



MEMORANDUM

TEXAS GENERAL LAND OFFICE • GEORGE P. BUSH • COMMISSIONER

Date: April 6, 2021
To: Commissioner George P. Bush
From: Steve E. Rodriguez
Through: ^{DS} Russell May, ^{DS} Brian S. Carter, ^{DS} Mark Havens ^{DS} *RM* ^{DS} *bl* ^{DS} *ML*
Subject: Surface Lease No. SL20170030 (Amendment)

Attached is Surface Lease No. SL20170030 for your approval and signature on the pages indicated.

This contract is issued under Chapter 51 of the Texas Natural Resources Code that authorizes the Commissioner of the General Land Office to issue grants of interest for use of the surface estate of unsold Permanent School Fund Lands under management authority of the General Land Office. Chapter 51 leases and easements do not require approval of the School Land Board.

Authorization will be consistent with past action by the agency on similar structures.

This proposed use of state land has been reviewed by technical, supervisory and legal staff who routinely process easement and permit applications, and has been determined to be consistent with existing GLO rules and policies.

Document Number	-	SL20170030
Lessee Name	-	Jefferson County
County	-	Jefferson, Chambers, Galveston
Location	-	State Tracts 96-S, 94-S, 95-S, 101-S, 48-S, 49-S, 50-S, 51-S, 62-S, 63-S, 65-S, 66-S, 98-S, 99-S, 100-S, 102-S, 80-S, 81-S, 82-S, 64-S, 14-S, 15-S, 115-S, 84-S, 83-S, 85-S, Gulf Of Mexico
Purpose	-	Borrow Site, Spoil Disposal, Beach Nourishment, Dune Reconstruction
Encumbrance	-	Approximately 3,656 acres (159,271,200sf)
Consideration	-	\$0.00 (public-benefit)
Term	-	Twenty (20) years April 1, 2017 – March 31, 2037
Effective Date	-	April 1, 2021
Summary	-	This lease is for a public dune reconstruction and beach nourishment project along the shoreline adjacent to McFaddin National Wildlife Refuge.



TEXAS GENERAL LAND OFFICE

AMENDMENT TO SURFACE LEASE NO. SL20170030

STATE OF TEXAS §
 §
COUNTIES OF JEFFERSON, §
CHAMBERS, & GALVESTON §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by Surface Lease No. SL20170030, effective April 1, 2017, (the “Lease”), the State of Texas, (“Lessor”), acting by and through the Commissioner of the General Land Office, on behalf of the Permanent School Fund, authorized Jefferson County, (“Lessee”), to use certain real property located in Chambers, Galveston and Jefferson County, Texas (the “Premises”), which property is more particularly described on Exhibits A-1, A-2, B-1, B-2, B-3, C-1, C-2, and C-3, attached to the Lease; and

WHEREAS, Lessor and Lessee desire to amend the Lease to include beach nourishment terms in the Lease;

NOW, THEREFORE, in consideration of the Lessee's continued use of the Leased Premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 2.01 of Article II of the Lease is amended to read as follows:

2.01. The Leased Premises is described below and further described or depicted on Exhibits A-1, A-2, B-1, B-2, B-3, C-1, C-2, and C-3, attached hereto and collectively incorporated by reference for all purposes:

- Portions of State Tracts 14-S, 15-S, 48-S, 49-S, 50-S, 51-S, 62-S, 63-S, 64-S, 65-S, 66-S, 80-S, 81-S, 82-S, 83-S, 84-S, 85-S, 94-S, 95-S, 96-S, 98-S, 99-S, 100-S, 102-S, Jefferson County, Gulf of Mexico, TX; State Tract 101-S, Chambers County, Gulf of Mexico, TX; State Tract 115-S, Galveston County, Gulf of Mexico, TX

Section 3.01 of Article III of the Lease is amended to read as follows:

3.01 This coastal Surface lease No. SL201700030 is for a term of twenty (20) years, commencing on April 1, 2021 and terminating on March 31, 2041 unless earlier terminated as provided herein. The state reserve the right to review, amend, cancel of otherwise modify this agreement at any time during its term upon 30 days written notice of Lessee as prescribed herein. Renewal of this agreement is at the sole discretion of the State, and no right to renew is implied or provided for herein.

Section 5.01 of Article V of the Lease is amended to read as follows:

5.01. The Leased Premises may be used by Lessee solely for a 70-acre (33,541,200 square feet) borrow area and a 1,650-acre (71,874,000 square feet) beach placement area, to operate, clean, and maintain a public beach and for no other purpose. A right of access is provided to State Tract 115 solely for surveying for purposes of beach nourishment. The Leased Premises are to remain in their

current topographical and hydrologic condition during the term of the Lease. Lessee is specifically prohibited from modifying the premises in any manner not authorized herein, and from using, or allowing the use by others, of the Leased Premises for any other purpose.

