

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

FIRST AMENDMENT TO
TAX ABATEMENT AGREEMENT BY AND BETWEEN
FORT BEND COUNTY,
ELLI.FIN DEVELOPMENT, INC. AND
OMB VALVES, INC.

This FIRST AMENDMENT of the Tax Abatement Agreement is made and entered into by and between **FORT BEND COUNTY**, hereinafter referred to as “County,” acting by and through its Commissioners Court, **ELLI.FIN DEVELOPMENT, INC.**, a Texas corporation, hereinafter referred to as “Owner,” of the Real Property and Improvements located within the City of Stafford Reinvestment Zone No. 22, and **OMB VALVES, INC.**, hereinafter referred to as “Lessee” of the Improvements and owner of Eligible Property located within the City of Stafford Reinvestment Zone No. 22.

RECITALS

WHEREAS, on or about November 11, 2011, the Parties entered into a Tax Abatement Agreement, attached hereto as Exhibit “One” and incorporated by reference;

WHEREAS, the Parties now desire to amend a certain portion of the Agreement; and

WHEREAS, both the Original Agreement and this First Amendment are executed as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, Chapter 312, TEXAS PROPERTY TAX CODE, and the Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones, as approved by the Fort Bend County Commissioners Court;

NOW THEREFORE, for and in consideration of the mutual benefits to be derived by the parties hereto, County, and Owner agree as follows:

I. Amendments

Section 5, Value and Term of Abatement is amended as follows:

- (a) This Agreement shall be effective on the date executed by County or Owner, whichever is later. The start of the actual tax abatement period has been deferred, with the first year of the abatement period to be 2015. This Agreement shall terminate (unless earlier terminated in accordance with the terms hereof) on December 31, 2019. The tax abatement shall not extend beyond December 31, 2019 This Agreement shall terminate on the completion of the abatement, unless earlier terminated as provided elsewhere herein. Owner’s obligation upon default to pay to County any taxes abated under this Agreement shall not terminate until the abated taxes are paid.

- (b) In each year that this Agreement is in effect, the amount of abatement shall be an amount equal to the percentage indicated below of the taxes assessed upon the Improvements and Eligible Property.
- (c) Subject to the limitations imposed by law and conditioned upon the representations outlined in Section 4 herein above, there shall be granted and allowed hereunder a property tax abatement for the following years and in the following amounts on the value of the Improvements and Eligible Property:

<u>Tax Year</u>	<u>Percentage Abatement</u>
2015	70%
2016	70%
2017	70%
2018	70%
2019	70%

Section 7, Event of Default is amended as follows:

- (a) County may declare Owner and/or Lessee in default of this Agreement if:
 - (1) Owner and/or Lessee fails to comply with any term of this Agreement or
 - (2) Owner and/or Lessee allows County ad valorem taxes on the Eligible Property or Ineligible Property, or any property located thereon, to become delinquent even if the delinquent taxes are for a property not subject to an abatement, or
 - (3) ceases operations on the Real Property before the expiration of the term of the Abatement.

II. Except as modified herein, any prior executed document remain in full force and effect and has not been modified or amended. In the event of conflict, the contents of this First Amendment shall prevail.

Remainder left blank

Execution page follows

III. Execution

IN TESTIMONY OF WHICH, THIS AMENDMENT shall be effective upon execution of all parties.

FORT BEND COUNTY

ATTEST:

Laura Richard, County Clerk

By: _____

Robert E. Hebert, County Judge

Date: _____

"Owner:"

ELIFIN DEVELOPMENT, INC.

By: _____

Date: _____

ATTEST:

Roxana Garcia

"Lessee:"

OMB VALVES, INC.

By: _____

Date: _____

ATTEST:

Roxana Garcia

Exhibit One: TAX ABATEMENT AGREEMENT BY AND BETWEEN FORT BEND COUNTY, ELIFIN DEVELOPMENT, INC. AND OMB VALVES, INC.

MTR/Tax/Abatements/Amendments/ ELIFIN DEVELOPMENT, INC. and OMB VALVES, INC. 5.26.16 7 29.16