

**RESOLUTION NO. 0912-2022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS, APPROVING THE ANNEXATION BY PLUM CREEK MANAGEMENT DISTRICT NO. 1A OF 188.00 ACRES OF LAND**

**WHEREAS**, Plum Creek Management District No. 1 was created by House Bill 4661, Acts of the 86th Legislature, Regular Session, 2019, codified as Chapter 3982 Texas Special District Local Laws Code; and

**WHEREAS**, by that Order Providing for the Terms of Division of the District into Three Districts dated October 27, 2020, Plum Creek Management District No. 1 was divided, creating Plum Creek Management District No. 1A (the "District"); and

**WHEREAS**, the City received an Amended and Restated Petition for Consent to Annex Land into a Management District requesting the City's consent to the annexation of approximately 188.00 acres of land located within the City's extraterritorial jurisdiction into the boundaries of the District; and

**WHEREAS**, Texas Water Code, Section 54.016, as amended, provides that land within the City's extraterritorial jurisdiction may not be included within a district operating under Chapter 54, Texas Water Code unless the City grants its written consent, by resolution or ordinance, to the inclusion of the land to the district.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS:**

Section 1. All of the matters and facts set forth in the preamble hereof are true and correct.

Section 2. The Amended and Restated Petition for Consent to Annex Land into a Management District (the "Petition") is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 3. The City hereby specifically grants its written consent to the annexation of the approximately 188.00 acres of land, described in the Petition and exhibits attached thereto, into the District.

Section 4. 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 for the time required by law preceding this meeting, as required by 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 Resolution and the subject matter thereof has 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 5. This Resolution shall take effect immediately upon its passage and approval in accordance with the provisions of applicable laws of the State of Texas.

PASSED AND ADOPTED on the 10th day of October, 2022.

CITY OF PLUM GROVE, TEXAS

By:   
BARBARA NORRIS, MAYOR

ATTEST:

  
CITY SECRETARY

# EXHIBIT A

## AMENDED AND RESTATED PETITION FOR CONSENT TO ANNEX LAND INTO A MANAGEMENT DISTRICT

STATE OF TEXAS

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LIBERTY COUNTY

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TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS:

The undersigned, **PLUM CREEK MANAGEMENT DISTRICT NO. 1A**, a political subdivision of the State of Texas (the "District") and **CH-B KINGLAND, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, HERCULES PROPERTY LLC, A TEXAS LIMITED LIABILITY COMPANY, and PLUM CREEK MANAGEMENT DISTRICT NO. 1**, (collectively, "Property Owners"), respectfully petition the City of Plum Grove, Texas, for its consent to the addition of land to the District. In support of this Petition, the District would show the following:

### I.

The land sought to be added to the District (the "Tract") is a 188.00 tract of land described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

### II.

The Tract lies wholly within the exclusive extraterritorial jurisdiction of the City of Plum Grove, Texas, as such term is determined pursuant to Chapter 42 of the Local Government Code. The Tract lies wholly within Montgomery, Liberty, and Harris Counties, Texas, and not within the boundaries or extraterritorial jurisdiction of any other incorporated city or town.

### III.

Property Owners are the holder of title to the Tract as shown by the Tax Rolls of Montgomery, Liberty, and Harris Counties and conveyances of record. There are no tenants on and no one currently resides upon the Tract. No person or entity holds a lien on the Tract.

### IV.

The District was organized, created and established by Act of the 86th Legislature, Regular Session, House Bill 4661, effective September 1, 2019, codified as Chapter 3982, Texas Special District Local Laws Code (the "Act"), and subsequent division as provided in the Act, in accordance with Article III, Sections 52 and 52-a and Article XVI, Section 59 of the Constitution of the State of Texas, and operates pursuant to Chapters 49 and 54, Texas Water Code, as amended, and Chapters 375, 380, and 1509, Texas Local Government Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;

- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state;
- (9) the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites;
- (10) to gather, divert, and control local storm water or other local harmful excesses of water;
- (11) to provide a water supply for municipal uses, domestic uses and commercial purposes;
- (12) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads or turnpikes, or improvements, including storm drainage, in aid of those roads or turnpikes, to the extent authorized by Article III, Section 52, of the Texas Constitution;
- (13) the construction, acquisition, improvement, operation, repair, extension, or maintenance of park and recreational facilities to the extent authorized by Article XVI, Section 59, of the Texas Constitution; and
- (14) the development and diversification of the economy of the state, the elimination of unemployment or underemployment in the state, the stimulation of agricultural innovation, the fostering of the growth of enterprises based on agriculture, or the development or expansion of transportation or commerce in the state.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, easements, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

## V.

The general nature of the work to be done by and within the Tract at the present time is the construction, maintenance and operation of a waterworks system for domestic and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection system and sewage disposal plant; the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the lands to be included within the District; the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; the construction, installation, maintenance, purchase and operation of park and recreational facilities; and the construction, installation, maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Tract is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage, roads, and recreational facilities and services. The health and welfare of the future inhabitants of the Tract require the acquisition and installation of an adequate waterworks, sanitary sewer and storm drainage system, road system, and park and recreational facilities.

