

City of Houston, Texas, Ordinance No. 2021-33

AN ORDINANCE CONSENTING TO THE ADDITION OF 0.1452 ACRES OF LAND TO PORTER MUNICIPAL UTILITY DISTRICT, FOR INCLUSION IN THE DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Porter 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 Water Commission on June 2, 1978; 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 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, the District, Scott Spicer, Landowner, have petitioned the City of Houston, Texas ("City") to add 0.1452 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 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.

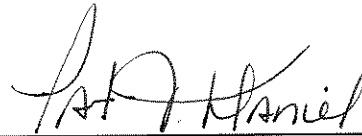
Section 4. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails 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 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.



City Secretary

Prepared by Legal Dept.

AH/sec 10/26/20


Senior Assistant City Attorney

Requested by Carol Ellinger Haddock, P.E.

Director – Houston Public Works Department

(L.D. File No 0919900010028)

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AYE	NO	
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....	COUNCIL MEMBERS
<input checked="" type="checkbox"/>		PECK
<input checked="" type="checkbox"/>		JACKSON
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<input checked="" type="checkbox"/>		EVANS-SHABAZZ
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<input checked="" type="checkbox"/>		THOMAS
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<input checked="" type="checkbox"/>		KNOX
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<input checked="" type="checkbox"/>		KUBOSH
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CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT

REVIEW

DATE:

JAN 19 2021

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN
PORTER MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

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

Porter Municipal Utility District (the "District"), a political subdivision of the State of Texas, and Scott Spicer ("Landowner"), (Landowner and District hereinafter called "Petitioners"), acting pursuant to the provisions of Section 54.016, Texas Water Code, respectfully petition for consent to include additional land in a municipal utility district. In support of this petition, Petitioners would show 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 on June 2, 1978.

II.

Landowner is the owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of and Montgomery County, Texas. Landowners represent and warrant that there are no outstanding liens of record affecting the land sought to be added except a Deed of Trust lien held by Quicken Loans, Inc.

III.

The land sought to be added to the District contains approximately 0.1452 acres of land, more or less, and lies within Montgomery County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of the Texas 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.

IV.

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.

V.

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 collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state.

VI.

There is a necessity for the improvements described above. The area of the District is urban in nature, is within the growing environs of Houston, and is in close proximity to populous and developed sections of Montgomery County. The land sought to be added to the District is not supplied with adequate sanitary sewer facilities and services, nor is it presently economically feasible for such facilities to be provided 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 an adequate sewage disposal system for and within the land sought to be added to the District. A public necessity exists for the addition of the aforesaid lands to the District in order to provide for the purchase, construction, extension, improvement, maintenance and operation of such sanitary sewer system, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

Petitioners agree and covenant to abide by the conditions set forth in Exhibit "B", attached hereto and made a part hereof for all purposes, until such time as said conditions may be changed by City ordinance or resolution, either specific or general.

VIII.

It is estimated by the Petitioners from such information as is available at this time, that the cost of extending the District's facilities to serve the area sought to be annexed will be approximately \$0.

WHEREFORE, Petitioners respectfully pray that this petition be granted in all respects and that the City of Houston gives its consent to the annexation of the aforesaid land in said District.

[EXECUTION PAGES FOLLOW]

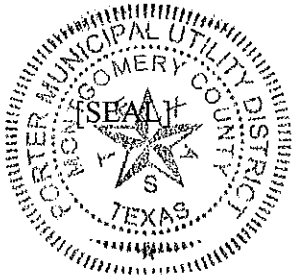
Dated this the 19th day of May, 2020.

