ORDINANCE NO 15-757

AN ORDINANCE OF THE CITY OF HUMBLE, TEXAS, CONSENTING TO THE ADDITION OF LAND BY INTERCONTINENTAL MUNICIPAL UTILITY DISTRICT.

WHEREAS, the City of Humble, Texas (the "City"), received Petitions for Consent to Include Additional Land in Intercontinental Municipal Utility District of Harris County relating to the addition of two tracts of land, one of approximately 142.3435 acres and one of approximately 56.04 acres located within the City's corporate boundaries, and

WHEREAS, Section 54.016 of the Texas Water Code provides that land within a city's corporate boundaries may not be included within a municipal utility district without such city's consent, **NOW, THEREFORE,**

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

Section 1. The City Council of the City hereby grants its written consent to the inclusion of two tracts of land, one of approximately 142.3435 acres and one of approximately 56 064 acres into **INTERCONTINENTAL MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY**, as described and subject to the terms and conditions contained in **Exhibit "A"** attached hereto and incorporated herein for all purposes, and further subject to the consent conditions contained in **Exhibit "B"** attached hereto and incorporated herein for all purposes

Section 2. It is hereby found, determined and declared 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 pubic as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on this 5th day of May 2015

Mayor, City of Humble

ATTEST

City Secretary, City of Humble

(SEAL)

Exhibit "A"
The Petitions

Exhibit "B"
Consent Conditions

(a) The District will issue bonds only for the purpose of purchasing and constructing, or purchasing or constructing under contract with the City of Humble, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, recreational facilities and road facilities, 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 date subsequent to the fifteenth (15th) anniversary of the date of issuance without premium, and except for refunding bonds, 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 ninety-five percent (95%) of par; provided that the net effective interest rate on bonds so sold (other than refunding bonds), 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 first date notice of the sale of such bonds is published, and that bids for the bonds will be received not more than forty-five (45) days after the first notice of sale of the bonds is so published. The resolution or order authorizing the issuance of the District's bonds will contain, if applicable, 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 Humble, Texas dissolves the District, takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until the City of Humble has given its written consent by resolution or ordinance of the City Council to such addition or annexation.

(b) Before the commencement of any construction within the District, its directors, officers, or developers and/or landowners will submit to the Director of the Department of Public Works of the City of Humble, or to his designated representatives, 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 Humble. 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 Humble's standard plans and specifications as amended from time to time. Prior to the construction of such facilities within or by the District, the District or its engineer will give written notice by registered or certified mail to the Director of the Department of Public Works, 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 Humble; and during the progress of the construction and installation of such facilities, the Director of the Department of Public Works of the City of Humble, or an employee thereof, may make periodic on-the-ground inspections.

(c) 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 Humble's Parks Department 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 Humble's Parks Department.

(d) If the District requires a sewage plant operator, the District agrees to employ 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, as required by Section 26.0301, Texas Water Code, as may be amended from time to time. If the District is the operator of the plant, the District will agree to make periodic analyses of its discharge pursuant to the requirements of the Texas Commission on Environmental Quality (or any predecessor or successor agency) and further to send copies of all such effluent data to the Department of Public Works, City of Humble, as well as to the Texas Commission on Environmental Quality If the District is the operator of the plant, the District will agree that representatives of the City of Humble may supervise the continued operations of the sewage treatment facility by making periodic inspections thereof.

(e) 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.

(f) 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 City of Humble of a plat which will be duly recorded in the Map and Plat Records of Harris County, Texas, and otherwise comply with the platting ordinances of the City of Humble.