

**AGREEMENT REGARDING MUNICIPAL SERVICES  
FOR VOLUNTARY ANNEXATION**

The **City of Deer Park, Texas** (hereinafter referred to as the “City”) and **739 Independence LLC** (hereinafter referred to as the “Property Owner”) desire to enter into an Agreement Regarding Municipal Services for Voluntary Annexed Property per Section 43.0672 of the Local Government Code. This Agreement involves the property being described in Exhibit “A” attached hereto.

The City hereby agrees to provide the municipal services listed below effective upon the annexation by the City of the Property described in Exhibit “A” attached hereto.

Property Owner hereby agrees to the municipal services listed below along with the effective dates listed. The Property Owner acknowledges that the City is not required to provide services not expressly listed below.

**FIRE/EMERGENCY MEDICAL SERVICES (EMS)**

*Existing Services:* None

*Services to be Provided:* Fire suppression will be available to the area upon installation of Water Service. Primary fire response will be provided by Fire Station No. 3, located at 2211 East X Street. Adequate fire suppression activities can be afforded to the annexed area within the budget appropriation for the then current fiscal year. Fire prevention activities will be provided by the Fire Marshall’s office as needed. Primary emergency medical services response will be provided by Fire Station No. 3, located at 2211 East X Street.

***Effective*** – Upon Annexation

**POLICE**

*Existing Services:* None

*Services to be Provided:* Currently, the area is under the jurisdiction of the Harris County Sheriff’s Office. However, upon annexation, the City of Deer Park Police Department will extend regular and routine patrols to the area.

**Effective** – Upon Annexation

**PLANNING & DEVELOPMENT**

*Existing Services:* None

*Services to be Provided:* The Planning & Development Division will provide Building Inspections and Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Deer Park.

Planning and Zoning services will also be provided through this Division which has the responsibility for regulating development and land use through the administration of the City of Deer Park Zoning Ordinance which will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Deer Park Code of Ordinances.

**Effective** – Upon Annexation

**LIBRARY**

*Existing Services:* None

*Services to be Provided:* Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area.

**Effective** – Upon Annexation

**HEALTH DEPARTMENT – HEALTH CODE ENFORCEMENT SERVICE**

*Existing Services:* None

*Services to be Provided:* The Harris County Health Department will continue to review, approve and regulate Health Code regulations on the effective date of annexation.

**STREET**

*Existing Services:* None

*Services to be Provided:* The maintenance of streets adjacent to the development and driveway will continue to remain the responsibility of the Texas Department of Transportation or Harris County, whoever is the authority have jurisdiction, upon the effective date of the annexation.

## **STORM WATER**

*Existing Services:* None

*Services to be Provided:* Storm water drainage will be constructed at the sole expense of the Property Owner and shall be privately maintained. The storm water will not discharge into the City Storm water drainage system.

## **STREET LIGHTING**

*Existing Services:* None

*Services to be Provided:* Street lighting will continue to be approved and permitted by the Harris County or the Texas Department of Transportation, whoever is the authority having jurisdiction.

## **TRAFFIC CONTROL**

*Existing Services:* None

*Services to be Provided:* Traffic control devices will continue to be approved and permitted by the Harris County or the Texas Department of Transportation, whoever is the authority having jurisdiction.

## **WATER SERVICE**

*Existing Services:* None

*Services to be Provided:* The Property Owner has elected to extend a public waterline from the City point of connection to the annexed property at its sole expense.

The point of connection to existing Water Service is approximately located:

Beginning at the northeast corner of Tract "A", Loves Travel Stops and Country Stores Deer Park, 7005 State Highway 225, Deer Park, Texas, said beginning point also being on the west right-of-way line of Independence Parkway (State Highway 134) thence in a southerly direction along and coincident with the aforementioned east boundary line of Tract "A", Loves Travel Stops and Country Stores Deer Park and the west boundary line of Independence Parkway (State Highway 134), a distance of approximately 600-feet, to a point; thence in a westerly direction leaving the east boundary line of the aforementioned Loves Tract and the west boundary line of Independence Parkway (State Highway 134), a distance of approximately 60-feet, to a point.

Provided the Property Owner installs a 10-inch C900 waterline, in an approved casing, the City will consider it a general benefit line, accept ownership of the waterline and

assume responsibility for maintenance after a one-year maintenance period has expired. All work shall comply with applicable City codes, ordinances and standards.

