

City of Houston, Texas, Ordinance No. 2014 - 936

AN ORDINANCE CONSENTING TO THE ADDITION OF 10.4433 ACRES OF LAND TO HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390, FOR INCLUSION IN ITS DISTRICT; AND DECLARING AN EMERGENCY.

* * * * *

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

Section 1. That attached to this ordinance and made a part hereof is a petition requesting the consent of the City of Houston, Texas, to the annexation of 10.4433 acres of land within the corporate boundaries of the city into **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390**; such petition is hereby granted, subject to the terms and conditions set forth herein.

Section 2. That the City 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.

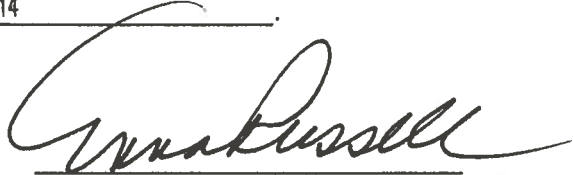
Section 3. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails 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 15th day of October, 2014.


APPROVED this _____ day of _____, 2014.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is OCT 21 2014.



City Secretary



Assistant City Attorney

(Prepared by Legal Dept.
SOI/fg 10/9/14

Requested by Dale A. Rudick, P.E., Director, Planning and Development Department
L.D. File No. 0910100012008)

G:\LAND\OMAR IZFAR\MUDS\MUDS 2014\HCMUD NO. 390_WITHIN CITY BOUNDRIES_10.4433 AC.DOC

AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

2

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: OCT 21 2014

PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

City Park South, LP, being the holder of title to all of, and therefore, a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Harris County, Texas ("Landowner"), and Harris County Municipal Utility District No. 390 ("District") (Landowner and District hereinafter called "Petitioner"), acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petition for consent to include additional land in a municipal utility district. In support of this petition, Petitioner shows as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, as amended and was created by order of the Texas Commission on Environmental Quality dated February 13, 2003. Landowner is the sole owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Harris County, Texas. Landowner represents and warrants that the lienholders consenting to this petition below are the only holders of liens against the land sought to be annexed.

II.

The land sought to be added to the District contains approximately 10.4433 acres of land, more or less, and lies wholly within Harris County, Texas. Under the provisions of Vernon's Texas Civil Statutes, Local Government Code, Section 42.001 et seq., as amended, said area is within the corporate limits of the City of Houston and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

The land sought to be added to the area of the District is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

IV.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal, domestic and commercial purposes;
- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
- (3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area;
- (4) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law and as allowed by the City of Houston pursuant to Exhibit "B", as amended as reflected in Exhibit "C" and Exhibit "D", all attached hereto, or as the conditions reflected therein may be amended or modified by the City of Houston from time to time;
- (5) design, acquire, construct, finance and issue bonds for roads, under the authority of Article III, Section 52 of the Texas Constitution and Chapter 54 of the Texas Water Code, as amended and as allowed by the City of Houston pursuant to Exhibit "B" as amended as reflected in Exhibit "C" and Exhibit "D", all attached hereto, or as the conditions reflected therein may be amended or modified by the City of Houston from time to time ("Road Powers"), as, if, and when required; and
- (6) to provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created and permitted under state law.

V.

The area of the District is urban in nature, is within the growing environs of the City of Houston, and is in close proximity to populous and developed sections of Harris County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Therefore, there is a necessity for the improvements described above for the following reasons:

- (1) The land sought to be added to the District is not supplied with adequate water and sanitary sewer facilities and services, or with adequate drainage facilities nor is it presently economically feasible for such facilities to be added to said land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District, and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the land sought to be added to the District.

(2) The present and future inhabitants of the District, the land sought to be added to the District, and of territories adjacent thereto require recreational facilities, as same are necessary and desirable for the health and well-being of such inhabitants. The land sought to be added to the District does not currently include adequate recreational facilities.

(3) The present and future inhabitants of the District, the land sought to be added to the District and of territories adjacent thereto require adequate road facilities, as same are necessary and desirable for the health and welfare of such inhabitants, and for the orderly growth of residential and commercial development within the area and territories adjacent thereto. Road Powers are of necessity to the land within the District and the land sought to be added to the District as such powers will allow the District to construct, acquire, improve, and provide financing for road facilities that may not otherwise be constructed in a manner that will proactively address safety, capacity, durability, economic feasibility, and regional mobility issues.

A public necessity exists for the addition of said lands to the District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the purchase, construction, extension, improvement, maintenance and operation of a water supply and sanitary sewer system, drainage facilities, recreational facilities (if allowed by applicable law), and road facilities.

VI.

The Petitioner agrees and hereby covenants that if the requested consent to the annexation of the land to the District is given, the Petitioner will adopt and abide by the conditions set forth in Exhibit "B", Exhibit "C", and Exhibit "D" attached hereto and incorporated herein for all purposes.

VII.


It is now estimated by the Petitioner from such information as is available at this time, that the amount of bonds necessary to be issued to finance development costs contemplated within the area proposed to be annexed will be approximately \$435,000.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Houston give its consent to the annexation of the aforesaid land into said District.

Dated this the 29 day of MAY, 2014.


CITY PARK SOUTH, LP, a Texas
limited partnership

By: KanTex Capital Corporation, its
general partner

By: 
John F. Sutter
President

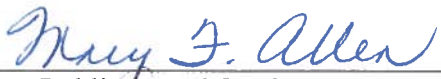
"Petitioner"

Attest:

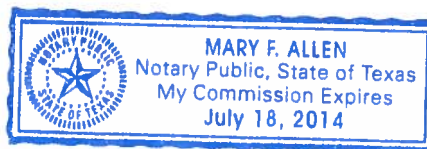
By: 
Peter Sutter
Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 29 day of May, 2014, by John F. Sutter, President of KanTex Capital Corporation, a Texas corporation and the sole general partner of City Park South, LP, a Texas limited partnership, on behalf of said entities.


Notary Public in and for the
State of Texas

(SEAL)



Dated this the 16th day of April, 2014.

HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 390

By: *A.W. Roark, Jr.*
Name: A.W. Roark, Jr.
Title: President, Board of Directors

ATTEST:

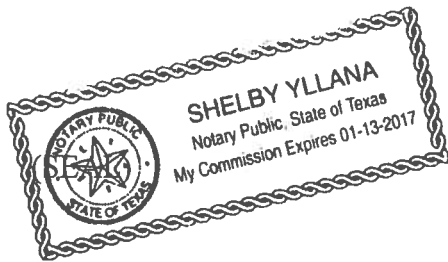
By: *Mark Witcher*
Name: Mark Witcher
Title: Secretary, Board of Directors

(SEAL)



THE STATE OF TEXAS §
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COUNTY OF HARRIS §

This instrument was acknowledged before me on this 16th day of April, 2013, by A.W. Roark, Jr., the President of HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390, on behalf of said district.



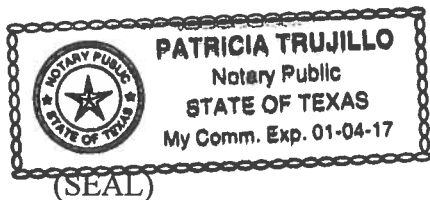
[Signature]
Notary Public in and for the
State of Texas

The undersigned, being the holders of liens against the property described in the foregoing Petition for Consent to Include Additional Land in Harris County Municipal Utility District No. 390 hereby acknowledge and consent to said Petition.

Joyce Neiger
Joyce Niger a/k/a Joyce Neiger

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this 21st day of June, 2014, by Joyce Niger a/k/a Joyce Neiger.

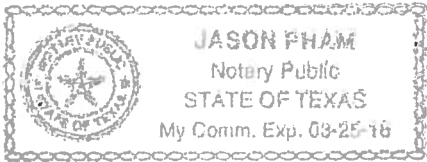


Patricia Trujillo
Notary Public in and for the
State of TEXAS

Beverly Edelman
Beverly Edelman

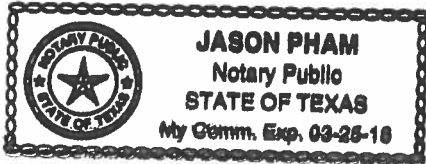
THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this 23rd day of June, 2014, by Beverly Edelman.



Jason Pham
Notary Public in and for the
State of TEXAS

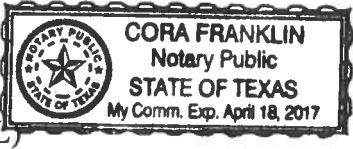
(SEAL)



Erwin J. Lack
Erwin J. Lack

THE STATE OF TEXAS §
 §
COUNTY OF VICTORIA §

This instrument was acknowledged before me on this 30th day of June, 2014,
by Erwin J. Lack.

(SEAL) 

Cora Franklin
Notary Public in and for the
State of TEXAS

Melvin Lack

Melvin Lack, Individually and as Independent
Executor of the Estate of David B. Lack, Deceased

THE STATE OF TEXAS §
 §
COUNTY OF VICTORIA §

This instrument was acknowledged before me on this 9 day of July, 2014,
by Melvin Lack, individually and as Independent Executor of the Estate of David B. Lack,
Deceased.

Jacqueline W Dick
Notary Public in and for the
State of TEXAS

(SEAL)



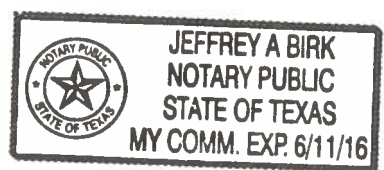
Gayle Cannon
Gayle Cannon

THE STATE OF TEXAS §
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COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 23rd day of June, 2014,
by Gayle Cannon.

Jeffrey A. Birk
Notary Public in and for the
State of TEXAS

(SEAL)

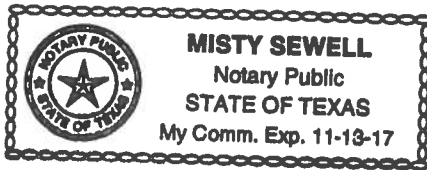


Michele Gibson
Michele Gibson

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this 27th day of June, 2014,
by Michele Gibson.

(SEAL)



Misty Sewell
Notary Public in and for the
State of TEXAS

THE GAYLE CANNON 1993 TRUST

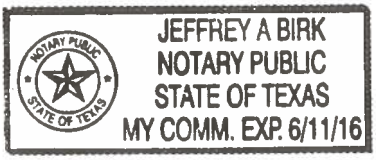
By: Gayle Cannon
Gayle Cannon, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 23rd day of June, 2014,
by Gayle Cannon, as Trustee of the Gayle Cannon 1993 Trust.

Jeffrey A Birk
Notary Public in and for the
State of TEXAS

(SEAL)

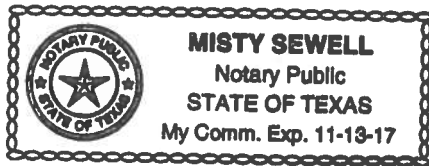


THE MICHELE GIBSON 1993 TRUST

By: Michele Gibson Trustee
Michele Gibson, Trustee

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this 27th day of June, 2014,
by Michele Gibson, as Trustee of the Michele Gibson 1993 Trust.



Misty Sewell
Notary Public in and for the
State of TEXAS

(SEAL)

330762_1



Exhibit A

Windrose Land Services, Inc
3200 Wilcrest, Suite 325
Houston, Texas 77042
Phone (713) 458-2281 Fax (713) 461-1151

Professional Development Consultants
Land Surveying, Platting, Project Management and GIS Services
Firm Registration No. 10108800

DESCRIPTION OF 10.4433 ACRES OR 454,912 SQ. FT.

