

**Notice of City Council & Board of Adjustment Meeting
AGENDA**

March 14, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery City Council will be held on **Tuesday, March 14, 2023**, at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City's website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The meeting will be recorded and uploaded to the City's website.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Citizens are invited to speak for three (3) minutes on matters relating to City Government that relate to agenda or non-agenda items. Prior to speaking, each speaker must be recognized by the Presiding Officer. All speakers should approach the podium to address Council and give their name and address before sharing their comments. City Council may not discuss or take any action on an item, but may place the issue on a future agenda.

ANNOUNCEMENTS:

- 1. Presentation of a Proclamation to Karis Klammer from the Montgomery High School celebrating "Theatre in our schools' month".**
- 2. Announcement of the official commercial and residential winners of our "Texas Independence Celebration Contest."**

CONSENT AGENDA:

- 3. Approval of the Regular City Council Meeting Minutes of February 28, 2023.**

ZONING BOARD OF ADJUSTMENT:

- 4. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a variance request to Section 98-286 of the City Code of Ordinances related to off-street parking requirements as submitted by MISD for a proposed 33.8-acre CTE and Agricultural Center school facility located on Lone Star Parkway west of Buffalo Springs Drive.**
- 5. Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on an existing encroachment variance request to Section 98-239 of the City Code of Ordinances related to rear yard requirements as submitted by Cornerstone Community Church located at 14740 Liberty Street.**

CONSIDERATION AND POSSIBLE ACTION:

- 6. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING CHAPTER 82 "TAXATION" OF THE CITY CODE OF ORDINANCES TO ADD ARTICLE VI. "PARTIAL AD VALOREM TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT STRUCTURES"; MAKING**

FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY.

7. Consideration and possible action on Amendment No. 1 to the Development Agreement between the City of Montgomery and Redbird Meadow Development, LLC (Dev. No. 2206).
8. Consideration and possible action on Letters of No Objection for the proposed Montgomery County MUD's 223 & 227.
9. Consideration and possible action on acceptance of the Sanitary Sewer & Drainage Improvement on Dr. Martin Luther King Jr. Drive project (GLO CDBG-DR Contract No. 19706-017-B366) Sewer Facilities.
10. Consideration and possible action on the replat of Restricted Reserve "H2" of the Amended Plat for Buffalo Springs Shopping Center Phase 2.
11. Calling a Public Hearing for a rezoning request from "R1"-Single Family Residential to "I"-Institutional for a 0.295-acre parcel of land located at 14740 Liberty Street as submitted by Cornerstone Community Church.
12. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2021-2022; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

Section 551.071 (consultation with attorney)

Section 551.072 (deliberation regarding real property)

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Consideration and possible action on matters deliberated in Closed Executive Session.

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

/s/ Nici Browe

Nici Browe, City Secretary. TRMC

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on March 10, 2023 at 4:00 p.m.

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Public Works	Prepared By: Mike Muckleroy

Subject

Announcement of the official commercial and residential winners of our “Texas Independence Celebration Contest.”

Recommendation

Mayor Byron Sanford will acknowledge the winners of the contest.

Discussion

Our Events & Recreation Specialist, Ms. Patricia Campuzano, obtained three guest judges and escorted them around town to perform judging to see who had the most “Texas spirit”. The winners from each category will be in a sealed envelope for Mayor Sanford to read during the meeting.

Approved By		
Public Works Director	Mike Muckleroy	Date: 03/08/2023
City Administrator	Gary Palmer	Date: 03/08/2023

**City Council Regular Meeting
MINUTES**

February 28, 2023, at 6:00 PM

CALL TO ORDER

Mayor Byron Sanford called the meeting to order at 6:00 p.m.

- | | | |
|---------------|-----------------|--|
| Present: | Byron Sanford | Mayor |
| | Carol Langley | City Council Place #1 |
| | Casey Olson | City Council Place #2 |
| | Cheryl Fox | City Council Place #4 |
| Absent: | T.J. Wilkerson | City Council Place #3 |
| | Patricia Easley | City Council Place #5 |
| Also Present: | Gary Palmer | City Administrator |
| | Nici Browe | City Secretary & Director of Administrative Services |

CALL TO ORDER

Mayor, Byron Sanford called the meeting to order at 6:00 P.M.

INVOCATION

Mayor, Byron Sanford provided the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Sara Countryman, Berkeley Drive_spoke to the Council. Her comments:

Good evening council –

Gary, I wanted to bring to your attention that I made a records request on 2/1 of this year and that request was responded to by Nici Browe on 2/2 of which, I respectfully responded to on 2/3. In that records request titled: Clarity - I pointed out several things like incorrect minutes being recorded by city staff and approved by council that were in fact wrong minutes for the wrong meeting and other items.

My records request was for the 2 newspaper PSA’s and the affidavit by the publisher of the official newspaper verifying the publication shall be filed in the office of the secretary of the municipality and my records request is still outstanding from Feb 3rd and is beyond the 10day period that the state mandates. As a reminder, until the proper steps are taken in accordance to Texas Local Govt Code 52.011, these new rates negate the validity of the ordinance and all taxpayers are entitled to a refund

due to the city overcharging and not have the legal authority to do so. The new rate is on the bill I received today and the previous bill from 12/17/2022 -1/17/2023 included a 2.5% increase but yet proper steps had not been taken!

I have a question: Are my records request the only requests being ignored/unanswered/not responded to? As a reminder, I am taxpayer and I am requesting information that well within my right to request and your obligation to respond to. I am rule/ordinance/law follower and expect city staff to follow such rules/ordinances/laws. If they are not followed, then why do they exist and why is there an ordinance on the agenda this evening to be approved if they really don't matter?

As you may be aware, I am running for Place 3 in the upcoming election. When I went online to sign up, the link provided an error when trying to download the candidate packet. I see that today it seems to be fixed post signup deadline. Today I went to the Elections page on the city homepage and clicked on Result of The Drawing For Order Of Names on The Ballot. When I clicked on the link to the page stating "Listing of Candidates for the May 6,2023 City of Montgomery General Election following the drawing for names", it shows Council Place 1 is unopposed (which is correct) and also states the following, "Certificate cancelling this race attached".

What does that mean that the race is cancelled. I wasn't able to find out what a cancellation certificate looks like because it was not attached. What I did see is our signatures verifying the drawing. I hope the city secretary knows that the race can't be cancelled and that Carol Langley, although unopposed, still must be on the ballot and still must receive 1 vote to be elected.

CONSENT AGENDA:

- 1. Approval of the minutes of:

City Council Meeting 02-14-2023.

Councilmember Casey Olson moved to approve the consent agenda as presented. Councilmember Cheryl Fox seconded the motion. **Motion passed (3-0).**

CONSIDERATION AND POSSIBLE ACTION:

- 2. Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2021-2022; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Mr. Gary Palmer introduced this item and provided an explanation to the Council as to why we didn't have this on the February 14, 2023 agenda and that we were requesting to postpone the item tonight until March 14, 2023

Councilmember Casey Olson moved to postpone the budget amendment ordinance and bring to council for consideration March 14, City Council meeting. Councilmember Carol Langley seconded the motion. **Motion passed (3-0).**

- 3. Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTION 26 "CRIMINAL PENALTIES" OF CHAPTER 18 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE OF ORDINANCES TO IMPOSE A CIVIL PENALTY ON PERSONS WHO VIOLATE

ARTICLE II; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERANCE CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Dave McCorquodale presented this item and provided council with some background to the item and the intent behind this ordinance. It is to be used as a tool to encourage folks who conduct work without a permit to do it properly.

Mr. McCorquodale provided details on the penalty fees proposed to be assessed and explained that this would be a civil citation process.

Council inquired how this penalty or citation could be tracked. How is work without permits tracked.

Mr. McCorquodale and Mr. Rick Hanna, Building Inspector provided a detailed explanation to council's concerns, noting that there is no way to know in advance that anyone is working without a permit, but during the course of inspections, and being observant as both staff and Mr. Hanna drive around during the course of their duties. Once a contractor/homeowner has been identified as working without a permit, they are ordered to stop work until a permit is obtained. The proposed ordinance is to provide a preventative measure with teeth.

Mr. McCorquodale emphasized communication between the field and the office is vital.

Mayor Sanford spoke about the solar companies conducting work without permits and stated that this ordinance is in alignment with the goals of the city.

Mr. McCorquodale added that this is one more tool to use to assist with compliance.

Council held a brief discussion on the ability to find those working without permits.

Councilmember Casey Olson moved to approve the ordinance as presented. Councilmember Cheryl Fox seconded the motion. **Motion passed (3-0).**

DEPARTMENTAL REPORTS:

4. Sales Tax Report

Mr. Palmer provided council with a report on the Sales Tax and informed them that currently we are 8% higher than the same time last year in amount of taxpayers. He went on to add that in April the consultant will be present at Council to provide the quarterly report.

5. Finance Report

Mr. Anthony Lasky provided Council with the Financial report and informed them that there is 5 months of reserve in the General Fund and 8 months in the Utility Fund. Mr. Lasky went on to break out highlights of all funds.

Mayor Sanford said that taxpayers don't think like we do and thinks that going forward if we could have some visuals/graphs to place onto the screen it would be very useful.

6. Utility Billing Report

Mr. Dave McCorquodale provided an overview of the report from the utility billing division and provided council with the fact that revenue generated was just under \$200,000 and that in the Building Permit Division, 25 building permits were issued.

7. Utility Operations Report

Mr. Jake Williams, H2O representative provided a comprehensive report on the utility operations. He also provided incident alarm reports and resolutions. He concluded that there was 98% accountability.

Mayor Sanford inquired if the cold weather had created or influenced leaks etc.

Mr. Williams responded that the cold did not affect the power generators as the machinery/alternators are warm as they are run, so they did not freeze. The cold weather may have been the contributory factor with a minor leak on the backflow.

8. Public Works Report

Mr. Mike Muckleroy provided the report on Public Works activities and said he would be glad to answer any questions.

Councilmember Carol Langley inquired about the absence of flags in the park for Presidents Day.

Mr. Muckleroy responded that typically the park has not been a location the flags go out in, however he would be glad to look at that in the future.

9. Engineer's Report

Ms. Katherine Vu, City Engineers – WGA provided a comprehensive report on all project and engineering items within the City. She concluded her presentation by stating that both Dutch Bros and Lupe Tortilla have submitted plans are in plan review and that plans for the Lone Star Parkway Bridge were received on Friday.

10. Municipal Court Report

Ms. Kim Duckett provided the Municipal Court report and inquired if Council had any questions. She went on to add that the city had a very successful RAD class.

11. Police & Code Enforcement Report

Chief Anthony Solomon provided the Police Departments report and stated that in Council's packet they also had the annual Racial Profile Report for their review.

Councilmember Casey Olson stated that he had noticed that citations were trending down could the Chief explain the reason for this?

Chief Solomon responded that the citations are indicative of the number of calls requiring response elsewhere, rather than focusing on traffic safety. He also informed the council that the City cannot instruct officers or demand a high level of citations, that is not permitted, and he and the City could get into trouble.

12. City Administrator Report

Mr. Gary Palmer provided his report to council. He informed council that staff is still working hard to find a good financial consultant to come in review the financials, it's a hard path right now. He went on to advise council that he is working on the update to the food truck ordinance.

Mr. Palmer stated he was going to the TML mid-year conference in San Antonio and was looking forward to networking and understanding the Texas legislature better.

Councilmember Cheryl Fox moved to approve the Departmental Reports. Councilmember Casey Olson seconded the motion. **Motion Passed (3-0).**

EXECUTIVE SESSION:

Adjourn into Closed Session in compliance with Section §551.001 etseq. Texas Government Code, to wit:

Council did not enter into Executive Session.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

Council did not enter into Executive Session.

COUNCIL INQUIRY:

Mayor Byron Sanford announced that April was Library Month, and that March the 14th a member(s) of the High School will be here to celebrate “Theatre in our Schools month”.

Mayor Sanford stated that he and Mr. Palmer had met with Congressman Luttrell and took that opportunity to inform him of the fact we are not getting a lick from the county, and said taxpayers were upset. He went on to say he has approached the County to no avail so this is the solution he has come up with, we, all of us need to write a letter to Senator Kolkhorst and see if we can get some help from her. There is \$26 billion, which is sent to the HGAC, then allocated to the county and that’s where it seems to stop. He added that we better not stop until we get it.

ADJOURNMENT

Councilmember Carol Langley moved to adjourn the meeting. Councilmember Cheryl Fox seconded the motion. **Motion passed (3-0).**

ADJOURNED: 7:00 P.M.

Submitted by: _____
Nici Browe, City Secretary

Date Approved: _____

Byron Sanford, Mayor

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on a variance request to Section 98-286 of the City Code of Ordinances related to off-street parking requirements as submitted by MISD for a proposed 33.8-acre CTE and Agricultural Center school facility located on Lone Star Parkway west of Buffalo Springs Drive.

Recommendation

Approve the parking variance request as presented.

Discussion

This request relates to a requested reduction in parking spaces for the proposed MISD Career & Technical Education (CTE) facility along Lone Star Parkway. The design team for the project will be at the meeting to discuss questions or comments. As shown in the attached engineer's memo, the project team is proposing 685 total parking spaces instead of the 815 total parking spaces required by city regulations.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023



March 9, 2023

The Zoning Board of Adjustments
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Request for Parking Variance
Montgomery ISD CTE and Agricultural Center
City of Montgomery

Dear Board Members:

Montgomery Independent School District (“the Developer”) plans to proceed with construction of a Career & Technology (CTE) and Agricultural Center along Lone Star Parkway between Buffalo Springs Drive and Plez Morgan Drive. The Developer is requesting the following variance from the City’s 2004 Code of Ordinances:

- Section 98-271 (3): The City’s 2004 Code of Ordinances requires properties with a commercial or professional use, with exception to restaurants, to have off-street parking at a ratio of not less than 0.75 square feet of parking space for each one square foot of gross building area. The Developer is requesting a reduction in the number of parking spaces as outlined below and shown in the enclosed site plan.

	Total Building Square Footage	# Spaces Required (assuming 9’x18’ space)	# Spaces Proposed (assuming 9’x18’ space)
CTE Center	150,538	697	542
Agricultural Center	25,504	118	143
TOTAL	176,042	815	685

It should be noted that the square footage of the Agricultural Center does not include an additional 17,368 square feet to be constructed for animal pens. If this area were to be included in the parking requirements, 218 parking spaces (assuming a 9’x18’ parking space) would be required for the agricultural center. Due to the nature of the use of animal pens and the significantly reduced number of vehicles required for such a use, this area has been eliminated in the parking calculation.

Approval of the requested variance does not constitute plan approval and only allows the Developer to further refine the proposed site plan, which will require the full review and approval of the City. Due to the proposed use of the property and the reduced need for parking as a result, we offer no objections to the variance request as submitted.



If you have any questions or comments, please do not hesitate to contact me or Katherine Vu.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive.

Chris Roznovsky, PE
Engineer for the City

CVR/kmv

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2023\2023.03.09 MEMO to Zoning BOA RE MISD CTE Ag Parking Variance Request.docx

Enclosures: Proposed Site Plan

Cc (via email): Mr. Dave McCorquodale– City of Montgomery, Director of Planning and Development
Ms. Nicola Browe – City of Montgomery, City Secretary
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



MONTGOMERY INDEPENDENT SCHOOL DISTRICT CTE AND AGRICULTURAL CENTER

COLOR LEGEND

- Main Entry
- Proposed CTE Center
- Proposed AG Center
- Proposed Drive
- Existing Pond
- Existing Residential Area
- Proposed Green Space
- Proposed Trailer Parking
- Proposed Site Detention
- Future Kitchen Expansion
- Future AutoTech Expansion
- Future AG Center Expansion
- Receiving and Dumpsters

LINE TYPE LEGEND

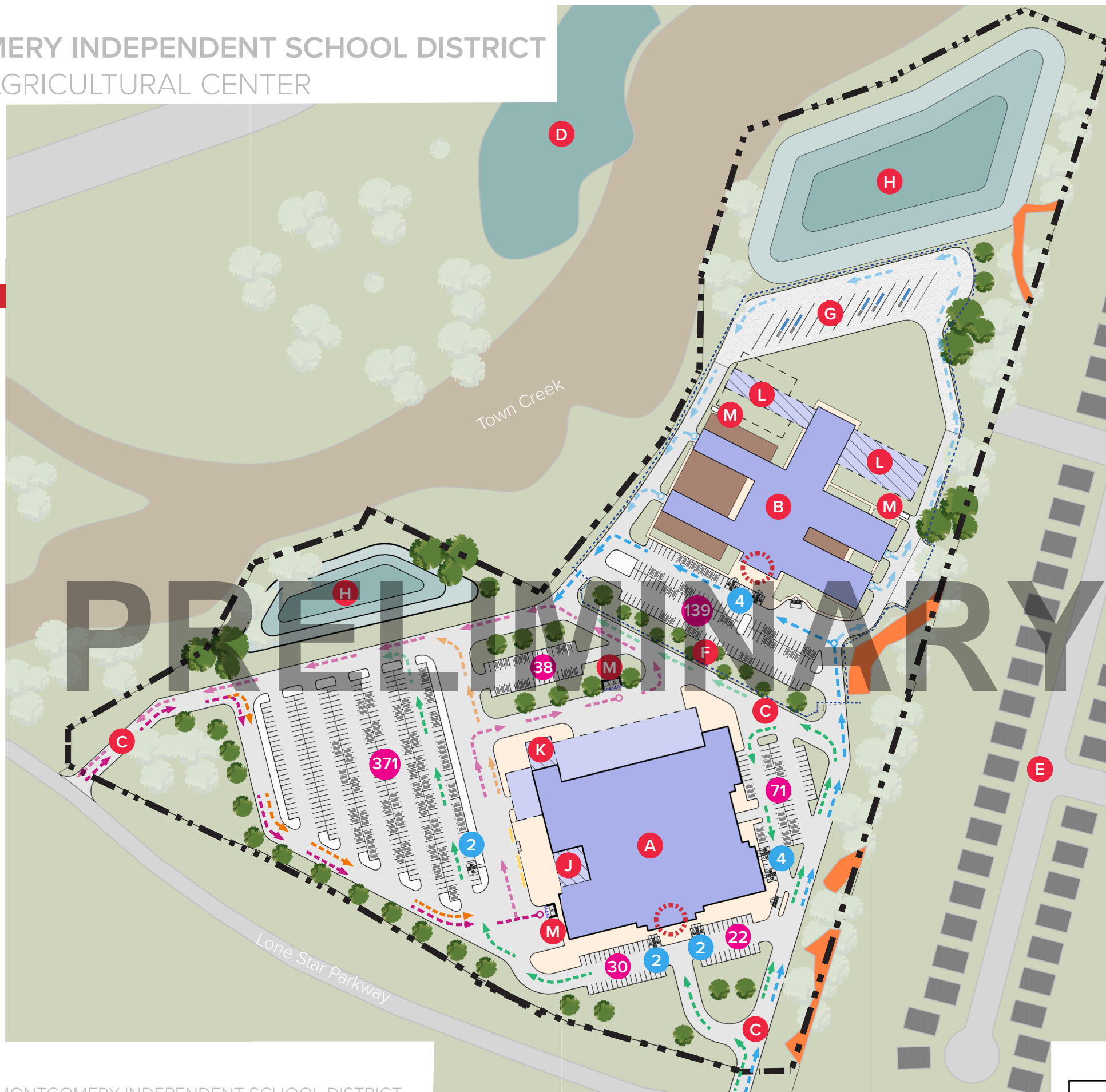
- Property Line
- AG Center Path
- CTE Center Path
- Bus Drop-Off
- Service / Delivery
- Fire Lane
- New Fence

COLOR LEGEND

- Proposed Building
- Shop Yard
- Existing Wetland Area
- Concrete Paving
- Crushed Stone Paving
- Livestock Bedding
- Sidewalk

PARKING LEGEND

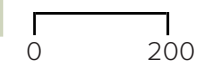
- City Requirements:**
TBD
- Parking Space Count
 - ADA Parking Space Count
- MISD Requirements:**
TBD
- Automobiles
 - Automobiles w/ Trailers
 - Bus
- New CTE Spaces**
- | | |
|-----|--------------|
| 532 | Spaces |
| 10 | ADA spaces |
| 542 | Total spaces |
- New AG Center Spaces**
- | | |
|-----|--------------|
| 139 | Spaces |
| 4 | ADA spaces |
| 143 | Total Spaces |
- Total spaces**
- | | |
|-----|--------------|
| 671 | Spaces |
| 14 | ADA spaces |
| 685 | Total spaces |



Huckabee

CTE AND AGRICULTURAL CENTER | MONTGOMERY INDEPENDENT SCHOOL DISTRICT

NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION. BRENDON HOFFMAN TX - 25988



SITE PLAN

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action by the City Council acting as the Zoning Board of Adjustment on an existing encroachment variance request to Section 98-239 of the City Code of Ordinances related to rear yard requirements as submitted by Cornerstone Community Church located at 14740 Liberty Street.

