

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 92.03 acres of land to Harris County Municipal Utility District No. 502 (Key Map No. 406-D & 407-A)	Page 1 of 1	Agenda Item #
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date
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DIRECTOR'S SIGNATURE  Dale A. Rudick, P.E., Director	Council District affected: "ETJ" <i>rd</i>
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For additional information contact:  Carol Ellinger-Haddock, P.E. Senior Assistant Director Phone: (832) 395-2686	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 92.03 acres of land to Harris County Municipal Utility District No. 502 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 502 has petitioned the City of Houston for consent to add 92.03 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.

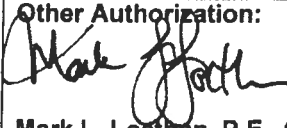
The district is located in the vicinity of Cypress Creek, Fry Road, Highway 290 and Barker Cypress Road. The district desires to add 92.03 acres, thus yielding a total of 882.75 acres. The district is served by a regional plant, Horsepen Creek Wastewater Treatment Plant. The other districts served by this plant are Harris County Municipal Utility District No. 500, and Harris County Municipal Utility District No. 501. The nearest major drainage facility for Harris County Municipal Utility District No. 502 is Horsepen Creek which flows into Langham Creek then into South Mayde Creek, into Buffalo Bayou and finally into the Houston Ship Channel.

Potable water is provided by Harris County Municipal Utility District No. 500 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.

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.

REQUIRED AUTHORIZATION		CUIC:20IPB284
LTS#14861 Finance Department	Other Authorization:	Other Authorization:  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 92.03 ACRES OF LAND INTO HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 502, 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 92.03 acres of land into **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 502**; 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

Gus

(Prepared by Legal Dept.

SOI/fg 10/16/15

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

L.D. File No. 0916000033003)

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**PETITION TO CITY OF HOUSTON
FOR ADDITION OF LAND**

The undersigned majority of the Board of Directors of Harris County Municipal Utility District No. 502, hereinafter called "District", is a municipal utility district created on August 16, 2007, pursuant to an order of the Texas Commission on Environmental Quality, heretofore duly operating under Chapters 49 and 54, Texas Water Code, and the undersigned landowners joining in this petition desire to obtain the written consent of the City of Houston, hereinafter called "City", for the addition to the District of an area of land in the total amount of 92.03 acres within the City's extraterritorial jurisdiction in accordance with Section 54.016, Texas Water Code, which land is described in Exhibit "A-1" attached hereto and made a part hereof.

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

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

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

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

The Lienholder who has consented to this petition by execution hereof is a lienholder on the land described in Exhibit "A-1", and is the only lienholder on the land to be added to and become a part of the District.

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

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

It is now estimated by those filing this petition, from such information as is available at this time, that the ultimate cost of the development contemplated will be approximately \$1,380,450.

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

Dated this 21st day of September, 2015.

HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 502

Andrew Peeples
President

Catherine Munding
Vice President

ATTEST:

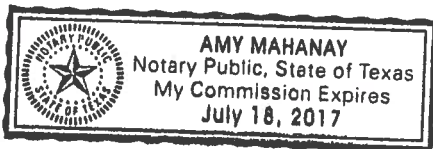
Jordan Owens
Jordan Owens
Secretary

Ann Walker
Ann Walker
Assistant Secretary

Kim Jochetz
Kim Jochetz
Director/Investment Officer

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 21st day of September, 2015, by Jordan Owens, Ann Walker
and Kim Jochetz
the directors of Harris County Municipal Utility District No. 502, on behalf of said utility district.



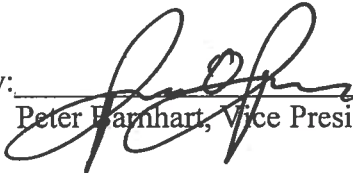
Amy Mahanay
Notary Public in and for the State of TEXAS

JOINDER OF LANDOWNER:

The undersigned owner of the land described in Exhibit "A-1" to be added to the District has joined in this petition.

CW SCOA West, L.P., a Texas Limited Partnership


By: its General Partner, CW SCOA West GP, L.L.C., a Texas Limited Liability Company

By:  _____
Peter Barnhart, Vice President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 21st day of September, 2015, by Peter Barnhart, the Vice President of CW SCOA West GP, L.L.C., a Texas limited liability company, acting in its capacity as General Partner of CW SCOA West, L.P., a Texas limited partnership.





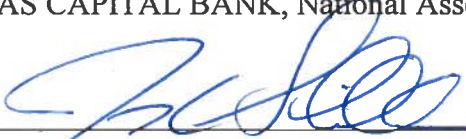
Notary Public, State of Texas

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CONSENT OF LIENHOLDER TO PETITION TO CITY:

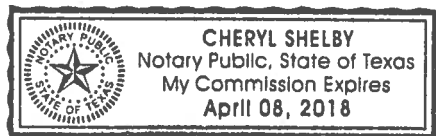
The undersigned is a lienholder of land described in Exhibit "A-1" to be added to the District and hereby consents that said land be added to and become a part of said District.