A TRACT OR PARCEL OF LAND CONTAINING 10.4433 ACRES OR 454,912 SQUARE FEET, BEING THE REMAINDER OF A CALLED 11.1379 ACRE TRACT OF LAND RECORDED IN THE NAME OF BEVERLY EDELMAN AND JOYCE NIGER, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. F661153, SITUATED IN THE J. HAMILTON SURVEY, A-886, HARRIS COUNTY COUNTY, TEXAS, WITH SAID 10.4433 ACRE TRACT DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83:

BEGINNING AT A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET ON THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 288 (R.O.W. VARIES), MARKING THE SOUTHEAST CORNER OF A CALLED 176.2182 ACRE TRACT RECORDED IN THE NAME OF GBF/LIC 288, LTD., AS RECORDED UNDER H.C.C.F. NO. V031953, AND THE NORTHEAST CORNER OF SAID 11.1379 ACRE TRACT AND THE HEREIN DESCRIBED TRACT, FROM WHICH A 5/8 INCH IRON ROD FOUND BEARS FOR REFERENCE SOUTH 30 DEG. 06 MIN. WEST, A DISTANCE OF 1.2 FEET, ALSO FROM WHICH A 5/8 INCH IRON ROD FOUND DISTURBED BEARS FOR REFERENCE SOUTH 05 DEG. 24 MIN. WEST, A DISTANCE OF 5.0 FEET, AND ALSO FROM WHICH A CONCRETE MONUMENT FOUND BEARS FOR REFERENCE SOUTH 00 DEG. 53 MIN. WEST, A DISTANCE OF 10.4 FEET;

THENCE, ALONG THE WEST R.O.W. LINE OF SAID STATE HIGHWAY NO. 288, SOUTH 01 DEG. 47 MIN. 40 SEC. EAST, A DISTANCE OF 1,144.52 FEET TO A CONCRETE MONUMENT FOUND MARKING AN ANGLE POINT;

THENCE, CONTINUING ALONG THE WEST R.O.W. LINE OF SAID STATE HIGHWAY NO. 288, SOUTH 04 DEG. 23 MIN. 31 SEC. WEST, A DISTANCE OF 410.09 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET MARKING THE NORTHEAST CORNER OF A CALLED 0.7203 ACRE TRACT RECORDED IN THE NAME OF THE CITY OF HOUSTON, AS RECORDED UNDER H.C.C.F. NO. Y301076, AND AN EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

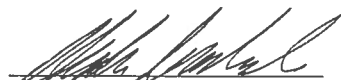
THENCE, DEPARTING SAID WEST R.O.W. LINE OF SAID STATE HIGHWAY NO. 288, ALONG THE NORTH LINE OF SAID 0.7203 ACRE TRACT, SOUTH 87 DEG. 25 MIN. 45 SEC. WEST, A DISTANCE OF 169.81 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "COSTELLO" FOUND MARKING THE NORTHWEST CORNER OF SAID 0.7203 ACRE TRACT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE WEST LINE OF SAID 0.7203 ACRE TRACT, SOUTH 01 DEG. 40 MIN. 08 SEC. EAST, A DISTANCE OF 193.43 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "COSTELLO" FOUND AND A CAPPED 5/8 INCH IRON ROD STAMPED "CARTER BURGESS" FOUND MARKING THE SOUTHWEST CORNER OF SAID 0.7203 ACRE TRACT, THE NORTHWEST CORNER OF A CALLED 1.9692 ACRE TRACT RECORDED IN THE NAME OF THE CITY OF HOUSTON, AS RECORDED UNDER H.C.C.F. NO. W610448, AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE COMMON LINE OF THE SOUTH LINE OF SAID 11.1379 ACRE TRACT AND THE NORTH LINE OF A CALLED 0.329 ACRE TRACT (TRACT III) RECORDED IN THE NAME OF 288 INVESTMENT COMPANY, INC., AS RECORDED UNDER H.C.C.F. NO. L485068, SOUTH 87 DEG. 27 MIN. 40 SEC. WEST, A DISTANCE OF 79.42 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE NORTHWEST CORNER OF SAID 0.329 ACRE TRACT, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 1 INCH PINCH TOP PIPE FOUND BEARS FOR REFERENCE SOUTH 79 DEG. 08 MIN. 47 SEC. WEST, A DISTANCE OF 5.5 FEET;

THENCE, ALONG THE WEST LINE OF SAID 11.1379 ACRE TRACT, NORTH 01 DEG. 31 MIN. 15 SEC. WEST, A DISTANCE OF 1744.29 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" FOUND ON THE SOUTH LINE OF SAID 176.2182 ACRE TRACT, MARKING THE NORTHWEST CORNER OF SAID 11.1379 ACRE TRACT AND THE HEREIN DESCRIBED TRACT;

THENCE, ALONG THE SOUTH LINE OF SAID 176.2182 ACRE TRACT AND THE NORTH LINE OF SAID 11.1379 ACRE TRACT, NORTH 87 DEG. 15 MIN. 31 SEC. EAST, A DISTANCE OF 285.53 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10.4433 ACRES OR 454,912 SQUARE FEET OF LAND, AS SHOWN ON SURVEY, JOB NO. 50034-10.4433 ACRES, PREPARED BY WINDROSE LAND SERVICES, INC.


MIKE KURKOWSKI
R.P.L.S. NO. 5101
STATE OF TEXAS



01-27-14
DATE

EXHIBIT 6

STANDARD CONDITIONS APPLICABLE TO CREATION OF CONSERVATION AND RECLAMATION DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF HOUSTON, TEXAS

(a) DEFINITIONS. As used in this document, the following terms and phrases shall have the following meanings:

(1) "BONDS" means bonds, notes, warrants or any other forms or types of indebtedness payable from or secured by any funds to be raised through the taxing power of the District or the operation of the District's utility facilities.

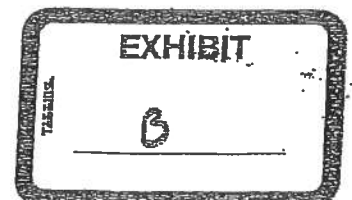
(2) "BUILDING OFFICIAL" means the Director of the Department of Public Works and Engineering of the City of Houston, Texas, or his designee.

(3) "CITY" means the City of Houston, Texas.

(4) "CITY ATTORNEY" means the City Attorney of the City of Houston, Texas.

(5) "CONDITIONS" means this document which is entitled "Standard Conditions Applicable to Creation of Conservation and Reclamation Districts within the Corporate Limits of the City of Houston, Texas."

(6) "DAILY BOND BUYER" means the publication entitled the Daily Bond Buyer or, should it cease to be published, such other publication as is determined by the City to have an index substantially equivalent to the Daily Bond Buyer's weekly "20 Bond Index."



