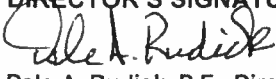


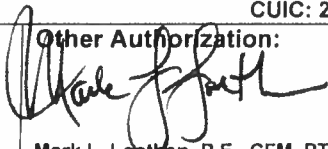


TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 10.0258 acres of land to Fort Bend County Municipal Utility District No. 124 (Key Map No. 485-N)		Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date
DIRECTOR'S SIGNATURE  Dale A. Rudick, P.E., Director		Council District affected: "ETJ" 	
For additional information contact:  Carol Ellinger Haddock, P.E. Senior Assistant Director Phone: (832) 395-2686		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary) The petition for the addition of 10.0258 acres of land to Fort Bend County Municipal Utility District No. 124 be approved.			
Amount and Source of Funding: NONE REQUIRED			
SPECIFIC EXPLANATION: Fort Bend County Municipal Utility District No. 124 has petitioned the City of Houston for consent to add 10.0258 acres of land, located in the city's extraterritorial jurisdiction, to the district. The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services. The district is located in the vicinity of Westheimer Parkway, Spring Iris Lane, Empire Oaks Lane and Parkway Oaks Lane. The district desires to add 10.0258 acres, thus yielding a total of 278.9358 acres. The district is served by the Fort Bend County Municipal Utility District No. 124 Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 124 is Little Prong Creek which flows into Buffalo Bayou and finally into the Houston Ship Channel. Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction. The Utility District Review Committee recommends that the subject petition be approved. Attachments c: Marta Crinejo Bill Zrioka Patrick Walsh, P.E. Gary Dzierlenga Jun Chang, P.E., D.WRE Tim Lincoln, P.E.			
LTS# 14825 Finance Department		REQUIRED AUTHORIZATION CUIC: 20IPB277	
		Other Authorization:  Mark L. Loshen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division	

City of Houston, Texas, Ordinance No. 2015-_____

AN ORDINANCE CONSENTING TO THE ADDITION OF 10.0258 ACRES OF LAND TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 124, FOR INCLUSION IN ITS DISTRICT; AND DECLARING AN EMERGENCY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That attached to this ordinance and made a part hereof is a petition requesting the consent of the City of Houston, Texas, to the annexation of 10.0258 acres of land into **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 124**; such petition is hereby granted, subject to the terms and conditions set forth herein.

Section 2. 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 requests 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 3. 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 ____ day of _____, 2015.

APPROVED this ____ day of _____, 2015.

Mayor of the City of Houston

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

City Secretary

(Prepared by Legal Dept.

SOI/fg 10/15/15

Requested by Dale A. Rudick, P.E., Director, Public Works and Engineering Department

L.D. File No. 0919900026002)

G:\LAND\OMAR IZFAR\MUDS\OLD MUDS\MUDS 2015\FORT BEND COUNTY MUD NO. 124_10.0258 AC.DOC



Assistant City Attorney

PETITION FOR CONSENT TO ANNEX LAND INTO
FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 124

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

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

The undersigned, Fort Bend County Municipal Utility District No. 124 (the "District"), and the Most Reverend Daniel Cardinal DiNardo, Archbishop of Galveston-Houston (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301 of that Code, together with all amendments and additions thereto, respectfully petition the City Council of the City of Houston, Texas (the "City"), for its written consent to the annexation by the District of the 10.0258 acre tract of land described by metes and bounds in **Exhibit A** (the "Land"), which is attached hereto and incorporated herein for all purposes. In support of this petition, the undersigned would show the following:

I.

The District is a municipal utility district duly created under the laws of the State of Texas on October 25, 2000. The District was created and organized under the terms and provisions of Article XVI, Section 59, of the Constitution of Texas, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

The Petitioner holds fee simple title to the Land, as indicated by the certificate of ownership provided by the Fort Bend Central Appraisal District. The Petitioner represents that there are no lienholders on the Land.

III.

The Land is situated wholly within Fort Bend County, Texas. No part of the Land is within the limits of any incorporated city, town or village, and no part of the Land is within the extraterritorial jurisdiction (as such term is defined in Local Government Code Section 42.001 et seq., as amended) of any city, town or village except the City. All of the Land may properly be annexed into the District.

IV.

The general nature of the work to be done within the Land is the construction, acquisition, maintenance and operation of a waterworks and sanitary sewer system, and a drainage and storm sewer system.

V.

