

City of Houston, Texas, Ordinance No. 2020 - 904

AN ORDINANCE CONSENTING TO THE ADDITION OF 1.067 ACRES OF LAND TO SHELDON ROAD MUNICIPAL UTILITY DISTRICT, FOR INCLUSION IN THE DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Sheldon Road Municipal Utility District (the "District") , to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, as amended and was created by order of the Texas Department of Water Resources on August 20, 1959; 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 Sara A. Morales, Landowner, have petitioned the City of Houston, Texas ("City") to add 1.067 acres of land, consisting of two (2) tracts, 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 1.067 acres of land, consisting of two (2) tracts, 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.

Patricia Howard

City Secretary

DocuSigned by:

Anna Howard

31F0067F7E40423...

Prepared by Legal Dept.

AH/sec 10/13/20

Senior Assistant City Attorney

Requested by Carol Ellinger Haddock, P.E.

Director – Houston Public Works Department

(L.D. File No. 0912000023001)

Z:\REALSTATE\ARVAMUDS\SHELDON RD\ORD_1.067AC.DOC

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
SHELDON ROAD MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

Sara A. Morales, 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"), and Sheldon Road Municipal Utility District ("District") (Landowner and District herein referred to collectively as "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 Department of Water Resources on August 20, 1959. 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 the land, except as provided on Exhibit "C".

II.

The land sought to be added to the District contains approximately 1.067 acres of land, more or less, and lies wholly within Harris County, Texas. No part of the land is within the limits of any incorporated city or town. Under the provisions of Vernon's Texas Civil Statutes, Local Government Code, Section 42.001 et seq., as amended, the land 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) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and

(5) to provide such other facilities, systems, plants and enterprises as shall be consonant 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, 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 the land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District, and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the land sought to be added to the District.

(2) 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 recreational facilities (if allowed by applicable law).

VI.

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

VII.

It is now estimated by the Petitioner from such information as is available at this time, that the amount of bonds necessary to be issued to finance development costs contemplated within the area proposed to be annexed will be approximately \$0. 00.

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

Dated this the 26th day of August, 2020

Petitioner:

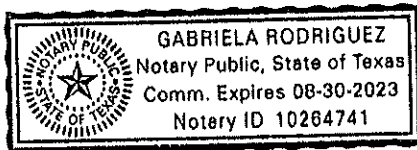
By: *Sara A Morales*
Sara A. Morales

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on this 26th day of August, 2020, by Sara A. Morales.

Gabriela Rodriguez
Notary Public in and for the
State of Texas

(SEAL)



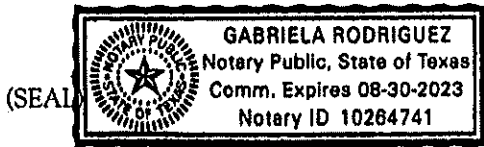
SHELDON ROAD MUNICIPAL UTILITY DISTRICT

By: *Wade Landry*
Name: Wade Landry
Title: President, Board of Directors

THE STATE OF TEXAS S
 S
COUNTY OF Harris S

This instrument was acknowledged before me on this 27 day of August, 2020, by Wade Landry the President of SHELDON ROAD MUNICIPAL UTILITY DISTRICT, on behalf of said district.

Gabriela Rodriguez
Notary Public in and for the
State of Texas



MORALES TRACT 1 (0.293 ACRES REMAINDER TRACT)

PARENT TRACT CALLED 0.861 ACRES

A tract of land called "TRACT B" and containing called 0.861 acres (found 0.869 acres), more or less, being the residue and most southerly portion of the JOHN J. POWELL 1.624 acres tract of land in the JOHN JONES SURVEY, ABSTRACT NO. 483 (Certificate No. 590, Patent No. 236, Volume 2, September 10, 1844) in Harris County, Texas; and being out of and a part of that tract conveyed by A. A. ZOGG, TRUSTEE to MARIA PULTS, TRUSTEE, on September 20, 1966, by deed recorded in Volume 6516, Page 247, Deed Records of Harris County, Texas; and said called 0.861 acres being more fully described by meets and bounds as follows;

COMMENCING at the intersection of the original 60' wide east right of way line of SHELDON ROAD (has been widened by 40.0 feet on the East side), with the South right of way line of U.S. HIGHWAY 90, 112 feet in width;

THENCE, N62°00'21"E (Called N64°40'04"E), along said South right of way line of HIGHWAY 90, a distance of 144.34 (Called 143.98) feet to a point for corner (a 3 inch iron pipe N 48°14'06" W, 0.47 feet) marking the Northeast corner of that "Texaco 25 feet strip" as described in Deed dated January 11, 1973, recorded in Harris County Clerk's File No. D-779833, for the Northwest corner of said 1.62418 acres tract and Northwest corner of TRACT "A" (being that 0.763 acre tract conveyed by Deed dated August 1, 1994, from John J. Powell, et ex, to Eutemio "Ernie" Diaz' recorded in Harris County Clerk's File No. P997128, Film Code No. 500-48-3510, Real Property Records of Harris County, Texas);

