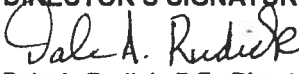

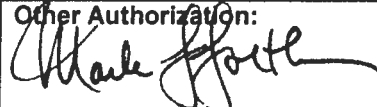


TO: Mayor via City Secretary      **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 260.8702 acres to Harris County Municipal Utility District No. 458 (Key Map No. 405 Q&U)		<b>Page</b> 1 of 1	<b>Agenda Item #</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b>
<b>DIRECTOR'S SIGNATURE</b>  Dale A. Rudick, P.E., Director		<b>Council District affected:</b> "ETJ" ✓	
<b>For additional information contact:</b>  Carol Ellinger Haddock, P.E. Senior Assistant Director      Phone: (832) 395-2686		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b>  The petition for the addition of two (2) tracts of land totaling 260.8702 acres to Harris County Municipal Utility District No. 458 be approved.			
<b>Amount and Source of Funding:</b>  <p style="text-align: center;">NONE REQUIRED</p>			
<b>SPECIFIC EXPLANATION:</b>  <p>Harris County Municipal Utility District No. 458 has petitioned the City of Houston for consent to add 260.8702 acres, located in the city's extraterritorial jurisdiction, to the district.</p> <p>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.</p> <p>The district is located in the vicinity of Beckendorff Road, Longenbaugh Road, Porter Road and Grand Parkway. The district desires to add 260.8702, thus yielding a total of 589.6955 acres. The district is served by a regional plant, Harris County Municipal Utility District No. 171 Wastewater Treatment Plant. The other districts served by this plant are Harris County Municipal Utility Districts No. 457, 458, 532, 533 and 534. The nearest major drainage facility for Harris County Municipal Utility District No. 458 is Bear Creek which flows to South Mayde Creek which flows to Buffalo Bayou and finally into the Houston Ship Channel.</p> <p>Potable water will be provided by Harris County Municipal Utility District No. 171 Water Plant No.1. 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.</p> <p>The Utility District Review Committee recommends that the subject petition be approved.</p> <p><b>Attachments</b></p> <p>c:    Marta Crinejo                      Bill Zrioka             Patrick Walsh, P.E.                Gary Dzierlenga             Jun Chang, P.E., D.WRE        Tim Lincoln, P.E.</p>			
LTS# 14833 Finance Department		<b>REQUIRED AUTHORIZATION</b> CUIC: 20IPB279	
		<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division

City of Houston, Texas, Ordinance No. 2015-\_\_\_\_\_

**AN ORDINANCE CONSENTING TO THE ADDITION OF 260.8702 ACRES OF LAND TO HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 458, 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 a total of 260.8702 acres of land into **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 458**; 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

  
\_\_\_\_\_  
Assistant City Attorney

Prepared by Legal Dept.  
SOI/fg 10/9/15

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

(L.D. File No. 0910500009002)

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PETITION FOR CONSENT TO ANNEX LAND INTO  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 458

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

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

The undersigned, Harris County Municipal Utility District No. 458 (the "District"), and NASH FM 529, LLC, a Delaware limited liability company (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.302 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 260.8702 acres 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 by the Texas Commission on Environmental Quality under the laws of the State of Texas on December 21, 2006. 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, and full ownership of, a majority in value of the Land, as indicated by the certificate of ownership provided by the Harris County Appraisal District.

III.

The Petitioner represents that there are no lienholders on the Land except NASH FINANCING, LLC, a Delaware limited partnership.

IV.

The Land is situated wholly within Harris 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.

V.

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, a drainage and storm sewer system, road facilities, and parks and recreational facilities.

VI.

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 Harris 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, an adequate drainage system, road facilities, nor parks or recreational facilities, and it is not presently economically feasible for the Land to provide for such systems and facilities 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, a drainage and storm sewer system, road facilities, and parks and recreational facilities, 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, such drainage and storm sewer system, such road facilities, and such parks and recreational facilities, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

The undersigned estimate, from such information as they have at this time, that no additional District facilities are required to serve the Land, and no additional costs will be incurred for District facilities, since the Land can obtain service from existing facilities.

VIII.

The Petitioner and the District agree and hereby covenant that if the requested consent to the annexation of the Land to the District is given, the Petitioner 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 22 day of September, 2015.

