

City of Houston, Texas, Ordinance No. 2021-34

AN ORDINANCE CONSENTING TO THE ADDITION OF 7.46 ACRES OF LAND TO HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 127, FOR INCLUSION IN THE DISTRICT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the District was organized, created and established pursuant to an Order of the Texas Water Rights Commission dated April 1, 1975, pursuant to Article XVI, Section 59 of the Constitution of Texas and Chapter 54, Texas Water Code, and governed by the provisions of Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, the City of Houston, Texas (the "City") consented to the creation of Harris county Municipal Utility District (the "District") by Ordinance No. 74-920, passed and adopted by the City Council on May 29, 1974; 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 Brothers Investment Properties, LLC., owner of the land hereunder described, have petitioned the City to add 7.46 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 7.46 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.

Pat J. Haney
 City Secretary

Prepared by Legal Dept.

AH/sec 12/11/20

Requested by Carol Ellinger Haddock, P.E.

Director – Houston Public Works Department

(L.D. File No. 0912000003002)

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Anna D. Howard
 Senior Assistant City Attorney

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
LAND IN A MUNICIPAL UTILITY DISTRICT**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

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

The undersigned **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 127** (the "District") organized, created and established pursuant to an Order of the Texas Water Rights Commission dated April 1, 1975, pursuant to Article XVI, Section 59 of the Constitution of Texas and Chapter 54, Texas Water Code, and governed by the provisions of Chapters 49 and 54 of the Texas Water Code, as amended; and **BROTHERS INVESTMENT PROPERTIES LLC**, a Texas limited liability company (hereinafter collectively called "Petitioner") respectfully petition the Honorable Council for its written consent, pursuant to Sections 49.301 and 54.016, Texas Water Code, as amended, and Section 42.042 Local Government Code, as amended, for the inclusion of certain land within the boundaries of the District.

In support of this petition for consent to include said lands within the District, the Petitioner would respectfully show the following:

I.

Said lands sought to be included within the boundaries of the District contain a total area of approximately **7.46** acres of land, situated within Harris County, Texas, as further described in Exhibit "A", attached hereto and incorporated herein for all purposes, and no part of said land lies within the corporate limits of any incorporated village, town or city. Said District is located within

the extraterritorial jurisdiction of the City of Houston pursuant to Section 42.021, Local Government Code, as amended, and is not within such jurisdiction of any other city.

II.

Petitioner **BROTHERS INVESTMENT PROPERTIES LLC**, is the sole holder of fee title to the tract of land sought to be added to the District, as shown by the county tax rolls and conveyances of record since the date of preparation of said county tax rolls. Petitioner represents and warrants that there are no lienholders holding liens against the land sought to be annexed to the District.

III.

The District has been created for the following purposes:

- (1) The control, storage, preservation and distribution of its waters and flood waters, the waters of its rivers and streams, for all useful purposes, including municipal, domestic, industrial and communal uses;
- (2) The control, abatement and change of any shortage or harmful excess of waters, and the protection, preservation and restoration of the purity and sanitary condition of water within the District; and
- (3) The collection, transportation, processing, disposal and control of all domestic, industrial or communal wastes, whether of fluids, solids or composites.

The aforementioned purposes are to be accomplished by any and all mechanical and chemical means and processes incident, necessary or helpful to such purposes, to the end that public health and welfare may be conserved and promoted and the purity and sanitary condition of the State's waters protected, effected and restored.

IV.

The general nature of the work to be done by and within the lands to be included within the District at the present time is the construction, maintenance and operation of a waterworks system for domestic, industrial and commercial purposes, and the construction, maintenance and operation of a sanitary sewer collection system and sewage disposal plant, and the control, abatement and

amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the lands to be included within the District and such other construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purpose for which the District is organized.

V.

There is a necessity for the improvements above described because the lands to be included within the District are located within an area which will experience a substantial and sustained residential and commercial growth within the immediate future, are urban in nature and are not supplied with adequate water, sanitary sewer and drainage facilities and services. The health and welfare of the future inhabitants of the lands to be included within the District and of the inhabitants of the area adjacent thereto require the acquisition and installation of an adequate waterworks system and storm and sanitary sewer collection and disposal system.

The purchase, construction, extension, improvement, maintenance and operation of such waterworks system and storm and sanitary sewer collection and disposal system will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of said lands within the District.

VI.

Said proposed improvements are feasible, practicable, and to the advantage of the District, in that the terrain of the land to be included in the District is of such a nature that a waterworks system and sanitary and storm sewer systems can be constructed at a reasonable cost and without injury to land already within the District; and said land will be rapidly developed as residential or commercial property and will continue so to develop until the majority of the land located therein is used for home or commercial purposes.

VII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the land to be included within the District, and it is now estimated by those filing this petition, from such information as they have at this time, that the cost to extend the District's facilities and system contemplated will be approximately \$-0-.

VIII.

The undersigned, in requesting that the City Council grant its written consent as above stated, are willing to accept such consent based upon the terms and conditions set out herein and as set forth in Exhibit "B" attached hereto and incorporated by reference herein; and in consideration of the City granting its consent for the inclusion of said land within the District, the undersigned do expressly agree and covenant to comply with and abide by said conditions listed on the attached Exhibit "B".

* * * * *

RESPECTFULLY SUBMITTED, this 16th day of October, 2020.