Recommendation

Approve the encroachment as presented.

Discussion

This request relates to a minor encroachment of an existing rear porch at Cornerstone Community Church (the former China Chapel location on FM 149 North). The church recently purchased 0.295-acres from the property owner to the south as part of a plan for future improvements. They are platting the property to combine the new property with the existing property. In order to approve the plat the encroachment needs to be addressed. The area of encroachment is less than one foot in width by 6-feet long. Staff and engineers have no objections to the encroachment and recommend approval. The engineer's memo is attached.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023



March 9, 2023

The Zoning Board of Adjustments
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Request for Encroachment
Cornerstone Community Church
City of Montgomery

Dear Board Members:

Cornerstone Community Church of Montgomery (“the Developer”) plans to proceed with expansion of onsite facilities, which has triggered the need for the property to be platted. The Developer is requesting permission to encroach upon the 25’ rear lot setback and vegetative setback required by section 98-239(3) and section 78-162(a) of the City’s Code of Ordinances with an existing awning.

The property is not currently platted, and a minor plat will need to be prepared for the property. We recommend the rear yard setback lines be maintained at 25’ and an encroachment be granted for the existing structure, as shown in the provided site plan. All future structures must adhere to a 25’ rear yard setback.

Approval of the encroachment as recommended above does not constitute plan approval and only allows the Developer to further refine the proposed site plans, which will require the full review and approval of the City, including Planning and Zoning Commission approval for all work on a historic landmark site..

If you have any questions or comments, please do not hesitate to contact me or Katherine Vu.

Sincerely,

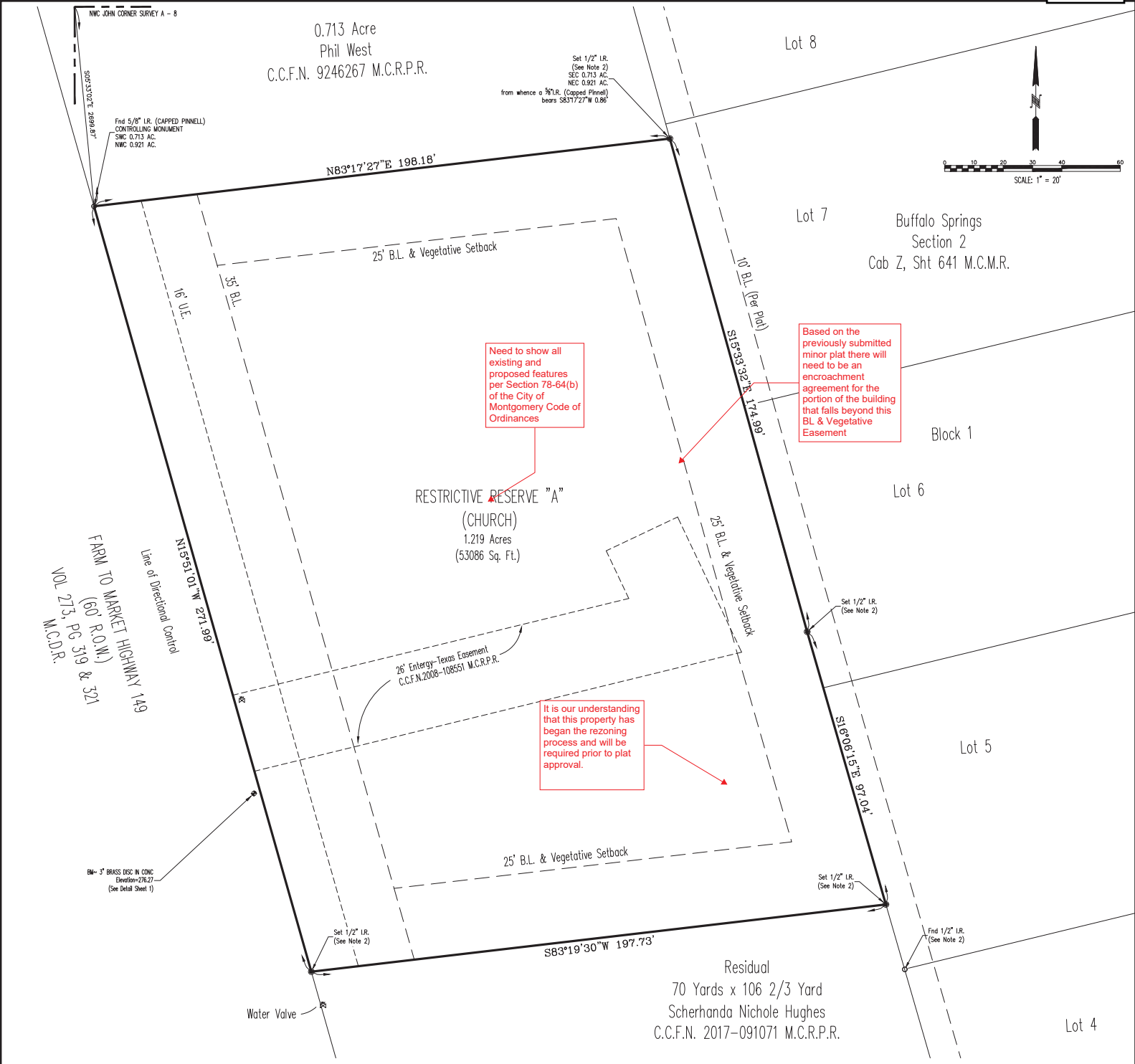
Chris Roznovsky, PE
Engineer for the City

CVR/ajn

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2023.03.01 MEMO to P&Z RE Cornerstone Community Church
Variance Request.docx

Enclosures: N/A

Cc (via email): Mr. Dave McCorquodale– City of Montgomery, Director of Planning and Development
Ms. Nicola Browe – City of Montgomery, City Secretary
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



Need to show all existing and proposed features per Section 78-64(b) of the City of Montgomery Code of Ordinances

Based on the previously submitted minor plat there will need to be an encroachment agreement for the portion of the building that falls beyond this BL & Vegetative Easement

It is our understanding that this property has begun the rezoning process and will be required prior to plat approval.

MINOR PLAT
**CORNERSTONE COMMUNITY
 CHURCH OF MONTGOMERY
 SECTION 1**

BEING A SUBDIVISION OF 1.219 ACRES OF LAND IN THE
 JOHN CORNER SURVEY, A - 8, MONTGOMERY COUNTY, TEXAS,

CONTAINING: 1 RESTRICTED RESERVE IN 1 BLOCK

FEBRUARY, 2023

- Notes:
- 1) Bearings are based upon the Texas State Plane Coordinate System, NAD 83, Texas Central Zone, U.S. Foot (TX83-CF).
 - 2) Existing structures within this Plat may not conform to Building Lines of this Plat.
 - 3) Visual Barrier must be constructed and maintained abutting any R or PD district Sec. 98-239(a)(4)

JEFFREY MOON & ASSOCIATES, INC.
 LAND SURVEYORS
 www.moonsurveying.com
 TBPELS FIRM No. 10112200
 P.O. Box 2501 Conroe Texas 77305
 PHONE: (936)756-5266
 FAX: (936)756-5281
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Variance Request Application

City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316
(936) 597-6434

Item 5.

Upon completion return application to dmccorquodale@ci.montgomery.tx.us

Contact Information

Property Owner(s): Cornerstone Community Church of Montgomery

Address: 14740 Liberty St. Montgomery, Tx Zip Code: 77356

Email Address: colemang2611@gmail.com Phone: 281-753-0053

Applicants: _____

Address: _____

Email Address: _____ Phone: _____

Parcel Information

Property Identification Number (MCAD R#): R31340

Legal Description: A0008 - Corner John, TRACT 13, 14-B, ACRES 1.295

Street Address or Location: 14740 Liberty St. Montgomery, Tx 77356

Acreage: 1.295 Present Zoning: I-Institutional Present Land Use: Church

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: _____ Section(s): _____

Ordinance wording as stated in Section (): _____

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Approx 3' of awning overhangs over the 25' BL less than 1'. This intrusion has been in place since building was constructed many years ago and has only been realized once a new plat was performed.

Signatures

Owner(s) of record for the above described parcel:

Signature: _____ **Gerald Coleman, Elder** _____ Date: 2-27-2023

Signature: _____ Date: _____

Signature: _____ Date: _____

Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.

Additional Information

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

<p>Date Received <i>Office Use</i></p>	
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Public Hearings

Parties in interest and citizens shall have an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and the City Council before any variance to a district regulation, restriction, or boundary shall become effective. Regularly scheduled meetings are as follows and will be held accordingly unless public notice has been given of a change of dates:

Planning and Zoning Commission: **1st Tuesday of every month at 6:00 p.m.**

City Council: **2nd and 4th Tuesday of every month at 6:00 p.m.**

Finding of Undue Hardship

In order to grant a variance, the Board must make the following findings to determine that an undue hardship exists:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
5. Financial hardship alone is not an “undue hardship” if the property can be used, meeting the requirements of the zoning district it is located in.

Factors not Considered

A variance shall not:

1. Be granted to relieve a self-created or personal hardship,
2. Be based solely upon economic gain or loss,
3. Permit or allow any person a privilege or advantage in developing a parcel of land not permitted or allowed by these Regulations to other parcels of land in the same particular zoning district,
4. Result in undue hardship upon another parcel of land.

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING CHAPTER 82 "TAXATION" OF THE CITY CODE OF ORDINANCES TO ADD ARTICLE VI. "PARTIAL AD VALOREM TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT STRUCTURES"; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY.

Recommendation

Adopt the Ordinance as presented.

Discussion

Staff discussed this topic with City Council at the February 14th meeting. The draft Ordinance provides for a 25% partial ad valorem tax exemption for properties with historic structures used for residential purposes that meet the following criteria:

- The property must contain at least one historic home or structure used as the primary dwelling for the property.
- The historic home must be at least 100-years old at the time of application.
- The historic home must be located within the corporate boundaries of the city for at least 25 years at the time of application.
- The historic home must be kept in good repair.
- The property must be within the Historic Preservation District or be a City-designated Historic Landmark.

The Ordinance also provides for an application and verification process along with provisions for demolition or damage of the structure. An estimate of the total ad valorem taxes abated from this proposed ordinance is between \$13,000 & \$18,000.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING CHAPTER 82 "TAXATION" OF THE CITY CODE OF ORDINANCES TO ADD ARTICLE VI. "PARTIAL AD VALOREM TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT STRUCTURES"; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council recognizes the significance of historical structures within the City of Montgomery, Texas (the "City");

WHEREAS, the City has a number of well-preserved historically significant structures built in the late 1800's and early 1900's that are still occupied today;

WHEREAS, the City acknowledges the effort and expense required to maintain these historically significant structures and desires to encourage preservation through the creation of a partial ad valorem tax exemptions for historically significant structures in the City;

WHEREAS, in accordance with Section 11.24 the Texas Tax Code, the City exempts part of the assessed value of the historic structures by adding Article VI. "Partial ad valorem tax exemption for historically significant structures" to Chapter 82 "Taxation";

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, THAT:

Section 1. The City Council adopts the findings and recitals above as true and correct.

Section 2. Chapter 82 "Taxation" of the Code of Ordinances is hereby amended by adding Article VI "Partial ad valorem tax exemption for historically significant structures" to read as follows:

"Sec. 82-95. - Definitions.

Historic Home means a structure built primarily for and used for residential purposes.

Historic Landmark means an individual property designated by the city council under Chapter 98 of the City Code of Ordinances, as having outstanding historical and cultural significance in the nation, region, or community. For historical landmark buildings or structures located on a tract or parcel of land exceeding 9,000 square feet in area, only the buildings or structures and a 25-foot buffer around said buildings or structures shall be subject to the provisions of this chapter.

Historic Preservation District means an area of the city designated by the city council under Chapter 98 of the City Code of Ordinances, as having definable geographic boundaries, and a

significant concentration, linkage or continuity of sites, buildings, or structures united historically or aesthetically by plan, appearance, or physical development.

Structure means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types, but exclusive of customary fences, or boundary or retaining walls.

Sec. 82-96. Granting of Partial Exemption.

Any property deemed to meet the requirements of this chapter shall be eligible for a twenty-five percent (25%) exemption from ad valorem taxes levied by the city for each tax year.

Sec. 82-97. Eligibility.

To be eligible for a partial ad valorem tax exemption, a property must meet the following criteria:

1. The property must contain at least one historic home or structure used as the primary dwelling for the property.
2. The historic home must be at least 100-years old at the time of application.
3. The historic home must be located within the corporate boundaries of the city for at least 25 years at the time of application.
4. The historic home must meet the preservation and maintenance requirements as set out in this chapter.

Sec. 82-98. Application.

Applications for a partial ad valorem tax exemption pursuant to the provisions of this chapter are to be filed with City Secretary (or other such city official as designated by the city administrator) on a form prescribed by the City. Each application must be signed by the owner of the property, be acknowledged before a notary public and shall:

1. State the legal description and the street address of the subject property.
2. Be located within the Historic Preservation District or designated by the city as a historically significant structure. For the purpose of this Chapter, an application submitted to the city for designation as a historic significant structure prior to application for a partial ad valorem tax exemption shall constitute compliance with this provision if no such application has been submitted within the previous five years by the current property owner.
3. Include an affidavit by the owner stating the historic home is used for residential purposes, is at least 100 years old, has been located within the city limits for at least 25 years, and meets the preservation and maintenance requirements of this chapter.
4. Include a tax certificate showing all taxes due upon the property have been paid.

Sec. 82-99. Preservation and Maintenance.

The following requirements shall be met for the city to determine that a historic site has been maintained in accordance with minimum property, structural and health standards:

1. Any well, cesspool or cistern shall be securely covered or closed;

2. Dead trees and tree limbs that are reasonably capable of causing injury to a person shall be removed;
3. Any structure or portion of a structure which is vacant shall be securely closed so as to prevent unauthorized entry;
4. Paint or other coatings shall be applied at reasonable intervals so as to protect the exterior surfaces of a structure which are subject to decay;
5. The exterior grounds shall be maintained free of excessive rubbish, garbage, junk or refuse;
6. Screens and shutters existing at the time of historic designation or added subsequent thereto shall be maintained in good repair;
7. Broken windows shall be replaced or re-glazed;
8. Exterior doors and doorways shall be maintained in good repair and operable condition;
9. Skirting around the structure, if any, shall be maintained in good repair;
10. Porch flooring and supports shall be maintained in a sound condition, capable of bearing an imposed load safely;
11. Railings and handrails of exterior stairs, steps, balconies, porches and other exterior features shall be maintained in a sound condition so as to afford safety;
12. Rotted exterior wood shall be replaced and repainted;
13. Broken or partially missing gutters or downspouts shall be replaced or repaired;
14. Loose bricks or stones in the exterior of a structure shall be re-established or replaced and all joints weatherproofed by proper maintenance of appropriate materials;
15. Fences and the exteriors of accessory buildings shall be maintained in reasonable repair, including painting if applicable; and
16. The property shall be kept in conformance with all city codes.

Sec. 82-100. Verification and Approval Process.

Upon receipt of a completed application, the city council may, following recommendations either for or against such designation by the planning and zoning commission, designate certain sites and/or structures in the city as a historically significant structure. The city shall take necessary steps to determine if the property is eligible for a partial ad valorem tax exemption and that all requirements of the Chapter have been met. Upon approval, the city shall provide a letter to the property owner granting the partial exemption and signed by the city administrator. It is the responsibility of the property owner to file all necessary forms with the Montgomery County Appraisal District for the exemption.

Sec. 83-101. Alteration or Destruction.

- a. During the exemption period, if the city administrator has reason to believe that an exempted structure has been altered or totally or partially destroyed by the willful act or negligence of the owner or his representative, the city administrator shall immediately cause the matter to be scheduled for the earliest possible consideration by the city council. If, after giving notice and hearing to the owner, the city council determines that the exempted structure has been totally or partially destroyed or altered by the willful act or negligence of the owner or his representative, the owner shall immediately repay to the city all of the tax revenues that were not paid because of the exemption.

- b. Where an exempted structure is totally or partially destroyed or altered by a means other than the willful act or negligence of the owner or his representative, the owner shall, whenever feasible, request a building permit to reconstruct the historically significant site in accordance with plans and specifications (plans) that comply with the property appearance guidelines and building and development codes of the city. The cost of renovation is hereby deemed feasible when destruction or alteration is fifty (50) percent or less of the assessed ad valorem tax value of the building without deduction for the abatement hereunder. The plans for the structure must be approved by the planning and zoning commission. If rebuilding activities are not completed within one (1) year of the damage to the structure, the repayment of the tax revenues not paid because of the exemption shall be required as set forth in subsection (a) above, unless city council grants an extension for such permits.
- c. If the owner of a damaged historic structure exempted under this article applies for a demolition permit, the building official shall follow the regulations contained in Section 98-352 (Approval Required for Demolition) of the zoning chapter, as amended, in processing such permit. In cases where a demolition permit is issued by the city because renovation is not feasible, repayment of tax revenue is not required.
- d. If the owner of a historic structure which is damaged by a willful or negligent act of the owner or his representative has such structure demolished or such structure is not repaired within one (1) year of the damage, such owner will not be eligible for future abatement unless a revised application for such structure is approved by the city council."

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. All other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance on all ordinances or sections of the City Code not specifically amended or repealed shall remain in full force and effect.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION 6. This Ordinance shall take effect immediately upon its passage, adoption and publication as required by state law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas on the _____ day of _____, 2023.

Byron Sanford, Mayor

ATTEST:

Nicola Browe, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

**Montgomery City Council
AGENDA REPORT**

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on Amendment No. 1 to the Development Agreement between the City of Montgomery and Redbird Meadow Development, LLC (Dev. No. 2206).

Recommendation

Listen to the developer’s request, discuss, and act as you see fit.

Discussion

The developer has requested the following amendments to the Development Agreement for this 388-acre residential neighborhood:

- Additional 122 residential lots for a total of 682 lots (22% increase)
- Additional 36,600 gpd water capacity (22% increase)
- Additional 24,400 gpd sewer capacity (22% increase)
- 5-ft side yards throughout the development instead of 10-ft as required by city development regulations. The same requirement of no equipment in the side yards as the Montgomery Bend development is included.

Roadway design changes proposed are a variation from what is allowed under Section 78-87 of the Code of Ordinances:

- Minor Residential Streets (serving less than 50 lots): 24-ft wide instead of 28-ft wide pavement
- East/West street from Spring Branch Rd to Old Plantersville Rd: 36-ft width and 60-ft ROW. This request is to primarily to affirm the street is a defined as a residential street, and these are the specifications that are required for this street type.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF MONTGOMERY, TEXAS AND
REDBIRD MEADOW DEVELOPMENT, LLC

This FIRST AMENDMENT DEVELOPMENT AGREEMENT (the "Agreement") is entered into between REDBIRD MEADOW DEVELOPMENT, LLC, a Texas limited liability company, its successors or assigns ("Developer"), and THE CITY OF MONTGOMERY, TEXAS ("City") to be effective on the date on _____, 2023 (the "Effective Date").

RECITALS

The Developer and City have entered into the Development Agreement dated May 10, 2022, to provide for the orderly, safe and healthful development of the Tract. The Parties desire to enter into this Amendment in order to modify certain development obligations.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises, obligations, and benefits contained herein as well as other good and valuable consideration, the sufficiency of which is acknowledged by the parties, the City and Developer agree as follows:

1. **Exhibit F**, Proposed Phasing Plan, is amended in the proposed phasing plan attached hereto as **Exhibit F-1**.
2. Article II is amended throughout (as to references to 560 ultimate connections), to state that the Tract will be developed in phases to serve a maximum number of 682 connections.
3. Article II is amended throughout (as to references to ultimate capacity) to state that ultimate requirements for water capacity will be approximately 204,600 gpd and ultimate requirements for sewage capacity will be approximately 136,400 gpd.
4. Article II, Section 2.2(a), Road Improvements, General is amended to add the following sentence:

Unless otherwise agreed to by the Parties, Developer shall construct a street from Spring Branch Road to Old Plantersville Road simultaneously with the start of construction of utilities and paving for Phase III of the development. This street will have a 60' right-of-way with a 36' wide curb and gutter street. Parties further agree that Minor Residential Streets (as defined in the City subdivision ordinances) within the development shall be constructed as a variance from such subdivision ordinances as follows:

Minor Residential Streets:

- 1) Minimum Pavement Width – 24'
- 2) Right of Way Width – 50'.

