

City of Houston, Texas, Ordinance No. 2020 - 903

AN ORDINANCE CONSENTING TO THE ADDITION OF 108.097 ACRES OF LAND TO NORTHWEST FREEWAY MUNICIPAL 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 and was created by order of the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality, dated April 2, 1977; 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 City of Houston, Texas (the "City") consented to the creation of Northwest Freeway Municipal Utility District (the "District") by Ordinance No. 76-1960, passed and adopted by the City Council on November 10, 1976; 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 Fridkin Kaufman, Ltd., a Texas limited partnership, and Roberts Road-290 Logistics, LLC, a Delaware limited liability company, has petitioned the City of Houston, Texas ("City") to add 108.097 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 108.097 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 21st 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 27 2020.

[Signature]

City Secretary

DocuSigned by:

Anna Howard

31F08C7F7E49423...

Prepared by Legal Dept.
AH/sec 10/12/20
Requested by Carol Ellinger Haddock, P.E.
Director – Houston Public Works Department
(L.D. File No. 0912000021001)
Z:\REALESTATE\ARVA\MUDS\NWF\RYMUD\ORD_108.097AC.DOC

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: **OCT. 27 2020**

PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN
NORTHWEST FREEWAY MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

Fridkin Kaufman, Ltd., a Texas limited partnership, being the holder of title to all of, and therefore, a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Harris County, Texas ("Landowner"), Roberts Road- 290 Logistics, LLC, a Delaware limited liability company, which has contracted to purchase the land hereinafter described ("Developer") and Northwest Freeway Municipal Utility District ("District") (Landowner, Developer and District hereinafter called "Petitioner"), acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petition for consent to include additional land in a municipal utility district. In support of this petition, Petitioner shows 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 and was created by order of the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality, dated April 2, 1977. Landowner is the sole owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Harris County, Texas. Landowner represents and warrants that there are no holders of liens against said land consenting to this petition below.

II.

The land sought to be added to the District contains approximately 108.097 acres of land, more or less, and lies wholly within Harris County, Texas. Under the provisions of Vernon's Texas Civil Statutes, 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.

III.

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.

IV.

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;
- (3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area; and
- (4) establish, finance, provide, operate and maintain a fire department and/or fire-fighting services ("firefighting-facilities") within the District subject to approval of the Texas Commission on Environmental Quality pursuant to its rules and Chapter 49 of the Texas Water Code, as amended, as and if required; and
- (5) to provide such other facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is 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, Texas, and is in close proximity to populous and developed sections of Harris 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:

- (1) 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 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 adequate water, sanitary sewer, and drainage facilities for and within the land sought to be added to the District.
- (2) The present and future inhabitants of the District, the land sought to be added to the District and of territories adjacent thereto may require fire-fighting facilities in order to supplement or supplant fire-fighting services otherwise provided by governmental entities other than the District, as fire-fighting services are necessary and desirable for the health and welfare of such inhabitants.

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, and subject to the laws of the State of Texas and the rules of the Texas Commission on Environmental Quality, fire-fighting 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 \$9,000,000.

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.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

Dated this the 3rd day of August, 2020.

FRIDKIN KAUFMAN, LTD.,
a Texas limited partnership

By: Fridkin Kaufman Management,
LLC, a Texas limited liability
company, its general partner

By: Mark A. Kaufman, Manager
Mark A. Kaufman, Manager

Petitioner

Attest: G. Walter Rockwell
By: G. Walter Rockwell
Name: G. Walter Rockwell
Title: Manager

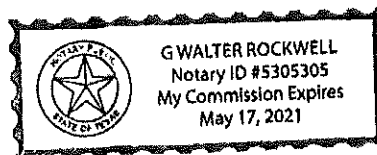
THE STATE OF TEXAS §
§
COUNTY OF FT. BEND §

This instrument was acknowledged before me on this 3rd day of August, 2020,
by Mark A. Kaufman, Manager of Fridkin Kaufman Management, LLC, a Texas limited
liability company, as general partner of Fridkin Kaufman, Ltd., a Texas limited partnership, on
behalf of said entities.