The purchase, construction, installation, extension, improvement, maintenance and operation of such waterworks system and storm and sanitary sewer collection and disposal systems, road system, and park and recreational facilities will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Tract within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Tract is of such a nature that a waterworks system, sanitary and storm sewer systems, road system, and park and recreational facilities can be constructed at a reasonable cost; and said land will be rapidly developed for commercial, multi-family and residential purposes.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Tract, and 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 \$8,051,025.

IX.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Plum Grove, Texas, adopt a resolution giving its written consent to the addition of the Tract to the District.

***[SIGNATURE PAGE FOLLOWS]***



RESPECTFULLY SUBMITTED THIS October 27, 2020.

“PETITIONER”

CH-B KINGLAND, L.L.C.,  
a Delaware limited liability company

By: AMcMahon  
Name: Abigail McMahon  
Title: Vice President

STATE OF TEXAS

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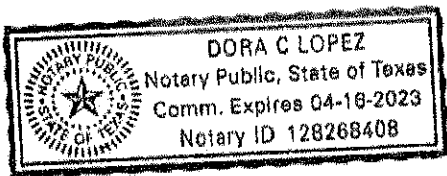
COUNTY OF Harris

This instrument was acknowledged before me on the 27 day of October, 2020,  
by Abigail McMahon Vice President of CH-B KINGLAND, L.L.C., a Delaware limited  
liability company, on behalf of said limited liability company.

[Signature]

Notary Public in and for  
the State of Texas

(SEAL)



**"PETITIONER"**

**HERCULES PROPERTY LLC,**  
a Texas limited liability company

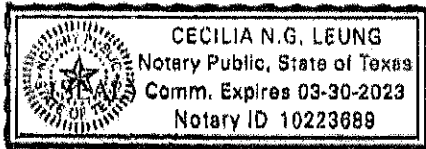
By: *[Signature]*  
Name: Azim M. Maredia  
Title: Manager

STATE OF TEXAS

COUNTY OF Harris

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This instrument was acknowledged before me on the 30<sup>th</sup> day of December, 2020,  
by Azim M. Maredia Manager of Hercules Property LLC, a Texas limited liability  
company, on behalf of said limited liability company.



*Cecilia N.G. Leung*  
Notary Public in and for  
the State of Texas



**"PETITIONER"**

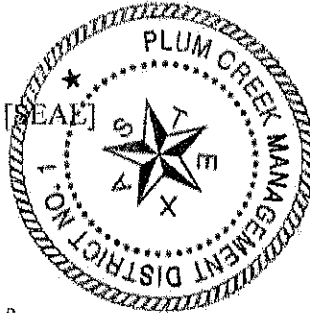
**PLUM CREEK MANAGEMENT  
DISTRICT NO. 1**

*Courtney Lundquist*  
Secretary, Board of Directors  
Plum Creek Management District No. 1

ADDRESS:  
c/o Sanford Kuhl Hagan Kugle Parker Kahn LLP  
1980 Post Oak Boulevard, Suite 1380  
Houston, Texas 77056

ATTEST:

*Elizabeth Capron*  
President, Board of Directors



THE STATE OF TEXAS

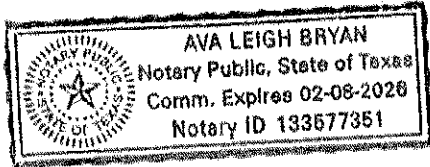
COUNTY OF HARRIS

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This instrument was acknowledged before me on the 31 day of March, 2022, by Courtney Lundquist as Secretary, and Elizabeth Capron, as President, respectively, of the Board of Directors of Plum Creek Management District No. 1 a political subdivision, on behalf of said political subdivision.

*Ava Leigh Bryan*  
Notary Public in and for  
the State of Texas

(SEAL)



**TRACT A**  
**188.00 acres**

Proposed Annexation Tract 2  
Plum Creek Management District No. 1A  
188.00 Acres

