## THIRD AMENDMENT TO INTERLOCAL AGREEMENT

THE STATE OF TEXAS § S COUNTY OF FORT BEND §

This **THIRD AMENDMENT TO INTERLOCAL AGREEMENT** (this "Amendment") is made by and between the **CITY OF KATY, TEXAS** (the "City"), a municipal corporation and home-rule city of the State of Texas situated in the counties of Fort Bend, Harris, and Waller, acting by and through its governing body, the City Council and **FORT BEND COUNTY, TEXAS** ("Fort Bend County"), acting by and through its governing body, the Commissioner's Court.

### **RECITALS**

WHERAS, the City and Fort Bend County entered into that certain Interlocal Agreement, executed by the City on December 8, 1997 and by Fort Bend County on December 16, 1997, that certain First Amendment to Interlocal Agreement, effective as of April 28, 2015, and that certain Second Amendment to Interlocal Agreement, effective as of January 27, 2020 (collectively, the "Interlocal Agreement"), governing Fort Bend County's participation obligations in Reinvestment Zone Number One, City of Katy, Texas (the "Zone"); and

WHEREAS, pursuant to the terms of the Interlocal Agreement, Fort Bend County agreed to participate in the Zone by contributing fifty percent (50%) of the tax increment produced in the Zone attributable to Fort Bend County through December 31, 2038, with such funds to be used for projects included in the Zone Project Plan (as amended from time to time, the "Project Plan"); and

WHEREAS, the City intends to adopt the Fifth Amended Project Plan and Reinvestment Zone Financing Plan (the "Fifth Amended Project Plan") to: (1) extend the life of the Zone through December 31, 2055; (2) update the eligible projects included in the Project Plan; and (3) expand the Zone's boundaries to include certain additional real property as further described on **Exhibit "A," (**the "Additional Property"); and

WHEREAS, the County would like to extend the County's current participation in the Zone at the same fifty percent (50%) County participation level to apply to the Additional Property, to be effective as of the date on which the City adopts the Fifth Amended Project Plan (the "Effective Date") through the termination of the Zone, as well as in order for additional projects which are included in the Fifth Amended Project Plan to be completed by the Zone; and

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

### AGREEMENT

<u>Section 1</u>. The recitals set forth in this Amendment are hereby found and determined to be true and correct and are hereby approved and adopted.

<u>Section 2</u>. Fort Bend County hereby agrees that it will extend the County's participation in the Zone to the extent of fifty percent (50%) of the County's tax increment on property located within the boundaries of the Zone, which shall apply to and include all of the property previously included in the within the boundaries of the

Zone, together with the Additional Property added by and included in the Fifth Amended Project Plan, with such contribution to be effective as of the Effective Date through the termination of the Zone; provided, however, that if the City does not adopt the Fifth Amended Project Plan on or before July 1, 2024, then this Third Amendment shall be of no force and effect, and the County shall have no obligation beyond what has already been agreed to in the executed Second Amendment to the Interlocal Agreement.

Section 3. Section VII. Miscellaneous of the Interlocal Agreement (as added by

the Second Amendment to Interlocal Agreement) is hereby amended to read as follows:

I. **Project Plan Approval**. Notwithstanding anything set forth in Section V, Subsection A related to Project Plan review and approval by the County Judge of Fort Bend County, the City and Fort Bend County hereby agree that Fort Bend County's tax increment contribution may be used for all projects and associated eligible project costs contained in the Amended Project Plan and Reinvestment Zone Financing Plan in the form adopted by the City on April 12, 1999, and all related approved amendments thereto including but not limited to, the Fifth Amended Project Plan and Reinvestment Zone Financing Plan in the form effective as of the date on which the City adopts the Fifth Amended Project Plan. Notwithstanding the foregoing, the City and Fort Bend County hereby agree that Fort Bend County's tax increment contribution may not be utilized for any projects or associated eligible project costs which solely benefit Katy Independent School District, including but not limited to those projects or associated eligible project costs contained in the Second Amended Project Plan and Reinvestment Zone Financing Plan adopted by the City on August 30, 1999.

