

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 Second 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 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.

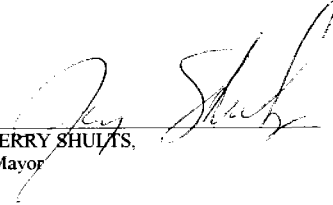
Section 2. That the Mayor is authorized to execute the Second Amendment to Utility Agreement by and between Galveston County Municipal Utility District No. 45 (the "District"), League City Investors, Ltd. and the City of League City, Texas as shown in substantially the same form as Exhibit "A."

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 All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.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 10th day of October, 2006.


PASSED second reading the 24th day of October, 2006.

PASSED AND ADOPTED the 24th day of October, 2006.



JERRY SHULTS,
Mayor

ATTEST:


BARBARA F. LONG,
City Secretary

**SECOND 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 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 October, 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.

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, as amended. 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 14 day of October 2006.

THE CITY OF LEAGUE CITY, TEXAS

By: Rich Allen, P.E.
Assistant City Manager

ATTEST:

By: Barbara J. Long
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 24 day of October 2006.

LEAGUE CITY INVESTORS, LTD.

By: Sam Boyd
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 24 day of October 2006.

UTILITY

GALVESTON COUNTY MUNICIPAL

DISTRICT NO. 45

By: Tedd Okrowski
Name: TEDD OKROWSKI
Title: PRESIDENT

ATTEST:

By: Joe T. Choate
Name: JOE T. CHOATE
Title: Secretary

SECOND ANNEXATION
TO
GALVESTON COUNTY M.L.D. #45
CITY OF LEAGUE CITY
GALVESTON COUNTY, TEXAS

TRACT 1

All that certain 2.53 acre tract of land out of and a part of that certain tract or parcel of land conveyed by Mark A. Foster to Sam P. Boyd, by instrument of record under Clerk's File Number 2005051839 in the Official Public Records of Real Property of Galveston County, Texas, said tract being situated in Lot 6 of HALLS ADDITION TO NICHOLSTONE, a Subdivision in Galveston County, according to the map or plat recorded in Volume 215, Page 414, of the Deed Records in the Office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES 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 DATUM 1993 ADJUSTMENT). COORDINATES LISTED ARE BASED ON SURFACE COORDINATES AND DISTANCES SHOWN HEREON ARE SURFACE DISTANCE. ALL DISTANCES SHOWN HEREON MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.999867458.

BEGINNING at the Northeast corner of the ROBERT HALL SURVEY, Abstract 78, the same being on the most Northerly South line of the RAFAEL BASQUEZ SURVEY, Abstract 32, said point being at the East line of a 25 foot wide roadway (not open), and from which a 1 inch iron pipe bears N 37°40'26" E, 0.88 feet;
 THENCE S 03°02'30" E, along the East line of said ROBERT HALL SURVEY, the East line of said 25 foot wide roadway, and the South line of said RAFAEL BASQUEZ SURVEY, a distance of 199.32 feet to a 5/8 inch iron rod with cap stamped 'GeoSurv' set for corner;
 THENCE S 86°59'54" W, a distance of 551.25 feet to a 5/8 inch iron rod with cap stamped 'GeoSurv' set for corner, said point being at the West line of said Lot 6;
 THENCE N 03°00'06" W, along the West line of said Lot 6, a distance of 200.00 feet to a 5/8 inch iron rod with cap stamped 'GeoSurv' set for the Northwest corner of said Lot 6, said point being at the North line of said ROBERT HALL SURVEY and the most Northerly South line of said RAFAEL BASQUEZ SURVEY;
 THENCE N 87°04'07" E, along the North line of said ROBERT HALL SURVEY and the most Northerly South line of said RAFAEL BASQUEZ SURVEY, a distance of 551.12 feet to the POINT OF BEGINNING and containing a calculated area of 2.53 acres of land.

EXHIBIT 'A'
TRACT 1

NOTE: THESE PROPERTY DESCRIPTIONS HAVE BEEN PREPARED UNDER TAC 663.22; DO NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND ARE NOT INTENDED TO BE USED TO CONVEY TITLE OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS OR INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH THEY HAVE BEEN PREPARED.