PORTER MUNICIPAL UTILITY
DISTRICT
(the "District")

By: R. Wayne Curry
R. Wayne Curry, President
Board of Directors

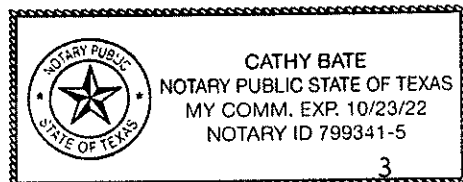
ATTEST:

Mary E. Hebert
Mary E. Hebert, Assistant Secretary
Board of Directors



THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on this 19th day of May, 2020, by R. Wayne Curry, President and Mary E. Hebert, as Assistant Secretary of Porter Municipal Utility District, a body politic and corporate, and a governmental agency of the State of Texas, on behalf of said entity.



Cathy Bate
Notary Public in and for the
State of Texas

("Landowner")

By:

Scott Spicer

THE STATE OF TEXAS

§

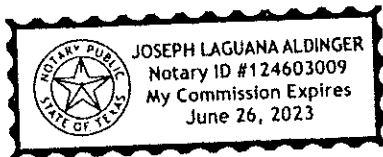
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COUNTY OF MONTGOMERY

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This instrument was acknowledged before me on this the 19th day of August, 2020 by Scott Spicer.

[SEAL]



Joseph Laguana Aldinger
NOTARY PUBLIC in and for the
STATE OF TEXAS

JOINDER OF LIENHOLDER

THE STATE OF ~~TEXAS~~ ^{MI} §
COUNTY OF ~~MONTGOMERY~~ ^{Wayne} § KNOW ALL MEN BY THESE PRESENTS
§

That the undersigned, the legal and equitable owner and holder of certain lien or liens against all or a portion of the real estate sought to be included in PORTER MUNICIPAL UTILITY DISTRICT (a municipal utility district organized under and governed by the terms of Chapters 49 and 54 of the Texas Water Code) by the Petition to which this Joinder is attached, has executed this Joinder to evidence its consent to the granting of said Petition, given with full knowledge and agreement that any and all liens held by the undersigned, however evidenced or created, are and will be subordinate and inferior to any and all tax liens now held by, or which may hereafter arise in favor of, the aforesaid municipal utility district pursuant to the Texas Property Tax Code as now in effect and as may hereafter be from time to time amended.

Dated this the 13 day of August, 2020.

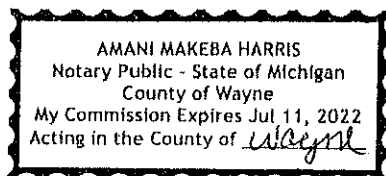
QUICKEN LOANS, INC.

By: Diane Salazar
Name: Diane Salazar
Title: Team Leader
Address: 635 Woodward Ave
DET MI 48226

STATE OF ~~TEXAS~~ ^{MI} §
COUNTY OF Wayne §

BEFORE ME, the undersigned authority, on this the 13 day of August, 2020, personally appeared Diane Salazar, serving in his/her capacity as Team Lead of Quicken Loans, Inc., who acknowledged to me that he/she executed the same in the capacity and for the purposes therein expressed.

[SEAL]



Amari Makeba Harris
Notary Public, State of ~~Texas~~ ^{MI}

CERTIFICATE OF CORPORATE RESOLUTION AND AUTHORITY

MI
THE STATE OF ~~TEXAS~~
Wayne
COUNTY OF ~~MONTGOMERY~~

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§
§

I, the undersigned officer of QUICKEN LOANS, INC., hereby certify that Dione Salazar serves as Ram Lender of QUICKEN LOANS, INC., and that in such capacity he/she executed the Petition to which this certificate is attached, praying for the addition to Porter Municipal Utility District of that certain tract or parcel of land situated in Montgomery County, Texas, and more particularly described in said Petition, reference to which is hereby made for all purposes, and that the execution of said Petition has been duly authorized, approved, ratified, and confirmed as the act and deed of said bank, by all necessary action of the officers of said bank in conformity with its regulations.

I do further certify that Dione Salazar has the power to execute in the name of QUICKEN LOANS, INC., such contracts, agreements, and instruments as may be required or permitted by law to be executed by said bank, which are necessary and appropriate, related or appurtenant to the requested addition of the aforesaid lands.

