

No. DACW64-3-25-0056

DEPARTMENT OF THE ARMY LICENSE

BUFFALO BAYOU AND TRIBUTARIES PROJECT, ADDICKS RESERVOIR HARRIS COUNTY, TEXAS

THE SECRETARY OF THE ARMY, hereinafter referred to as the Secretary, under Title 10 USC 2668, hereby grants to Harris County, Texas, hereinafter referred to as the grantee, a temporary license for construction within the Addicks Reservoir in the proximity of Bear Creek Village subdivision for the excavation of one (1) new drainage swale and two (2) new stormwater drainage channels to convey stormwater from the subdivision to Langham Creek over, across, in and upon lands of the United States, (Tract Nos. AR-76B, AR-76C, AR-77, AR-79, AR-81, AR-144 and AR-145) as identified in Exhibit A and Exhibit B, attached hereto and made a part hereof, hereinafter referred to as the premises.

THIS LICENSE is granted subject to the following conditions.

1. **TERM**

This license is granted for a term of five (5) years beginning on the date this license is fully executed, but revocable at will by the Secretary.

2. **CONSIDERATION**

The consideration for this license shall be the construction of said project by the grantee for the benefit of the public in accordance with the conditions herein set forth.

3. **NOTICES**

All notices and correspondence to be given pursuant to this license shall be addressed, if to the grantee, to Lina Hidalgo, 1111 Fannin St., 12th Floor, Houston, Texas 77002; and if to the United States, to the District Engineer, Attention: Chief, Management and Disposal Branch, Real Estate Division, 2000 Fort Point Road, Galveston, Texas 77550; or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service or personally delivered to the either address mentioned above.

4. **AUTHORIZED REPRESENTATIVES**

Except as otherwise specifically provided, any reference herein to "Secretary", "Real Estate Contracting Officer", or "said officer" shall include their duly authorized

No. DACW64-3-25-0056

representatives. Any reference to "grantee" shall include any duly authorized representatives.

5. SUPERVISION BY THE REAL ESTATE CONTRACTING OFFICER

The use and occupation of the premises shall be subject to the general supervision and approval of the Real Estate Contracting Officer, USACE, Galveston District, hereinafter referred to as said officer, and to such rules and regulations as may be prescribed from time to time by said officer.

6. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

7. CONDITIONAL USE BY GRANTEE

The exercise of the privileges herein granted shall be:

- a. without cost or expense to the United States;
- b. subject to the right of the United States to improve, use or maintain the premises.
- c. subject to other outgrants of the United States on the premises.
- d. personal to the grantee, and this license, or any interest therein, may not be transferred or assigned.
- e. subject to the right of the United States to collect amounts necessary to cover administrative expenses associated with the processing, issuance, and management of this license under the authority of 10 U.S.C. 2695.

8. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows its condition, and understands that the same is granted without any representations or warranties whatsoever and without any obligation on the part of the United States.

9. RESERVED

10. PROTECTION OF PROPERTY

The grantee shall keep the premises in good order and in a clean, safe condition by and at the expense of the grantee. The grantee shall be responsible for any damage that may be caused to property of the United States by the activities of the grantee under this license, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any

No. DACW64-3-25-0056

property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

11. RESERVED

12. RESTORATION

On or before the expiration of this license or its termination by the grantee, the grantee shall vacate the premises, remove the property of the grantee, and restore the premises to a condition satisfactory to said officer. If, however, this license is revoked, the grantee shall vacate the premises, remove said property and restore the premises to the aforesaid condition within such time as the Real Estate Contracting Officer may designate. In either event, if the grantee shall fail or neglect to remove said property and restore the premises, then, at the option of said officer, the property shall either become the property of the United States without compensation therefor, or said officer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The grantee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of this license in restoring the premises.

13. NON-DISCRIMINATION

The Grantee shall not discriminate against any person or persons or exclude them from participation in the grantee's operations, programs or activities because of race, color, religion, sex, age, handicap or national origin in the conduct of operations on the premises. The grantee will comply with the Americans with Disabilities Act and

attendant Americans with Disabilities Act Accessibility Guidelines (ADAAG) published by the Architectural and Transportation Barriers Compliance Board.

14. TERMINATION

This license may be terminated by the Grantee at any time by giving the Real Estate Contracting Officer at least thirty (30) day notice in writing to the fore mentioned address.

15. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties to this license shall protect the premises against pollution of its air, ground and water. The grantee shall comply with any laws, regulations, conditions, or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or

No. DACW64-3-25-0056

prevent pollution. The disposal of any toxic or hazardous materials within the premises is specifically prohibited. Such regulations, conditions, or instructions in effect or prescribed by said Environmental Protection Agency, or any Federal, state, interstate or local governmental agency are hereby made a condition of this license. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the grantee's activities, the grantee shall be liable to restore the damaged resources.

c. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

16. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or permit to be removed or disturb, any historical, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

17. DISCLAIMER

This license is effective only insofar as the rights of the United States in the premises are concerned; and the grantee shall obtain any permit or license which may be required by Federal, state, or local statute in connection with the use of the premises. It is understood that the granting of this license does not preclude the

necessity of obtaining a Department of the Army permit for activities which involve the discharge of dredge or fill material or the placement of fixed structures in the waters of the United States, pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 USC 403), and Section 404 of the Clean Waters Act (33 USC 1344).

18. RESERVED

19. RESERVED

20. SITE SPECIFIC CONDITIONS

The following site specific conditions are made as limitations, restrictions, safety issues, clearances for power and communication lines over reservoirs (sag height) or conditions to be included in the outgrant to make the proposed use compatible with the operation of the project:

Construction

- a. Any United States Army Corps of Engineers (USACE) work or maintenance work will take precedence over the activities authorized herein. Local operation of Addicks or Barker Dam and Reservoir is managed out of the Addicks Field Office of the Houston Project Office. The Addicks Field Office may be reached by phone at 281-752-2600.
- b. Grantee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable impacts to Corps Real Estate interests, the grantee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- c. Grantee shall notify the USACE fourteen (14) days in advance and coordinate with the rights granted herein with Thomas West, Operations Manager (409-766-3851); David Mackintosh, Supervisory Natural Resource Manager and Site Manager (713-296-9180); Aron Edwards, Operations Acting Land Use Coordinator (409-766-3028); and Crysta Wooten, Realty Specialist (409-766-3032), prior to commencement of activities. Coordination to include, but is not limited to, scheduling pre-work and post-work onsite inspections.
- d. Throughout these site-specific conditions, the term "Site Manager" is used to identify the USACE on-site individual that has the responsibility for the day-to-day operations and/or management of the project, or his authorized representative.
- e. The Grantee shall be responsible for ensuring that all access points associated with this outgrant / project remain secured to the satisfaction of the site manager throughout the duration of the outgrant / project so as to deter inappropriate access to USACE property.
- f. USACE personnel will have unrestricted access to the construction site.
- g. USACE reserves the right to inspect the work at any time during the term of this outgrant provided reasonable notice is given to Grantee
- h. If any previously unknown historic or archeological remains are discovered while accomplishing the activity authorized by this permit, you must immediately cease and desist and notify the USACE of what you have found. The USACE will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
- i. During construction activities, no structures or fill will be allowed to obstruct any Federal properties. The Grantee shall be responsible for any and all damages that occur to the Federal project during construction.

No. DACW64-3-25-0056

j. Within one year of completion of the channels and swales, the Grantee must evaluate the hydraulic performance of the channels and swales, including the potential sediment delivery into the basin, and determine the need for any armoring. This results and calculations for this evaluation must be provided to the USACE for confirmation of results prior to implementation of corrective measures. Additionally, the Grantee must also provide calculations showing there is not a positive volumetric change of fill in the basin

k. The Grantee or its contractor shall maintain communication with the Addicks Field Office personnel regarding changes in flow or other events that may adversely affect the function of the reservoir.

l. Grantee must submit to the Corps for its review and approval as-built drawings of all approved, completed work within sixty (60) days of project completion.

All GIS data submissions should be provided to USACE as a compressed (.zip) file containing a geodatabase (.gdb) and/or shapefile (.shp) components.

i. Dataset must be a 3D line feature(s) and include z-values, or heights, to correctly locate themselves in 3D space. These objects must be modeled as 3D line features.

ii. Dataset must have a horizontal projection in either the coordinate system of NAD1983 State Plane Texas South Central US feet.

iii. Dataset must have a defined vertical coordinate system for the feature class's z-values on the containing feature dataset provided in Mean Lower Low Water (MLLW).

m.

