

Harris County Clerk

AGREEMENT NO. 2020-142

C73305
NCA

**FIRST AMENDMENT TO CITY OF HOUSTON
HERMANN PARK RIGHT OF ENTRY AGREEMENT
FOR CONSTRUCTION AND MAINTENANCE**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS FIRST AMENDMENT TO A RIGHT OF ENTRY AGREEMENT is made, entered into, and executed by and between the **Harris County Flood Control District**, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as "HCFCD" or the "District", and the **City of Houston**, a municipal corporation and home rule city of the State of Texas, principally situated in Harris County, acting by and through its City Council, hereinafter referred to as the "City."

WHEREAS, the District and the City previously entered into the Agreement, countersigned by the City Controller on April 13, 2009, and executed by the District on February 24 2009, hereinafter referred to as the "Original Agreement," to construct channel improvements on Brays Bayou, HCFCD Project ID D100-00-00-E006, hereinafter called the "Project"; and

WHEREAS, the City owns or has easement rights in real property in Harris County, Texas, and is willing to allow the District to use the portion of the Premises owned in fee by the City for development and maintenance; and

WHEREAS, the District desires to amend the Original Agreement to extend the active construction date.

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements, and benefits to the parties herein named, the parties agree as follows:

1. Section titled "Construction of the Project" Paragraph 8 of the Original Agreement is hereby amended to read as follows:

For purposes of constructing the Project, the right of entry granted for construction of the Project will terminate upon completion of the Project and removal of all construction materials, supplies, vehicles, staging, and storage facilities from the Land, but in any event will not continue beyond December 31, 2022, unless the Parks Director extends such date in writing.

2. Exhibit "E" shall be added to the Original Agreement to show additional lands as noted on Project ID D100-00-00-B008, comprising Land subject to the terms of this Agreement.

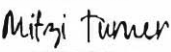
All other terms and conditions of the Original Agreement which are not changed by this First Amendment remain in full force and effect and together with this First Amendment shall be the Agreement.

The parties have executed this First Amendment in multiple copies, each of which is an original, made effective as of the date of countersignature by the City Controller of the City of Houston.

APPROVED AS TO FORM:

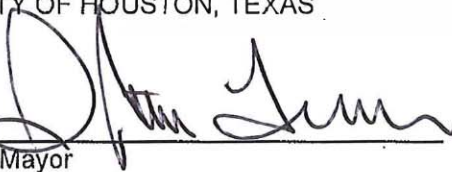
CHRISTIAN D. MENESEE
HARRIS COUNTY ATTORNEY

HARRIS COUNTY FLOOD CONTROL
DISTRICT

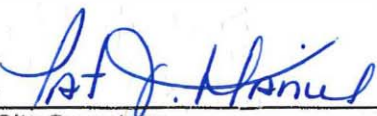
DocuSigned by:

By 27D876F21B1047A...
Mitzi Turner
Assistant County Attorney

By _____
Lina Hidalgo
County Judge



CITY OF HOUSTON, TEXAS

By 
Mayor

ATTEST/SEAL

By 
City Secretary

COUNTERSIGNED BY:


City Controller 

APPROVED:

DocuSigned by:

By 060DCC046600471...
Interim Director, Parks and Recreation Department

DATE COUNTERSIGNED:

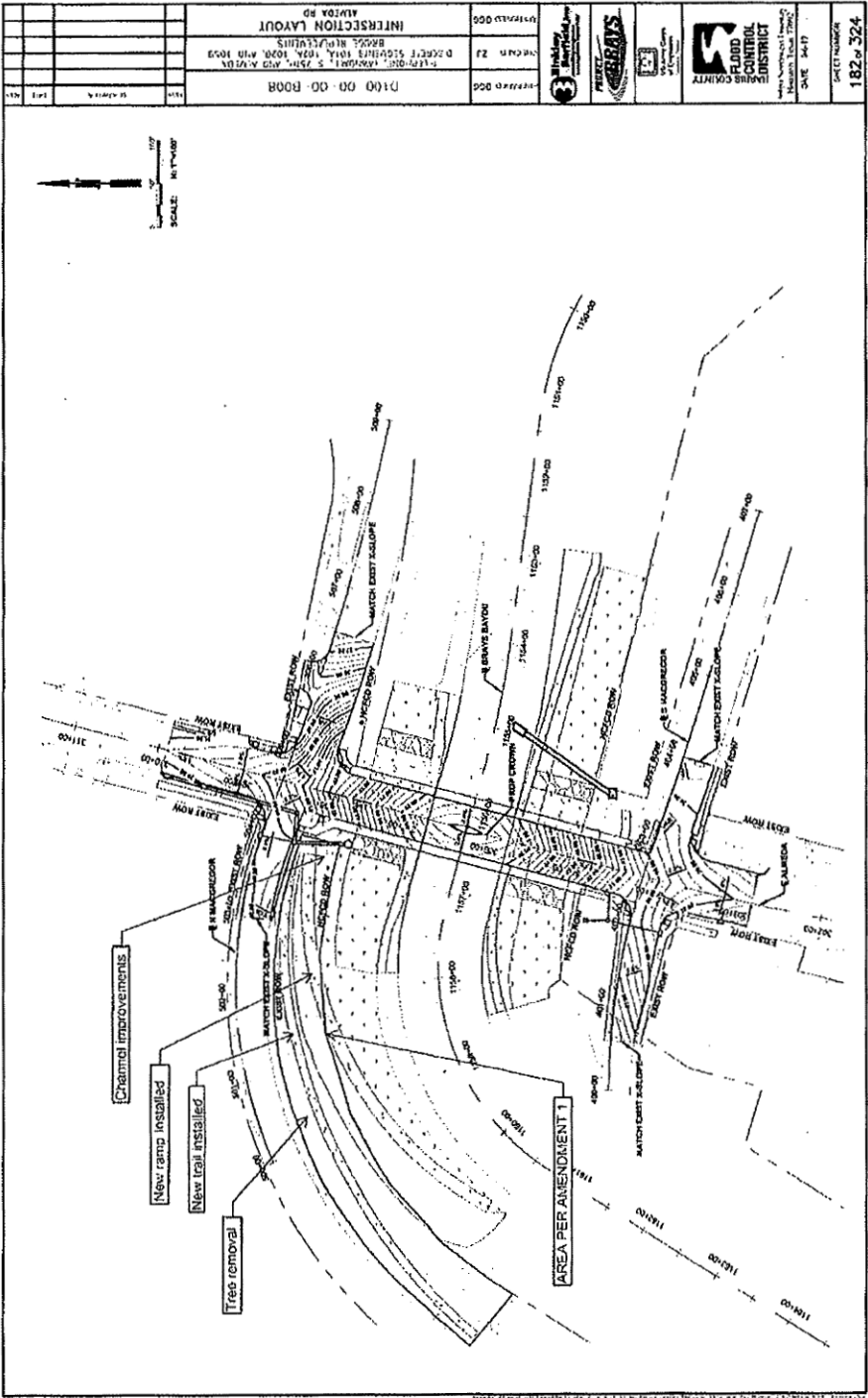
5-5-21

APPROVED AS TO FORM:

DocuSigned by:

By AF724409DE644E8...
Senior Assistant City Attorney
L.D. No. 0491400059001

Exhibit E



THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on _____, with the following members present, to-wit:

Lina Hidalgo	County Judge
Rodney Ellis	Commissioner, Precinct No. 1
Adrian Garcia	Commissioner, Precinct No. 2
Tom S. Ramsey, P.E.	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to-wit: _____, constituting a quorum, when among other business, the following was transacted:

**ORDER AUTHORIZING EXECUTION OF A
 FIRST AMENDMENT TO CITY OF HOUSTON
 HERMANN PARK RIGHT OF ENTRY AGREEMENT
 FOR CONSTRUCTION AND MAINTENANCE**

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

		Yes	No	Abstain
AYES:	Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAYS:	Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABSTENTIONS:	Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. Tom S. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. R. Jack Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

WHEREAS, the District and the City previously entered into the Agreement, countersigned by the City Controller on April 13, 2009, and executed by the District on February 24 2009, hereinafter referred to as the "Original Agreement," to construct channel improvements on Brays Bayou, HCFCD Project ID D100-00-00-E006, hereinafter called the "Project"; and

