

C73414
2014-0138

**FIRST AMENDMENT TO THE AMENDED AND RESTATED INTERLOCAL
AGREEMENT FOR ROADWAY IMPROVEMENTS, 2007 MOBILITY BOND PROJECT
No. 701, 758, & 766 BETWEEN THE CITY OF HOUSTON AND FORT BEND COUNTY**

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR ROADWAY IMPROVEMENTS, 2007 MOBILITY BOND PROJECT No. 701, 758, & 766 ("FIRST AMENDMENT") is made on the counter-signature date by and between the **CITY OF HOUSTON, TEXAS** (the "City"), a home-rule city of the state of Texas principally located in Harris County, Texas, and **FORT BEND COUNTY** (the "County"), a body corporate and politic under the laws of the State of Texas, acting by and through its Commissioner Court ("each, a "Party", and collectively, the "Parties").

RECITALS:

1. Pursuant to City Ordinance 2009-0512 (June 17, 2009), and authorization by the Fort Bend County Commissioners' Court (July 7, 2009), the City and the County entered into an agreement for three projects: Fondren Road from Hillcroft Avenue to McHard Road, South Post Oak from Sam Houston to McHard Road, and Blue Ridge Road from south of Rockergate Drive to McHard Road (the "Original Agreement").
2. Pursuant to Ordinance 2014-558 (June 4, 2014), the City and the County agreed to amend the Original Agreement to revise the list of Updated Projects, and to amend the Updated Project cost participation for each Party (the "Amended and Restated Agreement").
3. The City and the County desire to amend the Amended and Restated Agreement, to change the deadline for the Plan, Specification and Estimate ("PS&E") approval.
4. This agreement is authorized by the Interlocal Cooperation Act, Chapter 791 of the TEXAS GOVERNMENT CODE.
5. **NOW THEREFORE**, the Parties agree as follows:

ARTICLE I.

Subsection A. of Section 8. "General Provisions," of the Amended and Restated Agreement is deleted in its entirety and replaced with the following:

- "A. If on **September 30, 2016**, the City has not completed the PS&E for all the Updated Projects and the County has not exercised its right to terminate this Agreement before **September 30, 2016**, the County may terminate this Agreement at any time after such date. Any unused funds will be reimbursed according to the allocation of costs in Section 1 of this Agreement."

ARTICLE II.

Except as modified under this First Amendment, the Amended and Restated Agreement will remain in full force and effect. In the event of a conflict between the Amended and Restated Agreement, and this First Amendment, this First Amendment shall prevail.

E. Signatures

The Parties have executed this Agreement in multiple copies, each of which is an original.

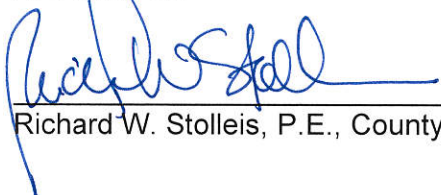
FORT BEND COUNTY

By: _____
Robert E. Hebert, County Judge

ATTEST/SEAL

By: _____
Laura Richard, County Clerk

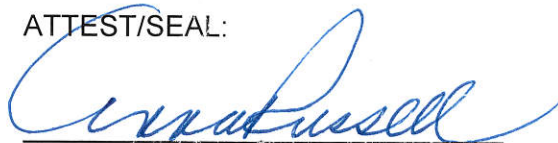
APPROVED:


Richard W. Stolleis, P.E., County Engineer

CITY OF HOUSTON, TEXAS

By: 
Mayor

ATTEST/SEAL:


City Secretary

APPROVED:


Director, Public Works and
Engineering Department

COUNTERSIGNED BY:


City Controller


DATE COUNTERSIGNED:

3-1-16

APPROVED AS TO FORM:

Assistant County Attorney

APPROVED AS TO FORM:


Assistant City Attorney
L.D. No. 0520800019002