

ORDINANCE NO. 2006-17

AN ORDINANCE AMENDING ORDINANCE NO. 2003-53  
APPROVING FIRST AMENDMENT TO THE UTILITY  
AGREEMENT BY AND BETWEEN GALVESTON COUNTY  
MUNICIPAL UTILITY DISTRICT NO. 45, LEAGUE CITY  
INVESTORS, LTD. AND THE CITY OF LEAGUE CITY, TX

WHEREAS, by Ordinance No. 2003-53, the City of League City, Texas approved a Utility Agreement by and between Galveston County Municipal Utility District No. 45 (the "District"), League City Investors, Ltd. and the City of League City, Texas, providing for the terms and conditions regarding construction, acquisition, ownership, operation and maintenance of a waterworks, sanitary sewer and drainage system to serve area within the District comprising 593.48 acres, more or less, in Galveston County, Texas; and

WHEREAS, by Resolution No. 2006-09, City Council of the City of League City, Texas has granted its consent to the annexation by the District of an additional 256.382 acres of land, more or less, as described in the Petitions for Consent to Annex Land Into Galveston County Municipal Utility District No. 45; and

WHEREAS, the City and District wish to approve a First Amendment to the Utility Agreement in order to clarify that the terms and conditions of the Agreement shall also apply to the additional 256.382 acres being annexed by the District;

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

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

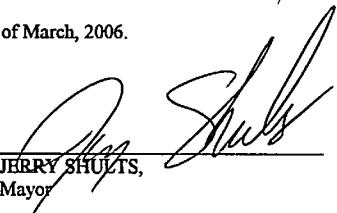
Section 2. That the Mayor is authorized to execute the First Amendment to Utility Agreement by and between Galveston County Municipal Utility District No. 45 (the "District"), League City Investors, Ltd. and the City of League City, Texas as shown in substantially the same form as Exhibit "A."

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED first reading the 9<sup>th</sup> day of March, 2006.

PASSED second reading the 28<sup>th</sup> day of March, 2006.

PASSED AND ADOPTED the 28<sup>th</sup> day of March, 2006.

  
\_\_\_\_\_  
JERRY SHULTS,  
Mayor

ATTEST:

*Barbara J. Long*

BARBARA LONG,  
City Secretary

FIRST AMENDMENT TO  
UTILITY AGREEMENT  
BY AND BETWEEN  
GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 45,  
LEAGUE CITY INVESTORS, LTD.,  
AND  
THE CITY OF LEAGUE CITY, TEXAS

STATE OF TEXAS                   §

§

COUNTY OF GALVESTON       §

THIS FIRST AMENDMENT (“Amendment”) to the Utility Agreement By and Between Galveston County Municipal Utility District No. 45, League City Investors, Ltd., and the City of League City, Texas (the “Agreement”) made and entered into as of the 28<sup>th</sup> day of March, 2006 by and between GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 45, 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”), LEAGUE CITY INVESTORS, LTD. and the CITY OF LEAGUE CITY, TEXAS, a municipal corporation (the “City”).

W I T N E S S E T H

WHEREAS, the District, the City and the League City Investors, Ltd., have previously entered into the Agreement; and

WHEREAS, the District has accepted the terms and conditions of the Agreement in accordance with Section 1.03(a) of the Agreement; and

WHEREAS, Section 1.01 of the Agreement contemplated that the District is 593.48 acres and the Agreement does not provide a mechanism to annex land to the District; and

WHEREAS, the District seeks to annex 256.382 acres, as more particularly described in Exhibit “A” hereto (the “Annexation Tract”), to the District and seeks to have the Agreement apply to the Annexation Tract except as provided herein; and

WHEREAS, the City is willing to amend the Agreement to allow the annexation of the Annexation Tract to the District, subject to the terms of this Amendment.

## A G R E E M E N T

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

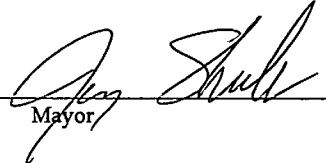
Section 1. Except as provided in Section 2 hereof, the description of the "District" in Section 1.01 of the Agreement and the definition of "District" in Section 1.02 shall include the Annexation Tract for all purposes under the Agreement. All benefits, terms and conditions provided for the District in the Agreement shall also apply to the Annexation Tract.

Section 2. For the purposes of Section 8.01 of the Agreement, the development of the Annexation Tract shall be in accordance with Chapter 102, Article II (relating to park and recreational areas) of the City's Code of Ordinances as it exists on the date of this Amendment, it being understood by the parties that the Developer's prior dedication of an approximately 11-acre site and payment of a \$200 per platted lot fee to the City shall serve only to satisfy its park dedication requirements as they pertain to the 593.48 acres comprising the District's initial boundaries.

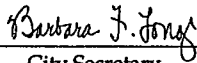
Section 3. Except as provided in this Amendment, the Agreement remains in full force and effect and the terms and conditions of the Agreement have not been modified or amended.

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 ~~27<sup>th</sup>~~<sup>28<sup>th</sup></sup> day of March 2006.

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 \_\_ day of \_\_\_\_\_ 2006.

LEAGUE CITY INVESTORS, LTD.

By: \_\_\_\_\_  
Sam Boyd  
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 \_\_ day of \_\_\_\_\_ 2006.

UTILITY

GALVESTON COUNTY MUNICIPAL  
DISTRICT NO. 45

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Exhibit A**  
**Metes and Bounds Description of the Annexation Tract**