

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

C70054
2005-1055

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 August 10, 2006, and executed by the District on July 11, 2006, hereinafter referred to as the "Original Agreement," to construct channel improvements on Brays Bayou, HCFCD Project ID D100-00-00-E002, 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 and update lands.

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

1. In the section entitled "Construction of the Project":

Paragraph 8 of the Original Agreement is hereby amended to read as follows:

8. 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.

Paragraph 9 will be added to the section, and will read as follows:

9. The District will take reasonable precautions to protect trees and vegetation during construction of the Project. Such protective measures will include 6-foot high chain-link tree protection fencing out to the dripline of the standalone pine tree, installed before beginning laydown or construction activities and remaining until all work within the area is complete; a 12-foot buffer space kept between construction work and all existing vegetation to the east of the laydown yard; 6-foot high chain-link tree protection fencing to serve as a protection wall,

installed before commencement of construction and remaining until all work within the area is complete; a 6-inch minimum layer of mulch within the laydown yard to protect the area from compaction and chemical spills (if applicable). After the Project is completed, the District will remove any mulch that is contaminated by fuel or chemicals (if applicable) and till remaining mulch into the soil to a 12-inch depth.

2. Exhibit "F" shall be added to the Original Agreement to show a summary of existing lands and additional lands as noted on Project D100-00-00-B047, all of such lands comprising the Land subject to 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. MENEFE
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 Gene Park

APPROVED:

DocuSigned by:

By 0590CC946690471
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 "F"

PROJECT ID# D-100-00-00-B047	PREPARED: CAR	APPROVED: DIZ	
BRAYB BAYOU FEDERAL FLOOD CONTROL PROJECT 8 17TH STREET BRIDGE LAYDOWN AREA EXHIBIT F	CHECKED: DIZ		9900 Northwest Freeway Houston, Texas 77062 DATE:
DATE	SHEET NUMBER	1 OF 1	

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
 MASON 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 August 10, 2006, and executed by the District on July 11, 2006, hereinafter referred to as the "Original Agreement," to construct channel improvements on Brays Bayou, HCFCD Project ID D100-00-00-E002, hereinafter called the "Project"; and

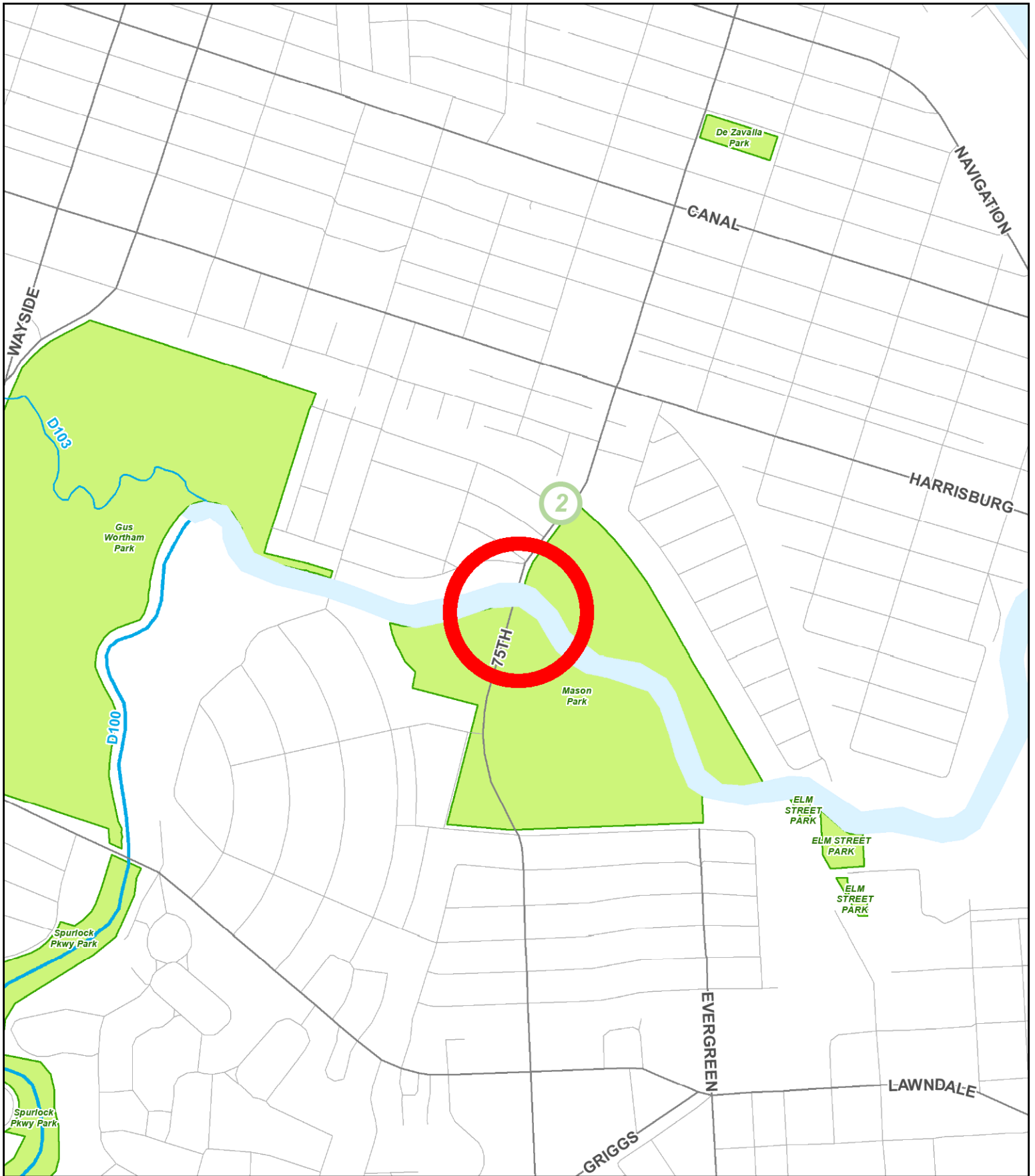
WHEREAS, the City owns or has easement rights in real property in Harris County, Texas, and is willing to allow the District to use the portion of the Premises owned in fee by the City for development and maintenance; and

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

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: 2

Pct No

- 1
- 2
- 3
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