



OFFICE OF THE COUNTY ENGINEER  
**DR. MILTON RAHMAN, P.E., PMP, CFM, ENV SP**

**SUBMERGED STORMSEWER  
AGREEMENT**

**STATE OF TEXAS       §**  
                                  **§**  
**COUNTY OF HARRIS   §**

This Agreement is made and entered into by and between Harris County, a body corporate and politic under the laws of the State of Texas, hereinafter called "County" and City of Tomball Business Improvement District No. 1, hereinafter called "District."

**RECITALS:**

WHEREAS, LIT Interchange 249 Business Park, LLC is developing Interchange 249 Business Park subdivision, a commercial development; and

WHEREAS, the storm sewer system as designed is submerged during non-rainfall periods; and

WHEREAS, the County is unwilling to accept and maintain the storm sewer system at this time; and

WHEREAS, the District has expressed a willingness to accept dedication of the system;

NOW, THEREFORE, for and in the consideration of the mutual covenants, agreements, and benefits to the parties herein named, it is agreed as follows:

**TERMS:**

1. The District accepts the dedication of the storm sewer system serving Interchange 249 Business Park subdivision as part of the District's storm sewer system.
2. The County agrees to promptly forward to the District any requests received by Harris County for maintenance and repair of the storm sewer system.
3. It is understood and agreed that any acceptance of the dedication of any roads served by the storm sewer system shall not be construed as acceptance of the storm sewer system or any part thereof into the County's road system except to the extent such acceptance is expressly stated. While the County expressly disclaims any acceptance of the storm sewer system into the County storm sewer system, the County shall retain the right but not assume the obligation to make any and all necessary emergency repairs or perform maintenance of the storm sewer system.

4. The District's acceptance of the storm sewer system includes such items as trunk lines, leads and inlets, but does not include any "amenity" feature of a system.
5. The District agrees that in maintenance or repair of the storm sewer system, it shall not allow any damage of public street paving, and that all actions within the road right-of-way shall be in accordance with the applicable Harris County rules, regulations and requirements.
6. The County agrees to reevaluate acceptance of the drainage system into the County maintenance system on the 27th day of September, 2027.
7. This instrument contains the entire agreement between the parties relating to the responsibilities and requirements of the maintenance of the storm sewer systems within the Interchange 249 Business Park development. Any modifications concerning this instrument shall be of no force and effect accepting a subsequent modification in writing, approved by the governing bodies and signed by all parties hereto.

IN TESTIMONY OF WHICH, this agreement has been executed on behalf of the parties hereto as follows, to wit.

It has on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, been executed on behalf of the County by the County Judge of Harris County, Texas pursuant to an Order of the Commissioners' Court of Harris County authorizing such execution.

It has on the 31st day of August, 2022, been executed on behalf of the District by a duly authorized officer, as attested by its Secretary.

HARRIS COUNTY

By: \_\_\_\_\_  
Lina Hidalgo, County Judge

City of Tomball Business Improvement District No. 1

By:  - PRESIDENT  
Name and Title

Attest: \_\_\_\_\_  
Name – Secretary

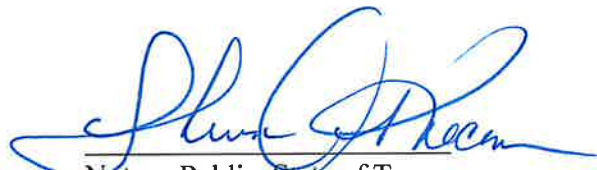
STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by Lina Hidalgo, County Judge of Harris County, on behalf of said County.

\_\_\_\_\_  
Notary Public, State of Texas  
  
\_\_\_\_\_  
(Notary's Printed Name)

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 31<sup>ST</sup> day of August, 2022  
by Michael Harney, as President of City of Tomball Business Improvement District No. 1, on behalf of said  
District.

  
\_\_\_\_\_  
Notary Public, State of Texas  
  
\_\_\_\_\_  
(Notary's Printed Name)



STATE OF TEXAS           §  
                                     §                   ORDER  
COUNTY OF HARRIS   §

On this the 27<sup>th</sup> day of September 2022 at a regular meeting of the Commissioners Court of Harris County, sitting as the governing body of Harris County, with the following members present to wit:

Lina Hidalgo	County Judge
Rodney Ellis	Commissioner, Precinct 1
Adrian Garcia	Commissioner, Precinct 2
Tom S. Ramsey, P.E.	Commissioner, Precinct 3
R. Jack Cagle	Commissioner, Precinct 4

And the following member(s) absent to wit: \_\_\_\_\_ constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING THE COUNTY JUDGE TO EXECUTE AN AGREEMENT  
WITH CITY OF TOMBALL BUSINESS IMPROVEMENT DISTRICT NO. 1 REGARDING  
THE SUBMERGED STORM SEWER SYSTEM SERVING INTERCHANGE 249  
BUSINESS PARK

Commissioner \_\_\_\_\_ introduced an order and made a motion that the same be adopted. Commissioner \_\_\_\_\_ seconded the motion for the adoption of the order. The motion carrying with it the adoption of the order prevailed by the following vote:

	Yes	No	Abstain
Judge Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Ramsey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the order had been duly and lawfully adopted. The order thus adopted reads as follows:

ORDER

BE IT ORDERED, ADJUDGED, and DECREED by the Commissioners Court of Harris County, Texas that the Agreement incorporated herein by reference, as if set out word for word, and the County Judge is authorized to execute the Agreement with City of Tomball Business Improvement District No. 1 dated August 31, 2022 and executed on behalf of the District by its President, Michael Harney, regarding the submerged storm sewer system serving Interchange 249 Business Park.