

AN ORDINANCE CONSENTING TO THE ADDITION OF 54.695 ACRES OF LAND TO NORTHPOINTE WATER CONTROL AND IMPROVEMENT 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 54.695 acres of land into **NORTHPOINTE WATER CONTROL AND IMPROVEMENT 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.

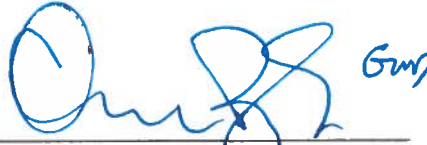
APPROVED this ____ day of _____, 2014.

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 10/14/14

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

L.D. File No. 091100005004)

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

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: NOV 11 2014

PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN
NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

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

Northpointe Development Partners, Ltd., a Texas limited partnership, 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 NorthPointe Water Control and Improvement District ("District") (Landowner and District hereinafter called "Petitioner"), acting pursuant to the provisions of Section 51.714, Texas Water Code, as amended, respectfully petition for consent to include additional land in a water control and improvement 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 51, Texas Water Code, as amended and was created by order of the Texas Water Commission, predecessor to the Texas Commission on Environmental Quality dated May 28, 1986. 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 lienholder consenting to this petition below is the only holder of liens against the land sought to be annexed.

II.

The land sought to be added to the District contains approximately 54.695 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 extraterritorial jurisdiction 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) gather, conduct, divert and control local storm water or other harmful excesses of water in the area; and
- (2) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and
- (3) 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 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 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.

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 drainage facilities and recreational facilities (if allowed by applicable law).

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" 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 \$2,300,000.

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 26th day of August, 2014.

NORTHPOINTE DEVELOPMENT PARTNERS,
LTD., a Texas limited partnership

By: NORTHPOINTE DEVELOPMENT PARTNERS
GP, INC., a Texas corporation,
its General Partner

By: [Signature]
Name: Kurt Adkins
Title: V.P.

Petitioner

Attest:

By: [Signature]
Name: Robert Wanninger
Title: Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 26th day of August, 2014, by Kurt Adkins, V.P. of NORTHPOINTE DEVELOPMENT PARTNERS GP, INC., a Texas corporation and the General Partner of NORTHPOINTE DEVELOPMENT PARTNERS, LTD., a Texas limited partnership, on behalf of said entities.



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

NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT

By: Larry Koepplinger
Larry Koepplinger
Vice President, Board of Directors

By: [Signature]
Eric T. Thomas
Secretary, Board of Directors

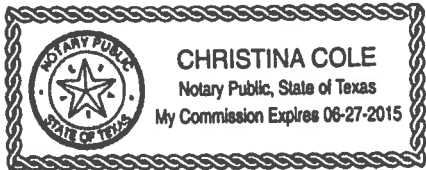


THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 16th day of July, 2014, by Larry Koepplinger the Vice President of NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT, on behalf of said district.

Christina Cole
Notary Public in and for the
State of Texas

(SEAL)



The undersigned, being the holder of liens against the property described in the foregoing Petition for Consent to Include Additional Land in NorthPointe Water Control and Improvement District hereby acknowledges and consents to said Petition.

INTERNATIONAL BANK OF COMMERCE,
a Texas state banking corporation

By: _____
Name: Jeff Samples
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on this 27th day of August, 2014, by Jeff Samples, President of International Bank of Commerce, a Texas state banking corporation, on behalf of said corporation, for the purposes and in the capacity set forth in this instrument.



(SEAL)

Notary Public in and for the
State of TEXAS

Attest:

By: Natalie M. Fox
Name: Natalie M. Fox
Title: VP

340722_1

Exhibit A
METES AND BOUNDS DESCRIPTION
NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT
ANNEXATION TRACT
54.695 ACRES
HARRIS COUNTY, TEXAS
Revised June 16, 2014

All that certain 54.695 acre tract of land located in the Houston Tap & Brazoria Railroad Company (H.T.&B.R.R. Co.) Survey Section Three, Abstract Number 472, in Harris County, Texas, further being all of a called 54.695 acre tract of land as described in a conveyance to Northpointe Development Partners, Ltd., a Texas limited partnership, by a General Warranty Deed recorded under Harris County Clerk's File (H.C.C.F.) Number 20120461726, and being more particularly described by metes and bounds as follows: (All bearings are referenced the Plat of Partial Replat of WESTBOURNE, SECTION ONE, a Subdivision as shown on the Plat thereof recorded in Volume 316, Page 49 of the Harris County Map Records (H.C.M.R.))

