

City of Houston, Texas, Ordinance No. 2021-32

AN ORDINANCE CONSENTING TO THE ADDITION OF 5.00 ACRES OF LAND TO HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183, 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 describes 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 on Environmental Quality, dated July 10, 1979; and

WHEREAS, the City of Houston, Texas (the "City") consented to the creation of Harris County Municipal Utility District (the "District") No. 183 by Ordinance No. 79-434, passed and adopted by the City Council on March 21, 1979; 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; and

WHEREAS, the District and Harris County Emergency Services District No. 9, owners of the land hereunder described, have petitioned the City to add 5.00 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 5.00 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 13th day of January, 2021
 APPROVED this _____ day of _____

 Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JAN 19 2021.

[Signature]
 Interim City Secretary

Prepared by Legal Dept. [Signature]
 AH/sec 12/15/20 Senior Assistant City Attorney
 Requested by Carol Ellinger Haddock, P.E.
 Director – Houston Public Works Department
 (L.D. File No.0910300026002)
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AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
✓		JACKSON
✓		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: JAN 19 2021

PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 183

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

HARRIS COUNTY EMERGENCY SERVICES DISTRICT NO. 9, 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 Harris County Municipal Utility District No. 183 ("District") (Landowner 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 July 10, 1979. 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.

II.

The land sought to be added to the District contains approximately 5,000 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;
- (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;
- (5) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and
- (6) 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, 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 require recreational facilities, as same are necessary and desirable for the health and well-being of such inhabitants. The land sought to be added to the District does not currently include adequate recreational facilities.

(3) 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, recreational facilities (if allowed by applicable law), and, subject to the laws of the State of Texas and the rules of the Texas Commission on Environmental Quality, fire-fighting facilities and road 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 \$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.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

Dated this the 20th day of August, 2020.

"LANDOWNER"

HARRIS COUNTY EMERGENCY SERVICES
DISTRICT NO. 9

By: [Signature]
Tommy Balez, President
Board of Commissioners

By: [Signature]
David Langenberg
Secretary, Board of Directors

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 20th day of August, 2020, by Tommy Balez, President of the Board of Commissioners for the Harris County Emergency Services District No. 9, on behalf of said entity.



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

(SEAL)

"DISTRICT"

HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 183

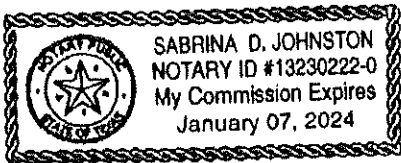
By: Jerry Langley
Jerry Langley
Vice President, Board of Directors

By: Chad Vowell
Chad Vowell
Secretary, Board of Directors

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 20th day of August,
2020, by Jerry Langley, the Vice President of HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 183, on behalf of said district.



Sabrina D Johnston
Notary Public in and for the
State of Texas

(SEAL)

EXHIBIT**A****DESCRIPTION OF A 5.000-ACRE TRACT OF LAND
SITUATED IN THE W. H. LLOYD
SURVEY, A-1343, HARRIS COUNTY, TEXAS**

Being a description of a 5.000-acre tract of land situated in the W. H. Lloyd Survey, A-1343, Harris County, Texas. Said 5.000-acre tract being all of a called 4.00-acre tract of land conveyed to Robert Scott Henderson and wife, Michele B. Henderson, by deed recorded under Harris County Clerk's File No. G977556, Film Code No. 185-84-0060 of the Official Public Records of Real Property, Harris County, Texas, being all of a called 1-acre tract of land conveyed to Robert Scott Henderson and wife, Michele B. Henderson, by deed recorded under Harris County Clerk's File No. H949205, Film Code No. 046-92-2078 of the Official Public Records of Real Property, Harris County, Texas, and being further described by metes and bounds as follows with the basis of bearings being the Texas State Plane Coordinate System, South Central Zone No. 4204, (NAD 83) (2001 Adj.), all coordinates shown hereon are grid coordinates and may be converted to surface by multiplying by the combined scale factor of 1.00009976, all distances are surface distances:

