

MEMORANDUM OF UNDERSTANDING
RELATED TO THE INITIAL PHASE OF A PROPOSED
PUMP STATION IN THE VICINITY OF PIER 14
OF THE PORT OF GALVESTON

This Memorandum is entered into by and between the City of Galveston (the “City”) and the Board of Trustees of the Wharves (“Wharves”), regarding the proposed public improvement project to be undertaken by the City consisting of placing pump stations within specific portions of the property placed under Wharves’ exclusive management and control under Article XII of the Galveston City Charter (“Port Property”).

The City contemplates constructing a pump station in the area shown in the area shown in Exhibit A attached hereto. The City and Wharves believe that project will benefit both parties and the community at large, and have therefore participated in the development of this plan and have agreed to the terms of this Memorandum going forward.

Therefore the City and Wharves agree as follows:

- 1) The City is in the initial design phase of a flood control pumping station for removal of flood waters from the streets of Galveston. The proposed location of the project in in the area of Pier 14 shown on Exhibit A hereinafter referred to as the “Proposed Location”. The parties agree that Pier 14 may not be the final location of the project; the engineering studies to be undertaken by the City will provide more specific locations for the Project and the parties will cooperate with each other to locate the project at the most optimum location.
- 2) There is currently no opened street leading north of Harborside Drive in the vicinity of the Proposed Location. However, Wharves may have leased a portion of the area shown on Exhibit A to a third party tenant. If so Wharves will notify the City of the existence of such tenant. If there is no such tenant as of the execution of this agreement, Wharves agrees consult with the City prior to entering into a lease or granting an easement or other possessory interest in the Proposed Location to any third party.
- 3) Wharves will grant reasonable access to the City’s designated design team and their equipment to Port property in the vicinity of the Proposed Location, in order to conduct preliminary studies to determine the feasibility of the Proposed Location for the project. The City anticipates that these preliminary studies will be conducted within the next six months. Thereafter, Wharves will grant the City’s design team reasonable access to the Proposed Location for the purpose of drafting and completing their initial design plan.
- 4) The City and Wharves further agree that the City may move forward with the planning and implementation of the preliminary study as set forth above, and that an additional memorandum will be negotiated for the actual construction phase of the project at the Proposed Location, should the project be determined to be feasible and is funded.

- 5) The City and Wharves also agree that if the City’s design team recommends building a pump station on the Proposed Location, and the Proposed Location is currently being leased by Wharves to a third party, Wharves will assist the City in negotiating any necessary amendments to said Lease in order to facilitate construction of the pump station components unless impracticable to do so.

This Memorandum is effective as of January 23, 2020. Each of the persons whose signatures appear below have authority to sign this Memorandum on behalf of the party for whom they have signed.

City of Galveston:

Board of Trustees of the Galveston Wharves

By: _____
Brian Maxwell
City Manager

By: _____
Rodger E. Rees
Port Director/CEO

Approved as to Form:

By: _____
Donald Glywasky
City Attorney

By: _____
Anthony P. Brown
Legal Counsel to the Board of
Trustees of the Galveston Wharves