Section 4. Except as specifically amended in this Amendment, the Interlocal

Agreement shall remain in full force and effect in accordance with its original terms and

conditions.

**IN WITNESS HEREOF,** the City and Fort Bend County have made and executed this Agreement in multiple copies, each of which is deemed an original.

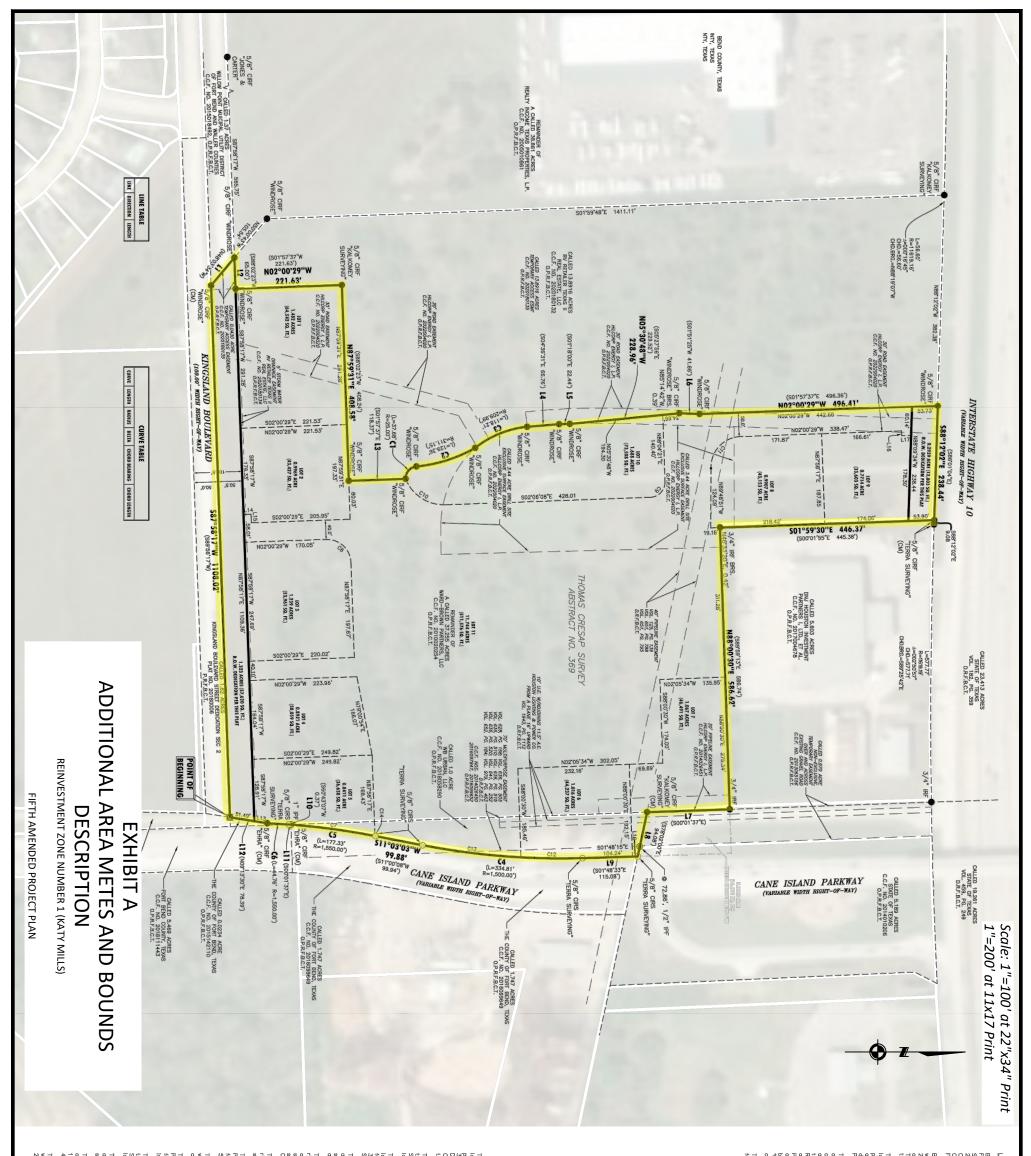
CITY OF KATY, TEXAS		FORT BEND COUNTY	
Mayor	Date	Fort Bend County Judg	e Date
ATTEST/SEAL:		APPROVED AS TO FORM:	
City Secretary	Date	County Attorney	Date
APPROVED AS TO	FORM:		