COUNTIES OF HARRIS, LIBERTY, AND MONTGOMERY §

STATE OF TEXAS §

Being 188.00 acres of land situated in the James T. Dunman Survey, Abstract 1441 of Harris County, Texas, Abstract 167 of Liberty County, Texas, and Abstract 164 of Montgomery County, Texas; being part of a called 7,750.32 acre tract conveyed to HF Houston Green Land, L.P. by deed recorded under Clerk's File No. 2006-008098 of the Official Public Records of Liberty County, Texas, and part of a called 1,122.98 acre tract conveyed to HF Houston Green Land L.P. by deed recorded under Clerk's File No. 2006-119940 of the Montgomery County Official Public Records of Real Property, both said 1,122.98 acres and said 7,550.32 acres then conveyed to CH-B Kingland, L.L.C. by deed recorded under Clerk's File No. 20130048632 of the Harris County Official Public Records of Real Property and Clerk's File No. 2013001204 of the Official Public Records of Liberty County, Texas, all of a called 10.00 acre tract, a 40% interest in which remains in Joshua J. Kahn, Trustee by virtue of the deed recorded under Clerk's File No. 2021000678, and 20% interest in which conveyed to each of John W. Curtis, Tiffany McMillan, and Grover Bryson, by deeds recorded under Clerk's File No.(s) 2021000737, 2021000738 and 2021000739, respectively, all of the Official Public Records of Liberty County, Texas, part of a called 2.87 acre tract conveyed to Plum Creek Management District No. 1 of Liberty County by deed recorded under Clerk's File No. 2020039152 of the Official Public Records of Liberty County, Texas and part of a called 7.404 acre tract conveyed to Hercules Property LLC by deed recorded under Clerk's File No. 2020041767 of the Official Public Records of Liberty County, Texas; said 188.00 acres being part of a called 8,673.34 acre tract described in Certificate for Order Adding Land and Redefining Boundaries, document of which is recorded in Clerk's File No. 2009-115395 of the Montgomery County Official Public Records of Real Property and in Clerk's File No. 2009018027 of the Official Public Records of Liberty County, Texas; said 188.00 acres being more particularly described by the following metes and bounds, with all bearings being based on the calls of said 8,673.34 acre tract;

**BEGINNING** at the most northerly northwest corner of a called 1,122.98 acre tract conveyed to HF Houston Green Land, L.P. by Special Warranty Deed recorded under Clerk's File No. 2006-119940 of the Montgomery County Official Public Records of Real Property, same being the most northerly northwest corner of said 8,673.34 acre tract;

**THENCE**, North 87 degrees 33 minutes 40 seconds East, 451.90 feet along a northerly line of said 1,122.98 acres to an angle point in the northerly line of said 1,122.98 acre tract;

**THENCE**, North 87 degrees 05 minutes 50 seconds East, 2613.76 feet along a northerly line of said 1,122.98 acres, to an angle point in the northerly line of said 1,122.98 acres;

Proposed Annexation Tract 2  
Plum Creek Management District No. 1A  
188.00 Acres

**THENCE**, North 87 degrees 09 minutes 40 seconds East, 399.30 feet along the north line of said 1,122.98 acres and continuing along the north line of said 7,550.32 acres to a point for the northwest corner of a called 4,394.368 acre tract described in Special Warranty Deed recorded in Clerk's File No. 2016013974 of the Official Public Records of Liberty County, Texas;

**THENCE**, along the common line of the remainder of said 7,550.32 acres and said adjoining 4,394.368 acres, the following five (5) courses and distances:

1. South 05 degrees 07 minutes 37 seconds East, a distance of 85.52 feet to an angle point;
2. South 06 degrees 55 minutes 52 seconds East, a distance of 1,062.76 feet to an angle point;
3. South 16 degrees 56 minutes 21 seconds East, a distance of 421.03 feet to an angle point;
4. South 25 degrees 57 minutes 46 seconds East, a distance of 451.32 feet to a point, beginning a curve to the right;
5. In a southeast direction, with the arc of said curve to the right, having a radius of 500.00 feet, a central angle of 20°02'11", an arc length of 174.85 feet, and a chord bearing South 15°56'41" East, 173.96 feet to a point for the northeast corner of a called 0.745 acre tract conveyed to Colony Ridge Development, LLC by deed recorded under Clerk's File No. 2016013975 of the Official Public Records of Liberty County, Texas (including a portion of Hercules Drive, a 60-foot wide right-of-way as shown on the plat of Santa Fe Section Three recorded under Clerk's File No. 2019002297 of the Plat Records of Liberty County);

**THENCE**, South 88°22'58" West, 416.91 feet, departing the common line of the remainder of said 7,550.32 acres and said adjoining 4,394.368 acres, along the north line of said 0.745 acres to a point for the northwest corner of said 0.745 acres;

**THENCE**, along the west line of said 0.745 acres the following four (4) courses and distances:

1. South 11°45'16" East, 21.21 feet to a point;
2. South 00°00'00" East, 20.00 feet to a point;
3. South 04°41'22" East, 10.53 feet to a point;
4. South 05°47'23" West, 28.85 feet to a point for the southwest corner of said 0.745 acres;

**THENCE**, North 88°22'58" East, 416.51 feet along the south line of said 0.745 acres to a point in the common line of the remainder of said 7,550.32 acres and said adjoining 4,394.368 acres, for the southeast corner said 0.745 acres, beginning a non-tangent curve to the right;