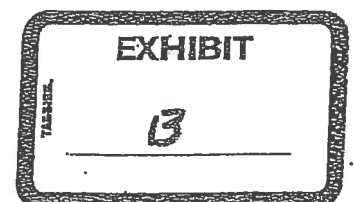
(7) "DISTRICT" means the conservation and reclamation district which has been created subject to and which has adopted the Conditions.

(8) "FIRE SUPPRESSION FACILITIES" means facilities, equipment and water supply designed or utilized for performing fire fighting services which, under the provisions of state law, may be financed through the issuance of the District's Bonds, and includes, without limitation, buildings, trucks, equipment and water supply facilities.

(9) "PARKS LAND" means real property, and interests therein, which, because of location, character or other reason is suited for use as a public park.

(10) "STORM WATER DRAINAGE FACILITIES" means facilities designed or utilized for the primary purpose of collecting, storing, detaining, pumping, transporting or disposing of storm water, and includes, without limitation, storm sewers, detention ponds and drainage ditches.

(11) "WASTEWATER FACILITIES" means facilities designed or utilized for the purpose of collecting, conveying, pumping, treating or disposing of wastewater and by-products of wastewater treatment and includes, without limitation, sewer lines, sewer mains, wastewater pumping stations, wastewater lift stations, wastewater treatment plants, and sludge handling facilities.



(12) "WATER WORKS FACILITIES" means facilities designed or utilized for producing, storing, conveying, metering, pumping, or treating fresh water, and includes, without limitation, water lines, water mains, pipes, meters, wells, chlorinators, canals, pumps, and treatment plants.

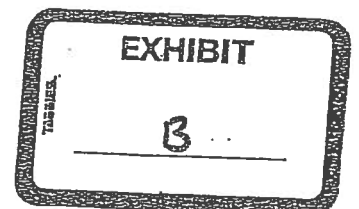
(b) BONDS

(1) Before the District or any person acting for or on behalf of the District sells or offers to sell any Bonds of the District, the undersigned proponents will cause a duplicate of the Conditions to be approved, ratified, and executed by the governing body and officers of the District, and will deliver or cause to be delivered to the office of the City Attorney at least one executed copy of the document by which such approval and ratification is evidenced.

(2) The District shall not issue any Bonds unless the purpose for which the proceeds of such Bonds may be used is limited to one or more of the following and no others:

A. purchasing or constructing or otherwise acquiring;

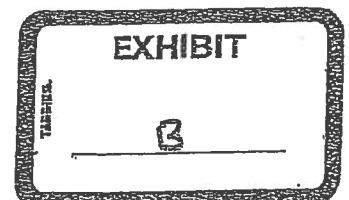
- (i) Water Works Facilities,
- (ii) Wastewater Facilities,
- (iii) Storm Water Drainage Facilities,
- (iv) Fire Suppression Facilities,
- (v) Park Land,



B. purchasing or constructing or otherwise acquiring interests in real property, equipment, buildings, plants or structures necessary or incidental to the operation of Water Works Facilities, Wastewater Facilities, Storm Water Drainage Facilities or Fire Suppression Facilities.

(3) The District shall not sell or issue any Bonds unless:

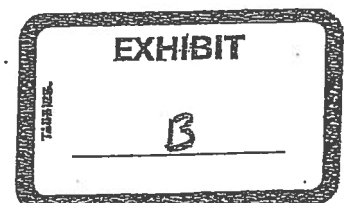
- A. the terms of such Bonds expressly provide that the District reserves and shall have the right to redeem the Bonds on any interest payment date subsequent to the 15th anniversary of the date of issuance, without premium;
- B. the Bonds are sold after the taking of public bids therefor;
- C. none of such Bonds, other than refunding Bonds, are sold for less than 95% of par;
- D. 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, does not exceed two percent 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 bids for the Bonds will be received not more than forty-five days after notice of sale of the Bonds is given;

E. the resolution or order authorizing the issuance of the District's Bonds contains a provision that any pledge of the revenues from the operation of the District's utility facilities to the payment of debt service on the Bonds will terminate when and if the City takes over the assets of and assumes all of the obligations of the District;

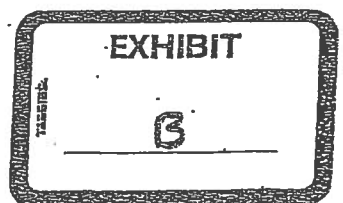
F. the terms of sale or issuance of the Bonds have been submitted to and approved, in writing, by the Building Official, provided, however, that if the Building Official fails to approve or disapprove the terms of the sale or issuance of any Bonds within 45 days after receipt by the City of a written application for approval, the sale or issuance of the Bonds shall be deemed to be approved and the conditions contained herein with respect to the approval shall be deemed to have been complied with;



G. if the proceeds of the Bonds or a portion of the proceeds of the Bonds are intended to finance Fire Suppression Facilities or Parks land, the District has submitted a detailed capital plan for such facilities to the City and in the case of Fire Suppression Facilities; the plan has been approved in writing by the City's Fire Chief, or in the case of Park Land, the plan has been approved in writing by the Director of the City's Department of Parks and Recreation; provided, however, that if the City's Fire Chief or the Director of the City's Department of Parks and Recreation, to whom a detailed capital plan has been submitted for approval, fails to approve or disapprove the terms of the plan within 45 days after receipt by the City of a written application for approval, the plan shall be deemed to be approved and the conditions contained herein with respect to the approval shall be deemed to have been complied with.

(c) APPROVAL OF PLANS AND SPECIFICATIONS

(1) Prior to the commencement of any construction within the District, the District or any affected landowners or developers shall submit to the Building Official complete and

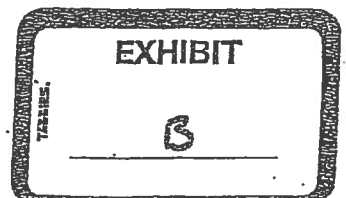


accurate copies of all plans and specifications for the construction of any Water Works Facilities, Wastewater Facilities, Storm Water Drainage Facilities, or Fire Suppression Facilities.

(2) The District shall not commence or permit the commencement of any construction within the District until such plans and specifications have been approved in writing by the Building Official.

