

SECOND AMENDMENT TO INTERLOCAL AGREEMENT

THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

This **SECOND AMENDMENT TO INTERLOCAL AGREEMENT** (this "Amendment"), effective as of _____, 2019, 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, executed by the City on December 8, 1997 and by Fort Bend County on December 16, 1997, and that certain First Amendment to Interlocal Agreement, effective as of April 28, 2015 (collectively, the "Interlocal Agreement"), 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, 2038, with such funds to be used for projects included in the Zone Project Plan (as amended from time to time, the "Project Plan"); and

WHEREAS, the City adopted the Fourth Amended Project Plan and Reinvestment Zone Financing Plan, effective as of December 12, 2016 (the "Fourth Amended Project Plan") to update the eligible projects included in the Project Plan, as well as to expand the Zone's boundaries to include certain additional property described as follows: Reserve "M", West Ten Business Park Commercial Reserve "M", according to the map or plat thereof, recorded in Document No. 2016060760 (as reflected on the plat attached hereto as **Exhibit "A,"** the "Additional Property"); 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 to apply to the Additional Property to be effective as of December 12, 2016 through the termination of the Zone, as well as in order for additional projects which are included in the Fourth Amended Project Plan to be completed by the Zone; and

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. Fort Bend County hereby agrees that the Interlocal Agreement, including but not limited to its fifty percent (50%) participation level, shall apply to and include all of the property previously included in the within the boundaries of the

Zone, together with the Additional Property added by and included in the Fourth Amended Project Plan, with such contribution to be effective as of December 12, 2016 through the termination of the Zone.

Section 3. Section VII. Miscellaneous of the Interlocal Agreement (as added by the First Amendment to Interlocal Agreement) is hereby amended to read as follows:

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 all previously approved amendments thereto including but not limited to, the Fourth Amended Project Plan and Reinvestment Zone Financing Plan in the form effective as of December 12, 2016. 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.

[SIGNATURE PAGES FOLLOW.]

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

Mayor Date

FORT BEND COUNTY

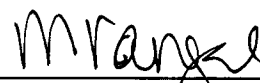


Fort Bend County Judge Date

ATTEST/SEAL:

City Secretary Date

APPROVED AS TO FORM:

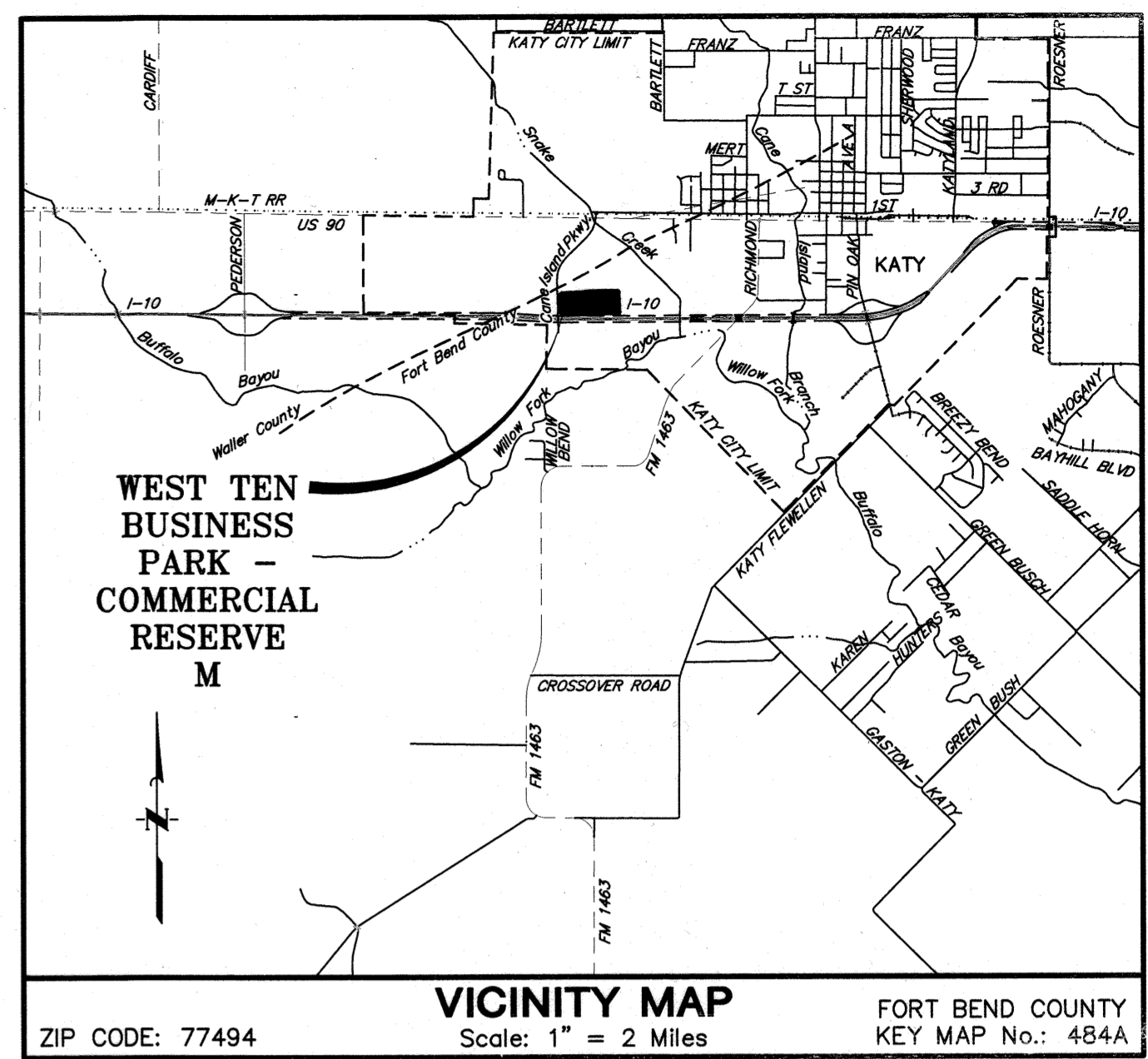
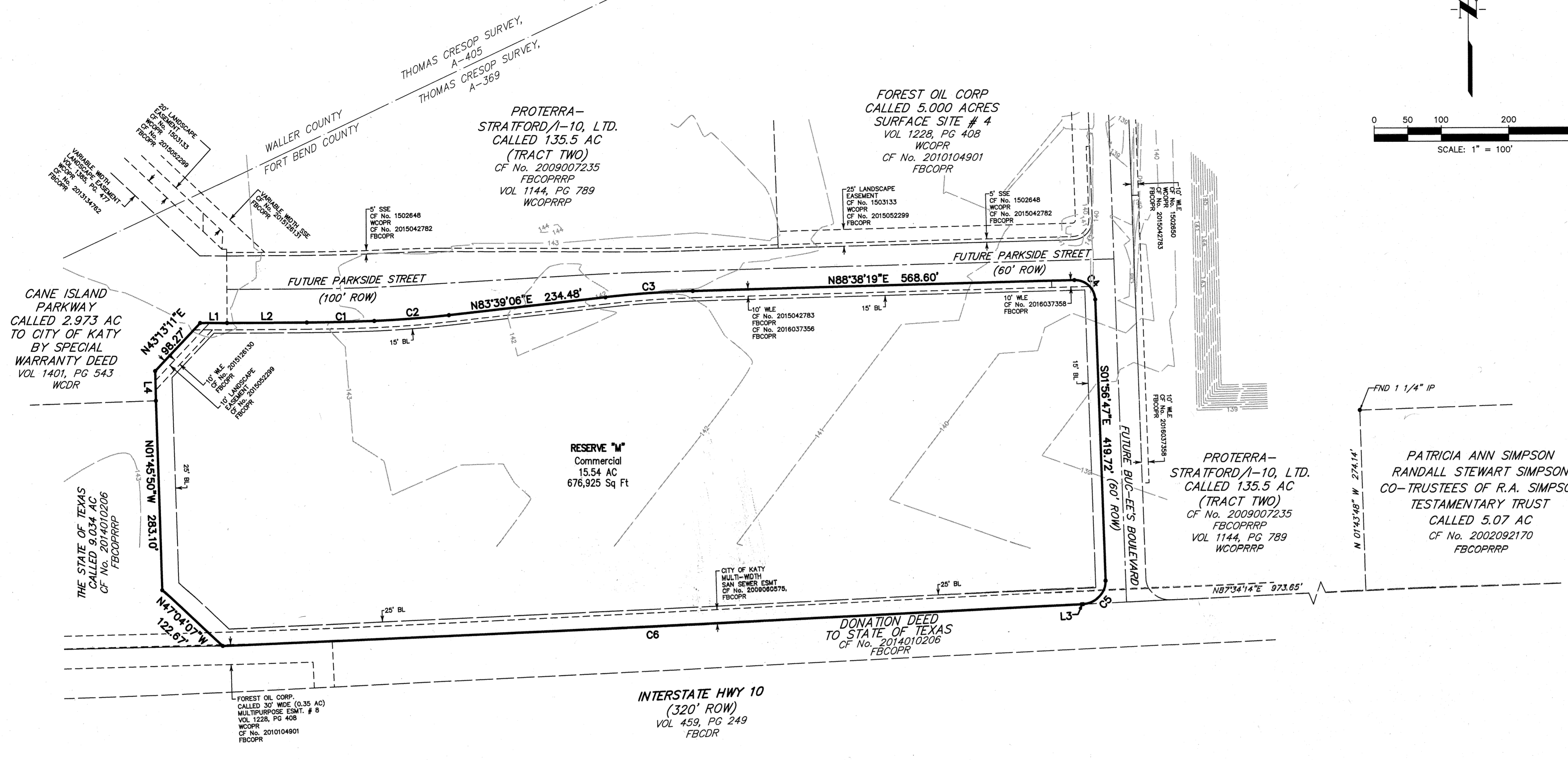
 8/6/19