THENCE, S02°50'04"E (called S00°10'22"E), along the West line of said 1.62418 acres tract and the East line of said Texaco 25 feet tract, a distance of 176.22 feet to the Southwest corner of TRACT "A" and PLACE OF BEGINNING of the herein described tract;

THENCE, S83°36'36"W (called West) along the South line of the Texaco 25 feet tract a distance of 25.13 feet to a point for the northwest corner of TRACT "B";

THENCE, S02°50'05"E (called S00°10'22"E) along the West line of said 1.62418 acres tract, a distance of 210.83 (called 205.94) feet to a point for corner marking to Southwest corner of said 1.62418 acres tract and the Southwest corner of JOHN J. POWELL's residue 0.861 acres tract called TRACT "B";

THENCE N87°39'36"E (called S89°01'04"E) along the South line of said 1.62418 acres tract and the South line of TRACT "B", a distance of 181.59 feet to a capped iron rod (SURVEY 1) marking the Southeast corner of the JOHN J. POWELL 1.62481 acres tract and Southeast corner of this TRACT "B";

THENCE N02°36'50"W (called N00°08'02"W) along the East line of said 1.62418 acres tract a distance of 213.49 (called 209.04) feet to the Southeast corner of TRACT "A" and the Northeast corner of TRACT "B";

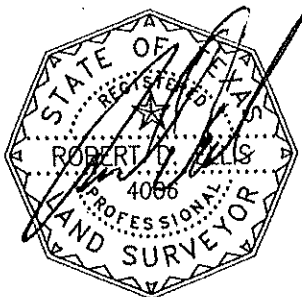
THENCE S87°20'17"W (called West) a distance of 157.33 (called 155.85) feet more or less, to the PLACE OF BEGINNING.

MORALES TRACT 1

TRACT ONE (DESCRIBED ABOVE) LESS AND EXCEPT CALLED 0.623 ACRES (FOUND 0.576 ACRES) to American Pioneer Investments, Inc. by Special Warranty Deed #T832869

Basis of Bearing: Grid North Texas State Coordinate System, NAD83, South Central Zone.

NOTE: THIS PROPERTY DESCRIPTION HAS BEEN PREPARED BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF ROBERT D. ELLIS REGISTERED PROFESSIONAL LAND SURVEYOR 4066, DATED JUNE 4, 2020 AND TO WHICH REFERENCE IS HEREBY MADE.



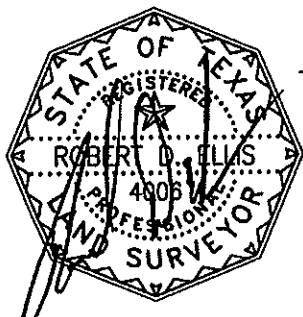
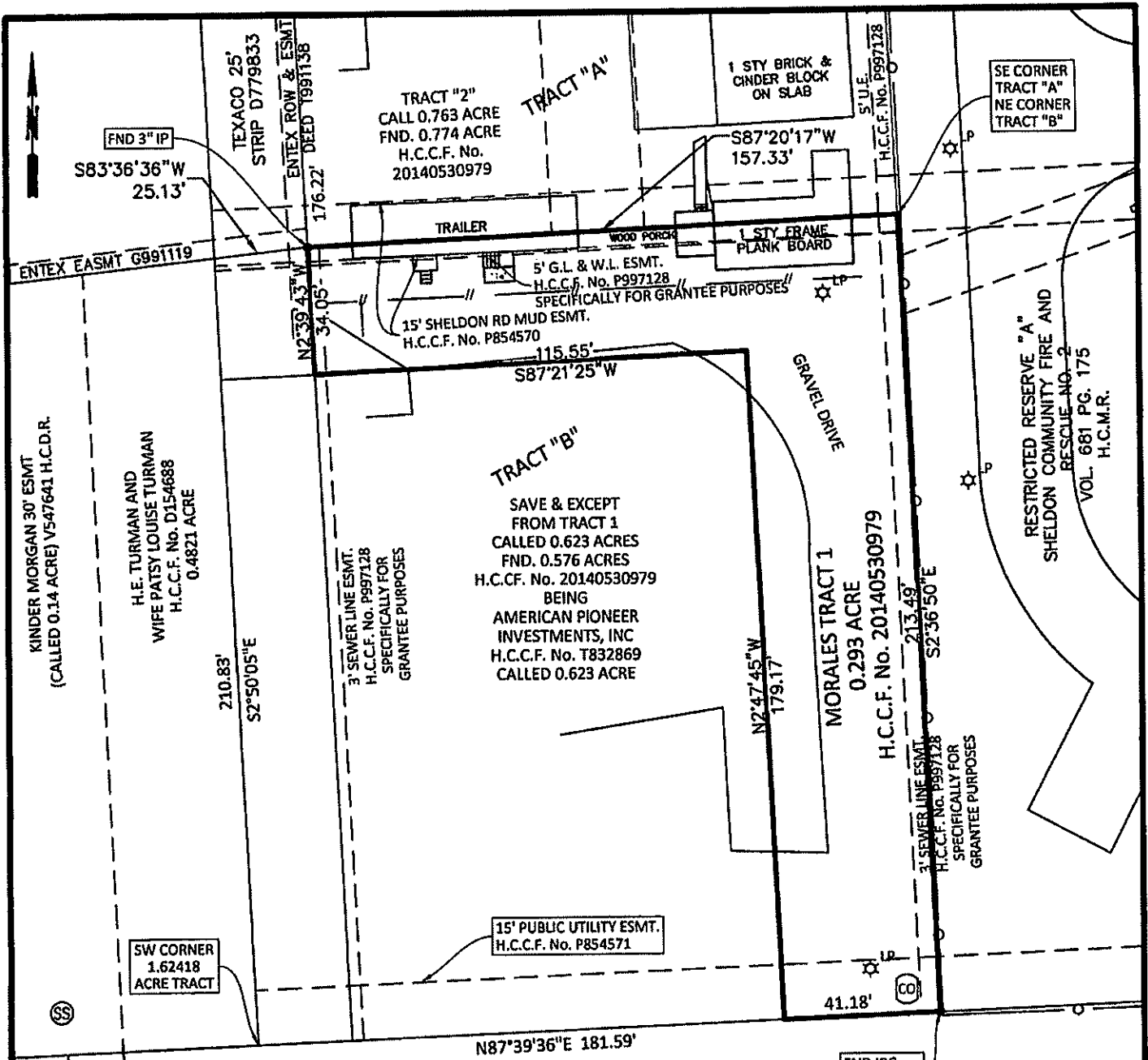
PROJ. NO. 2894