G. Walter Rockwell

Notary Public in and for the
State of TEXAS

(SEAL)



ROBERTS ROAD – 290 LOGISTICS LLC,
a Delaware limited liability company

By: Hines Interests Limited Partnership,
a Delaware limited partnership,
its sole member

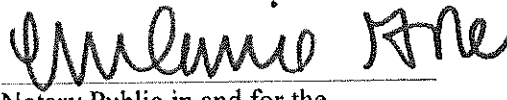
By: Hines Holdings, Inc.,
a Texas corporation,
its General Partner

By: 
Name: W. Palmer Letzerich
Title: Senior Managing Director

Developer

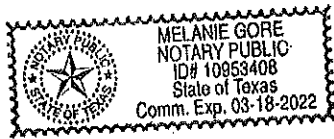
THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on this 11 day of Aug, 2020,
by W. Palmer Letzerich of Hines Holdings, Inc., a Texas
corporation, as general partner of Hines Interests Limited Partnership, a Delaware limited
partnership, as sole member of Roberts Road – 290 Logistics LLC, a Delaware limited liability
company, on behalf of said entities.



Notary Public in and for the
State of TEXAS

(SEAL)



NORTHWEST FREEWAY MUNICIPAL
UTILITY DISTRICT

By: Barry Campbell
Name: Barry Campbell
Title: President, Board of Directors

By: Dixie Babineaux
Name: Dixie Babineaux
Title: Secretary, Board of Directors

(SEAL)



THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 18 day of May, 2020, by Barry Campbell, the President of NORTHWEST FREEWAY MUNICIPAL UTILITY DISTRICT, on behalf of said district.

[Signature]
Notary Public in and for the
State of Texas

(SEAL)

545657

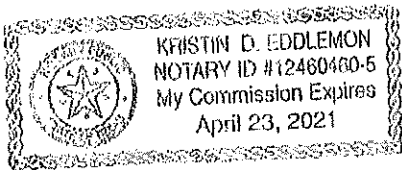


EXHIBIT A

Northwest Freeway Municipal Utility District
108.097 Acres
Richard Walton Survey, Abstract No. 845
Harris County, Texas

84-037-7C
06-22-2020

Description of 108.097 acres of land, being all of a called 108.383 acre tract conveyed to Fridkin Kaufman, LTD, as recorded in Harris County Clerk's File No. V322699, situated in the R. Walton Survey A-845, Harris County, Texas and being more particularly described by metes and bounds as follows, with all bearings based on the original Northwest Freeway Municipal Utility District Boundary Map prepared by Development Consultants dated July, 1976 as recorded in Harris County Film Code No. 166-20-1136, situated in the R. Walton Survey A-845 and Harris County School Land Survey A-333, Harris County, Texas.

BEGINNING at the intersection of the northerly right-of-way line of U.S. Highway 290 and the easterly line of 180-foot easement conveyed to Houston Lighting and Power Company, as recorded under Volume 4670, Page 214, H.C.D.R., same being the southwesterly corner of said 399.178 acre tract, also being the southeasterly corner of said 108.097 acre tract from which a 5/8 inch iron rod bears for reference N.41°04'46"W. a distance of 0.4 feet.

THENCE, Along the northerly R.O.W. line of said Highway 290 the following Three (3) courses and Distance;

N.67°10'32"W., A distance of 396.06 feet to a capped 5/8 inch iron rod stamped "Windrose" set for an angle point;

N.65°27'25"W., A distance of 699.14 feet to a capped 5/8 inch iron rod stamped "Windrose" set for an angle point;

N.64°35'01"W., A distance of 811.13 feet to a 5/8 inch iron rod stamped "Windrose" set, marking the southeast corner of a called 11.9591 Acre Tract conveyed to Mary Ann Fenamond, as recorded under H.C.C.F. No. RP-2017-78962, and the southwest corner of the herein described tract from which a 5/8 inch iron rod found bears for reference N.21°54'46"W., 0.9 feet;

THENCE, N.01°49'27"W., along the easterly line of said 11.9591 acre tract, a distance of 847.92 feet to the northeast corner of said called 11.9591 acre tract, and an interior corner of the herein described tract from which a 2 inch iron pipe found bears for reference S.12°01'14"W., 0.4 feet.