- 5. Article II, Section 2.5. Development Regulations, is amended to add the following sentence:

“As a variance from City Code, Parties agree that the minimum side yard set back requirements between adjacent lots shall be reduced to five (5) feet setback on each property line and there shall be no appurtenances, equipment, accessories, fixtures, appendages, extras, additions, etc. located within the side yard set back area.” Except as specifically amended in this Amendment, the Agreement shall remain in full force and effect in accordance with its original terms and conditions. In the event of a conflict, the terms of this Amendment shall control.

(Signature Pages to Follow)

Executed by the Developer and the City to be effective on the Effective Date.

Redbird Meadow Development, LLC, a Texas limited liability company

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me this _____ day of _____, 2023, by _____, _____ of Redbird Meadow Development, LLC, a Texas limited liability company, on behalf of said limited liability company.

Notary Public, State of Texas

(NOTARY SEAL)

CITY OF MONTGOMERY, TEXAS

Byron Sanford, Mayor

ATTEST:

Title: _____

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me this _____ day of _____, 2023, by Byron Sanford, Mayor, City of Montgomery, Texas, on behalf of said City.

Notary Public, State of Texas














(NOTARY SEAL)

EXHIBIT F-1 - REDBIRD MEADOWS

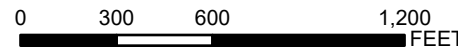
PHASING EXHIBIT

JUNE 2022

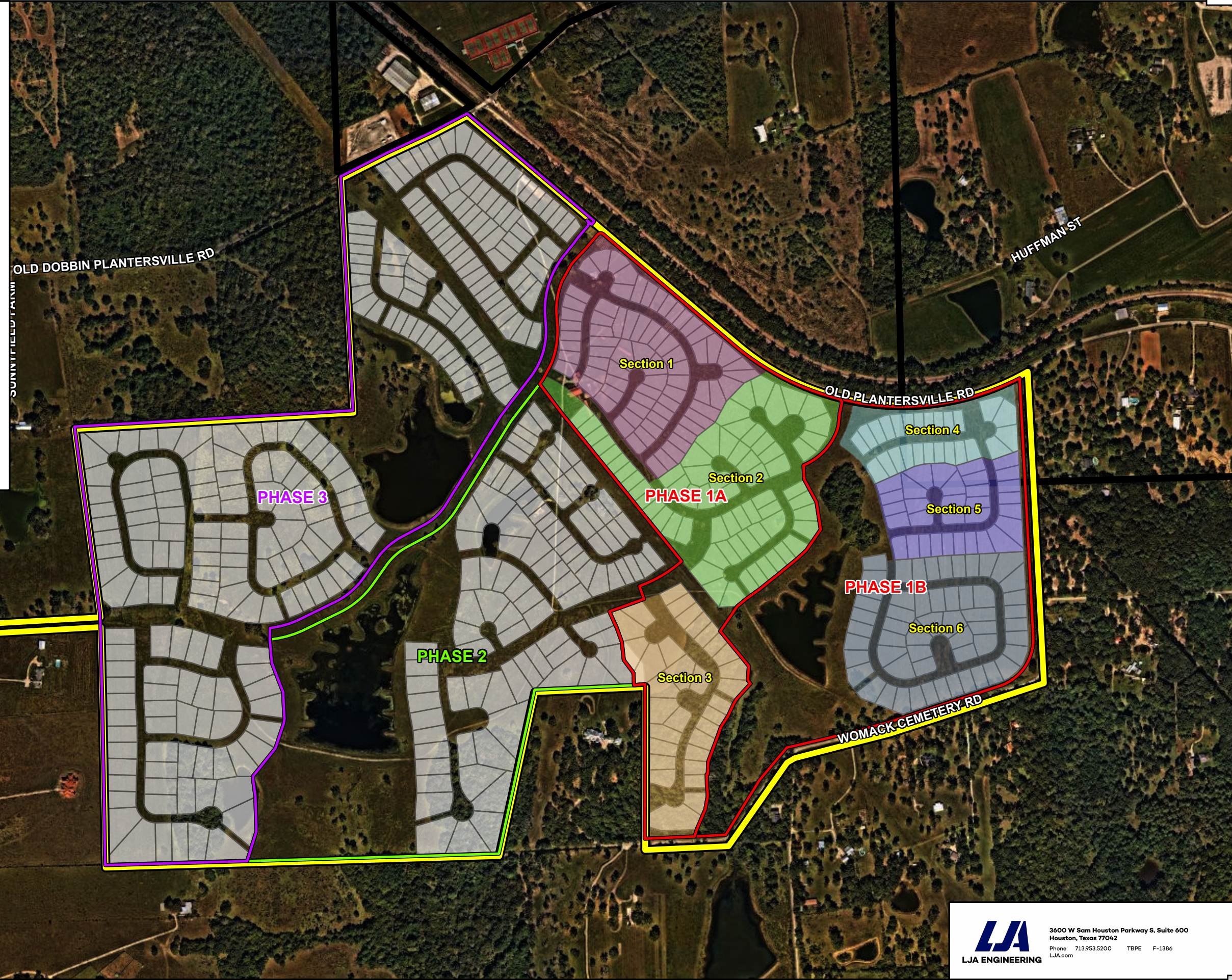
LEGEND

-  TRACT BOUNDARY
-  CITY OF MONTGOMERY LIMITS
-  LOTS
-  PHASE 1A (174)
-  PHASE 1B (110)
-  PHASE 2 (124)
-  PHASE 3 (244)
-  PHASE 1A SECTION 1
-  PHASE 1A SECTION 2
-  PHASE 1A SECTION 3
-  PHASE 1B SECTION 4
-  PHASE 1B SECTION 5
-  PHASE 1B SECTION 6

AERIAL PHOTOGRAPH DATE: NEARMAP 2021



THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES.



Path: T:\288102\MCM\UD\215_Annexation\Info\Redbird_Meadow.aprx

LJA
LJA ENGINEERING

3600 W Sam Houston Parkway S, Suite 600
Houston, Texas 77042
Phone 713.953.5200 TBPE F-1386
LJA.com

**Montgomery City Council
AGENDA REPORT**

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on Letters of No Objection for the proposed Montgomery County MUD's 223 & 227.

Recommendation

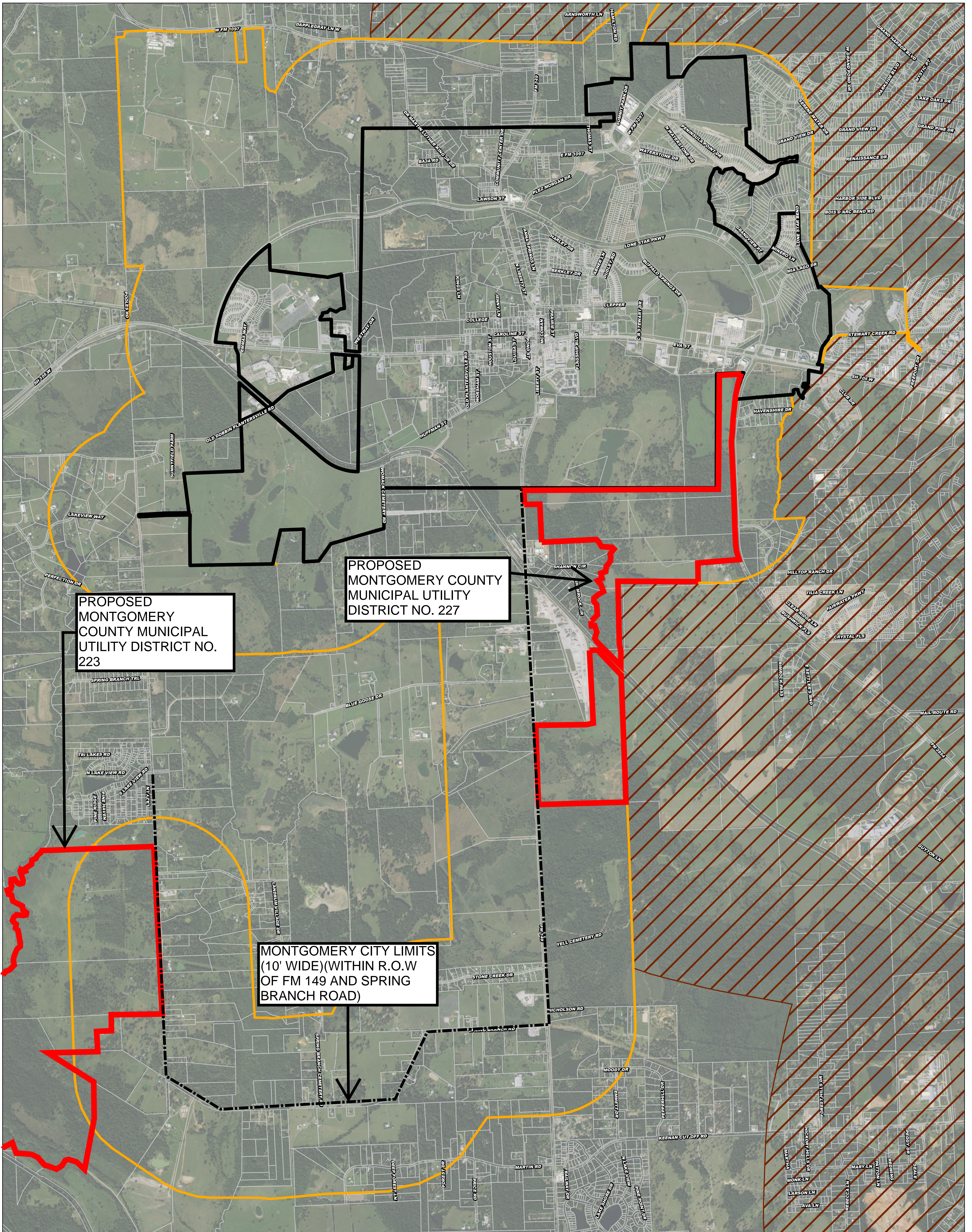
Consider the request and act as you see fit.

Discussion

These property owners are going through the state legislative process to create the framework for two MUD's in the City's ETJ. These letters do not allow for the creation of the MUD's and the City would still have to have consent from the City to be created. The city attorneys and engineers can provide additional guidance at the meeting. The attorney for the property owners will also be present to discuss. Staff does not object to providing the Letters of No Objection.

Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023

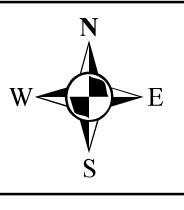
CITY LIMITS AND EXTRATERRITORIAL JURISDICTION MAP



1 inch equals 1,250 feet

Imagery provided by Google

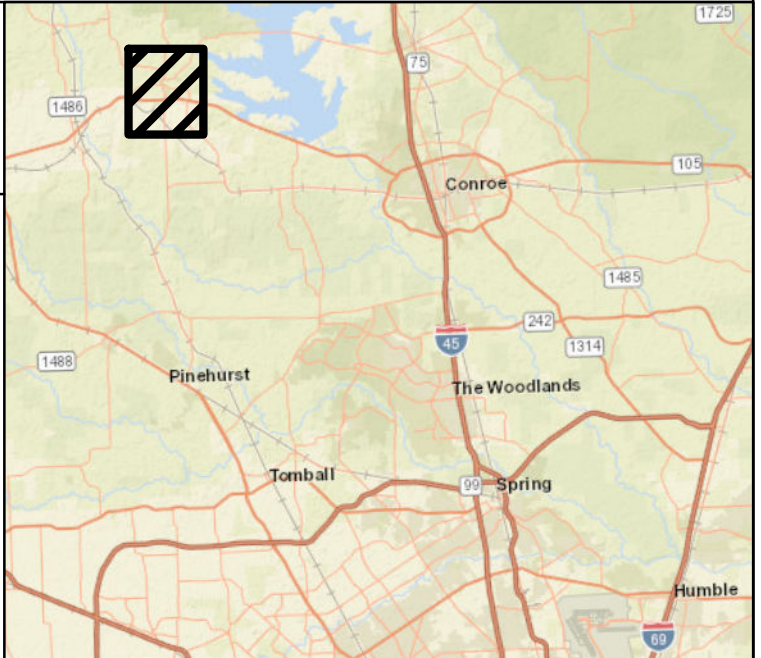
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CITY OF MONTGOMERY MONTGOMERY COUNTY, TEXAS

LEGEND

- City Limits
- City ETJ
- City of Conroe ETJ
- MCAD Parcels



VICINITY MAP
Scale: 1 inch equals 10 miles



101 OLD PLANTERSVILLE ROAD, MONTGOMERY, TEXAS 77316

Telephone: (936) 597-6434

March 14, 2023

The Honorable Lois Kolkhorst
Texas Senate District 18

The Honorable Will Metcalf
Texas House District 16

Re: Legislation proposing to create Montgomery County Municipal Utility District No. 223 (MUD 223)

Senator Kolkhorst and Representative Metcalf:

Please accept this correspondence as confirmation that the City of Montgomery has no objection to the referenced legislation to create MUD 223. The City has reserved the right to issue formal consent to the creation of MUD 223 at a future date upon submission of a petition for same by the owner of land within the proposed district.

Should you have any questions regarding this matter, please do not hesitate to contact Dave McCorquodale, Director of Planning and Development, at (936) 597-3235.

Sincerely,

Mayor Byron Sanford
Mayor, City of Montgomery

cc: Dave McCorquodale
Director of Planning and Development, City of Montgomery

Mayor, Byron Sanford
Councilmembers: Carol Langley; Casey Olson; TJ Wilkerson; Cheryl Fox; Patricia Easley



101 OLD PLANTERSVILLE ROAD, MONTGOMERY, TEXAS 77316

Telephone: (936) 597-6434

March 14, 2023

The Honorable Lois Kolkhorst
Texas Senate District 18

The Honorable Will Metcalf
Texas House District 16

Re: Legislation proposing to create Montgomery County Municipal Utility District No. 227 (MUD 227)

Senator Kolkhorst and Representative Metcalf:

Please accept this correspondence as confirmation that the City of Montgomery has no objection to the referenced legislation to create MUD 227. The City has reserved the right to issue formal consent to the creation of MUD 227 at a future date upon submission of a petition for same by the owner of land within the proposed district.

Should you have any questions regarding this matter, please do not hesitate to contact Dave McCorquodale, Director of Planning and Development, at (936) 597-3235.

Sincerely,

Mayor Byron Sanford
Mayor, City of Montgomery

cc: Dave McCorquodale
Director of Planning and Development, City of Montgomery

Mayor, Byron Sanford
Councilmembers: Carol Langley; Casey Olson; TJ Wilkerson; Cheryl Fox; Patricia Easley

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 223; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter _____ to read as follows:

CHAPTER . MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 223

SUBCHAPTER A. GENERAL PROVISIONS

Sec. .0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 223.

Sec. .0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. .0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED.

1 The temporary directors shall hold an election to confirm the
2 creation of the district and to elect five permanent directors as
3 provided by Section 49.102, Water Code.

4 Sec. .0104. CONSENT OF MUNICIPALITY REQUIRED. The
5 temporary directors may not hold an election under Section
6 .0103 until each municipality in whose corporate limits or
7 extraterritorial jurisdiction the district is located has consented
8 by ordinance or resolution to the creation of the district and to
9 the inclusion of land in the district as required by applicable
10 law.

11 Sec. .0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
12 The district is created to serve a public purpose and benefit.

13 (b) The district is created to accomplish the purposes of:

14 (1) a municipal utility district as provided by general
15 law and Section 59, Article XVI, Texas Constitution; and

16 (2) Section 52, Article III, Texas Constitution, that
17 relate to the construction, acquisition, improvement, operation, or
18 maintenance of macadamized, graveled, or paved roads, or
19 improvements, including storm drainage, in aid of those roads.

20 Sec. .0106. INITIAL DISTRICT TERRITORY. (a) The
21 district is initially composed of the territory described by
22 Section 2 of the Act enacting this chapter.

23 (b) The boundaries and field notes contained in Section 2 of
24 the Act enacting this chapter form a closure. A mistake made in
25 the field notes or in copying the field notes in the legislative

1 process does not affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for the purposes for
4 which the district is created or to pay the principal of and
5 interest on a bond;

6 (3) right to impose a tax; or

7 (4) legality or operation.

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. .0201. GOVERNING BODY; TERMS. (a) The district is
10 governed by a board of five elected directors.

11 (b) Except as provided by Section .0202, directors serve
12 staggered four-year terms.

13 Sec. .0202. TEMPORARY DIRECTORS. (a) On or after the
14 effective date of the Act enacting this chapter, the owner or
15 owners of a majority of the assessed value of the real property in
16 the district may submit a petition to the commission requesting
17 that the commission appoint as temporary directors the five persons
18 named in the petition. The commission shall appoint as temporary
19 directors the five persons named in the petition.

20 (b) Temporary directors serve until the earlier of:

21 (1) the date permanent directors are elected under
22 Section .0103; or

23 (2) the fourth anniversary of the effective date of the
24 Act enacting this chapter.

25 (c) If permanent directors have not been elected under

1 Section .0103 and the terms of the temporary directors have
2 expired, successor temporary directors shall be appointed or
3 reappointed as provided by Subsection (d) to serve terms that
4 expire on the earlier of:

5 (1) the date permanent directors are elected under
6 Section .0103; or

7 (2) the fourth anniversary of the date of the
8 appointment or reappointment.

9 (d) If Subsection (c) applies, the owner or owners of a
10 majority of the assessed value of the real property in the district
11 may submit a petition to the commission requesting that the
12 commission appoint as successor temporary directors the five
13 persons named in the petition. The commission shall appoint as
14 successor temporary directors the five persons named in the
15 petition.

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. .0301. GENERAL POWERS AND DUTIES. The district has
18 the powers and duties necessary to accomplish the purposes for
19 which the district is created.

20 Sec. .0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.
21 The district has the powers and duties provided by the general law
22 of this state, including Chapters 49 and 54, Water Code, applicable
23 to municipal utility districts created under Section 59, Article
24 XVI, Texas Constitution.

25 Sec. .0303. AUTHORITY FOR ROAD PROJECTS. Under Section

1 52, Article III, Texas Constitution, the district may design,
2 acquire, construct, finance, issue bonds for, improve, operate,
3 maintain, and convey to this state, a county, or a municipality for
4 operation and maintenance macadamized, graveled, or paved roads, or
5 improvements, including storm drainage, in aid of those roads.

6 Sec. .0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road
7 project must meet all applicable construction standards, zoning and
8 subdivision requirements, and regulations of each municipality in
9 whose corporate limits or extraterritorial jurisdiction the road
10 project is located.

11 (b) If a road project is not located in the corporate limits
12 or extraterritorial jurisdiction of a municipality, the road
13 project must meet all applicable construction standards,
14 subdivision requirements, and regulations of each county in which
15 the road project is located.

16 (c) If the state will maintain and operate the road, the
17 Texas Transportation Commission must approve the plans and
18 specifications of the road project.

19 Sec. .0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
20 OR RESOLUTION. The district shall comply with all applicable
21 requirements of any ordinance or resolution that is adopted under
22 Section 54.016 or 54.0165, Water Code, and that consents to the
23 creation of the district or to the inclusion of land in the
24 district.

25 Sec. .0306. DIVISION OF DISTRICT. (a) The board, on its

1 own motion or on receipt of a petition signed by the owner or
2 owners of a majority of the assessed value of the real property in
3 the district, may adopt an order dividing the district.

4 (b) An order dividing a district may create one or more new
5 districts and may provide for the continuation of the district.

6 (c) An order dividing the district shall:

7 (1) name any new district;

8 (2) include the metes and bounds description of the territory
9 of each of the districts;

10 (3) appoint temporary directors for any new district; and

11 (4) provide for the division of assets and liabilities
12 between the districts.

13 (d) The board may adopt an order dividing the district before
14 or after the date the board holds an election to confirm the
15 district's creation.

16 (e) The district may be divided only if the district:

17 (1) has never issued any bonds; and

18 (2) is not imposing ad valorem taxes.

19 (f) A new district created by the division of the district
20 may not, at the time the new district is created, contain any land
21 outside the area described by Section 2 of the Act enacting this
22 chapter.

23 (g) On or before the 30th day after the date of adoption of
24 an order dividing the district, the district shall file the order
25 with the commission and record the order in the real property

1 records of each county in which the district is located.