Ellis Surveying Services, LLC.
2805 25th Avenue North
Texas City, TX 77590
Tel: (409) 938-8700 Fax (866) 678-7685
Texas Firm Reg. No. 100340-00

EXHIBIT "A"
PAGE 1 OF 2

BOUNDARY SURVEY
MORALES TRACT ONE
0.293 ACRES

JOHN JONES SURVEY A-483
HARRIS COUNTY, TEXAS
JUNE 4, 2020
REV. AUG. 20, 2020



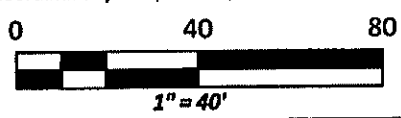
TUBOSCOPE VETCO INTERNATIONAL
H.C.C.F. NO. R730392

EXHIBIT "A"
PAGE 2 OF 2

BOUNDARY SURVEY
MORALES TRACT ONE
0.293 ACRES

JOHN JONES SURVEY A-483
HARRIS COUNTY, TEXAS
JUNE 4, 2020
REV. AUG. 20, 2020

- NOTES:
- 1) All corners set with 5/8" iron rods, stamped RD ELLIS RPLS 4006 unless otherwise noted.
 - 2) Basis of Bearing: Grid North Texas State Coordinate System, NAD83, South Central Zone



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**LEGAL DESCRIPTION
MORALES TRACT 2 (FND. 0.774 ACRES CALLED 0.763)**

A tract of land containing 0.774 (called 0.763) acres, more or less, out of JOHN J. POWELL 1.62418 acres tract of land in the JOHN JONES SURVEY, ABSTRACT NO. 483 (Certificate No. 590, Patent No. 236, Volume 2, September 10, 1844) in Harris County, Texas; and being out of and a part of that tract conveyed by A. A. ZOGG, TRUSTEE to MARIA PULTS, TRUSTEE, on September 20, 1966, by deed recorded in Volume 6516, Page 247, Deed Records of Harris County, Texas, said 0.774 acres being more fully described by meets and bounds as follows:

COMMENCING at the intersection of the original 60' wide east right of way line of SHELDON ROAD (has been widened by 40.0 feet on the East side), with the South right of way line of U.S. HIGHWAY 90, 112 feet in width;

THENCE, N62°00'21"E (Called N64°40'04"E), along said South right of way line of HIGHWAY 90, a distance of 144.34 (Called 143.98) feet to a point for corner (a 3 inch iron pipe N 48°14'06" W, 0.47 feet) marking the Northeast corner of that "Texaco 25 feet strip" as described in Deed dated January 11, 1973, recorded in Harris County Clerk's File No. D-779833, for the Northwest corner of said 1.62418 acres tract and PLACE OF BEGINNING of this 0.774 acres Tract "A";

