

City of Houston, Texas, Ordinance No. 2014-1045

AN ORDINANCE CONSENTING TO THE CREATION OF MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118; 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 creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118**, consisting of 860.526 acres of land within the extraterritorial jurisdiction of the City; 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.

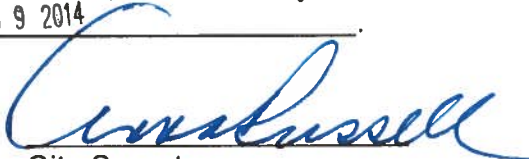
Section 3. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails 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 3rd day of December, 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 DEC 09 2014.


City Secretary

 *Quip*
Assistant City Attorney

(Prepared by Legal Dept.
SOI/fg 11/12/14

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

L.D. File No. 0910600055002)

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

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: **DEC 09 2014**

PETITION FOR CONSENT TO CREATION
OF A MUNICIPAL UTILITY DISTRICT

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §
 §
CITY OF HOUSTON §

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

The undersigned, hereinafter called "Petitioner" (whether one or more), being the holder of title to a majority in value of the lands hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Montgomery County, Texas, acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petitions for consent to the creation of a municipal utility district, hereinafter called "District". In support of this petition for consent to creation of the District, Petitioner shows as follows:

I.

The name of the District will be MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118.

II.

The area of the land to be included in the District contains 860.526 acres, more or less, and lies wholly within Montgomery County, Texas. All of said area is within the corporate limits of the City of Houston and is not within the corporate limits or extraterritorial jurisdiction of any other city; however, on July 3, 2012, Petitioner submitted to the City of Houston a Petition for Exclusion From Corporate Limits of said area such that, upon the City of Houston's grant of said exclusion petition, the area will be within the extraterritorial jurisdiction of the City of Houston. Petitioner hereby certifies that there are no holders of liens against the land to be included in the District.

III.

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

IV.

The District will be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapter 49 and Chapter 54 of the Texas Water Code, as amended. The purposes of and the general nature of the work proposed to be done by the District 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 uses, domestic uses 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 local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction and interest during construction;

(4) establish, finance, provide, operate and maintain a fire department and/or fire-fighting services ("firefighting facilities") within the District subject to approval of the Texas Commission on Environmental Quality pursuant to its rules and Chapter 49 of the Texas Water Code, as amended, as and if required;

(5) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and

(6) 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 ("Road Powers"), as, if, and when required; and

(7) 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 Montgomery 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 District's area is not supplied with adequate water and sanitary sewer facilities and services, or with adequate drainage facilities. The health and welfare of the future

inhabitants of the area and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the area of the District.

(2) The 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.

(3) The 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. Road powers may be of necessity to the District and to the land within 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.

(4) The future inhabitants of the area and of territories adjacent thereto may require fire-fighting facilities in order to supplement or supplant fire-fighting services otherwise provided by governmental entities other than the District, as fire-fighting services are necessary and desirable for the health and welfare of such inhabitants.

A public necessity exists for the organization of such 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), road facilities, and, subject to the laws of the State of Texas and the rules of the Texas Commission on Environmental Quality, fire-fighting facilities.

VI.

The Petitioner agrees and hereby covenants that if the requested consent to the creation of the District is given, the Petitioner will adopt and abide by, and will cause the District upon its final creation to 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 those filing this petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$46,890,000 for water, sewer and drainage facilities, \$11,830,000 for roads, and \$6,840,000 for recreational facilities.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

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

Dated this 15 day of August, 2012.

PACIFIC INDIO PROPERTIES, L.L.C.,
a Texas limited liability company

By: [Signature]
BASSAM BARAZI
President

"PETITIONER"

Attest:

By: [Signature]
TONY RAZZOUK
Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 15 day of August, 2012, by BASSAM BARAZI, the President of PACIFIC INDIO PROPERTIES, L.L.C., a Texas limited liability company, on behalf of said company.

