ORDINANCE NO. 2006-96

> AN ORDINANCE AMENDING ORDINANCE NO. 2003-53 APPROVING SECOND 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 Petition for Consent to Annex Land Into Galveston County Municipal Utility District No. 45; and

WHEREAS, by Resolution No. 2006-43, City Council of the City of League City, Texas has granted its consent to the annexation by the District of an additional 65.44 acres of land, more or less, as described in the Petition for Consent to Annex Land Into Galveston County Municipal Utility District No. 45; and

WHEREAS, the City and District wish to approve a Sccond Amendment to the Utility Agreement in order to clarify that the terms and conditions of the Agreement shall also apply to the additional 65.44 acres bcing 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 Second 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 All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.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 $10^{\text {th }}$ day of October, 2006.
PASSED sccond reading the $24^{\text {th }}$ day of October, 2006.
PASSED AND ADOPTED the $24^{\text {th }}$ day of October, 2006.


ATTEST:
$\frac{\text { Yorbara } \frac{1}{} \frac{7 m x}{\text { BARBARA F. LONG: }}}{}$
City Secretary

# SECOND AMENDMENT TO UTILITY AGREEMENT <br> BY AND BETWEEN <br> GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 45, LEAGUE CITY INVESTORS, LTD., AND <br> THE CITY OF LEAGUE CITY, TEXAS 

## STATE OF TEXAS §

 §COUNTY OF GALVESTON §

THIS SECOND 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 24 day of Slotober, 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").

## WITNESSETH

WHEREAS, the District, the City and the League City Investors, Ltd., have previously entered into the Agreement, as amended; 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, as amended, contemplated that the District is 849.862 acres and the Agreement does not provide a mechanism to annex land to the District; and

WHEREAS, the District seeks to annex 65.44 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.

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. Except as provided in Section 2 hereof, the description of the "District" in Section 1.01 of the Agreement and the definition of "District" is Section 1.02 shall include the Annexation Tract for all purposes under the Agreement, as amended. All benefits, terms and conditions provided for the District in the Agreement shall also apply to the Arnexation 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 be 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 14 day of October. 2006.

## THE CITY OF LEAGUE CITY, TEXAS

## By: Rich NAh, P.E. <br> Assistant City Manager

## ATTEST:



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 24 day of Lctober 2006.

LEAGUE CITY INVESTORS, LTD.


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 24 day of betoloct 2006.

GALVESTON COUNTY MUNICIPAL

## UTILITY

## DESTRICT NO. 45



ATTEST:


## TRACT 1

All that certuin 2,53 acre tratt of land out of and a part of that eertain tract or parobl of land convayed by Mark A, Foster to Sam P. Boyd by instamant of record under Clerk's Flle Number 2005051839 in the Official Public Records of Real Property of Galyeston County, Texess, said tract being situated in Lot 6 of $\bar{H} A L L S A D D I E I O N T O$ MICEROLSTONiD, a Subdivision in Galyeston County, accorcing to the map or plat renorded in Volume 215, Page A14, of tha Deed Records in the Office of the County Clerk of Galveston County, Texas, and being more particularly desoribad by metes and bounds as follows:

> NOTE: ALL BEARNNGS ARE LAMEERT GRD GEARNNGS AND ALL COORDINATEE REFERTO THE TEXAS STATE PLANE COORDNATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFTNED EY ARTICLE 21.071 OF THENATURAL RESOURCES CDOE OF THE STATE OF TEXAS, 1983 DATUM 1993 ADIUETMENYT). CODRDINATES LISTED ARE AASED ON SURFACE COORDINATBS AND DISTANCES SHOWN HEREON'ARE SURFACE DISTANCE, ALL DISTANEES SHOWH HEREON MAY EE CONVERTED TO GRD BY MULTIPLYTNG BY A SCALE FACTOR OF 0.999867458.

