

PAUL A. PHILBIN & ASSOC., P.C.

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Attorneys at Law

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(713) 783-4120 • FAX (713) 783-8812

August 18, 2017

Ms. Diana Stapp, City Secretary
City of League City
300 West Walker
League City, Texas 77573

RE: Proposed Annexation of 37.39 Acres into
Bay Colony West Municipal Utility District ("District")

Dear Ms. Stapp:

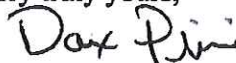
Enclosed for filing with the City of League City is an original duly executed Petition for Consent to Annex Land into Bay Colony West Municipal Utility District. The Petition is executed by TownHarbour Estates, LLC, the current holder of title to all the lands described in the Petition.

The Board of Directors has determined that the annexation of this acreage is feasible and will benefit the District. The District proposes to provide water, sewer and drainage facilities to service this tract pursuant to the Utility Agreement with the City. It should be noted that the Texas Water Code allows for the District to annex non-contiguous property. The Board has concluded that the projected assessed value of this project will be substantially higher than the value needed to support the Developer reimbursement. As a result, the District should be able to lower its tax rate.

We have prepared eleven (11) copies of the enclosed consent package and respectfully request that you distribute them to the Mayor, the Council members and the City Staff as labeled. Enclosed in each packet is a Vicinity Map which shows the tracts to be annexed and their location in relationship to the District. Also, enclosed in each packet are copies of a letter in support of the annexation, signed by the Bay Colony West HOA President.

If possible, we would respectfully request that this matter be placed upon the City Council's September 12, 2017 Agenda for consideration and approval. Your assistance in processing this matter is appreciated.

Very truly yours,



Dax W. Philbin
Attorney for District

encs.

cc: Honorable Pat Hallisey, Mayor
League City Council Members
Nghiem Doan, City Attorney
Paul Menzies, Planning & Development
John Baumgartner, City Manager
Alan Hirshman, Dannenbaum Engineering (e-mail w/o encs.)

VIA FEDEX

**PETITION FOR CONSENT TO ANNEX LAND INTO
BAY COLONY WEST MUNICIPAL UTILITY DISTRICT**

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF LEAGUE CITY:

The undersigned, hereinafter called "Petitioner," being the sole owner of the land and the holder of title to a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of Galveston County, Texas, acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, and Section 42.042, Local Government Code, respectfully petition for the consent to annex land into Bay Colony West Municipal Utility District, within the terms and provisions of Section 59, Article 16, Constitution of Texas. In support of this petition for consent to include said land within the District, Petitioner shows as follows:

I.

The name of the District which will annex the land is Bay Colony West Municipal Utility District (hereinafter called "District").

II.

The land to be annexed contains 37.39 acres, more or less, and is described by metes and bounds in Exhibit "A" attached hereto and made a part hereof. All of said land is currently within the corporate limits of the City of League City and is not within any other City nor within any other Municipal Utility District.

III.

The Petitioner and the District are seeking the City's consent to annex the 37.39 acres of land. The District concurs in this Petition and believes that this tract of land can best be developed as part of the District. There is one lienholder having an interest in the property, and they have executed a Separate Joinder to this petition as well as to the separate petition to the Board of Directors of the District.

IV.

The District is organized for the purposes of and the general nature of the work proposed to be done shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(1) provide a water supply for municipal uses, domestic uses, and commercial purposes;

(2) collect, transport, process, dispose of, and control all domestic, industrial or communal wastes whether in fluid, solid, or composite state;

(3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction, and interest during construction; and

(4) exercise the powers set forth in Section 54.201 of the Texas Water Code, as amended.

V.

Petitioner would respectfully show that the inclusion of these land into the District will result in a more economical and efficient development of these land. As part of Bay Colony West Municipal Utility District, this land can be developed more economically than if they were developed outside the District.

VI.

Petitioner would also respectfully show that Section 49.301 of the Texas Water Code, as amended, allows the owner of the land, whether or not contiguous to the District to file a Petition to add the land into a District and the District may consider the Petition and determine to add the land.