2 (h) This chapter applies to any new district created by the
3 division of the district, and a new district has all the powers and
4 duties of the district.

5 (i) A new district created by the division of the district
6 shall hold a confirmation and directors' election.

7 (j) If the creation of the new district is confirmed, the new
8 district shall provide the election date and results to the
9 commission.

10 (k) Any new district created by the division of the district
11 must hold an election as required by this chapter to obtain voter
12 approval before the district may impose a maintenance tax or issue
13 bonds payable wholly or partly from ad valorem taxes.

14 (l) The district may continue to rely on confirmation,
15 directors', bond, and tax elections held prior to the division.

16 (m) Municipal consent to the creation of the district and to
17 the inclusion of land in the district acts as municipal consent to
18 the creation of any new district created by the division of the
19 district and to the inclusion of land in the new district.

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. .0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The
22 district may issue, without an election, bonds and other
23 obligations secured by:

24 (1) revenue other than ad valorem taxes; or

25 (2) contract payments described by Section .0403.

1 (b) The district must hold an election in the manner provided
2 by Chapters 49 and 54, Water Code, to obtain voter approval before
3 the district may impose an ad valorem tax or issue bonds payable
4 from ad valorem taxes.

5 (c) The district may not issue bonds payable from ad valorem
6 taxes to finance a road project unless the issuance is approved by
7 a vote of a two-thirds majority of the district voters voting at an
8 election held for that purpose.

9 Sec. .0402. OPERATION AND MAINTENANCE TAX. (a) If
10 authorized at an election held under Section .0401, the
11 district may impose an operation and maintenance tax on taxable
12 property in the district in accordance with Section 49.107, Water
13 Code.

14 (b) The board shall determine the tax rate. The rate may not
15 exceed the rate approved at the election.

16 Sec. .0403. CONTRACT TAXES. (a) In accordance with
17 Section 49.108, Water Code, the district may impose a tax other
18 than an operation and maintenance tax and use the revenue derived
19 from the tax to make payments under a contract after the provisions
20 of the contract have been approved by a majority of the district
21 voters voting at an election held for that purpose.

22 (b) A contract approved by the district voters may contain a
23 provision stating that the contract may be modified or amended by
24 the board without further voter approval.

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

1 Sec. .0501. AUTHORITY TO ISSUE BONDS AND OTHER
 2 OBLIGATIONS. The district may issue bonds or other obligations
 3 payable wholly or partly from ad valorem taxes, impact fees,
 4 revenue, contract payments, grants, or other district money, or any
 5 combination of those sources, to pay for any authorized district
 6 purpose.

7 Sec. .0502. TAXES FOR BONDS. At the time the district
 8 issues bonds payable wholly or partly from ad valorem taxes, the
 9 board shall provide for the annual imposition of a continuing
 10 direct ad valorem tax, without limit as to rate or amount, while
 11 all or part of the bonds are outstanding as required and in the
 12 manner provided by Sections 54.601 and 54.602, Water Code.

13 Sec. .0503. BONDS FOR ROAD PROJECTS. At the time of
 14 issuance, the total principal amount of bonds or other obligations
 15 issued or incurred to finance road projects and payable from ad
 16 valorem taxes may not exceed one-fourth of the assessed value of
 17 the real property in the district.

18 SECTION 2. The Montgomery County Municipal Utility District
 19 No. 223 initially includes all the territory contained in the
 20 following area:

21 An 819.0 acre tract of land situated in the W.M. Rankin
 22 Survey, Abstract No. 30, and the N. Griffin Survey, Abstract No.
 23 16, Montgomery County, Texas; said 819.0 acre tract of land being
 24 out of and a part of a called 537.81 acre tract of land and a
 25 called 680.88 acre tract of land as conveyed to Thomas McGrady and

1 recorded under Volume 695, Page 156 of the Deed Records of
2 Montgomery County, Texas (M.C.D.R.); said 819.0 acre tract of land
3 being more particularly described by metes and bounds as follows:

4 NOTE: The basis of bearings is referenced to the Texas State
5 Plane Coordinate System of 1983, South Central Zone (#4204), as
6 defined by article 21.071 of the Natural Resources Code of the
7 State of Texas, 1983 Datum (2001 adjustment). All distances are
8 actual distances.

9 BEGINNING at a the Easternmost corner of said McGrady tract of
10 land, the Northeast corner of a called 40.26 acre tract of land as
11 conveyed to Sarah Martin and recorded under County Clerk's File
12 Number (M.C.C.F. No.) 8736234 of the Official Public Records of
13 Real Property (O.P.R.O.R.P.) and being in the Western right-of-way
14 line of Spring Branch Road (60' right-of-way & 60' prescriptive
15 right-of-way) as recorded under Volume 372, Page 276 of the
16 M.C.D.R.

17 THENCE S 86°42'47" W, with an interior line of said McGrady
18 tract of land and the North line of said 41 acre tract of land, at
19 a distance of 1,231.86 feet passing the Northwest corner of said 41
20 acre tract of land and the Northeast corner of a called 12.36 acre
21 tract of land as conveyed to Richard Hill and recorded under Volume
22 153, Page 465 of the M.C.D.R., and continuing for a total distance
23 of 1,505.85 feet, to a 1/2" iron pipe found for the Northwest
24 corner of said 12.36 acre tract of land and an interior corner of
25 said McGrady tract of land.

1 THENCE S 02°56'09" E, with an interior line of said McGrady
2 tract of land and the West line of said 12.36 acre tract of land, a
3 distance of 481.80 feet, to an interior point for said McGrady
4 tract of land and an interior point of said 12.36 acre tract of
5 land.

6 THENCE S 87°11'51" W, with an interior line of said McGrady
7 tract of land and the said 12.36 acre tract of land, a distance of
8 446.00 feet, to a 1/2" iron pipe found for an interior corner of
9 said McGrady tract of land and the Northwest corner of said 12.36
10 acre tract of land.

11 THENCE S 02°56'09" E, with an interior line of said McGrady
12 tract of land and the West line of said 12.36 acre tract of land, a
13 distance of 569.70 feet, to a 1/2" iron pipe found for an interior
14 corner of said McGrady tract of land, the Southwest corner of said
15 12.36 acre tract of land and being in the North line of a called 50
16 acre tract of land as conveyed to KRP Properties 1, LLC and
17 recorded under M.C.C.F. No. 2018042281 of the O.P.R.O.R.P.

18 THENCE S 86°34'00" W, with the interior line of said McGrady
19 tract of land and the North line of said 50 acre tract of land, a
20 distance of 1,216.16 feet, to a point for corner.

21 THENCE N 88°54'56" W, with the interior line of said McGrady
22 tract of land and the North line of said 50 acre tract of land, a
23 distance of 154.61 feet, to an interior point of said McGrady tract
24 of land, and the Northwest corner of said 50 acre tract of land.

25 THENCE S 16°01'18" E, with the interior line of said McGrady

1 tract of land and the Southwest line of said 50 acre tract of land,
2 a distance of 56.45 feet, to a point for corner.

3 THENCE S 57°34'14" E, with the interior line of said McGrady
4 tract of land and the Southwest line of said 50 acre tract of land,
5 a distance of 1,472.12 feet, to an interior point for this tract of
6 land, being in the Southwest line of said 50 acre tract of land,
7 and the Northwest corner of a called 100.00 acre tract of land as
8 conveyed to Firdaus P. Jhabvala and Josefina Ososrio Avalos and
9 recorded under M.C.C.F. No. 2014020922 of the O.P.R.O.R.P.

10 THENCE with the East line of said McGrady tract of land and
11 the West line of said 100.00 acre tract of land, the following
12 courses and distances:

13 1. S 00°19'11" E, a distance of 1,049.86 feet, to a point
14 for corner.

15 2. S 11°21'37" W, a distance of 991.73 feet, to a point for
16 corner.

17 3. S 56°16'33" W, a distance of 15.04 feet, to a point for
18 corner.

19 4. S 09°01'56" W, a distance of 512.88 feet, to a point for
20 the Southeast corner of said McGrady tract of land and the
21 Southwest corner of said 100.00 acre tract of land.

22 THENCE with the West line of said McGrady tract of land the
23 following courses and distances:

24 1. N 55°08'39" W, a distance of 257.97 feet, to a point for
25 corner.

- 1 2. N 74°32'21" W, a distance of 252.82 feet, to a point for
2 corner.
- 3 3. S 79°05'19" W, a distance of 106.56 feet, to a point for
4 corner.
- 5 4. S 31°16'38" W, a distance of 194.00 feet, to a point for
6 corner.
- 7 5. S 56°18'43" W, a distance of 159.56 feet, to a point for
8 corner.
- 9 6. N 72°01'22" W, a distance of 354.34 feet, to a point for
10 corner.
- 11 7. N 44°48'11" W, a distance of 313.53 feet, to a point for
12 corner.
- 13 8. N 61°48'15" W, a distance of 154.90 feet, to a point for
14 corner.
- 15 9. N 70°51'53" W, a distance of 87.12 feet, to a point for
16 corner.
- 17 10. N 88°06'33" W, a distance of 408.00 feet, to a point for
18 corner.
- 19 11. N 20°17'36" W, a distance of 153.35 feet, to a point for
20 corner.
- 21 12. N 24°19'33" W, a distance of 168.70 feet, to a point for
22 corner.
- 23 13. S 65°40'27" W, a distance of 262.10 feet, to a point for
24 corner.
- 25 14. N 58°30'33" W, a distance of 225.90 feet, to a point for

- 1 corner.
- 2 15. N 08°42'33" W, a distance of 85.10 feet, to a point for
- 3 corner.
- 4 16. N 36°31'27" E, a distance of 151.60 feet, to a point for
- 5 corner.
- 6 17. N 28°00'33" W, a distance of 98.60 feet, to a point for
- 7 corner.
- 8 18. N 77°23'33" W, a distance of 141.60 feet, to a point for
- 9 corner.
- 10 19. S 83°22'27" W, a distance of 363.00 feet, to a point for
- 11 corner.
- 12 20. N 60°51'33" W, a distance of 151.30 feet, to a point for
- 13 corner.
- 14 21. N 60°04'33" W, a distance of 145.90 feet, to a point for
- 15 corner.
- 16 22. N 15°41'27" E, a distance of 371.00 feet, to a point for
- 17 corner.
- 18 23. N 26°34'27" E, a distance of 175.90 feet, to a point for
- 19 corner.
- 20 24. S 55°49'27" W, a distance of 138.00 feet, to a point for
- 21 corner.
- 22 25. N 48°43'33" W, a distance of 157.00 feet, to a point for
- 23 corner.
- 24 26. N 26°31'33" W, a distance of 205.70 feet, to a point for
- 25 corner.

- 1 27. N 00°47'33" W, a distance of 146.00 feet, to a point for
2 corner.
- 3 28. N 16°58'27" E, a distance of 301.40 feet, to a point for
4 corner.
- 5 29. N 74°45'27" E, a distance of 154.60 feet, to a point for
6 corner.
- 7 30. S 46°34'33" E, a distance of 316.90 feet, to a point for
8 corner.
- 9 31. N 42°59'27" E, a distance of 70.70 feet, to a point for
10 corner.
- 11 32. N 18°37'33" W, a distance of 597.20 feet, to a point for
12 corner.
- 13 33. N 67°58'33" W, a distance of 229.90 feet, to a point for
14 corner.
- 15 34. N 53°33'33" W, a distance of 55.60 feet, to a point for
16 corner.
- 17 35. N 88°31'33" W, a distance of 211.70 feet, to a point for
18 corner.
- 19 36. N 25°10'33" W, a distance of 62.70 feet, to a point for
20 corner.
- 21 37. N 16°52'27" E, a distance of 122.60 feet, to a point for
22 corner.
- 23 38. N 43°14'27" E, a distance of 204.40 feet, to a point for
24 corner.
- 25 39. N 25°19'33" W, a distance of 132.70 feet, to a point for

- 1 corner.
- 2 40. S 74°24'27" W, a distance of 330.40 feet, to a point for
- 3 corner.
- 4 41. N 34°20'33" W, a distance of 339.70 feet, to a point for
- 5 corner.
- 6 42. N 08°45'33" W, a distance of 343.50 feet, to a point for
- 7 corner.
- 8 43. N 33°07'27" E, a distance of 274.30 feet, to a point for
- 9 corner.
- 10 44. N 19°28'33" W, a distance of 232.30 feet, to a point for
- 11 corner.
- 12 45. N 87°38'20" E, a distance of 1,203.17 feet, to a point for
- 13 corner.
- 14 46. N 28°58'47" E, a distance of 115.50 feet, to a point for
- 15 corner.
- 16 47. N 00°44'47" E, a distance of 300.00 feet, to a point for
- 17 corner.
- 18 48. N 10°23'13" W, a distance of 247.00 feet, to a point for
- 19 corner.
- 20 49. N 14°00'47" E, a distance of 160.00 feet, to a point for
- 21 corner.
- 22 50. N 15°57'47" E, a distance of 127.00 feet, to a point for
- 23 corner.
- 24 51. N 34°16'47" E, a distance of 185.40 feet, to a point for
- 25 corner.

1 52. N 15°14'47" E, a distance of 178.00 feet, to a point for
2 corner.

3 53. N 33°37'47" E, a distance of 214.00 feet, to a point for
4 corner.

5 54. N 55°22'47" E, a distance of 213.70 feet, to a point for
6 corner.

7 55. N 26°31'47" E, a distance of 152.00 feet, to a point for
8 corner.

9 56. N 07°12'13" W, a distance of 85.00 feet, to a point for
10 corner.

11 57. N 17°22'47" E, a distance of 285.40 feet, to a point for
12 corner.

13 58. N 31°32'47" E, a distance of 145.00 feet, to a point for
14 corner.

15 59. N 00°01'47" E, a distance of 452.80 feet, to a point for
16 corner.

17 60. N 41°38'13" W, a distance of 335.40 feet, to a point for
18 corner.

19 61. N 23°34'47" E, a distance of 240.20 feet, to a point for
20 corner.

21 62. S 86°57'13" E, a distance of 293.00 feet, to a point for
22 corner.

23 63. N 14°02'47" E, a distance of 60.80 feet, to a point for
24 corner.

25 64. N 04°16'13" W, a distance of 141.60 feet, to a point for

1 corner.
2 65. N 42°16'13" W, a distance of 276.90 feet, to a point for
3 corner.
4 66. N 53°00'13" W, a distance of 360.70 feet, to a point for
5 corner.
6 67. N 09°21'13" W, a distance of 151.20 feet, to a point for
7 corner.
8 68. S 62°05'13" E, a distance of 125.00 feet, to a point for
9 corner.
10 69. N 43°23'47" E, a distance of 420.00 feet, to a point for
11 corner.
12 70. N 18°02'13" W, a distance of 301.90 feet, to a point for
13 corner.
14 71. N 49°00'47" E, a distance of 501.30 feet, to a point for
15 corner.
16 72. N 29°48'47" E, a distance of 341.90 feet, to a point for
17 corner.
18 73. N 36°51'47" E, a distance of 106.72 feet, to a point for
19 the Northwest corner of said McGrady tract of land and the
20 Southwest corner of a called 50.000 acre tract of land as conveyed
21 to Earnest Paul Stroade and wife Katie Jo Stroade and Paula Sue
22 Stroade and recorded under M.C.C.F. No. 2013078842 of the
23 O.P.R.O.R.P.
24 THENCE N 88°33'15" E, with the North line of said McGrady
25 tract of land and the South line of said 50.000 acre tract of land,

1 a distance of 3,380.63 feet, to a point for the Northeast corner of
2 said McGrady tract of land, the Southeast corner of said 50.000
3 acre tract of land and being in the Western right-of-way line of
4 said Spring Branch Road.

5 THENCE S 03°39'13" E, with the East line of said McGrady tract
6 of land and the Western right-of-way line of said Spring Branch
7 Road, a distance of 4,892.19 feet, to the PLACE OF BEGINNING;
8 containing within said boundaries a calculated area of 819.0 of an
9 acre of land.

10 SECTION 3. (a) The legal notice of the intention to
11 introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

17 (b) The governor, one of the required recipients, has
18 submitted the notice and Act to the Texas Commission on
19 Environmental Quality.

20 (c) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the governor, the
22 lieutenant governor, and the speaker of the house of
23 representatives within the required time.

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 4. (a) If this Act does not receive a two-thirds
4 vote of all the members elected to each house, Subchapter C,
5 Chapter ____, Special District Local Laws Code, as added by Section
6 1 of this Act, is amended by adding Section _____.0306 to read as
7 follows:

8 Sec. _____.0306. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 (b) This section is not intended to be an expression of a
11 legislative interpretation of the requirements of Section 17(c),
12 Article I, Texas Constitution.

13 SECTION 5. This Act takes effect immediately if it receives a
14 vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.

658371_2

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 227; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter _____ to read as follows:

CHAPTER . MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 227

SUBCHAPTER A. GENERAL PROVISIONS

Sec. .0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 227.

Sec. .0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. .0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED.

1 The temporary directors shall hold an election to confirm the
2 creation of the district and to elect five permanent directors as
3 provided by Section 49.102, Water Code.

4 Sec. .0104. CONSENT OF MUNICIPALITY REQUIRED. The
5 temporary directors may not hold an election under Section
6 .0103 until each municipality in whose corporate limits or
7 extraterritorial jurisdiction the district is located has consented
8 by ordinance or resolution to the creation of the district and to
9 the inclusion of land in the district as required by applicable
10 law.

11 Sec. .0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
12 The district is created to serve a public purpose and benefit.

13 (b) The district is created to accomplish the purposes of:

14 (1) a municipal utility district as provided by general
15 law and Section 59, Article XVI, Texas Constitution; and

16 (2) Section 52, Article III, Texas Constitution, that
17 relate to the construction, acquisition, improvement, operation, or
18 maintenance of macadamized, graveled, or paved roads, or
19 improvements, including storm drainage, in aid of those roads.

20 Sec. .0106. INITIAL DISTRICT TERRITORY. (a) The
21 district is initially composed of the territory described by
22 Section 2 of the Act enacting this chapter.

23 (b) The boundaries and field notes contained in Section 2 of
24 the Act enacting this chapter form a closure. A mistake made in
25 the field notes or in copying the field notes in the legislative

1 process does not affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for the purposes for
4 which the district is created or to pay the principal of and
5 interest on a bond;

6 (3) right to impose a tax; or

7 (4) legality or operation.

8 SUBCHAPTER B. BOARD OF DIRECTORS

9 Sec. .0201. GOVERNING BODY; TERMS. (a) The district is
10 governed by a board of five elected directors.

11 (b) Except as provided by Section .0202, directors serve
12 staggered four-year terms.

13 Sec. .0202. TEMPORARY DIRECTORS. (a) On or after the
14 effective date of the Act enacting this chapter, the owner or
15 owners of a majority of the assessed value of the real property in
16 the district may submit a petition to the commission requesting
17 that the commission appoint as temporary directors the five persons
18 named in the petition. The commission shall appoint as temporary
19 directors the five persons named in the petition.

20 (b) Temporary directors serve until the earlier of:

21 (1) the date permanent directors are elected under
22 Section .0103; or

23 (2) the fourth anniversary of the effective date of the
24 Act enacting this chapter.

25 (c) If permanent directors have not been elected under

1 Section .0103 and the terms of the temporary directors have
2 expired, successor temporary directors shall be appointed or
3 reappointed as provided by Subsection (d) to serve terms that
4 expire on the earlier of:

5 (1) the date permanent directors are elected under
6 Section .0103; or

7 (2) the fourth anniversary of the date of the
8 appointment or reappointment.

9 (d) If Subsection (c) applies, the owner or owners of a
10 majority of the assessed value of the real property in the district
11 may submit a petition to the commission requesting that the
12 commission appoint as successor temporary directors the five
13 persons named in the petition. The commission shall appoint as
14 successor temporary directors the five persons named in the
15 petition.

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. .0301. GENERAL POWERS AND DUTIES. The district has
18 the powers and duties necessary to accomplish the purposes for
19 which the district is created.

20 Sec. .0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.
21 The district has the powers and duties provided by the general law
22 of this state, including Chapters 49 and 54, Water Code, applicable
23 to municipal utility districts created under Section 59, Article
24 XVI, Texas Constitution.

25 Sec. .0303. AUTHORITY FOR ROAD PROJECTS. Under Section

1 52, Article III, Texas Constitution, the district may design,
2 acquire, construct, finance, issue bonds for, improve, operate,
3 maintain, and convey to this state, a county, or a municipality for
4 operation and maintenance macadamized, graveled, or paved roads, or
5 improvements, including storm drainage, in aid of those roads.

