

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**AMENDMENT TO STANDARD UTILITY AGREEMENT
(U-0017: CYRUSONE)**

THIS AMENDMENT, is made and entered into by and between Fort Bend County (hereinafter “County”), a body corporate and politic under the laws of the State of Texas, and CyrusOne, (hereinafter “Utility”), a company authorized to conduct business in the State of Texas.

WHEREAS, the parties executed and accepted that certain Standard Utility Agreement on April 5, 2016, (hereinafter “Agreement”); and

WHEREAS, the parties desire to amend the Agreement for additional work to be performed and an increase in the costs to be reimbursed by the County for such additional work.

NOW, THEREFORE, the parties do mutually agree as follows:


1. County shall pay Utility an additional fifty-two thousand twenty-two dollars and 60/100 (\$52,022.60), as reimbursement of fifty percent (50%) of the documented actual costs of the additional work to be performed as described in the Cost Estimate attached hereto as Exhibit “A” and incorporated herein for all purposes.
2. The maximum amount payable to Utility as reimbursement of fifty percent (50%) of the documented actual costs incurred for relocation of the utility in adjustment, removal, and/or relocation of the Utility’s facilities under the terms of the Agreement is hereby increased to an amount not to exceed two hundred twenty-seven thousand eight hundred eighty-three dollars and 28/100 (\$227,883.28), authorized as follows:
 \$175,860.68 under the Agreement; and
 \$52,022.60 under this Amendment.
3. In no case shall the amount paid by County for all reimbursements to be made under the Agreement and this Amendment exceed the maximum amount payable as stated in the preceding Section 2 without further written amendment of the Agreement executed by the parties.

Except as provided herein, all terms and conditions of the Agreement shall remain unchanged.

FORT BEND COUNTY

CYRUSONE

Robert E. Hebert, County Judge



Gregory Andrews, Chief Financial Officer

Date

6/20/16

Date

ATTEST:

Laura Richard, County Clerk

APPROVED:

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

APPROVED AS TO LEGAL FORM:

Marcus D. Spencer, First Assistant County Attorney

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ _____ to accomplish and pay the obligation of Fort Bend County under this contract.

Robert Ed Sturdivant, County Auditor

I:\Marcus\FM 1093-Westpark Tollway Project\Utility Relocations\Amend 1 - Std Util Agmt.CyrusOne.docx

EXHIBIT A

Sow	FM 1093 and Westpark Relo				
Description	Relocation Construction - Additional 4,467 FT of 8 Conduits + 9 HH				
Market	TX, Houston				
PA	98059		4 conduits		
Task	Quantity	Unit Price	Online Directional Boring (Contractor)	Cyrus One	Cost Breakdown
UGB-30690:UGB:Directional Bore Greater Than 1500':Directional Bore greater than 1500': 1 HDPE conduit up to 2"	4,467	18.50	\$ 82,639.50	\$ 41,319.75	Cost divided via pro-rata
UGB-30700:UGB:Directional Bore Greater Than 1500':Directional Bore greater than 1500': Additional HDPE conduit up to 2"	31,269	3.00	\$ 93,807.00	\$ 46,903.50	Cost divided via pro-rata
UGB-31270:UGB:Handhole / Manhole Excavation & Placement:Place New - 30"x48"x36" - Non-concrete Manhole / Handhole	9	805.00	\$ 7,245.00	\$ 1,811.25	Costs divided 4 ways.
MAT-90970:MAT:Handhole / Manhole:Tier 15 30"x48"x36" - With knock-outs and racking - Including Cover	9	650.00	\$ 5,850.00	\$ 1,462.50	Costs divided 4 ways.
MAT-90080:MAT:Conduit :Conduit: 1 1/2" HDPE SDR-11	35,736	0.64	\$ 22,871.04	\$ 11,435.52	Cost divided via pro-rata
Engineering - Golden Field Services			\$ 4,450.68	\$ 1,112.67	Costs divided 4 ways.
Total Relocation Cost				\$ 104,045.19	

Fort Bend County Reimbursement (50%)

\$ 52,022.60

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

CyrusOne, LLC
Carrollton, TX United States

Certificate Number:
2016-69549

Date Filed:
06/13/2016

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Fort Bend County

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

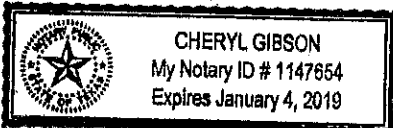
23381
23381 -6/13/16 Utility Relocation FM 1093 Westpark Mobility Bond Project no. 748

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Gregory R. Andrews

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Gregory R. Andrews, this the 13th day of June, 2016, to certify which, witness my hand and seal of office.

Cheryl Gibson

Signature of officer administering oath

Cheryl Gibson

Printed name of officer administering oath

Notary

Title of officer administering oath