(3) The District shall not install, cause to be installed, allow to be installed, or cause or allow the use of any water wells, water meters, fire hydrants, valves, pipes, water service lines, sewer service lines, wastewater lift stations or pump stations, wastewater treatment facilities or other physical utility facilities or appurtenance thereto unless such facilities comply in all particulars with the standard plans and specifications used and maintained by the City, at the time approval is requested, for specifying the design and construction of its own utility facilities.

(4) At least 20 days prior to the construction or installation of any Water Works Facilities, Wastewater Facilities, Storm Water Drainage Facilities, or Fire Suppression Facilities which are or will be owned or operated by or on behalf of the District or which will be in any way connected to or operated with any of the District's utility facilities the District or its agent shall give written



notice, by registered or certified mail, to the Building Official stating the date that such construction is to be commenced.

(5) The District shall permit the Building Official to make such reasonable on-site inspections as he deems necessary during the construction and installation of such facilities.

(6) All construction within the District, including construction undertaken by or on behalf of the District, must be in compliance with the City's Building Code and any other applicable ordinances. The District shall not provide utility service to any structure within the City which has not been constructed in compliance with the City's Building Code.

(d) OPERATION OF CERTAIN DISTRICT FACILITIES

(1) In the event the District retains control and operations of District facilities, the District shall comply with the requirements of state and federal law governing the operation of Wastewater Facilities, Water Works Facilities and Storm Drainage Facilities.

(2) In the event the District retains control and operation of District facilities, the District shall allow, permit and assist the agents of the City to make reasonable periodic inspections of the District's Wastewater Facilities and the District shall deliver to the City's chief public health official at least one copy of any written report concerning the operation or maintenance of its Wastewater Facilities which is failed with any state or federal agency.

EXHIBIT

B.

(e) ADDING OR EXCLUDING LAND

The District shall not annex, disannex or otherwise add or delete any land to or from the District unless it first receives approval from the City by motion, resolution or ordinance of the City's city council.

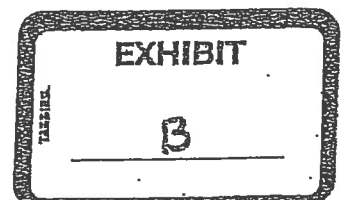
(f) SUBDIVISION AND PLATS

The District shall not provide any form of water, wastewater or storm water drainage service, directly or indirectly to any land within or without the District unless prior to the initiation of service to such land a subdivision plat or development plat has been filed with and finally approved by the City Planning Commission of the City of Houston and, in the case of a subdivision plat, the plat has been filed in the real property records of the county in which the subdivided land is located.

(g) CONTRACTS

(1) All contracts, agreements or other undertakings for personal or professional services or supplies, entered into by the District, shall provide, that in the event the District is abolished by the City, the City shall have the unilateral right to terminate such contracts, agreements or other undertakings effective on or after the date of abolition.

(2) The District shall not enter into any contract, agreement or other undertaking which would or might obligate the District in an amount in excess of \$50,000, unless the contract is first approved by the Building Official, or unless



the contract, agreement or undertaking is payable solely from the proceeds of Bonds approved by the City provided, however, that if the Building Official fails to approve or disapprove a contract, agreement or other undertaking, for which his approval is required, within 60 days after receipt by the City of a written application for approval, the contract, agreement or other undertaking shall be deemed to be approved and the District shall be authorized to enter into the contract, agreement or other undertaking.

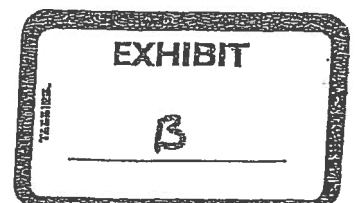
(3). The District shall not enter into any contract which contains any provision, other than the one described in (1), above, which is or becomes effective upon the annexation or abolition of the District by the City.

(h) RECORDS AND INSPECTIONS

The District shall allow, permit and assist the agents of the City to make reasonable inspections of the books and records of the District and shall deliver to the City, each year, at least one copy of any financial report or reports submitted to the State of Texas or any department or agency thereof.

(i) NOTICE TO PROPERTY OWNERS

The District shall provide written notice to property owners within the District on an annual basis, that property located within the District was developed subject to a Utility Allocation Agreement which conveyed certain rights and responsibilities upon



the District and the City, and further shall advise the property owner that such agreement or agreements are available for inspection by the property owner at all reasonable times at a location specified by the District.

(j) AMENDMENTS

After creation of the District the Conditions applicable to the District may only be amended by an ordinance or ordinances of the City and no City officer or official is authorized or empowered to vary or waive the terms of the Conditions absent such amendment.

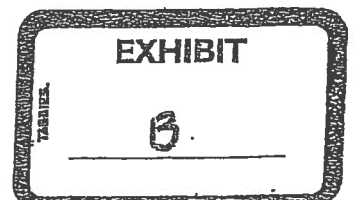


Exhibit C

City of Houston, Texas, Ordinance No. 2010 - 580

AN ORDINANCE AUTHORIZING HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390 TO ISSUE BONDS FOR CERTAIN ROAD FACILITIES AND RECREATIONAL FACILITIES SUBJECT TO CERTAIN TERMS AND CONDITIONS; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, by Ordinance No. 2002-763, the City of Houston, Texas, consented to the creation of Harris County Municipal Utility District No. 390 (the "District"), a conservation and reclamation district, within the corporate limits of the City; and

WHEREAS, the consent of the City to the creation of the District was subject to the "Standard Conditions Applicable to Creation of Conservation and Reclamation Districts within the Corporate Limits of the City of Houston, Texas," which were adopted by the City Council on December 19, 1984, by Resolution No. 84-103 (the "In-City Consent Conditions"); and

WHEREAS, the In-City Consent Conditions have the effect of prohibiting the District from acquiring certain road powers, as provided by Section 54.234 of the Texas Water Code; and

WHEREAS, the In-City Consent Conditions do not permit the District to issue its bonds for the road facilities it could finance under Section 54.234 of the Texas Water Code; and

WHEREAS, the In-City Consent Conditions do not permit the District to issue its bonds for any recreational facilities other than Park Land; and

WHEREAS, subsequent to the adoption of the In-City Consent Conditions, amendments to the Texas Constitution and related statutes have been passed that authorize certain conservation and reclamation districts, including the District, to issue bonds for road facilities and recreational facilities; and

