.000 acre tract, common with the northwest corner of the herein described tract;

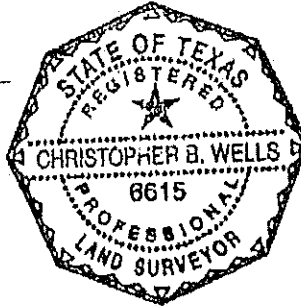
THENCE, North 87° 52' 47" East, along the north line of said 10.000 acre tract, common to the north line of the herein described tract, 1355.63 feet to northeast corner of said 10.000 acre tract, common to the northeast corner of the herein described tract, lying in the west right-of-way line of aforesaid Rosehill Church Road;

THENCE, South 02° 29' 20" East, along the east line of said 10.000 acre tract, the east line of the herein described tract and the west right-of-way line of said Rosehill Church Road, 324.30 feet to the POINT OF BEGINNING and containing 9.99 acres of land.

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.



Christopher B. Wells, RPLS
Registered Professional Land Surveyor
Texas Registration No. 6615



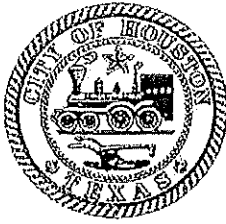


EXHIBIT "B"

(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.