

AN ORDINANCE CONSENTING TO THE ADDITION OF 21.453 ACRES OF LAND TO MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118, 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 a total of 21.453 acres of land into **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118**; 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


Assistant City Attorney

(Prepared by Legal Dept.
SOI/fg 11/19/14

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

L.D. File No. 0910600055003)

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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 INCLUDE ADDITIONAL LAND IN
MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 118

STATE OF TEXAS §
 §
COUNTY OF HARRIS §
 §
CITY OF HOUSTON §

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

Pacific Indio Properties, L.L.C., a Texas limited liability company, 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 ("Petitioner"), acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petitions 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 Senate Bill 2485 creating the District, as passed by the 81st Legislature, Regular Session, of the State of Texas, effective September 1, 2009. 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 there are no holders of liens against said land.

II.

The land sought to be added to the District contains approximately 21.453 acres of land, more or less, and lies wholly within Harris 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. 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) 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;
- (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 Harris County and 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 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 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.

(4) 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 may be 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), 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 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 \$-0-.

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 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

21.453 ACRES

(934,482 SQUARE FEET)

HARRIS COUNTY, TEXAS

October 10, 2005

All that certain 21.453 Acre (934,482 square feet) tract of land situated in the William Hobby Survey, Abstract 345, Harris County, Texas, and being out of and a portion of that certain tract known as Tract "F" described in that certain partition deed recorded in Volume 69, Page 320, of the Harris County Deed Records (H.C.D.R.), and further being out of and a portion of that certain call 70 acres described in a deed to E. L. Bender and F. V. Bender in Volume 882, Page 54, of the H.C.D.R., said 21.453 Acre tract being more particularly described by metes and bounds as follows: (All bearings are referenced to Texas State Plane Coordinates, South Central Zone)

COMMENCING at a 5/8 inch iron rod found for an angle point in the westerly right-of-way (R.O.W.) line of Townsen Road (width varies) as described in a deed to the City of Humble recorded in Harris County Clerk's File (H.C.C.F.) Number U865373, and from which a 5/8 inch iron rod found for an angle point in the westerly right-of-way (R.O.W.) line of Townsen Road bears North 82 Degrees 33 Minutes 40 Seconds West, a distance of 14.98 feet;

THENCE, with said westerly R.O.W line, North 07 Degrees 27 Minutes 58 Seconds East, a distance of 126.71 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the southeast corner of the proposed extension of Townsen Road;

THENCE, through and across the T.F. Pinckney Survey, Abstract 1588, the following three (3) courses:

- 1) North 82 Degrees 32 Minutes 02 Seconds West, a distance of 711.47 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set for the beginning of a curve to the right;
- 2) 1132.53 feet along the arc of said curve to the right having a radius of 1600.00 feet, a central angle of 40 Degrees 33 Minutes 21 Seconds, and a chord that bears North 62 Degrees 15 Minutes 21 Seconds West, a distance of 1109.04 feet to a 5/8 inch iron rod with plastic cap stamped "BENCHMARK ENGR." set;
- 3) North 41 Degrees 58 Minutes 41 Seconds West, at 6.14 feet pass the upper southeast corner of a call 3.78 acre R.O.W. easement described in a deed to Houston Lighting and Power Company in H.C.C.F. Number H184618, and continue, in all, a distance of 163.18 feet to a 5/8 inch iron rod with plastic cap stamped "S & V" SURVEY" found in the recognized common line of said Pinckney Survey and Hobby Survey for the upper southeast corner of a call 48.814 acre tract described in a deed to Appaloosa Land Company, L.P. in H.C.C.F. Number W739931, and the south corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, through and across the Hobby Survey, and with the northeastly line of said 48.814 acre tract, North 41 Degrees 58 Minutes 41 Seconds West, a distance of 1461.52 feet to a 5/8 inch iron rod with plastic cap stamped "S & V" SURVEY" found for an angle point in said 48.814 acre tract and the herein described tract;

21.453 Acres
October 10, 2005

THENCE, continuing with the northeasterly line of said 48.814 acre tract, North 62 Degrees 25 Minutes 07 Seconds West, a distance of 37.09 feet to a point on the meanders of the gradient boundary line of Spring Creek for the northwest corner of the herein described tract;

THENCE, with the meanders of the gradient boundary line of Spring Creek, the following twenty (20) courses:

- 1) North 24 Degrees 07 Minutes 35 Seconds East, a distance of 69.95 feet;
- 2) North 17 Degrees 40 Minutes 08 Seconds East, a distance of 36.16 feet;
- 3) North 42 Degrees 08 Minutes 53 Seconds East, a distance of 96.95 feet;
- 4) North 40 Degrees 35 Minutes 54 Seconds East, a distance of 38.56 feet;
- 5) North 39 Degrees 20 Minutes 03 Seconds East, a distance of 37.65 feet;
- 6) North 49 Degrees 23 Minutes 25 Seconds East, a distance of 45.50 feet;
- 7) North 46 Degrees 44 Minutes 52 Seconds East, a distance of 46.70 feet;
- 8) North 31 Degrees 06 Minutes 01 Second East, a distance of 32.38 feet;
- 9) North 05 Degrees 49 Minutes 46 Seconds West, a distance of 10.92 feet;
- 10) North 30 Degrees 28 Minutes 34 Seconds East, a distance of 4.25 feet;
- 11) North 57 Degrees 31 Minutes 43 Seconds East, a distance of 48.82 feet;
- 12) North 54 Degrees 36 Minutes 22 Seconds East, a distance of 39.80 feet;
- 13) North 59 Degrees 07 Minutes 01 Second East, a distance of 100.92 feet;
- 14) North 64 Degrees 51 Minutes 37 Seconds East, a distance of 71.87 feet;
- 15) North 63 Degrees 04 Minutes 47 Seconds East, a distance of 56.39 feet;
- 16) North 67 Degrees 00 Minutes 41 Seconds East, a distance of 79.82 feet;
- 17) North 67 Degrees 12 Minutes 51 Seconds East, a distance of 70.46 feet;
- 18) North 65 Degrees 16 Minutes 12 Seconds East, a distance of 99.94 feet;
- 19) North 64 Degrees 44 Minutes 40 Seconds East, a distance of 106.53 feet;
- 20) North 64 Degrees 25 Minutes 51 Seconds East, a distance of 103.97 feet to the intersection of the meanders of the gradient boundary line of Spring Creek with the recognized common line of said Pinckney Survey and Hobby Survey for the northeast corner of the herein described tract;

21.453 Acres
October 10, 2005

THENCE, with the recognized common line of said Pinckney Survey and Hobby Survey, South 02 Degrees 25 Minutes 30 Seconds East, at 1237.87 feet pass the proposed northeasterly R.O.W. line of said Townsen Road, and continue, in all, a distance of 1,785.45 to the **POINT OF BEGINNING** and containing 21.453 Acres (934,482 Square Feet) of land.

This description is based on a survey made on the ground and is issued in conjunction with a Boundary Survey prepared by Benchmark Engineering Corporation dated December 2004 through January 2005.



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



William E. Merten, R.P.L.S.
Texas Registration No. 507
Licensed State Land Surveyor





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.