

STATE OF TEXAS §
 COUNTY OF FORT BEND §

FIRST AMENDMENT TO
INTERLOCAL AGREEMENT FOR STORM SEWER IMPROVEMENTS
 (Falcon Landing Boulevard Storm Sewer)

This First Amendment to the Interlocal Agreement (the "Agreement"), authorized by Texas Government Code Chapter 791, is made and entered into by and between Fort Bend County, a body corporate and politic under the laws of the State of Texas, acting by and through its Commissioners Court, (the "County") and Fort Bend County Municipal Utility District No. 185, acting by and through its Board of Directors ("FB 185").

RECITALS:

WHEREAS, the County and FB 185 entered into an Interlocal Agreement on June 12, 2012 ("Agreement") for construction of the Storm Sewer Project for the benefit of both FB 185 and County in connection with the extension of Falcon Landing Boulevard (the "Storm Sewer Project"); and

WHEREAS, County and FB 185 now desire to amend the Agreement to provide for an 0.84 acre increase in the drainage area affected by the Storm Sewer Project.

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements and benefits to both parties, the Agreement is amended as provided below:

- A. Construction of Storm Sewer Storm Sewer Project. FB 185 shall cause the Storm Sewer Project to be designed by Brown & Gay, Inc. (the "Engineer") and constructed as set forth in Exhibit A, attached hereto and incorporated by reference as if set forth herein verbatim. The Storm Sewer Project shall be constructed in accordance with final plans approved by all applicable governmental entities, including the County and FB 185. Following approval of final plans of the Storm Sewer Project, FB 185 will bid and award a contract for construction of the Storm Sewer Project in compliance with applicable laws. The design and construction contract(s) for the Storm Sewer Project shall be entered into between FB 185 and the contractor with a copy provided to the County within thirty (30) days of execution by FB 185.
- B. Contribution by the County. Upon the award of the construction contract for the construction of the Storm Sewer Project, the County shall deliver to FB 185 105% of the County's pro rata share of the engineering estimated cost more particularly described in Exhibit "B" (the "Estimated Cost"), to be disbursed only for the Storm Sewer Project. The Actual Cost shall be

calculated and itemized by the engineer for FB 185 upon completion of the Storm Sewer Project, and a copy thereof shall be provided to the County with reasonable back-up documentation. After its receipt of the Actual Cost, the County shall have thirty (30) days to pay its pro rata share of the amount by which the Actual Cost exceeds the Estimated Cost. In the event the Actual Cost is less than the Estimated Cost, FB 185 shall refund the County within thirty (30) days the County's pro rata share of the amount by which the Estimated Cost exceeds the Actual Cost.

- C. No additional funding shall be available from County under the Agreement without prior written consent of County, subject to the provisions of section B above.
- D. Except as modified herein, the Agreement remains in full force and effect and has not been modified or amended.
- E. If there is a conflict between this First Amendment and the Agreement, the provisions of this Amendment shall prevail.

Execution

This First Amendment has been executed by City and County upon and by the authority of their respective governing bodies. This Agreement is not effective until executed by County.

APPROVED AS TO FORM:

FORT BEND COUNTY

ROY L. CORDES, JR.

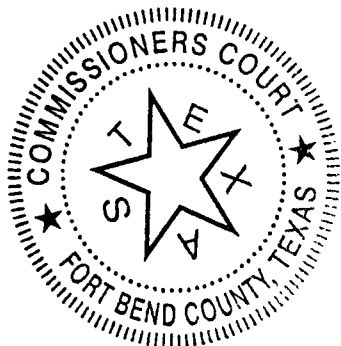
County Attorney

By *Mary E. Rowley*
Assistant County Attorney

By *Robert Hebert*
ROBERT HEBERT, County Judge
9-25-2012

Attest:

Dianne Wilson
Dianne Wilson, County Clerk



FORT BEND COUNTY
MUNICIPAL UTILITY DISTRICT NO. 185



(DISTRICT SEAL)

Attest

By: *[Signature]*
President

By: *[Signature]*
Secretary

Exhibit B



Storm Sewer Cost Distribution on Falcon Landing Blvd.