THENCE, continuing N62°00'21"E (Called N64°40'04"E), along said South right of way line of HIGHWAY 90, a distance of 174.88 (Called 172.36) feet to a found 1/2 inch iron rod marking the Northeast corner of said 1.62418 acres tract and the Northeast corner of this tract;

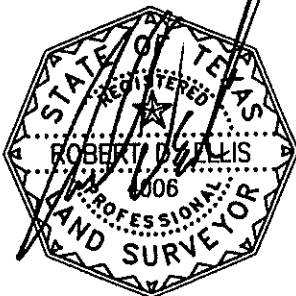
THENCE, S02°36'50"E (Called S00°08'02"E), along with the East line of said 1.62418 tract, a distance of 251.05 (called 249.9669) feet to a point for the Southeast corner hereof and Northeast corner of JOHN J. POWELL's residue 0.861 acre tract called "TRACT B";

THENCE, S87°20'17"W (Called WEST), along the North line of TRACT "B" a distance of 157.33 (Called 155.834) feet to a found 3 inch iron pipe marking the Southwest corner of TRACT "A", said 3 inch iron pipe marking the Southeast corner of that Texaco 25 feet tract described in Harris County Clerk's File No. 779833;

THENCE, N02°50'04"W (Called N00°10'22"W) along the West line of said 1.62418 acres tract a distance of 176.22 feet to the PLACE OF BEGINNING; and containing 0.774 acres, more or less.

Basis of Bearing: Grid North Texas State Coordinate System, NAD83, South Central Zone.

NOTE: THIS PROPERTY DESCRIPTION HAS BEEN PREPARED BASED ON AN ACTUAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF ROBERT D. ELLIS REGISTERED PROFESSIONAL LAND SURVEYOR 4006, DATED JUNE 4, 2020, AND TO WHICH REFERENCE IS HEREBY MADE.



*Ellis Surveying Services, LLC.
2805 25th Avenue North
Texas City, TX 77590
Tel: (409) 938-8700 Fax (866) 678-7685
Texas Firm Reg. No. 100340-00*

EXHIBIT "A"
PAGE 1 OF 2
BOUNDARY SURVEY
MORALES TRACT TWO
0.774 ACRES

JOHN JONES SURVEY A-483
HARRIS COUNTY, TEXAS
JUNE 4, 2020
REV. AUG. 20, 2020

U.S. 90 BUSINESS
 RIGHT OF VARIES
 TX DOT ROW MAP - US HWY 90-
 OB NO. 28 P.D. 3010 11-26-1962

10' HL&P ESMT
 CF No. P735995
 HCOPRRP

10'x 16' HL&P AE
 CF No. P735995
 HCOPRRP

10'x 16' HL&P AE
 CF No. P735995
 HCOPRRP

TRACT "2"
 CALL 0.763 ACRE
 FND. 0.774 ACRE
 H.C.C.F. No.
 20140530979

1 STY
 BRICK
 ON SLAB

GRAVEL
 DRIVE

1 STY BRICK &
 CINDER BLOCK
 ON SLAB

S87°20'17"W
 157.33'

TRAILER

1 STY FRAME
 PLANK BOARD

5' G.L. & W.L. ESMT.
 H.C.C.F. No. P997128
 SPECIFICALLY FOR GRANTEE PURPOSES

15' SHELDON RD MUD ESMT.
 H.C.C.F. No. P854570

SE CORNER
 TRACT "A"
 NE CORNER
 TRACT "B"

SHELDON ROAD (100' ROW)

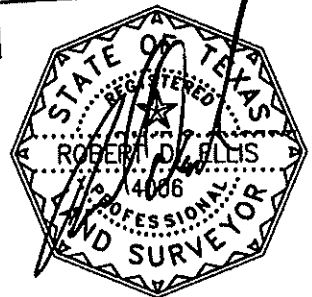
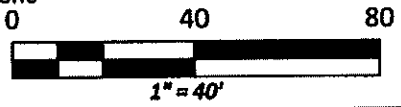
J.W. WITTEN
 158-06-2575

TEXACO 25' STRIP D779833
 ENT EX ROW AND EASMT DEED T991138
 N25°04'W
 176.22'

ENT EX EASMT G991119

NOTES:

- 1) All corners set with 5/8" iron rods, stamped RD ELLIS RPLS 4006 unless otherwise noted.
- 2) Basis of Bearing: Grid North Texas State Coordinate System, NAD83, South Central Zone



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EXHIBIT "A"
 PAGE 2 OF 2

BOUNDARY SURVEY
 MORALES TRACT TWO
 0.774 ACRES
 JOHN JONES SURVEY A-483
 HARRIS COUNTY, TEXAS
 JUNE 4, 2020
 REV. AUG. 20, 2020

PROJ. NO. 2894



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.