

City of Houston, Texas, Ordinance No. 2021-35

AN ORDINANCE CONSENTING TO THE ADDITION OF 0.6504 ACRES OF LAND TO NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12, 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 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 December 13, 1977; and

WHEREAS, the City of Houston, Texas (the "City") consented to the creation of Northwest Harris County Municipal Utility District No. 15 (the "District") by Ordinance No. 77-1415, passed and adopted by the City Council on July 20, 1977; and

WHEREAS, Ordinance No. 2006-160, passed and adopted by the City Council on February 21, 2006, sets forth certain conditions for the creation or inclusion of land within a conservation and reclamation district in the ETJ, and permitting such district to issue bonds for certain recreational, road, and fire-fighting facilities; and

WHEREAS, the District is located in Harris County, and one or more drainage plans for grading, fill, construction of buildings or infrastructure within the proposed area to be annexed into an existing district, will be required to be submitted and approved by Harris County and;

WHEREAS, components of the drainage plan may include a variety of engineering solutions to manage and mitigate flooding based on the County's floodplain management rules and regulations;

WHEREAS, the District, and Westfield Commerce Center, LLC, Texas Limited Liability Company, owners of the land hereunder described, have petitioned the City to add 0.6504 acres of land for inclusion into the District; and

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 0.6504 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 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.

Art J. Haniel
Interim City Secretary

Prepared by Legal Dept.

AH/sec 12/28/20

Anna L. Howard
Senior Assistant City Attorney

Requested by Carol Ellinger Haddock, P.E.

Director – Houston Public Works Department

(L.D. File No.0912000034001)

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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 | |

HOUSTON TO CITY OF HOUSTON
FOR ADDITION OF LAND

The undersigned majority of the Board of Directors of Northwest Harris County Municipal Utility District No. 12, hereinafter called "District," a municipal utility district heretofore existing under the terms and provisions of Article XVI of the Constitution of the State of Texas and operating under Chapters 49 and 54, Texas Water Code as amended, and created by order of the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality, on December 13, 1977, and the undersigned landowner joining in this petition desires to obtain the written consent of the City of Houston, hereinafter called "City," for the addition to the District of an area of land in the total amount of 0.6504 acres within the City's extraterritorial jurisdiction in accordance with Section 54.016, Texas Water Code, which land is described in Exhibits "A-1" and "A-2" attached hereto and made a part hereof.

1. Said Section 54.016 provides in part that no municipal utility district operating under Chapter 54, Texas Water Code, may add land within the area of the extraterritorial jurisdiction of any city without the written consent of the city if the governing body of such city is given ninety (90) days to refuse or grant permission for the addition of land to the district, and said governing body is permitted an additional one hundred twenty (120) days' time within which to mutually agree with the landowners and officers of the district concerning the addition to the district of land within the city's extraterritorial jurisdiction.

2. The undersigned directors deem it beneficial to District for the City of Houston's personnel to review, study and approve the District's plans and specifications for the installation and construction of water, sewer and drainage facilities, and also deem it beneficial to District that the land described in Exhibits "A-1" and "A-2" to be added to the District.

3. Now, therefore, being in all things fully advised, for and in consideration of the premises and the timely written consent of the City of Houston for the addition of an area of land to this District as aforesaid, and in consideration of the benefits derived by said District from the City of Houston's engineering assistance in the review, study and approval of the District's utility installation plans and specifications, as will be evidenced by the passage of a resolution and the acceptance of this agreement and undertaking by the City Council, the undersigned District directors and Landowner(s) hereby expressly covenant and agree to the terms and conditions contained in Exhibit "B" items (a) through (d), respectively, attached hereto and incorporated herein.

4. The Landowner(s) by joining herein expressly covenants and agrees to the terms and conditions contained in Exhibit "B", item (e).

5. There are no lienholders on the property described in Exhibits "A-1" and "A-2".

6. The general nature of the work proposed to be done in the land to be included in the District is construction and extension of water, sewer and drainage facilities.