2) The design data should consist of simple lines and polygons indicating the limits of the completed construction only. The coordinate system and datum that the drawing is currently in must be clearly shown.

3) For CADD drawings, please ensure that all layers are properly named to describe that specific feature. If the layers are named using acronyms, we need a legend or shoe boxes with leader lines, identifying each feature class within the drawing. All areas must be created in real-world (model space) with an assigned coordinate system. Please do not send drawings with XREFs or reference files, insert all needed files or feature layers into one design file. Cut-sheet or plate layouts in CADD are not needed however, PDFs of proposed project plans and/or as-built are required for further review.

4) For GIS drawings, assign a proper name sequence to describe that specific feature or it can also be defined in the spatial data within the shape file.

5) To help keep file sizes to the minimum, imagery and USGS Quads do not need to be provided.

No. DACW64-3-25-0056

6) The projected coordinate system is:

- i. Datum: North American 1983 (Survey Feet)
- ii. Projection: State Plane
- iii. Zone: Texas South Central

7) Permittee must obtain and comply with all Regulatory Permit requirements including, but not limited to:

Department of the Army Permit SWG-2021-00442, the requirements of which are incorporated herein by this reference that states that Harris County is authorized to construct three single and complete drainage structure spans capture and transport floodwaters from different catchment areas within the Bear Creek Subdivision and route it directly to Langham Creek during heavy rain events.

THIS LICENSE is not subject to Title 10, United States Code, Section 2662, as amended.

PRIOR TO the execution of this **LICENSE**, Condition 9, **COST OF UTILITIES**, AND Condition 11, **INDEMNITY**, were deleted.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this _____ day of _____, 2025.

Robert J. Buchalski
Chief, Management and Disposal Branch
Real Estate Contracting Officer

No. DACW64-3-25-0056

THIS LICENSE is also executed by the grantee this ____day of _____, 2025.

HARRIS COUNTY, TEXAS

Lina Hidalgo
County Judge

APPROVED AS TO FORM:

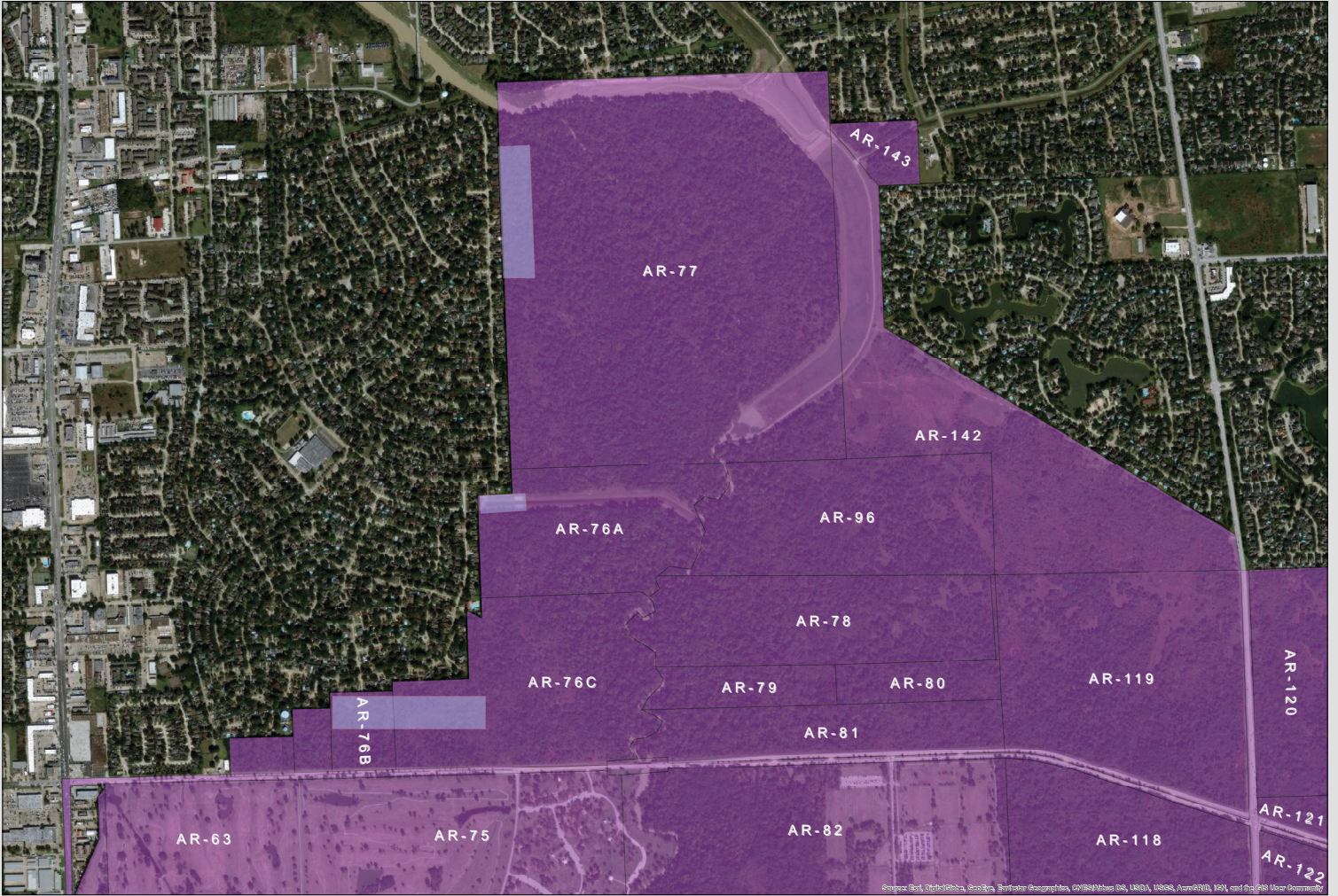
ATTEST

CHRISTIAN D. MENEFE
County Attorney

By: _____
Secretary

By:  _____
46BB798593434F5...
Holland Samantha Banks
Assistant County Attorney
CAO File No. 25RPD0092

Path: C:\Users\MSREX\XN\Desktop\RE Base Map 1983.mxd



Legend
USACE Tract
SymbolID
REIN-23-009 ROE

DATUM: NORTH AMERICAN 1983 FEET
PROJECTION: STATE PLANE
ZONE: SOUTH CENTRAL ZONE
Sheets 1 of 1

REIN-23-009, ROE (Tracts: AR-76A, AR-76B, AR-76C and AR-77)
Buffalo Bayou and Tributaries Flood Control Project
Harris County, Texas

