

THE STATE OF TEXAS §
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 §
COUNTY OF FORT BEND §

**AMENDMENT TO DEVELOPMENT AGREEMENT
(CANE ISLAND PARKWAY – FM 1463 TO IH-10)**

THIS AMENDMENT (the "Amendment") is entered into by and between Fort Bend County, Texas (hereinafter referred to as "the County"), a body politic acting herein by and through its Commissioners' Court and Ventana Development Katy, Ltd., a Texas limited partnership (hereinafter referred to as "Ventana").

WHEREAS, the parties executed and accepted that certain Development Agreement (the "Agreement") on September 6, 2016 regarding the construction of Cane Island Parkway from FM 1463 to Interstate Highway 10 (the "Project"); and

WHEREAS, the parties desire to amend the Agreement to include additional costs for the construction of a detention pond; and

NOW, THEREFORE, the parties mutually agree as follows:

1. Ventana will design and construct detention facilities to accommodate Cane Island Parkway (south of Willow Fork Bayou) and developed flows from the property referred to as New Quest Properties ("Ventana Development Detention").

- (a) The Ventana Development Detention shall remain wholly owned, operated, and maintained by Ventana.
- (b) Although the County shall have no obligation to maintain the Ventana Development Detention, the County shall have the right to view the design and inspect the construction of the Ventana Development Detention.

2. Ventana's Total Contribution payable to the County under Section 3. of the Agreement shall be reduced by the amount of the actual cost of constructing the Ventana Development Detention to reflect the County's reimbursement to Ventana for such costs.

- (a) The estimated costs for the construction of the Ventana Development Detention is \$394,000, as shown on the Preliminary Construction Cost Estimate attached hereto as Exhibit A and incorporated herein for all purposes.
- (b) Ventana's reduction from the Total Contribution shall be based on actual payment invoices and contract values paid by Ventana to its construction contractor and accepted by the County.

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

IN WITNESS WHEREOF, the parties have executed this Amendment and caused this Amendment to be effective on the date signed by the last party hereto.

FORT BEND COUNTY:

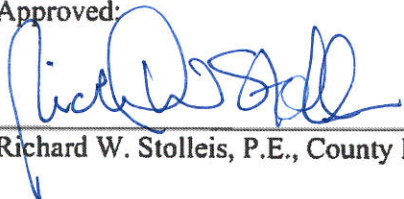
Robert E. Hebert, County Judge

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

Ventana Development Katy, Ltd.,
a Texas limited partnership


By: ~~Jim Grover~~, Vice President

Date: 5/15/17

EXHIBIT A

PRELIMINARY CONSTRUCTION COST ESTIMATE
DETENTION ANALYSIS AND CONSTRUCTION
CANE ISLAND PARKWAY (SOUTH OF WILLOW FORK) & NEW QUEST TRACT
April 12, 2017

<u>Item No.</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
Detention Analysis					
1.	Preliminary Analysis ⁽¹⁾	LS	1	\$ 17,000.00	\$ 17,000
2.	Analysis and Report to FBCDD ⁽¹⁾	LS	1	30,000.00	30,000
				Subtotal	\$ 47,000
Detention Pond Construction					
3.	Land for detention pond ⁽²⁾	Ac.	2.2	\$ 70,000.00	\$ 154,000
				Subtotal	\$ 154,000
Detention Pond Construction					
4.	Move-in and start-up	L.S.	1	\$ 13,000.00	\$ 13,000
5.	Site preparation	Ac.	2.3	800.00	1,840
6.	Excavation	C.Y.	11,400	1.50	17,100
7.	Haul, spread, and compact ⁽³⁾	C.Y.	11,400	1.50	17,100
8.	4-inch thick reinforced concrete slope paving	S.Y.	184	85.00	15,640
9.	Construction staking to be performed by J C	L.S.	1	6,000.00	6,000
10.	Backslope interceptor structures ⁽⁴⁾	EA.	2	7,500.00	15,000
11.	Backslope interceptor swales	L.F.	330	3.00	990
12.	Concrete pilot channel	L.F.	370	85.00	31,450
13.	24-inch RCP	L.F.	103	55.00	5,665
14.	Trench safety system	L.F.	103	2.00	206
15.	24-inch Flap Gate	EA.	1	4,500.00	4,500
16.	Connect to Existing Manhole	EA.	1	2,500.00	2,500
17.	Hydromulch	Ac.	2.5	1,800.00	4,500
18.	Rock filter dam	L.S.	1	2,000.00	2,000
19.	Reinforced filter fabric fence	L.F.	1,500	1.75	2,627
20.	Testing	L.S.	1	5,000.00	5,000
21.	SWPP	L.S.	1	3,000.00	3,000
				Construction Subtotal	\$ 149,000
				Contingencies (15%)	22,000
				Engineering	22,000
				Construction Total	\$ 193,000
					TOTAL \$ 394,000

This Document is Released for the Purpose of:
General Financial Planning
Under the Authority of: Engineer: Adam C. Ray, P.E.
License No.: 108834
It is Preliminary in Nature and not to be Used for Feasibility of
Land Purchases, Bond Applications, Loans or Grants.

NOTES:

- (1) Preliminary analysis to evaluate impacts and detention requirements for cost estimation. Final analysis and report to be prepared for FBCDD review and approval.
- (2) Excludes shared maintenance berm with ultimate FBCDD right-of-way. Area based on 6.5 acre-foot detention requirement based on percentage of contributing area served by Trails of Katy detention system and overall utilized volume from Preliminary Analysis.
- (3) Includes fill to be placed at detention pond. Assumes remainder to be placed at Trails of Katy.
- (4) Assumes existing structures along Willow Fork to be removed and replaced due to grading.

Notes

Costs claimed for engineering, design, and construction to be paid based on actual values.
Proposed detention would be wholly owned and operated by Ventana Development.
Fort Bend County would not maintain detention facilities for Cane Island Blvd but reserves to review documents or inspect construction.

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

Certificate Number:
2017-208099

Date Filed:
05/16/2017

Date Acknowledged:

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

Venatana Development Katy, LTD
Bay City, TX United States

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

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.

13306
Development Agreement - Cane Island Parkway - FM 1463 to IH-10

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

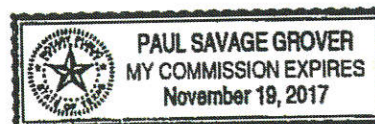
I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Jim Grover
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said JAMES B. GROVER, Jr. this the 16 day of May, 2017, to certify which, witness my hand and seal of office.

Paul Savage Grover
Signature of officer administering oath



Printed name of officer administering oath

Title of officer administering oath