

ORDINANCE NO. 2014-16

AN ORDINANCE APPROVING THIRD AMENDMENT TO THE UTILITY AGREEMENT BY AND BETWEEN GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 43, THE JOHNSON DEVELOPMENT CORPORATION AND THE CITY OF LEAGUE CITY, TEXAS

WHEREAS, by virtue of the passage of Ordinance No. 2003-12 on April 8, 2003, the Galveston County Municipal Utility District No. 43 (the "District"), the City of League, City (the "City") and Johnson Development Corporation have previously entered into the Utility Agreement By and Between Galveston County Municipal Utility District No. 43, Johnson Development Corporation, and the City of League City, Texas (the "Agreement"); and

WHEREAS, by virtue of the passage of Ordinance No. 2007-10 on February 13, 2007, the District, the City and Johnson Development Corporation have previously entered into that certain First Amendment to the Agreement to effect the inclusion of additional territory into the boundaries of the District; and

WHEREAS, by virtue of the passage of Ordinance No. 2011-37 on July 12, 2011, the City Council approved that certain Second Amendment to the Agreement to effect a modification to Section 6.06, providing for issuance of bonds in a series with a minimum limit on each series of bonds being \$2,000,000.00, and further by such ordinance approved the District's sale and issuance of its \$2,125,000.00 Unlimited Tax Bond Series 2011 in accordance with the Agreement; and

WHEREAS, the District wishes to issue its Unlimited Tax Bonds Series 2014 in a principal amount not to exceed \$1,410,000 and its Unlimited Tax Park Bonds Series 2014A in a principal amount not to exceed \$1,700,000 (collectively, the "2014 Bonds"); and

WHEREAS, Section 6.06 of the Agreement currently provides a minimum limit of \$2,000,000 for each series of bonds the District is authorized by the City to issue; and

WHEREAS, the City is willing to amend the Agreement to allow the issuance of the Series 2014 Bonds and the Series 2014A Bonds by the District, subject to the terms of the Amendment,

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

Section 1. The facts and opinions of the preamble of this Ordinance are true and correct.

Section 2. The City Council of the City of League City, Texas hereby approves the Third Amendment to Utility Agreement By and Between Galveston County Municipal Utility District No. 43, Johnson Development Corporation, and the City of League City, Texas, attached hereto as Exhibit "A," and incorporated herein by reference, and authorizes the Mayor to execute the same and the City Secretary to attest such execution for and behalf of the City in multiple counterparts.

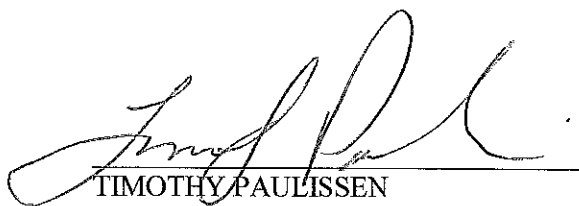
Section 3. It is officially found and determined that this meeting of the City Council of the City of League City, Texas is open to the public as required by law, and that written notice of the date, and time of the meeting was posted for at least 72 hours preceding the time of the meeting at a place convenient to the public at the City Hall as required by law.

Section 4. All ordinance, resolutions and agreements or portions thereof in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading this 22nd day of April, 2014.


PASSED on second reading this 13th day of May, 2014.

PASSED AND ADOPTED the 13th day of May, 2014.



TIMOTHY PAULISSEN
Mayor

ATTEST:



DIANA M. STAPP
City Secretary

**THIRD AMENDMENT TO
UTILITY AGREEMENT
BY AND BETWEEN
GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 43,
JOHNSON DEVELOPMENT CORPORATION,
AND
THE CITY OF LEAGUE CITY, TEXAS**

STATE OF TEXAS §
 §
COUNTY OF GALVESTON §

THIS THIRD AMENDMENT ("Amendment") to the Utility Agreement (the "Agreement") By and Between Galveston County Municipal Utility District No. 43, Johnson Development Corporation, and the City of League City, Texas (the "Agreement") made and entered into as of the 13th day of ~~MAY~~, 2014 by and between GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 43, a body politic and corporate and governmental agency created and operating under the provisions of Chapters 49 and 54, Texas Water Code, and pursuant to Article XVI, Section 59, Texas Constitution (the "District"), JOHNSON DEVELOPMENT CORPORATION and the CITY OF LEAGUE CITY, TEXAS, a municipal corporation (the "City").