Project: Falcon Landing Blvd
Job No: 450-00
By: JWM
Date: 7/25/2012

X:\Districts\FBCMUD185\Falcon_Landing_Bld_120504_EKGR01_Calculations\01_Utilites\00_Pro_Rate_Storm_Nbr_2012\FLB_STM-CALC-PRO RATA_EX01BET.dwg]WORKSHEET

Station	Start	End	Depth	Length	Flow	Velocity	Area	Volume	Weight	Unit Cost	Total Cost	Subtotal	Subtotal	Subtotal	Subtotal
U	Plug 1	2	9.93	1.42	11.35	87%	13%	148	30	\$48.00	\$7,104.00	\$6,215.22	\$888.78		
B	2	3	9.93	1.42	11.35	87%	13%	148	30	\$48.00	\$7,104.00	\$6,215.22	\$888.78		
B	3	4	9.93	5.74	15.87	83%	37%	181	36	\$65.00	\$10,485.00	\$8,631.02	\$1,853.98		
B	4	6	9.93	50.48	60.42	18%	84%	300	42	\$76.00	\$22,800.00	\$3,747.17	\$19,052.83		
B	5	6	9.93	50.48	60.42	18%	84%	275	42	\$76.00	\$20,900.00	\$3,434.91	\$17,465.09		
B	6	7	9.93	57.56	67.48	15%	85%	288	48	\$97.00	\$27,936.00	\$4,110.30	\$23,825.70		
B	7	8	9.93	57.56	67.48	15%	85%	278	48	\$97.00	\$27,054.00	\$3,981.88	\$23,072.12		
B	8	9	9.93	60.27	70.20	14%	86%	300	48	\$97.00	\$29,100.00	\$4,116.28	\$24,983.72		
B	9	10	9.93	60.27	70.20	14%	86%	300	48	\$97.00	\$29,100.00	\$4,116.28	\$24,983.72		
B	10	11	9.93	60.27	70.20	14%	86%	300	48	\$97.00	\$29,100.00	\$4,116.28	\$24,983.72		
B	11	12	9.93	84.22	74.15	13%	87%	284	48	\$97.00	\$27,548.00	\$3,889.17	\$23,658.83		
B	12	13	9.93	84.22	74.15	13%	87%	284	48	\$97.00	\$27,548.00	\$3,889.17	\$23,658.83		
B	13	14	9.93	85.68	75.62	13%	87%	10	60	\$158.00	\$1,580.00	\$207.49	\$1,372.51		
B	14	15	9.93	85.68	75.62	13%	87%	48	60	\$158.00	\$7,584.00	\$995.89	\$6,588.11		
B	15	Out	9.93	85.68	75.62	13%	87%	92	60	\$158.00	\$14,536.00	\$1,908.79	\$12,627.21		
SUBTOTAL PIPE											\$288,468.00	\$57,175.82	\$232,292.18		
*MISC. COSTS (10%)											\$28,846.80	\$5,717.58	\$23,129.22		
TOTAL PIPE											\$318,414.80	\$62,893.40	\$255,521.40		
SUBTOTAL MANHOLES											\$34,144.00	\$6,725.75	\$27,418.25		
*MISC. COSTS (10%)											\$3,414.40	\$672.58	\$2,741.82		
TOTAL MANHOLES											\$37,558.40	\$7,398.33	\$30,160.07		

Total Storm Sewer Cost - **\$355,973.20**
 Subtotal FBC Cost - **\$70,291.51 (20%)**
 Subtotal FBCMUD 185 Cost - **\$265,681.69 (80%)**

 Total Engineering Cost - **\$16,450.00**
 Subtotal FBC Cost - **\$3,287.08 (20%)**
 Subtotal FBCMUD 185 Cost - **\$13,162.92 (80%)**

 Total FBC Cost - **\$73,578.59 (20%)**
 Total FBCMUD 185 Cost - **\$324,564.61 (80%)**

* Note: Miscellaneous construction costs include items such as plugs, extra depth of manholes, utility excavation, spoil disposal, and concrete slope paving at outfall.