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



Exhibit A

**METES AND BOUNDS DESCRIPTION
PROPOSED MONTGOMERY COUNTY MUNICIPAL
UTILITY DISTRICT NUMBER 118
860.526 NET ACRES
37,484,513 SQUARE FEET
MONTGOMERY COUNTY, TEXAS
October 20, 2006**

All that certain 875.426 acre (38,133,574 square feet) parcel of land situated in the Joseph A. Parker Survey, Abstract Number 418, in Montgomery County, Texas, and being a portion of that certain call 2,086.441 acre tract described in a Warranty Deed to Pacific Indio Properties, Inc. recorded in Montgomery County Clerk's File (M.C.C.F.) Number 2005-116973 of the Official Public Records of Real Property at Montgomery County, Texas (O.P.R.R.P.M.C.T), and being all of that certain call 347.750 net acres described in a Warranty Deed to Pacific Indio Properties in M.C.C.F. Number 2006-026099 of the O.P.R.R.P.M.C.T, **SAVE AND EXCEPT** that certain call 14.9 acres described in a deed to the City of Houston in Volume 287, Page 22, of the M.C.D.R. and resulting in a net acreage of 860.526 acres (37,484,513 square feet), said 875.426 acre tract being more particularly described by metes and bounds as follows: (All bearings are referenced to the Texas State Plane Coordinate System, South Central Zone)

COMMENCING at a 90d nail found for an interior corner of said 2,086.441 acre tract and the northwest corner of said 347.750 acre tract;

THENCE, generally along a barbed wire fence line marking the occupied southerly line of said 2,086.441 acre tract and the occupied northerly line of said 347.750 acre tract, the following three (3) courses:

- 1) North 76 Degrees 42 Minutes 28 Seconds East, a distance of 1,639.86 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." found for an angle point;
- 2) North 77 Degrees 50 Minutes 35 Seconds East, a distance of 1,494.90 feet to a 5/8-inch iron rod with plastic cap stamped "BENCHMARK ENGR." found for an angle point;
- 3) North 73 Degrees 20 Minutes 40 Seconds East, a distance of 896.00 feet to the intersection of the north line of said 347.570 acre tract and the west bank of the West Fork of the San Jacinto River for the **POINT OF BEGINNING** of the herein described tract;

THENCE, southerly, with the meanders of the west bank of the West Fork of the San Jacinto River, the following fifty-five (55) courses:

- 1) South 13 Degrees 34 Minutes 14 Seconds West, a distance of 16.30 feet;
- 2) South 09 Degrees 53 Minutes 26 Seconds East, a distance of 133.74 feet;
- 3) South 16 Degrees 38 Minutes 15 Seconds East, a distance of 73.61 feet;
- 4) South 19 Degrees 31 Minutes 13 Seconds East, a distance of 116.98 feet;
- 5) South 32 Degrees 54 Minutes 28 Seconds East, a distance of 145.16 feet;

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- 6) South 38 Degrees 38 Minutes 20 Seconds East, a distance of 103.32 feet;
- 7) South 41 Degrees 57 Minutes 28 Seconds East, a distance of 118.10 feet;
- 8) South 54 Degrees 00 Minutes 34 Seconds East, a distance of 129.83 feet;
- 9) South 55 Degrees 39 Minutes 23 Seconds East, a distance of 110.71 feet;
- 10) South 66 Degrees 53 Minutes 44 Seconds East, a distance of 73.22 feet;
- 11) South 72 Degrees 25 Minutes 29 Seconds East, a distance of 88.16 feet;
- 12) South 65 Degrees 50 Minutes 00 Seconds East, a distance of 65.94 feet;
- 13) South 79 Degrees 17 Minutes 56 Seconds East, a distance of 92.74 feet;
- 14) South 78 Degrees 35 Minutes 31 Seconds East, a distance of 79.11 feet;
- 15) South 58 Degrees 09 Minutes 49 Seconds East, a distance of 56.76 feet;
- 16) South 88 Degrees 59 Minutes 24 Seconds East, a distance of 70.62 feet;
- 17) South 54 Degrees 16 Minutes 32 Seconds East, a distance of 41.79 feet;
- 18) South 78 Degrees 54 Minutes 47 Seconds East, a distance of 69.93 feet;
- 19) North 59 Degrees 26 Minutes 39 Seconds East, a distance of 59.52 feet;
- 20) South 71 Degrees 42 Minutes 48 Seconds East, a distance of 70.58 feet;
- 21) South 70 Degrees 36 Minutes 57 Seconds East, a distance of 57.20 feet;
- 22) South 82 Degrees 34 Minutes 32 Seconds East, a distance of 43.73 feet;
- 23) North 85 Degrees 40 Minutes 02 Seconds East, a distance of 75.16 feet;
- 24) North 67 Degrees 42 Minutes 24 Seconds East, a distance of 47.81 feet;
- 25) South 85 Degrees 01 Minute 45 Seconds East, a distance of 20.48 feet;
- 26) South 73 Degrees 26 Minutes 33 Seconds East, a distance of 28.81 feet;
- 27) South 68 Degrees 02 Minutes 14 Seconds East, a distance of 158.38 feet;
- 28) South 63 Degrees 08 Minutes 39 Seconds East, a distance of 88.71 feet;
- 29) South 56 Degrees 06 Minutes 22 Seconds East, a distance of 123.11 feet;
- 30) South 49 Degrees 42 Minutes 41 Seconds East, a distance of 102.06 feet;

