

City of Houston, Texas, Ordinance No. 2021 - 195

AN ORDINANCE CONSENTING TO THE ADDITION OF 6.0373 ACRES OF LAND TO CHARTERWOOD MUNICIPAL UTILITY DISTRICT, 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, now known as the Texas Commission on Environmental Quality (the "Commission") dated August 23, 1972, in accordance with Article 16, Section 59 of the Constitution of the State of Texas and operates pursuant to Chapters 49 and 54, Texas Water Code, as amended; and

WHEREAS, the City of Houston, Texas (the "City") consented to the creation of Charterwood Municipal Utility District (the "District") by Ordinance No. 86-421, passed and adopted by the City Council on March 26, 1986; 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 4Plex on Lake Road, LLC, a Texas Limited Liability Company, owners of the land hereunder described, have petitioned the City to add 6.0373 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 6.0373 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 24th day of March, 2021.

APPROVED this _____ day of _____, 2021.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is MAR 30 2021.

[Signature]
Interim City Secretary

Prepared by Legal Dept. [Signature]
AH/sec 1/14/21 Senior Assistant City Attorney

Requested by Carol Ellinger Haddock, P.E.
Director – Houston Public Works Department
(L.D. File No. 091200005001)

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AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
✓		JACKSON
	ABSENT-ON PERSONAL BUSINESS	KAMIN
✓		EVANS-SHABAZZ
	ABSENT-ON PERSONAL BUSINESS	MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: MAR 30 2021

PETITION FOR CONSENT TO ANNEXATION OF LAND
INTO CHARTERWOOD MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

The undersigned, Charterwood Municipal Utility District, a body politic organized and existing under the laws of the State of Texas (the "District"), and 4Plex on Lake Road, LLC, a Texas limited liability company, referred to hereinafter as, the "Petitioners", being the owners of the 6.0373 acres of land described in Exhibit "A" attached hereto (the "Property"), respectfully petition the City of Houston, Texas (the "City") for its consent to the annexation of land into the District. In support of this Petition, the Petitioners would show the following:

I.

The Property sought to be added to the District is described by the metes and bounds descriptions in Exhibit "A" attached hereto and made a part hereof for all purposes.

II.

The Property lies wholly within Harris County, Texas, and not within the boundaries of any incorporated city or town. The Property lies wholly within the extraterritorial jurisdiction of the City of Houston, Texas.

III.

The Petitioners are the holders of title to the Property as shown by the Harris County Tax Rolls and conveyances of record. There are no lienholders on the Property other than Lake Road Business Park, Ltd. No one resides on the Property.

IV.

The District was organized, created and established pursuant to an Order of the Texas Water Rights Commission, now known as the Texas Commission on Environmental Quality (the "Commission") dated August, 23, 1972 , in accordance with Article 16, Section 59 of the Constitution of the State of Texas and operates pursuant to Chapters 49 and 54, Texas Water Code, as amended. The District is organized for the purposes found in Chapter 54, Texas Water Code, as amended, to provide for:

(1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;

- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (8) the preservation of all-natural resources of the state; and
- (9) the construction, operation and maintenance of roads and park and recreational facilities serving the District.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the Property at the present time is the construction of a waterworks system for domestic and commercial purposes; the construction of a sanitary sewer collection system; 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 the construction of roads, parks and recreational facilities, and of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Property is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer, and drainage facilities and services. The health and welfare of the future inhabitants of the Property require the acquisition and installation of an adequate waterworks, sanitary sewer, and storm drainage system, roads and park and recreational facilities.

The provision of such water, sanitary sewer, and drainage facilities and services, roads, and park and recreational facilities 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 the Property within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Property is of such a nature that a waterworks system and sanitary and storm sewer systems, roads and park and recreational facilities can be constructed at a reasonable cost; and said land will be developed for commercial, multi-family and/or residential purposes in the foreseeable future.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Property, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the project contemplated will be approximately \$7,000,000.

IX.

The District and Petitioners agree and hereby covenant that if the requested consent to the annexation of land to the District is given, the District and Petitioners will adopt and abide by the conditions set forth in Exhibit "B" attached hereto and incorporated herein for all purposes.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Houston, Texas, adopt a resolution giving its written consent to the addition of the Property to the District.