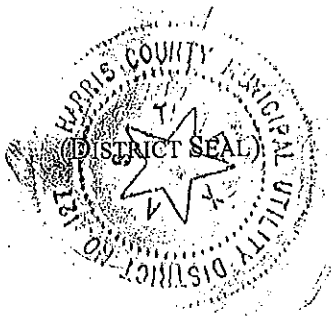
PETITIONER:

**HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 127**

ATTEST:

Katrina Ortega
Katrina Ortega, Secretary

Maureen Herzog
Maureen Herzog, President

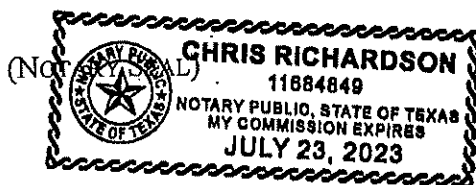


THE STATE OF TEXAS

COUNTY OF HARRIS

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This instrument was acknowledged before me on Sept 14th, 2020, by
Maureen Herzog, President of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT No. 127.



Chris Richardson
Notary Public in and for the
State of TEXAS

PETITIONER:

BROTHERS INVESTMENT PROPERTIES LLC,
a Texas limited liability company


By: 
Luis A. Flores, Member

THE STATE OF TEXAS
COUNTY OF Harris

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This instrument was acknowledged before me on Oct 15, 2020, 2020, by Luis A. Flores, Member of **Brothers Investment Properties LLC**, a Texas limited liability company, on behalf of said company.




Notary Public in and for the
State of TEXAS

**METES AND BOUNDS DESCRIPTION
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 127
ANNEXATION TRACT
7.46 ACRES IN THE
W.C. R.R. C.O. SURVEY, ABSTRACT NO. 1342
HARRIS COUNTY, TEXAS**

A 7.46 ACRE TRACT OF LAND SITUATED IN THE W.C. R.R. C.O. SURVEY, ABSTRACT NO. 1342, HARRIS COUNTY, TEXAS, BEING ALL OF A CALLED 2.7508 ACRE TRACT OF LAND DESCRIBED IN DEED TO BROTHERS INVESTMENT PROPERTIES, LLC RECORDED UNDER H.C.C.F. NO. RP-2017-399923, ALL OF A 4.1142 ACRE TRACT OF LAND DESCRIBED IN DEED TO BROTHERS INVESTMENT PROPERTIES, L.L.C. RECORDED IN H.C.C.F. NO. 20150082563, AND ALL OF TRACTS 1-5 DESCRIBED IN DEED TO BROTHERS INVESTMENT PROPERTIES, L.L.C. RECORDED IN H.C.C.F. NO. 20150082523; SAID 7.46 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

BEGINNING at a 5/8-inch iron rod found for the northwest corner of this tract of land, the northwest corner of said 2.7508 acre tract of land, the northeast corner of a tract of land as conveyed to Stan Crane Construction, Inc. recorded in H.C.C.F. No. U609354, and being in the southerly right-of-way line of Gummert Road (60 feet wide).

- (1) **THENCE**, North 88°18'48" East, along the north line of this tract of land and the south line of said Gummert Road, a distance of 596.51 feet to a 5/8" iron rod with cap found for the northeast corner of this tract of land and the Northwest corner of Windsong Place as recorded in Film Code No. 554010 of the Map Records of Harris County, Texas.
- (2) **THENCE**, South 23°31'06" West, along the southeast line of this tract of land and the northwest line of said Windsong Place, a distance of 882.62 feet to a 5/8" iron rod found for the southeast corner of this tract of land, the northeast corner of a called 3.00 acre tract of land as conveyed to Omar Menriquez and recorded in H.C.C.F. No. RP-2016-506390.
- (3) **THENCE**, South 88°24'55" West, along the South line of this tract of land and the north line of said 3.00 acre tract of land, a distance of 67.42 feet to a 5/8" iron rod found for an angle point in the south line of this tract of land and the north line of said 3.00 acre tract of land.
- (4) **THENCE**, South 88°18'48" West, along the south line of this tract of land and the north line of said 3.00 acre tract of land, a distance of 150.00 feet to a 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" found for the southwest corner of this tract of land, being in the north line of said 3.00 tract of land and the southeast corner of said Stan Crane tract of land.

EXHIBIT "A"


7.46 Acres,
W.C. R.R. C.O. Survey, A-1342

- (5) THENCE, North 01°55'03" West, along the west line of this tract of land and the east line of said Stan Crane tract of land, a distance of 798.47 feet to the POINT OF BEGINNING and containing 7.46 acres of land.

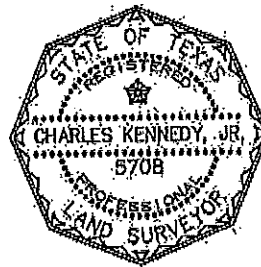
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

EDMINSTER, HINSHAW, RUSS & ASSOCIATES, INC. d/b/a EHRA

TBPLS No. 10092300



Charles Kennedy, Jr., R.P.L.S.
Texas Registration No. 5708
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500



Date: 6/29/20
Job No: 151-028-00
File No: R:\1998\98008-50\MUD 127\2020\DOCS\98008-50 Annex Tract - 7.46 AC.doc
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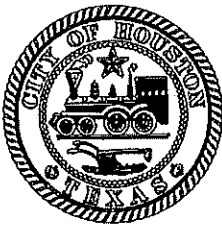


EXHIBIT "B"

(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.