PREPARED
JUNE 30, 2006
AMENDED AUGUST 10, 2006
AMENDED AUGUST 19, 2006
BY



A handwritten signature in black ink, appearing to read "D. Hardy", written over the bottom right portion of the seal.

DALE L. HARDY / GEOSURY, LLC
REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 246, LEAGUE CITY, TEXAS 77574
PH 281-554-7739 FAX 281-554-6928 E-MAIL: dhardy@geosurveyllc.com

SECOND ANNEXATION
TO
GALVESTON COUNTY M.U.D. #45
CITY OF LEAGUE CITY
GALVESTON COUNTY, TEXAS

TRACT 2

All that certain 25.54 acre tract of land, situated in the **RODNEY ANTHONY SURVEY**, Abstract 630, Galveston County, Texas, being Tracts 6, 7, 8, 9 and 15 of **LEAGUE CITY SEMI-TROPICAL GARDENS**, a Subdivision in Galveston County, according to the map or plat recorded in Volume 238, Page 8, being the same property described in deeds recorded under Galveston County Clerk File Nos. 8207415 and 8214070, said map and deeds recorded in the Office of the County Clerk of Galveston County, Texas, together with the Westerly adjoining 40 foot wide roadway (not open), said 25.54 acre tract being more particularly described by metes and bounds as follows:

NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES 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 DATUM 1993 ADJUSTMENT. COORDINATES LISTED ARE BASED ON SURFACE COORDINATES AND DISTANCES SHOWN HEREON ARE SURFACE DISTANCE. ALL DISTANCES SHOWN HEREON MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.999867458.

COMMENCING at the Northeast corner of the **ROBERT HALL SURVEY**, Abstract 78, the same being on the most Northerly South line of the **RAFAEL BASQUEZ SURVEY**, Abstract 32, from which a 1 inch iron pipe bears N 37°40'26" E, 0.88 feet;
THENCE S 03°02'30" E, along the East line of said **ROBERT HALL SURVEY** and the South line of said **RAFAEL BASQUEZ SURVEY**, a distance of 544.11 feet to a 5/8 inch iron rod with cap stamped 'GeoSurv' set for corner, said point being the Northwest corner of said **RODNEY ANTHONY SURVEY** and of said **LEAGUE CITY SEMI-TROPICAL GARDENS**;
THENCE N 87°02'35" E, along the common line of the **ANTHONY** and **BASQUEZ SURVEYS**, the same being the Northwest line of said **LEAGUE CITY SEMI-TROPICAL GARDENS**, a distance of 660.00 feet to an 1 inch iron pipe found for the **POINT OF BEGINNING** of the herein described tract of land, said point also being the Northeast corner of Block 1 of said **LEAGUE CITY SEMI-TROPICAL GARDENS**, said point being at the West line of said 40 foot wide roadway;
THENCE N 87°02'35" E, along the North line of Block 6, **LEAGUE CITY SEMI-TROPICAL GARDENS** and the **ANTHONY SURVEY**, the same being the South line of said **BASQUEZ SURVEY**, a distance of 517.42 feet to a 5/8 inch iron rod with cap stamped 'GeoSurv' set for angle point to the left and from which point a found 3 inch iron pipe bears S 87°10'48" W, 10.70 feet;

EXHIBIT 'A'
TRACT 2

THENCE N 48°30'33" E, continuing along the Northerly line of Block 6, **LEAGUE CITY SEMI-TROPICAL GARDENS** and the **ANTHONY SURVEY** and the Southerly line of the **BASQUEZ SURVEY**, a distance of 107.34 feet to a 5/8 inch iron rod found for angle point to the right, said point also being at the South line of a 40 foot wide roadway (not open);

THENCE N 86°14'59" E, along the North line of Block 6 and the South line of said 40 foot wide roadway, a distance of 99.83 feet to a 5/8 inch iron rod found marking the Northeast corner of said Block 6, the same being the Northwest corner of Block 13;

THENCE S 02°49'22" E, along the East line of Blocks 6 and 7, the same being the West line of Blocks 13 and 14, a distance of 645.56 feet to a 5/8 inch iron rod found for the Southeast corner of Block 7, the same being the common corner of Blocks 7, 8, 14 and 15;