VII.

The area to be annexed into the District is urban in nature, is within the growing environs of the City of League City and is in close proximity to populous and developed sections of Galveston County. That area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Said area is not supplied with adequate water and sanitary sewer facilities and services, nor with adequate drainage facilities. The health and welfare of the future inhabitants of the area and of the territories adjacent thereto require installation and acquisition of an adequate water supply and sewage disposal system and an adequate drainage system for and within the area of the District.

A public necessity exists for the annexation of said land into the District, to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage facilities, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VIII.

Petitioner requests consent for the annexation of the aforesaid land into Bay Colony West Municipal Utility District as set forth herein.

IX.

It is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately Two Million Dollars (\$2,000,000).

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of League City give its written consent to the annexation of the aforesaid land in said District.

Dated this 21st day of June, 2017.

PETITIONER

TOWNHARBOUR ESTATES, LLC
a Texas Limited Liability Company

BY: 
Joseph L. Watson, President

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Harris

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BEFORE ME, the undersigned authority, on this day personally appeared JOSEPH L. WATSON, PRESIDENT of TOWNHARBOUR ESTATES, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed

GIVEN under my hand and seal of office this the 15th day of August, 2017.

(SEAL)


Notary Public--State of Texas
My Commission Expires: 6/22/2021

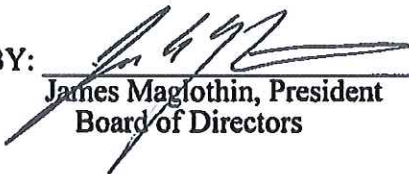


DISTRICT APPROVAL

Bay Colony West Municipal Utility District hereby evidences its approval and joinder in said Petition and agrees to comply with all valid City of League City requirements.

DATED: June 21, 2017

BAY COLONY WEST
MUNICIPAL UTILITY DISTRICT

BY: 
James Maglothin, President
Board of Directors

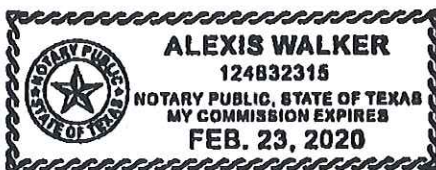
ATTEST:


Dana Dutton, Secretary
Board of Directors

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 21st day of June, 2017, by JAMES MAGLOTHIN and DANA DUTTON, President and Secretary of the Board of Directors of BAY COLONY WEST MUNICIPAL UTILITY DISTRICT, a political subdivision of the State of Texas, on behalf of said political subdivision.

(SEAL) 
ALEXIS WALKER
124832315
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
FEB. 23, 2020


Notary Public--State of Texas
My Commission Expires: 02-23-2020

EXHIBIT "A"

PART VI

Being a 37.28 acre tract of land out of the Michael Muldoon Two League Grant, Abstract Number 18, City of League City, Galveston County, Texas; being comprised of (1)a called 33.30 acre tract of land, being that same called 33.34 acre tract of land described in Deed recorded in File Number 8300447 of the Official Public Records of Real Property, Galveston County, Texas; (2)a called 1.92 acre tract of land, being that same called 1.93 acre tract of land conveyed to Startzman Properties, Ltd., by General Warranty Deed recorded in File Number 2004033769 of the Official Public Records of Real Property, Galveston County, Texas; (3) The South 10 feet of Lot 34, and all of Lot 35, in Block 5; (4)Lots 1-6, in Block 9; (5)Lot 7, in Block 9; (6)Lot 8, in Block 9 of LAKESIDE ADDITION, a subdivision, as recorded in Volume 12, Page 79, of the Map Records of Galveston County, Texas; said 37.28 acre tract being more particularly described by metes and bounds as follows (bearings are oriented to the bearing base reflected on the record plat of South Shore Harbour Subdivision, Section Two, a subdivision of record in Volume 17, Page 154, Galveston County Map Records):