BEGINNING (N = 13,870,377.71, E = 3,022,972.60) at a 1-inch iron pipe found in the north right-of-way line of French Road (60-Foot Wide Right-of-Way) (H.C.C.F. NO. U339277, O.P.R.R.P.H.C.), for the southeast corner of a called 2.9976-acre tract of land conveyed to Derrell J. Holliday and wife, Rebecca Holliday, by deed recorded under Harris County Clerk's File No. N588191 of the Official Public Records of Real Property, Harris County, Texas, for the southwest corner of said 1-acre tract and for the southwest corner of said tract herein described;

THENCE North 02 deg. 07 min. 46 sec. West, with the east line of said 2.9976-acre tract, with the east line of a called 4.906-acre tract of land conveyed to Windsong Business Plaza, LLC, by deed recorded under Harris County Clerk's File No. RP-2017-517009 of the Official Public Records of Real Property, Harris County, Texas, with the west line of said 1-acre tract, with a west line of said 4.00-acre tract and with the west line of said tract herein described, a distance of 713.88 feet to a 1-inch iron pipe found in the south line of Unrestricted Reserve "C", Windsong, Sec. 1, as recorded in Volume 295, Page 1 of the Map Records of Harris County, Texas and conveyed as a called 0.680-acre tract of land conveyed to Bethel World Outreach Ministries, Inc., by deed recorded under Harris County Clerk's File No. 20130488702, Film Code No. ER 049-70-0509 of the Official Public Records of Real Property, Harris County, Texas, for the northwest corner of said 4.00-acre tract and for the northwest corner of said tract herein described;

THENCE North 88 deg. 02 min. 14 sec. East, with the south line of said 0.680-acre tract, with the south line of Unrestricted Reserve "A" of Litton Business Park, as recorded in Volume 336, Page 44 of the Map Records of Harris County, Texas, conveyed to John Hoffner, Jr. and Nancy Hoffner, by deed recorded under Harris County Clerk's File No. 20120341779, Film Code No. ER 034-84-0788 of the Official Public Records of Real Property, Harris County, Texas, with the north line of said 4.00-acre tract and with the north line of said tract herein described, a distance of 305.10 feet to a 5/8-inch iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the northwest corner of a called 5.000-acre tract of land conveyed to Abundant Waters Fellowship, Inc., by deed recorded under Harris County Clerk's File No. W516602, Film Code No. 564-78-0456 of the Official Public Records of Real Property, Harris County, Texas, for the northeast corner of said 4.00-acre tract and for the northeast corner of said tract herein described;

THENCE South 02 deg. 07 min. 46 sec. East, with the west line of said 5.000-acre tract, with the east line of said 4.00-acre tract and with the east line of said tract herein described, a distance of

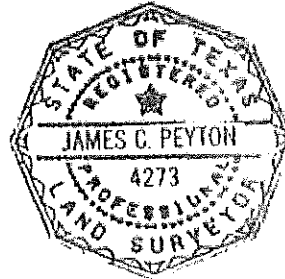
713.88 feet to a 1-inch iron pipe found in the north right-of-way line of said French Road, for the southwest corner of said 5.000-acre tract, for the southeast corner of said 4.00-acre tract and for the southeast corner of said tract herein described;

THENCE South 88 deg. 02 min. 14 sec. West, with the north right-of-way line of said French Road, with a south line of said 4.00-acre tract, with the south line of said 1-acre tract and with the south line of said tract herein described, a distance of 305.10 feet to the **POINT OF BEGINNING** and containing 5.000 acres of land.

This description is accompanied by a plat of even survey date.

Compiled by:

Weisser Engineering Company
19500 Park Row
Houston, Texas 77084
TBPLS Reg. No. 100518-00
TBPE Reg. No.: F-68
Job No. GD360
Date: 08/13/2018
Rev: 10/23/2020



A handwritten signature in black ink, appearing to be "J. C. Peyton", written over the bottom portion of the seal.



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.