

**AMENDMENT TO AGREEMENT REGARDING CONSIDERATION FOR
ADDITIONAL DETENTION CAPACITY**

This Amendment to Agreement Regarding Consideration for Additional Detention Capacity (this "Amendment") is made between Poarch/Swinbank LLC, a Texas limited liability company ("P/S") and Fort Bend County, Texas, a body politic of the State of Texas (the "County"), referred to herein individually as a "Party" or collectively as the "Parties".

WHEREAS, the Parties executed and accepted that certain Agreement Regarding Consideration for Additional Detention Capacity on December 10, 2019, (hereinafter, the "Agreement") to memorialize the agreement for consideration to be paid by the County to P/S for the additional storm water detention capacity for benefit of the County in connection with the Fulshear-Gaston Road Improvement Project Number 17312; and

WHEREAS, the Parties desire to amend the Agreement to increase the amount of consideration to be paid thereunder.

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

1. The County shall pay P/S an additional amount of seventy-one thousand seven hundred thirty-seven dollars and 60/100 (\$71,737.60) to correct the cost per acre-feet used to calculate consideration to be paid by the County to P/S under the terms of the Agreement.
2. The Maximum Amount payable to Poarch/Swinbank LLC for the additional stormwater detention capacity to be provided under the Agreement is hereby increased to an amount not to exceed one hundred twenty-one thousand eight hundred fourteen dollars and 35/100 (\$121,814.35), authorized as follows:
\$50,076.75 under the Agreement; and
\$71,737.60 under this Amendment.
3. In no case shall the amount paid by the County for consideration under the Agreement and this Amendment exceed the Maximum Amount without an agreement executed by the parties.

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed to multiple counterparts to be effective on the date signed by the final party.

FORT BEND COUNTY, TEXAS,
a body politic of the State of Texas

POARCH/SWINBANK LLC,
a Texas limited liability company

By: _____
KP George, County Judge

By: 
Donald L. Poarch, its Vice President

Date

9/2/2020

Date

ATTEST:

Laura Richard, County Clerk

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