Section 5.08 of Article V of the Lease is amended to add the following special conditions:

7. Lessee shall ensure that a coastal boundary survey is conducted in accordance with Texas Natural Resources Code, Section 33.136 and shall, in consultation with the GLO, perform beach and nearshore surveys (profiles) prior to commencement of any nourishment.
8. Lessee shall provide photographic documentation, or provide similar evidence, showing the pre-construction, construction and post-construction phases of any nourishment project on the Leased Premises to the La Porte Field Office of the General Land Office within 3 weeks of initiation of construction.
9. Lessee shall avoid disturbance to nesting shorebirds and sea turtles during the period of March 15th to September 30th.
10. The nourishment of the beach and cleaning and maintaining the beach shall be performed in a manner consistent with the Open Beaches Act, the Dune Protection Act, and the GLO rules on the management of the beach and dune system. Members of the public may not be excluded from state owned land, which is leased for public purposes, nor may the right of the public to enter or leave the beach area be impaired; whether by bollards or other impediment to access to or across the public beach, unless GLO has agreed prior to any such restrictions in writing. Lessee may, however, prohibit littering and otherwise provide for the safe and orderly use of the leased premises in a manner consistent with the purposes of the lease and applicable law.
11. Lessee shall perform annual beach monitoring for the first five years after completion of the first nourishment project and provide annual reports to General Land Office, LaPorte Field Office. If additional beach nourishment is performed in the future, additional monitoring will be required after the completion of that nourishment project for an additional 3 years.

Exhibit A, B, C-1, and C-2 shall be deleted in their entirety and replaced with Exhibit A-1, A-2, B-1, B-2, B-3, C-1, C-2, and C-3, attached hereto.

EXCEPT as set forth herein, all of the terms and provision of the Lease shall remain in full force and effect.

In the event of a conflict between any provision of the Lease, as amended, and any administrative rule promulgated by the General Land Office and/or the School Land Board, the Lease shall control.

Lessee shall, at its sole cost and expense, record this amendment in the Jefferson County Real Property Records and provide a file marked copy to the Lessor within 60 days after the recorded original of this amendment is returned by the county clerk responsible for such records.

EXECUTED in multiple counterparts, each of which shall have the effect of an original.

THIS AMENDMENT FOR SURFACE LEASE NO. SL20170030 IS EFFECTIVE THE 1ST DAY OF APRIL 2021

THE UNDERSIGNED, as Lessor in the above-described Lease (SL20170030) subject to the conditions stated herein, does hereby consent to the amendment of the said instrument as specified above.

LESSOR:

THE STATE OF TEXAS

DocuSigned by:

By: _____

GEORGE P. BUSH 840877346994453...

Commissioner, General Land Office
Chairman, School Land Board

Date: 5/3/2021

APPROVED:

Contents: _____

Legal: _____

Deputy: _____

Executive: _____

LESSEE:

Jefferson County

[Signature]
(Lessee Signature)

JEFF R. GRANICK

(Printed Name)

COUNTY JUDGE

(Title)

Date: 4/27/21

ACKNOWLEDGMENT (Lessee's Signature)

STATE OF TEXAS §

COUNTY OF JEFFERSON §

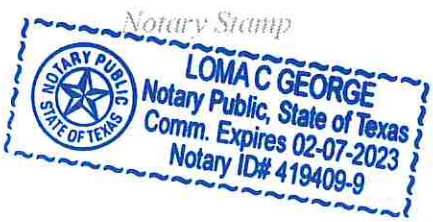
This instrument was acknowledged before me on the 27th day of APRIL, 2021,

by JEFF R. GRANICK, County Judge
(Lessee representative signing this document)

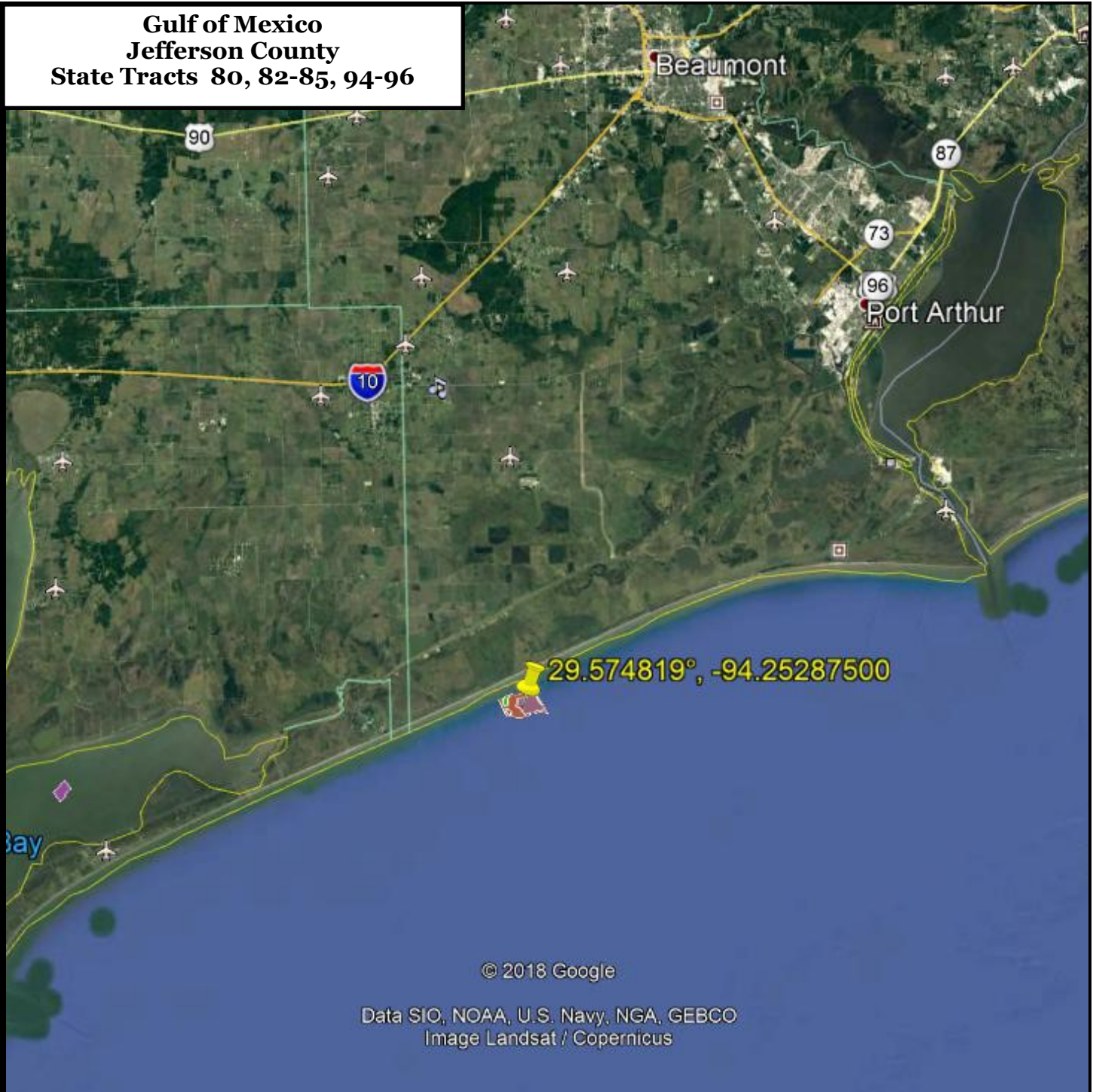
[Signature]
(Notary Signature)