BEGINNING at a point for the Southwesterly corner of the herein described tract, said point being the Southeasterly corner of Unrestricted Reserve "D" of said South Shore Harbour Subdivision, Section Two, said point also being found in the Northwesterly line of Unrestricted Reserve "E-4-A" of South Shore Harbour Subdivision, Section Eighteen, according to the map or plat thereof recorded in Plat Record 18, Map Number 758, Galveston County Map Records;

THENCE, along the Northeasterly line of said South Shore Harbour Subdivision, Section Two, North 11°47'20" West, 2,305.61 feet to a point for corner in the meander line of Mean Higher High Water of Clear Lake and for the Northwesterly corner of the herein described tract of land,;

THENCE, in an Easterly direction with said meander line of Mean Higher High Water of Clear Lake as follows:

- North 28°19'20" East, 6.69 feet to a point for corner;
- North 72°45'51" East, 80.63 feet to a point for corner;
- North 89°43'10" East, 89.67 feet to a point for corner;

Page Sixteen
37.28 acres

- South 74°55'12" East, 66.63 feet to a point for corner;
- North 89°51'57" East, 48.84 feet to a point for corner;
- North 84°34'06" East, 52.79 feet to a point for corner;
- South 82°23'55" East, 31.49 feet to a point for corner;
- North 58°39'10" East, 50.06 feet to a point for corner;
- South 68°13'48" East, 19.73 feet to a point for corner;
- South 88°50'20" East, 22.86 feet to a point for corner;
- North 80°31'32" East, 26.44 feet to a point for corner;
- North 71°28'59" East, 29.61 feet to a point for corner;
- North 76°33'50" East, 51.29 feet to a point for corner;
- North 87°53'16" East, 44.71 feet to a point for corner;
- North 39°17'23" East, 33.31 feet to a point for corner;
- North 02°36'29" West, 5.58 feet to a point for corner;
- North 05°32'53" East, 11.40 feet to a point for corner;
- North 01°57'59" East, 6.13 feet to a point for corner at the corner of a wood bulkhead;

THENCE North 73°30'44" East, along the North edge of a wood bulkhead, 2.02 feet to a point for the Northeast corner of the herein described tract, said point also being in the West line of Lakeside Addition, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 12, Page 79, Galveston County Map Records;

THENCE, South 12°03'35" East, 2,226.48 feet to a point for corner;

THENCE North 77° 56' 25" East, 100.00 feet to a point for corner in the West right-of-way line of West Drive (50-foot right-of-way);

Page Seventeen
37.28 Acres

THENCE South $12^{\circ} 03' 35''$ East with the West right-of-way line of said West Drive, 61.40 feet to a point for corner in the North line of said 1.92 acre tract of land;

THENCE North $77^{\circ} 56' 25''$ East with the North line of said 1.92 acre tract of land and said Lot 1, Block 9, 185.00 feet to a point for corner;

THENCE South $12^{\circ} 08' 00''$ East with the East line of said Block 9, 584.07 feet to a point for corner;

THENCE South $01^{\circ} 06' 15''$ East with the East line of said Block 9, 522.72 feet to a point for corner in the East line of said 1.92 acre tract of land;

THENCE with the East line of said 1.92 acre tract of land as follows:

- South $12^{\circ} 08' 00''$ East with the East line of said 1.92 acre tract of land, 83.93 feet to a point for corner;
- South $01^{\circ} 17' 12''$ East with the East line of said 1.92 acre tract of land, 496.62 feet to a point for the Southeast corner of said 1.92 acre tract of land;

THENCE North $85^{\circ} 29' 07''$ West with the South line of said 1.92 acre tract of land, 45.23 feet to a point for the Southwest corner of said 1.92 acre tract of land;

THENCE with the Southwest line of said 1.92 acre tract of land as follows:

- North $01^{\circ} 17' 12''$ West, 487.54 feet to a point for corner;
- North $12^{\circ} 08' 00''$ West, 1,130.88 feet to a point for corner;
- South $78^{\circ} 29' 18''$ West, 183.00 feet to a point for corner;
- North $12^{\circ} 08' 00''$ West, 45.00 feet to a point for corner in the South line of said 33.30 acre tract of land;

THENCE South $78^{\circ} 29' 18''$ West, 600.36 feet to the POINT OF BEGINNING containing 37.28 acres of land, more or less.