7. The work proposed to be done in the land to be included in the District is necessary to provide utility service to proposed new residential and/or commercial development to be located within the District.

8. It is now estimated by those filing this petition, from such information as is available at this time, that the ultimate cost of the development contemplated will be approximately \$50,000.

Wherefore, District respectfully prays that this petition be granted in all respects and that the City of Houston give its written consent to the addition of the aforesaid land to said District.

Dated this 4th day of June, 2020.

NORTHWEST HARRIS COUNTY
MUNICIPAL UTILITY DISTRICT NO. 12


MARY JOAN SULLIVAN, President


WILLIAM SCHROIF, Vice President

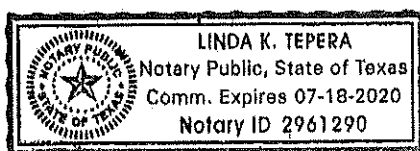
Absent
JAMES DEVINE, Secretary

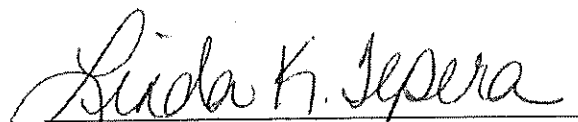

CONI SCHELNICK, Assistant Secretary


ALISSA MCCLURE, Director

STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 4, 2020
by Mary Joan Sullivan, William Schroif,
Coni Schelnick & Alissa McClure
the directors of Northwest Harris County Municipal Utility District No. 12, on behalf of said utility district.



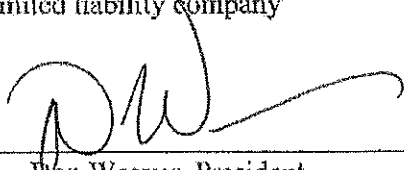

Notary Public, State of TEXAS

JOINDER OF LANDOWNER:

The undersigned is the owner of all land described in Exhibit "A-1" and "A-2" and hereby joins this petition.

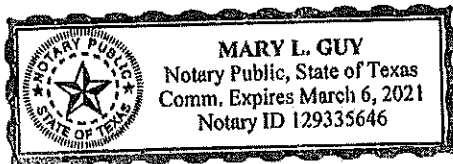
WESTFIELD COMMERCE CENTER LLC, a
Texas limited liability company

By: _____


Don Weaver, President

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on May 15th, 2020,
by Don Weaver the President of WESTFIELD COMMERCE CENTER LLC, a Texas limited
liability company, for purposes intended and on behalf of said company.




Notary Public, State of TEXAS

County: Harris
Project: Northwest Harris County M.U.D. No. 12
M.S.G. No.: 201130
Job Number: 230-MUD

FIELD NOTES FOR 0.220 ACRE OF LAND
NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12
ANNEXATION TRACT 4

Being a 0.220 acres of land, located in the Edward Probert Survey, A-986; said 0.220 acre tract being a portion of a called 357.7872 acre tract recorded in the name of Benjamin J. Cheng, Trustee of the Bear Creek Trust, under H.C.C.F.No. S877547; said 0.220 acre tract being more particularly described by metes and bounds as follows (Bearings based on the Texas State Plane Coordinate System, South Central Zone, N.A.D. 83):

COMMENCING at the southeast corner of said 357.7872 acre tract, said point being the southwest corner of a called 16.62 acre tract recorded under H.C.C.F. No. R500077, said point also being in the north right of way line of Clay Road (100 feet wide) recorded in H.C.C.F. No. L764543, K438304, S573101 and S573102);

THENCE, North 01 degrees 51 minutes 20 seconds West, along the west lines of said 16.62 acre tract, Westfield Village Drive Model Homes, a subdivision plat of which is recorded under Film Code Number 544026, (H.C.M.R.), and 5,000 square-foot tracts recorded in the name of Bear Creek Trust under H.C.C.F. No's. 20110038455, 20110038456, 20110038457, 20110038458 and 20110038459 being the east line of said 357.7872 acre tract, a distance of 689.95 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE, South 88 degrees 09 minutes 14 seconds West, a distance of 128.00 to a point for corner;