TEXAS CAPITAL BANK, National Association

By: 
Name: Jerry Schillaci
Title: Senior Vice President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 22nd September ~~of September~~ 2015, by Jerry Schillaci, the Senior Vice President of TEXAS CAPITAL BANK, National Association, on behalf of said Bank for purposes intended.



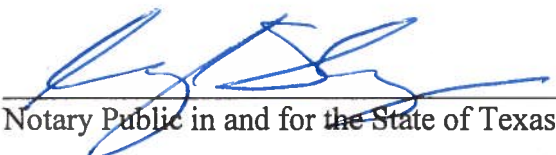

Notary Public in and for the State of Texas

EXHIBIT A-1

METES AND BOUNDS DESCRIPTION
92.03 ACRES IN THE
JAMES BREWSTER SURVEY, ABSTRACT NO. 112
HARRIS COUNTY, TEXAS

A 92.03 ACRE TRACT OF LAND SITUATED IN THE JAMES BREWSTER SURVEY, ABSTRACT NO. 112, HARRIS COUNTY, TEXAS, BEING A PORTION OF THE RESIDUE OF THAT CALLED 2015 ACRE TRACT DESCRIBED IN DEED RECORDED UNDER HARRIS COUNTY CLERK'S FILE NUMBER (H.C.C.F. NO.) Z345288,; SAID 92.03 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at the common east corner of the said James Brewster Survey and the Evan Thomas Survey, Abstract No. A-775, and being in the west line of the Wm. Francis Survey, A-260;

THENCE, South 87°18'54" West, along the common line of the said James Brewster Survey and the said Evan Thomas Survey, a distance of 3509.23 feet to a 5/8-inch iron rod with cap stamped 'Survcon' found in said common line at the southeast corner of the residue of a called 323.543 acre tract described in deed recorded in H.C.C.F. No. V488437;

THENCE, North 02°43'01" West, at a distance of 50.00 feet pass a 5/8-inch iron rod with cap stamped 'Cobb Finley' found for the southeast corner of Cypress Creek Lakes Sec. 2 Partial Replat No. 1, a subdivision of record in Film Code Number 581167 of the Harris County Map Records, continuing a total distance of 4332.96 feet to a point in the east line of a called 0.6039 acre tract described in deed to H.C.C.F. No. 20120483898 and the **POINT OF BEGINNING**;

- (1) **THENCE**, North 02°43'01" West, a distance of 1209.04 feet to a point for corner;
- (2) **THENCE**, South 73°52'23" East, a distance of 512.50 feet to a point for corner;
- (3) **THENCE**, North 16°07'37" East, a distance of 50.00 feet to a point for corner;
- (4) **THENCE**, South 73°52'23" East, a distance of 101.14 feet to a point for corner;
- (5) **THENCE**, South 73°05'31" East, a distance of 108.62 feet to a point for corner;
- (6) **THENCE**, South 73°05'40" East, a distance of 148.97 feet to a point for corner;
- (7) **THENCE**, South 84°20'25" East, a distance of 80.47 feet to a point for corner;
- (8) **THENCE**, South 85°35'55" East, a distance of 127.11 feet to a point for corner;
- (9) **THENCE**, North 85°55'03" East, a distance of 205.23 feet to a point for corner;
- (10) **THENCE**, North 82°35'29" East, a distance of 491.49 feet to a point for corner;
- (11) **THENCE**, North 78°41'45" East, a distance of 248.52 feet to a point for corner;
- (12) **THENCE**, North 64°05'00" East, a distance of 126.57 feet to a point for corner;