Proposed Annexation Tract 2  
Plum Creek Management District No. 1A  
188.00 Acres

**THENCE**, in a southwest direction, along the common line of the remainder of said 7,550.32 acres and said adjoining 4,394.368 acres, with the arc of said non-tangent curve to the right, having a radius of 500.00 feet, a central angle of  $14^{\circ}46'27''$ , an arc length of 128.93 feet, and a chord bearing South  $10^{\circ}38'15''$  West, 128.57 feet to a point;

**THENCE**, South  $18^{\circ}01'29''$  West, 317.47 feet, continuing along the common line of the remainder of said 7,550.32 acres and said adjoining 4,394.368 acres, to a point on the extraterritorial jurisdiction line of the City of Plum Grove for the southeast corner of the herein described tract, said extraterritorial jurisdiction line being at this location an offset of the north line of said 7,550.32 acres a distance of 2,640 feet in a southerly direction;

**THENCE**, South  $87^{\circ}09'40''$  West, 651.23 feet, departing said common line, along said extraterritorial jurisdiction line, to an angle point;

**THENCE**, South  $87^{\circ}05'50''$  West, 480.26 feet, continuing along said extraterritorial jurisdiction line to a point, beginning a curve to the right, the center point of said curve being the intersection of the common line of Liberty County and Montgomery County, as described on a map titled "A Resurvey of the Liberty-Montgomery, Liberty Harris and Montgomery-Harris County Lines" filed for record in Volume 7, Page 341 of the Montgomery County Deed Records, with the southerly line of the R. Hanks Survey, Abstract Number 224 in Liberty County as described in City of Plum Grove Ordinance No. 2, passed August 12, 1971, said center point bearing North  $02^{\circ}54'10''$  West, 2,640 feet);

**THENCE**, in a northwest direction, with said curve to the right, having a radius of 2,640.00 feet, a central angle of  $77^{\circ}54'46''$ , an arc length of 3,589.96 feet, and a chord bearing North  $53^{\circ}56'47''$  West, 3,319.69 feet to a point in a westerly line of said 1,122.98 acre tract for the southwest corner of the herein described tract;

Proposed Annexation Tract 2  
Plum Creek Management District No. 1A  
188.00 Acres

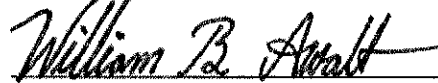
**THENCE**, North 03°09'15" West, 556.48 feet along a westerly line of said 1,122.98 acre tract and the herein described tract to the **POINT OF BEGINNING, CONTAINING** 188.00 acres of land, more or less, in Harris, Liberty and Montgomery Counties, Texas as shown on drawing No. 14127-V3.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

February 20, 2020  
Revised March 24, 2021 to correct ETJ line and  
reference newly subdivided tracts  
Revised March 9, 2022 to exclude 0.745 acre  
tract

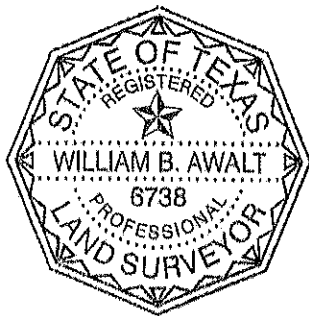
Job Number 11376-0005-01

Quiddity Engineering  
1575 Sawdust Road, Suite 400  
The Woodlands, TX 77380-4241  
(281) 363-4039



Acting By/Through William B. Awalt  
Registered Professional Land Surveyor  
No. 6738

wawalt@jonescarter.com  
*Texas Board of Professional Land Surveying  
Registration No. 10046100*



March 9, 2022

ROBERT  
A-22  
A-280 (

CALLE  
JOSHL  
GROVI  
JOHN  
TIFFAI  
CF No. & 201  
CALL  
PLUM  
OF L  
CF N  
CALL  
DET  
CF NO.  
CALLED  
HERCULE  
CF No. 21  
CALLED 12-91  
ENERGY TEJ  
CF No. RP-20;  
HCOPRRP

LIBERTY COUNTY  
MONTGOMERY COUNTY

N 87°05'50" E  
2,613.76'

2640.00'  
N 75°00'36" E  
RADIAL

188.00 ACRES

P.O.B.

CITY OF PLUM GROVE ETJ LINE  
(RELEVANT CITY LIMIT CORNER DESCRIBED  
IN ORDINANCE NO. 2)

CALLLED 1,122.98 ACRES  
TO HF HOUSTON GREEN LAND, LP  
CF No. 2006-119940 MCOPRRP  
TO CH-B KINGLAND, L.L.C.  
CF No. 20130048632, HCOPRRP  
CF No. 2013001204 OPRLLCT

JAMES T. DUNMAN SURVEY  
A-164 (MONTGOMERY CO.)

GINTO RIVER