THENCE, North 01 degrees 51 minutes 20 seconds West, a distance of 75.00 to a point for corner;

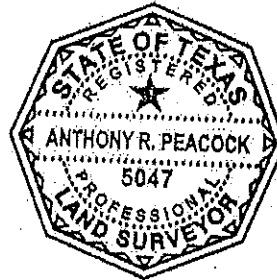
THENCE, North 88 degrees 09 minutes 14 seconds East, a distance of 128.00 to a point for corner on the west line of said 16.62 acre tract;

THENCE, South 01 degrees 51 minutes 20 seconds East, a distance of 75.00 with the west line of said 16.62 acre tract to the **POINT OF BEGINNING** and containing 0.220 acre of land.

A District Annexation Map of Northwest Harris County Municipal Utility District No. 12 has been prepared by Miller Survey Group and accompanies this description.

Anthony R. Peacock

Anthony R. Peacock, R.P.L.S.
Texas Registration Number 5047



MILLER SURVEY GROUP
Texas Firm Registration Number 10047100
PH: (713) 413-1900
JOB: 230-MUD
April 20, 2020

County: Harris
Project: Northwest Harris County M.U.D. No. 12
M.S.G. No.: 201131
Job Number: 230-MUD

FIELD NOTES FOR 0.4304 ACRE OF LAND
NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12
ANNEXATION TRACT 5

Being a 0.4304 acres of land, located in the Edward Probert Survey, A-986; said 0.4304 acre tract being a portion of a called 357.7872 acre tract recorded in the name of Benjamin J. Cheng, Trustee of the Bear Creek Trust, under H.C.C.F.No. S877547; said 0.4304 acre tract being more particularly described by metes and bounds as follows (Bearings based on the Texas State Plane Coordinate System, South Central Zone, N.A.D. 83):

COMMENCING at the southeast corner of said 357.7872 acre tract, said point being the southwest corner of a called 16.62 acre tract recorded under H.C.C.F. No. R500077, said point also being in the north right of way line of Clay Road (100 feet wide) recorded in H.C.C.F. No. L764543, K438304, S573101 and S573102);

THENCE, North 01 degrees 51 minutes 20 seconds West, along the west lines of said 16.62 acre tract, Westfield Village Drive Model Homes, a subdivision plat of which is recorded under Film Code Number 544026, (H.C.M.R.), and 5,000 square-foot tracts recorded in the name of Bear Creek Trust under H.C.C.F. No's. 20110038455, 20110038456, 20110038457, 20110038458 and 20110038459 being the east line of said 357.7872 acre tract, a distance of 844.95 feet to the **POINT OF BEGINNING** of the herein described tract;

THENCE, South 88 degrees 09 minutes 14 seconds West, a distance of 250.00 to a point for corner;

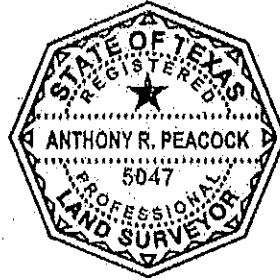
THENCE, North 01 degrees 51 minutes 20 seconds West, a distance of 75.00 to a point for corner;

THENCE, North 88 degrees 09 minutes 14 seconds East, a distance of 250.00 to a point for corner on the west line of said 16.62 acre tract;

THENCE, South 01 degrees 51 minutes 20 seconds East, a distance of 75.00 with the west line of said 16.62 acre tract to the **POINT OF BEGINNING** and containing 0.4304 acre of land.

A District Annexation Map of Northwest Harris County Municipal Utility District No. 12 has been prepared by Miller Survey Group and accompanies this description.

Anthony R. Peacock
Anthony R. Peacock, R.P.L.S.
Texas Registration Number 5047



MILLER SURVEY GROUP
Texas Firm Registration Number 10047100
PH: (713) 413-1900
JOB: 230-MUD
April 20, 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.