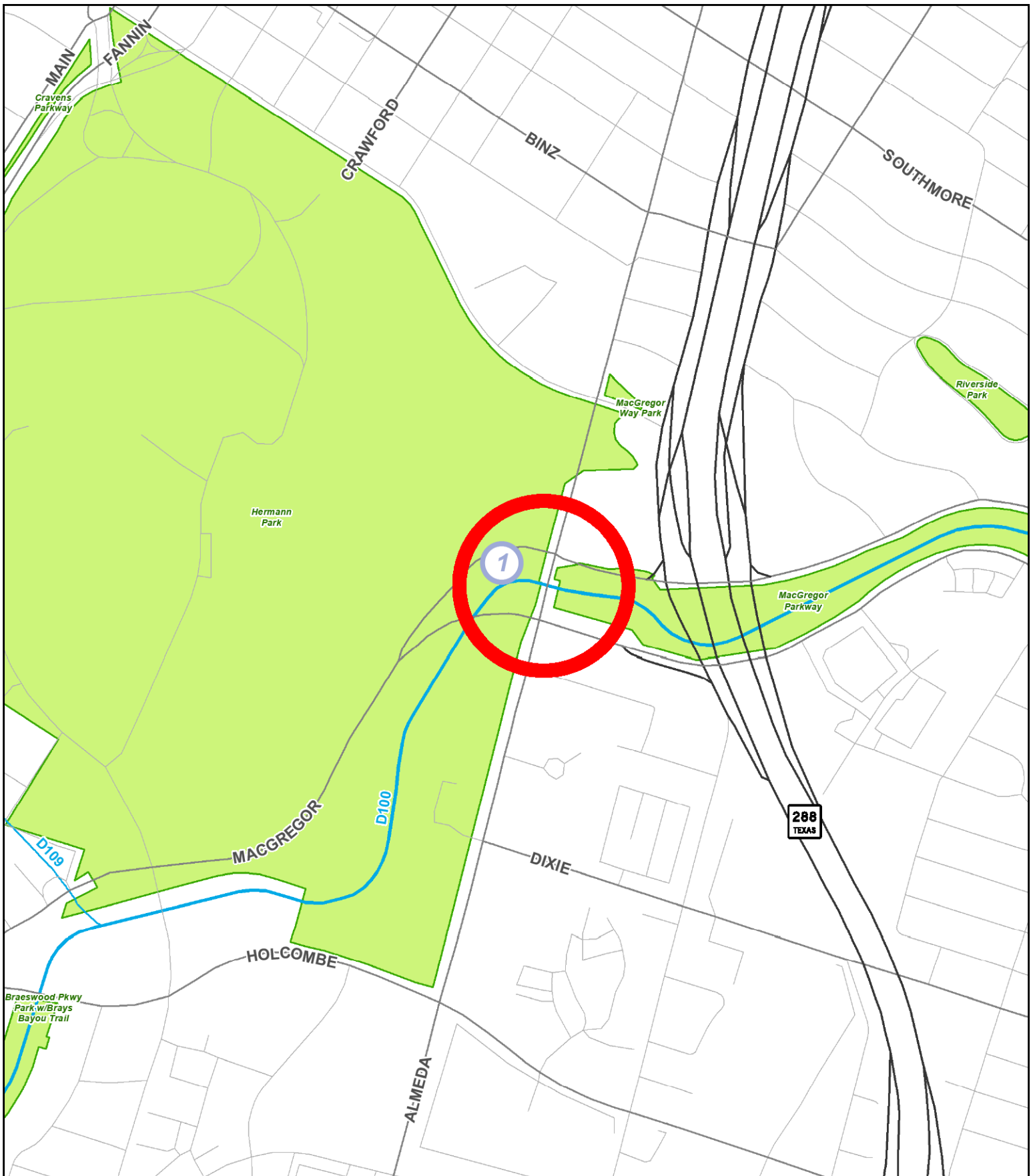
WHEREAS, the City owns or has easement rights in real property in Harris County, Texas, and is willing to allow the District to use the portion of the Premises owned in fee by the City for development and maintenance; and

WHEREAS, the District desires to amend the Original Agreement to extend the active construction date.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

Section 1: The recitals set forth in this order are true and correct.

Section 2: County Judge Lina Hidalgo is hereby authorized to execute for and on behalf of the Harris County Flood Control District, a Right of Entry Agreement Amendment for Construction and Maintenance by and between the City of Houston and the Harris County Flood Control District, the said Agreement being incorporated herein by reference for all purposes as though fully set forth verbatim herein.



Project ID: D100-00-00-B047
Watershed: Brays Bayou
Precinct: 1

Pct No

- 1
- 2
- 3
- 4

