

ORDINANCE NO. 2007-11

AN ORDINANCE APPROVING FIRST AMENDMENT TO
THE UTILITY AGREEMENT BY AND BETWEEN
GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT
NO. 44, JOHNSON DEVELOPMENT CORPORATION AND
THE CITY OF LEAGUE CITY

WHEREAS, the City of League City, Texas approved a Utility Agreement by and between Galveston County Municipal Utility District No. 44 (the "District"), Johnson Development Corporation 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 the area within the District in Galveston County, Texas; and

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. 44 (the "District"), Johnson Development Corporation 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 All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.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 23rd day of January, 2007.

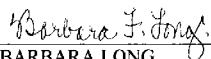
PASSED second reading the 13th day of February, 2007.

PASSED AND ADOPTED the 13th day of February, 2007.



JERRY SHULTS,
Mayor

ATTEST:



BARBARA LONG,
City Secretary

**FIRST AMENDMENT TO
UTILITY AGREEMENT
BY AND BETWEEN
GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 44,
JOHNSON DEVELOPMENT CORPORATION,
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. 44, Johnson Development Corporation, and the City of League City, Texas (the "Agreement") made and entered into as of the 13th day of February, 2007 by and between GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 44, 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").

W I T N E S S E T H

WHEREAS, the District, the City and Johnson Development Corporation 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 approximately 435 acres, and the Agreement does not provide a mechanism to annex land to the District; and

WHEREAS, the District seeks to annex 1.50 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.

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.

[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 16th day of April, 2007.

THE CITY OF LEAGUE CITY, TEXAS

By: [Signature]
Mayor

ATTEST:

By: Barbara F. 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 9th day of March, 2007.

JOHNSON DEVELOPMENT CORPORATION

By: Bob Douglas
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 20th day of February, 2007.

GALVESTON COUNTY MUNICIPAL
UTILITY DISTRICT NO. 44

By: 
Name: Keith Marshall
Title: President

ATTEST:

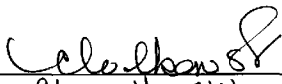
By: 
Name: Claudette O'Rourke
Title: Secretary

EXHIBIT 'A'

MUNICIPAL UTILITY DISTRICT NUMBER 44 ANNEXATION TRACTS

TRACT I

All that certain strip or parcel of land being part of Acorn Avenue, a 70 foot roadway right-of-way as defined by the plat of **DICKINSON**, a Subdivision in Galveston County, Texas, according to the map or plat thereof recorded at Map Volume 155, Map Number 10, said strip or parcel 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 AND DISTANCES RECITED HEREIN ARE SURFACE. DISTANCES RECITED HEREIN MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.999867458.

BEGINNING at a 5/8 inch iron rod found for the point of intersection of the Northeasterly line of said Ohio Street with the Northwesterly line of Acorn Avenue, said point further being the most Southerly corner of Lot 11, **DICKINSON - ADDITION 'A'** (Volume 155, Page 10, GCMR) and having coordinate values of N = 13,751,144.43 and E = 3,217,497.44;

THENCE S 41°08'19" E, along a projection of the Northeasterly line of said Ohio Street, a distance of 70.00 feet to a point for corner, said point being at the Southeasterly line of the original 70 foot Acorn Avenue right-of-way;

THENCE S 48°49'18" W, along the Southeasterly line of the original 70 foot Acorn Avenue right-of-way, a distance of 1156.43 feet to a point for corner, said point being at the intersection of said line with the projection Westerly of the Northerly right-of-way line of Texas State Highway #96;

THENCE S 84°52'02" W, along and with said projection, a distance of 59.48 feet to a 5/8 inch iron rod with cap found for corner and being at the centerline of the original 70 foot roadway right-of-way of Acorn Avenue;

THENCE N 48°49'18" E, along and with said centerline, a distance of 1169.55 feet to a 5/8 inch iron rod with cap found for corner, said point being the point of intersection of said centerline with the centerline of the aforesaid Ohio Street;

THENCE N 41°08'19" W, along and with said centerline, a distance of 35.00 feet to a 5/8 inch iron rod with cap found for corner;

THENCE N 48°49'18" E, a distance of 35.00 feet to the **POINT OF BEGINNING** and containing a calculated area of 0.98 acres (42,542 square feet) of land.

TRACT II

All that certain strip or parcel of land being out of Lots 1 and 3, **DICKINSON ADDITION "B"**, a Subdivision in Galveston County, Texas, according to the map or plat thereof recorded at Map Volume 155, Map Number 10; said strip or parcel and being out of and a part of that certain 80 foot wide parcel conveyed to the City of League City by instrument of record at Volume 2603,

EXHIBIT 'A'

TRACT II

Page 528; all being of record 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 AND DISTANCES RECITED HEREIN ARE SURFACE. DISTANCES RECITED HEREIN MAY BE CONVERTED TO GRID BY MULTIPLYING BY A SCALE FACTOR OF 0.999867458.

BEGINNING at a 5/8 inch iron rod found for the point of intersection of the South line of Hewitt Street, based on an existing 120 foot original right-of-way with the West line of Texas State F.M. Highway 270, a 120 foot right-of-way, said point having coordinate values of N = 13,752,276.71 and E = 3,220,302.47;
THENCE S 87°07'01" W, along and with the Southerly line of said Hewitt Street (based on a 120 foot right-of-way), a distance of 407.30 feet to a 5/8 inch iron rod with cap found for corner;
THENCE N 18°32'52" W, a distance of 62.31 feet to a 5/8 inch iron rod found for corner;
THENCE N 87°07'01" E, parallel with and 20.00 feet perpendicularly distant from the Southerly line of the original 40 foot Hewitt Street right-of-way, a distance of 345.00 feet to a 5/8 inch iron rod found for corner;
THENCE S 55°42'37" E, a distance of 99.30 feet to the **POINT OF BEGINNING** and containing a calculated area of 0.52 acres (22,569 square feet) of land.



PREPARED
MAY 8, 2006
BY

DALE L. HARDY / GEOSURV, LLC
REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 246, LEAGUE CITY, TEXAS 77574
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M44ANNEX.DOC