County Attorney Date

APPROVED AS TO FORM:

City Attorney Date

EXHIBIT "A"



- General Notes
- 1) AC: "Acres"
 - AE: "Aerial Easement"
 - BL: "Building Line"
 - CF: "Clerk's File"
 - DE: "Drainage Easement"
 - DRWCT: "Deed Records of Waller County, Texas"
 - Easmt: "Easement"
 - FBCOPR: "Fort Bend Official Public Records"
 - FBCOPRRP: "Fort Bend Official Public Records of Real Property"
 - FC: "Film Code"
 - FND: "Found 3/4-Inch Iron Rod (With Cap Stamped 'Cotton Surveying') as Per Certification"
 - No: "Number"
 - ORWCT: "Official Records of Waller County, Texas"
 - ROW: "Right-of-Way"
 - SSE: "Sanitary Sewer Easement"
 - Sq Ft: "Square Feet"
 - Stm SE: "Storm Sewer Easement"
 - Temp: "Temporary"
 - UE: "Utility Easement"
 - Vol - Pg: "Volume and Page"
 - WCDR: "Waller County Deed Record"
 - WCDRPP: "Waller County Official Public Records"
 - WCOPRRP: "Waller County Official Public Records of Real Property"
 - WLE: "Waterline Easement"
 - Block Number: "Block Number"
 - Set 3/4-Inch Iron Rod With Cap Stamped 'Cotton Surveying' as Per Certification
- 2) All building lines along street rights-of-way are as shown on the plat.
 - 3) This tract is located within the city limits of the City of Katy, & Fort Bend County, Texas.
 - 4) According to Map No. 48157004DL of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Fort Bend County, dated April 2, 2014, the subject tract is situated within: Unshaded Zone X areas determined to be outside the 0.2% annual chance floodplain.
 - 5) Bearings shown hereon are based on the Texas Coordinate System, South Central Zone, NAD (83.6)
 - 6) Commercial Reserve "M" is 15,540 acres, 676,925 square feet.
 - 7) The Property is Zoned as Planned Development District known as "West Ten Business Park," per City of Katy Ordinance No. 2445, Dated August 24, 2009, and is subject to the Provisions set forth in said ordinance.
 - 8) All Elevations Referenced Hereon are Based on NGVD 29 (1973 ADJ.) Based upon USGS Benchmark Y1148.