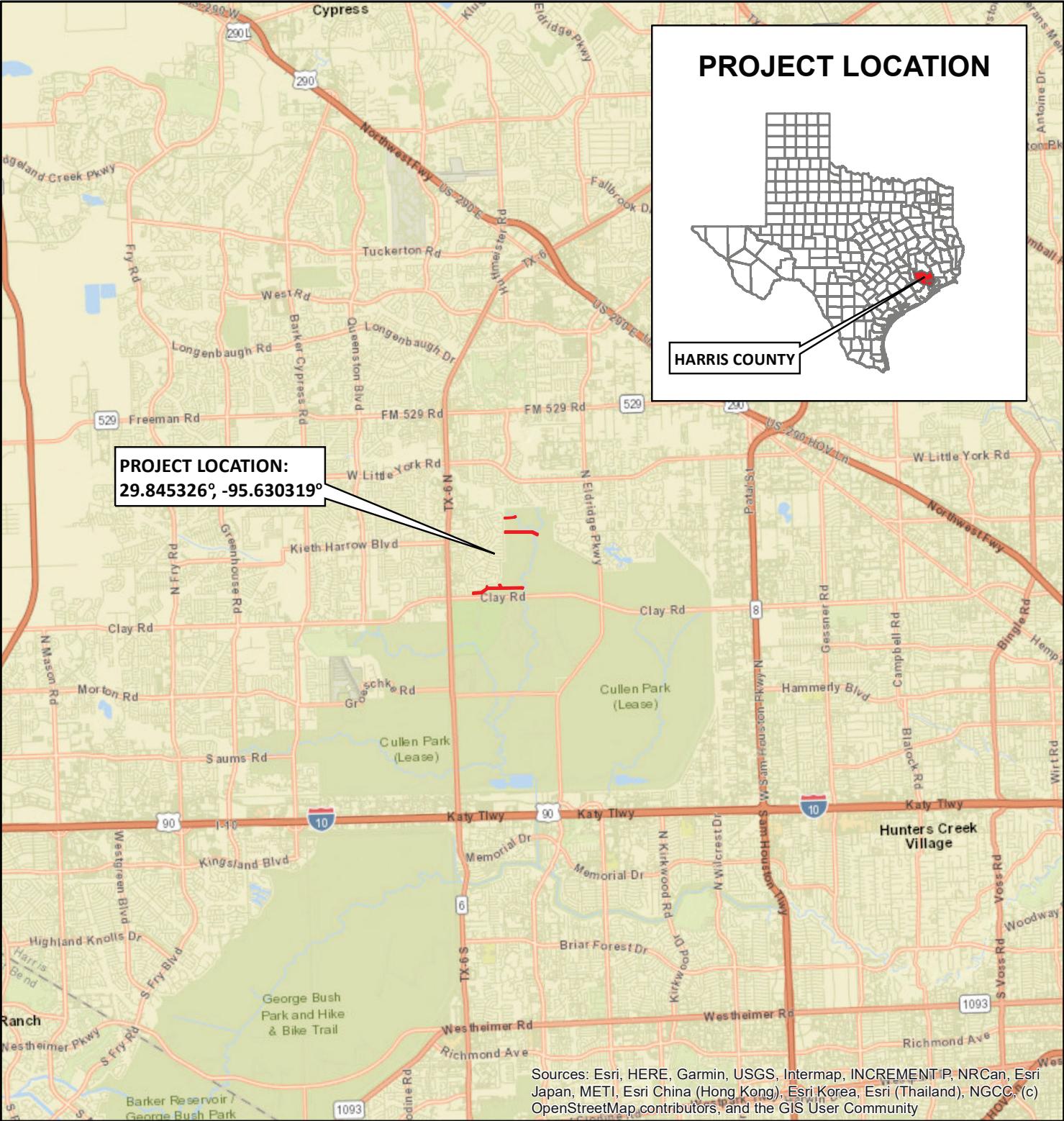
0 600 1,200 2,400 3,600 4,800 Feet

PREPARED BY:
REAL ESTATE DIVISION
DATE: 30 NOV 2023

The data is only a representation of features on the earth compiled by computer program from raw data obtained from different sources and is not necessarily, in whole or in part, based upon any physical recording, study or survey, professional or otherwise, of the covered property. This information is not intended as a substitute for a field survey by a licensed professional or any other use or application that requires legal or engineering accuracy.