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Date

City Attorney

# EXHIBIT "A"



THENCE South I and the West r stamped <sup>\*</sup>KALK and being an e THENCE South westerly right-24.346 acres ( THENCE Sou the westerly Southwest c and; THENCE cc <sup>3</sup>arkway, c <sup>3</sup>eet, a de 5/8—inch (varia 459, "KALK rema" along beari

BEING ALL FORT BEND SPECIAL W/ 2010020254 OF LAND C OFFICIAL PL FOLLOWS:

# Based on Subdivision Plat Prepared by Terra Surveyors

ription

OF THAT CERTAIN TRACT OR PARCEL OF LAND STUATED IN THE THOMAS CREEAP SURVEY, ABSTRACT NUMBER 368, 2) COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT CERTAIN CALLED 37.255 AORE TRACT OF LAND CONVEYED BY WARAATY DEED TO WARD-BROWN PARTNERS, LLC, RECORDED UNDER COUNTY CLERKYS FILE NUMBER (C.C.F. NA) A, OFFICIAL PUBLIC RECORDS, FORT BEND COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN CALLED 1.0 ACRE TRACT CONVEYED BY WARANTY DEED MITH YENDRIS LEIN TO BURBAN, LLC, RECORDED UNDER C.C.F. NA, 2018058200 CONVEYED BY WARANTY DEEN DOUNTY, TEXAS, AND BEING MURBAN, LLC, RECORDED UNDER C.C.F. NA, 2018058200 CONVEYED BY WARANTY DEEN DOUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS

BEGINNING at an "x-cut" in concrete found at the intersection of the West right-of-way line of Cane Island Parkway (variable width right-of-way), as described by deeds to Fort Bend County, Taxas, recorded under C.C.F. Nos. 2015142110 and 2019032374, Official Public Records, Fort Bend County, Taxas, and the North right-of-way line of Kingsiand Bouleward sestions on the pict of Kingsiand Bouleward Street Dedication Sec 2, recorded under Pict No. 20180006, Piat Records, Fort Bend County, Taxas, and being in the South line of said remainder of a colled 37.255 acre tract of land, and being the Southeest corner of the tract being described herein;

THENCE South 875817" West (South 895617" West), with the South line of soid remninder of a called 37255 are tract of land and the North right-critewoy line of soid Kingsiand Boulevard, a distance of 1,108.02 feet to a 5/8-inch iron rod with plastic cap stamped "MNDRGSE" found (Controlling Manument) (CM) for the southermost Southwest corner of said remninder of a called 37.255 are tract of land, and being the Southeest corner of the southermost Southwest corner of said described by deed to Willow Found Manipulation of Fort Bend and Waler Counties, recorded under C.C.F. No. 2015018492, Official Public Records, Fort Bend County, Texas:

THENCE North 495756" West (North 4803734" West), with a southwesterly line of said remainder of a called 37.255 acre tract or land and the northeesterly line of said 1.37 acre tract of land, a distance of 75.41 feet to a 5/8-inch iron rod with plastic cap stamped "WNDROSE" tourid for the westerments Southest comer of said remainder of a called 37.256 acre tract of rand the Northeest corner of said 1.37 acre tract of land, and being in the sauthery line of that certain called 31.8561 acre tract of land described by deed to RV Retain Texas II Read Estate, LLC, recorded under C.C.F. No. 2003/08132, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/813, 2013/81, 2013/813, 2013/81,

THENCE with the common line of sold remainder of a called 37.255 acre tract of land and sold 13.8916 acre tract of land, the following twelve (12) courses and distances:

1. North 97393" East (South 860223" West), a distance of 64.70 (65.00) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for an interior ell corner. 2. North 67291" East (South 015737" West), a distance of 22.183 feet to a 5/8-inch iron rad with plastic cap stranged "KAKOMEY SURVENKE" found for an exterior ell corner. 3. North 87391" East (South 015737" West), a distance of 18.42 (118.37) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for an interior ell corner. 4. North 07029" West (South 015737" West), a distance of 18.42 (118.37) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for an interior ell corner. 5. An arc length of 73.68 (72.63) feet with the arc of said norme traggential curve to the right (S0.11.5) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for an interior ell corner of said norme to the right (S0.11.5) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for a point of reverse curreture to the right (S0.11.5) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for an interior ell corner of said norme to the right (S0.11.5) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for a point of reverse curreture to the right (S0.11.5) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for a point of reverse curreture to the right (S0.11.5) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for a point of rangency. 7. An arc ellerght of 13.21 (118.21) left with the arc of said reverse curve to the right iron and point of rangency. 8. North 0720720" West (S0.10.117570" Kest), a distance of 22.44 (22.44) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for an angle point. 9. North 0720720" Kest (S0.10.1175725" Kest), a distance of 42.11 (41.66) feet to a 5/8-inch iron rad with plastic cap stranged "NNRROSE" found for an angle point. 1. North 07148.3316 care (S0.10.1175725" Kest), a distance of 42

PHACE Such BST/202" East (South BST/204" East), with the North line of soil raminder of a celled 37,255 are tract of and the South BST/202" East, Orall Intertity Highway 10, cellstarce of 2,384.4 feet to 5,38-th feet to 5

HENCE South 01°59'30" East (South 00'01'55" East), with the northernmost East line of said remainder of a called 37.255 acre ract of land and the West line of said 5.803 acre tract of land, a distance of 44.3.38) feet to a point for the builtwest concer of said 5.803 acre tract of land, and an interior ell comer of said remainder of a called 37.255 acre tract of and, from which a 3/4—inch iron rad found bears North 46'33'20" West, a distance of 0.4.2 feet;

PIRDOC North SED0730" Exet (South SEP5013" Exet) with a northerly line of soid remondred of a colled 37,255 are tract of and and the South line of said SAD3 area tract of land a distance of SEAS2 (SEA:4) feet to a 2,4-inch iron rad found gr the Southeast corner of said SAD3 area tract of land and the esstemmark Northeast corner of said remainder of a colled 37,255 area tracts of land, and being in the west right--away line of said care ladard Parkway as described by deed to the State of Texas, recorded under C.C.F. No. 2014010206, Official Public Records, Fort Bend County, Texas,

with 01°5748" East (South 00°01'37" East), with the East line of said remainder of a colled 37.255 acre tract of land set right-of-way line of said Cane Island Parkway, a distance of 172.23 fest to a 5/8-inc) iron rod with plastic cap KAUKONEY SURVERVIO' found (SU) for an interior ell carner of said remainder of a colled 37.255 acre tract of land an exterior ell corner of said Cane Island Parkway, and being the Northwest corner of said 1.0 acre tract of land;

THENCE South 78'01'42" East (South 78'02'00" East), with the northerly line of said 1.0 acre tract of land and the westerly ight-of-way line of said Cane Island Parkway, passing at a distance of 72.86 beet, a 1/2-thah iron pipe found, and continuing an said course for a total distance of 94.07 (94.08) feet to a 5/9-thah iron nod with plastic cap stranged "TRRA SUNYING" set for the Northeast corner of said 1.0 acre tract of land, and being an interior ell corner in the westerly right-of-way line of said Cane Island Parkway as described by deet to the County of Fart Bend, Texas, recorded under C.C.F. No. 2016039643, Dificial Public Records, Fort Bend County, Texas;

IENCE Such 074815" East (South 074833" East), with the eastery line of soid 1.0 are trat of land and the westery phr-of-way line of soid Cane island Barkeys of distance of 15.07 (15.08) fest to a 5/8-inch iron rod with plastic cop amped "IERRA SURVEYING" set for the beginning of a tangential-curve to the right.

