

AN ORDINANCE CONSENTING TO THE ADDITION OF 6.3964 ACRES OF LAND TO FOREST HILLS 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 6.3964 acres of land into **FOREST HILLS 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 5th day of November, 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 NOV 11 2014.


City Secretary


Assistant City Attorney

(Prepared by Legal Dept.
SOI/fg 9/29/14

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

L.D. File No. 0910300001004)

G:\LAND\OMAR IZFAR\MUDS\MUDS 2014\FOREST HILLS MUD_6.3964.

| 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: NOV 11 2014

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, Forest Hills Municipal Utility District of Harris County, Texas (the "District") and 10 Forestwood, Ltd., a Texas limited partnership, (the "Owner"), 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 tract of land described by metes and bounds in Exhibit "A," attached hereto. (District and Owners are hereinafter sometimes referred to as the "Petitioners.") In support of this petition, the undersigned would show the following:

I.

The District was originally created by act of the Texas Water Commission on October 2, 1974, and is governed by the provisions of Chapters 49 and 54, Texas Water Code.

II.

Owner holds fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of Harris County, Texas. There are no lien holders on such Property.

III.

The land sought to be annexed to the District is comprised of a tract totaling 6.3964 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 either 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 land sought to be annexed to the District is 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 and drainage system for residential purposes.

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 as a single family residential property, 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 system. 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 system, 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 Owner, its successors and assigns, for the aforesaid land 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"): \$65,000 Unlimited Tax Bonds, Series 2005; \$2,400,000 Unlimited Tax Bonds Series 2010 and \$3,220,000 Unlimited Tax Refunding Bonds, Series 2013.

IX.

The Owner, its 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 August 13, 1977, April 7, 1984, and November 5, 2013 and which may hereafter be issued and sold by the District. This Petition constitutes authorization by the Owner, its 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.

X.

This Petition shall further be considered the consent and authorization of the Owner, its 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 land 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 land 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 \$356,300.00.

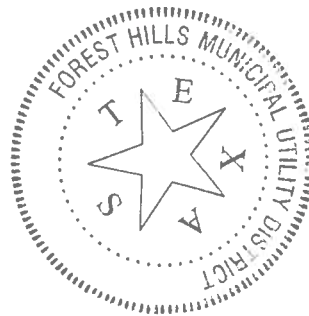
WHEREFORE, the undersigned respectfully pray that this petition be heard and granted in all respects and that the City of Houston give its written consent to the annexation of the aforesaid land to the District.

RESPECTFULLY SUBMITTED this 1st day of May, 2014.

President, Board of Directors
Forest Hills Municipal Utility District

ATTEST:

Secretary, Board of Directors
Forest Hills Municipal Utility District



(SEAL)

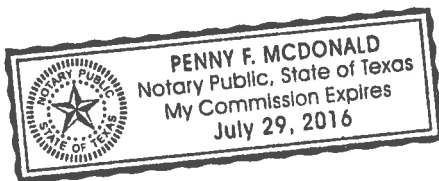
STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned, on this day personally appeared David W. Valentine, as President of the Board of Directors of Forest Hills 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 1st day of May, 2014.

Notary Public, State of Texas

(SEAL)



EXECUTED this 2nd day of April, 2014.

10 Forestwood, Ltd.
a Texas limited partnership

By: [Signature]
Name: Joe Fogarty
Title: President

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on April 2, 2014, by Joe Fogarty, President of 10 Forestwood, Ltd., a Texas limited partnership, in the capacity stated therein.



[Signature]
Notary Public, State of Texas

(SEAL)

EXHIBIT A

FOREST HILLS
MUNICIPAL UTILITY DISTRICT
HARRIS COUNTY, TEXAS

PROPOSED ANNEXATION TRACT
6.3964 ACRES

6.3964 acres of land situated in the William W. Anderson Survey, Abstract Number 1630, Harris County, Texas, being all of that certain called 6.3964 acres of land described in deed and recorded in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number E231502, said 6.3964 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the most Southerly Southeast corner of Forest Hills Municipal Utility District;

Thence, N 00°01'09" E, a distance of 2329.04 feet to a point for corner;

Thence, N 89°58'51" W, a distance of 194.82 feet to the POINT OF BEGINNING of the herein described tract of land;

Thence, N 89°58'51" W, 579.47 feet to a point for corner;

Thence, N 00°01'09" E, 121.55 feet to a point for corner;

Thence, N 89°58'51" W, 47.77 feet to a point for corner;

Thence, N 00°01'09" E, 353.42 feet to a point for corner;

Thence, S 89°58'51" E, 381.77 feet to a point for corner;

Thence, S 00°01'09" W, 54.95 feet to a point for corner;

Thence, S 89°58'51" E, 245.47 feet to a point for corner;

Thence, S 00°01'09" W, 420.02 feet to the POINT OF BEGINNING and containing 6.3964 acres of land.

BEARING ORIENTATION BASED ON THE DISTRICT BOUNDARY MAP FOR FOREST HILLS MUNICIPAL UTILITY DISTRICT, DATED DECEMBER 2008.

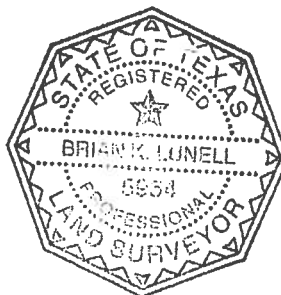
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHT AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED:

TRACT BEING SHOWN ON MAP OF FOREST HILLS MUNICIPAL UTILITY DISTRICT

HOVIS SURVEYING COMPANY

By: 

Date: August 26, 2013
Job No: 05-069-68
AEI Proj. No.: 070-071-001
File No: A05-069.68D
Revised: September 4, 2013



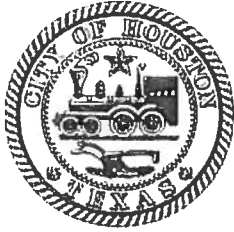


EXHIBIT "B"

(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.