THENCE N 87°06'17" E, along the North line of Block 15, the same being the South line of Block 14, a distance of 659.76 feet to a "T-post" fence post found for the Northeast corner of Block 15, the same being the Southeast corner of Block 14, lying on the West line of a 40 foot wide roadway (not open);

THENCE S 02°47'32" E, along the East line of Block 15, the same being the West line of said 40 foot wide roadway, a distance of 332.74 feet to a fence post found marking the Southeast corner of Block 15, the same being the Northeast corner of Block 16;

THENCE S 87°03'49" W, along the South line of Block 15, the same being the North line of Block 16, a distance of 658.80 feet to a 5/8 inch iron rod found for the Southwest corner of Block 15, the same being the common corner of Blocks 8, 9, 15 and 16;

THENCE S 03°05'35" E, along the East line of Block 9, the same being the West line of Block 16, a distance of 332.73 feet to a 5/8 inch iron rod with cap stamped 'GeoSurr' set for the Southeast corner of Block 9, the same being the common corner of Blocks 9, 10, 16 and 17, and from which a found 1/2 inch iron rod bears S 55°34'55" W, 0.76 feet;

THENCE S 87°02'21" W, along the South line of Block 9, the same being the North line of Block 10, a distance of 660.11 feet to a 5/8 inch iron rod with cap stamped 'GeoSurr' set for corner, said point being the Southwest corner of said Block 9, the Northwest corner of said Block 10, and being at the East line of a 40 foot wide roadway (not open);

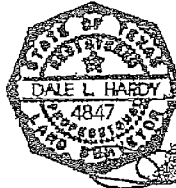
THENCE S 02°57'39" E, along the West line of said Block 10 and the East line of said 40 foot wide roadway (not open), a distance of 313.00 feet to an 1 inch iron pipe found for corner;

THENCE S 59°24'03" W, a distance of 46.36 feet to a point for Southwest corner of the herein described tract of land, said point being the Southeast corner of Block 5 of said **LEAGUE CITY SEMI-TROPICAL GARDENS**, at the East line West line of said 40 foot wide roadway (not open), and from which a found 1/2 inch iron rod bears S 59°24'03" W, 0.75 feet;

THENCE N 02°57'25" W, along the East line of Blocks 5, 4, 3, 2 and 1, the same being the West line of said 40 foot wide roadway, a distance of 1577.45 feet to the **POINT OF BEGINNING** and containing a calculated area of 25.54 acres of land.

EXHIBIT 'A'
TRACT 2

NOTE: THESE PROPERTY DESCRIPTIONS HAVE BEEN PREPARED UNDER TAC 653.23; DO NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND; ARE NOT INTENDED TO BE USED TO CONVEY TITLE OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS OR INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH THEY HAVE BEEN PREPARED.



PREPARED
JUNE 30, 2006
AMENDED AUGUST 10, 2006
AMENDED AUGUST 19, 2006
BY

DALE L. HARDY / GEOSURV, LLC
REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 246, LEAGUE CITY, TEXAS 77574
PH 281-554-7739 FAX 281-554-6928 E-MAIL: dlhardy@geosurvllc.com

SECOND ANNEXATION
TO
GALVESTON COUNTY M.L.D. #45
CITY OF LEAGUE CITY
GALVESTON COUNTY, TEXAS

TRACT 3

All that certain 37.37 acre tract of land situated in the JOHN MILES SURVEY, Abstract No. 153, Galveston County, Texas, said 37.37 acres being more particularly described by metes and bounds as follows:

NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES 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 DATUM 1993 ADJUSTMENT). COORDINATES LISTED ARE BASED ON SURFACE COORDINATES AND DISTANCES SHOWN HEREON ARE SURFACE DISTANCE. ALL DISTANCES SHOWN HEREON MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.999867458.