6 Sec. .0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road
7 project must meet all applicable construction standards, zoning and
8 subdivision requirements, and regulations of each municipality in
9 whose corporate limits or extraterritorial jurisdiction the road
10 project is located.

11 (b) If a road project is not located in the corporate limits
12 or extraterritorial jurisdiction of a municipality, the road
13 project must meet all applicable construction standards,
14 subdivision requirements, and regulations of each county in which
15 the road project is located.

16 (c) If the state will maintain and operate the road, the
17 Texas Transportation Commission must approve the plans and
18 specifications of the road project.

19 Sec. .0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
20 OR RESOLUTION. The district shall comply with all applicable
21 requirements of any ordinance or resolution that is adopted under
22 Section 54.016 or 54.0165, Water Code, and that consents to the
23 creation of the district or to the inclusion of land in the
24 district.

25 Sec. .0306. DIVISION OF DISTRICT. (a) The board, on its

1 own motion or on receipt of a petition signed by the owner or
2 owners of a majority of the assessed value of the real property in
3 the district, may adopt an order dividing the district.

4 (b) An order dividing a district may create one or more new
5 districts and may provide for the continuation of the district.

6 (c) An order dividing the district shall:

7 (1) name any new district;

8 (2) include the metes and bounds description of the territory
9 of each of the districts;

10 (3) appoint temporary directors for any new district; and

11 (4) provide for the division of assets and liabilities
12 between the districts.

13 (d) The board may adopt an order dividing the district before
14 or after the date the board holds an election to confirm the
15 district's creation.

16 (e) The district may be divided only if the district:

17 (1) has never issued any bonds; and

18 (2) is not imposing ad valorem taxes.

19 (f) A new district created by the division of the district
20 may not, at the time the new district is created, contain any land
21 outside the area described by Section 2 of the Act enacting this
22 chapter.

23 (g) On or before the 30th day after the date of adoption of
24 an order dividing the district, the district shall file the order
25 with the commission and record the order in the real property

1 records of each county in which the district is located.

2 (h) This chapter applies to any new district created by the
3 division of the district, and a new district has all the powers and
4 duties of the district.

5 (i) A new district created by the division of the district
6 shall hold a confirmation and directors' election.

7 (j) If the creation of the new district is confirmed, the new
8 district shall provide the election date and results to the
9 commission.

10 (k) Any new district created by the division of the district
11 must hold an election as required by this chapter to obtain voter
12 approval before the district may impose a maintenance tax or issue
13 bonds payable wholly or partly from ad valorem taxes.

14 (l) The district may continue to rely on confirmation,
15 directors', bond, and tax elections held prior to the division.

16 (m) Municipal consent to the creation of the district and to
17 the inclusion of land in the district acts as municipal consent to
18 the creation of any new district created by the division of the
19 district and to the inclusion of land in the new district.

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. .0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The
22 district may issue, without an election, bonds and other
23 obligations secured by:

- 24 (1) revenue other than ad valorem taxes; or
- 25 (2) contract payments described by Section .0403.

1 (b) The district must hold an election in the manner provided
2 by Chapters 49 and 54, Water Code, to obtain voter approval before
3 the district may impose an ad valorem tax or issue bonds payable
4 from ad valorem taxes.

5 (c) The district may not issue bonds payable from ad valorem
6 taxes to finance a road project unless the issuance is approved by
7 a vote of a two-thirds majority of the district voters voting at an
8 election held for that purpose.

9 Sec. .0402. OPERATION AND MAINTENANCE TAX. (a) If
10 authorized at an election held under Section .0401, the
11 district may impose an operation and maintenance tax on taxable
12 property in the district in accordance with Section 49.107, Water
13 Code.

14 (b) The board shall determine the tax rate. The rate may not
15 exceed the rate approved at the election.

16 Sec. .0403. CONTRACT TAXES. (a) In accordance with
17 Section 49.108, Water Code, the district may impose a tax other
18 than an operation and maintenance tax and use the revenue derived
19 from the tax to make payments under a contract after the provisions
20 of the contract have been approved by a majority of the district
21 voters voting at an election held for that purpose.

22 (b) A contract approved by the district voters may contain a
23 provision stating that the contract may be modified or amended by
24 the board without further voter approval.

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

1 Sec. .0501. AUTHORITY TO ISSUE BONDS AND OTHER
 2 OBLIGATIONS. The district may issue bonds or other obligations
 3 payable wholly or partly from ad valorem taxes, impact fees,
 4 revenue, contract payments, grants, or other district money, or any
 5 combination of those sources, to pay for any authorized district
 6 purpose.

7 Sec. .0502. TAXES FOR BONDS. At the time the district
 8 issues bonds payable wholly or partly from ad valorem taxes, the
 9 board shall provide for the annual imposition of a continuing
 10 direct ad valorem tax, without limit as to rate or amount, while
 11 all or part of the bonds are outstanding as required and in the
 12 manner provided by Sections 54.601 and 54.602, Water Code.

13 Sec. .0503. BONDS FOR ROAD PROJECTS. At the time of
 14 issuance, the total principal amount of bonds or other obligations
 15 issued or incurred to finance road projects and payable from ad
 16 valorem taxes may not exceed one-fourth of the assessed value of
 17 the real property in the district.

18 SECTION 2. The Montgomery County Municipal Utility District
 19 No. 227 initially includes all the territory contained in the
 20 following area:

21 Being 581.9 acres of land, more or less, located in the John
 22 Corner Survey, Abstract 8, Thomas Chatham Survey, Abstract 127, and
 23 the Raleigh Rogers Survey, Abstract 33, C. B. Stewart Survey,
 24 Abstract 479, and the William W. Shepperd Survey, Abstract 480,
 25 Montgomery County, Texas, out of land conveyed to Homeplace Lands,

1 LLC, as recorded under Clerk's File No. 2012125424 of the Official
2 Public Records of Real Property, Montgomery County, Texas,
3 (O.P.R.M.C.), being comprised of three (3) tracts as described
4 below; said 581.9 acres, more or less, being more particularly
5 described as follows, with all bearings referenced to the Texas
6 Coordinate System, Central Zone, NAD83 (NA2011) Epoch 2010.00:

7 TRACT 1: 11.9 Acres

8 BEGINNING at a westerly corner of Hilltop Ranch, Section 1, a
9 plat as recorded in Cabinet "O", Sheet 138, of the Montgomery
10 County Map Records (M.C.M.R.), lying in an easterly right-of-way
11 line of FM 2854 (width varies), and a northerly line of land
12 conveyed to Homeplace Lands, LLC, as recorded under Clerk's File
13 No. 2012125424, of the O.P.R.M.C.;

14 THENCE EASTERLY approximately 498 feet, more or less, with and
15 adjoining a westerly line of said Hilltop Ranch, Section 1, to the
16 northeast corner of the herein described tract;

17 THENCE SOUTHERLY approximately 1,208 feet, more or less, with
18 and adjoining said westerly line of said Hilltop Ranch, Section 1,
19 to the southeast corner of the herein described tract, lying in the
20 common Extra Territorial Jurisdiction (ETJ) line of the City of
21 Conroe and the City of Montgomery, Texas;

22 THENCE SOUTHWESTERLY approximately 201 feet, more or less,
23 along a curve to the right, with and adjoining said common City of
24 Conroe and City of Montgomery ETJ line, to the southwest corner of
25 the herein described tract, lying in said easterly line of FM 2854;

1 THENCE NORTHERLY approximately 1,333 feet, more or less, with
2 and adjoining said easterly right-of-way line of F.M. 2854, to the
3 POINT OF BEGINNING, and containing approximately 11.9 acres of
4 land. This document was prepared under 22 Texas Administrative Code
5 §138.95, does not reflect the results of an on the ground survey,
6 and is not to be used to convey or establish interests in real
7 property except those rights and interests implied or established
8 by the creation or reconfiguration of the boundary of the political
9 subdivision for which it was prepared.

10 TRACT 2: 370 Acres

11 Being 370 acres of land out of the John Corner Survey,
12 Abstract 8, William W. Shepperd Survey, A-480, C. B. Stewart
13 Survey, Abstract 479, Thomas Chatham Survey, A-127, and the Raleigh
14 Rogers Survey, A-33, Montgomery County, Texas:

15 Beginning at the northwest corner of a 60 foot by 60 foot
16 cemetery, as defined under Clerk's File No. 2011113416 of the
17 Official Public Records Montgomery County, Texas (O.P.R.M.C.),
18 lying in an easterly right-of-way line of FM 149, and being a
19 westerly corner of land described under Clerks File No. 2012125424
20 of the O.P.R.M.C.;

21 THENCE NORTHERLY approximately 492 feet, more or less, with
22 and adjoining said easterly right-of-way line of F.M. 149, to the
23 northwest corner of the herein described tract, lying in a
24 southerly City of Montgomery, City Limit line;

25 THENCE EASTERLY approximately 2,028 feet, more or less, with

1 and adjoining a said southerly City Limit line, to a southerly line
2 of a 14.755 acre tract as defined under Clerk's File No. 2018119879
3 of the O.P.R.M.C., for a northerly corner of the herein described
4 tract;

5 THENCE SOUTHEASTERLY approximately 151 feet, more or less,
6 with and adjoining said southerly line of the 14.755 acre tract, to
7 a northerly corner of the herein described tract;

8 THENCE NORTHEASTERLY approximately 50 feet, more or less, with
9 and adjoining said southerly line of the 14.755 acre tract, to a
10 northerly corner of the herein described tract, lying in said
11 southerly City Limit line;

12 THENCE EASTERLY approximately 3,448 feet, more or less, with
13 and adjoining said southerly City Limit line, to a northerly corner
14 of the herein described tract;

15 THENCE NORTHERLY approximately 3,346 feet, more or less, with
16 and adjoining said southerly City Limit line, to a northerly corner
17 of the herein described tract;

18 THENCE EASTERLY approximately 806 feet, more or less, with and
19 adjoining said southerly City Limit line, to the northeast corner
20 of the herein described tract, lying in a westerly right-of-way
21 line of FM 2854;

22 THENCE SOUTHERLY approximately 5,500 feet, more or less, with
23 and adjoining said westerly right-of-way line of FM 2854, to the
24 southeast corner of the herein described tract, also being the
25 northeast corner of a 22.178 acre tract as recorded under Clerk's

1 File No. 2018119879 of the O.P.R.M.C.;

2 THENCE WESTERLY approximately 1,148 feet, more or less, with
3 and adjoining the northerly line of said 22.178 acre tract, to a
4 southerly corner of the herein described tract;

5 THENCE SOUTHERLY approximately 662 feet, more or less, with
6 and adjoining the westerly line of said 22.178 acre tract, to a
7 southerly corner of the herein described tract, lying in a common
8 Extra Territorial Jurisdiction (ETJ) line of the City of Conroe and
9 the City of Montgomery, Texas;

10 THENCE WESTERLY approximately 2,377 feet, more or less, with
11 and adjoining said common ETJ line, to a southerly corner of the
12 herein described tract;

13 THENCE SOUTHERLY approximately 3,273 feet, more or less, with
14 and adjoining said common ETJ line, to the most southerly corner of
15 the herein described tract, lying in the north easterly right-of-
16 way line of the BN & SF Railroad;

17 THENCE NORTHWESTERLY approximately 1,034 feet, more or less,
18 with and adjoining said northeasterly right-of-way line of the BN &
19 SF Railroad, to a westerly corner of the herein described tract;

20 THENCE NORTHWESTERLY approximately 71 feet, more or less to a
21 southerly corner of Shannon Place, a plat as recorded in Cabinet
22 "D", Sheet 160-A, of the Montgomery County Map Records (M.C.M.R.);

23 THENCE NORTHERLY approximately 4,046 feet, more or less, with
24 and adjoining the easterly line of said Shannon Place, to the
25 northeast corner of said plat, lying in a southerly line of the C.

1 B. Stewart Survey, A-479, as shown on said plat;

2 THENCE WESTERLY approximately 1,628 feet, more of less, with
3 and adjoining the northerly line of said Shannon Place, to a
4 westerly corner of the herein described tract;

5 THENCE NORTHERLY approximately 1,120 feet, more or less, with
6 and adjoining a northerly line of said Shannon Place and an
7 easterly line of a 10.59 acre tract as recorded under Clerk's File
8 No. 2011113416 of the O.P.R.M.C., to a westerly corner of the
9 herein described tract;

10 THENCE WESTERLY approximately 438 feet, more or less, with and
11 adjoining the northerly line of said 10.59 acre tract and said
12 cemetery tract, to the POINT OF BEGINNING, and containing
13 approximately 370 acres of land. This document was prepared under
14 22 Texas Administrative Code §138.95, does not reflect the results
15 of an on the ground survey, and is not to be used to convey or
16 establish interests in real property except those rights and
17 interests implied or established by the creation or reconfiguration
18 of the boundary of the political subdivision for which it was
19 prepared.

20 TRACT 3: 180 Acres

21 Being 180 acres of land out of the Raleigh Rogers Survey, A-
22 33, Montgomery County, Texas:

23 BEGINNING at a southwest corner of a 23.362 acre tract, as
24 described in a deed recorded under Clerk's File No. 2006-104958 of
25 the Official Public Records of Real Property Montgomery County,

1 Texas (O.P.R.R.P.M.C.).., lying in the easterly right-of-way line of
2 F.M. 149, and being a westerly corner of land described under
3 Clerks File No. 2012125424 of the Official Public Records
4 Montgomery County, Texas (O.P.R.M.C.);

5 THENCE EASTERLY approximately 1,669 feet, more or less, with
6 and adjoining a southerly line of said 23.362 acre tract, also
7 being a southerly line of the Montgomery 149, LLC tract as recorded
8 under Clerk's File No. 2018058916 of the O.P.R.M.C., to a westerly
9 interior corner of the herein described tract;

10 THENCE NORTHERLY approximately 2,151 feet, more or less, with
11 and adjoining the easterly line of said Montgomery 149, LLC tract
12 to an easterly interior corner of said Montgomery 149, LLC tract,
13 also being a northerly corner of the herein described tract;

14 THENCE EASTERLY approximately 302 feet, more or less, with and
15 adjoining said Montgomery 149, LLC tract, to the northeast corner
16 of the herein described tract, lying in a southwesterly right-of-
17 way line of the BN & SF Railroad;

18 THENCE SOUTHEASTERLY approximately 918 feet, more or less,
19 with and adjoining a southwesterly right-of-way line of the BN & SF
20 Railroad, to an easterly corner of the herein described tract,
21 lying in the common Extra Territorial Jurisdiction (ETJ) line of
22 the City of Conroe and the City of Montgomery, Texas;

23 THENCE SOUTHERLY approximately 3,811 feet, more or less, with
24 and adjoining said common ETJ line, to the southeast corner of the
25 herein described tract, lying in a northerly line of land as

1 described in a warranty deed to Earle T. McCants and Edward W.
2 McCants as recorded under Clerk's File No. 99002183 of the
3 O.P.R.R.P.M.C.;

4 THENCE WESTERLY approximately 2,561 feet, more or less, with
5 and adjoining said northerly line of Earle T. McCants and Edward W.
6 McCants tract, to the southwest corner of the herein described
7 tract, lying in said easterly right-of-way line of FM 149;

8 THENCE NORTHERLY approximately 2,391 feet, more or less, with
9 and adjoining said easterly right-of-way line of FM 149, to the
10 POINT OF BEGINNING, and containing approximately 180 acres. This
11 document was prepared under 22 Texas Administrative Code §138.95,
12 does not reflect the results of an on the ground survey, and is not
13 to be used to convey or establish interests in real property except
14 those rights and interests implied or established by the creation
15 or reconfiguration of the boundary of the political subdivision for
16 which it was prepared.

17 SECTION 3. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor, the
4 lieutenant governor, and the speaker of the house of
5 representatives within the required time.

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

10 SECTION 4. (a) If this Act does not receive a two-thirds
11 vote of all the members elected to each house, Subchapter C,
12 Chapter ____, Special District Local Laws Code, as added by Section
13 1 of this Act, is amended by adding Section _____.0306 to read as
14 follows:

15 Sec. _____.0306. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

17 (b) This section is not intended to be an expression of a
18 legislative interpretation of the requirements of Section 17(c),
19 Article I, Texas Constitution.

20 SECTION 5. This Act takes effect immediately if it receives a
21 vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2023.

658371_2

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on acceptance of the Sanitary Sewer & Drainage Improvement on Dr. Martin Luther King Jr. Drive project (GLO CDBG-DR Contract No. 19706-017-B366) Sewer Facilities.

Recommendation

Accept the public sewer and drainage infrastructure and begin the one-year warranty period.

Discussion

The engineer's memo is attached and recommends acceptance of the infrastructure.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023



CONSULTING ENGINEERS

March 9, 2023

The Honorable Mayor and City Council
 City of Montgomery
 101 Old Plantersville Road
 Montgomery, Texas 77316

Re: Sanitary Sewer & Drainage Improvements on Dr Martin Luther King Jr Drive
 GLO CDBG-DR Contract No. 19076-017-B366 - Sewer Facilities
 Acceptance of Project
 City of Montgomery

Dear Mayor and City Council:

We have conducted a final inspection of the referenced project and find the project to be substantially complete in accordance with the approved plans and specifications, and the contractor has addressed all items at the final inspection. The contractor has provided the enclosed Pay Estimate No. 5 and Final in the amount of \$78,949.00. We recommend the City accept the public sewer and drainage infrastructure, and begin the one-year warranty period, which will end on January 11, 2024.

Sincerely,

Chris Roznovsky, PE
 Engineer for the City

CVR/ajn

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2023\2023.03.09 MEMO Acceptance of Project SS & D Improvements on DR MLK JR Drive.docx

Enclosures: Final Punchlist
 Pay Estimate No. 5 & Final
 Certificate of Substantial Completion

Cc (via email): Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development
 Ms. Nici Browe – City of Montgomery, City Secretary
 Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney
 Mr. Mike Muckleroy – City of Montgomery, Director of Public Works
 Mr. Gary Palmer – City of Montgomery, City Administrator



1575 Sawdust Rd, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
www.quiddity.com

March 8, 2023

The Honorable Mayor and City Council
City of Montgomery
101 Old Plantersville Road
Montgomery, TX 77316

Re: Construction of Sanitary Sewer & Drainage Improvements on Dr. Martin Luther King, Jr. Drive
City of Montgomery
Grant Funds (GLO Contract No. 19-076-017-B366)
TIN: 74-2063592

Dear Mayor and Council:

Enclosed is the Application and Certificate for Payment No. 5 and FINAL from PM Construction & Rehab, LLC dba IPR South Central for the referenced project. This application covers construction activities for the referenced project during the period from October 26, 2022 to January 25, 2023. The Project is Complete.. The estimate is in order and we recommend payment in the amount of \$78,949.00 to PM Construction & Rehab, LLC dba IPR South, Inc.

The Contractor has requested zero (0) impact days for the current payment period. The project is now 100% complete by total contract value and 102% complete by total contract time. The current contractual Substantial Completion date is October 21, 2022. The project was deemed to be substantially complete on January 11, 2023.

You will also find your copies of the Surety's Consent of Surety to Final Payment and the Contractor's Affidavit of Bills Paid and Affidavit of Guarantee. Copies of the Certificates of Substantial Completion and Acceptance are included for your approval and execution.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. White", written over the typed name.

Nathaniel B. White, P.E.

NBW:mdc

K:\W5841\W5841-0042-01 GLO - MLK SSR & Drainage Improvements\3 Construction Phase\5. Pay Estimates & Change Orders\Pay Estimate 005
Enclosure

cc: Ms. Vayley Mauro - PM Construction & Rehab, LLC
Mr. Dave McCorquodale – City of Montgomery, City Administrator
Ms. Nicola Browe – City of Montgomery, City Secretary
Ms. Ana Gomez-Sanchez – Grant Works, Inc.

**AFFIDAVIT OF ALL BILLS PAID
AND LIEN RELEASE**

STATE OF TEXAS
COUNTY OF HARRIS

THE UNDERSIGNED was contracted or hired by **CITY OF MONTGOMERY** to furnish labor and/or materials in connection with certain improvements to real property described as follow:

Contractor: **PM Construction & Rehab, LLC** Job Name: **MLK Drive Sanitary Sewer & Drainage Improvements**

Job Description: **Sanitary Sewer & Drainage Improvements** Invoice No.: **#5, 78,949.00**

For Work Performed Through: **February, 2023** Job Location: **City of Montgomery**

The undersigned certifies and warrants that there are no known mechanic's or material man's liens outstanding as of the date hereof, that all bills incurred by it with respect to the Work have been paid in full, and that there is no known basis for the filling of any mechanic's or material man's lien on the property and/or improvements above described by any person or entity performing work on behalf of the undersigned,; and to the extent permitted by applicable law, the undersigned does hereby waive and release any mechanic's or material man's lien or claims of lien of any other such person or entity, and further agrees to indemnify and hold the owner harmless from any said lien or claim including the payment of related costs, expenses, and responsible attorney's fees.