Witness my hand this 31 day of August, 2020.

QUICKEN LOANS, INC.

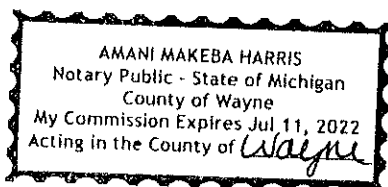
By: Kalvin Cauthen
Name: Kalvin Cauthen
Title: 1050 Woodward Ave
Address: Detroit MI 48226
Title: Assistant Secretary of MERS

MI
STATE OF ~~TEXAS~~
COUNTY OF Wayne

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§

BEFORE ME, the undersigned authority, on this the 31 day of August, 2020, personally appeared Kalvin Cauthen, serving in his/her capacity as Assistant Sec of Quicken Loans, Inc., who acknowledged to me that he/she executed the same in the capacity and for the purposes therein expressed.

[SEAL]



Amani Makeba Harris
Notary Public, State of ~~Texas~~
MI

EXHIBIT "A"

DESCRIPTION OF A TRACT TO BE ANNEXED INTO PORTER MUNICIPAL UTILITY DISTRICT MONTGOMERY COUNTY, TEXAS

TRACT SEVENTY 0.1452 Acres

Being all of Lot 38, Block 1 of Forest Colony Section One, Montgomery County, Texas, the map of which is recorded in Cabinet P, Sheet 51, Map Records of Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

The bearings in this description are based on the bearings as shown on the recorded plat.

BEGINNING at the northeast corner of Lot 38 and the northwest corner of Lot 39, Block 1, in the south line of that certain called 20.921 acre tract referred to as Tract I in deed from Tom Fritts to Rosewood Memorial Park, Inc., as recorded in Montgomery County Clerk's File 9443418;

THENCE S00°30'00"E along the common line to Lots 38 and 39 a distance of 115.00 feet to the southeast corner of Lot 38 and the southwest corner of Lot 39, in the north line of Forest Colony Drive;

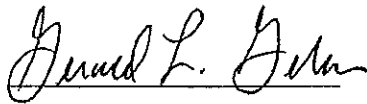
THENCE S89°30'00"W along the south line of Lot 38 and the north line of Forest Colony Drive a distance of 55.00 feet to the southwest corner of Lot 38 and the southeast corner of Lot 37;

THENCE N00°30'00"W along the east line of Lot 37 and the west line of Lot 38 a distance of 115.00 feet to the northeast corner of Lot 37 and the northwest corner of Lot 38 in the south line of the called 20.921 acre tract;

THENCE N89°30'00"E along the north line of Lot 38 and the south line of the called 20.921 acre tract a distance of 55.00 feet to the place of BEGINNING, containing 0.1452 acre of land.

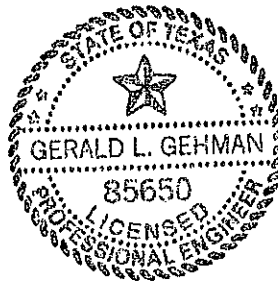
DESCRIPTION OF A TRACT TO BE ANNEXED INTO
PORTER MUNICIPAL UTILITY DISTRICT
MONTGOMERY COUNTY, TEXAS

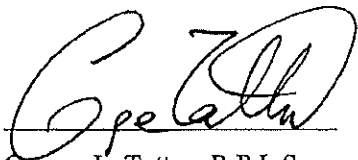
This metes and bounds description and accompanying Vicinity Map of Annexation Tract 70, last revised on January 14, 2020 was prepared from documents and maps filed of record and field surveys performed by others, without the benefit of on-the-ground field surveys and to the best of my knowledge and belief accurately reflects the current 0.1452 acres of land to be annexed into Porter Municipal Utility District.



Gerald L. Gehman, P.E.

Date: 2/28/2020





George L. Totten, R.P.L.S.

Date: 2/27/2020



Created by Pape-Dawson Engineers January 14, 2020



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.