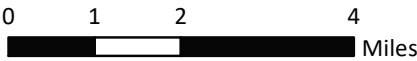

**US Army Corps
of Engineers**
Galveston District

EXHIBIT A



LEGEND

— PROPOSED DRAINAGE CHANNELS



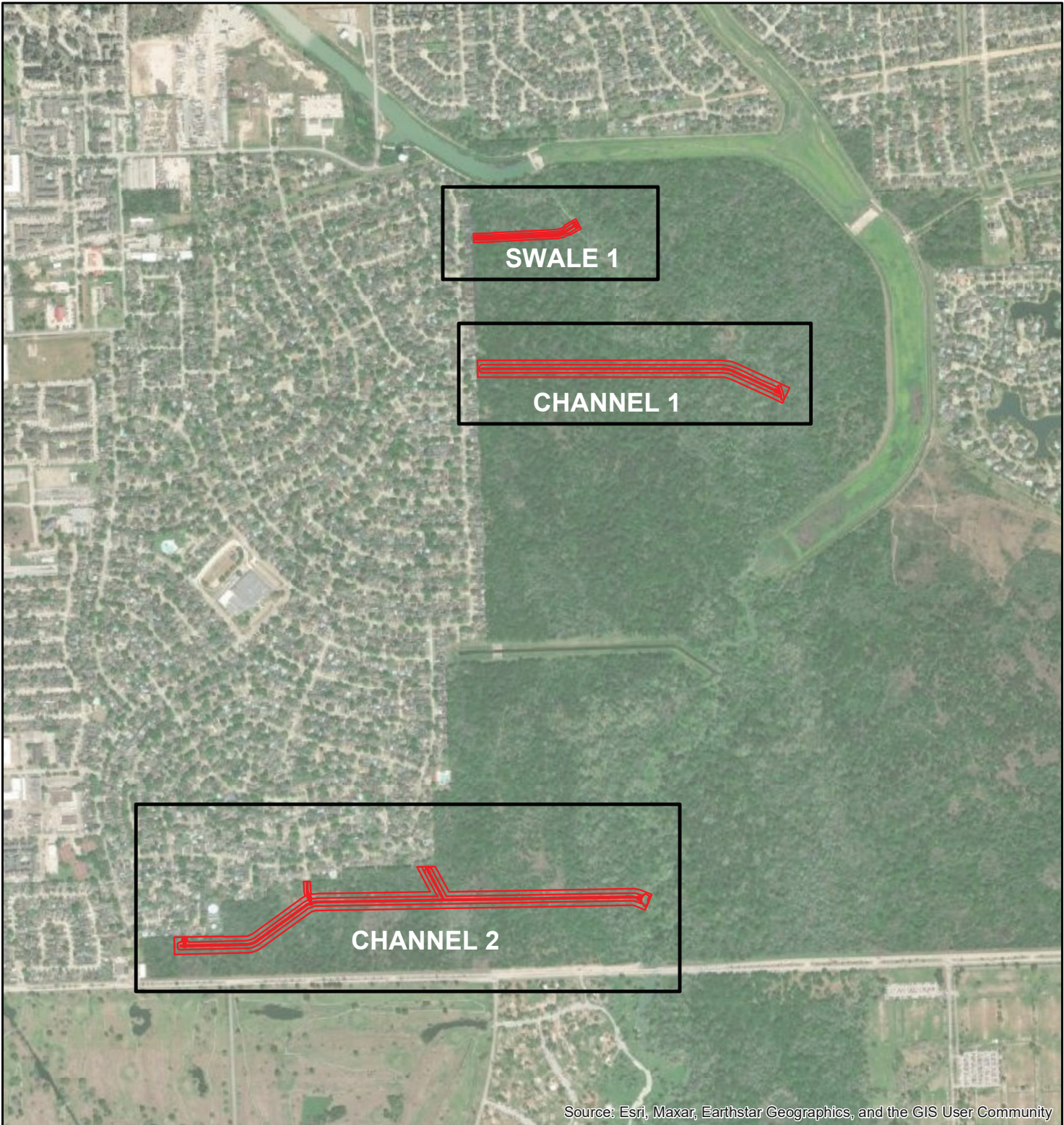
1 inch = 2 miles

**FIGURE 1
VICINITY MAP**

BEAR CREEK VILLAGE SUBDIVISION
DRAINAGE IMPROVEMENTS PROJECT
SWG-2021-00442
HOUSTON, HARRIS COUNTY, TX 77084



3600 W Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
Phone: 713-953-5200
Fax: 713-953-5026
TBPE F-1386 | TBPLS 10110501



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

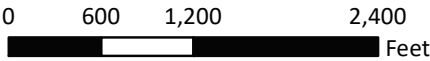
LEGEND

— PROPOSED DRAINAGE CHANNELS



**FIGURE 2
PLAN VIEW KEY MAP**

BEAR CREEK VILLAGE SUBDIVISION
DRAINAGE IMPROVEMENTS PROJECT
SWG-2021-00442
HOUSTON, HARRIS COUNTY, TX 77084



1 inch = 1,200 feet



LJA Engineering, Inc.

3600 W Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
Phone: 713-953-5200
Fax: 713-953-5026
TBPE F-1386 | TBPLS 10110501



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

LEGEND
— PROPOSED DRAINAGE CHANNELS



0 75 150 300
Feet

1 inch = 150 feet

**FIGURE 2 - SHEET 1 PROPOSED
SWALE 1 PLAN VIEW**

BEAR CREEK VILLAGE SUBDIVISION
DRAINAGE IMPROVEMENTS PROJECT
HOUSTON, HARRIS COUNTY, TX 77084


LJA Engineering, Inc.
3600 W Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
Phone: 713-953-5200
Fax: 713-953-5026
TBPE F-1386 | TBPLS 10110501



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

LEGEND
— PROPOSED DRAINAGE CHANNELS

0 175 350 700
Feet



1 inch = 350 feet

FIGURE 2 - SHEET 2
PROPOSED CHANNEL 1 PLAN VIEW
BEAR CREEK VILLAGE SUBDIVISION
DRAINAGE IMPROVEMENTS PROJECT
HOUSTON, HARRIS COUNTY, TX 77084