BECTENTNG at the Northeast earier of he ROBERT FALI SIERVEYy Abstract 78, the
 32, sajd point feing bt the Bast line of a 25 foot wide roadway (not open), and from which a 1 fach iron pipe bears $1 \mathrm{~N}^{3} 37^{\circ} 40^{\prime} 26^{\prime \prime} \mathrm{E}, 0.88$ feet
 of said 25 foot wide roadway, and the South line of said RAFAEL BABQUEZ SURVEY, a distance of 199.32 feet to a $5 / 8$ inch iron rod with cap stamped 'GeoSury' sot for comer THENCE S B6"59154" W, a disinnce of 55125 feet to a $5 / \mathrm{A}$ inch iron rod with cap stamped 'GeoSury' set for comer, said point being at the West line of said Lot 6 ;
THENCEN $03^{\circ} 00^{\circ} 06!$ W, along the West line of said Lot 6 , a distance of 200.00 fect to a $5 / 8$ inch lron rod with cap stanped 'GeoSurv set for the horthwest concer of eaid Lot 6 , said point being at the Noth line of rid ROBERT BAJJ SURYIEY and the mot Northerly South Sine of вadd RAFAEL BASQUEZ SURYEY;
 most Northerly South line of sad RAFAEL BASQUEZ SURVEY, a distance of 551.12 feet to the POIYT OE BEGINMNG and containing a calculated area of 2.53 aors of land.
 THE RESULTE OFAN ON THE GROUND BURYEY, AND AAE NOT RTEENDED TO BE LSED TO CONVEY
 IMPLIED OR ESTASLISHED BY THE CFEATION OR RECONFGURATION OF THE EOUNDASY OFTHE POLITICAL AUEDIVISION FOR WHCTI THEY HRYE GEEN PREPARED.

PREPARED
SUNE 30,2006
AMENDED AUGUST 0,2005
AMENDEDAUGUSTI9, 3005


DALEL HARDY/GEOSORF, LLC
REGISTERED PROFESSIONAL LAND SUREEYORS
1.O. BOX $246,2 B A G U E$ CITY, TEXAS 77574

PAGE2OP2

## SECOND-ANNEXATION TO <br> GALVESTON COZNTY MUD. ${ }^{\text {Wh }} 5$ CITY OF REAKUE CITY GALVESTON COUNTY, TEXAS

## TRACTI 2

All that ermin 25.54 acre tradt of land, situated in the RODNEY ANTMONY SURVEY, Abstrant 630, Galveston County, Texas, heing Tract $6,7,8,9$ and 15 of LEAGUE CITY SEMIT-TROPICAL GARDENS, a Sutdivision in Galveston Cointy, according to the map or plat reoorded in Volume 238, Fage f, being the same property described in deeds recorded under Galveston County Clerk File Nos. 8207415 and 8214070, said map and dead' recorded In the Office of tha County CJork of Galyeston County, Texas, togother with the Westerly adjoining 40 foct wide roadway (not opan), said 25.54 aore bact being more partioularly desaribed by metes and bounds as follows,
NOTE: ALL BEARNGS ARE LAMGERT GRDM BEARNGS AND ALL COORDNATES REFER TO
THE TEXAS STATE PLANE COOFDNATE SYSTEM, SOUTH CENTKAL ZONE, AS
DEFTNED BY ARTICLE 21 , OTJ OF THE NATURAL RESOURCES CODE OF THE STATE
OF TEXAS, 1983 DATUM 1993 ADJUSTMENT), CODRDIHATES LISTED ARE BASED ON
SURFACE COORDTHATES AND DISTANCES SHOWN HEREON ARE SURFACE
DIGTANCE, ALL DISTANCES SHOWN HEREON MAY EE CONVERTED TO ORD BY
MULTPLYTNG BY A SCALE FACTOR OF 0.999897458.

