

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 2.942 acres of land to Northampton Municipal Utility District (Key Map No. 250-V)	Page 1 of 1	Agenda Item #
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	Origination Date	Agenda Date
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<b>DIRECTOR'S SIGNATURE</b>  Dale A. Rudick, P.E., Director	Council District affected: "ETJ" 
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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 2.942 acres of land to Northampton Municipal Utility District be approved.

**Amount and Source of Funding:**  
NONE REQUIRED

**SPECIFIC EXPLANATION:**

Northampton Municipal Utility District has petitioned the City of Houston for consent to add 2.942 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.

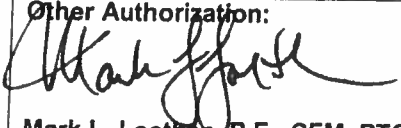
The district is located in the vicinity of Willow Creek, Creekside Forest Drive, Gosling Road and Spring Creek. The district desires to add 2.942 acres, thus yielding a total of 1,578.0093 acres. The district is served by the Northampton Municipal Utility District Wastewater Treatment Plant Facility. The other district served by this plant is Oakmont Public Utility District. The nearest major drainage facility for Northampton Municipal Utility District is Spring Creek which flows to the San Jacinto River and finally into Lake Houston.

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 # 14912	<b>REQUIRED AUTHORIZATION</b>		CUIC: 20IPB300
Finance Department	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 2.942 ACRES OF LAND TO NORTHAMPTON MUNICIPAL UTILITY DISTRICT, 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 2.942 acres of land into **NORTHAMPTON MUNICIPAL UTILITY DISTRICT**; 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

A handwritten signature in blue ink, appearing to be "Dale A. Rudick", written over a horizontal line. The signature is stylized and includes a small "DAR" monogram to the right.

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

(Prepared by Legal Dept.

SOI/fg 10/28/15

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

L.D. File No. 0919200016012)

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PETITION FOR CONSENT TO ANNEX LAND  
TO A MUNICIPAL UTILITY DISTRICT

STATE OF TEXAS           §  
COUNTY OF HARRIS       §

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

The undersigned, Northampton Municipal Utility District of Harris County, Texas (the "District"), and Big Diamond, LLC, acting pursuant to the provisions of Chapter 49, Texas Water Code, as amended, respectfully petition the City Council of the City of Houston, Texas, for its written consent to the annexation by the District of the tracts of land described by metes and bounds in Exhibit "A" attached hereto. In support of this Petition, the undersigned would show the following:

I.

The District was originally created by the Texas Legislature on June 18, 1967, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

Big Diamond, LLC holds fee simple title to the lands sought to be annexed to the District, consisting of a 2.942 acre tract, as indicated by the tax rolls of Harris County, Texas, and as described in Exhibit "A" attached hereto. There are no residents residing on the tract, and there is no lienholder.

III.

The land sought to be annexed to the District is comprised of one tract totaling approximately 2.942 acres of land, more or less, situated wholly within Harris County, Texas. No part of said tract is within the limits of any incorporated city, town or village, and no part of said tract is within the extraterritorial jurisdiction (as such term is defined in Texas Local Government Code) of any city, town or village except the City of Houston, Texas. All of the territory proposed to be annexed may properly be annexed to the District.

IV.

The lands sought to be annexed to the District are described by metes and bounds in Exhibit "A" which is attached hereto and incorporated herein for all purposes.

V.

The general nature of the work to be done in the area sought to be annexed to the District is the construction, acquisition, maintenance, and operation of a waterworks, sanitary sewer system, and drainage system for residential development.

VI.

There is, for the following reasons, a necessity for the above-described work. The area proposed to be annexed to the District is to be developed, is urban in nature, is within the growing environs of Houston, and is in close proximity to populous and developed sections of Harris County. There is not now available within the area sought to be annexed to the District an adequate waterworks, sanitary sewer and drainage systems. A public necessity exists for the annexation of the aforementioned lands to the District to provide for the purchase, construction, extension, improvement, maintenance, and operation of such waterworks, sanitary sewer and drainage systems, so as to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

This Petition shall constitute an election on the part of the Petitioners, their successors and assigns, for the aforesaid lands and any improvements which are now or may hereafter be constructed thereon to become liable for all present and future debts of the District in the same manner and to the same extent as other lands and improvements in the District are liable for the District's debts.

VIII.

The District has heretofore issued the following bonds which are currently outstanding (the "Outstanding Bonds"): \$3,435,000 Waterworks and Sewer System Unlimited Tax Bonds, Series 2006; \$1,520,000 Unlimited Tax Park Bonds, Series 2006; \$3,925,000 Unlimited Tax Bonds, Series 2010; \$6,090,000 Unlimited Tax Refunding Bonds, Series 2010; \$2,175,000 Unlimited Tax Bonds, Series 2012; \$4,320,000 Unlimited Tax Refunding Bonds, Series 2014; and \$4,460,000 Unlimited Tax Bonds, Series 2015.

