



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

District F

Item Creation Date: 8/16/2023

HPW 20GRG10260/Assignment/Conveyance of Real Property – City and Harris County
Flood Control District/SY24-005A through SY24-005G

Agenda Item#:

Background:

SUBJECT: Ordinance approving and authorizing the conveyance of City-owned properties to Harris County Flood Control District (District) as part of the Asset Exchange Program. Parcels SY24-005A through SY24-005G

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the conveyance of City-owned properties to Harris County Flood Control District as part of the Asset Exchange Program. Parcels SY24-005A through SY24-005G

SPECIFIC EXPLANATION: The City and Harris County Flood Control District (the "Parties") entered into an Interlocal Agreement, passed and adopted on April 1, 2020 by Ordinance 2020-0286 (the "Agreement"), whereby the Parties have agreed to exchange certain drainage facilities and real property interests within their respective inventories as part of an Asset Exchange Program (the "Program"). Pursuant the Program, the City, from time to time, will transfer selected open channels to the Harris County Flood Control District (District) for future ownership and maintenance. In exchange, the City, from time to time, will accept selected enclosed storm sewer systems for future ownership and maintenance.

The Program recognizes the Parties share overlapping jurisdiction for planning, implementing, and maintaining flood damage reduction and drainage infrastructure. The District's expertise lies in design, construction, and maintenance of primary drainage systems such as open channels and detention basins, while the City has expertise in design, construction and maintenance of enclosed storm sewer systems. The City has determined that the exchange of drainage facilities and real property interests with the District will benefit the public interest of the City and help with effectively maintaining its public purpose.

All initial costs to make any repairs necessary to bring an accepted drainage facility and property into compliance with the accepting Party's standard criteria, and all costs to maintain the facility and property shall be borne by the accepting Party. Under no circumstances will the City or the District be obligated to appropriate or expend any funds for, or in the performance of the Agreement.

The Agreement establishes the processes and procedures necessary to facilitate an exchange, which include, but are not limited to i) identification, ii) inspection, iii) survey of encroachments (if any), iv) encroachment removal, and v.) final inspection (the "pre-exchange activities"). The pre-exchange activities for the subject parcels have been completed, and the City now desires to assign, or convey the following interests and properties to the District:

Parcel SY24-005A

Assignment to the District for Channel D126-00-00-01. In 1971, Weingarten Markets Realty Company, granted The Harris County Water Control and Improvement District No. 104, an easement for drainage and storm sewer purposes in the lands described in that certain instrument filed and recorded on June 11, 1971, under Clerk's File No. D345625, of the Harris County Real Property Records. The City annexed The Harris County Water Control District No. 104 under Annexation Ordinance 77-2353, passed and adopted by City Council on December 28, 1977 thereby making the City successor-in-interest to the easement.

Parcel SY24-005B

Assignment to the District for Channel D126-00-00-02. In 1971, Sam Loyd, Administrator of the Estate of Velna Ozela Loyd, Deceased, granted The Harris County Water Control and Improvement District No. 104, an easement for drainage and storm sewer purposes in the lands described in that certain instrument filed and recorded on June 11, 1971, under Clerk's File No. D352389, of the Harris County Real Property Records. The City annexed The Harris County Water Control District No. 104 under Annexation Ordinance 77-2353, passed and adopted by City Council on December 28, 1977 thereby making the City successor-in-interest to the easement.

Parcel SY24-005C

Assignment to the District for Channel D126-00-00-01. In 1971, Harry Battelstein and Louis Kaplan, granted The Harris County Water Control and Improvement District No. 104, an easement and right-of-way for drainage and storm sewer purposes in the lands described in that certain instrument filed and recorded on August 2, 1971 under Clerk's File No. D382886, of the Harris County Real Property Records. The City annexed The Harris County Water Control District No. 104 under Annexation Ordinance 77-2353, passed and adopted by City Council on December 28, 1977 thereby making the City successor-in-interest to the easement.

Parcel SY24-005D

Assignment to the District for Channel D126-00-00-02. In 1971, Louis Kaplan and Sam Proler, granted The Harris County Water Control and Improvement District No. 104, an easement and right-of-way for drainage and storm sewer purposes in the lands described in that certain instrument filed and recorded on August 2, 1971, under Clerk’s File No. D382887, of the Harris County Real Property Records. The City annexed The Harris County Water Control District No. 104 under Annexation Ordinance 77-2353, passed and adopted by City Council on December 28, 1977 thereby making the City successor-in-interest to the easement.

Parcel SY24-005E

Assignment to the District for Channel D126-00-00-02. In 1971, Alief Independent School District, granted The Harris County Water Control and Improvement District No. 104, an easement and right-of-way for drainage and storm sewer purposes in the lands described in that certain instrument filed and recorded on August 2, 1971, under Clerk’s File No. D382889, of the Harris County Real Property Records. The City annexed The Harris County Water Control District No. 104 under Annexation Ordinance 77-2353, passed and adopted by City Council on December 28, 1977 thereby making the City successor-in-interest to the easement.

Parcel SY24-005F

Assignment to the District for Channel D126-00-00-01. In 1971, Alief Independent School District, granted The Harris County Water Control and Improvement District No. 104, an easement and right-of-way for drainage and storm sewer purposes in the lands described in that certain instrument filed and recorded on August 2, 1971, under Clerk’s File No. D382890, of the Harris County Real Property Records. The City annexed The Harris County Water Control District No. 104 under Annexation Ordinance 77-2353, passed and adopted by City Council on December 28, 1977 thereby making the City successor-in-interest to the easement.


Parcel SY24-005G

Assignment to the District for Channel W147-00-00. In 1956, R. V. King, granted The Harris County Water Control and Improvement District No. 52, an easement and right-of-way for drainage and storm sewer purposes in the lands described in that certain instrument filed and recorded on July 9, 1956, under Clerk’s File No. 1611785, of the Harris County Real Property Records. The City annexed The Harris County Water Control District No. 52 under Annexation Ordinance 77-2353, passed and adopted by City Council on December 28, 1977 thereby making the City successor-in-interest to the easement.

Therefore, it is recommended City Council approve an ordinance authorizing the conveyance of City-owned properties to Harris County Flood Control District as part of the Asset Exchange Program.

Fiscal Note:

There is no impact to the fiscal budget or no additional spending authority. Therefore, no Fiscal Note is required as stated in the Financial Policies.

DocuSigned by:
 9/21/2023
Carol E. Haddock, P.E., Director
Houston Public Works

Prior Council Action:

Ordinance 2020-0286, passed April 1, 2020 (Asset Exchange Program)
Ordinance 1977-2353, passed December 28, 1977 (Annexation)

Contact Information:

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(832) 395-3164

ATTACHMENTS:

Description	Type
Annexation Ordinance No. 77-2353	Backup Material
Deed D345625	Backup Material
Deed D352389	Backup Material
Deed D382886	Backup Material
Deed D382887	Backup Material
Deed D382889	Backup Material
Deed 1611785	Backup Material
Channel Map D126-00-00, Pgs. 1-5	Backup Material
Channel Map W147-00-00, Pg. 6	Backup Material
COUNCIL DISTRICT MAP	Backup Material
Ordinance 2020-286 Approving ILA	Backup Material
Interlocal Agreement	Backup Material