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- 31) South 48 Degrees 16 Minutes 29 Seconds East, a distance of 116.52 feet;
- 32) South 43 Degrees 01 Minutes 51 Seconds East, a distance of 119.92 feet;
- 33) South 12 Degrees 48 Minutes 47 Seconds East, a distance of 104.77 feet;
- 34) South 31 Degrees 16 Minutes 58 Seconds East, a distance of 116.13 feet;
- 35) South 18 Degrees 57 Minutes 55 Seconds East, a distance of 108.66 feet;
- 36) South 14 Degrees 02 Minutes 37 Seconds East, a distance of 112.14 feet;
- 37) South 20 Degrees 36 Minutes 57 Seconds East, a distance of 99.63 feet;
- 38) South 17 Degrees 52 Minutes 48 Seconds East, a distance of 121.18 feet;
- 39) South 17 Degrees 33 Minutes 50 Seconds East, a distance of 140.50 feet;
- 40) South 11 Degrees 20 Minutes 12 Seconds East, a distance of 78.23 feet;
- 41) South 08 Degrees 46 Minutes 43 Seconds East, a distance of 70.75 feet;
- 42) South 09 Degrees 28 Minutes 02 Seconds East, a distance of 74.18 feet;
- 43) South 08 Degrees 38 Minutes 18 Seconds East, a distance of 116.59 feet;
- 44) South 14 Degrees 33 Minutes 32 Seconds East, a distance of 100.26 feet;
- 45) South 12 Degrees 02 Minutes 45 Seconds East, a distance of 102.47 feet;
- 46) South 12 Degrees 22 Minutes 20 Seconds East, a distance of 92.49 feet;
- 47) South 00 Degrees 03 Minutes 09 Seconds East, a distance of 72.45 feet;
- 48) South 10 Degrees 50 Minutes 22 Seconds East, a distance of 37.82 feet;
- 49) South 08 Degrees 02 Minutes 58 Seconds East, a distance of 102.61 feet;
- 50) South 00 Degrees 09 Minutes 26 Seconds East, a distance of 143.92 feet;
- 51) South 04 Degrees 42 Minutes 52 Seconds East, a distance of 150.23 feet;
- 52) South 09 Degrees 19 Minutes 25 Seconds East, a distance of 115.79 feet;
- 53) South 08 Degrees 57 Minutes 42 Seconds East, a distance of 70.29 feet;
- 54) South 24 Degrees 11 Minutes 10 Seconds East, a distance of 53.99 feet;

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- 55) South 16 Degrees 29 Minutes 30 Seconds East, a distance of 9.15 feet to the point of intersection of the west bank of the west fork of the San Jacinto River with the north bank of Spring Creek;

THENCE, westerly, with the meanders of the north bank of Spring Creek, the following one hundred eleven (111) courses:

- 1) South 84 Degrees 10 Minutes 17 Seconds West, a distance of 12.16 feet;
- 2) North 82 Degrees 05 Minutes 24 Seconds West, a distance of 52.61 feet;
- 3) South 87 Degrees 30 Minutes 52 Seconds West, a distance of 53.69 feet;
- 4) North 85 Degrees 13 Minutes 30 Seconds West, a distance of 55.97 feet;
- 5) North 89 Degrees 58 Minutes 05 Seconds West, a distance of 63.43 feet;
- 6) South 83 Degrees 59 Minutes 32 Seconds West, a distance of 56.18 feet;
- 7) South 83 Degrees 08 Minutes 53 Seconds West, a distance of 57.94 feet;
- 8) South 87 Degrees 05 Minutes 35 Seconds West, a distance of 54.78 feet;
- 9) South 79 Degrees 12 Minutes 39 Seconds West, a distance of 57.57 feet;
- 10) North 87 Degrees 18 Minutes 08 Seconds West, a distance of 53.43 feet;
- 11) South 78 Degrees 02 Minutes 27 Seconds West, a distance of 66.74 feet;
- 12) South 81 Degrees 04 Minutes 10 Seconds West, a distance of 59.60 feet;
- 13) South 80 Degrees 01 Minutes 09 Seconds West, a distance of 65.19 feet;
- 14) South 83 Degrees 14 Minutes 43 Seconds West, a distance of 56.92 feet;
- 15) North 86 Degrees 02 Minutes 02 Seconds West, a distance of 70.98 feet;
- 16) South 80 Degrees 01 Minute 36 Seconds West, a distance of 30.04 feet;
- 17) South 79 Degrees 51 Minutes 57 Seconds West, a distance of 45.86 feet;
- 18) South 82 Degrees 10 Minutes 15 Seconds West, a distance of 51.35 feet;
- 19) South 88 Degrees 49 Minutes 36 Seconds West, a distance of 112.54 feet;
- 20) South 86 Degrees 30 Minutes 18 Seconds West, a distance of 72.53 feet;
- 21) North 88 Degrees 51 Minutes 59 Seconds West, a distance of 68.44 feet;

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- 22) North 64 Degrees 05 Minutes 26 Seconds West, a distance of 114.39 feet;
- 23) North 71 Degrees 33 Minutes 04 Seconds West, a distance of 103.48 feet;
- 24) North 76 Degrees 15 Minutes 50 Seconds West, a distance of 103.87 feet;
- 25) North 73 Degrees 28 Minutes 22 Seconds West, a distance of 104.56 feet;
- 26) North 81 Degrees 02 Minutes 43 Seconds West, a distance of 90.53 feet;
- 27) North 83 Degrees 54 Minutes 04 Seconds West, a distance of 58.82 feet;
- 28) North 78 Degrees 20 Minutes 21 Seconds West, a distance of 58.65 feet;
- 29) North 76 Degrees 33 Minutes 35 Seconds West, a distance of 145.88 feet;
- 30) North 68 Degrees 50 Minutes 05 Seconds West, a distance of 103.05 feet;
- 31) South 84 Degrees 44 Minutes 17 Seconds West, a distance of 105.88 feet;
- 32) South 88 Degrees 03 Minutes 24 Seconds West, a distance of 183.85 feet;
- 33) South 88 Degrees 18 Minutes 37 Seconds West, a distance of 67.90 feet;
- 34) South 83 Degrees 52 Minutes 15 Seconds West, a distance of 94.33 feet;
- 35) South 78 Degrees 45 Minutes 34 Seconds West, a distance of 185.77 feet;
- 36) South 68 Degrees 52 Minutes 14 Seconds West, a distance of 96.12 feet;
- 37) South 89 Degrees 42 Minutes 53 Seconds West, a distance of 114.36 feet;
- 38) South 69 Degrees 18 Minutes 57 Seconds West, a distance of 182.63 feet;
- 39) South 65 Degrees 05 Minutes 47 Seconds West, a distance of 131.79 feet;
- 40) South 67 Degrees 49 Minutes 48 Seconds West, a distance of 118.11 feet;
- 41) South 67 Degrees 30 Minutes 43 Seconds West, a distance of 78.96 feet;
- 42) South 65 Degrees 36 Minutes 02 Seconds West, a distance of 107.52 feet;
- 43) South 63 Degrees 46 Minutes 55 Seconds West, a distance of 95.81 feet;
- 44) South 66 Degrees 23 Minutes 06 Seconds West, a distance of 90.69 feet;
- 45) South 65 Degrees 35 Minutes 24 Seconds West, a distance of 154.98 feet;
- 46) South 70 Degrees 11 Minutes 48 Seconds West, a distance of 137.88 feet;