LINE	BEARING	DISTANCE
L1	N89°47'49"E	40.00'
L2	N89°47'50"E	118.57'
L3	S87°19'18"W	2.56'
L4	N01°18'57"W	44.29'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH	TANGENT
C1	3050.00'	1°53'10"	100.41'	N88°51'15"E	100.40'	50.21'
C2	1500.00'	4°15'34"	111.51'	N85°46'53"E	111.48'	55.78'
C3	1500.00'	4°59'13"	130.56'	N86°08'42"E	130.52'	65.32'
C4	30.00'	89°24'54"	46.92'	S46°39'14"E	42.21'	29.70'
C5	35.00'	89°16'05"	54.53'	S42°41'15"W	49.18'	34.56'
C6	143395.68'	0°30'41"	1279.89'	S87°27'45"W	1279.89'	639.95'

4 PGS 2016060760
PLAT ATTACH

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Laura Richard
Laura Richard, County Clerk
Fort Bend County, Texas
June 10, 2016 01:42:01 PM
FEE: \$294.00 DP2
PLAT 20160142

WEST TEN BUSINESS PARK COMMERCIAL RESERVE "M"

A SUBDIVISION OF 15.54 ACRES OF LAND OUT OF THE

THOMAS CRESOP SURVEY, A-369
CITY OF KATY & FORT BEND COUNTY, TEXAS

1 RESERVE 0 BLOCKS
MAY 2016

OWNER: PARKSIDE-STRATFORD/1-10, LTD.
3003 West Alabama
Houston, TX 77098
713-773-5521

SURVEYOR: JONES CARTER
Texas Board of Professional Land Surveying Registration No. 20060-00
6300 West Loop South, Suite 210 - Reliance, TX 77469 - 713-777-5337

ENGINEER: JONES CARTER
Texas Board of Professional Engineers Registration No. F-439
6300 West Loop South, Suite 250 - Reliance, TX 77469 - 713-777-5337

STEVEN A. JARES, R.P.L.S. No. 5317
TBPLS FIRM REG. No. 10046100

SEAN P. BURCH, P.E.

THE STATE OF TEXAS §
COUNTY OF HARRIS §

We, Parkside-Stratford/-10, LTD, a Texas limited partnership "Owner", acting by and through, Brett Walker and Dan T. Moody, Vice Presidents of Parkside Capital, LLC, its general partner, owner of the property subdivided, in this plat of West Ten Business Park Commercial Reserve M, make subdivision of the property on behalf of the corporation, according to the lines, lots, building lines, streets, alleys, parks and easements as shown and dedicated for public use, the streets, all alleys, parks and easements shown, and waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to the grades, and bind ourselves, our heirs successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designed with aerial easements (U.E. and A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty-one feet, six inches (21' 6") in width.

FURTHER, Owner has dedicated and by these presents does dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designed with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30' 0") in width.

IN TESTIMONY WHEREOF, Parkside-Stratford/-10, LTD, a Texas limited partnership has caused these presents to be signed by Brett Walker, Vice President, and Dan T. Moody, Vice President of Parkside Capital, LLC, its general partner, and its seal, hereunto authorized this 26th day of May, 2016.

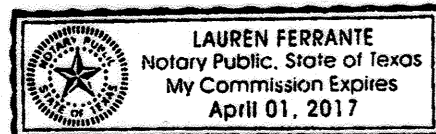
Parkside-Stratford/-10, Ltd., a Texas limited Partnership
By: Parkside Capital, LLC,
its general partnership

By: [Signature] Attest: [Signature]
Brett Walker, Vice President Dan T. Moody, Vice President

STATE OF TEXAS §
COUNTY OF HARRIS §

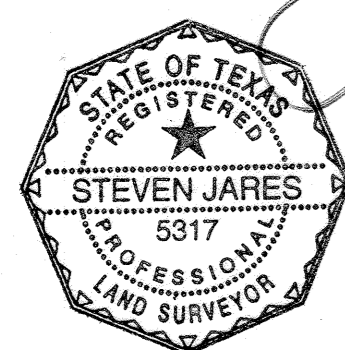
BEFORE ME, the undersigned authority, on this day personally appeared Brett Walker, Vice President, and Dan T. Moody, Vice President, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 26th day of May, 2016.