HARRIS COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 458

By: Ben Renberg

Name: Ben Renberg

Title: President

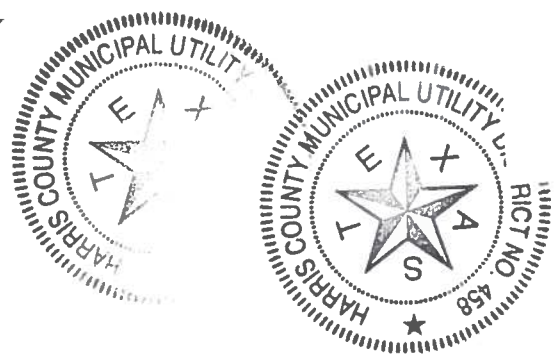
ATTEST:

(SEAL)

By: Debra Thelen

Name: Debra Thelen

Title: Secretary



THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

This instrument was acknowledged before me on this 22 day of September, 2015, by Ben Renberg, as President, and Debra Thelen, as Secretary, of the Board of Directors of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 458, a political subdivision of the State of Texas, on behalf of said political subdivision.

Holly Lee Huston  
Notary Public, State of Texas





DESCRIPTION OF A 258.8516 ACRE TRACT OF LAND SITUATED  
IN THE H. & T.C.R.R CO. SURVEY SECTION 30 BLOCK 2  
A.R. CONNELL SURVEY ABSTRACT NO. 1388  
HARRIS COUNTY, TEXAS

**FIRST ANNEXATION TRACT 258.8516 ACRES:**

Being a 258.8516 acre tract of land situated in the H. & T.C.R.R. Co. Survey Section 30, Block 2, A.R. Connell Survey, Abstract No. 1388 of Harris County, Texas and being a portion of a called 417.00 acre tract of land as described in City of Houston Ordinance 78-1448, said 417.00 acre tract also being all of that same 417.00 acre tract of land described in an instrument filed for record under H.C.C.F. No. E089687, a portion of called 405.90 acre tract of land described in an instrument filed for record under H.C.C.F. No. 20130236043, a portion of five (5) called 0.115 acre tracts of land out of said 417.00 acre tract as described in instruments filed for record under H.C.C.F. No. F805239, F805240, F805241, F805242 and F805243, said 258.8516 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found (Control Monument) for the Southwest corner of said 417.00 acre tract, same being the Southwest corner of said 405.90 acre tract, same being in the North right-of-way line of Farm-to-Market Road 529 (120-foot width, H.C.C.F. No. C251597);

THENCE, N 02° 07' 28" W, a distance of 5,180.08 feet along and with the West line of said 417.00 acre tract and said 405.90 acre tract to a point for corner from which a 5/8-inch iron rod found in the South right-of-way line of Longenbaugh Road bears N 02° 27' 28" W, 27.41 feet;

THENCE, N 87° 56' 19" E, a distance of 3,113.01 feet along and with the North line of said 417.00 acre tract and over and across said five (5) 0.115 acre tracts and over and across said 405.90 acre tract to a point for corner in an East line of said 405.90 acre tract and the West line of a called 10.534 acre tract of land described in an instrument filed for record under H.C.C.F. No. 20100489957, same also being the beginning of a non-tangent curve to the left having a center which bears N 85° 07' 40" E, 5,929.58 feet;

In a Southerly direction, along and with the East line of said 405.90 acre tract and the West line of said called 10.534 acre tract and said curve to the left, a distance of 1,083.36 feet, having a radius of 5,929.58 feet, a central angle of 10° 28' 06" and a chord which bears S 10° 06' 23" E, 1,081.86 feet to 5/8-inch iron rod with aluminum Texas Department of Transportation cap found for a point of tangency;

THENCE, S 15° 20' 26" E, a distance of 14.78 feet along and with the East line of said 405.90 acre tract and the West line of said called 10.534 acre tract to a point;

THENCE, over and across said 405.90 acre tract the following courses and distances:

S 42°47'58" W, a distance of 1,996.26 feet to a point for corner;

S 43°23'52" E, a distance of 629.85 feet to a point for corner;

