

City of Houston, Texas, Ordinance No. 2014-1049

**AN ORDINANCE ANNEXING TO THE CITY OF HOUSTON, TEXAS FOR LIMITED PURPOSES A CERTAIN AREA LOCATED WITHIN DOWDELL PUBLIC UTILITY DISTRICT ("THE DISTRICT"), IN HARRIS COUNTY, TEXAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; IMPOSING THE SALES AND USE TAX OF THE CITY OF HOUSTON IN THE AREA WITHIN THE DISTRICT ANNEXED FOR LIMITED PURPOSES; ASSIGNING ANNEXED AREAS TO ADJACENT DISTRICT FROM WHICH DISTRICT COUNCIL MEMBER IS ELECTED UNTIL SUCH TIME AS DISTRICT BOUNDARIES MAY BE CHANGED PURSUANT TO THE CITY OF HOUSTON CHARTER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City of Houston, Texas is authorized to annex territory for limited purposes in compliance with the procedures established by the Texas Local Government Code; and

**WHEREAS**, the City Council, by Ordinance No. 2014-919 adopted on October 8, 2014, called certain public hearings relating to the proposed annexation for limited purposes of a certain area located within Dowdell Public Utility District, in Harris County, Texas; and

**WHEREAS**, in compliance with pertinent sections of the Texas Local Government Code, on November 5 and November 12, 2014 the City Council held the required public hearings regarding the proposed limited purpose annexation of said areas; and

**WHEREAS**, Article V, Section 3 of the Houston City Charter provides that promptly following the addition of territory to the City by a boundary change, the City Council shall, by ordinance, add such territory to an adjacent district or districts; and

**WHEREAS**, Section 42.005(a)(6) of the Texas Election Code prohibits county election precincts from containing territory from more than one city council district; and

newly annexed tracts should be assigned to adjacent districts so as to preserve existing precinct assignments, to avoid splitting a precinct between council districts, and, where possible, to create district boundaries based on identifiable geographic features; **NOW, THEREFORE,**

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

**Section 1.** The findings set forth in the preamble of this Ordinance are determined to be true and correct and are hereby adopted.

**Section 2.** Subject to all sections of this Ordinance, the City of Houston hereby annexes for limited purposes certain territory located within Dowdell Public Utility District, in Harris County, Texas. The boundaries of the annexed areas are set out in written form in "Exhibit A," attached hereto, incorporated herein by this reference, and made a part hereof for all purposes. A visual map of the annexed area is represented in "Exhibit B."

**Section 3.** A regulatory plan for the territory located in the vicinity of Dowdell Public Utility District is hereby adopted as part of this Ordinance, pursuant to Subchapter F of Chapter 43 of the Local Government Code. Such regulatory plan is set out in "Exhibit C," which is attached hereto, incorporated herein by this reference, and made a part hereof for all purposes. In the area within Dowdell Public Utility District, services are specified in the Strategic Partnership Agreement.

**Section 4.** In accordance with the authority granted by Section 43.0751(k) of the Texas Local Government Code, the City of Houston hereby imposes a retail sales and use tax within the boundaries of the area in Dowdell Public Utility District annexed for limited purposes. Such sales and use tax will be administered and governed by the pertinent provisions of the Texas Tax Code.

**Section 5.** City Council, acting pursuant to the provisions of Article V, Section 3 of the City Charter, assigns the areas annexed by this Ordinance to the adjacent district below as recommended by the Department of Planning and Development as follows:

COUNCIL DISTRICT	LOCATED IN <u>HARRIS</u> COUNTY PRECINCT NO.	AREAS ANNEXED
A	0245, 0880	Within Dowdell Public Utility District

**Section 6.** This Ordinance shall not repeal, impair, modify, or otherwise affect any other ordinance annexing territory to the City of Houston or any other ordinance heretofore passed on one or more readings and not yet passed on final reading, annexing any territory to the City of Houston, but such other ordinance or ordinances shall remain and continue to be effective as to their intent and purpose as therein stated, wholly unaffected in any way or manner by the passage of this Ordinance. This Ordinance shall be effective as to its intent and purpose as hereinabove stated, wholly unaffected by any other annexation ordinance introduced and passed or hereafter introduced and passed on any reading, whether final or not.

**Section 7.** It is the intention of the City of Houston and its City Council to comply with the Constitutions and laws of the United States of America and the State of Texas and with all applicable provisions of the Charter of the City of Houston, and this Ordinance shall be interpreted and construed in harmony therewith.

**Section 8.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof have been discussed, considered and formally acted upon. The City Council

further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 9.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose. Should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Houston, such ineffectiveness of this Ordinance as to any such part or parts of any such area shall not affect the effectiveness of this Ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City of Houston for limited purposes every part of the area described in Exhibit A of this Ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included within the description of territory set out in Exhibit A of this Ordinance to be hereby annexed for limited purposes to the City of Houston any area or lands which are presently part of and included within the general limits of the City of Houston, or which are presently part of and included within the limits of any other municipality, or which are not within the jurisdiction or power of the City of Houston to annex, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted area were expressly described herein.

**Section 10.** 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 that 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 3rd day of December, 2014

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
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

(Prepared by Legal Dept. \_\_\_\_\_)

  
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Assistant City Attorney *CR*

Requested by Patrick Walsh, Director, Department of Planning and Development  
L.D. File No. 0611400119001

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

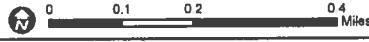
EXHIBIT "A"

## **Dowdell PUD (Amendment 1) Property Description**

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1. BEGINNING at an existing southwesterly City of Houston city limit line defined by the Ordinance 2013-0380 (the limited purpose annexation of Dowdell Public Utility District), this line also being the southwesterly right-of-way line of F.M. 2920 and its intersection with an existing northwesterly full purpose City of Houston city limit line defined by the Ordinance 63-1219;
2. THENCE in a southwesterly direction along that northwesterly full purpose city limit line to its intersection with the southeasterly extension in the same course of the southwesterly boundary line of the Hooks Tract (City of Houston Planning and Development Department file # 2008-1660);
3. THENCE in a northwesterly direction along that southeasterly extension and the southwesterly boundary line of that Tract to its intersection with the northwesterly boundary line of that Tract;
4. THENCE in a northeasterly direction along that northwesterly boundary line of that Tract to its intersection with the southwesterly right-of-way line of F.M. 2920, this line also being an existing southwesterly City of Houston City limit line defined by the Ordinance 2013-0380 (the limited purpose annexation of Dowdell Public Utility District);
5. THENCE in a southeasterly direction along that southwesterly right-of-way line of F.M. 2920 and its southeasterly extension in the same course or that southwesterly city limit line to its intersection with an existing northwesterly full purpose City of Houston city limit line defined by the Ordinance 63-1219; such point being the POINT OF BEGINNING.

EXHIBIT "B"



### Limited Purpose Annexation: Dowdell PUD

Source: City of Houston GIS Database  
Date: September 2014

- Roads
-  Proposed Annexation
-  Existing City Limit

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**PLANNING &  
DEVELOPMENT  
DEPARTMENT**

EXHIBIT "C"

***A Report on the Proposed Limited Purpose Annexation of  
Certain property in the vicinity of the  
Dowdell PUD***

**Regulatory Plan**

The City of Houston will enforce Chapter 6 Article I Section 6.3 of the Houston, Texas Code of Ordinances, or any successor chapters. Since the City does not have a zoning ordinance, the area will not be zoned. No other services will be provided.