Page Eighteen
0.11 Acres

PART VII

Being a 0.11 acre tract of land out of the Michael Muldoon Two League Grant, Abstract Number 18, City of League City, Galveston County, Texas, said 0.11 acre tract of land also being that certain called Lot 34, Block 6 of LAKESIDE ADDITION, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 254A, Page 10, of the Map Records and transferred to Volume 12, Page 79, both of the Map Records of Galveston County, Texas;

BEGINNING at a point for the Southwest corner of the herein described tract of land;

THENCE North 12° 03' 35" West, 50.00 feet to a point for the Northwest corner of the herein described tract of land;

THENCE North 77° 56' 25" East, 100.00 feet to a point for the Northeast corner of the herein described tract of land;

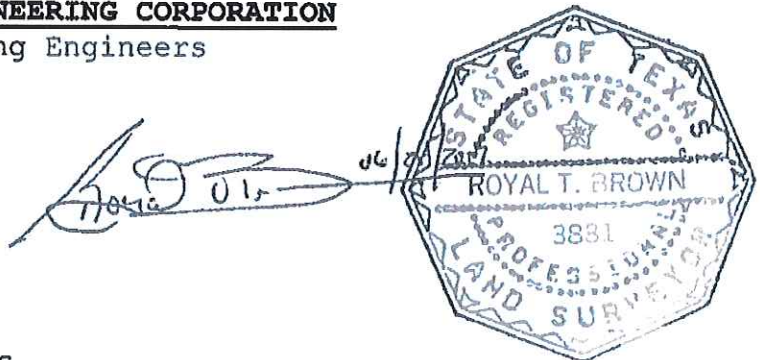
THENCE South 12° 03' 35" East, 50.00 feet to a point for the Southeast corner of the herein described tract of land;

THENCE South 77° 56' 25" West, 100.00 feet to the POINT OF BEGINNING containing 0.11 acres of land, more or less.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

DANNENBAUM ENGINEERING CORPORATION
Consulting Engineers

3529-01/kk
Bay Colony West M.U.D.
574.618 Acres total
May 18, 2006
Revised: September 19, 2007
5.06 Acres to 5.058 Acres
Revised: May 25, 2017
Added 37.28 Acres and 0.11 Acres



JOINDER OF LIENHOLDER

BAY COLONY WEST MUNICIPAL UTILITY DISTRICT

The undersigned, HOUSTON INTERCONTINENTAL TRADE, L.P., a Texas Limited Partnership, being the owner and holder of an existing lien upon and against the 37.39 acres of real property described in that certain Petition for Consent to Add Land Into Bay Colony West Municipal Utility District and the Petition for Addition of Certain Land into Bay Colony West Municipal Utility District, as such lienholder, does hereby consent to and join in said Petitions.

This consent and joinder shall not be construed or operate as a release of said mortgage or liens owned and held by the undersigned, or any part thereof.

SIGNED this the 16th day of August, 2017.

HOUSTON INTERCONTINENTAL TRADE
CENTER, L.P., a Texas Limited Partnership

By: Revista, Inc. a Texas Corporation, its
General Partner

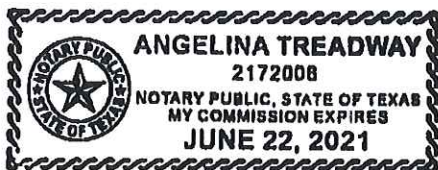
By: Michael P. Barsi
Michael P. Barsi, President

THE STATE OF TEXAS
COUNTY OF HARRIS

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BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL P. BARSİ, PRESIDENT of REVISTA, INC., General Partner of HOUSTON INTERCONTINENTAL TRADE, L.P., a Texas Limited Partnership and known to me to be the person whose name scribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal this the 16th day of August, 2017.