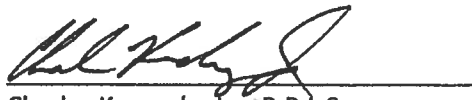
- (13) **THENCE**, North 64°06'04" East, a distance of 52.10 feet to a point for corner;
- (14) **THENCE**, North 57°35'38" East, a distance of 127.17 feet to a point for corner;
- (15) **THENCE**, North 44°59'52" East, a distance of 15.21 feet to a point for corner;
- (16) **THENCE**, North 28°28'00" East, a distance of 237.45 feet to a point for corner;
- (17) **THENCE**, North 39°12'00" East, a distance of 1667.09 feet to a point in the east line of said called 2015 acre tract;
- (18) **THENCE**, South 02°43'19" East, with the east line of said called 2015 acre tract, a distance of 4152.79 feet to a point for corner;
- (19) **THENCE**, South 87°16'41" West, a distance of 20.00 feet to a point for corner;
- (20) **THENCE**, North 02°43'19" West, a distance of 2522.72 feet to a point for corner;
- (21) **THENCE**, North 27°15'47" West, a distance of 127.01 feet to a point for corner;
- (22) **THENCE**, North 02°43'19" West, a distance of 75.06 feet to a point for corner;
- (23) **THENCE**, North 55°22'19" West, a distance of 160.00 feet to a point for corner;
- (24) **THENCE**, North 29°35'09" East, a distance of 19.57 feet to a point for corner;
- (25) **THENCE**, North 07°53'29" West, a distance of 16.14 feet to a point for corner;
- (26) **THENCE**, North 51°33'15" West, a distance of 70.42 feet to a point for corner;
- (27) **THENCE**, North 48°59'19" West, a distance of 45.69 feet to a point for corner;
- (28) **THENCE**, North 89°17'55" West, a distance of 98.31 feet to a point for corner;
- (29) **THENCE**, South 71°33'07" West, a distance of 87.14 feet to a point for corner;
- (30) **THENCE**, South 87°38'19" West, a distance of 107.97 feet to a point for corner;
- (31) **THENCE**, South 78°55'50" West, a distance of 56.56 feet to a point for corner;
- (32) **THENCE**, South 66°04'50" West, a distance of 81.26 feet to a point for corner;
- (33) **THENCE**, South 38°45'06" West, a distance of 69.52 feet to a point for corner;
- (34) **THENCE**, South 20°42'23" West, a distance of 89.23 feet to a point for corner;
- (35) **THENCE**, South 10°11'25" West, a distance of 82.01 feet to a point for corner;

- (36) THENCE, South 17°13'31" West, a distance of 89.64 feet to a point for corner;
- (37) THENCE, South 11°27'19" West, a distance of 112.51 feet to a point for corner;
- (38) THENCE, South 13°50'13" West, a distance of 80.86 feet to a point for corner;
- (39) THENCE, South 16°59'25" West, a distance of 189.89 feet to a point for corner;
- (40) THENCE, South 20°00'40" West, a distance of 96.44 feet to a point for corner;
- (41) THENCE, South 20°41'06" West, a distance of 103.92 feet to a point for corner;
- (42) THENCE, South 33°16'20" West, a distance of 140.97 feet to a point for corner;
- (43) THENCE, South 29°43'30" West, a distance of 148.46 feet to a point for corner;
- (44) THENCE, South 40°05'37" West, a distance of 146.09 feet to a point for corner;
- (45) THENCE, South 43°37'35" West, a distance of 111.91 feet to a point for corner;
- (46) THENCE, South 37°38'40" West, a distance of 101.26 feet to a point for corner;
- (47) THENCE, South 52°10'33" West, a distance of 99.26 feet to a point for corner;
- (48) THENCE, South 55°54'02" West, a distance of 202.39 feet to a point for corner;
- (49) THENCE, South 58°52'52" West, a distance of 103.38 feet to a point for corner;
- (50) THENCE, South 63°16'35" West, a distance of 224.37 feet to a point for corner;
- (51) THENCE, South 65°35'46" West, a distance of 98.31 feet to a point for corner;
- (52) THENCE, South 73°40'42" West, a distance of 158.34 feet to a point for corner;
- (53) THENCE, South 75°29'47" West, a distance of 51.79 feet to a point for corner;
- (54) THENCE, South 79°33'45" West, a distance of 149.49 feet to a point for corner;
- (55) THENCE, North 83°38'10" West, a distance of 105.00 feet to a point for corner;
- (56) THENCE, North 81°00'41" West, a distance of 115.57 feet to a point for corner;
- (57) THENCE, North 77°24'16" West, a distance of 89.20 feet to a point for corner;
- (58) THENCE, North 68°12'46" West, a distance of 180.58 feet to a point for corner;
- (59) THENCE, North 66°44'20" West, a distance of 115.50 feet to a point for corner;
- (60) THENCE, North 65°20'34" West, a distance of 139.29 feet to a point for corner;

- (61) **THENCE**, North 68°11'49" West, a distance of 171.60 feet to a point for corner;
- (62) **THENCE**, North 68°34'33" West, a distance of 255.79 feet to the **POINT OF BEGINNING** and containing 92.03 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.

EDMINSTER, HINSHAW, RUSS & ASSOCIATES, INC. d/b/a EHRA



Charles Kennedy, Jr., R.P.L.S.
Texas Registration No. 5708
10555 Westoffice Drive
Houston, Texas 77042
713-784-4500
TBPLS No. 10092300



Date: 05/20/2015
Job No: 061-062-00
File No: \\Client\RS\2006\061-060-00\docs\technical\MUDMAPS\503\HCMUD503-DE-ANNEX 92 AC.doc



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.