HARRIS COUNTY MUD 458  
FIRST ANNEXATION

MAY 12, 2014  
JOB NO. 2232-00

S 46°32'02" W, a distance of 742.92 feet to the beginning of a non-tangent curve to the left having a center which bears N 46° 32' 02" E, 2,000.00 feet;

In a Southeasterly direction, along said curve to the left, a distance of 223.20 feet, having a radius of 2,000.00 feet, a central angle of 06°23'39" and a chord which bears S 46°39'48" E, 223.08 feet to a point for corner;

S 49°51'37" E, a distance of 172.28 feet to the beginning of a tangent curve to the right;

In a Southeasterly direction, along said curve to the right, a distance of 102.82 feet, having a radius of 1,000.00 feet, a central angle of 05°53'28" and a chord which bears S 46°54'53" E, 102.77 feet to a point for corner;

S 47° 45' 45" W, a distance of 90.07 feet to a point in the North right-of-way line of said of Farm-to-Market Road 529, the South line of said 417.00 acre tract and the South line of said 405.90 acre tract;

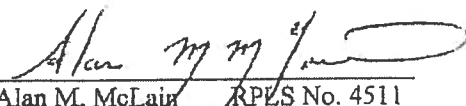
THENCE, S 87° 52' 32" W, a distance of 267.83 feet along and with the North right-of-way line of said of Farm-to-Market Road 529, the South line of said 417.00 acre tract and the South line of said 405.90 acre tract to the **POINT OF BEGINNING** and containing 258.8516 acres of land.

Bearing orientation and coordinates are based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD-83.

This description was prepared under 22 Texas Annotated Code 663.21 and reflects the assembly of instruments of record to describe the political boundary limits of Harris County MUD 458 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.

Dated this the 12th day of May, 2014



  
Alan M. McLain RPLS No. 4511  
Brown & Gay Engineers, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042  
Telephone: (281) 558-8700  
TBPLS Licensed Surveying Firm No. 10106500

DESCRIPTION OF A 2.0186 ACRE TRACT OF LAND SITUATED  
IN THE H. & T.C.R.R. CO. SURVEY SECTION 30 BLOCK 2  
A.R. CONNELL SURVEY ABSTRACT NO. 1388  
HARRIS COUNTY, TEXAS

**SECOND ANNEXATION TRACT 2.0186 ACRES:**

Being a 2.0186 acre tract of land situated in the H. & T.C.R.R. Co. Survey Section 30, Block 2, A.R. Connell Survey, Abstract No. 1388 of Harris County, Texas and being a portion of a called 405.90 acre tract of land described in an instrument filed for record under H.C.C.F. No. 20130236043, a portion of five (5) called 0.115 acre tracts of land as described in instruments filed for record under H.C.C.F. No. F805239, F805240, F805241, F805242 and F805243, said 2.0186 acre tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found (Control Monument) for the Southwest corner of a called 417.00 acre tract of land as described in City of Houston Ordinance 78-1448, said 417.00 acre tract also being all of that same 417.00 acre tract of land described in an instrument filed for record under H.C.C.F. No. E089687, same being the Southwest corner of said 405.90 acre tract, same being in the North right-of-way line of Farm-to-Market Road 529 (120-foot width, H.C.C.F. No. C251597);

**THENCE**, N 02° 07' 28" W, a distance of 5,180.08 feet along and with the West line of said 417.00 acre tract and said 405.90 acre tract to the **POINT OF BEGINNING** of the herein described 2.0186 acre tract;

**THENCE**, N 02° 07' 28" W, a distance of 27.41 feet to a 5/8-inch iron rod found in the South right-of-way line of Longenbaugh Road (60-foot width, as occupied, same being the Northwest corner of said called 0.115 acre tract of land described in H.C.C.F. No. F805239;

**THENCE**, N 87° 54' 03" E, a distance of 3,061.48 feet along and with the South right-of-way line of said Longenbaugh Road, the North lines of said five (5) called 0.115 acre tracts of land and the North line of said 405.90 acre tract to a 5/8-inch iron rod with aluminum Texas Department of Transportation cap stamped "ADL" (Access Denial Line) found for the North end of the Southwest cutback corner of the intersection of Grand Parkway/S.H. 99 and Longenbaugh Road, same being a West corner of a called 10.534 acre tract of land described in an instrument to Harris County filed for record under H.C.C.F. No. 20100489957;

**THENCE** the following courses and distances along and with the Easterly lines of the herein described 405.90 acre tract and the West line of said 10.534 acre tract being the West right-of-way line of Grand Parkway/S.H. 99: (Access to Grand Parkway/S.H. 99 from the herein described tract may be denied per instrument filed under H.C.C.F. No. 20100489957 and as shown on right-of-way maps and subsequent parcel acquisition maps for S.H. 99 of which the surveyor has on file.)

