H A R R I S C O U N T Y

OFFICE OF THE COUNTY ENGINEER

1001 Preston, Suite 500
Houston, Texas 77002
(713) 755-5370

March 16, 2021

Honorable County Judge
& Commissioners

SUBJECT: Partnership Agreement

Recommendation for authorization to execute a submerged storm sewer system agreement with Harris County Municipal Utility District No. 165 for Marvida Terrace Drive Street Dedication, Section 2, Precinct 3.

Sincerely,

Alisa Max for JRB

John R. Blount, P.E.
County Engineer

Attachment

cc: Commissioner Tom S. Ramsey, P.E.
Lynn Blue

HARRIS COUNTY
Engineering Department
Permits Office
10555 Northwest Frwy., Suite 120
Houston, Texas 77092
(713) 956-3000

SUBMERGED STORM SEWER 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 Harris County Municipal Utility District No. 165, hereinafter called "District".

RECITALS:

WHEREAS, CYPRESS 856 LLC on behalf of Harris County Municipal Utility District No. 165 is developing Marvida Terrace Drive Street Dedication Section 2, platted as Marvida Terrace Drive Street Dedication Section 2, a residential 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 Marvida Terrace Drive Street Dedication Section 2 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 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 30th day of March, 2026

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 Marvida Terrace Drive Street Dedication Section 2 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 10th day of March, 2021, been executed on behalf of the District by a duly authorized officer, as attested by its Secretary.

HARRIS COUNTY

By:_____
Lina Hidalgo, County Judge

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165

By: _____
Name and Title

Attest: _____
Name - Secretary

STATE OF TEXAS §
§
COUNTY OF HARRIS §

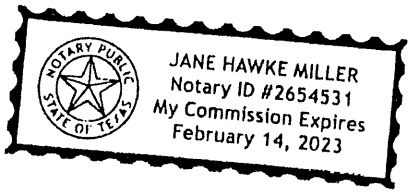
This instrument was acknowledged before me on the_____day of_____, 20__ by Lina Hidalgo, County Judge of Harris County, on behalf of said County.

_____
Notary Public, State of Texas

_____
(Notary's Printed Name)

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 10th day of March, 2021 by Alan Benton, as President of HC MUD 165, on behalf of said District.



Notary Public, State of Texas
Jane Hawke Miller
(Notary's Printed Name)

STATE OF TEXAS §
§ ORDER
COUNTY OF HARRIS §

On this the 30th day of March, 2021 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 HARRIS COUNTY M.U.D. NO. 165 REGARDING THE SUBMERGED STORM SEWER SYSTEM SERVING MARVIDA TERRACE DRIVE STREET DEDICATION SECTION 2

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	□	□	□
Commissioner Ellis	□	□	□
Commissioner Garcia	□	□	□
Commissioner Ramsey	□	□	□
Commissioner Cagle	□	□	□

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 Harris County M.U.D. No. 165 dated March 10, 2021 and executed on behalf of the District by its President, Alan Benton, regarding the submerged storm sewer system serving Marvida Terrace Drive Street Dedication Section 2.