

**FORT BEND COUNTY    FY 2010  
COMMISSIONERS COURT AGENDA REQUEST FORM**

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: 11/27/2009

Submitted By: Mary Reveles

Court Agenda Date: 11/24/2009

Department: County Attorney

Phone Number: 341-4554

**SUMMARY OF ITEM:**

COUNTY JUDGE:

Take all appropriate action on First Amendment to the Tax Abatement Agreement between Fort Bend County and HE Sugar Land Buildings, L.P.; extending the construction completion date from January 1, 2010 to January 1, 2011.

**RENEWAL AGREEMENT/APPOINTMENT**

YES ☐ NO ☒

**REVIEWED BY COUNTY ATTORNEY'S OFFICE:**

YES ☒ NO ☐

**List Supporting Documents Attached:** Amendment and letter request

**FINANCIAL SUMMARY:BUDGETED ITEM:** YES ☐ NO ☐ N/A

**FUNDNG SOURCE:** Accounting Unit: Account Number:  
Activity (If Applicable):

**DESCRIPTION OF LAWSOM ACCOUNT:** N/A

**Instructions to submit Agenda Request Form:**

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

**DISTRIBUTION:**

Original Form Submitted with back up to County Judge's Office ☒ (✓ when completed)

If by E-Mail to [ospindon@co.fort-bend.tx.us](mailto:ospindon@co.fort-bend.tx.us)

If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input checked="" type="checkbox"/> Auditor (281-341-3774)	<input checked="" type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input checked="" type="checkbox"/> Budget Officer (281-344-3954)	<input checked="" type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input checked="" type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input checked="" type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input checked="" type="checkbox"/> Tax Assessor/Collector	<input checked="" type="checkbox"/> County Clerk (281-341-8697)
	<input checked="" type="checkbox"/> County Atty (281-341-4557)

**RECOMMENDATION / ACTION REQUESTED:**

Special Handling Requested (specify):

11-30-09 2 origs. ret. to Mary  
at Co. Attorney

STATE OF TEXAS                   §  
   §  
COUNTY OF FORT BEND       §

**FIRST AMENDMENT TO TAX ABATEMENT AGREEMENT BETWEEN  
FORT BEND COUNTY and HE SUGAR LAND BUILDINGS, L.P.**

This First Amendment of the Tax Abatement Agreement is made and entered into by and between **FORT BEND COUNTY, TEXAS**, a body politic, acting herein by and through its Commissioners Court (hereinafter referred to as "County,") and **HE SUGAR LAND BUILDINGS, L.P.**, (hereinafter referred to as "Owner"), each being parties to that certain Tax Abatement Agreement entered into by the parties on or about January 22, 2008, (hereinafter referred to as "the Agreement.")

**WHEREAS**, Owner has requested to amend the completion date of the Improvments as stated in the Agreement; and

**WHEREAS**, County and Owner desire to amend said Agreement as hereinafter set forth for the purposes described in this preamble;

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

Pursuant to and in accordance with the Property Redevelopment and Tax Abatement Act, Chapter 312, TEXAS TAX CODE, and the Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones located in Fort Bend County, Texas, the Agreement is hereby amended as follows:

1. Section 4(a) of the Agreement is amended as follows:  
"That construction of the Improvements shall be completed on or before January 1, 2011. Owner shall provide the Tax Assessor/Collector a certified statement evidencing a minimum of \$4,000,000 in project costs with respect to the design and construction of the Improvements."
2. The representative of Owner whose signature executes this First Amendment represents and warrants to County that he/she has the requisite authority to enter into this First Amendment
3. Except as modified herein, the above referenced Agreement remains in full force and effect and has not been modified or amended.

4. The tax abatement shall apply for the tax years as stated in the Agreement. This First Amendment does not purport to extend the tax abatement to tax years beyond tax year 2018, as stated in the Agreement.
5. All future amendments, if any, of the Agreement shall require written consent of the Fort Bend County Commissioners Court.
6. The original Agreement executed by and between County and Owner on January 22, 2008, is hereby adopted and incorporated by reference the same as if fully set forth verbatim herein for all purposes, subject only to the above described amendments.

**IN TESTIMONY OF WHICH, THIS FIRST AMENDMENT** shall be effective upon execution of County.

"County:"

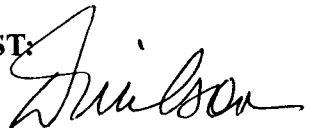
**FORT BEND COUNTY**

By:

  
Robert E. Hebert, County Judge

Date: 11-24-09

**ATTEST:**

  
Dianne Wilson, County Clerk

"Owner:"

**HE SUGAR LAND BUILDINGS, LP,**  
a Texas limited partnership

By: HE Sugar Land Holdings GP, LLC, a  
Texas limited liability company

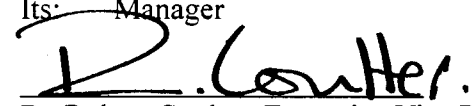
Its: General Partner

By: HE Sugar Land Project, LLC, a  
Delaware limited liability company

Its: Member Manager

By: Ellman Management Group, Inc., an  
Arizona corporation

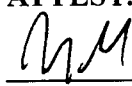
Its: Manager

  
By Robert Coulter, Executive Vice President

Date:

18<sup>th</sup> November 2009

**ATTEST:**

  
HE Sugar Land Buildings, L.P. **TY FIELDS**  
Tax Abatement Agreement – First Amendment  
Page 2 of 4

Attachments: **Exhibit A** – November 5, 2009 request for amendment  
**Exhibit B** – January 22, 2008 Tax Abatement Agreement

I:\MER\Tax Abatement\HE Sugar Land.Amend.3195-122

Exhibit A

**HRBACEK & ASSOCIATES, P.C.**

ATTORNEYS AND COUNSELORS AT LAW

BRAZOS PROFESSIONAL BUILDING  
130 INDUSTRIAL BOULEVARD, SUITE 110  
SUGAR LAND, TEXAS 77478

TELEPHONE (281) 240-2424

FAX (281) 240-7088

November 5, 2009

Mary E. Reveles  
First Assistant County Attorney  
301 Jackson, Suite 728  
Richmond, Texas 77469

RE: HE Sugar Land Buildings, LP

Dear Ms. Reveles:

In accordance with our telephone conference this morning, HE Sugar Land Buildings, LP is requesting an amendment to its current Tax Abatement Agreement with Fort Bend County to allow the improvements as required by Paragraph 4(a) to be completed on or before January 1, 2011 versus January 1, 2010.

I am also enclosing a copy of the City of Sugar Land's amendment as approved.

Please provide a draft for my review at your convenience. We appreciate you placing such item on the November 24, 2009 agenda.

If you have any questions in regards to the above, please do not hesitate to call.

Sincerely,

HRBACEK & ASSOCIATES, P.C.

By:

Dean A. Hrbacek

cc: Robert Coulter  
Greg Nelson