Angelina Treadway
Notary Public
My Commission Expires: 6-22-2021

TOWNHARBOUR ESTATES, LLC

**RESOLUTION AUTHORIZING JOSEPH L. WATSON
TO EXECUTE ANY AND ALL PETITIONS AND DOCUMENTS
RELATED TO THE CONSENT TO ANNEX AND/OR THE
ADDITION OF CERTAIN LAND INTO
BAY COLONY WEST MUNICIPAL UTILITY DISTRICT**

The undersigned, KAREN RITCHEY being a duly authorized officer of TOWNHARBOUR ESTATES, LLC, a Texas Limited Liability Company, hereby certifies that the following is a true and correct copy of the "Resolution Authorizing JOSEPH L. WATSON to Execute any and all Petitions and Documents Related to the Consent to Annex and/or the Addition of Certain Land into BAY COLONY WEST MUNICIPAL UTILITY DISTRICT" and such other documents necessary for the annexation of land into Bay Colony West Municipal District.

BE IT RESOLVED THAT:

JOSEPH L. WATSON, President of TownHarbour Estates, LLC, is hereby authorized to execute any and all Petitions for the Consent and subsequent annexation of 37.39 acres of land into Bay Colony West Municipal Utility District; and such other documents as may be reasonably necessary or convenient to allow for the annexation of land into said municipal utility district.

PASSED and APPROVED this the 15th day of August, 2017.

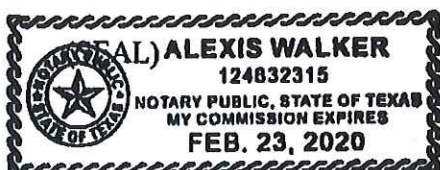
TOWNHARBOUR ESTATES, LLC

BY: Karen Ritchey
Karen Ritchey, Secretary

THE STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared KAREN RITCHEY, SECRETARY of TOWNHARBOUR ESTATES, LLC a Texas Limited Liability Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15th day of August, 2017.



Alexis Walker
Notary Public in and for
The State of Texas

HOUSTON INTERCONTINENTAL TRADE CENTER, L.P.

**RESOLUTION AUTHORIZING MICHAEL P. BARSİ
TO EXECUTE JOINDER OF LIENHOLDER TO PETITIONS
FOR THE CONSENT TO AND THE ADDITION OF CERTAIN LAND INTO
BAY COLONY WEST MUNICIPAL UTILITY DISTRICT**

The undersigned, DAVID B. HENDRICKS, being a duly authorized officer of HOUSTON INTERCONTINENTAL TRADE CENTER, L.P., a Texas Limited Partnership hereby certifies that the following is a true and correct copy of the "Resolution Authorizing Michael P. Barsi to Execute Joinder(s) of Lienholder to the Petitions for City's Consent and the Petition for the Addition of Land into BAY COLONY WEST MUNICIPAL UTILITY DISTRICT and such other documents relating to the annexation of land into the District.

BE IT RESOLVED THAT:

1. Michael P. Barsi, President of Revista, Inc., General Partner of Houston Intercontinental Trade Center, L.P. is hereby authorized to execute the Joinder(s) of Lienholder related to all Petitions for the Addition of Land into Bay Colony West Municipal Utility District.
2. This Resolution is executed solely as an accommodation to TownHarbour Estates, LLC, and shall not and is not intended to alter or modify the current indebtedness or the existing liens on the property.
3. Copies of all Petitions executed in connection with the Joinder authority of this Resolution must be filed with Houston Intercontinental Trade Center, L.P.

PASSED and APPROVED this the 15th day of August, 2017.

**HOUSTON INTERCONTINENTAL TRADE
CENTER, L.P.**

a Texas Limited Partnership

BY: David B. Hendricks
David B. Hendricks

Title: Limited Partner

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared DAVID B. HENDRICKS, LIMITED PARTNER of HOUSTON INTERCONTINENTAL TRADE CENTER, L.P. a Texas Limited Partnership known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15 day of AUGUST, 2017.



Linda Brewer
Notary Public in and for
The State of TEXAS

(SEAL)