

Harris County Clerk

AGREEMENT NO. 2020-141

C-61290
2005-1055

**FIRST AMENDMENT TO CITY OF HOUSTON
GUS WORTHAM PARK AND GOLF COURSE
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 December 29, 2005, and executed by the District on November 22, 2005, 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. Section titled "Construction of the Project" Paragraph 9 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 comprising Land noted on Project D100-00-00-B008 and Parcel No: BY15-117, DWG NO: 11244R 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. MENEFFEE
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:

050DCC046840D47A...

Interim Director, Parks and Recreation Department

DATE COUNTERSIGNED:

5-5-21

APPROVED AS TO FORM:

DocuSigned by:

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

Exhibit E

AGREEMENT NO. 2020-141

CHECKED *[Signature]*
 DATE 9/17/18
 APPROVED *[Signature]*

OCTOBER 30, 2014
 PARCEL
 PAGE 1 OF 1

EXHIBIT A

FIELD NOTES FOR 1.6064 ACRES (69,976 SQUARE FEET) OF LAND BEING ALL OF CERTAIN TRACTS OF LAND CONVEYED TO MEMORIAL ARTS, INC., AS RECORDED IN VOLUME 1213, PAGE 619 AND VOLUME 1277, PAGE 577 OF THE HARRIS COUNTY DEED RECORDS (H.C.D.R.), SAVE AND EXCEPT A CERTAIN TRACT OF LAND CONVEYED TO HARRIS COUNTY FLOOD CONTROL DISTRICT, AS RECORDED IN FILE NOS. 20070591029 AND Y593795 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (O.P.R.P.H.C., TX.), LOCATED IN LOT 6, THE EAST HALF OF THE LUKE MOORE SURVEY, ABSTRACT NO. 51, HARRIS COUNTY, TEXAS: (Bearing orientation is based on the Texas Coordinate System, South Central Zone No. 4202, NAD 83. Grid values may be converted to surface values by applying a combined scale factor of 0.99988923.)

BEGINNING at a 3/4-inch iron pipe (Y=13,828,548.85, X=3,140,584.11) found in the east right-of-way line of North Macgregor Way [80.0 feet wide per Volume 9, Page 8, Harris County Map Records (H.C.M.R.)] for the northwest corner of a certain tract of land conveyed to Huntly D. Millar, as recorded in Volume 5894, Page 173, H.C.D.R. and the southwest corner of the herein described parcel;

THENCE North 18° 13' 26" East, along the east right-of-way line of said North Macgregor Way, a distance of 320.31 feet (called 318.90 feet) to a 3/8-inch iron rod with cap "Landtech" set at the southeast corner of the intersection of the east right-of-way line of said North Macgregor Way and the south right-of-way line of Lawndale Avenue (width varies per Volume 646, Page 227, H.C.D.R.) for the northwest corner of the herein described parcel;

THENCE South 64° 26' 39" East, along the south right-of-way line of said Lawndale Avenue, a distance of 209.56 feet to a nail set for the northwest corner of said Harris County Flood Control District tract and the northeast corner of the herein described parcel;

THENCE South 09° 36' 21" West, along the west line of said Harris County Flood Control District tract, a distance of 192.53 feet to a 3/8-inch iron rod with cap "Landtech" set for a corner of the herein described parcel;

THENCE South 13° 21' 25" West, continuing along the west line of said Harris County Flood Control District tract, a distance of 103.59 feet to a 3/8-inch iron rod with cap "Landtech" set in the north line of said Huntly D. Millar tract for the southwest corner of said Harris County Flood Control District tract and the southeast corner of the herein described parcel;

THENCE North 71° 46' 34" West, along the north line of said Huntly D. Millar tract, a distance of 245.49 feet to the **POINT OF BEGINNING** and containing 1.6064 acres of land.

