

City of Houston, Texas, Ordinance No. 2020 - 905

**AN ORDINANCE CONSENTING TO THE ADDITION OF 1.7159 ACRES OF LAND TO SPRING CREEK UTILITY DISTRICT, FOR INCLUSION IN THE DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, Spring Creek 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 now codified under Chapter 8407, Texas Special District Local Laws Code; and

**WHEREAS**, the District is located in Montgomery 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 Montgomery 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**, Medical Village of Cypress Creek, LP, Landowner, has petitioned the City of Houston, Texas ("City") to add 1.7159 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 1.7159 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.

  
City Secretary

Prepared by Legal Dept.  
 AH/sec 9/29/20

*Anna Howard*  
 Senior Assistant City Attorney

Requested by Carol Ellinger Haddock, P.E.  
 Director – Houston Public Works Department  
 (L.D. File No. 0910000014014)

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AYE	NO	
✓		<b>MAYOR TURNER</b>
....	....	<b>COUNCIL MEMBERS</b>
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN  
SPRING CREEK UTILITY DISTRICT

THE STATE OF TEXAS                                §  
   §  
COUNTY OF MONTGOMERY                        §

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

Medical Village of Cypress Creek LP ("Landowner"), 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 Montgomery County, Texas, and Spring Creek 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 House Bill No. 1758, an act of the 62nd Texas Legislature in 1971. 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 Montgomery County, Texas. Landowner represents and warrants that there are no holders of liens against the land, except as shown on Exhibit "C".

II.

The land sought to be added to the District contains approximately 1.7159 acres of land, more or less, and lies wholly within Montgomery 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;
- (4) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and
- (5) provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District was 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 Montgomery 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:

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.

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.

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 \$\_\_\_\_\_.

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 15 day of October, 2019

Medical Village of Cypress Creek LP, a Texas limited partnership.

By: Michelle-Michael Nguyen, L.L.C., a Texas limited liability company

By: Michael Nguyen

Name: Michael Nguyen

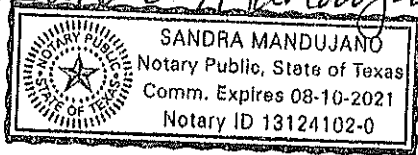
Title: Manager

THE STATE OF Texas §  
  §  
COUNTY OF Montgomery

This instrument was acknowledged before me on this 15 day of October, 2019 by Michael Nguyen, Managing Member of Michelle-Michael Nguyen, L.L.C., a Texas limited liability company, as General Partner of Medical Village of Cypress Creek LP, a Texas limited partnership, on behalf of said entities.

Notary Public in and for the State of TEXAS

(SEAL) Sandra Mandujano

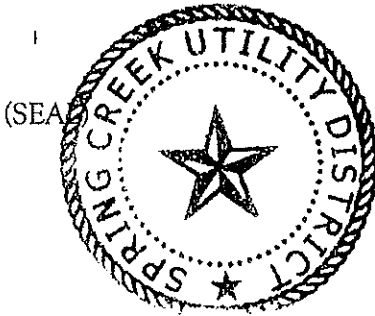


SPRING CREEK UTILITY DISTRICT

By: *Claude Humbert*

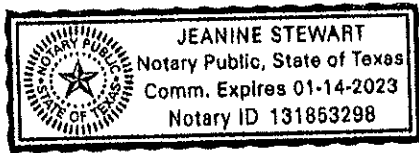
Name: CLAUDE HUMBERT

Title: Vice President



THE STATE OF TEXAS                   §  
   §  
COUNTY OF MONTGOMERY           §

This instrument was acknowledged before me on this 26<sup>th</sup> day of March, 2020, by Claude Humbert, Vice President of SPRING CREEK UTILITY DISTRICT, on behalf of said District.