**SANITARY SEWER SERVICE**

*Existing Services:* None

*Services to be Provided:* The Property Owner has elected to extend a private force main from the area of the annexation's private lift station to the City point of connection at its sole expense. The force main, casing, air relief valves, lift station and all related appurtenances shall be owned and maintained by the Property Owner. All work shall comply with applicable City codes, ordinances and standards. The City agrees to accept the domestic sewage for treatment and disposal. No industrial waste shall not be placed into the sanitary sewer system.

**SOLID WASTE SERVICES**

*Existing Services:* None

*Services to be Provided:* Solid Waste Collection shall be provided to the area of annexation in accordance with the City ordinance. Service shall comply with existing City policies, beginning with occupancy of structures.

**Effective** – Upon Annexation

This agreement shall be binding on any subsequent Property Owner(s) and assigns.

This agreement is effective upon the annexation by the City of the Property described in Exhibit "A" attached hereto.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**739 INDEPENDENCE LLC**  
**By: Molto Properties Fund III LLC, its**  
**member**  
**By: Molto Properties Fund III GP LLC., its**  
**managing member**

**CITY OF DEER PARK**



**By: TODD A. NACCARATO**  
**MANAGING PRINCIPAL**

**By: JERRY MOUTON**  
**Mayor**

*ILLINOIS*  
THE STATE OF ~~TEXAS~~ §  
*DUPAGE* §  
COUNTY OF ~~HARRIS~~ §

This instrument was acknowledged before me on this the 17<sup>th</sup> day of January, 2020 by **TODD A. NACCARATO, MANAGING PRINCIPAL OF MOLTO PROPERTIES FUND III GP LLC, the managing member of MOLTO PROPERTIES FUND III LLC, the sole member of 739 INDEPENDENCE LLC** on behalf of **SAME**.



*Laurie L. Winston*

Notary Public in and for the  
State of ~~TEXAS~~ *ILLINOIS*

THE STATE OF TEXAS §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by **JERRY MOUTON, MAYOR of CITY OF DEER PARK** on behalf of **SAME**.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

# Exhibit A

## METES AND BOUNDS DESCRIPTION 12.0163 ACRES OUT OF THE GEORGE ROSS SURVEY, A-646 HARRIS COUNTY, TEXAS

All that certain 12.0163 acre tract of land out of the George Ross Survey, A- 646 being a portion of that certain 108.499 acre tract of land described in a deed dated 11-01-2005 from Hampshire Chemical Corp. to GEO Specialty Chemicals, Inc. filed in the Official Public Records of Real Property of Harris County, Texas at Clerk File Number Y871006, and being more particularly described by metes and bounds as follows. All coordinates and bearings being referenced to the Texas Coordinate System of 1983. All coordinates reflect grid values and may be converted to surface values by applying a scale factor of 0.99988797257.

BEGINING at a found 5/8" iron rod with cap in the west right-of-way line of Independence Parkway (120' wide) marking the northeast corner of said 108.499 acre tract having grid coordinates of Y=13829792.78, X=3209369.15;

THENCE S 02°24'59" E - 1563.64', with said west right-of-way line to a found 5/8" iron rod with cap for corner.

THENCE S 87°09'17" W - 1.00' to a set 5/8" iron rod with cap for corner;

THENCE N 02°24'59" W - 709.90' to a set 5/8" iron rod with cap for corner;

THENCE S 87°16'46" W - 153.87' to a set 5/8" iron rod with cap for corner;

THENCE S 02°39'37" E - 120.07' to a set 5/8" iron rod with cap for corner;

THENCE S 87°15'31" W - 323.08' to a set 5/8" iron rod with cap for corner;

THENCE N 02°51'50" W - 206.39' to a set 5/8" iron rod with cap for angle point;

THENCE N 47°51'31" W - 149.57' to a set 5/8" iron rod with cap for angle point;

THENCE N 02°24'59" W - 593.19' to a set 5/8" iron rod with cap for angle point;

THENCE N 34°11'00" E - 88.56' to a set 5/8" iron rod with cap for angle point;

THENCE N 87°29'30" E - 532.81' to a the POINT OF BEGINNING containing 12.0163 acres, (523,432 square feet) of land more or less

Compiled from survey by:

**PREJEAN & COMPANY, INC.**  
Surveying / Mapping  
01-24-2019