S 68° 00' 16" E, a distance of 56.11 feet to a 5/8-inch iron rod with aluminum Texas Department of Transportation cap found for corner and the beginning of a non-tangent curve to the left having a radius which bears N 85° 11' 28" E, 5,929.58 feet;

HARRIS COUNTY MUD 458  
SECOND ANNEXATION

MAY 12, 2014  
JOB NO. 2232-00

In a Southerly direction, along said curve to the left, a distance of 6.56 feet, having a radius of 5,929.58 feet, a central angle of  $00^{\circ} 03' 48''$  and a chord which bears  $S 04^{\circ} 50' 26'' E$ , 6.56 feet to a point for corner;

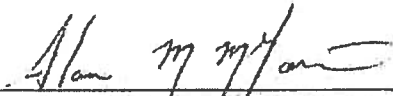
THENCE,  $S 87^{\circ} 56' 19'' W$ , a distance of 3,113.01 feet over and across said 405.90 acre tract and said five (5) called 0.115 acre tracts to the **POINT OF BEGINNING** and containing 2.0186 acres of land.

Bearing orientation and coordinates are based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD-83.

This description was prepared under 22 Texas Annotated Code 663.21 and reflects the assembly of instruments of record to describe the political boundary limits of Harris County MUD 458 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.

Dated this the 12th day of May, 2014



  
Alan M. McLain RPLS No. 4511  
Brown & Gay Engineers, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042  
Telephone: (281) 558-8700  
TBPLS Licensed Surveying Firm No. 10106500



## 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.

CERTIFICATE

THE STATE OF TEXAS   §  
  §  
COUNTY OF HARRIS   §

I, the undersigned Secretary of the Board of Directors of Harris County Municipal Utility District No. 458, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Consent To Annex Land Into Harris County Municipal Utility District No. 458 that was filed with the Board of Directors of the District on this 22 day of September, 2015.

WITNESS MY HAND AND SEAL OF SAID DISTRICT on this 22 day of September, 2015.



(SEAL)

HARRIS COUNTY MUNICIPAL UTILITY  
DISTRICT NO. 458

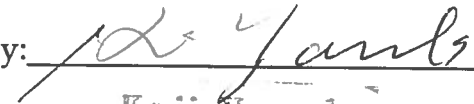
By:   
Secretary, Board of Directors

**CERTIFICATE OF LIENHOLDER'S CONSENT**

NASH FINANCING, LLC, a Delaware limited liability company, being a lienholder on land proposed to be annexed into Harris County Municipal Utility District No. 458, which land is described by metes and bounds on **Exhibit A** attached hereto, hereby consents to the annexation of said land into the boundaries of Harris County Municipal Utility District No. 458.

WITNESS MY HAND this 15 day of July, 2015.

**NASH FINANCING, LLC, a Delaware  
limited liability company**

By:   
Name: Koji Yanada  
Title: Authorized Signatory

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**ACKNOWLEDGMENT**

State of California )

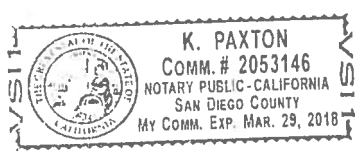
County of San Diego )

On July 15, 2015 before me, K. Paxton, notary public  
(insert name and title of the officer)

personally appeared Koji Yamada,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature K Paxton

**Attachment:**  
**Exhibit A – Description of land to be annexed**

DESCRIPTION OF A 258.8516 ACRE TRACT OF LAND SITUATED  
IN THE H. & T.C.R.R. CO. SURVEY SECTION 30 BLOCK 2  
A.R. CONNELL SURVEY ABSTRACT NO. 1388  
HARRIS COUNTY, TEXAS