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found at a point in the west line of a called 951.44 acre tract of land described in a Special Warranty Deed to Northpointe Development Partners, Ltd recorded in Clerk's File Number T327174 of the Official Public Records of Real Property in Harris County, Texas (O.P.R.R.P.H.C.T.) for the southeast corner of the herein described tract;

THENCE, along the south line of said 54.695 acre tract and along the north line of VILLAGE OF INDIAN TRAILS SEC. 4, a Subdivision of record in Film Code Number 576086 of the H.C.M.R., South 88 Degrees 07 Minutes 35 Seconds West, a distance of 1,070.68 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found in the east line of that certain called 11.22938 acre tract of land described in a Deed to Lawrence Dossman recorded in Clerk's File Number N823970 of the O.P.R.R.P.H.C.T. for the northwest corner of Lot 1, in Block 4, of said Village of Indian Trails Sec. 4 and the southwest corner of the herein described tract;

THENCE, North 01 Degree 41 Minutes 48 Seconds West, along the west line of said 54.695 acre tract, a distance of 1,133.71 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found in a northwesterly barb-wire fence line at an angle point;

THENCE, North 57 Degrees 33 Minutes 02 Seconds West, continuing along the west line of said 54.695 acre tract, a distance of 635.61 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found at an angle point;

THENCE, North 01 Degrees 41 Minutes 48 Seconds West, continuing along the west line of said 54.695 acre tract, at a distance of 382.67 feet pass a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found for reference and continue, in all, a distance of 432.67 feet to the centerline of Faulkey Gully, a Harris County Flood Control District Stream (Unit Number K 142-00-00), and the northwest corner of the herein described tract, same being in the south line of that called 10.000 acre tract of land described in a General Warranty Deed to Jesus Beltran recorded in Clerk's File Number S164976 of the O.P.R.R.P.H.C.T.;

Northpointe Water Control and Improvement District

Annexation Tract

54.695 Acres

Revised June 16, 2014

THENCE, downstream along the meanders of the centerline of said Faulkey Gully the following eight (8) courses;

- 1) North 85 Degrees 00 Minutes 56 Seconds East, a distance of 85.24 feet to a point;
- 2) North 81 Degrees 56 Minutes 12 Seconds East, a distance of 237.54 feet to a point;
- 3) South 88 Degrees 09 Minutes 55 Seconds East, a distance of 210.50 feet to a point;
- 4) North 88 Degrees 28 Minutes 59 Seconds East, a distance of 427.80 feet to a point;
- 5) North 89 Degrees 12 Minutes 10 Seconds East, a distance of 201.83 feet to a point;
- 6) South 88 Degrees 57 Minutes 22 Seconds East, a distance of 241.56 feet to a point;
- 7) South 85 Degrees 18 Minutes 30 Seconds East, a distance of 165.33 feet to a point;
- 8) South 84 Degrees 20 Minutes 59 Seconds East, a distance of 12.74 feet to a point in the west line of the remainder of that certain called 372.3609 acre tract of land, Tract 4, described in a Special Warranty Deed to Lennar Homes of Texas Land and Construction, Ltd. doing business as Friendswood Development Company recorded in Clerk's File Number 20100535987 of the O.P.R.R.P.H.C.T. at the northeast corner of the herein described tract, same being the southeast corner of that called 9.9474 acre tract of land described in a Warranty Deed with Vendor's Lien to William G. Odle recorded in Clerk's File Number R404428 of the O.P.R.R.P.H.C.T.;

THENCE, along the east line of said 54.695 acre tract and the west line of the remainder of said 372.3609 acre tract, South 02 Degrees 13 Minutes 38 Seconds East, at a distance of 22.48 feet pass the southwest corner of the remainder of said 372.3609 acre tract and the northwest corner of the remainder of said 951.44 acre tract, at a distance of 50.00 feet pass a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR" found for reference and continue, in all, a distance of 1,902.10 feet to the **POINT OF BEGINNING** and containing 54.695 acres of land.

This description was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision(s) for which it was prepared and is issued in conjunction with a map entitled "ANNEXATION TRACT 54.695 ACRES NORTHPOINTE WATER CONTROL AND IMPROVEMENT DISTRICT" prepared by BENCHMARK ENGINEERING CORPORATION, Job Number 02054-00.



Saib Y. Saour, R.P.L.S.
Texas Registration No. 3540
TBPLS Firm Registration Number 10009000

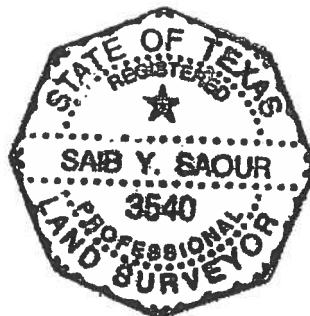




EXHIBIT "B"

(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.