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- 47) South 68 Degrees 16 Minutes 20 Seconds West, a distance of 134.82 feet;
- 48) South 73 Degrees 02 Minutes 10 Seconds West, a distance of 58.11 feet;
- 49) South 87 Degrees 44 Minutes 52 Seconds West, a distance of 67.81 feet;
- 50) South 64 Degrees 43 Minutes 04 Seconds West, a distance of 177.66 feet;
- 51) South 72 Degrees 04 Minutes 22 Seconds West, at 69.77 feet pass the southeast corner of said 2086.441 acre tract and the southwest corner of said 347.750 acre tract, and continue, a distance of 83.18 feet;
- 52) South 73 Degrees 00 Minutes 42 Seconds West, a distance of 117.01 feet;
- 53) South 72 Degrees 17 Minutes 35 Seconds West, a distance of 92.37 feet;
- 54) South 74 Degrees 11 Minutes 33 Seconds West, a distance of 108.18 feet;
- 55) South 79 Degrees 35 Minutes 08 Seconds West, a distance of 78.91 feet;
- 56) South 75 Degrees 45 Minutes 12 Seconds West, a distance of 102.58 feet;
- 57) South 77 Degrees 55 Minutes 50 Seconds West, a distance of 80.73 feet;
- 58) South 82 Degrees 28 Minutes 28 Seconds West, a distance of 71.66 feet;
- 59) South 81 Degrees 17 Minutes 42 Seconds West, a distance of 109.60 feet;
- 60) North 83 Degrees 14 Minutes 34 Seconds West, a distance of 106.79 feet;
- 61) North 86 Degrees 49 Minutes 24 Seconds West, a distance of 410.41 feet;
- 62) South 79 Degrees 58 Minutes 36 Seconds West, a distance of 109.74 feet;
- 63) South 68 Degrees 32 Minutes 22 Seconds West, a distance of 95.21 feet;
- 64) South 71 Degrees 53 Minutes 23 Seconds West, a distance of 129.93 feet;
- 65) South 68 Degrees 57 Minutes 45 Seconds West, a distance of 82.76 feet;
- 66) South 72 Degrees 17 Minutes 01 Second West, a distance of 97.06 feet;
- 67) South 69 Degrees 59 Minutes 14 Seconds West, a distance of 102.77 feet;
- 68) South 64 Degrees 30 Minutes 13 Seconds West, a distance of 57.73 feet;
- 69) South 69 Degrees 58 Minutes 22 Seconds West, a distance of 93.93 feet;

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- 70) South 69 Degrees 12 Minutes 15 Seconds West, a distance of 70.45 feet;
- 71) South 64 Degrees 35 Minutes 58 Seconds West, a distance of 59.79 feet;
- 72) South 64 Degrees 44 Minutes 57 Seconds West, a distance of 59.16 feet;
- 73) South 60 Degrees 13 Minutes 56 Seconds West, a distance of 252.86 feet;
- 74) South 64 Degrees 10 Minutes 28 Seconds West, a distance of 62.59 feet;
- 75) South 65 Degrees 06 Minutes 39 Seconds West, a distance of 91.82 feet;
- 76) South 59 Degrees 53 Minutes 47 Seconds West, a distance of 163.90 feet;
- 77) South 54 Degrees 16 Minutes 56 Seconds West, a distance of 74.01 feet;
- 78) South 61 Degrees 44 Minutes 05 Seconds West, a distance of 60.82 feet;
- 79) South 64 Degrees 41 Minutes 37 Seconds West, a distance of 111.39 feet;
- 80) South 66 Degrees 07 Minutes 21 Seconds West, a distance of 98.40 feet;
- 81) South 57 Degrees 41 Minutes 49 Seconds West, a distance of 68.10 feet;
- 82) South 47 Degrees 45 Minutes 02 Seconds West, a distance of 170.94 feet;
- 83) South 35 Degrees 08 Minutes 27 Seconds West, a distance of 103.10 feet;
- 84) South 24 Degrees 52 Minutes 57 Seconds West, a distance of 90.42 feet;
- 85) South 22 Degrees 05 Minutes 54 Seconds West, a distance of 76.13 feet;
- 86) South 25 Degrees 51 Minutes 39 Seconds West, a distance of 122.93 feet;
- 87) South 41 Degrees 59 Minutes 34 Seconds West, a distance of 113.29 feet;
- 88) South 34 Degrees 52 Minutes 05 Seconds West, a distance of 131.64 feet;
- 89) South 31 Degrees 35 Minutes 15 Seconds West, a distance of 151.54 feet;
- 90) South 43 Degrees 25 Minutes 49 Seconds West, a distance of 56.67 feet;
- 91) South 52 Degrees 48 Minutes 42 Seconds West, a distance of 70.82 feet;
- 92) South 63 Degrees 40 Minutes 47 Seconds West, a distance of 73.57 feet;
- 93) South 72 Degrees 43 Minutes 32 Seconds West, a distance of 68.14 feet;