BEGINNING at a 5/8 inch iron rod with cap stamped 'GeoSurv' found marking the most Westerly corner of said MILES SURVEY and the most Westerly corner of a tract of land conveyed by Earl V. Snyder to Mearl L. Jones by instrument recorded under Film Code Number 009-64-2701, G.C.D.R., same being the most Southerly corner of the NATHAN FULLER SURVEY, ABSTRACT No. 67, same being a point in the Northeast line of WHISPERING LAKES RANCH, SECTION TWO, PHASE II, according to the map or plat thereof recorded at Plat Record 2005A, Map Number 91, Galveston County Map Records (G.C.M.R.); THENCE N 49°44'55" E, along the Southeast line of said FULLER SURVEY, at 786.17 feet passing a 5/8 inch iron rod with cap stamped 'GeoSurv' set marking the most Northerly corner of said Snyder to Jones tract, from which a 1/2 inch iron rod found bears N 05°55' W, 0.74 feet, said point being the most Westerly corner of a tract of land conveyed by Charles F. Manis to Mearl L. Jones by instrument recorded under Film Code Number 007-04-2268, G.C.D.R. and continuing for a total distance of 1548.63 feet to a 5/8 inch iron rod with cap stamped 'GeoSurv' set marking the most Northerly corner of the both herein described tract and said Manis to Jones tract, and from which a 1/2 inch iron rod found bears N 89°37' E, 1.24 feet; THENCE S 40°14'29" E, along the Northeast line of said Manis to Jones tract, a distance of 664.87 feet to a 1/2 inch iron rod found marking the most Easterly corner of said Manis to Jones tract, said point being at the Northwest line of a tract of land, called Tract II, conveyed by C.L. Gordy, et al, to Mearl L. Jones by instrument recorded under Film Code Number 010-27-2341, G.C.D.R.; THENCE N 49°45'31" E, along the Northwest line of said Tract II, a distance of 383.36 feet to an 1/2 inch iron rod with cap found for the most Northerly corner of said Tract II;

EXHIBIT 'A'
TRACT 3

THENCE S 40°14'29" E, along the Northeast corner of said Tract II, a distance of 409.56 feet to an 1/2 inch iron rod found for the most Easterly corner of both the herein described tract and of said Tract II and being at the Northerly line of that certain tract or parcel of land conveyed to Sain F. Boyd by instrument of record at Clerks' File Number 2005054897, G.C.D.R., the same being the North line of existing MUD #45;

THENCE S 49°45'31" W, along and with the existing North line of said MUD #45, at 547.00 feet passing the most Southerly corner of said Tract II, same being the most Easterly corner a tract of land conveyed by Joseph M. Agruso to Mearl L. Jones by instrument recorded under Film Code Number 011-42-0546, G.C.D.R., and from which a found 1/2 inch iron rod bears S 30°47' W, 0.37 feet; at 1094.00 feet passing a 5/8 inch iron rod with cap stamped 'GeoSurv' set for the most Southerly corner of said Agruso to Jones tract, same being the most Easterly tract of a tract of land, called Tract I, conveyed by C.L. Gordy, et al, to Mearl L. Jones by instrument recorded under Film Code Number 010-27-2341, G.C.D.R., and from which a found 1/2 inch iron rod bears N 74°27' W, 0.81 feet; and continuing for a total distance of 1572.58 feet to a 5/8 inch iron rod with cap stamped 'GeoSurv' set for the Southeast corner of said Tract I, said point being at the Northeast line of said WHISPERING LAKES RANCH, SECTION TWO, PHASE II;

THENCE N 58°44'29" W, along the Northeast line of said WHISPERING LAKES RANCH, SECTION TWO, PHASE II, at 419.90 feet passing a 5/8 inch iron rod with cap stamped 'GeoSurv' set for the most Southerly corner of said Tract I, same being the Southeast corner of said Snyder to Jones tract, and continuing for a total distance of 1132.70 feet to the POINT OF BEGINNING and containing a calculated area of 37.37 acres of land.

NOTE: THESE PROPERTY DESCRIPTIONS HAVE BEEN PREPARED UNDER TAC 652.23; DO NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND; ARE NOT INTENDED TO BE USED TO CONVEY TITLE OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS OR INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH THEY HAVE BEEN PREPARED.

PREPARED
JUNE 30, 2006
AMENDED AUGUST 10, 2006
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BY



DALE L. HARDY / GEOSURV, LLC
REGISTERED PROFESSIONAL LAND SURVEYORS

P.O. BOX 246, LEAGUE CITY, TEXAS 77574

PH 281-554-7739 FAX 281-534-6928 E-MAIL: dhardy@geosurvllc.com