WHEREAS, the City Council, on February 15, 2006, by Ordinance No. 2006-160, amended the standard conditions for City consent to the creation of conservation and reclamation districts within the City's extraterritorial jurisdiction to allow these districts to issues bonds for road and recreational facilities, but did not amend the In-City Consent Conditions; and

WHEREAS, the Texas Commission on Environmental Quality adopted an Order on August 21, 2007, approving the District's request to acquire road powers in accordance with Section 54.234 of the Texas Water Code; and

WHEREAS, the Board of Directors of the District has submitted a Petition For Road Utility District and Recreational Facilities Powers to the City, attached hereto as Exhibit "A," requesting the City to consent to the District's issuance of bonds for the purpose of purchasing, constructing or otherwise acquiring certain road and recreational facilities; and

WHEREAS, the City Council finds that it is in the best interest of the residents of the City, and particularly those who live in the District, to allow the District to issue bonds for acquisition of certain road and recreational facilities as allowed by law; **NOW, THEREFORE**,

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 issuance by the District of bonds for the purpose of purchasing, constructing or otherwise acquiring certain road and recreational facilities; such petition is hereby granted, subject to the following terms and conditions:

- A. Bonds for purchase, construction or other acquisition of road facilities can be issued only for:
 - 1. Those portions of West Orem Drive and Kirby Drive identified in Exhibit "B" attached hereto and incorporated herein, which are currently designated as major thoroughfares of the Major Thoroughfare and Freeway Plan (the "MTFP"); and
 - 2. The portions of City Park Central Lane identified in Exhibit "B", which are not currently designated as a collector street or major thoroughfare on the MTFP, if they are designated as a collector street or a major thoroughfare on a future MTFP.
- B. 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 representatives, all plans and specifications for the construction of road facilities and related improvements to serve the District and obtain the approval of such plans and specifications

therefrom. All 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 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 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. Notwithstanding anything to the contrary in this subsection B, the City acknowledges and agrees that those portions of the roads described in subsection A of this Section 1 that have been constructed or are under construction as of the effective date of this Ordinance comply with the plan approval requirements of this subsection and no further plan approvals (other than approvals required for changes made in the plans after the effective date of this Ordinance) are required, provided that the construction shall otherwise comply with this subsection.

- C. 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 ("HPARD") and shall submit a copy of the certification and the plans and specifications for such recreational facilities (other than plans and specifications for those fencing and landscaping components of recreational facilities that were constructed or under construction prior to the effective date of this Ordinance for which plans were not prepared prior to the effective date of this Ordinance) to the Director of the City of Houston Parks and Recreation Department. After commencement of construction of any recreational facility, the District shall provide a report each calendar quarter to the Director of HPARD that identifies for each recreational facility its street address, key map location number, the acreage of the facility and the type of facilities provided. After completion of a recreational facility, the District shall provide the report annually.

Section 2. That all conditions of the City's consent to the creation of the District reflected in Ordinance No. 2002-763 shall continue in full force and effect, except as modified by Section 1 of this Ordinance.

Section 3. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the

City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't Code Ann., ch. 551; and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. 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 14th day of July, 2010.

APPROVED this _____ day of _____, 2010.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUL 20 2010.

Conrad Russell
City Secretary

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: JUL 20 2010

(Prepared by Legal Dept. Deborah F. Alford) *dw*
 (DFM:dfm3/11/10) Senior Assistant City Attorney
 (Requested by Michael S. Marcotte, P.E., DEE, Director, Public Works and Engineering
 Department)
 (L.D. File No. 0910100012005)
 G:\LANDMUDs\Road Powers\HarrisCountyNo390Final.doc

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
	ABSENT	JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
	ABSENT	RODRIGUEZ
✓		COSTELLO
	ABSENT	LOVELL
✓		NORIEGA
✓		BRADFORD
✓		JONES
CAPTION	ADOPTED	

EXHIBIT "A"

PETITION FOR ROAD UTILITY DISTRICT
AND RECREATIONAL FACILITIES POWERS

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

Harris County Municipal Utility District No. 390 (the "District"), acting pursuant to § 54.016, V.T.C.A. Water Code, as amended, respectfully petitions for consent to issue bonds for the purpose of purchasing, constructing, or otherwise acquiring road facilities and recreational facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary land, rights-of-way, easements, sites, equipment, buildings, structures and facilities therefor, and, as and if appropriate, to operate and maintain same and would respectfully show the following:

I.

The District was organized, created and established as a conservation and reclamation district by an Order of the Texas Commission on Environmental Quality dated February 13, 2003, pursuant to the provisions of Chapter 54, V.T.C.A. Water Code, as amended, and the provisions of Article XVI, Section 59, of the Texas Constitution, and currently operates pursuant to Chapter 49 and Chapter 54, V.T.C.A. Water Code, as amended.

II.

The District is within the corporate limits of the City of Houston. The City of Houston has previously granted its consent to the creation of the District pursuant to City of Houston, Texas, Ordinance No. 2002-763 ("Ordinance"), which Ordinance sets forth the terms and conditions upon which the District may issue bonds.

III.

Amendments to the Texas Constitution and related statutes authorize certain districts, including the District, to issue bonds for road facilities and recreational facilities.

IV.

The District's Petition for Road Utility District Powers to the Texas Commission on Environmental Quality ("Commission") pursuant to §54.234, V.T.C.A. Water Code, as amended, and in accordance with the requirements set forth in Title 30, Texas Administrative Code, §293.202, as amended, has been filed with the Commission.

V.

The area of the District is urban in nature, is within the growing environs of the City of Houston, Texas and is in close proximity to populous and developed sections of Harris County. The District's area has experienced and will continue to experience a substantial and sustained residential and commercial growth. Therefore, there is a necessity for road and recreational facilities for the following reasons:

(1) The current and future inhabitants of the area and of territories adjacent thereto require adequate road facilities, as same are necessary and desirable for the health and welfare of such inhabitants, and for the orderly growth of residential and commercial development within the area and territories adjacent thereto. The power to issue bonds for road facilities will be of benefit to the District and to the land within the District as such power will allow the District to construct, acquire, improve, and provide financing for road facilities in a manner which will proactively address safety, capacity, durability, economic feasibility, and regional mobility issues in light of the following factors: (1) growth and development of the District over time; (2) population increases in the District and surrounding areas over time; and (3) traffic flow as residents of the District and the surrounding master planned community travel to and from the City of Houston and other destinations via West Orem Drive, Kirby Drive and City Park Central Lane. The power to issue bonds for road facilities will allow the District to construct, acquire, improve, and provide financing for road facilities that are deemed favorable to the District and to serve the master planned community and other areas, but that otherwise would not be constructed at this time.