Notary Public, State of TEXAS

My commission expires: 02-07-2023



**Gulf of Mexico
Jefferson County
State Tracts 80, 82-85, 94-96**



Jefferson County

SL20170030



The Texas General Land Office makes no representations or warranties regarding the accuracy or completeness of the information depicted on this map or the data from which it is produced. This map IS NOT suitable for navigational purposes and does not purport to depict or establish boundaries between private and public land.

Scale: NTS

Date of Review:

9/20/2019

Exhibit A-1

**GULF OF MEXICO
GALVESTON COUNTY
STATE TRACT 115
CHAMBERS COUNTY
STATE TRACT 101
JEFFERSON COUNTY
STATE TRACTS 14, 15, 48-51,
62-66, 80-82, 98-102, 115**

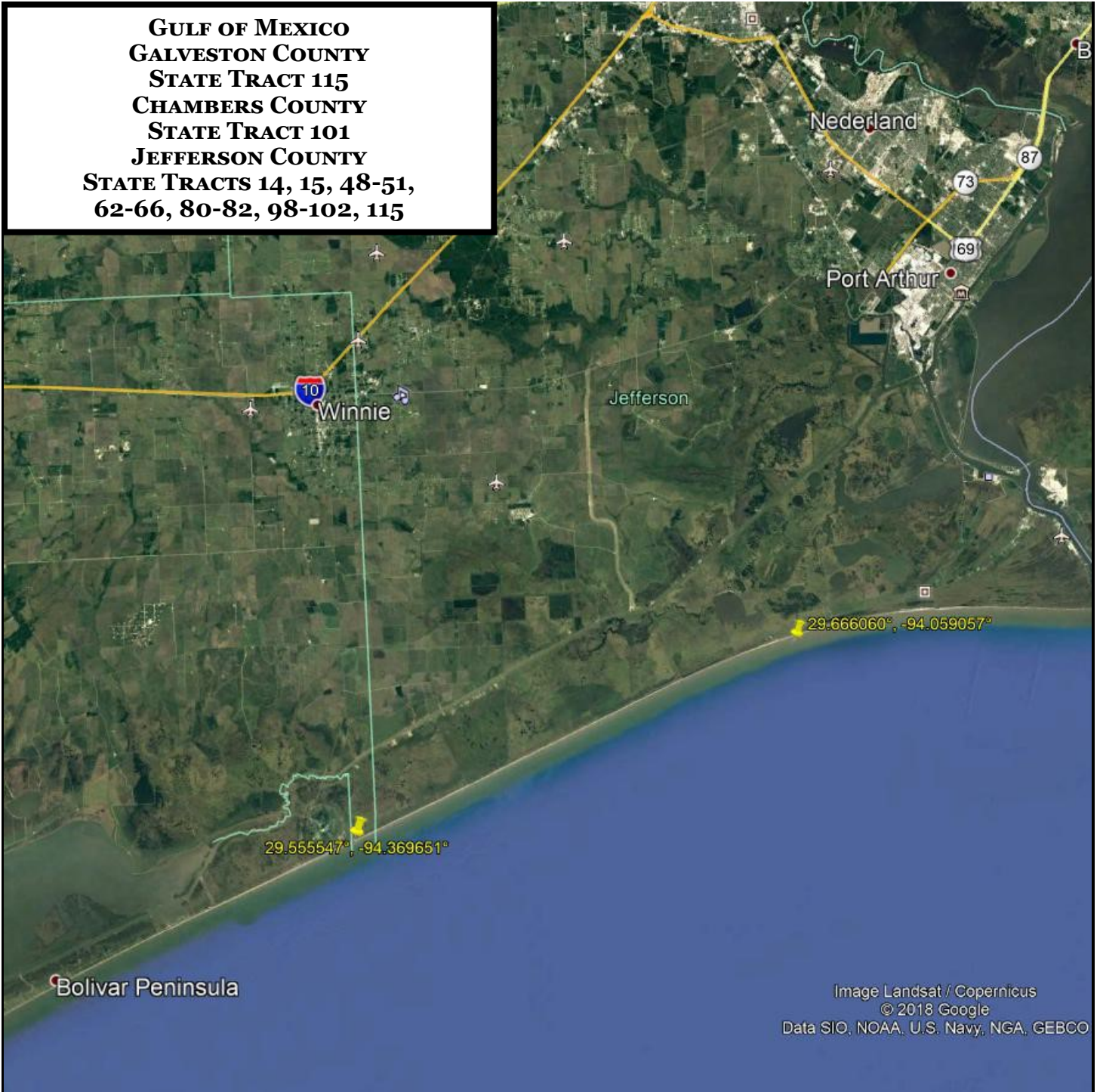


Image Landsat / Copernicus
© 2018 Google
Data SIO, NOAA, U.S. Navy, NGA, GEBCO



Jefferson County

SL20170030



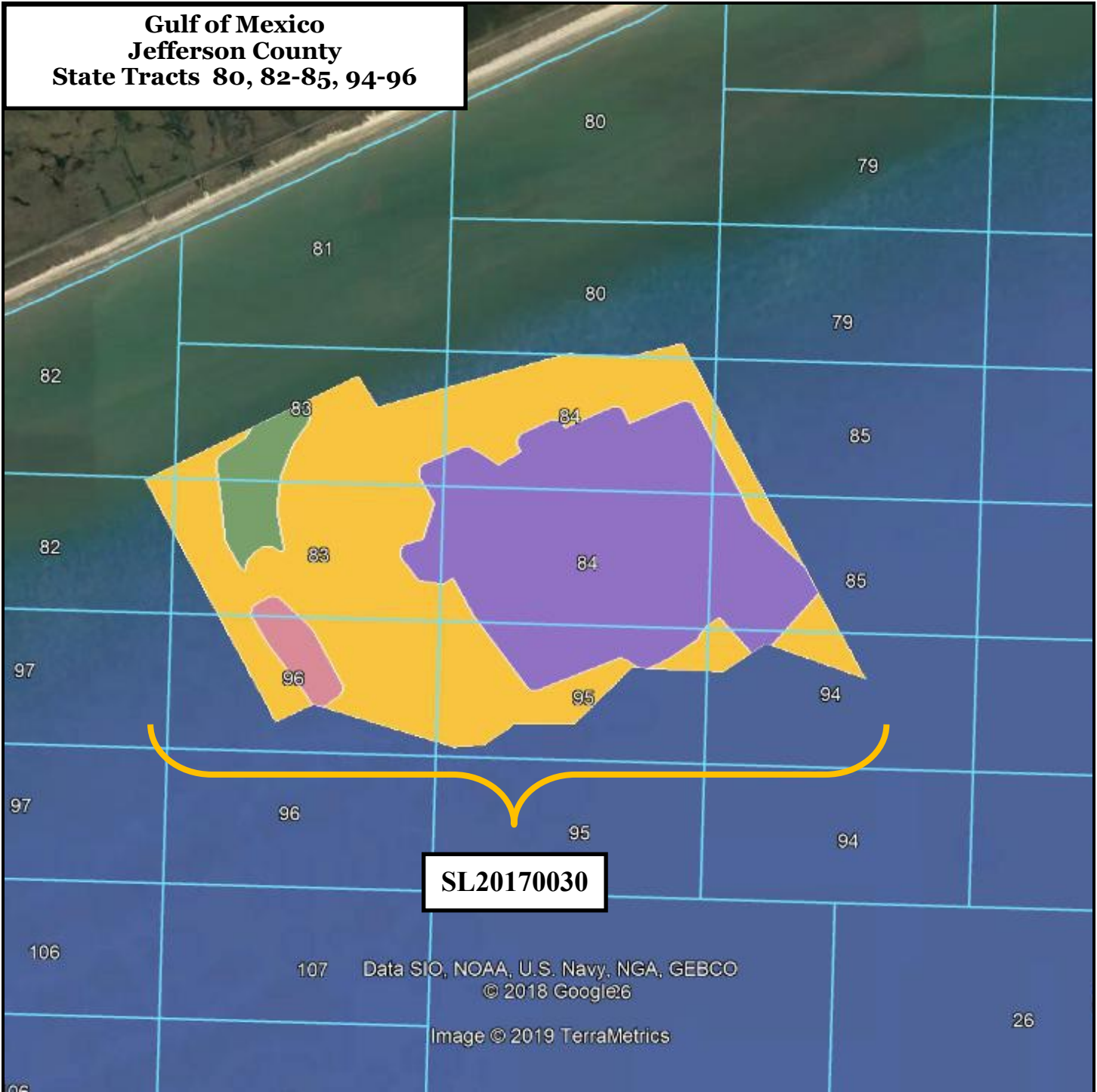
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Scale: NTS