**FIRST ANNEXATION TRACT 258.8516 ACRES:**

Being a 258.8516 acre tract of land situated in the H. & T.C.R.R. Co. Survey Section 30, Block 2, A.R. Connell Survey, Abstract No. 1388 of Harris County, Texas and being a portion of a called 417.00 acre tract of land as described in City of Houston Ordinance 78-1448, said 417.00 acre tract also being all of that same 417.00 acre tract of land described in an instrument filed for record under H.C.C.F. No. E089687, a portion of called 405.90 acre tract of land described in an instrument filed for record under H.C.C.F. No. 20130236043, a portion of five (5) called 0.115 acre tracts of land out of said 417.00 acre tract as described in instruments filed for record under H.C.C.F. No. F805239, F805240, F805241, F805242 and F805243, said 258.8516 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found (Control Monument) for the Southwest corner of said 417.00 acre tract, same being the Southwest corner of said 405.90 acre tract, same being in the North right-of-way line of Farm-to-Market Road 529 (120-foot width, H.C.C.F. No. C251597);

**THENCE**, N 02° 07' 28" W, a distance of 5,180.08 feet along and with the West line of said 417.00 acre tract and said 405.90 acre tract to a point for corner from which a 5/8-inch iron rod found in the South right-of-way line of Longenbaugh Road bears N 02° 27' 28" W, 27.41 feet;

**THENCE**, N 87° 56' 19" E, a distance of 3,113.01 feet along and with the North line of said 417.00 acre tract and over and across said five (5) 0.115 acre tracts and over and across said 405.90 acre tract to a point for corner in an East line of said 405.90 acre tract and the West line of a called 10.534 acre tract of land described in an instrument filed for record under H.C.C.F. No. 20100489957, same also being the beginning of a non-tangent curve to the left having a center which bears N 85° 07' 40" E, 5,929.58 feet;

In a Southerly direction, along and with the East line of said 405.90 acre tract and the West line of said called 10.534 acre tract and said curve to the left, a distance of 1,083.36 feet, having a radius of 5,929.58 feet, a central angle of 10° 28' 06" and a chord which bears S 10° 06' 23" E, 1,081.86 feet to 5/8-inch iron rod with aluminum Texas Department of Transportation cap found for a point of tangency;

**THENCE**, S 15° 20' 26" E, a distance of 14.78 feet along and with the East line of said 405.90 acre tract and the West line of said called 10.534 acre tract to a point;

**THENCE**, over and across said 405.90 acre tract the following courses and distances:

S 42°47'58" W, a distance of 1,996.26 feet to a point for corner;

S 43°23'52" E, a distance of 629.85 feet to a point for corner;

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S 46°32'02" W, a distance of 742.92 feet to the beginning of a non-tangent curve to the left having a center which bears N 46° 32' 02" E, 2,000.00 feet;

In a Southeasterly direction, along said curve to the left, a distance of 223.20 feet, having a radius of 2,000.00 feet, a central angle of 06°23'39" and a chord which bears S 46°39'48" E, 223.08 feet to a point for corner;

S 49°51'37" E, a distance of 172.28 feet to the beginning of a tangent curve to the right;

In a Southeasterly direction, along said curve to the right, a distance of 102.82 feet, having a radius of 1,000.00 feet, a central angle of 05°53'28" and a chord which bears S 46°54'53" E, 102.77 feet to a point for corner;

S 47° 45' 45" W, a distance of 90.07 feet to a point in the North right-of-way line of said of Farm-to-Market Road 529, the South line of said 417.00 acre tract and the South line of said 405.90 acre tract;

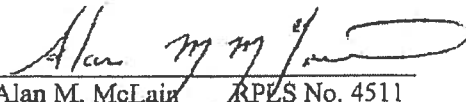
THENCE, S 87° 52' 32" W, a distance of 267.83 feet along and with the North right-of-way line of said of Farm-to-Market Road 529, the South line of said 417.00 acre tract and the South line of said 405.90 acre tract to the **POINT OF BEGINNING** and containing 258.8516 acres of land.

Bearing orientation and coordinates are based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD-83.

This description was prepared under 22 Texas Annotated Code 663.21 and reflects the assembly of instruments of record to describe the political boundary limits of Harris County MUD 458 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.

