

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: That Council approve an Ordinance allowing the City of Houston to enter into a Development Agreement with Pacific Indio Properties, L.L.C. regarding the area in Montgomery County MUD 118	Category #	Page 1 of 1	Agenda Item # 46
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FROM (Department or other point of origin): Planning and Development	Origination Date December 4, 2012	Agenda Date December 12, 2012
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DIRECTOR'S SIGNATURE: <i>Margaret A. Brown</i>	Council District affected: E
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For additional information contact: Margaret Wallace Brown Phone: 713-837-7826	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
That Council approve an Ordinance allowing the City of Houston to enter into a Development Agreement with Pacific Indio Properties, L.L.C. regarding the area in Montgomery County MUD 118

Amount and Source of Funding: N/A	Finance Budget:
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Pacific Indio Properties is owner of a large tract of land located near the vicinity of US 59 and Townsen Road, in Montgomery County. The property consists of approximately 5,300 acres, 875 of which is located within the City of Houston, in five separate utility districts. The developer plans to create a master planned mixed use development on this territory. The fact that this property falls both inside and outside the City limits make the financing of such a development problematic. The Planning Department believes it is in the long-term best interest of the city to encourage the development while preserving the right to annex the development into the City limits as soon as economically viable.

In order to facilitate the development and provide for the potential annexation of the entire development into the City of Houston, the Planning & Development Department, in concert with the Mayor's Office of Economic Affairs and the Department of Public Works and Engineering, has negotiated a Developer Agreement that sets forth to a process involving the following steps:

The agreement identifies two areas that will be considered for disannexation. They include MC MUD No. 118 in its entirety (approximately 875 acres) as well as a 21 acre parcel owned by the developer but located outside the MUD. Both parcels are currently undeveloped and meet the statutory requirements for disannexation. Prior to the disannexation, the Developer will provide:

- A resolution in support of executing a strategic partnership agreement by the District, which will provide for the possible future general purpose annexation of the District, and
- a restrictive covenant, filed in the real property records, restricting the construction of levees in District 118.

The agreement states that, following disannexation, the City may consent to the creation of MC MUD No. 118 and to the annexation of a 21 acre parcel into the newly formed District.

This Developer Agreement lays out the process and precedent requirements in order for the City to consider the above listed steps, none of which may be accomplished without Council approval. It does not require that any of these items be placed on the Council agenda, nor does it require any specific actions by City Council.

This item was presented to the Housing, Sustainable Growth and Development Committee on December 5, 2012. The Planning and Development Department recommends approval of an ordinance allowing the City to enter into a Development Agreement with Pacific Indio Properties, L.L.C.

cc: Marta Crinejo Sameera Mahendru
David Feldman Omar Izfar
Anna Russell Jessica Dennis

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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City of Houston, Texas Ordinance No. 2012-1056

AN ORDINANCE APPROVING AND AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND PACIFIC INDIO PROPERTIES LLC IN THE VICINITY OF SPRING CREEK WEST OF HIGHWAY 59, WITHIN AND NEAR THE PROPOSED MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

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

Section 1. The City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 2. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 3. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

Section 4. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that 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 12th day of December, 2012.

APPROVED this _____ day of _____, 2012.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is DEC 18 2012.


 City Secretary

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(Prepared by Legal Dept. *Simeon Pagan Mahendru*)
 Senior Assistant City Attorney

(Requested by Planning and Development)
 (L.D. File No. 0611200045001)

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AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		BROWN
✓		DAVIS
✓		COHEN
✓		ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		LASTER
✓		GREEN
✓		ABSENT-ON PERSONAL BUSINESS COSTELLO
✓		ABSENT-OUT OF CITY ON PERSONAL BUSINESS BURKS
✓		ABSENT-OUT OF CITY ON PERSONAL BUSINESS NORIEGA
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
 REVIEW DATE: DEC 18 2012