Updated July 22, 2018

[Signature]
 Paul P. Kwan
 Texas Registered Professional Land Surveyor No. 4313
 This metes and bounds description is accompanied by a separate plat.
 Landtech Consultants, Inc. - 2525 North Loop West, Suite 300, Houston, TX 77008
 Phone: 713-861-7068
 TBPLS Firm No. 10019100
 S:\2014\1420188\DCRP\1420188 LAWDALE.DOC
 Project 1420188.00 - Drawing No. 2148-C-1607
 HPB BR 04-001

PARCEL NO BY15-117
 PROJ NO _____
 DWG NO 11294R

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
 GUS WORTHAM PARK AND GOLF COURSE 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 December 29, 2005, and executed by the District on November 22, 2005, 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

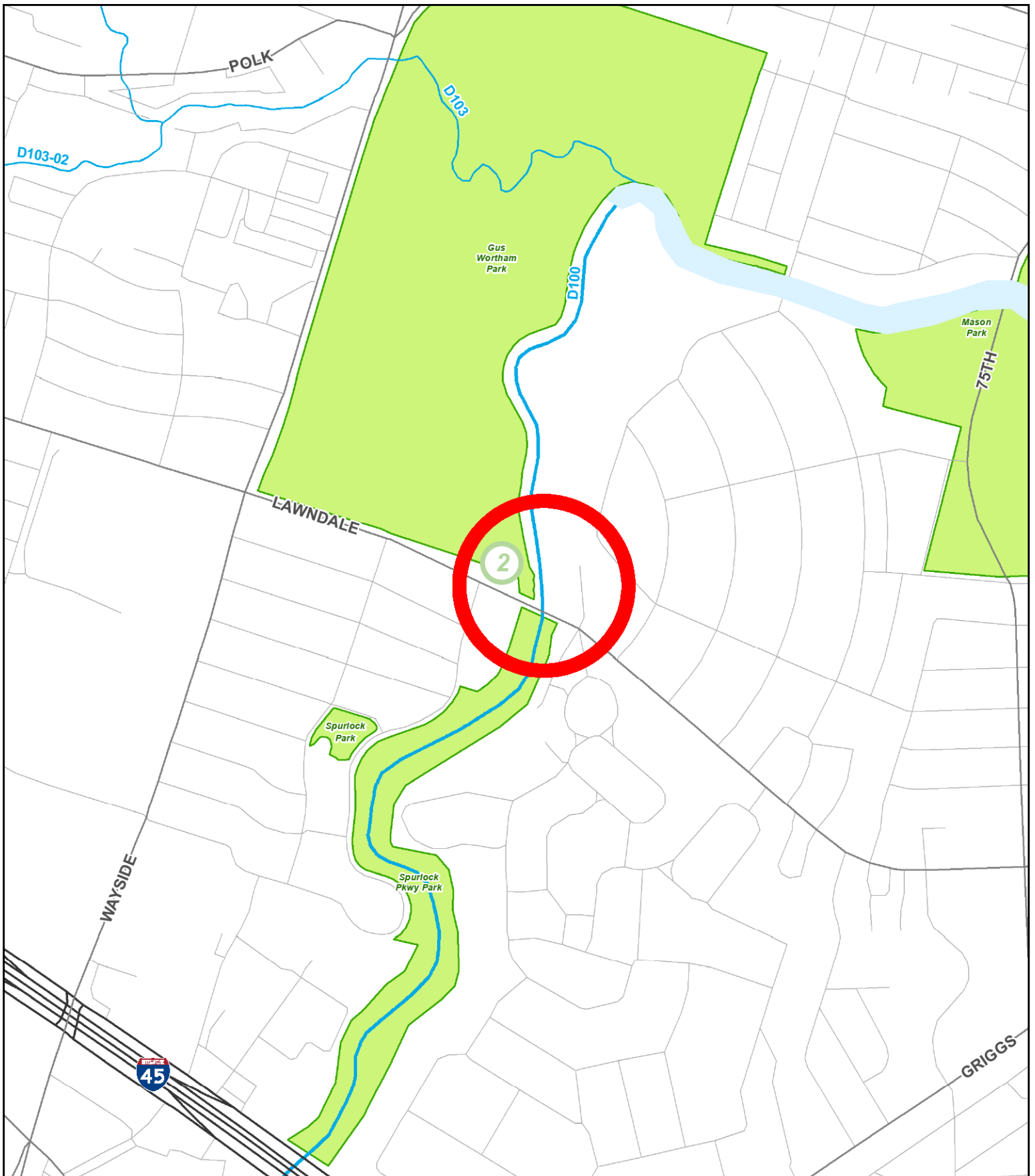
WHEREAS, the City owns or has easement rights in real property in Harris County, Texas, and is willing to allow the District to use the portion of the Premises owned in fee by the City for development and maintenance; and

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
- 4

