

# CITY OF HOUSTON

**Sylvester Turner**

Mayor

Dale A. Rudick, P.E.  
Director  
P.O. Box 1562  
Houston, Texas 77251-1562

Telephone: 832-395-2500  
Fax: 832-395-2264  
[www.houstontx.gov](http://www.houstontx.gov)

March 8, 2016

Ms. Jillian Peterson  
Executive Assistant  
Fort Bend County Engineering  
301 Jackson, Suite 401  
Richmond, Texas 77469

**Re: First Amendment to the Amended and Restated Interlocal Agreement for Roadway Improvements, 2007 Mobility Bond Project No. 701, 758 and 766 between the City of Houston and Fort Bend County**

Dear Ms. Peterson:

Enclosed are two (2) original Amended Interlocal Agreements which have been executed by the City of Houston. Please have these agreements executed and return one fully executed agreement to the City for further handling. Ordinance No. 2016-0138 is also provided.

If you have any questions, please call me at (832) 395-2222 or Patricia K. Campbell, P.E. at (832) 395-2226.

Sincerely,

Thomas A. Artz, P.E.  
Managing Engineer  
Interagency Coordination Section  
Engineering Branch  
Engineering and Construction Division

TAA:PKC:ddh

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Enclosures: 1. Two (2) executed blue-back AFA C73414  
2. Ordinance No. 2016-0138

c: Ravi Kaleyatodi, P.E., CPM File: Fort Bend County – Fondren Road

Council Members: Brenda Stardig Jerry Davis Ellen R. Cohen Dwight A. Boykins Dave Martin Steve Le Greg Travis Karla Cisneros  
Robert Gallegos Mike Laster Larry V. Green Mike Knox David W. Robinson Michael Kubosh Amanda Edwards Jack Christie  
Controller: Chris Brown

C73414  
2016-0138

**FIRST AMENDMENT TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR ROADWAY IMPROVEMENTS, 2007 MOBILITY BOND PROJECT No. 701, 758, & 766 BETWEEN THE CITY OF HOUSTON AND FORT BEND COUNTY**

THE STATE OF TEXAS     §  
  §  
COUNTY OF FORT BEND   §

**THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR ROADWAY IMPROVEMENTS, 2007 MOBILITY BOND PROJECT No. 701, 758, & 766 (“FIRST AMENDMENT”)** is made on the counter-signature date by and between the **CITY OF HOUSTON, TEXAS** (the “City”), a home-rule city of the state of Texas principally located in Harris County, Texas, and **FORT BEND COUNTY** (the “County”), a body corporate and politic under the laws of the State of Texas, acting by and through its Commissioner Court (“each, a “Party”, and collectively, the “Parties”).

**RECITALS:**

1. Pursuant to City Ordinance 2009-0512 (June 17, 2009), and authorization by the Fort Bend County Commissioners’ Court (July 7, 2009), the City and the County entered into an agreement for three projects: Fondren Road from Hillcroft Avenue to McHard Road, South Post Oak from Sam Houston to McHard Road, and Blue Ridge Road from south of Rockergate Drive to McHard Road (the “Original Agreement”).
2. Pursuant to Ordinance 2014-558 (June 4, 2014), the City and the County agreed to amend the Original Agreement to revise the list of Updated Projects, and to amend the Updated Project cost participation for each Party (the “Amended and Restated Agreement”).
3. The City and the County desire to amend the Amended and Restated Agreement, to change the deadline for the Plan, Specification and Estimate (“PS&E”) approval.
4. This agreement is authorized by the Interlocal Cooperation Act, Chapter 791 of the TEXAS GOVERNMENT CODE.
5. **NOW THEREFORE**, the Parties agree as follows:

## ARTICLE I.

Subsection A. of Section 8. "General Provisions," of the Amended and Restated Agreement is deleted in its entirety and replaced with the following:

- "A. If on **September 30, 2016**, the City has not completed the PS&E for all the Updated Projects and the County has not exercised its right to terminate this Agreement before **September 30, 2016**, the County may terminate this Agreement at any time after such date. Any unused funds will be reimbursed according to the allocation of costs in Section 1 of this Agreement."

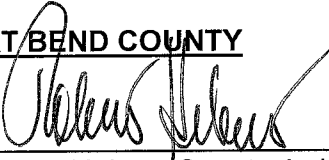
## ARTICLE II.

Except as modified under this First Amendment, the Amended and Restated Agreement will remain in full force and effect. In the event of a conflict between the Amended and Restated Agreement, and this First Amendment, this First Amendment shall prevail.

**E. Signatures**

The Parties have executed this Agreement in multiple copies, each of which is an original.

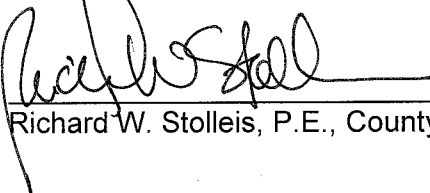
**FORT BEND COUNTY**

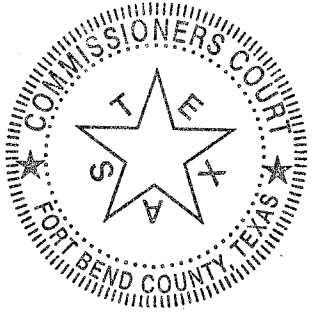
By:   
Robert E. Hebert, County Judge

ATTEST/SEAL

By:   
Laura Richard, County Clerk

APPROVED:

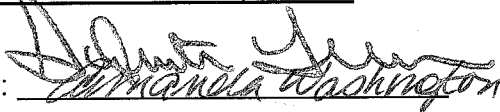
  
Richard W. Stolleis, P.E., County Engineer




APPROVED AS TO FORM:

  
Assistant County Attorney


**CITY OF HOUSTON, TEXAS**

By:   
Mayor

ATTEST/SEAL

  
City Secretary

APPROVED:

  
Director, Public Works and Engineering Department


COUNTERSIGNED BY:

  
City Controller Genard Polk

DATE COUNTERSIGNED:

3-1-16

APPROVED AS TO FORM:

  
Assistant City Attorney  
L.D. No. 0520800019002