(2) The current and future inhabitants of the area and of territories adjacent thereto require recreational facilities, as same are necessary and desirable for the health and well-being of such inhabitants. The District's area does not currently include adequate recreational facilities within its boundaries.

VI.

A preliminary investigation has been made to determine the cost of the road and recreational facilities and it is now estimated by the District, from such information as is available at this time, that the cost of the road facilities will be approximately \$3,800,000 and the cost of the recreational facilities will be approximately \$3,000,000.

WHEREFORE, Petitioner respectfully prays that this Petition be granted in all respects and that the City of Houston give its written consent to the District's issuance of bonds for road and recreational facilities.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

RESPECTFULLY SUBMITTED and effective this 16th day of May, 2007.

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390

By: A.W. Roark, Jr.
President
Board of Directors

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 16th day of May, 2007, by A.W. (Don) Roark, Jr., President of Harris County Municipal Utility District No. 390, a political subdivision of the State of Texas..

Miranda K. Jones
Notary Public in and for
the State of Texas

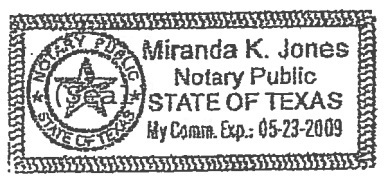
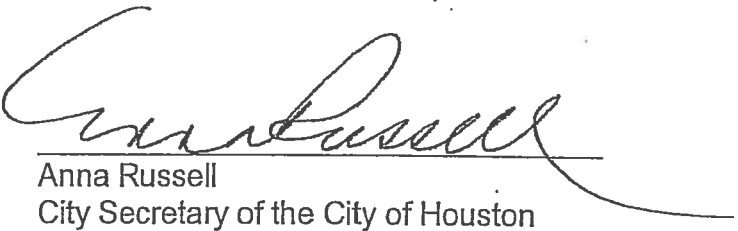


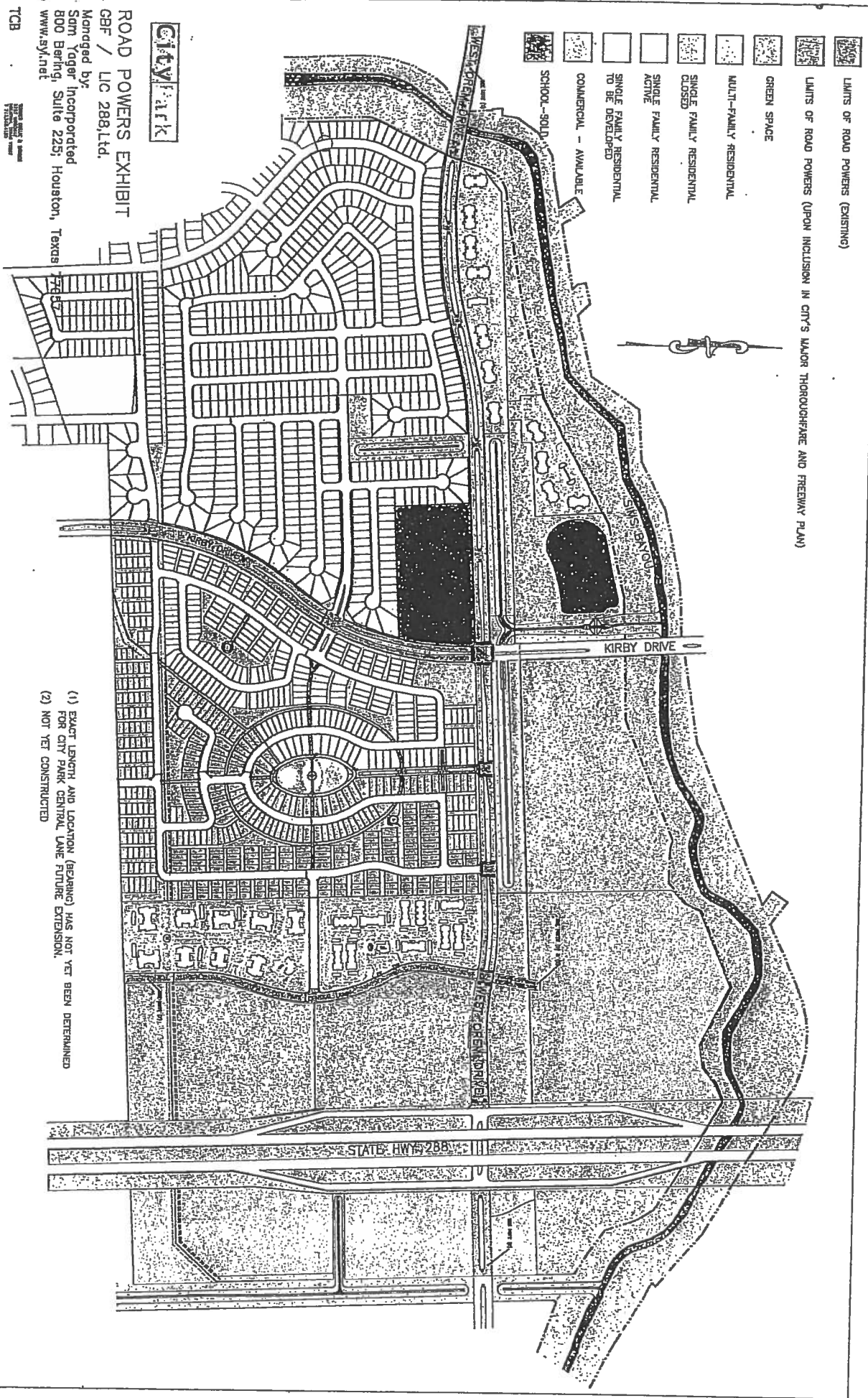
EXHIBIT "B"

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance 2010-580 passed and adopted by the City Council of said City on the 14th day of July, 2010, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 2nd day of August, 2010.



