

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

**FIRST AMENDMENT TO
TAX ABATEMENT AGREEMENT BETWEEN
FORT BEND COUNTY DRAINAGE DISTRICT AND AP SOLAR 2, LLC**

This FIRST AMENDMENT of the Tax Abatement Agreement is made and entered into by and between FORT BEND COUNTY DRAINAGE DISTRICT, a body politic, acting herein by and through its Commissioners Court and AP SOLAR 2, LLC (hereinafter referred to as “Owner”).

RECITALS

WHEREAS, on or about July 2, 2019, the Parties entered into the **TAX ABATEMENT AGREEMENT BETWEEN FORT BEND DRAINAGE COUNTY AND AP SOLAR 2, LLC** which is incorporated by reference and is hereinafter referred to the “Agreement;”

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 located in the Fort Bend County Drainage District.

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

a. Section 4, Responsibility of Owner is amended as follows:

4. Responsibility of Owner

In consideration of receiving the tax abatement granted herein, the Owner represents and agrees:

- a. That construction of the Eligible Property will commence on or before December 31, 2021.
- b. That Owner shall have delivered the Certificate to the District certifying that the Project has achieved Commercial Operations no later than December 31, 2023.

II. The Parties acknowledge and agree the Agreement is effective as of the date executed by both Parties but that the start of the actual tax abatement period has been deferred, with the

first year of the abatement period to be the calendar year commencing on the first January 1 after Owner delivers the Certificate.”

III. Except as modified herein, any prior executed document remains 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.

IV. Execution

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

FORT BEND COUNTY
DRAINAGE DISTRICT

By: _____
KP George, County Judge

Date: _____

ATTEST:

Laura Richard, County Clerk

AP SOLAR 2, LLC

By: T. Christopher Elrod
Signature

T. Christopher Elrod, Manager
Printed name & title

Date: 05/07/2020

ATTEST:

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