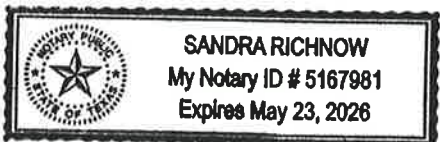
IPR South Central, LLC
CONTRACTOR

Alam Quintero
SIGNATURE

Alam Quintero
PRINTED NAME

Area Director
TITLE

SUBSCRIBED AND SWORN to before me, the undersigned on this the 09th day of March, 2023.



Sandra Richnow
Notary Public for the State of Texas
My Commission Expires:

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER/CLIENT:
City of Montgomery
101 Old Plantersville Road Montgomery, Texas 77316 United States

PROJECT:
Construction of MLK Drive Sanitary Sewer & Drainage Improvements
MLK Drive
Montgomery, Texas

APPLICATION NO: 5
INVOICE NO: 5
PERIOD: 10/26/22 - 01/25/23
PROJECT NOS: W5841-0042-01

DISTRIBUTION TO:

FROM CONTRACTOR:
IPR South Central
7600 S. Santa Fe Dr Building E Houston, Texas 77061 United States

VIA ARCHITECT/ENGINEER:
Nathan White (Quindly Engineering, LLC, The Woodlands)
1575 Sawdust Road, Suite 400 The Woodlands, Texas
77380-4241 United States

CONTRACT DATE: 04/14/22

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation sheet is attached.

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

1. Original Contract Sum		\$518,319.00	
2. Net change by change orders		(\$16,550.00)	
3. Contract sum to date (line 1 ± 2)		\$501,769.00	
4. Total completed and stored to date (Column G on detail sheet)		\$501,769.00	
5. Retainage:			
a. 0.00% of completed work		\$0.00	
b. 0.00% of stored material		\$0.00	
Total retainage (Line 5a + 5b or total in column I of detail sheet)		\$0.00	
6. Total earned less retainage (Line 4 less Line 5 Total)		\$501,769.00	
7. Less previous certificates for payment (Line 6 from prior certificate)		\$422,820.00	
8. Current payment due		\$78,949.00	
9. Balance to finish, including retainage (Line 3 less Line 6)		\$0.00	

CHANGE ORDER SUMMARY			
Total changes approved in previous months by Owner/Client:	ADDITIONS	DEDUCTIONS	
	\$21,115.00	(\$24,064.00)	
Total approved this Month:	\$11,449.00	(\$25,050.00)	
Totals:	\$32,564.00	(\$49,114.00)	
Net changes by change order:		(\$16,550.00)	

CONTRACTOR: IPR South Central
 By: Vaughn Navarro Date: 3/19/23
 State of: Texas
 County of: Harris
 Subscribed and sworn to before me this 19th day of March 2023
 Notary Public: Sandra Richnow
 My commission expires: May 23, 2026

ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$78,949.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT/ENGINEER:
By: [Signature] Date: 3-8-2023

This certificate is not negotiable. The amount certified is payable only to the contract named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.



A	B	C	D		E		F	G		H	I		
			From Previous Application (D+E)	This Period	Materials Presently Stored (Not in D OR E)	Total Completed and Stored to Date (D + E + F)		% (G/C)	Balance to Finish (C-G)				
Item No.	Description of Work	Qty	Unit Price	Scheduled Value	Approved Changes	Revised Scheduled Value	Qty	Value	Qty	Value			
A - General Items													
1.1	Move-in and start-up, including providing performance and payment bonds for 100 percent (100%) of the contract amount, a completed Qualification Statement, and a certificate of insurance, as directed by Engineer.	1.0	\$45,000.00	\$45,000.00	\$0.00	\$45,000.00	1.0	\$45,000.00	0.0	\$0.00	\$0.00	\$0.00	\$0.00
1.2	Distribution of doorhangers and submittal of weekly project schedules, as directed by Engineer.	1.0	\$250.00	\$250.00	\$0.00	\$250.00	1.0	\$250.00	0.0	\$0.00	\$0.00	\$0.00	\$0.00
B - Sanitary Sewer Repair Items													
2.1	Sanitary Sewer Cleaning and Televsion, 8-inch diameter, all depths, including sewer flow control (including bypass pumping), as required; removal of roots, debris, grease, and other obstructions; disposal of sludge & solid materials; removal and replacement of fencing as necessary; and site restoration, complete as specified.	4655.0	\$3.00	\$13,965.00	\$0.00	\$13,965.00	4655.0	\$13,965.00	0.0	\$0.00	\$0.00	\$0.00	\$0.00
2.2	Sanitary Sewer Manhole Television Inspection, all depths and sizes, per specifications including cleaning and removal of sludge and solid materials; removal and replacement of fencing as necessary, complete as specified; and site restoration, complete as specified.	15.0	\$225.00	\$3,375.00	\$0.00	\$3,375.00	14.0	\$3,150.00	1.0	\$225.00	\$0.00	\$0.00	\$0.00
2.3	8-inch (8") sanitary sewer rehabilitation by CURED-IN-PLACE process, all depths, including post-construction cleaning and televising; sewer flow control (including by-pass pumping, if required); coordination with testing laboratory for materials testing; removal and replacement of sprinkler systems; and other above ground obstructions; providing the Engineer copies of the curing logs; and site restoration to existing or better condition (includes removal and replacement of fencing, sod, etc.); complete in place, as directed by Engineer.	4495.0	\$27.00	\$121,365.00	\$0.00	\$121,365.00	4495.0	\$121,365.00	0.0	\$0.00	\$0.00	\$0.00	\$0.00
2.4	SERVICE LEAD RECONNECTION upon completion of CURED-IN-PLACE process by televising remote controlled cutting device including removal of coupon and testing, all depths, all pipe sizes, complete in place, as directed by Engineer.	46.0	\$1.00	\$46.00	\$0.00	\$46.00	46.0	\$46.00	0.0	\$0.00	\$0.00	\$0.00	\$0.00
2.5	Remove and Replace 8-inch (8") sanitary sewer clean-out, as directed by Engineer. (Page 4 & 15)	2.0	\$2,500.00	\$5,000.00	\$0.00	\$5,000.00	2.0	\$5,000.00	0.0	\$0.00	\$0.00	\$0.00	\$0.00

A	B	C	D		E		F	G		H	I				
			From Previous Application (D+E)	This Period	Materials Presently Stored (Not In D OR E)	Total Completed and Stored to Date (D + E + F)		% (G/H)	Balance to Finish (C-G)						
Item No.	Description of Work	Qty	Unit Price	Scheduled Value	Approved Changes	Revised Scheduled Value	Qty	Value	Qty	Value	(G/H)	Balance to Finish (C-G)	Retainage		
2.6	Rehabilitation of 48-inch (48") diameter sanitary sewer manholes, by sealing the interior of the manhole by applying cured-in-place structural liner, including post-construction cleaning and televising; locating; cleaning; preparation; sewer flow control (including by-pass pumping); material testing; equipment; labor removal and replacement of sidewalk and driveways as needed; removal and replacement of sprinkler systems; and other above ground obstructions per Attachment A of the Contract as needed; site restoration (includes removal and replacement of fencing, sod, etc.); and materials, complete in place.	102.2	\$1,150.00	\$117,530.00	\$0.00	\$117,530.00	94.3	\$108,445.00	0.0	\$0.00	94.3	\$108,445.00	92.27%	\$9,085.00	\$0.00
2.7	Remove & Replace Manhole Ring & Lid with City of Montgomery lid, complete in place, as directed by Engineer.	15.0	\$1,250.00	\$18,750.00	\$0.00	\$18,750.00	15.0	\$18,750.00	0.0	\$0.00	15.0	\$18,750.00	100.00%	\$0.00	\$0.00
2.8	Reshape and Reseal manhole bench and invert (excluding the reshaping incidental to CIP work); complete in place, as directed by the Engineer.	15.0	\$1,000.00	\$15,000.00	\$0.00	\$15,000.00	14.0	\$14,000.00	0.0	\$0.00	14.0	\$14,000.00	93.33%	\$1,000.00	\$0.00
2.9	Reduce Bid Item No 8 Quantity - Rehabilitation of 48-inch (48") diameter sanitary sewer manholes by sealing the interior of the manhole by applying cured-in-place structural liner, including post-construction cleaning and televising; locating; cleaning; preparation; sewer flow control (including by-pass pumping); material testing; equipment; labor; removal and replacement of sidewalk and driveways as needed; removal and replacement of sprinkler systems; and other above ground obstructions per Attachment A of the Contract as needed; site restoration (includes removal and replacement of fencing, sod, etc.); and materials, complete in place.	-7.9	\$1,150.00	\$0.00	(\$9,085.00)	(\$9,085.00)	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.00%	(\$9,085.00)	\$0.00
2.10	Decrease Bid Item No. 10 Quantity - Reshape and Reseal manhole bench and invert (excluding the reshaping incidental to CIP work); complete in place, as directed by the Engineer.	-1.0	\$1,000.00	\$0.00	(\$1,000.00)	(\$1,000.00)	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.00%	(\$1,000.00)	\$0.00
C - Drainages Repair Items			\$900.00	\$83,615.00	(\$3,450.00)	\$80,165.00		\$59,870.00		\$20,295.00		\$0.00	100.00%	\$0.00	\$0.00
3.1	12-inch Dual Reinforced Concrete Pipe (RCP), ASTM C-76, Class IV, storm sewer (including fittings, bedding and backfill), complete in place. (Pages 4, 5, 6, & 15)	219.0	\$130.00	\$28,470.00	\$0.00	\$28,470.00	219.0	\$28,470.00	0.0	\$0.00	219.0	\$28,470.00	100.00%	\$0.00	\$0.00
3.2	15-inch Dual Reinforced Concrete Pipe (RCP), ASTM C-76, Class IV, storm sewer (invert by open cut construction all depths)	23.0	\$120.00	\$2,760.00	\$0.00	\$2,760.00	23.0	\$2,760.00	0.0	\$0.00	23.0	\$2,760.00	100.00%	\$0.00	\$0.00

A Item No.	B Description of Work	Qty	Unit Price	C Scheduled Value	Approved Changes	Revised Scheduled Value	D From Previous Application (D+E)		E This Period		F Materials Presently Stored (Not in D OR E)	G Total Completed and Stored to Date (D + E + F)		H % (G/C)	I Balance to Finish (C-G)	I Retainage
							Qty	Value	Qty	Value		Qty	Value			
	(Including fittings, bedding and backfill), complete in place. (Page 10)															
3.3	18-inch Reinforced Concrete Pipe (RCP), ASTM C-76, Class IV, storm sewer culvert by open cut construction all depths (including fittings, bedding and backfill), complete in place. (Pages 4, 5, 6, 7)	64.0	\$155.00	\$9,920.00	\$0.00	\$9,920.00	64.0	\$9,920.00	0.0	\$0.00	\$0.00	64.0	\$9,920.00	100.00%	\$0.00	\$0.00
3.4	24-inch Reinforced Concrete Pipe (RCP), ASTM C-76, Class IV, storm sewer culvert by open cut construction all depths (including fittings, bedding and backfill), complete in place. (Page 4)	46.0	\$190.00	\$8,740.00	\$0.00	\$8,740.00	46.0	\$8,740.00	0.0	\$0.00	\$0.00	46.0	\$8,740.00	100.00%	\$0.00	\$0.00
3.5	24-inch Dual Reinforced Concrete Pipe (RCP), ASTM C-76, Class IV, storm sewer culvert by open cut construction all depths (including fittings, bedding and backfill), complete in place. (Page 10)	22.0	\$200.00	\$4,400.00	\$0.00	\$4,400.00	22.0	\$4,400.00	0.0	\$0.00	\$0.00	22.0	\$4,400.00	100.00%	\$0.00	\$0.00
3.6	Excavation of ditch to final elevations and grades in accordance with plans including haul off excess material and removal and replacement of fencing and hydromulch seeding.	301.0	\$30.00	\$9,030.00	\$0.00	\$9,030.00	186.0	\$5,580.00	0.0	\$0.00	\$0.00	186.0	\$5,580.00	61.79%	\$3,450.00	\$0.00
3.7	Install 4-ft wide, 4-inch thick reinforced concrete slope paving as shown on plans, including concrete, rebar, sweep note drainage, and toe walls, complete in place.	451.0	\$45.00	\$20,295.00	\$0.00	\$20,295.00	0.0	\$0.00	451.0	\$20,295.00	\$0.00	451.0	\$20,295.00	100.00%	\$0.00	\$0.00
3.8	Decrease Bid Item No 16 Quantity - Excavation of ditch to final elevations and grades in accordance with plans including haul off excess material and removal and replacement of fencing and hydromulch seeding.	-115.0	\$30.00	\$0.00	(\$3,450.00)	(\$3,450.00)	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$3,450.00)	\$0.00
D - Additional Items																
			\$8,549.50	\$58,954.00	(\$2,057.00)	\$56,897.00		\$50,939.00		\$5,958.00	\$0.00		\$56,897.00	100.00%	\$0.00	\$0.00
4.1	Remove existing gravel driveway and replace with asphalt driveway and include removal and disposal of existing culverts (size varies), and temporary access.	4391.0	\$9.00	\$39,519.00	\$0.00	\$39,519.00	4391.0	\$39,519.00	0.0	\$0.00	\$0.00	4391.0	\$39,519.00	100.00%	\$0.00	\$0.00
4.2	Remove/Replace existing asphalt pavement including removal and disposal of existing culverts (size varies), and temporary access.	170.0	\$8.00	\$1,360.00	\$0.00	\$1,360.00	170.0	\$1,360.00	0.0	\$0.00	\$0.00	170.0	\$1,360.00	100.00%	\$0.00	\$0.00
4.3	Remove/Replace existing concrete driveway including removal and disposal of existing culverts (size varies), and temporary access.	170.0	\$10.00	\$1,700.00	\$0.00	\$1,700.00	156.0	\$1,560.00	0.0	\$0.00	\$0.00	156.0	\$1,560.00	91.76%	\$140.00	\$0.00
4.4	Placement of reinforced filter fabric barrier	4500.0	\$1.75	\$7,875.00	\$0.00	\$7,875.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$7,875.00	\$0.00

A	B	C	D		E		F	G		H	I		
			From Previous Application (D+E) Qty	Value	This Period Qty	Value		Total Completed and Stored to Date (D + E + F) Qty	Value			% (G/C)	Balance to Finish (C-G)
4.5	TRAFFIC CONTROL PLAN, complete in place, per plans.	1.0	\$7,500.00	\$7,500.00	1.0	\$7,500.00	\$0.00	1.0	\$7,500.00	100.00%	\$0.00	\$0.00	
4.6	PROJECT REPORT for the total contract, including one (1) copy submitted on a USB drive per monthly pay request as well as one (1) external hard drive or USB drive for the entire project to be submitted with the final pay request, including video of all repaired sanitary sewer pipes and manholes post-construction, video and/or	1.0	\$1,000.00	\$1,000.00	1.0	\$1,000.00	\$0.00	1.0	\$1,000.00	100.00%	\$0.00	\$0.00	
4.7	Increase Bid Item No.18 Quantity - Remove existing gravel driveway and replace with asphalt driveway and including removal and disposal of existing culverts (size varies), and temporary access.	662.0	\$9.00	\$5,958.00	0.0	\$5,958.00	\$0.00	662.0	\$5,958.00	100.00%	\$0.00	\$0.00	
4.8	Decrease Bid Item No.20 Quantity - Remove/replace existing concrete driveway including removal and disposal of existing culverts (size varies), and temporary access.	-14.0	\$10.00	(\$140.00)	0.0	(\$140.00)	\$0.00	0.0	\$0.00	0.00%	(\$140.00)	\$0.00	
4.9	Remove Bid Item No.21 - Placement of reinforced fiber fabric barrier as per Stormwater Pollution Prevention Site Plan (including installation, maintenance, and removal after construction).	-4500.0	\$1.75	(\$7,875.00)	0.0	(\$7,875.00)	\$0.00	0.0	\$0.00	0.00%	(\$7,875.00)	\$0.00	
E - Supplemental Bid Items			\$10,083.00	\$24,995.00		\$1,040.00	\$26,035.00				100.00%	\$0.00	\$0.00
5.1	Removal of protruding service connection from sanitary sewer by remote controlled cutting device including post-construction cleaning and televising; complete in place, as directed by Engineer.	2.0	\$450.00	\$900.00	2.0	\$900.00	\$0.00	2.0	\$900.00	100.00%	\$0.00	\$0.00	
5.2	8-inch (8") POINT REPAIR (using 8-inch (8") SDR 26 PVC, including adapters to connect to existing pipe) by excavation to all depths, replacing 6-foot (6') of pipe for each repair, including excavation, trench safety, groundwater control, sewer flow control (including by-pass pumping, if required), installation, bedding, removal of old pipe, reconnecting service leads to sewer line (as applicable), and necessary pipe fittings, testing, backfill and compaction testing; post-construction cleaning and televising; removal and replacement of sprinkler systems and other above ground obstructions; and site restoration (includes removal and replacement of fencing, sod,	5.0	\$1,800.00	\$9,000.00	5.0	\$9,000.00	\$0.00	5.0	\$9,000.00	100.00%	\$0.00	\$0.00	

A	B	C				D		E		F	G		H	I		
		Item No.	Description of Work	Qty	Unit Price	Scheduled Value	Approved Changes	Revised Scheduled Value	From Previous Application (D+E)		Materials Presently Stored (Net In D Or E)	Total Completed and Stored to Date (D + E + F)			% (G/C)	Balance to Finish (C-G)
Value	Qty								Value	Qty		Value	Value			
	driveways, sidewalk, etc. as needed, but not including street pavement removal and replacement); complete in place, as directed by Engineer.															
5.3	ADDITIONAL LINEAR FOOTAGE for 8-inch (8") sanitary sewer pipe POINT REPAIR beyond the typical 6-feet (6'), per plans, exhibits, and repair tables; complete in place, as directed by Engineer.	0.0	\$100.00	\$0.00	\$0.00	\$0.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	100.00%	\$0.00	\$0.00
5.4	SERVICE LEAD REPAIR, as applicable, including excavation, trench safety, testing and backfill. Remove existing lead connection and externally reconnect new sanitary sewer service lead to main sanitary sewer line with a new saddle, all sizes and depths; including post-construction cleaning and televising; new saddles and pipe upto at least the edge of the easement or property line, as required; removal of roots and other pipe obstructions; groundwater control; sewer flow control, including by-pass pumping; backfill; removal of old pipe materials (if applicable); removal and replacement of sprinkler systems, and other above ground obstructions; site restoration (includes removal and replacement of fencing, sod, driveways, sidewalk, etc.); complete in place, as directed by Engineer.	5.0	\$1,750.00	\$8,750.00	\$0.00	\$8,750.00	5.0	\$8,750.00	0.0	\$0.00	\$0.00	5.0	\$8,750.00	100.00%	\$0.00	\$0.00
5.5	HEAVY CLEANING of 8-inch (8") sanitary sewer line to remove mineral deposits, heavy grease, heavy roots, protruding service leads, and other stabilized debris and materials from piping by a remote controlled cutting device, including mobilization and demobilization; complete in place, including post-televising, only as directed by the Engineer.	40.0	\$18.00	\$720.00	\$0.00	\$720.00	40.0	\$720.00	0.0	\$0.00	\$0.00	40.0	\$720.00	100.00%	\$0.00	\$0.00
5.6	Removal of roots and other pipe obstructions by mechanical cutting device; sewer flow control (including bypass pumping, if required); post-construction cleaning and televising.	3.0	\$500.00	\$1,500.00	\$0.00	\$1,500.00	3.0	\$1,500.00	0.0	\$0.00	\$0.00	3.0	\$1,500.00	100.00%	\$0.00	\$0.00
5.7	Rehabilitation of 48-inch (48") diameter sanitary sewer manholes by resting and resealing the manhole rim and throat (approximately top three (3) vertical feet of manhole) including applying a minimum 1-inch (1") epoxy grout to interior of the manhole, including cleaning, preparation, sewer ring locating (including bypass pumping), post-construction photo material testing; equipment labor; material testing; and replacement of sidewalk and driveways as needed; removal and replacement of sprinkler systems, and	0.0	\$2,500.00	\$0.00	\$0.00	\$0.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	100.00%	\$0.00	\$0.00