There is, for the following reasons, a necessity for the above-described work. The Land, which will be developed for commercial and/or residential purposes, is urban in nature, is within the growing environs of the City, is in close proximity to populous and developed sections of Fort Bend County, and within the immediate future will experience a substantial and sustained residential and commercial growth. There is not now available within the Land an adequate waterworks and sanitary sewer system nor an adequate drainage and storm sewer system, and it is not presently economically feasible for the Land to provide for such systems itself. Because the health and welfare of the present and future inhabitants of the Land and of lands adjacent thereto require the construction, acquisition, maintenance and operation of an adequate waterworks and sanitary sewer system, and a drainage and storm sewer system, a public necessity exists for the annexation of the Land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system, and such drainage and storm sewer system, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

The undersigned estimate, from such information as they have at this time, that the cost of extending the District's facilities to serve the Land is \$200,000.00.

VII.

Stream Realty Acquisition, L.L.C., a Texas limited liability company, has entered into an earnest money contract to purchase the Land and desires to be considered a Petitioner for addition of the Land to the District.

VIII.

The owner of the Land (at the time the Land is annexed into the District) and the District agree and hereby covenant that if the requested consent to the annexation of the Land to the District is given, and the Land is annexed into the District, such owner and the District 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 heard and granted in all respects and that the City give its written consent to the annexation of the Land into the District.

[EXECUTION PAGES FOLLOW]

RESPECTFULLY SUBMITTED on this 24th day of September, 2015

**FORT BEND COUNTY MUNICIPAL
UTILITY DISTRICT NO. 124**

By: Paula M Bays

Name: Paula M. Bays

Title: President

ATTEST:

By: [Signature]

Name: John Bastawros

Title: Secretary



THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 24th day of September, 2015 by Paula Bays as President, and John Bastawros, as Secretary, of the Board of Directors of FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 124, a political subdivision of the State of Texas, on behalf of said political subdivision.

[Signature]
Notary Public, State of Texas

(NOTARY SEAL)

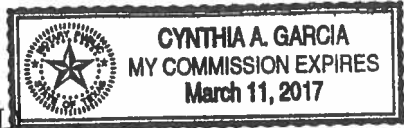


ARCHDIOCESE OF GALVESTON-HOUSTON

By: *George A. Sheltz*
Most Rev. George A. Sheltz, Chancellor
Agent and Attorney-in-Fact for the Most
Reverend Daniel Cardinal DiNardo

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

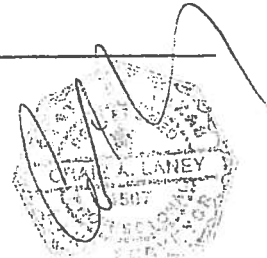
This instrument was acknowledged before me on this 24th day of September 2015, by Most Rev. George A. Sheltz, Chancellor of the Archdiocese, of Galveston-Houston and Agent and Attorney-in-Fact for the MOST REVEREND DANIEL CARDINAL DiNARDO, ARCHBISHOP OF GALVESTON-HOUSTON.



Cynthia A. Garcia
Notary Public, State of Texas

(NOTARY SEAL)

EXHIBIT A



All that certain tract or parcel containing 10.0258 acres of land situated in the I. & G. N. Railroad Co. Survey, No. 3, A-262 in Fort Bend County, Texas, said 10.0258 acre tract being that same tract described as 10 acres of land in a deed filed for record in Volume 928, Page 521 of the Fort Bend County Deed Records and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/4" iron rod with S & V Surveying cap (found) in the Northwest line of Lot 16 in Block 1 of Parkway Oaks, Section 1, a subdivision in said Fort Bend County, Texas according to the map or plat thereof filed for record under Slide No. 2536B of the Fort Bend County Plat Records marking the Southerly corner of Lot 1 in Block 1 of Parkway Oaks, Section 2, a subdivision in said Fort Bend County, Texas according to the map or plat thereof filed for record under Slide No. 2537B of the Fort Bend County Plat Records and the Easterly corner of the herein described 10.0258 acre tract of land;

THENCE S 44°43'28" W, (call S 44°45'00" W), along the common line of said Lot 16 and said 10.0258 acre tract of land, passing at 163.16 feet a 3/4" iron rod with S & V Surveying cap (found) marking the Westerly corner of Lot 15 in said Block 1 and the Northerly corner of Lot 10 in said Block 1, and passing at 303.70 feet a 5/8" iron rod with S & V Surveying cap (found) marking the Westerly corner of said Lot 10 in said Block 1 and the Northerly corner of Lot 9 in said Block 1, and passing at 464.81 feet a 5/8" iron rod with S & V Surveying cap (found) marking the Westerly corner of Lot 9 in said Block 1 and the Northerly corner of Lot 4 in said Block 1, and passing at 784.81 feet a 3/4" iron rod with S & V Surveying cap (found) marking the Westerly corner of Lot 3 in said Block 1 and the Northerly corner of Restricted Reserve "A" in said Block 1, and passing at 824.81 feet a 3/4" iron rod with S & V Surveying cap (found) marking the Westerly corner of said Restricted Reserve "A" and the Northerly corner of a 20.00 foot strip of land for road widening, and passing at 844.81 feet a 5/8" iron rod with EIC cap (set) in the Northeast right-of-way line of Westheimer Parkway, (60.00 feet in width), as described in an instrument filed for record in Volume 331, Page 558 of the Fort Bend County Deed Records, a total distance of 874.81 feet, (call 871.20 feet), to a point for corner in the centerline of said Westheimer Parkway marking the Southerly corner of the herein described 10.0258 acre tract of land;