WITNESSETH

WHEREAS, the District, the City, and Johnson Development Corporation have previously entered into the Agreement; and

WHEREAS, the Agreement was previously amended on February 13, 2007 and July 12, 2011;

WHEREAS, the District wishes to issue its Unlimited Tax Bonds Series 2014 in a principal amount not to exceed \$1,410,000 and its Unlimited Tax Park Bonds Series 2014A in a principal amount not to exceed \$1,700,000 (collectively, the "2014 Bonds"); and

WHEREAS, Section 6.06 of the Agreement provides a minimum limit of \$2,000,000 of each series of Bonds the District is authorized by the City to issue; and

WHEREAS, the City is willing to amend the Agreement to allow the issuance of the 2014 Bonds by the District, subject to the terms of this Amendment.

NOW, THEREFORE, the parties hereto agree as follows:

AGREEMENT

For and in consideration of the mutual promises, obligations, covenants, and benefits set forth, the District and the City contract and agree as follows:

Section 1. Paragraph 3 of Section 6.06 entitled "Special Conditions" is hereby deleted and replaced as follows:

3. Bonds shall be issued in series with a minimum limit on the aggregate par amount of Bonds issued within one calendar year being \$2,000,000.

Section 2. Except as provided in this Amendment, the Agreement remains in full force and effect and the terms and conditions of the Agreement have not be modified or amended. All capitalized terms used herein shall have the meanings assigned to them in the Agreement.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment in multiple copies, each of which shall be deemed to be an original, this the 19th day of MAY, 2014.

THE CITY OF LEAGUE CITY, TEXAS


By: 
Mayor

ATTEST:

By: 
City Secretary

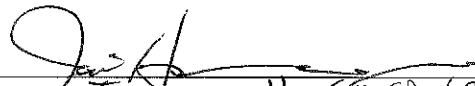
IN WITNESS WHEREOF, the parties hereto have executed this Amendment in multiple copies, each of which shall be deemed to be an original, this the 10th day of June 2014.

JOHNSON DEVELOPMENT CORPORATION

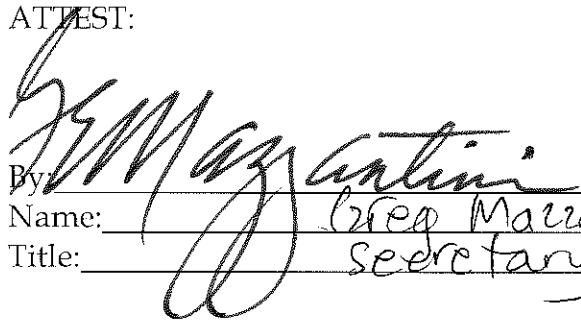
By: 
Name: Robert B. Douglas, Jr.
Title: Vice President

IN WITNESS WHEREOF, the parties hereto have executed this Amendment in multiple copies, each of which shall be deemed to be an original, this the 6th day of May, 2014.

GALVESTON COUNTY MUNICIPAL
UTILITY DISTRICT NO. 43

By: 
Name: Janis Hargrove
Title: President

ATTEST:


By: Greg Marantini
Name: Greg Marantini
Title: Secretary

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

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hjeffers@abhr.com

Hope Jeffers
Legal Assistant

July 31, 2014


Ms. Diana M. Stapp
City of League City
300 W. Walker
League City, TX 77573

Re: Galveston County Municipal Utility District No. 43

Dear Ms. Stapp:

Enclosed for your records is a fully executed original Third Amendment to the Utility Agreement by and between the above District, Johnson Development Corporation, and the City of League City (the "City").

Sincerely,


Hope Jeffers
Legal Assistant

Enclosures