A	B	C	D		E		F	G		H	I			
			From Previous Application (D+E)	This Period	Materials Presently Stored (In D OR E)	Total Completed and Stored to Date (D + E + F)		% (G/C)	Balance to Finish (C-G)					
Item No.	Description of Work	Qty	Unit Price	Scheduled Value	Approved Changes	Revised Scheduled Value	Qty	Value	Qty	Value				
	other above ground obstructions; site restoration (includes removal and replacement of fencing, sod, etc.); removal and replacement of manhole ring and lid (excluding removal & replacement of ring and lids in other bid items); and materials, complete in place.													
5. 8	Rehabilitation of 48-inch (48") diameter sanitary sewer manholes by resealing the manhole ring and throat (approximately top three (3) vertical feet of manhole) by applying a minimum 1-inch (1") cementitious grout to the manhole, including locating; cleaning; preparation; sewer flow control (including by-pass pumping); post-construction photo; material testing; equipment; labor; removal and replacement of sprinkler systems and other above ground obstructions, as needed; site restoration (includes removal and replacement of fencing, sod, etc.); and materials, complete in place.	1.0	\$525.00	\$525.00	\$0.00	\$525.00	1.0	\$525.00	0.0	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
5. 9	Grout and reseat lateral connection interior to the manhole, complete in place, as directed by the Engineer.	2.0	\$500.00	\$1,000.00	\$0.00	\$1,000.00	2.0	\$1,000.00	0.0	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
5. 10	Grout exterior of manhole frame, complete in place, as directed by Engineer.	0.0	\$500.00	\$0.00	\$0.00	\$0.00	0.0	\$0.00	0.0	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
5. 11	CLEANING of sanitary sewer manhole to remove mineral deposits, heavy grease, heavy roots, or other stabilized debris from manhole, including mobilization, demobilization, and post-televising, complete in place, as directed by the Engineer	0.0	\$750.00	\$0.00	\$0.00	\$0.00	0.0	\$0.00	0.0	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
5. 12	Installation of stainless-steel infiltration dish, complete in place, as directed by the Engineer.	10.0	\$260.00	\$2,600.00	\$0.00	\$2,600.00	10.0	\$2,600.00	0.0	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
5. 13	REMOVE AND REPLACE 8-inch (8") SDR 26 PVC, including excavation; trench safety; groundwater control (including well pointing as needed); sewer flow control (including by-pass pumping); installation; bedding; removal of old pipe; reconnecting service leads to sewer line (as applicable); testing; backfill and compaction; testing; post-construction cleaning and televising; removal and replacement of sprinkler systems and other above ground obstructions; and site restoration (includes removal and replacement of fencing, sod, standard concrete driveways, sidewalk, etc. as needed, but not including street pavement removal and replacement, and non-	0.0	\$1,700.00	\$0.00	\$0.00	\$0.00	0.0	\$0.00	0.0	\$0.00	\$0.00	100.00%	\$0.00	\$0.00

A Item No.	B Description of Work	Qty	Unit Price	C Scheduled Value	Approved Changes	Revised Scheduled Value	D From Previous Application (D+E)		E This Period		F Materials Presently Stored (Not in D OR E)	G Total Completed and Stored to Date (D + E + F)		H % (G/C)	I Balance to Finish (C-G)	J Retainage
							Qty	Value	Qty	Value		Qty	Value			
5.14	standard concrete driveway removal and replacement); complete in place, as directed by Engineer. Increase Bid Item No 35 Quantity - installation of stainless-steel infiltration dish, complete in place, as directed by the Engineer.	4.0	\$260.00	\$0.00	\$1,040.00	\$1,040.00	0.0	\$0.00	4.0	\$1,040.00	\$0.00	4.0	\$1,040.00	100.00%	\$0.00	\$0.00
F - Change Order 001																
6.1	PCCO#1 - Removal of tree	1.0	\$4,025.00	\$4,025.00	\$0.00	\$4,025.00	1.0	\$4,025.00	0.0	\$0.00	\$0.00	1.0	\$4,025.00	100.00%	\$0.00	\$0.00
6.2	PCCO#1- Uncovers manhole and raising to grade	1.0	\$3,500.00	\$3,500.00	\$0.00	\$3,500.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$3,500.00	\$0.00
6.3	Sanitary Sewer Cleaning and Televising, 8-inch diameter, all depths, including sewer flow control (including by-pass pumping), as required; removal of roots, debris, grease, and solid obstructions; disposal of sludge & solid materials; removal and replacement of fencing as necessary; and site restoration, complete as specified.	441.0	\$3.00	\$0.00	\$1,323.00	\$1,323.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$1,323.00	\$0.00
6.4	8-inch (8") sanitary sewer rehabilitation by CURED-IN-PLACE process, all depths, including post-construction cleaning and televising; removal of roots and other pipe obstructions by regular pipe cleaning methods; sewer flow control (including by-pass pumping, if required); coordination with testing laboratory for materials testing; removal and replacement of sprinkler systems, and other above ground obstructions; providing the Engineer copies of the curing logs; and site restoration to existing or better condition (includes removal and replacement of fencing, sod, etc.); complete in place, as directed by Engineer.	281.0	\$27.00	\$0.00	\$7,587.00	\$7,587.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$7,587.00	\$0.00
6.5	SERVICE LEAD RECONNECTION upon completion of CURED-IN-PLACE process by televising remote controlled cutting device all depths, all pipe sizes; complete in place, as directed by Engineer.	-4.0	\$1.00	\$0.00	(\$4.00)	(\$4.00)	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$4.00)	\$0.00
6.6	12-inch Dual Reinforced Concrete Pipe (RCP), ASTM C-76, Class IV, storm sewer culvert by open cut construction all depths (including fittings, bedding and backfill), complete in place.	21.0	\$130.00	\$0.00	\$2,730.00	\$2,730.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$2,730.00	\$0.00
6.7	18-inch Reinforced Concrete Pipe (RCP), ASTM C-76, Class IV, storm sewer culvert by open cut construction all depths	-21.0	\$155.00	\$0.00	(\$3,255.00)	(\$3,255.00)	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$3,255.00)	\$0.00

A Item No.	B Description of Work	Qty	Unit Price	C			D		E		F	G		H	I	
				Scheduled Value	Approved Changes	Revised Scheduled Value	From Previous Application (D+E) Qty	Value	This Period Qty	Value	Materials Presently Stored (In D OR E)	Total Completed and Stored to Date (D + E + F) Qty	Value	% (G/C)		Balance to Finish (C-G)
	(including fittings, bedding and backfill), complete in place.															
6. 8	Removal of protruding service connection from sanitary sewer by remote controlled cutting device including post-construction cleaning and televising; complete in place, as directed by Engineer.	1.0	\$450.00	\$0.00	\$450.00	\$450.00	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$450.00	\$0.00
6. 9	ADDITIONAL LINEAR FOOTAGE for 8-inch (8") sanitary sewer pipe POINT REPAIR beyond the typical 6-foot (6'), per plans, exhibits, and repair tables; complete in place, as directed by Engineer. HEAVY CLEANING of 8-inch (8") sanitary sewer line to remove mineral deposits, heavy grease, heavy roots, protruding service leads, and other stabilized debris and materials from piping by a remote controlled cutting device, including mobilization and demobilization, complete in place, including post-televising, only as directed by the Engineer.	-4.0	\$100.00	\$0.00	(\$400.00)	(\$400.00)	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$400.00)	\$0.00
6. 10	Removal of roots and other pipe obstructions by mechanical cutting device; sewer flow control (including by-pass pumping, if required); post-construction cleaning and televising.	-60.0	\$18.00	\$0.00	(\$1,080.00)	(\$1,080.00)	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$1,080.00)	\$0.00
6. 11	Rehabilitation of 48-inch (48") diameter sanitary sewer manholes by resetting and resealing the manhole ring and throat (approximately top three (3) vertical feet of manhole) including applying a minimum 1-inch (1") cementitious grout to interior of the manhole, including locating, cleaning, preparation, sewer flow control (including by-pass pumping), post-construction photo, material testing, equipment, labor, removal and replacement of sidewalk and driveways as needed, removal and replacement of sprinkler systems, and other above ground structures, site restoration (includes removal and replacement of fences, soil, etc.); removal and replacement of manhole ring and lid (excluding removal of ring and lids in other bid items); and materials, complete in place.	-1.0	\$2,500.00	\$0.00	(\$2,500.00)	(\$2,500.00)	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$2,500.00)	\$0.00
6. 13	Rehabilitation of 48-inch (48") diameter sanitary sewer manholes by resealing the manhole ring and throat (approximately top three (3) vertical feet of manhole) by applying a minimum 1-inch (1") cementitious grout to the manhole, including locating, cleaning, preparation, sewer flow control (including by-pass pumping); post-construction photo;	-11.0	\$525.00	\$0.00	(\$5,775.00)	(\$5,775.00)	0.0	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$5,775.00)	\$0.00

A	B	C	D		E		F	G		H	I
			From Previous Application (D+E) Qty	Value	This Period Qty	Value		Total Completed and Stored to Date (D + E + F) Qty	Value		
	material testing; equipment; labor; removal and replacement of sprinkler systems and other above ground structures, as needed; site restoration (includes removal and replacement of fencing, sod, etc.), and materials; complete in place.										
6.14	Grout and reseat lateral connection interior to the manhole, complete in place, as directed by the Engineer.	1.0	\$500.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$500.00
6.15	Grout exterior of manhole frame, complete in place, as directed by Engineer.	-1.0	\$500.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$500.00)
6.16	CLEANING of sanitary sewer manhole to remove mineral deposits, heavy grease, heavy roots, or other stabilized debris from manhole, including mobilization, demobilization, and post-leveeing by Engineer, as directed by the Engineer.	-1.0	\$750.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$750.00)
6.17	Installation of stainless-steel infiltration dish, complete in place, as directed by the Engineer.	-5.0	\$260.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$1,300.00)
6.18	REMOVE AND REPLACE 8-inch (8") SDR 26 PVC, including excavation, trench safety; groundwater control (including well pointing as needed); sewer flow control (including by-pass pumping); installation; bedding; removal of old pipe; reconnecting service leads to sewer line (as applicable); testing; backfill and compaction testing; post-construction cleaning and televising; removal and replacement of sprinkler systems and other above ground obstructions; and site restoration (includes removal and replacement of fencing, sod, standard concrete driveways, sidewalk, etc. as needed, but not including street pavement removal and replacement and non-standard concrete driveway removal and replacement); complete in place, as directed by Engineer.	-50.0	\$1,700.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$8,500.00)
6.19	Removal of tree, up to 30-inch, including skimp grinding, root removal, and hauling of waste material, complete in place.	1.0	\$4,025.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$4,025.00
6.20	Locate and uncover sanitary sewer manhole, bring the manhole to grade, remobilize for television inspection.	1.0	\$3,500.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	\$3,500.00
6.21	Decrease Bid Item No 38 Quantity - Locate and uncover sanitary sewer manhole, bring the manhole to grade, remobilize for television inspection.	-1.0	\$3,500.00	\$0.00	0.0	\$0.00	\$0.00	0.0	\$0.00	0.00%	(\$3,500.00)

A Item No.	B Description of Work	Qty	Unit Price	C				D		E		F Materials Presently Stored (Not in D OR E)	G		H Balance to Finish (C-G)	I Retainage
				Scheduled Value	Approved Changes	Revised Scheduled Value	From Previous Application (D+E) Qty	Value	This Period Qty	Value	Total Completed and Stored to Date (D + E + F) Qty		Value	% (G/C)		
G - Change Order 002			\$646.50	\$0.00	\$4,451.00	\$4,451.00		\$0.00		\$4,451.00	\$0.00		\$4,451.00	100.00%	\$0.00	\$0.00
Grand Total:			\$98,874.00	\$518,319.00	(\$16,550.00)	\$501,769.00		\$469,800.00		\$31,969.00	\$0.00		\$501,769.00	100.00%	\$0.00	\$0.00



Quiddity Engineering, LLC
1575 Sawdust Rd, Suite 400
The Woodlands, Texas 77380-4241
United States
(713) 389-1566

Job #: W5841-0042-01 Construction of MLK Drive Sanitary Sewer & Drainage Improvements
MLK Drive
Montgomery Texas.

Punch Items for W5841-0042-01 - Construction of MLK Drive Sanitary Sewer & Drainage Improvements

5 Items

#1: Establish final stabilization along McGinnis and MLK.

Type:	Location:
Date Created: 01/17/2023	Due Date: 02/16/2023
Priority:	Status: Work Required
Creator: Michael Carpenter	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: Michael Carpenter
Ball in Court: Vayley Mauro (IPR South Central)	Assignee Name: Mauro, Vayley (IPR South Central) <i>Work Required</i>
Description:	



#2: Clear out debris on Manhole 135 at STA 8+60

Type:	Location:
Date Created: 01/17/2023	Due Date: 02/16/2023
Priority:	Status: Work Required
Creator: Michael Carpenter	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: Michael Carpenter
Ball in Court: Vayley Mauro (IPR South Central)	Assignee Name: Mauro, Vayley (IPR South Central)



Work Required

Description:

#3: Provide Project As Built Plans

Type:	Location:
Date Created: 01/17/2023	Due Date: 02/16/2023
Priority:	Status: Work Required
Creator: Michael Carpenter	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: Michael Carpenter
Ball in Court: Vayley Mauro (IPR South Central)	Assignee Name: Mauro, Vayley (IPR South Central) <i>Work Required</i>

Description:

#4: Saw cut 4-inch in rectangular weir for drainage relief for resident at corner of McGinnis & MLK Drive

Type:	Location:
Date Created: 01/18/2023	Due Date: 02/17/2023
Priority: High	Status: Work Required
Creator: Michael Carpenter	Reference:
Punch Item Manager: Michael Carpenter	Final Approver: Michael Carpenter
Ball in Court: Vayley Mauro (IPR South Central)	Assignee Name: Mauro, Vayley (IPR South Central) <i>Work Required</i>

Description:

**#5: Remove pile of concrete on McGinnis**

Type:	Location:
Date Created: 01/18/2023	Due Date: 02/17/2023

Priority:

Status:

Work Required

Creator:

Michael Carpenter

Reference:

Punch Item Manager:

Michael Carpenter

Final Approver:

Michael Carpenter

Ball in Court:

Vayley Mauro (IPR South Central)

Assignee Name:

Mauro, Vayley (IPR South Central)

Work Required

Description:





CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Montgomery
 Contractor: PM Construction & Rehab, LLC dba IPR SC
 Engineer: Nathan B. White, PE
 Project: Construction of Sanitary Sewer & Drainage
 Improvements on Dr. Martin Luther King, Jr. Drive
 Date: January 11, 2023

Owner's Contract No.: N/A
 Contractor's Project No.: N/A
 Engineer's Project No.: W5841-0042-01

This Final Certificate of Substantial Completion applies to:

- All Work The following specified portions of the Work:

The Work to which this Certificate applies has been reviewed by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion.

The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

Quiddity Engineering, LLC provided periodic field project representation and our Certification is based on approved submittals, provided inspection reports and work that was visible at the time of the inspection.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's
 responsibilities: None
 As follows

Amendments to
 Contractor's responsibilities: None
 As follows:

The following documents are attached to and made a part of this Certificate: Punch Items for W5841-0042-01 – Construction of MLK Drive Sanitary Sewer & Drainage Improvements

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, is not a release of the Contractor's obligation to complete the Work in accordance with the Contract and does not warrant or imply a warranty of the Contractor's materials or workmanship.



<p>EXECUTED BY ENGINEER: By: <u><i>Nathan White</i></u> (Authorized Signature) Quiddity Engineering, LLC Date: 3-8-2023</p>	<p>ACKNOWLEDGED: By: _____ (Authorized Signature) City of Montgomery Date: _____</p>	<p>ACKNOWLEDGED: By: <u><i>Vaughan</i></u> (Authorized Signature) PM Construction & Rehab, LLC dba IPR South Central Date: 3/9/23</p>
---	--	---



K:\W5841\W5841-0042-01 GLO - MLK SSR & Drainage Improvements\3 Construction Phase\4. Contract Documents

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on the replat of Restricted Reserve "H2" of the Amended Plat for Buffalo Springs Shopping Center Phase 2.

Recommendation

Approve the Replat as presented.

Discussion

The Planning & Zoning Commission approved the replat unanimously at their March 7th meeting. The engineer’s memo is attached. Staff and engineers recommend approval. The replat creates two reserves out of the original 1.7-acre Reserve “H2”.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023



March 1, 2023

The Planning and Zoning Commission
 City of Montgomery
 101 Old Plantersville Rd.
 Montgomery, Texas 77316

Re: Submission of Partial Replat
 Restricted Reserve "H2" of the Amended Plat of Buffalo Springs Shopping Center Phase 2
 City of Montgomery

Dear Commission:

We reviewed the Replat submission for the referenced development on behalf of the City of Montgomery. The purpose of the replat is to split reserve H2 into 2 separate parcels to be developed independently as a Popeye's Chicken and a Dutch Brothers Coffee. Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 63 and any other applicable chapters.

We offer no objection to the replat as submitted, and we recommend the Commission approve the replat.

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

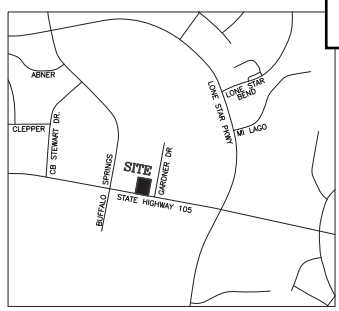
Chris Roznovsky, PE
 Engineer for the City

CVR/ajn

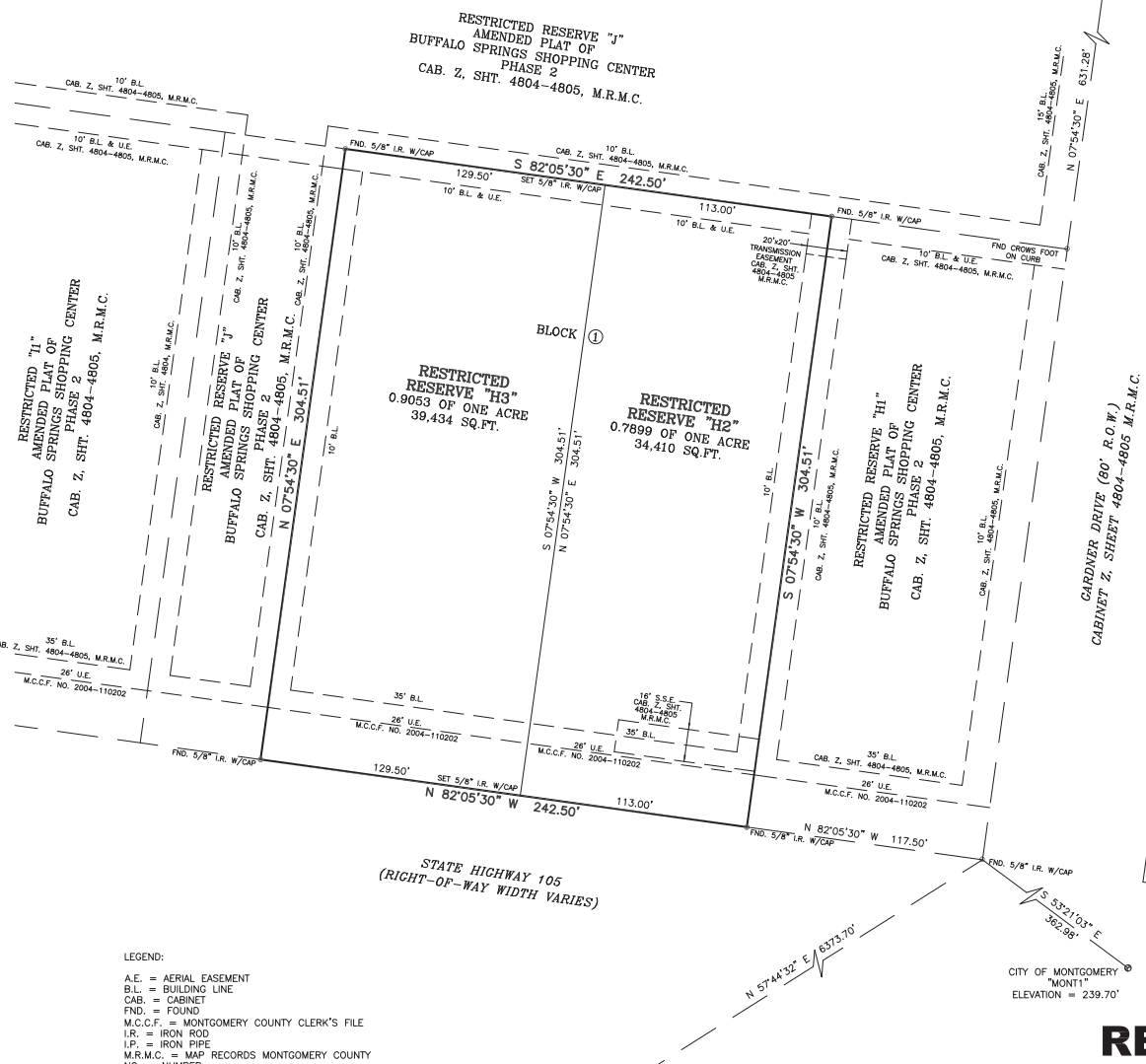
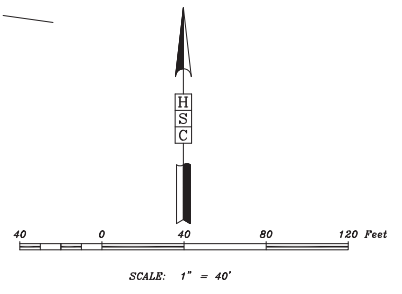
Z:\00574 (City of Montgomery)\900 General Consultation\Correspondence\2023.03.01 MEMO TO P&Z RE Montgomery Bend Sec.1 Preliminary Plat.docx

Enclosures: Preliminary Plat

Cc (via email): The Honorable Mayor and City Council – The City of Montgomery
 Mr. Gary Palmer – City of Montgomery, City Administrator
 Ms. Nici Browe – City of Montgomery, City Secretary
 Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development
 Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



VICINITY MAP NOT TO SCALE
KEY MAP 123U



BENCHMARK
CONCRETE MONUMENT
WITH BRASS DISK, STAMPED
BSSC PHS 11
ELEVATION = 244.25'
N(Y)=10,135,655.67
E(X)=3,763,281.21

REPLAT OF RESTRICTED RESERVE "H2" OF THE AMENDED PLAT BUFFALO SPRINGS SHOPPING CENTER PHASE 2

A COMMERCIAL SUBDIVISION OF
1.6952 ACRES OF LAND SITUATED IN
THE JOHN CORNER SURVEY,
ABSTRACT NUMBER 8, CITY OF
MONTGOMERY, MONTGOMERY COUNTY,
TEXAS.