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- 94) South 82 Degrees 33 Minutes 04 Seconds West, a distance of 68.37 feet;
- 95) South 86 Degrees 13 Minutes 24 Seconds West, a distance of 82.31 feet;
- 96) South 89 Degrees 05 Minutes 31 Seconds West, a distance of 140.91 feet;
- 97) North 73 Degrees 28 Minutes 38 Seconds West, a distance of 122.17 feet;
- 98) North 62 Degrees 37 Minutes 33 Seconds West, a distance of 93.38 feet;
- 99) North 71 Degrees 03 Minutes 25 Seconds West, a distance of 140.97 feet;
- 100) North 23 Degrees 11 Minutes 48 Seconds West, a distance of 72.02 feet;
- 101) North 10 Degrees 48 Minutes 54 Seconds West, a distance of 100.46 feet;
- 102) North 36 Degrees 54 Minutes 49 Seconds West, a distance of 77.90 feet;
- 103) North 30 Degrees 44 Minutes 55 Seconds West, a distance of 98.44 feet;
- 104) North 22 Degrees 41 Minutes 08 Seconds West, a distance of 68.29 feet;
- 105) North 10 Degrees 14 Minutes 18 Seconds West, a distance of 68.35 feet;
- 106) North 14 Degrees 47 Minutes 43 Seconds West, a distance of 97.80 feet;
- 107) North 21 Degrees 31 Minutes 02 Seconds West, a distance of 154.31 feet;
- 108) North 24 Degrees 31 Minutes 13 Seconds West, a distance of 106.92 feet;
- 109) North 28 Degrees 31 Minutes 21 Seconds West, a distance of 106.37 feet;
- 110) North 33 Degrees 54 Minutes 39 Seconds West, a distance of 94.11 feet;
- 111) North 49 Degrees 05 Minutes 53 Seconds West, a distance of 166.66 feet to the intersection of the southerly line of said 2,086.441 acre tract and a west line of the City of Houston City Limits, as prepared by the City of Houston Geographic Information System Office and made available to the public in Release 12, dated June 2006;

THENCE, departing the north high bank of Spring Creek, through and across said 2,086.441 acre tract, and with the west line of said City of Houston City Limit Line, the following two (2) courses:

- 1) North 02 Degrees 47 Minutes 12 Seconds West, a distance of 3,425.25 feet to an angle point;
- 2) North 02 Degree 47 Minutes 24 Seconds West, a distance of 1,365.81 feet to an exterior corner of said City of Houston City Limit line and the northwest corner of the herein described tract;

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THENCE, continuing through and across said 2,086.441 acre tract and with a north line of said City of Houston City Limit Line and the north line of the herein described tract, the following three (3) courses:

- 1) North 88 Degrees 42 Minutes 54 Seconds East, a distance of 5,691.72 feet to an angle point;
- 2) North 87 Degrees 57 Minutes 42 Seconds East, a distance of 6.43 feet to an angle point;
- 3) North 88 Degrees 08 Minutes 36 Seconds East, a distance of 1,430.41 feet to the intersection of the north line of said City of Houston City Limit Line with the west bank of the west fork of the San Jacinto River;

THENCE, southerly, with the meanders of the west bank of the West Fork of the San Jacinto River, the following three (3) courses:

- 1) South 24 Degrees 34 Minutes 53 Seconds West, a distance of 88.11 feet;
- 2) South 17 Degrees 20 Minutes 07 Seconds West, a distance of 78.44 feet;
- 3) South 13 Degrees 34 Minutes 14 Seconds West, a distance of 118.21 feet to the **POINT OF BEGINNING** and containing 875.426 acres (gross) (38,133,574 square feet) of land, **SAVE AND EXCEPT** said call 14.9 acres described in a deed to the City of Houston in Volume 287, Page 22, of the M.C.D.R., resulting in a net acreage of 860.526 Acres (37,484,513 square feet) of land.

This description is based on a survey made on the ground on and is issued in conjunction with an exhibit prepared by Benchmark Engineering Corporation dated October 20, 2006.



Michael Hoover, R.P.L.S.
Texas Registration No. 5423





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 Dally 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.