*Jeanine Stewart*  
Notary Public in and for the  
State of Texas

(SEAL)

County: Montgomery  
Project: Shops at Spring Forest  
M&B No: 17-029(r)  
CS Job No: 15062

**METES AND BOUNDS DESCRIPTION OF 1.464 ACRES**

Being a tract of land containing 1.464 acres, located in the Montgomery County School Land Survey, Abstract Number 350, in Montgomery County, Texas; Said 1.464 acre being all of Unrestricted Reserve "A", Block 1, of Shops at Spring Forest, a subdivision of record in Cabinet "Z", Sheets 4919 and 4920, of the Montgomery County Map Records (M.C.M.R.); Said 1.464 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the recorded subdivision plat of said Shops at Spring Forest):

**BEGINNING**, at a 5/8-inch capped iron rod found at the westerly northwest corner of said Unrestricted Reserve "A", same being the southwest end of a transition line from the east Right-of-Way (R.O.W.) line of Spring Forest Drive (sixty feet wide per Volume 7, Page 379, of the M.C.M.R) to the south R.O.W. line of Rayford Road (one-hundred feet in width per Montgomery County Clerk's File Numbers (M.C.C.F. No.(s)) 8555617, 8555619, 8043554 and 8032094);

**THENCE**, North 44° 28' 03" East, with said transition line, a distance of 21.87 feet to a 5/8-inch capped iron rod found at the northeast end of said transition line;

**THENCE**, with the north lines of said Unrestricted Reserve "A" and with the south R.O.W. line of said Rayford Road, the following two (2) courses:

1. 52.92 feet along the arc of a curve to the left, having a radius of 1,050.00 feet, a central angle of 02° 53' 15", and a chord that bears North 85° 48' 07" East, a distance of 52.91 feet to a 5/8-inch capped iron rod found at a point of tangency;
2. North 84° 21' 25" East, a distance of 215.90 feet to a 5/8-inch capped iron rod found at the northeast corner of said Unrestricted Reserve "A", on the west line of Lot 147, Block 10, of Spring Forest Section Two, a subdivision of record in Volume 8, Page 45, of the M.C.M.R.;

**THENCE**, South 04° 20' 17" East, with the east line of said Unrestricted Reserve "A" and the west line of said Lot 147, a distance of 213.94 feet to a 5/8-inch capped iron rod found at the southeast corner of said Unrestricted Reserve "A", same being the southwest corner of said Lot 147, the northwest corner of Lot 156 of said Block 10 and the northeast corner of Lot 157 of said Block 10;



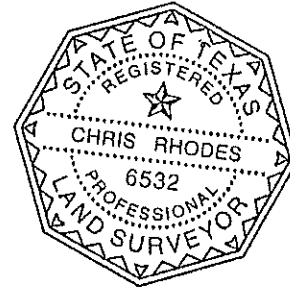
**THENCE**, South  $85^{\circ} 39' 41''$  West, with the south line of said Unrestricted Reserve "A" and with the north lines of said Lots 157 and 158 of said Block 10 and Lots 142 and 143 of Block 9 of Spring Forest Section One, a subdivision of record in Volume 7, Page 379, of the M.C.M.R., respectively, a distance of 343.69 feet to a 1/2-inch iron rod found at the southwest corner of said Unrestricted Reserve "A" and the northwest corner of said Lot 143, on the east R.O.W. line of said Spring Forest Drive;

**THENCE**, with the west lines of said Unrestricted Reserve "A" and the east R.O.W. line of said Spring Forest Drive, the following two (2) courses:

1. 159.26 feet along the arc of a curve to the left, having a radius of 317.35 feet, a central angle of  $28^{\circ} 45' 13''$ , and a chord that bears North  $15^{\circ} 39' 24''$  East, a distance of 157.59 feet to a 5/8-inch iron rod found at a point of tangency;
2. North  $01^{\circ} 16' 47''$  East, a distance of 46.88 feet to the **POINT OF BEGINNING** and containing 1.464 acres of land.



Chris Rhodes, R.P.L.S.  
Texas Registration Number 6532



CIVIL-SURV LAND SURVEYING, LC  
PH: (713) 839-9181  
July 23, 2020



ALLY GENERAL SOLUTIONS, LLC  
7070 43<sup>RD</sup> ST. Ste. 203  
Houston, Texas 77092  
Telephone: 281-888-7682  
TBPLS Firm No. 10194392

**METES AND BOUNDS OF  
0.2519 OF ONE ACRE OF LAND  
SITUATED IN THE  
MONTGOMERY COUNTY SCHOOL LAND  
SURVEY NO. 2, ABST. NO. 351  
MONTGOMERY COUNTY, TEXAS**