COMMENCLYG at the Northenst comer of the ROBERT RAXL SURYEY, Abstract 78, 能 same being on the most Northerly South line of the RAFARL BASQUEZ SURYEY, Abstract 32 , from which a 1 inch iron pips bsars $N 37^{\circ} 40^{\prime 2} 6^{\circ} \mathrm{E}_{1} 0.88$ feet
 Iine of said RATAABL PASQUEZ SURYEY, E distunce of 544.11 feat to a $5 / 8$ inch ifon red witi oap stanted ' $G$ Geosurv' set for comer, Baid point being the Northpyest corner of said RODNIX ANTHONY SURVEY and of sid LEAGUE CIIY SEMI-TROPICAL GARDEMS;
TEERACE $\mathrm{N} 87^{\circ} 02{ }^{2} 35^{\prime \prime}$ E, along the common line of the ANTHONY and RASQUEZ SURYEYS, the same being the Northwest line pf suid LEAGOL CITY SEMKI-TROPICAX GARDENS, a distance of 660.00 feet to an 1 inch iron pipe found for the POINT CF BEGINMING of the herein desoribed tract of hand, said point also bing the Northeast eorner of Black 1 of suiduzague CITY SEMI-TROPICe L GAFDITNE, sid polnt being at the West line of said 40 foot wide ro
 GARDEFS and the ANCHONY SERVEY, the anme being the South line of said BASQUEZ GURVEX, a distance of 517.42 feet to a $5 / 8$ inch iron rod with oap stamped' 'Ceosurw' eet for angle point to the left and from which point a found 3 moh jron pipe bears $s 87^{\circ} 10^{r} 48^{\prime \prime}$ W, 10.70 feet

## EXHIBIT' ${ }^{\text {A }}$ ' <br> TRACT 2


SEMI-TAOPICAL GARDENS and the ANTHONY SURYEY and the Squtherly line of the BASQUEZ SURVEX, a distance of 107.34 feet to in $5 / 8$ inch iron rod found fur angle paint to the rigit, said point also being at the South line of a 40 foot wide roadway (not open); THENCE N $86^{\circ} 1459^{\prime \prime} E_{5}$ along the North line of Block 6 and the South line of said 40 foot wide roadpay, a distance of 99.83 feet to a $5 / 8$ inch iron rod found marking the Northeast comer of said Block 6 , the same being the Northrost comer of Blook 13;
THENCE $502^{\circ} 49122^{\prime \prime} E_{1}$ along the East line of Blocks 6 and 7 , the same baing the West line of Blocks 13 and I 4 , a diatance of 645.56 feet to a $5 / 8$ inch iron rod found for the Scutheast comer of Block 7 , the same being the common eorner of Blocks $7,8,14$ and 15 ;
THENCE N $87^{\circ} 05^{7} 17^{\prime \prime} \mathrm{E}$, along the Noth line of Black 15 , the same being the South the of Block 14, a distance of 659.76 féet to a "T-pootl fence post fond for the Northerst comer of

- Block 15 , the same being the Soatheast comer of Block 14, lying on the West llie of a 40 foot wide roudway (not open);
THEHCE $502^{\circ} 4732^{\circ} \mathrm{E}_{4}$ along the East line of Elook 15 , the anme being the West ling of gaja 40 foot wide roadway, a distence of 332.74 feet to a fence post foumd maring the Southeart comer of Block 15, the stara being the Northeast comer of Block 16;
THENCE $S 87^{\circ} 03^{\prime} 49^{n} W_{1}$, along the South line of Blook 15 , the same being the North line ${ }^{\prime \prime}$
 15, the bume being the oommon comer of Blocks 8, 9, 15 and 16;
THImNCE $503^{\circ} 05^{\prime 2} 5^{n} E$ along the Enst line of Block 9 , the same being the West line of Block 16, a distance of 332.73 feet to a $5 / 8$ juch iron rod with cap stamped 'GeoSurv' setfor' the Southeastonmer of Block 9 , the same being the common comer of Blocks $9,10,16$ and 17 , and from which a found $1 / 2$ inch iron rod bears $S 55^{\circ} 344^{15} 5^{\prime \prime}$ W, 0.76 feets
TEENCE S $87^{\circ} 0221^{\prime \prime}$ W, along the South line of Blowk 9, the same bring the North line of Block 10, e dictance of 650.11 feet to a $5 / 8$ inch iron rod with cap staroped 'GeoSury' set for comer, sair point being the Sorthwast corner of said Block 9 , the Northwest corner of said Block 10, and being at the East line of a 40 foat wide roadsyay (not open);
 wite roadmay (not open'), a digtance of 313,00 feet to an 1 inch inon pipa found for corner, THERCR $559^{*} 24^{2} 03^{\prime \prime}$-W, a distance of 46.36 fest to a paint for Scuthowest comer of the herein described truct of land, said point bsing the Southeast comer of Blopk 5 of seid IEAGUE CIXY SEMTHROPICAL GARDENS, at the East line West line of sad 40 foot wide roadway (not open), and from which a found $1 / 2$ inch mon red bears $S 9^{\circ} 24^{\prime \prime} 03^{\prime \prime} \mathrm{W}, 0.75$ feet THENCE N $02^{\circ} 5725^{\prime \prime}$ W, "elong tote East line of Blooke $5,4,3,2$ and 1 , the same being ife West line of said 40 foot wide roadway, a distance of 1577.45 feet to the POINT OF BEGIRNIMG and containing a celculated area of 25.54 acras of land.