THENCE N 45°05'21" W, a distance of 499.94 feet, (call N 45°15'00" W, 500.00 feet), along the center line of said Westheimer Parkway and the Southwest line of said 10.0258 acre tract of land to a point for corner marking the Westerly corner of the herein described 10.0258 acre tract of land;

THENCE N 44°45'14" W, (call N 44°45'00" W), along the Northwest line of the herein described 10.0258 acre tract of land, passing at 30.00 feet a 5/8" iron rod with EIC cap (set) in the Northeast right-of-way line of said Westheimer Parkway, and passing at 50.00 feet a 5/8" iron rod (found) marking the Southerly corner of Reserve "D" in Block 2 of Parkway Oaks, Section 6, a subdivision in said Fort Bend County, Texas according to the map or plat thereof filed for record under Slide No. 20080042 of the Fort Bend County Plat Records, and passing at 89.97 feet a 5/8" iron rod with Windrose Land Services cap (found) marking the Easterly corner of said Reserve "D" and the Southerly corner of Lot 3 in said Block 2, and passing at 101.69 feet a 5/8" iron rod (found bent) marking the Easterly corner of said Lot 3 and the Southerly corner of Lot 4 in said Block 2, and passing at 234.10 feet a 5/8" iron rod (found) marking the Easterly corner of said Lot 4 and the Southerly corner of Lot 5 in said Block 2, and passing at 319.43 feet a 5/8" iron rod with Windrose land Services cap (found) marking the Easterly corner of said Lot 5 and the Southerly corner of Lot 6 in said Block 2, and passing at 369.43 feet a 5/8" iron rod with Windrose land Services cap (found) marking the Easterly corner of said Lot 6 and the Southerly corner of Lot 7 in said Block 2, and passing at 419.43 feet a 5/8" iron rod with Windrose land Services cap (found) marking the Easterly corner of said Lot 7 and the Southerly corner of Lot 8 in said Block 2, and passing at 519.43 feet a 5/8" iron rod with Windrose land Services cap (found) marking the Easterly corner of Lot 9 in said Block 2 and the Southerly corner of Lot 10 in said Block 2, and passing at 619.43 feet a 5/8" iron rod with Windrose land Services cap (found) marking the Easterly corner of Lot 11 in said Block 2 and the Southerly corner of Lot 12 in said Block 2, and passing at 769.43 feet a 5/8" iron rod with Windrose land Services cap (found) marking the Easterly corner of Lot 14 in said Block 2 and the Southerly corner of Lot 15 in said Block 2, and passing at 819.43 feet a 5/8" iron rod with Windrose land Services cap (found) marking the Easterly corner of said Lot 15 and the Southerly corner of Lot 16 in said Block 2, a total distance of 873.08 feet, (call 871.20 feet), to a 5/8" iron rod with Windrose land Services cap (found) in the Southwest line of Lot 10 in Block 1 of said Parkway Oaks, Section 2 marking the Easterly corner of said Lot 16 and the Northerly corner of the herein described 10.0258 acre tract of land;

THENCE S 45°17'15" E, (call S 45°15'00" E), along the common line of said Lot 10 and said 10.0258 acre tract of land, passing at 198.47 feet a 5/8" iron rod with S & V Surveying cap (found) marking the Southerly corner of Lot 7 in said Block 1 and the Westerly corner of Lot 6 in said Block 1, and passing at 248.47 feet a 5/8" iron rod with S & V Surveying cap (found) marking the Southerly corner of said Lot 6 and the Westerly corner of Lot 5 in said Block 1, and passing at 448.47 feet a 5/8" iron rod with S & V Surveying cap (found) marking the Southerly corner of Lot 2 in said Block 1 and the Westerly corner of said Lot 1, a total distance of 499.49 feet, (call 500.00 feet), to the POINT OF BEGINNING and containing 10.0258 acres of land.

Surveyed on the ground April 02, 2015. Revised June 04, 2015 to correct a call.

Job No. 15-232-03. (See corresponding plat)

The basis of bearing is N 44°45'14" E along the Southeast line of Parkway Oaks, Section 6 per record plat.



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.