IX.

The Petitioners, their successors and assigns, hereby agree that the land described in Exhibit "A" and any improvements existing or to be constructed thereon, shall be liable for its pro rata share of all voted but unissued bonds of the District which were authorized at elections held within the District on January 20, 2001, February 2, 2002, May 7, 2005, and November 6, 2012 which may hereafter be issued and sold by the District, and any future bonds authorized at elections held within the District. This Petition constitutes authorization by the Petitioners, their successors and assigns, for the Board of Directors of the District to issue and sell the remaining unissued bonds for the purposes and upon the terms and conditions such bonds were voted, in one or more issues or series, at a future date or dates when in the Board's judgment such amounts

are required for the authorized purposes, and any future bonds authorized at elections held within the District.

X.

This Petition shall further be considered the consent and authorization of the Petitioners, their successors and assigns, for all the taxable land described in Exhibit "A" and all improvements now existing or to be constructed thereon, to be taxed uniformly and equally on an ad valorem basis with all other taxable property within the District for: (1) the payment of principal and interest on the District's Outstanding Bonds; (2) the payment of principal and interest on the District's voted but unissued bonds; and (3) all other purposes for which the District may lawfully levy taxes, including the maintenance taxes authorized by the voters of the District.

XI.

The undersigned request consent to the annexation of the aforesaid lands to the District under the conditions set forth in Exhibit "B," which is attached hereto and incorporated herein for all purposes, until such time as said conditions may be changed by City ordinance or resolution, either specific or general.

XII.

The District agrees and hereby covenants that if the requested consent to the annexation of the aforesaid lands to the District is given, the District will adopt and abide by the conditions set forth in Exhibit "B" to this Petition.

XIII.

The undersigned estimate, from such information as they have at this time, that the cost to extend the District's facilities to serve the area sought to be annexed and to issue the bonds will be \$215,000.

WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City of Houston give its written consent to the annexation of the aforesaid lands to the District.

RESPECTFULLY SUBMITTED this 21st day of September, 2015.

E. C. Thomas

President, Board of Directors  
Northampton Municipal Utility District

ATTEST:

Robert W. Powrie  
Secretary, Board of Directors  
Northampton Municipal Utility District



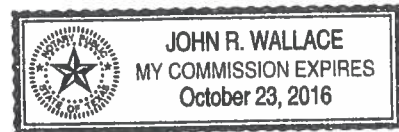
STATE OF TEXAS §  
COUNTY OF HARRIS §

BEFORE ME, the undersigned, on this day personally appeared E. C. Thomas, President of the Board of Directors of Northampton Municipal Utility District, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said District.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 21st day of September, 2015.

(SEAL)

John R. Wallace  
Notary Public, State of Texas



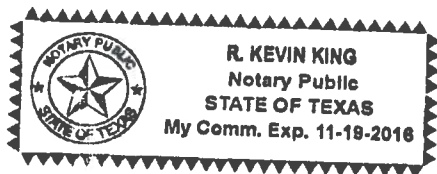
EXECUTED this 27 day of August, 2015.

BIG DIAMOND, LLC

By: *Douglas M. Miller*  
Douglas M. Miller, Vice President

STATE OF TEXAS           §  
COUNTY OF BEXAR       §

This instrument was acknowledged before me on August 27, 2015, by Douglas M. Miller, on behalf Big Diamond, LLC, in the capacity stated therein.



(SEAL)

*R. Kevin King*  
Notary Public, State of Texas

After recording, return to:  
Northampton Municipal Utility District  
c/o Bacon & Wallace, L.L.P.  
6363 Woodway Drive, Suite 800  
Houston, Texas 77057-1762

EXHIBIT "A"

2.942 ACRE  
128,168 SQUARE FEET  
JAMES COOPER SURVEY  
ABSTRACT NO. 189  
HARRIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 2.942 acre (128,168 square foot) tract of land located in the James Cooper Survey, Abstract Number 189, Harris County, Texas and said 2.942 acre tract of land being all of the called 3.046 acre tract described in the deed to James H. Alyea and wife, Sachiko Alyea, recorded under Harris County Clerk's File Number (H.C.C.F. No.) C112280, said 2.942 acre tract being more particularly described by metes and bounds as follows (The bearings described herein are oriented to the Texas Coordinate System, South Central Zone, NAD 1983.):

BEGINNING at an axle found in the east Right-of-Way (R.O.W.) line of Gosling Road (based on a width of 60 feet) recorded under Volume 3642, Page 26 of the Harris County Deed Records marking an exterior corner of the called 53.45 acre tract described in the deed to Spring Valley Golf, LLC, recorded under H.C.C.F. No. 20110078273, the northwest corner of said called 3.046 acre tract and the herein described tract;