nnthruing with the easterly line of said 1.0 care tract of land and the westerly right-of-way line of said Cane Island nn arc length of 334.77 (334.81) feet with said trangential-curve to the right, howing a radius of 1,500.00 (1,500.00) to angle of (1247.14°, and a long chard which bears South 04:534.77 West, a chord distance of 334.08 feet to a land radie of 124.71° and a long chard which bears South 04:534.77 West, a chord distance of 334.08 feet to a land radie of 124.71° and a lang chard which bears South 04:534.77 West, a chord distance of 334.08 feet to a land radie of 124.71° and a lang chard which bears South 04:534.77 West, a chord distance of 334.08 feet to a land radie of 124.71° and a lang chard which bears South 04:534.77 West, a chord distance of 134.08 feet to a land radie of 124.71° and a lang chard which bears South 04:534.77 West, a chord distance of 134.08 feet to a land radie of 124.71° and a lang chard which bears South 04:534.77 West, a chord distance of 134.08 feet to a land radie of 124.71° and a lang chard which bears South 04:534.77 West, a chord distance of 134.08 feet to a land radie of 134.71° and a lang chard which bears South 04:534.77 West, a chord distance of 134.08 feet to a lang chard a lang chard which bears South 04:534.77 West, a chord distance of 134.08 feet to a lang chard a lang chard which bears South 04:534.77 West, a chord distance of 134.08 feet to a lang chard a lang chard which bears south 04:534.77 West, a chord distance of 134.08 feet to a lang chard a lang chard which bears south 04:534.77 West, a chord distance of 134.08 feet to a lang chard a lang chard which bears south 04:534.77 West, a chord distance of 134.08 feet to a lang chard a lang chard which bears south 04:534.77 West, a chord distance of 134.08 feet to a lang chard a lang chard which bears south 04:534.77 West, a chord distance of 134.77 West, a chord distance of 134.

PLNCC South 110303" West (South 110008" West) continuing with the catery line of soid 1.0 are tract westerly right-of-way line of add Cane Island Parkway, a distance of 98.85 (99.94) feet to a 5/8-inch iron cap stamped "TERRA SURVEYING" set for the beginning of a tangential-curve to the left; n rod with plastic

HENCE continuing with the easterly line of said 1.0 acre tract of land and the westerly right-of-way line of said Cane Island Tarkway, an arc length of 177.50 (177.33) feet with said tangential-curve to the left, having a radues of 1,550.00 (1,550.00) eet, a data angle of 053341°, and a long clored which bears Sauth OrX210° West a distance of 177.41 feet to a 5/8-inch ron rad with plastic cap stamped "EHRA" found (CM) for the Southeest corner of said 1.0 acre tract of land;

th 60'43'07" West (South 60'43'07" West), with the southerly line of sold 1.0 acre tract of land and continuing with right-of-way line of sold Cane Island Parkway, a distance of 0.37 (0.37) feet to a 1-inch iran pipe found for the anner of sold 1.0 acre tract of land, and being in the East line of sold remainder of a colled 37.225 acre tract of

HIRNOE South 0270400° East (South 0001/3" East), with the East line of soil remainder of a called 37.255 acre tract of 1 and the westery inder-of-way line of said Cone island Poivway, a distance of 4.71 feet to a 5/8-inch iron rad with stamped "TERRA SURVEYING" set for the beginning of a non-tangential curve to the left; cap

THENCE continuing with the East line of sold remainder of a called 37.255 acre tract of land and the westerly right-of-way line of sold Cane island Farkway, an arc length of 44.76 (44.78) theat with sold non-changential curve to the left, having a radius of 1,550.00 (1,550.00) feet, a delta angle of 017317°, and whose long blord bears South 032572°. West, a chord distance of 44.76 feet to a 5/8-inch iran rod with plastic cap stamped "EHRA" found (CM) for an angle point;

0913'340" West, continuing with the East line of said remainder of a called -of-way line of said Cane island Parkeys a distance of 78.53 feet to the (1,080,530 square feet) of land, more or less. 37.255 acre tract of land and the POINT OF BEGINNING and containing