Extisit 'A'
TRACT2
 THE REQUMTE OF AN ON THE GRDUND SUAVEX, APD; ARE NOT INTENDED TO EE USED TO CONYEY TKTLE OR ESTABLIEH INTERESTB INREALPROPEATY EXCEPT THOSE RUGHTS OR NTERESTB PTPLIED OR ESTAOLISHES BYTHE CREATIGN OR MECDNFIGURATION OF THE DOUNDARY OF THE


ITOTE 30,2006 AKIENDED_ALGUST $1 D_{1} 2006$ AKENDED AUGUST 10, 2006
 $\Delta Y$

DAXEL $\operatorname{LARDY} /$ GEOSURV, LLC REGISTEAED PROFESSIONAL LAND SUIVEFORS
P.O. BOX 3 FG, LEAGUE CITY, TEXAS 77574

PAGE $30 F 3$

## - SECOND ANNEXATIOK <br> TO

GALYESTON COUNTY MU.D. ${ }^{-1} 45$

## CITX OF 以TAGTE CLIY

GALYESTON ROUNTY, TEWAS

TRACTI 3

All that cartain 37,37 bere tract of land situgted in the JOEN MEES SURVEY, Abstract No, 150, Galveston County, Texss, said 37.37 gores being more particularly terseribed by metes and bounds as follows:

NOTE: ALL BEARINGS ARE LAMBERT GRID EEARNTGS AND ALH COORDRNATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, AS DEFINED BY ARTICLE 21.071 OF THE NATURAL RESOURCES CODE OF THE STATE OF TEXAS, 1983 DATLMI 1993 ADNUSTMENT). COORDNATES LDTED ARE BASED ON SURFACE COORDINATES AND DISTANCES SHOWN HEREON ARE SURFACE DIETANCE ALL DISTANEES SHOWN HEREON MAY BE COFYERTED TO GRID EY MLLTTPLYTNG EY A SCALE FAGTOR OF 0,99867458.

BEGRTNING at a $5 / 8$ inth iron mat with cap atamped 'GenSury' found marking the most Westerly nomer of said MicLes SUEVEY and the most Westeriy comer ofin a tract of land conveyed by Earl Y. Snyder to Mearl L. Jones by instrument recorded under Tilm Code Number 009-64-2701, O.C.D.R., same being the most Southerly comer of tho MA TMAN FULIER SURVEY, ABSTRACT Fo. 67, same being a point in the Northese line of WHISPERING LAKES RANCH, SECTION TWO, PHASE II, BGcording on the map or plat thereof recorded at PlatRecord 2005A, Mep Number 91, Galvebion County Map Records (G.CM.R); THENCE N $49^{\circ} 44^{\prime} 55^{\prime \prime} \mathrm{E}$, aloug the Southeast line of said FULLER SURVEY, at 786.17 fert passing a $5 / 8$ inch iron rod with cap stamped 'GeoSury' set marking the most Norlherly corner of sadd Snyder to Jones tract, from which a $1 / 2$ inch iron rod found bears N 05"55' W, 0.74 fect, said point being the most Westerly cumer of a tract of land conveyed by Cherles F. Mans to Mearl L. Jones by instmentreeorded under Film Coite Number 007-04-2268, G.C.D.R. and continuing for a tom disturce of 1548,63 feetto a $5 / 8$ inch inon rod with cap stamped 'GeoSury' set marking the most Northerly comer of the hoth herein desoribed tract and said Manls to Jones tract, and from which a $1 / 2$ inch imn wod found bears i4 $89^{\circ} 37^{\prime} \mathrm{E}_{1} 1.24$ feet;
THEENCES $50^{\circ} 14^{\prime 2} 9^{\circ}$ E, 口long the Northenst line of said Menis to Iones tract, a distances of 664.87 feet to a $1 / 2$ ingh iron rod found marking the most Easterly corner of said Manis to Jones tract, said poidt being nit tha Northwest line of a tract of land, called Tratil, conveyed by C.L. Gordy, et al, to Mearl L, Jones by instrument recorded under Film Code Nurmber 010-27-2341, G.C.D.R;

