

[illegible]

INTERLOCAL AGREEMENT FOR CONTRIBUTION TO A STATE AND LOCALLY FUNDED ON-SYSTEM PROJECT

This Interlocal Agreement, authorized by Texas Government Code Chapter 791, made and entered into by and between Fort Bend County, acting by and through its Commissioners Court, hereinafter called "County," and Fort Bend County Assistance District No. 4 ("CAD 4"), acting by and through its Board of Directors, both body corporates and politics under the laws of the State of Texas.

RECITALS:

WHEREAS, the County entered into an Advance Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation ("State") for the widening of FM 521 from 2 lanes to 4 lanes from FM 2234 to SH 6 in Fort Bend County, a portion of which is within the boundaries of CAD 4 ("Project"); and

WHEREAS, CAD 4 has been created to fund, among other things, the construction, maintenance or improvement of certain roads or highways within its boundaries; and

WHEREAS, CAD 4 finds a certain portion of FM 521 is located within the boundaries of CAD 4, and the construction, maintenance of or improvements to such is authorized under Local Government Code Section 387.003; and

WHEREAS, CAD 4 levies a one percent (1%) sales tax and has determined that the expenditure of sales tax funds for contribution to the Project, serves a public purpose; and

WHEREAS, it is the mutual benefit of the County and CAD 4 to improve the streets and roads within the boundaries of CAD 4 by providing financial assistance to the County to complete the Project, on a pro rata basis related to portions of the Project within the boundaries of CAD 4; and

WHEREAS, the Project will improve traffic flow/circulation in the service area, and such Projects is desired by the County and CAD 4.

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to the parties, it is agreed as follows:

1. Purpose of the Agreement. This Agreement is to outline the funding obligations related to the FM 521 Expansion Project from FM 2234 to SH 6 in Fort Bend County, Texas.
2. Period of the Agreement. This Agreement becomes effective on the date signed by the last party and shall remain in effect until September 30, 2024.
3. County's Responsibilities. The County is responsible for maintaining its obligations as provided under the Advanced Funding Agreement and completion of the Project in accordance with all applicable state and federal laws.
4. Contribution by CAD 4. The Fort Bend County Auditor is hereby authorized to pay the County, as determined and recommended by the County Engineer, a pro rata share of costs based on portions of the Project within the boundaries of the district, incurred by the County under the Advance Funding Agreement, from available CAD 4 sales tax revenues for a total amount not to exceed \$2,700,000. Such costs shall include, but not limited to Plan, Specification, and Estimate Design Services, right of way acquisition and utility relocations.
5. Entire Agreement. This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing signed by all parties hereto.
6. Termination of this Agreement. This agreement may only be terminated upon mutual agreement of the parties.
7. Legal Construction. In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

IN TESTIMONY HEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

FORT BEND COUNTY

Attest:

Robert E. Hebert, County Judge

Laura Richard, County Clerk

Date

FORT BEND COUNTY
ASSISTANCE DISTRICT NO. 4

Attest:

Robert E. Hebert, Director

Laura Richard, County Clerk

AUDITOR'S CERTIFICATE

I hereby certify that funds are available to accomplish and pay the obligations of Fort Bend County Assistance District No. 4 herein.

Ed Sturdivant, County Auditor