

CITY OF KATY
RESOLUTION NO. 617

RESOLUTION APPROVING THE INTERLOCAL PROJECT AGREEMENT
WITH FORT BEND COUNTY

WHEREAS, the City of Katy, Texas (the "City") and Fort Bend County (the "County") have previously entered into that certain Primary Interlocal Agreement, effective as of October 6, 2009 (the "Primary Interlocal"), pursuant to which the City agreed to assist the County with certain governmental functions and services on a "project by project basis"; and

WHEREAS, in order to assist the County in performing such certain governmental functions and services, the City desires to complete, or contribute funds related to the completion thereof, certain road projects (the "Projects") located in the boundaries of the County in accordance with the Primary Interlocal; and

WHEREAS, the Projects will improve traffic flow in and around the City of Katy; and

WHEREAS, the City desires to enter into an agreement with the County to detail the terms by which the designated Projects will be completed;

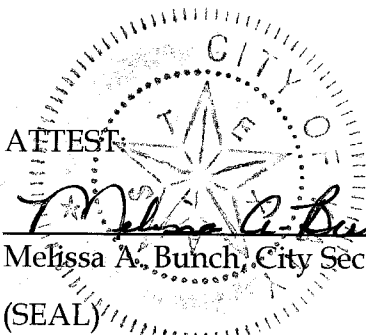
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KATY, TEXAS.

Section 1. The matters set forth in the recitals to this resolution are found to be true and are incorporated as part of this resolution.

Section 2. The Interlocal Project Agreement (the "Agreement"), as provided in **Exhibit A** attached hereto, is hereby approved.

Section 2. Except as provided in this resolution, the terms and conditions of the Agreement remain in full force and effect and apply to the design and construction of the Projects.

PASSED AND APPROVED this 27th day of April, 2015.

ATTEST:

Melissa A. Bunch
Melissa A. Bunch, City Secretary
(SEAL)

Fabool R. Hughes
Fabool R. Hughes, Mayor
APPROVED BY:
Art Pertile
Art Pertile, III, City Attorney

FIRST AMENDMENT TO INTERLOCAL AGREEMENT

THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

This **FIRST AMENDMENT TO INTERLOCAL AGREEMENT** (this "Amendment"), effective as of April 28, 2015, 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

WHEREAS, the City and Fort Bend County entered into that certain Interlocal Agreement (the "Interlocal Agreement"), executed by the City on December 8, 1997 and by Fort Bend County on December 16, 1997, 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, 2018, with such funds to be used for projects included in the Zone Project Plan (the "Project Plan"); 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 through December 31, 2038, in order for additional projects which are included in the Third Amended Project Plan and Reinvestment Zone Financing Plan, adopted by the City on January 26, 2015, to be completed by the Zone.

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

AGREEMENT

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

Section 2. The "Agreement Term" set forth in **Section VI, Subsection A** is hereby extended from December 31, 2018 to December 31, 2038.

Section 3. The Interlocal Agreement is hereby amended to add the following subsection to **Section VII. Miscellaneous**:

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 the Third Amended Project Plan and Reinvestment Zone Financing Plan in the form adopted by the City on January 26, 2015. 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

Fabrice N. Hughes
Mayor 4-27-2015 Date

FORT BEND COUNTY

John Nelson 4-28-2015
Fort Bend County Judge Date

ATTEST/SEAL:

T. Michael O'Connell 4-27-2015
City Secretary Date

APPROVED AS TO FORM:

Michelle Rango 4/28/15
Asst. County Attorney Date

APPROVED AS TO FORM:

Paula J. Alexander for
Art Bertile
City Attorney Date