THIENCE $N 49^{\circ} 45^{\prime} 31^{11} \mathrm{E}$, along the Northwest line of said Tract In, a distance of 383.36 feek to an $1 / 2$ inch iron rud with cap found for the most Northerly corner of said Tractilf;

PAGE 1 OF 2

## mxhmit ' A ' <br> TRACT 3

 an $1 / 2$ inch iron rod found for the most Ensterly comer of both the herein descrlbed trath and of said Tract il and being at the Northerly line of that certain tract or parcei of land conveyed to Sam P. Bayd by instrument of reoord at Clerks' File Number 2005054897, G.C.D,R., the same being the North line of existing MUD $\# 45$;
TENENCES $45^{\circ} 45^{\prime} 31^{n} \mathrm{~W}$, along and with the existing North line of sald MUD *45, at 547.00 feet passing the most Southerly comet of sisid Tract $\mathrm{H}_{\text {, same belng the most Easterly comer a }}$ traot of land conveyed by Joseph M. Agruso to Mearl L. Jones by instnument reended under Filan Code Number 011-42-0546, G.C.D.R, and from whioha found $1 / 2$ inch iron rod bears S $30^{\circ} 47$ ' W, 0.37 feet; at 1094,00 feet passing a $5 / 8$ inch iron rad whth cap stemped 'GeoSury' set for the mast Southerly comer of said Agruso to Jones tract, same being the most Easterly tract of a tract of land, called Tractl, conveyed by C.L. Gordy, atal, to Mearl L, Jones by lnstument recorded under Film Code Number 010-27-2341, G.C.D.R., and from whicha found $1 / 2$ inah iron rod benrs N $74^{\circ} 27^{\circ} \mathrm{W}, 0.81$ fart and contiouing for a total cistance of 1572.58 feet to a $5 / 8$ inch iron sod with cap stamped 'GeoSury' get for the Southeast comer of said Tract $\mathrm{I}_{\mathrm{s}}$ said point baing at the Northeastline of said WHISPERTNG LAKES RANCF, SECTION TWO, PHASE H;

THENCE N $58^{\circ} 44^{3} 29^{\prime \prime} \mathrm{W}$, along the Northeast line of said WHISFERNNG LAKES RANCH, SECION TWO, PHASE H, at 419.90 beet passing a $5 / 8$ inch iron rod with cap stampad ${ }^{4}$ GeoSury', sef for the most Soufterly comer of said TrootI, atime being the Southenst corater of said Snyder to Jones tract, and continuing for a total distance of 1132.70 Feet io the POXMT OF BEGNRNXGE ard containing a calculated arce of 37.37 acres of land.

NOTE1 THESE FROPERTY OESCRSPTTONS YAVE BEEN PREPARED UNDER TAC GEJZZ; DO NOTREFLBCT THE RESULTE OFAN ONTEE GROUND SURYEX, AKD; ARE NOT INTENDED TG BE UEED TD CONYZY TTZLE OR ESTAHZXII WTETESTE IN REAL PROPERTY EXCEFT THGSE RIGHTS OR LNTERESTS IMPLIED OR ESTABLISHED DY TRE CREATION OM RECONGGURATKON OFTHE BOYNDARY OFTHE POLITICAI EURDIYTEION FOR WHCGF TAEY HAVE BEEN PREPAREN.

PREPARED
NNE 30 2005
NMENDEDALGUST 10,2006 AMENDEDALGDST LO,2DOS מצ.


PAGE2 OF 2