BEING 0.2519 OF ONE ACRE (10,974 SQUARE FEET) OF LAND OUT OF THE MONTGOMERY COUNTY SCHOOL LAND SURVEY NO. 2, ABSTRACT NO. 351, MONTGOMERY COUNTY, TEXAS AND BEING OUT OF LOT 147, BLOCK 10 OF SPRING FOREST SUBDIVISION SECTION TWO AS RECORDED UNDER VOLUME 8, PAGE 45 OF THE MONTGOMERY COUNTY MAP RECORDS AND AS CONVENYED TO MEDICAL VILLAGE OF CYPRESS LP, A TEXAS LIMITED PARTNERSHIP AS RECORDED UNDER MONTGOMERY COUNTY CLERK FILE NO. 2016100678 OF THE OFFICIAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS BEING MORE PARTICULAR DESCRIBED BY METES AND BOUNDS AS FOLLOWS (WITH BEARINGS REFERENCED TO TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83):

**COMMENCING** AT A FOUND 1/2-INCH IRON ROD IN THE EAST RIGHT-OF-WAY LINE OF SPRING FOREST DRIVE (60 FOOT WIDTH AS RECORDED UNDER VOLUME 7, PAGE 379 MONTGOMERY COUNTY MAP RECORDS) AND FOR THE SOUTHWEST CORNER OF UNRESTRICTED RESERVE "A", BLOCK 1 OF SHOPS AT SPRING FOREST SUBDIVISION AS RECORDED UNDER CABINET Z, PAGES 4919-4920 OF MONTGOMERY COUNTY MAP RECORDS AND FOR THE NORTHWEST CORNER OF LOT 143, BLOCK 9 OF SPRING FOREST SECTION ONE AS RECORDED UNDER VOLUME 7, PAGE 379 OF MONTGOMERY COUNTY MAP RECORDS;

**THENCE**, NORTH 86°23'56" EAST (CALLED NORTH 85°39'41" EAST PER SHOPS AT SPRING FOREST), 343.69 FEET ALONG THE SOUTH LINE OF SAID UNRESTRICTED RESERVE "A" AND THE NORTH LINE OF LOTS 142 AND 143, BLOCK 9 OF SPRING FOREST SECTION ONE AND THE NORTH LINE OF LOTS 157 AND 158, BLOCK 10 OF SPRING FOREST SECTION TWO AS RECORDED UNDER VOLUME 8, PAGE 45 MONTGOMERY COUNTY MAP RECORDS TO A FOUND 3/8-INCH IRON ROD FOR THE SOUTHEAST CORNER OF SAID UNRESTRICTED RESERVE "A", THE SOUTHWEST CORNER OF LOT 147 OF SPRING FOREST SECTION TWO AND **THE POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 03°36'02" WEST, 213.69 FEET (CALLED NORTH 04°20'17" WEST, 215.11 FEET PER SHOPS AT SPRING FOREST) ALONG THE EAST LINE OF UNRESTRICTED RESEVE "A" AND THE WEST LINE OF SAID LOT 147 TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF RAYFORD ROAD (VARIABLE WIDTH-ADJOINING 20 FEET RIGHT-OF-WAY DEDICATED PER SHOPS AT SPRING FOREST) AND FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

**THENCE**, NORTH 85°02'31" EAST, 51.22 FEET THROUGH LOT 147 TO A POINT FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;



ALLY GENERAL SOLUTIONS, LLC  
7070 43<sup>RD</sup> ST. Ste. 203  
Houston, Texas 77092  
Telephone: 281-888-7682  
TBPLS Firm No. 10194392

**THENCE SOUTH 03°36'04" EAST, 214.90 FEET TO A POINT IN THE SOUT LINE OF SAID LOT 147 AND THE NORTH LINE OF LOT 156 OF SPRING FOREST SECTION TWO FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;**

**THENCE, SOUTH 86°23'56" WEST, 51.21 FEET ALONG THE SOUTH LINE OF SAID LOT 147 AND THE NORTH LINE OF LOT 156 OF SPRING FOREST SECTION TWO TO THE POINT OF BEGINNING AND CONTAINING 0.2519 OF ONE ACRE (10,974 SQUARE FEET) OF LAND.**

PREPARED BY:

GRACE Y. CERVIN, RPLS NO. 5564  
JOB NO. 0021-005-18 EXHIBIT-02  
4-17-2018





## 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.