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RESPECTFULLY SUBMITTED THIS 8th day of December, 2020.

DISTRICT:

CHARTERWOOD MUNICIPAL UTILITY DISTRICT,
a body politic organized and existing under the laws of the State of Texas

ATTEST:

[Signature]
Secretary, Board of Directors

By: [Signature]
Name: Joan Aldredge
Title: President, Board of Directors

(DISTRICT SEAL)

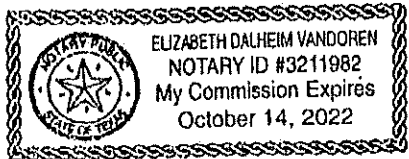


THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 25 day of February, 2020, by Joan Aldredge as President of the Board of Directors of Charterwood Municipal Utility District, Harris County, Texas, a body politic organized and existing under the laws of the State of Texas, on behalf of said body politic.

[Signature]
NOTARY PUBLIC—STATE OF TEXAS

Elizabeth Dalheim Vandoren
(Printed Name of Notary)



My commission expires: October 14, 2022

PETITIONER:

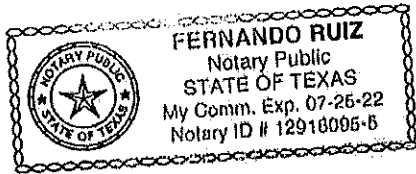
4PLEX ON LAKE ROAD, LLC,
a Texas limited liability company



By: _____
Name: ERNESTO GRAY
Title: MANAGER

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 12 day of Nov,
2020, by Ernesto Gray as Owner of 4PLEX ON LAKE ROAD, LLC, a Texas
limited liability company, on behalf of said limited liability company.



NOTARY PUBLIC—STATE OF TEXAS

Fernando Ruiz
(Printed Name of Notary)

My commission expires: 7/25/22

**FIELD NOTE DESCRIPTION
CHARTERWOOD MUNICIPAL UTILITY DISTRICT
6.0373 ACRES
TRACT 18
February 2020**

A 6.0373 acre tract of land, located in the T.K. Wheeler Survey, Abstract No. 826 in Harris County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap for the northwest corner of said 6.0373 acres tract located on the south right-of-way line of Lake Road (70 feet width);

THENCE, North 86° 03' 12" East, continuing along said south line, a distance of 353.18 feet to a point for corner;

THENCE, South 00° 08' 29" West, a distance of 1,090.49 feet to a point for corner;

THENCE, South 84° 40' 08" West, along said north line, a distance of 129.72 feet to a 5/8 inch iron rod with cap for corner located on the north line of Reserve "C", Charterwood, Section Five, recorded in Volume 295, Page 78 Harris County Map Records;

THENCE, North 10° 53' 25" West, a distance of 431.45 feet to a 5/8 inch iron rod for angle corner;

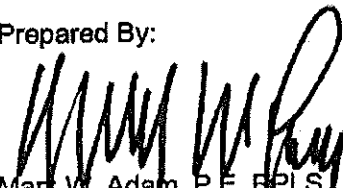
THENCE, North 11° 58' 34" West, a distance of 400.92 feet to a 5/8 inch iron rod for angle corner;

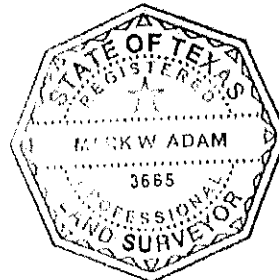
THENCE, North 12° 00' 23" West, a distance of 268.22 feet to the POINT OF BEGINNING and containing 6.0373 acres of land.

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.

This metes and bounds description is accompanied by a map of Charterwood Municipal Utility District prepared by Bleyl Engineering, LLC dated February 25, 2020.

Prepared By:


Mark W. Adam, P.E. RPLS
TBPLS Texas Registration No. 3665
TBPE Texas Registration No. 82133
Firm Registration No. F-678



2-25-2020

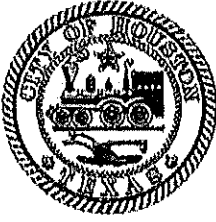


EXHIBIT "B"

(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.