LJA Engineering, Inc.
3600 W Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
Phone: 713-953-5200
Fax: 713-953-5026
TBPE F-1386 | TBPLS 10110501



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

LEGEND
— PROPOSED DRAINAGE CHANNELS

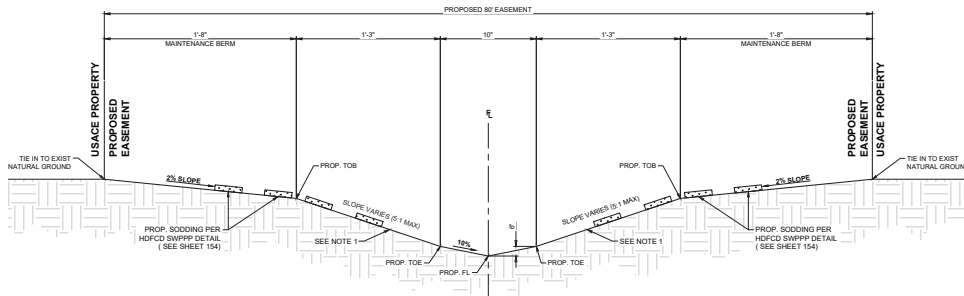
0 250 500 1,000
Feet



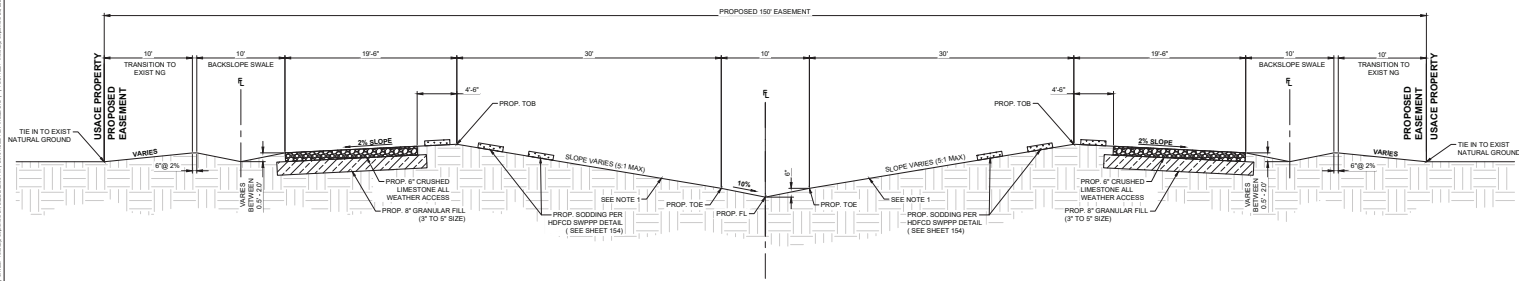
1 inch = 500 feet

FIGURE 2 - SHEET 3
PROPOSED CHANNEL 2 PLAN VIEW
BEAR CREEK VILLAGE SUBDIVISION
DRAINAGE IMPROVEMENTS PROJECT
HOUSTON, HARRIS COUNTY, TX 77084


LJA Engineering, Inc.
3600 W Sam Houston Pkwy S, Suite 600
Houston, Texas 77042
Phone: 713-953-5200
Fax: 713-953-5026
TBPE F-1386 | TBPLS 10110501



PROPOSED TYPICAL SECTION - SWALE 1
(N.T.S.)



PROPOSED TYPICAL SECTION - CHANNEL 1 AND CHANNEL 2
(N.T.S.)

- NOTES:
- HYDROMULCH SEED ALL DISTURBED AREAS IN ACCORDANCE WITH HDPCD SPECIFICATION 02021.

NO.	REVISIONS	DATE	NAME
1			
2			
3			
4			
5			

HARRIS COUNTY
ENGINEERING DEPARTMENT



PROJECT TITLE: BEAR CREEK VILLAGE SUBDIVISION
DRAINAGE IMPROVEMENTS - 2018 STAGE B
UPIN 19104MF-12M01

SHEET DESCRIPTION: PROPOSED TYPICAL SECTIONS - CHANNELS

DRAWN BY: BA
DESIGN BY: IM/TK
SCALE: N.T.S.

DATE: SEPT 2022
SHEET NO: 8 OF 187