2 RESERVES, 1 BLOCK

- LEGEND:
- A.E. = AERIAL EASEMENT
 - B.L. = BUILDING LINE
 - CAB. = CABINET
 - FND. = FOUND
 - M.C.C.F. = MONTGOMERY COUNTY CLERK'S FILE
 - I.R. = IRON ROD
 - I.P. = IRON PIPE
 - M.R.M.C. = MAP RECORDS MONTGOMERY COUNTY
 - NO. = NUMBER
 - NOS. = NUMBERS
 - SHT. = SHEET
 - S.S.E. = SANITARY SEWER EASEMENT
 - STM. S.E. = STORM SEWER EASEMENT
 - U.E. = UTILITY EASEMENT
 - W.L.E. = WATER EASEMENT
 - W/CAP = WITH CAP

OWNER/DEVELOPER:
LFFP-105, LLC, A LIMITED LIABILITY COMPANY
10190 KATY FREEWAY, SUITE 350
HOUSTON, TEXAS 77043
(713) 266-8799

SURVEYOR:
Land Surveys - Computer Mapping
Acresage - Residential - Industrial - Commercial
5000 Cabbage - Spring, Texas 77379
(281) 320-9591 hovis@hovisurveying.com
Texas Firm Registration No. 10030400



DATE: MARCH 1, 2023 SCALE: 1" = 40' JOB NO. 21-167-00

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

That LFFP-105, LLC, a Texas limited liability company, acting by and through Mohammed Ali Lakhany, Manager, does hereby adopt this plat designating the herein described property as the AMENDED PLAT OF RESTRICTED RESERVE "H2" OF THE AMENDED PLAT OF BUFFALO SPRINGS PHASE 2, and does hereby make subdivision of said property according to the lines, streets, alleys, parks and easements therein shown and dedicate to public use forever all areas shown on this plat a streets, alleys, parks and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner and Owner's successors and assigns to warrant and defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the City of Montgomery, Texas and that a rough proportionality exists between the dedications, improvements and exactions required under such regulations and the projected impact of the subdivision

There is hereby dedicated a 5' aerial easement adjacent to all utility easements shown hereon from a plane 20 feet above the ground designated as "U.E. with A.E."

IN TESTIMONY WHEREOF, LFFP-105, LLC, a Texas limited liability company has caused these presents to be signed by Mohammed Ali Lakhany, its Manager, thereto authorized and its common seal hereto affixed this ____ day of _____, 2023.

LFFP-105, LLC, a Texas limited liability company

By: _____
Mohammed Ali Lakhany, Manager

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared Mohammed Ali Lakhany, Manager of LFFP-105, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this ____ day of _____, 2023.

Notary Public in and for
the State of Texas

My Commission expires: _____

SURVEYOR'S CERTIFICATION

That I, Harry H. Hovis, IV, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereat were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas



[Signature]
Harry H. Hovis IV
Registered Professional Land Surveyor
Texas Registration No. 4827

CITY OF MONTGOMERY

I, the undersigned, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which his approval is required.

Chris Roznovsky, P.E.
City Engineer
City of Montgomery

I, the undersigned, City Administrator for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which his approval is required.

Dated this ____ day of _____, 2023

Gary Palmer
City Administrator
City of Montgomery

CITY OF MONTGOMERY

This plat and subdivision has been submitted to and considered by the city planning and zoning commission, and is hereby approved by such commission.

Dated This ____ Day of _____, 2023

Jeffrey Waddell
Chairperson Planning and Zoning Commission

CITY OF MONTGOMERY

This plat and subdivision has been submitted to and considered by the city council of the City of Montgomery, Texas, and is hereby approved by such council.

Dated This ____ Day of _____, 2023

By: _____
Bryon Sanford
Mayor

ATTEST:

By: _____
Nicola Browe
City Secretary

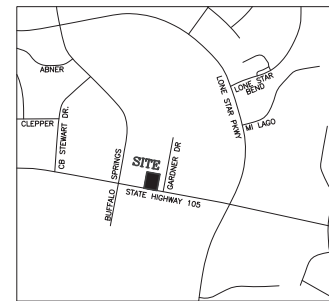
STATE OF TEXAS
COUNTY OF MONTGOMERY

I, L. Brandon Steinmann, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2023, at ____ o'clock, __M., and duly recorded on _____, 2023, at ____ o'clock, __M. in Cabinet _____, Sheets _____, of the Map Records of said County.

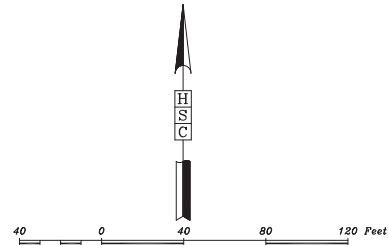
WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

L. Brandon Steinmann, Clerk, County Court
Montgomery County, Texas

By: _____ Deputy



VICINITY MAP NOT TO SCALE
KEY MAP 123U



SCALE: 1" = 40'

NOTES:

- Bearing orientation based on Texas State Plane Coordinate Grid System of 1983 (Central Zone No. 4203).
- Based on graphical plotting this tract lies within unshaded Zone X and no portion of this tract lies within a "100 year flood hazard area" as designated on The National Flood Insurance Program - Flood Insurance Rate Map issued by the Federal Emergency Management Agency under Map Number 48339C0200G, Community Panel Number 481483 0200 G for City of Montgomery, Montgomery County, Texas, dated August 18, 2014. The "100 year flood hazard area" is subject to change as detailed studies become available and/or watershed or channel conditions change.
- All corners are set 5/8 inch iron rods with cap unless otherwise noted.

REPLAT OF RESTRICTED RESERVE "H2" OF THE AMENDED PLAT BUFFALO SPRINGS SHOPPING CENTER PHASE 2

A COMMERCIAL SUBDIVISION OF
1.6952 ACRES OF LAND SITUATED IN
THE JOHN CORNER SURVEY,
ABSTRACT NUMBER 8, CITY OF
MONTGOMERY, MONTGOMERY COUNTY,
TEXAS.

2 RESERVES, 1 BLOCK

SHEET 2 OF 2


HOVIS SURVEYING COMPANY
Land Surveys - Computer Mapping
Acreage - Residential - Industrial - Commercial
5000 Cabbage - Spring, Texas 77379
(281) 320-9591 hovis@hovissurveying.com
Texas Firm Registration No. 10030400

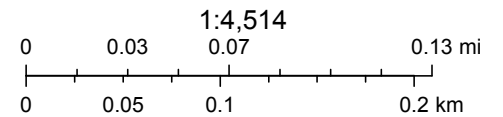
DATE: MARCH 1, 2023 SCALE: 1" = 40' JOB NO. 21-167-00

Buffalo Springs Shopping Center Phase 2 Reserve H2



3/10/2023, 1:43:24 PM

-  Abstracts
-  Parcels



© OpenStreetMap (and) contributors, CC-BY-SA

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Calling a Public Hearing for a rezoning request from "R1"-Single Family Residential to "I"-Institutional for a 0.295-acre parcel of land located at 14740 Liberty Street as submitted by Cornerstone Community Church.

Recommendation

Call a Public Hearing on the rezoning request for April 11, 2023 at 6:00 pm.

Discussion

Cornerstone Community Church recently purchased 0.295-acre parcel from the property owner to the south as part of a plan for future improvements. The property is currently zoned R1-Single Family Residential. The church is requesting to rezone the property to I-Institutional. The P&Z Commission will hold Public Hearings on April 4th and form a recommendation for City Council.

City Council will receive the P&Z recommendation, hold a Public Hearing, and act on the request at the April 11th City Council meeting.

Approved By

Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023



Rezoning Application

City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316
(936) 597-6434

Item 11.

Upon completion return application to dmccorquodale@ci.montgomery.tx.us

Contact Information

Property Owner(s): Cornerstone Community Church of Montgomery

Address: 14740 Liberty St. Montgomery, Tx

Zip Code: 77356 Phone: 281-732-0053

Email Address: colemang2611@gmail.com

Applicants: Gerald Coleman

Address: 24505 Gay Lake Rd

Zip Code: 77356 Phone: 281-732-0053

Email Address: colemang2611@gmail.com

Parcel Information

Property Identification Number (MCAD R#): R31340

Legal Description: A0008 - Corner John, TRACT 13, 14-B, ACRES 1.295

Street Address or Location: 14740 Liberty St. Montgomery, Tx 77356

Acreage: .295 Present Zoning: R1-Single Family Residential Present Land Use: Residential

Proposed Zoning: I-Institutional Proposed Land Use: Church

Is the proposed use in compliance with the Future Land Use Plan? YES NO

Additional Information

Owner(s) of record for the above described parcel:

Signature: Gerald Coleman Date: 2-27-2023

Signature: _____ Date: _____

Signature: _____ Date: _____

Note: Signatures are required for all owners of record for the property proposed for Special Use Permit. Attach additional signatures on a separate sheet of paper.

<h2>Date Received</h2> <p>Office Use</p>	
--	--

Additional Information

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

Metes and Bounds.

All applicable fees and payments.

Copies of all deeds or a title opinion from a licensed attorney establishing current ownership of the property for which the zoning change is sought.

A site plan. If there are existing structures, parking, curb cuts and drainage they must be shown.

The application form must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the rezoning request shall be submitted.

Payment of all Indebtedness Attributable to the subject property.

Public Hearings

Parties in interest and citizens shall have an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and the City Council before any amendment to a district regulation, restriction, or boundary shall become effective. Regularly scheduled meetings are as follows and will be held accordingly unless public notice has been given of a change of dates:

Planning and Zoning Commission: **1st Tuesday of every month at 6:00 p.m.**

City Council: **2nd and 4th Tuesday of every month at 6:00 p.m.**

Protests

If a protest against a proposed zoning change including PDD and SUP requests has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending two hundred feet (200) there from, such zoning change shall not become effective except by a three-fourths (3/4) vote of governing body in accordance with the provisions of Section 211.006 of the Texas Local Government Code.

Resubmission

Rezoning requests which have been heard and decided by the Council of the City of Montgomery may not be re-filed with the City for six (6) months after the date of such decision by the Council, absent a change in circumstances.

Rezoning requests for the same property to a different classification than the denied request may be re-filed prior to the expiration of six (6) months.

Montgomery City Council
AGENDA REPORT

Meeting Date: March 14, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Anthony Lasky

Subject

Consideration and possible action on: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2021-2022; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Recommendation

Approve the budget amendment as presented.

Discussion

This is a normal yearly process The City does before the audit is completed. This is done to make sure The City is in compliance and within the expense threshold the auditors require the City to be at. This was originally presented at the December 13th 2022 Council Meeting. As this item was presented there were items found resulting in a couple of large overages in our Police Department. One of the items that stuck out was the wages category. Because of that large overage, Council instructed Staff to research this item. After further investigation, it was found that the wages were over due to a software error. The wages along with the expenditures of Payroll Taxes and Retirement were being combined into the wages account instead of being properly split 3 ways. This combination resulted in an overage of \$110,673.37. After consulting with the software company, we were able to clean this up and now have an overage remaining of \$82,132.70. We were able to determine that \$30,000 of this is for the Code Enforcement Officer and the remainder is the mid year COLA adjustment. There are three line items in the Exhibit attached that show where those two accounts will affect the budget amendment. The amendment for these categories is as follows:

Admin - Code Enforcement – Started at \$30,000, amending it to \$0 (Decrease of \$30,000) This is transferred to the Police budget to cover the Code Enforcement Officer salary.

Police - Wages Part 1 – Started at \$965,000, amending to \$995,000 (Increase of \$30,000) This is transferred from the Administrative budget to cover the Code Enforcement Officer salary.

Police - Wages Part 2 – Started at \$995,000, amending to \$1,050,000 (Increase of \$55,000) This is to cover the mid year COLA Raises done in April 2022.

There are a few other line items that will need adjustment to meet the threshold for the audit for the General Fund along with a couple of other items from other funds. These are as follows:

Additional General Fund:

Police - Computer Technology – Started at \$10,000, amending to \$46,000 (Increase of (\$36,000) – This covers the overage of services such as internet, service calls, IT, etc made during the Fiscal Year. Maintenance alone is \$24,000 / yr. This was under budgeted with no proper controls at that time.

Montgomery City Council
AGENDA REPORT

Police - Police Cars – Started at \$40,000, amending to \$200,000 (Increase of \$160,000) – This is to cover 3 additional vehicles that were purchased in the 2021-2022 Fiscal Year even though the amount approved to purchase these cars was done back in the 2020-2021 Fiscal Year. Back in August of 2021 (2020-2021 Fiscal Year), City Council approved the purchase of 3 vehicles for a not to exceed amount of \$174,297. Those three vehicles arrived in July of 2022 and were invoiced at that time as well. The total of the three vehicles was \$151,868. We had one vehicle that was budgeted in 2021-2022 for \$40,000 which we received back in September of last year totaling \$47,273. By making this change, this will reflect all 4 vehicles that were invoiced in the 2021-2022 Fiscal Year.

Police - Traffic Equipment – Started at \$27,000, amending to \$75,000 – (Increase of \$48,000) This is to cover message boards that were approved for purchase in the 2020-2021 Fiscal Year that were also received in the 2021-2022 Fiscal Year. The original \$27,000 was for the license plate reader cameras which we did receive at the tail end of the 2021-2022 Fiscal year. Back in August of 2021, City Council approved to purchase message boards in the amount of \$44,947 in which MEDC and City Hall were going to split the cost 50/50. The total cost ended up being \$47,397 in which an additional message board of \$2,450 was also purchased. There were discussions about splitting the cost of the message boards at prior MEDC Board meetings and at the August 2021 MEDC budget workshop but then come September 2021 timeframe, the topic died and no further discussions were brought back up. When the invoice for the message boards was given, per instruction, it was applied to the Traffic Equipment line item as there was no other place to put it. This change is to reflect those message boards purchased.

MEDC:

Land Investments – Started at \$0, amending to \$600,000 (Increase of \$600,000) – This is for the 21050 Eva Street purchase MEDC Made back in August 2022.

Debt Service:

Interest Payments on Notes – Started at \$193,250, amending to \$220,000 (Increase of \$26,750) – This is related to the Series 2022 Tax Notes. When these funded back in May of 2022 we had an additional interest payment that was not budgeted so this amount will cover that payment.

Court Technology:

Computer Website Services – Started at \$12,710, amending to \$15,000 (Increase of \$2,290) – the Court Department purchased Ticket Readers in the amount of \$11,599 and there was additional maintenance of \$3,400. (total of \$14,999) This change will cover the additional maintenance.

Approved By		
Senior Accountant	Anthony Lasky	Date: 03/10/2023
City Administrator	Gary Palmer	Date: 03/10/2023

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING ITS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2021-2022; APPROPRIATING THE VARIOUS AMOUNTS HEREIN, AS ATTACHED IN EXHIBIT A; CONTAINING FINDINGS AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Montgomery, Texas Fiscal Year 2021-2022 on September 14, 2021 Budget was adopted by Ordinance 2021-15 and later amended by Ordinance 2021-18 on October 26, 2021.

WHEREAS, the Mayor and the City Administrator of the City have submitted to the City Council certain proposed amendments to the municipal budget as permitted by law, which amended budget is set forth in and incorporated herein in the attached Exhibit "A;" and

WHEREAS, the City Council finds and determines that the change in the Budget for the stated municipal purpose is warranted and necessary, and that the amendment of the Budget to fund these lines items due to unforeseen situations and a matter of public necessity warranting action at this time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:

SECTION 1. That such proposed municipal budget as amended is hereby approved and adopted as Budget Amendment No. 2 for the City of Montgomery for the fiscal year 2021-2022, as detailed in Exhibit "A."

SECTION 2. That the amended municipal budget may be amended from time to time as provided by law for the purposes of authorizing emergency expenditures or for other municipal purposes; provided, however, no obligation shall be incurred or any expenditure made except in conformity with the budget.

SECTION 3. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 5. This Ordinance shall become effective immediately from the date of its adoption.

PASSED AND APPROVED this 14th day of March 2023.

Byron Sanford, Mayor

ATTEST:

Nici Browe, TMRC, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

Exhibit A
Ord. No. - 2023 -

Account Number	Account Name	Budget Amendment #1	Budget Amendment #2	% Change
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10/26/2022

Amended Expense Items
General Fund

Admin - Contract Services
Police - Personnel

Police - Contract Services
Police - Capital Outlay

Total

100-10-16252-0000000	Code Enforcement	\$ 30,000	\$ -	-100.0%
100-11-16009-0000000	Wages - Part 1	\$ 965,000	\$ 995,000	3.1%
100-11-16009-0000000	Wages - Part 2	\$ 995,000	\$ 1,050,000	5.5%
100-11-16249-0000000	Computer Technology	\$ 10,000	\$ 46,000	360.0%
100-11-16906-0000000	Police Cars	\$ 40,000	\$ 200,000	400.0%
100-11-16920-0000000	Traffic Equipment	\$ 27,000	\$ 75,000	177.8%
		\$ 2,067,000	\$ 2,366,000	14.5%
			\$ 5,405,374	
			\$ 5,704,374	

Amended Expense Items
MEDC Fund

MEDC - Public Infrastructure

Total

400-40-46112-0000000	Land Investments	\$ -	\$ 600,000	100.0%
		\$ -	\$ 600,000	100.0%
			\$ 1,004,250	
			\$ 1,604,250	

Amended Expense Items
Debt Service Fund

Debt Service - Payments

Total

500-50-56220-0000000	Interest Payments on Notes	\$ 193,250	\$ 220,000	13.8%
		\$ 193,250	\$ 220,000	13.8%
			\$ 625,750	
			\$ 652,500	

Amended Expense Items Court Technology Fund

Court Technology - Contract Services

Total

750-75-76240-0000000	Computer Website Services	\$ 12,710	\$ 15,000	18.0%
		<hr/>	<hr/>	
		\$ 12,710	\$ 15,000	18.0%
	Original Budget Total		\$ 12,710	
	New Budget Total		\$ 15,000	