Date of Inspection: 3/05/2020

Exhibit A-2

**Gulf of Mexico
Jefferson County
State Tracts 80, 82-85, 94-96**



Jefferson County

SL20170030



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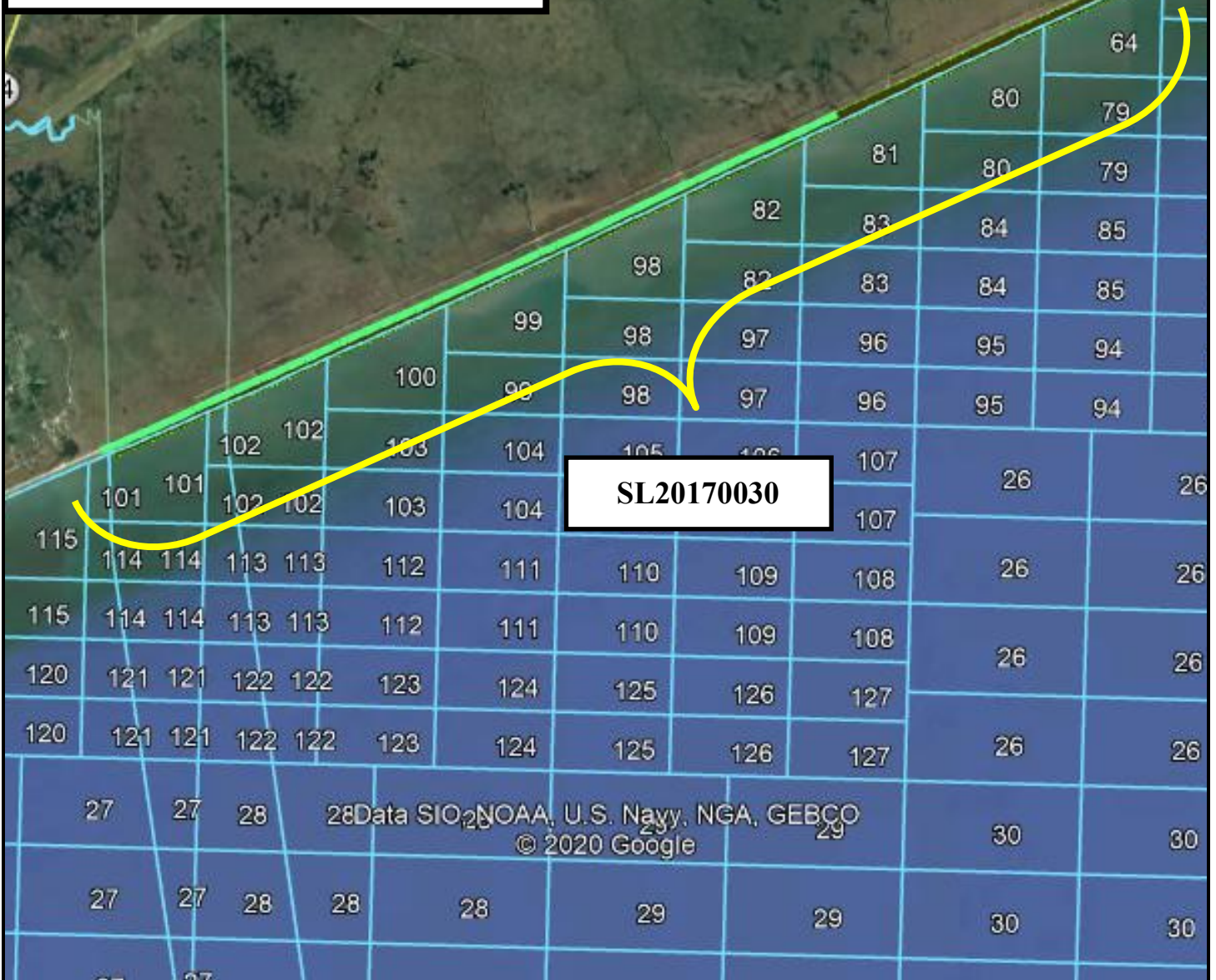
Scale: NTS

Date of Review

9/20/2019