Dated this the 12th day of May, 2014



  
Alan M. McLain RPLS No. 4511  
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Houston, Texas 77042  
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HARRIS COUNTY MUD 458  
SECOND ANNEXATION

MAY 12, 2014  
JOB NO. 2232-00

DESCRIPTION OF A 2.0186 ACRE TRACT OF LAND SITUATED  
IN THE H. & T.C.R.R. CO. SURVEY SECTION 30 BLOCK 2  
A.R. CONNELL SURVEY ABSTRACT NO. 1388  
HARRIS COUNTY, TEXAS

**SECOND ANNEXATION TRACT 2.0186 ACRES:**

Being a 2.0186 acre tract of land situated in the H. & T.C.R.R. Co. Survey Section 30, Block 2, A.R. Connell Survey, Abstract No. 1388 of Harris County, Texas and being a portion of a called 405.90 acre tract of land described in an instrument filed for record under H.C.C.F. No. 20130236043, a portion of five (5) called 0.115 acre tracts of land as described in instruments filed for record under H.C.C.F. No. F805239, F805240, F805241, F805242 and F805243, said 2.0186 acre tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a 1/2-inch iron pipe with cap stamped "Brown & Gay" found (Control Monument) for the Southwest corner of a called 417.00 acre tract of land as described in City of Houston Ordinance 78-1448, said 417.00 acre tract also being all of that same 417.00 acre tract of land described in an instrument filed for record under H.C.C.F. No. E089687, same being the Southwest corner of said 405.90 acre tract, same being in the North right-of-way line of Farm-to-Market Road 529 (120-foot width, H.C.C.F. No. C251597);

**THENCE**, N 02° 07' 28" W, a distance of 5,180.08 feet along and with the West line of said 417.00 acre tract and said 405.90 acre tract to the **POINT OF BEGINNING** of the herein described 2.0186 acre tract;

**THENCE**, N 02° 07' 28" W, a distance of 27.41 feet to a 5/8-inch iron rod found in the South right-of-way line of Longenbaugh Road (60-foot width, as occupied, same being the Northwest corner of said called 0.115 acre tract of land described in H.C.C.F. No. F805239);

**THENCE**, N 87° 54' 03" E, a distance of 3,061.48 feet along and with the South right-of-way line of said Longenbaugh Road, the North lines of said five (5) called 0.115 acre tracts of land and the North line of said 405.90 acre tract to a 5/8-inch iron rod with aluminum Texas Department of Transportation cap stamped "ADL" (Access Denial Line) found for the North end of the Southwest cutback corner of the intersection of Grand Parkway/S.H. 99 and Longenbaugh Road, same being a West corner of a called 10.534 acre tract of land described in an instrument to Harris County filed for record under H.C.C.F. No. 20100489957;

**THENCE** the following courses and distances along and with the Easterly lines of the herein described 405.90 acre tract and the West line of said 10.534 acre tract being the West right-of-way line of Grand Parkway/S.H. 99: (Access to Grand Parkway/S.H. 99 from the herein described tract may be denied per instrument filed under H.C.C.F. No. 20100489957 and as shown on right-of-way maps and subsequent parcel acquisition maps for S.H. 99 of which the surveyor has on file.)

S 68° 00' 16" E, a distance of 56.11 feet to a 5/8-inch iron rod with aluminum Texas Department of Transportation cap found for corner and the beginning of a non-tangent curve to the left having a radius which bears N 85° 11' 28" E, 5,929.58 feet;

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In a Southerly direction, along said curve to the left, a distance of 6.56 feet, having a radius of 5,929.58 feet, a central angle of  $00^{\circ} 03' 48''$  and a chord which bears  $S 04^{\circ} 50' 26'' E$ , 6.56 feet to a point for corner;

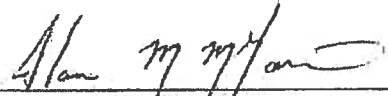
THENCE,  $S 87^{\circ} 56' 19'' W$ , a distance of 3,113.01 feet over and across said 405.90 acre tract and said five (5) called 0.115 acre tracts to the **POINT OF BEGINNING** and containing 2.0186 acres of land.

Bearing orientation and coordinates are based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD-83.

This description was prepared under 22 Texas Annotated Code 663.21 and reflects the assembly of instruments of record to describe the political boundary limits of Harris County MUD 458 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.

Dated this the 12th day of May, 2014



  
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