Anna Russell
City Secretary of the City of Houston



City Park

ROAD POWERS EXHIBIT
 GBF / LIC 288, Ltd.

Managed by:
 Sam Yager Incorporated
 800 Berling, Suite 225; Houston, Texas
 www.syl.net

TGB

(1) EXACT LENGTH AND LOCATION (BEGINNING) HAS NOT YET BEEN DETERMINED FOR CITY PARK CENTRAL LANE FUTURE EXTENSION.
 (2) NOT YET CONSTRUCTED

Exhibit D

City of Houston, Texas Ordinance No. 2013-1005

AN ORDINANCE AMENDING ORDINANCE NO. 2010-580 AUTHORIZING HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390 TO ISSUE BONDS FOR CERTAIN ROAD FACILITIES PAYABLE FROM REVENUES OTHER THAN ITS AD VALOREM TAXES SUBJECT TO CERTAIN TERMS AND CONDITIONS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, by Ordinance No. 2002-763, the City of Houston, Texas (the "City") consented to the creation of Harris County Municipal Utility District No. 390 (the "District"), a conservation and reclamation district, within the corporate limits of the City; and

WHEREAS, the consent of the City to the creation of the District was subject to the "Standard Conditions Applicable to Creation of Conservation and Reclamation Districts within the Corporate Limits of the City of Houston, Texas," which were adopted by the City Council on December 19, 1984, by Resolution No. 84-103 (the "In-City Consent Conditions"); and

WHEREAS, by Ordinance No. 2010-580 (the "Modification Ordinance") the City modified the In-City Consent Conditions applicable to the District to permit the District to issue its bonds for the purposes of purchasing, constructing or otherwise acquiring recreational facilities and certain specific road facilities; and

WHEREAS, the Modification Ordinance limits the issuance of bonds by the District for road facilities to only (i) certain portions of West Orem Drive and Kirby Drive as more specifically described therein then designated as major thoroughfares of the City and (ii) certain portions of City Park Central Lane only if thereafter designated by the City as a collector street or major thoroughfare of the City's Major Thoroughfare and Freeway Plan; and

WHEREAS, the In-City Consent Conditions have the effect of prohibiting the District from issuing bonds, as defined therein, payable from or secured by any source other than funds to be raised through the taxing power of the District or the operation of the District's utility facilities; and

WHEREAS, the City has established or will establish an economic development program (the "Program") pursuant to Chapter 380 of the Texas Local Government Code ("Chapter 380") and has entered into or will enter into two agreements (the "Agreements") with the District to implement the Program pursuant to which the District will issue bonds to be paid from revenues derived

from the City rather than from the District's ad valorem taxing power for the construction of road facilities and other public improvements; and

WHEREAS, the road facilities to be constructed or acquired by the District are different from the road facilities the City authorized the District to construct or acquire pursuant to the Modification Ordinance; and

WHEREAS, the City Council finds that it is necessary to the implementation of the Program, and is in the best interest of the residents of the City, including those who live in or will live the District, to modify the limitations set forth in the Modification Ordinance in order to allow the District to construct, purchase or otherwise acquire road facilities as described herein in order to facilitate and improve regional mobility within and adjacent to the boundaries of the District and within the corporate limits of the City which will result in a positive economic impact, including diversification of the economy, elimination of unemployment and underemployment through the creation and retention of new jobs, the attraction of new businesses and the retention and growth of the ad valorem tax revenues within the City, all as consistent with the Program; and

WHEREAS, the City Council finds that, for the reasons set forth above, it is also in the best interest of the residents of the City, including those who live in the District, to allow the District to issue bonds payable from or secured by revenues derived through the Program in addition to bonds payable through the taxing power of the District or the operation of the District's utility facilities; **NOW, THEREFORE,**

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

Section 1. That Paragraph 1 of Subsection A of Section 1 of Ordinance No. 2010-580 is hereby amended to read as follows:

"A. Bonds for purchase, construction or other acquisition of road facilities and related improvements can be issued only for:

1. those roads and other related improvements identified as 'Public Improvements' in one or more agreements (and as may be amended from time to time) between the City and the District entered into pursuant to one or more economic development programs established by the City under Chapter 380 of the Texas Local Government Code including, without limitation, that portion of City Park Central Lane south of West Orem Drive to Alameda-Genoa;
2. the portion of City Park Central Lane and related improvements north of West Orem Drive to its terminus, provided that any Bonds issued for this purpose will not be financed with revenues received

by the District pursuant to a Chapter 380 economic development program established by the City; and

3. those streets identified as 'major collectors' or 'major thoroughfares' on the then-current Major Thoroughfare and Freeway Plan of the City and related improvements."

Section 2. That notwithstanding any provisions of the In-City Consent Conditions or the Modification Ordinance to the contrary, the District is authorized to issue its Bonds payable from or secured by revenue paid to the District pursuant to one or more agreements (and as may be amended from time to time) between the City and the District entered into pursuant to one or more economic development programs established by the City under Chapter 380 of the Texas Local Government Code with said Bonds to be issued under the same terms and conditions as set forth in Section (b)(3) of the In-City Consent Conditions relating to the issuance of Bonds.

Section 3. That all conditions of the City's consent to the creation of the District reflected in Ordinance No. 2002-763 and Ordinance No. 2010-580 shall continue in full force and effect, except as modified by this Ordinance.

Section 4. 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 6th day of November 2013.

APPROVED this _____ day of _____, 2013.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is NOV 12 2013



City Secretary

(Prepared by Legal Department *DEBORAH ALBEE pm*
 (DFM:dfm 9/25/2012 Senior Assistant City Attorney)
 (Requested by Andrew F. Icken, Chief Development Officer, Office of the Mayor)
 (L.D. File No. 0341200021001)

AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		BROWN
✓		DAVIS
✓		COHEN
✓		ADAMS
✓		MARTIN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		BURKS
		ABSENT DUE TO BEING ILL
✓		NORIEGA
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	