Exhibit B-1

**GULF OF MEXICO
GALVESTON COUNTY
STATE TRACT 115
CHAMBERS COUNTY
STATE TRACT 101
JEFFERSON COUNTY
STATE TRACTS 64, 80-83, 98-102, 115**



Jefferson County

SL20170030



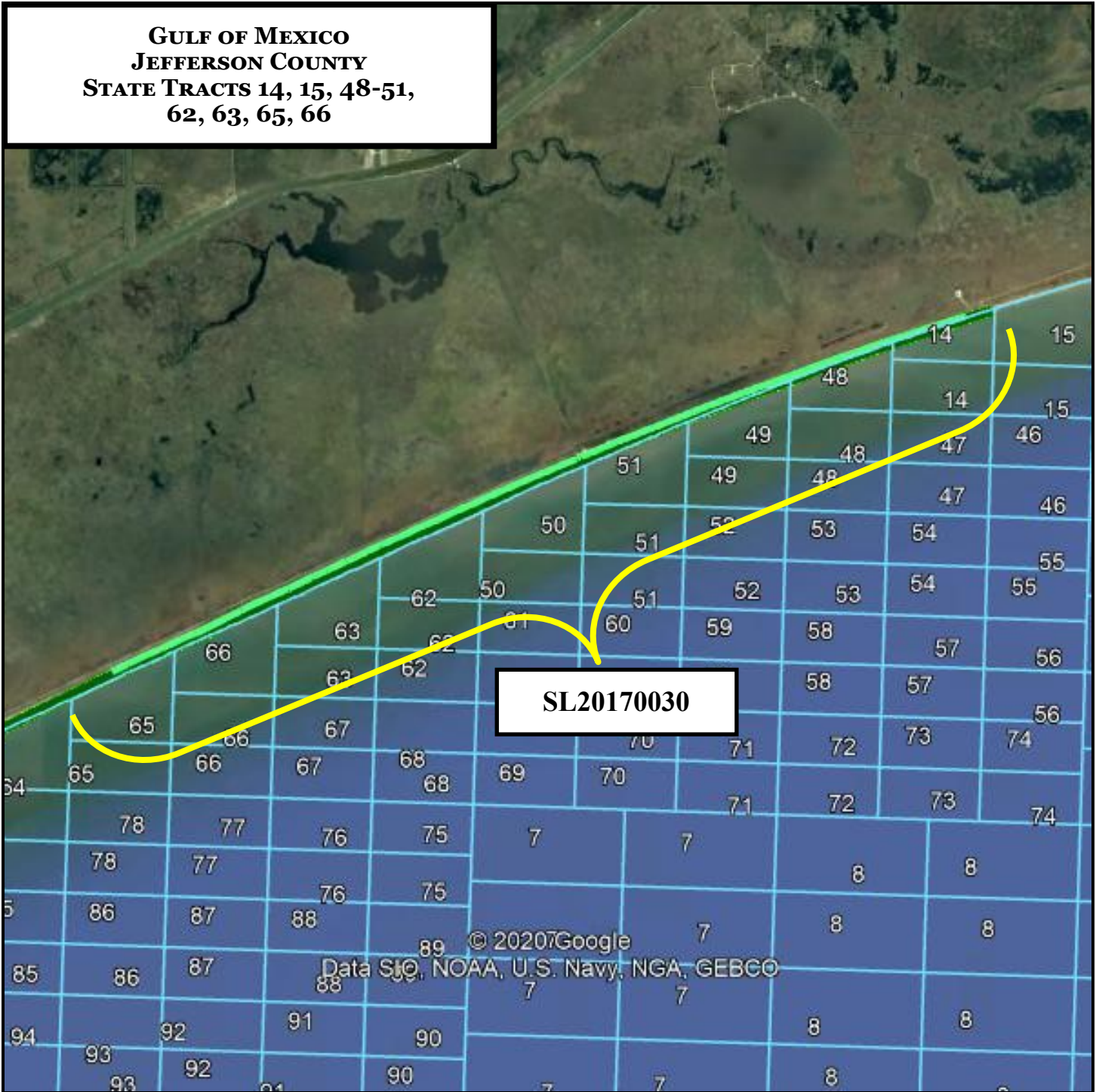
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Scale: NTS

