ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, AUTHORIZING A UTILITY AGREEMENT WITH BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1 AND BC-SB BAYBROOK JV, LLC; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; CONSENTING TO THE ANNEXATION OF TERRITORY INTO BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Baybrook Municipal Utility District No. 1 (the "District") was created by order of the Texas Commission on Environmental Quality on July 9, 1984, under Chapters 49 and 54, Texas Water Code, for the purpose of providing water, sewer, drainage, park, and roadway facilities; and

WHEREAS, the District has petitioned the City of League City (the "City") for consent to annex approximately 450 acres of land, commonly referred to as the Midline Tract, which is located entirely within the City's limits, into the District's boundaries, as required by Chapter 54, Texas Water Code; and

WHEREAS, the District, the Developer, and the City desire to provide for orderly growth and development of the Midline Tract through the financing, construction, and conveyance of a water distribution system, sanitary sewer system, drainage improvements, park and recreational facilities, stormwater detention facilities, and roadways; and

WHEREAS, the City and the District mutually recognize that this Utility Agreement establishes the framework for the District to construct and finance such facilities in accordance with City standards and for the City to accept and operate certain facilities as described in the Agreement; and

WHEREAS, the City of Houston, the City of League City, and the District have also negotiated a separate agreement titled the "Tri Party Agreement" that establishes conditions for annexation of the Midline Tract, bond issuance, tax limitations, and allocation of utility service responsibilities; and

WHEREAS, the City Council finds that ensuring coordination with the City of Houston is necessary to protect the interests of League City, its residents, and taxpayers; and

NOW, THEREOFRE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The recitals to this Ordinance are hereby found to be true and correct and are incorporated herein as findings of the City Council.

Section 2. The City Council hereby authorizes and approves the Utility Agreement between the City of League City, Texas, Baybrook Municipal Utility District No. 1, and BC-SB Baybrook JV, LLC, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 3. The City Council hereby consents to the annexation of approximately 450 acres of land known as the Midline Tract, as more particularly described in Exhibit "B" attached hereto and incorporated herein, into the boundaries of Baybrook Municipal Utility District No. 1, subject to the terms and conditions of the Utility Agreement and the Tri Party Agreement.

Section 4. The City Manager is hereby authorized to execute the Utility Agreement and any subsequent documents necessary to carry out the intent of this Ordinance, provided, however, that such execution shall be contingent upon the City of Houston, the City of League City, and the District entering into the Tri Party Agreement regarding this development. No rights or obligations under the Utility Agreement shall arise until such Tri Party Agreement is fully executed.

Section 5. The City Secretary is authorized to attest to the City Manager's signature, for and on behalf of the City of League City.

Section 6. All ordinances, resolutions, and agreements and parts of ordinances, resolutions, and agreements in conflict herewith are hereby repealed to the extent of the conflict only. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions hereof.

Section 7. It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public and that advance public notice of the time, place, and purpose of said meeting was given as required by law. This Ordinance shall take effect and be in full force from and after its passage and publication as required by law.

APPROVED first reading the __ day of _____, 2025.

PASSED AND ADOPTED the __ day of _____, 2025.

_____
NICK LONG
Mayor

ATTEST:

_____
DIANA STAPP
City Secretary

APPROVED AS TO FORM:

_____
MICHELLE L. VILLARREAL
City Attorney