THENCE, N.68°08'42"W., along the northerly line of said called 11.9591 acre tract, a distance of 992.07 feet to a capped 5/8 inch iron rod stamped "Windrose" set on the easterly R.O.W line of said Roberts Road for the northwest corner of said 11.9591 acre tract, marking the most westerly southwest corner of the herein described Tract;

THENCE, N.01°46'12"W., along the east R.O.W. line of Roberts Road, a distance of 1489.85 feet to a capped 5/8 inch iron rod stamped "Windrose" set at the intersection on the southerly right-of-way (R.O.W.) line of Zube Road (R.O.W. varies) as recorded under volume (vol.) 17, page (pg.) 223, of Harris County Deed Records (H.C.D.R.) File No. J793207, recorded in official public records of Real Property of Harris County, and recorded under Film Code No. 406083, of Harris County Map Records (H.C.M.R.) and the easterly R.O.W. line of Roberts Road (80 foot R.O.W.) as recorded under vol. 17, pg. 223, vol. 713, pg. 725 and vol. 758, pg. 668, H.C.D.R., marking the northwest corner of the herein described Tract;

THENCE, S.67°42'14"E., along the southerly R.O.W. line of said Zube Road, a distance of 1744.89 feet to a capped 5/8 inch iron rod stamped "Windrose" set for an angle point;

THENCE, S.67°45'40"E., continuing along said R.O.W. line, a distance of 405.87 feet to a capped 5/8 inch iron rod stamped "Windrose" set, marking the beginning of a non-tangent curve to the left;

THENCE, along said curve to the left, having a radius of 471.23 feet, a central angle of a $8^{\circ}23'40''$, an arc length of 69.04 feet and a chord bearing and distance of $S.71^{\circ}57'41''E.$, 68.98 feet to a capped 5/8 inch iron rod stamped "Windrose" set on the southerly R.O.W. line of Zube Road, marking the northwest corner of a called 0.716 acre tract conveyed to Northwest Freeway MUD, as recorded under H.C.C.F. No F492966, and the east line of a called 180 foot easement conveyed to Houston Lighting and Power Company, as recorded under vol. 4670, pg. 214, H.C.D.R, for the northeast corner of the herein described Tract;

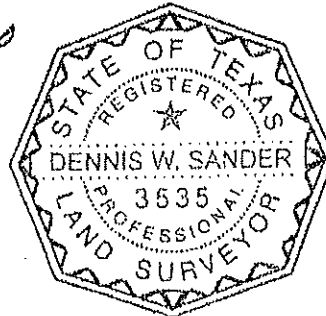
THENCE, $S.14^{\circ}10'14''E.$, along the easterly line of said 180 foot easement, a distance of 2744.77 feet to the southeast corner of said 108.383 acre tract on the northerly R.O.W. line of Highway 290 (330' R.O.W.) and the southeast corner of the herein described tract from which a 5/8 inch iron rod found bears for reference $N.41^{\circ}04'46''W.$ 0.4 feet to the POINT OF BEGINNING and containing 108.097 acres, more or less.

The orientation of the bearings are based on the original Northwest Freeway Municipal Utility District Boundary Map (Tract One) created by Development Consultants and Surveyed by Nolan A. Purser in 1976, Texas Registration No. 22089. The total acreage of creation was 399.178 acres. Sander Engineering Corporation assumes no responsibility for the base map prepared by Development Consultants.

This document was prepared under 22 TAC§ 663.21, and 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.

 7/21/20

Dennis W. Sander, Registered Professional Land Surveyor
Texas Registration Number 3535



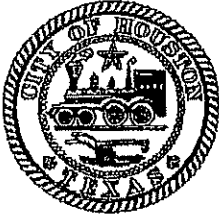


EXHIBIT "B"

(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.