Date of Inspection: 3/05/2020

Exhibit B-2

**GULF OF MEXICO
JEFFERSON COUNTY
STATE TRACTS 14, 15, 48-51,
62, 63, 65, 66**



Jefferson County

SL20170030

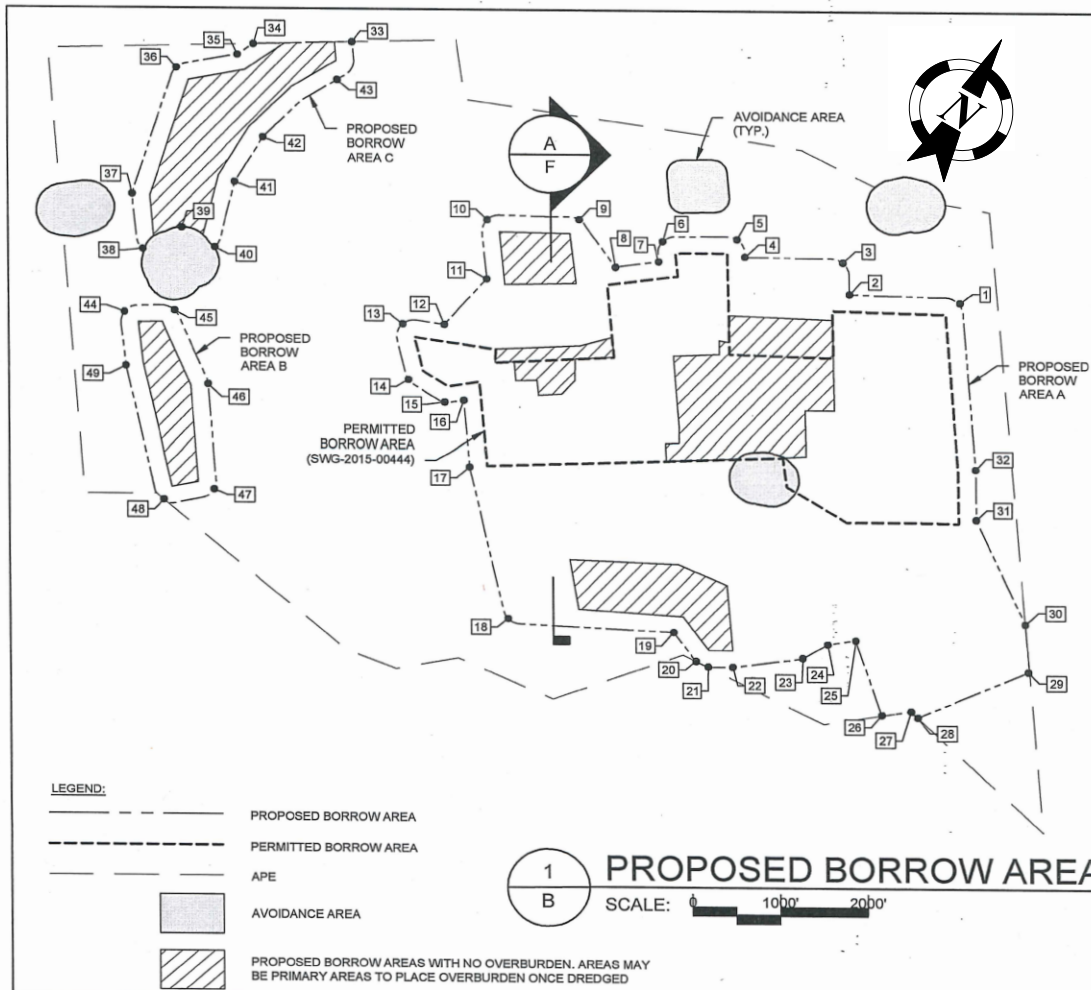


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Scale: NTS

Date of Inspection: 3/05/2020

Exhibit B-3



PROPOSED BORROW AREA			PROPOSED BORROW AREA		
POINT NO.	LATITUDE	LONGITUDE	POINT NO.	LATITUDE	LONGITUDE
1	N029.58360908	W094.24084177	26	N029.57004758	W094.23721006
2	N029.58245793	W094.24460202	27	N029.57053072	W094.23630171
3	N029.58334416	W094.24529299	28	N029.57043170	W094.23599197
4	N029.58227224	W094.24859157	29	N029.57321371	W094.23303278
5	N029.58271111	W094.24911493	30	N029.57463618	W094.23386172
6	N029.58170331	W094.25151833	31	N029.57722361	W094.23705695
7	N029.58102651	W094.25134476	32	N029.57874127	W094.23783792
8	N029.58031047	W094.25267814	33	N029.58381631	W094.25472682
9	N029.58131092	W094.25458819	34	N029.58249437	W094.25793742
10	N029.58012992	W094.25760409	35	N029.58196932	W094.25829868
11	N029.57830200	W094.25672421	36	N029.58078933	W094.27010199
12	N029.57636288	W094.25742809	37	N029.57637752	W094.26963739
13	N029.57585188	W094.25879874	38	N029.57482912	W094.26845989
14	N029.57420601	W094.25776880	39	N029.57599163	W094.26750910
15	N029.57396818	W094.25622817	40	N029.57580003	W094.26612548
16	N029.57426790	W094.25562820	41	N029.57805322	W094.26646119
17	N029.57236132	W094.25445639	42	N029.57977763	W094.26620585
18	N029.56821310	W094.25090216	43	N029.58247851	W094.26464385
19	N029.56990412	W094.24526744	44	N029.57266280	W094.26810377
20	N029.56930143	W094.24409732	45	N029.57334862	W094.26648719
21	N029.56928672	W094.24361782	46	N029.57150562	W094.26427296
22	N029.56959205	W094.24280725	47	N029.56840702	W094.26250175
23	N029.57075329	W094.24064593	48	N029.56745932	W094.26399161
24	N029.57149217	W094.24002608	49	N029.57102719	W094.26724251
25	N029.57198955	W094.23917405			

Gulf of Mexico
 Jefferson County
 State Tracts 80, 82-85, 94-96



PROJECT NAME: McFADDIN BEACH RIDGE RESTORATION & NOURISHMENT

APPLICANT: JEFFERSON COUNTY
 1149 PEAL STREET, BEAUMONT, TX. 77701

DATE: 04-04-2019

PRELIMINARY

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF PERMITTING UNDER THE AUTHORITY OF PHILIP J. BLACKMAR, P.E. TX. 126679 ON 04-04-2019. IT IS NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES.

HDR PROJECT NO: 10100488

DATUM: MLLW

REV. DATE:

EXHIBIT: C

TITLE: SL20170030 Jefferson County

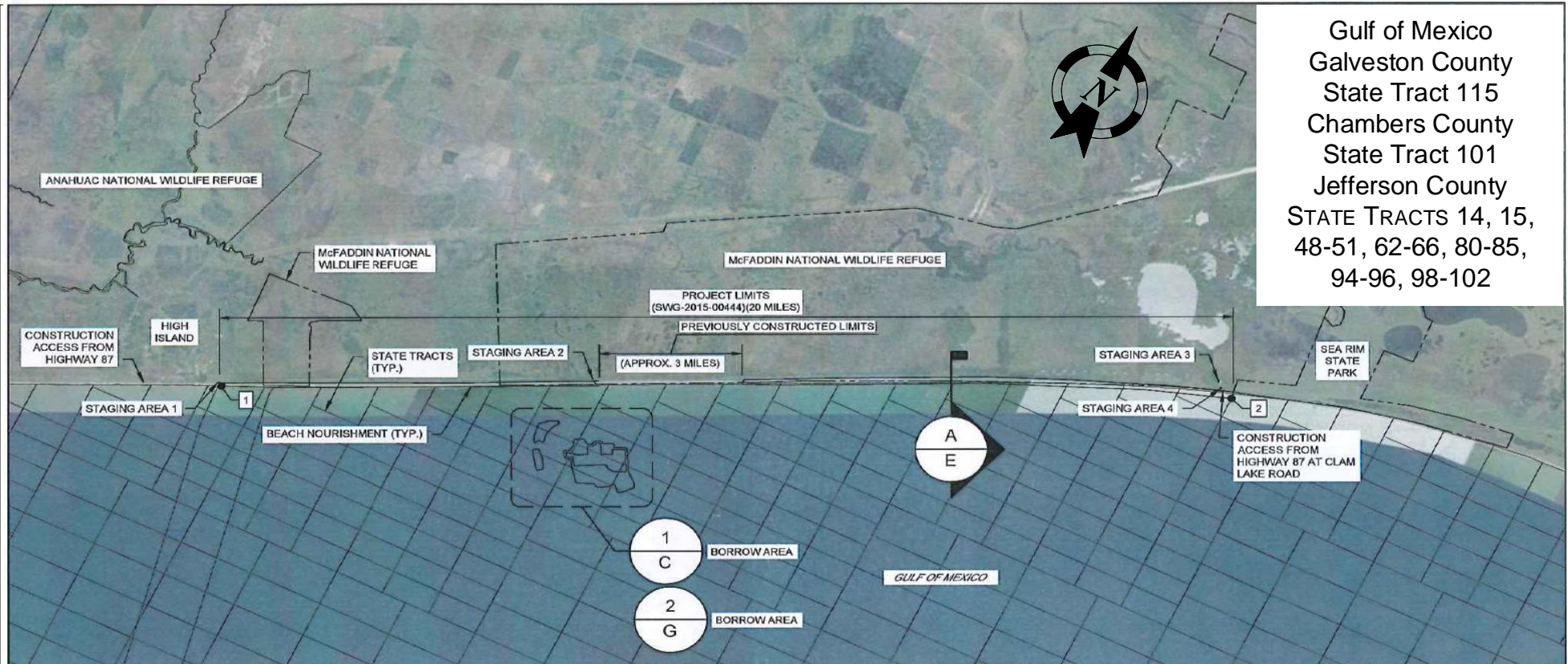
DATE OF REVIEW: 9/20/2019

COMPANY: Texas General Land Office

PREPARED BY: CJensen

DRAWING SCALE: Not to Scale

EXHIBIT C-1



Gulf of Mexico
Galveston County
State Tract 115
Chambers County
State Tract 101
Jefferson County
STATE TRACTS 14, 15,
48-51, 62-66, 80-85,
94-96, 98-102

1
A **PROJECT SITE MAP**
SCALE: 0 1.5 MI. 3 MI.

APPROXIMATE PROJECT LIMITS		
POINT NO.	LATITUDE	LONGITUDE
1	N029.55554746	W094.36965075
2	N029.66606029	W094.06905734

NOTE:
1. AERIAL PHOTOGRAPH WAS OBTAINED FROM DIGITALGLOBE SERVICES VIA ESRI'S ARCGIS ONLINE DATED FEBRUARY 2017.

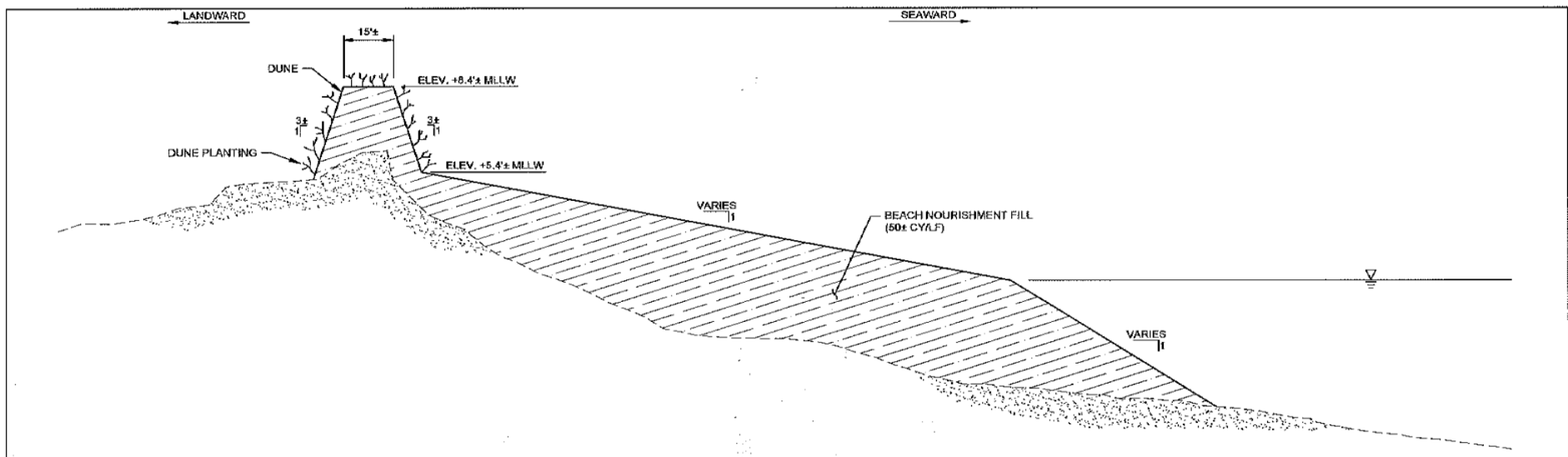


PROJECT NAME: McFADDIN BEACH RIDGE RESTORATION & NOURISHMENT
 APPLICANT: JEFFERSON COUNTY
 1149 PEAL STREET, BEAUMONT, TX. 77701
 DATE: 04-04-2019

PRELIMINARY
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HDR PROJECT NO: 10100488
 DATUM: MLLW
 REV. DATE:
 EXHIBIT: B

TITLE: SL20170030 Jefferson County	DATE OF INSPECTION: 3/05/2020
COMPANY: Texas General Land Office	PREPARED BY: CJensen
DRAWING SCALE: Not To Scale	EXHIBIT C-2



A TYPICAL SECTION - BEACH NOURISHMENT
B N.T.S.

Gulf of Mexico
 Galveston County
 State Tract 115
 Chambers County
 State Tract 101
 Jefferson County
 STATE TRACTS 14, 15,
 48-51, 62-66, 80-82, 98-102



PROJECT NAME: McFADDIN BEACH RIDGE RESTORATION & NOURISHMENT
 APPLICANT: JEFFERSON COUNTY
 1149 PEAL STREET, BEAUMONT, TX. 77701
 DATE: 04-04-2019

HDR PROJECT NO: 10100488
 DATUM: MLLW
 REV. DATE:
 EXHIBIT: E

PRELIMINARY
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TITLE: SL20170030 Jefferson County	DATE OF INSPECTION: 3/05/2020
COMPANY: Texas General Land Office	PREPARED BY: CJensen
DRAWING SCALE: Not To Scale	EXHIBIT C-3