THENCE, North 86 degrees 17 minutes 58 seconds East, departing the east R.O.W. line of said Gosling Road and along the common line of said called 53.45 acre tract and said called 3.046 acre tract, a distance of 208.76 feet, to a 1" x 2" iron bar found marking an angle in the southerly line of said called 53.45 acre tract, the northwest corner of the called 1.2092 acre tract described in the deed to El Castano, LLC, recorded under H.C.C.F. No. 20110346707, the northeast corner of said called 3.046 acre tract and the herein described tract;

THENCE, South 03 degrees 15 minutes 19 seconds East, departing said common line and along the common line of said called 1.2092 acre tract, said called 3.046 acre tract and the called 16.4743 acre tract described in the deed to El Castano, LLC, recorded under H.C.C.F. No. 20110349481, a distance of 540.86 feet, to a 1/2"-inch iron pipe found in the west line of said called 16.4743 acre tract marking the northeast corner of the remainder of a called 0.3882 acre tract described in the deed to Peggy Woodson, recorded under H.C.C.F. No. 20070673106, the southeast corner of said called 3.046 acre tract and the herein described tract;

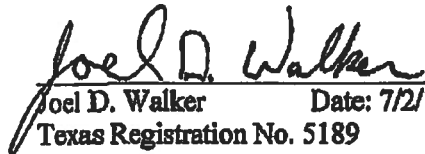
THENCE, South 87 degrees 56 minutes 19 seconds West, departing said common line and along the common line of said remainder of a called 0.3882 acre tract, said called 3.046 acre tract and the called 0.2986 acre tract described in the deed to CQ Interests, LLC, recorded under H.C.C.F. No. 20110346715, a distance of 279.40 feet, to a 5/8"-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set in the east R.O.W. line of aforesaid Gosling Road marking the beginning of a non-tangent curve to the right, the northwest corner of said called 0.2986 acre tract, the southwest corner of said called 3.046 acre tract and the herein described tract;

THENCE, in a northerly direction, along said curve to the right being the east R.O.W. line of said Gosling Road, having a radius of 1,243.24 feet, a central angle of 08 degrees 50 minutes 44 seconds (chord bears, North 05 degrees 22 minutes 46 seconds East, 191.75 feet) and an arc distance of 191.94 feet, to a 5/8-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking a point of tangency in the east R.O.W. line of said Gosling Road and the west line of the herein described tract;

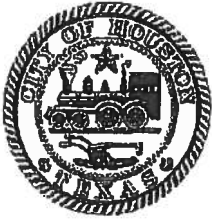
THENCE, North 09 degrees 48 minutes 08 seconds East, continuing along the east R.O.W. line of said Gosling Road, a distance of 27.28 feet, to a 5/8"-inch iron rod with orange plastic cap stamped "West Belt Surveying Inc" set marking the beginning of a tangent curve to the left in the east R.O.W. line of said Gosling Road and the west line of the herein described tract;

THENCE, in a northerly direction, along said curve to the left, continuing along the east R.O.W. line of said Gosling Road, having a radius of 1,378.53 feet, a central angle of 13 degrees 17 minutes 58 seconds (chord bears, North 03 degrees 09 minutes 09 seconds East, 319.26 feet) and an arc distance of 319.98 feet, to the POINT OF BEGINNING and containing a computed area of 2.942 acres (128,168 square feet) of land as depicted on the ALTA\ACSM Land Title Survey dated: July 2, 2014, prepared by West Belt Surveying, Inc., Project No. S342-0146A.

West Belt Surveying, Inc.  
21020 Park Row.  
Katy, Texas 77449  
(281) 599-8288

  
Joel D. Walker      Date: 7/2/14  
Texas Registration No. 5189





## **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 OF AUTHORITY

STATE OF TEXAS §
COUNTY OF BEXAR §

I, JOHN E. REINHART, the undersigned officer hereby certify that Douglas M. Miller is Vice President of Big Diamond, LLC, and that in such capacity, he executed a Petition for Addition of Certain Lands to Northampton Municipal Utility District and a Petition for Consent to Annex Land to a Municipal Utility District, and that the execution of said petitions by Douglas M. Miller, in the capacity therein stated, has been authorized, approved, ratified, and confirmed by official action of Big Diamond, LLC.

WITNESS MY HAND this 27th day of AUGUST, 2015.

BIG DIAMOND, LLC
a Texas Limited Liability Company

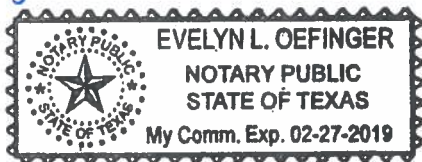
By: [Signature]
Name: JOHN E. REINHART
Title: VICE PRESIDENT

(SEAL)

STATE OF TEXAS §
COUNTY OF Bexar §

BEFORE ME, the undersigned, on this day personally appeared John E. Reinhart as Vice President of Big Diamond, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, on behalf of Big Diamond, LLC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 27th day of August, 2015.



[Signature]
Notary Public, State of Texas
Commission expires: \_\_\_\_\_

(SEAL)