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SECOND AMENDMENT TO
TAX ABATEMENT AGREEMENT BETWEEN FORT BEND COUNTY DRAINAGE
DISTRICT AND CUTLASS SOLAR II LLC
FORT BEND COUNTY REINVESTMENT ZONE 23

This SECOND AMENDMENT of the Tax Abatement Agreement is made and entered into by and between FORT BEND COUNTY DRAINAGE DISTRICT (hereinafter referred to as “District”), a body politic, acting herein by and through its BOARD and CUTLASS SOLAR II LLC (hereinafter referred to as “Owner”).

RECITALS

WHEREAS, on or about September 28, 2021, the Parties entered into the TAX ABATEMENT AGREEMENT BETWEEN FORT BEND COUNTY DRAINAGE DISTRICT AND CUTLASS SOLAR II LLC, FORT BEND COUNTY REINVESTMENT ZONE 23 (hereinafter the “Agreement”) and was amended on December 13, 2022, all documents incorporated by reference;

WHEREAS, the Agreement was executed as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, Chapter 312, TEXAS PROPERTY TAX CODE, and the current Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones located in Fort Bend County Drainage District; (hereinafter the “Guidelines and Criteria”) and

WHEREAS, the Parties now desire to amend certain portions of the Agreement as allowed by Texas Tax Code Section 312.208 and Section VII of the Guidelines and Criteria;

WHEREAS Notice for this Second Amended Agreement was provided as required by Texas Tax Code Sec. 312.207.

NOW THEREFORE, for and in consideration of the mutual benefits to be derived by the parties hereto, District, and Owner agree as follows:

A. Amendments as to Dates:

Agreement Reference	Original Agreement	First Amended	Now Amended
Page 3. IV. A. Term and Termination (two references)	Dec 31, 2032	Dec 31, 2034	Dec 31, 2033
Page 4. V. Value of Abatement (ten references on the chart under the 'Tax Year' Column)	2023-2032	Tax Year Year 1 (2025) Year 2 (2026) Year 3 (2027) Year 4 (2028) Year 5 (2029) Year 6 (2030) Year 7 (2031) Year 8 (2032) Year 9 (2033) Year 10 (2034)	Tax Year Year 1 (2024) Year 2 (2025) Year 3 (2026) Year 4 (2027) Year 5 (2028) Year 6 (2029) Year 7 (2030) Year 8 (2031) Year 9 (2032) Year 10 (2033)
Page 5. VI. A, Responsibilities: Performance Measures; (on the chart under the 'Criteria' Column): Date by which Eligible Property will be delivered or constructed	Dec 31, 2023	Dec 31, 2024	May 15, 2024
Page 5. VI. Responsibilities: Performance Measure; (on the chart under the 'Required Deliverable' Column): Minimum total project costs with respect to the Eligible Property by	Dec 31, 2023	Dec 31, 2024	May 15, 2024

- C. Any further amendments to this Agreement shall be in accordance with the most recently adopted Guidelines and Criteria for Granting Tax Abatements in Fort Bend County Drainage District. This requirement applies even if this Amendment was executed under a prior set of Guidelines and Criteria.
- D. Except as modified herein, any prior executed document remain in full force and effect and has not been modified or amended. In the event of conflict, the contents of this Second Amendment shall prevail.
- E. Owner agrees to follow the provisions of Section 302.004 of the Texas Utilities Code in removing the solar power facilities from the Project location at the end of the Project's useful life and to perform removal in such a manner that will not result in the imposition of costs upon the County.

F. Execution

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

"District"

FORT BEND COUNTY DRAINAGE DISTRICT

By: _____
County Judge

ATTEST:

Date: _____

County Clerk

"Owner"

By: Atilla Akarsu

Name: Atilla Akarsu

Title: Treasurer

Date: 04/16/2024

ATTEST:

Ilker Araci, Secretary
Name

Date: 04/16/2024

SECOND AMENDMENT TO TAX ABATEMENT AGREEMENT BETWEEN FORT BEND COUNTY
DRAINAGE DISTRICT AND CUTLASS SOLAR II LLC FORT BEND COUNTY REINVESTMENT ZONE 23

Reviewed:



By:

Carlos Guzman
Fort Bend Economic Opportunity & Development Director

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