[Signature]
Notary Public in and for the State of Texas

I, Steven Jares, am registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than three-quarter (3/4) inch and a length of not less than three (3) feet as shown hereon; and that the plat boundary corners have been tied to the nearest survey corner.



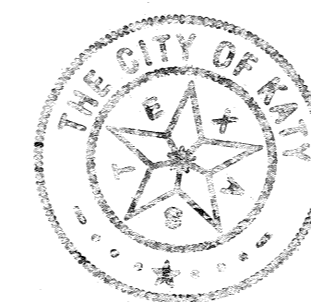
[Signature]
Steven Jares
Registered Professional Land Surveyor
No. 5317

This is to certify that, in accordance with The City of Katy Ordinance No. 2500, The City Administrator of the City of Katy, Texas has approved this plat and subdivision of the West Ten Business Park Commercial Reserve M, as shown hereon in testimony whereof, witness the official signature of the City Administrator and City Secretary of the City of Katy, Texas this 9th day of June, 2016.

Secretary of the City of Katy, Texas this 9th day of June, 2016.

[Signature]
Byron U. Hebert
City Administrator

[Signature]
Melissa A. Bunch
City Secretary



STATE OF TEXAS §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared Byron U. Hebert, City Administrator, and Melissa A. Bunch, City Secretary of the City of Katy, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that the same was the act of the City of Katy, for the purposes and considerations expressed, and in the capacities stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ___ day of ___, 2016.

Notary Public in and for Fort Bend County, Texas

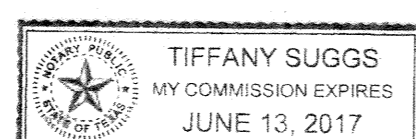
We, International Bank of Commerce, owner and holder of a lien against the property described in the plat known as West Ten Business Park Commercial Reserve M, against the property described instrument of record in Volume 1144, Page 789, of the Official Public Records of Waller County, Texas and under Clerk's File No. 2009007235 of the Fort Bend County Official Public Records, do hereby in all things subordinate to said plat said lien and we hereby in all things subordinate to said plat said lien and we hereby confirm that we are the present owners of said lien and have not assigned the same nor any part thereof.

[Signature]
Mario Fazio, Vice President

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Mario Fazio, Vice President of International Bank of Commerce, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein set out, and as the act and deed of said partnership.

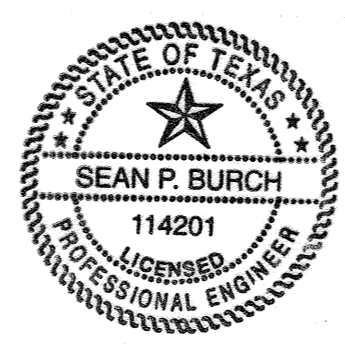
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25 day of May, 2016.



[Signature]
Notary Public in and for the State of Texas

I, Sean P. Burch, a Professional Engineer registered in the State of Texas, do hereby certify that this plat meets all requirements of the City of Katy, to the best of my knowledge.

[Signature]
Sean P. Burch, P.E.
Professional Engineer
No. 114201



STATE OF TEXAS §
COUNTY OF FORT BEND §

A METES & BOUNDS description of a certain 15.54 acre tract of land situated in the Thomas Cresop Survey, Abstract No. 369 in Fort Bend County, Texas, being out of the remainder of a called 135.5 acre tract of land conveyed to Proterra-Stratford/-10, Ltd. by deed recorded in Clerk's File No. 2009007235 of the Fort Bend County Official Public Records and Volume 1144, Page 789 of the Waller County Official Public Records; said 15.54 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83:

BEGINNING at a found TxDOT Monument at the north end of the southeast cutback of Cane Island Parkway (120' Right-of-Way) recorded in Volume 1311, Page 403 of the Waller County Official Public Records, common with a southwest line of the remainder of said 135.5 acre tract;

THENCE, North 89°47'49" East, 40.00 feet to a found 3/4-inch iron rod (with cap stamped 'Cotton Surveying');

THENCE, along the south line of a proposed variable width right-of-way the following seven (7) courses and distances:

1. North 89°47'50" East, 118.57 feet to a found 3/4-inch iron rod (with cap stamped 'Cotton Surveying') at the beginning of a curve to the left;
2. Along the arc of said curve to the left having a radius of 3050.00 feet, a central angle of 01°53'10", an arc length of 100.41 feet, and a long chord bearing North 88°51'15" East, 100.40 feet, to a found 3/4-inch iron rod (with cap stamped 'Cotton Surveying') at the beginning of a compound curve to the left;
3. Along the arc of said compound curve to the left having a radius of 1500.00 feet, a central angle of 04°15'34", an arc length of 111.51 feet, and a long chord bearing North 85°46'53" East, 111.48 feet, to a found 3/4-inch iron rod (with cap stamped 'Cotton Surveying');
4. North 83°39'06" East, 234.48 feet to a found 3/4-inch iron rod (with cap stamped 'Cotton Surveying') at the beginning of a curve to the right;
5. Along the arc of said curve to the right having a radius of 1500.00 feet, a central angle of 04°59'13", an arc length of 130.56 feet, and a long chord bearing North 86°08'42" East, 130.52 feet, to a found 3/4-inch iron rod (with cap stamped 'Cotton Surveying');
6. North 88°38'19" East, 568.60 feet to a set 3/4-inch iron rod (with cap stamped 'Cotton Surveying') at the beginning of a curve to the right;
7. Along the arc of said curve to the right having a radius of 30.00 feet, a central angle of 89°24'54", an arc length of 46.82 feet, and a long chord bearing South 46°39'14" East, 42.21 feet, to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner') at the beginning of a reverse curve to the left in the west line of a proposed 60' wide right-of-way;

THENCE, South 01°56'47" East, along said proposed 60' wide right-of-way, 419.72 feet to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner') at the beginning of a curve to the right;

THENCE, along the arc of said curve to the right having a radius of 35.00 feet, a central angle of 89°16'05", an arc length of 54.53 feet, and a long chord bearing South 42°41'15" West, 49.18 feet to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner') to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner') in the north line of a Right of Way Extension of Interstate 10 recorded in Clerk's File No. 2014010206 of the Fort Bend County Official Public Records;

THENCE, South 87°19'18" West, along said north line, 2.56 feet to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner') at the beginning of a curve to the right;

THENCE, along the arc of said curve to the right having a radius of 143395.88 feet, a central angle of 00°30'41", an arc length of 1279.89 feet, and a long chord bearing South 87°27'45" West, 1279.89 feet, to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner') at the south end of a cutback at the southeast corner of Cane Island Parkway;

THENCE, North 47°04'07" West, along said cutback, 122.67 feet to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner') to the north end of said cutback of Cane Island Parkway;

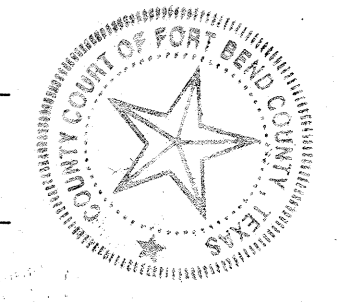
THENCE, North 01°45'50" West, along the east line of Cane Island Parkway, 283.10 feet to a set 3/4-inch iron rod (with cap stamped 'Jones/Carter Property Corner');

THENCE, North 01°18'57" West, continuing along the east line of said Cane Island Parkway, 44.29 feet to a found TxDOT Monument at the south end of a cutback of Cane Island Parkway;

THENCE, North 43°13'11" East, 98.27 feet to the POINT OF BEGINNING, CONTAINING 15.54 acres of land in Fort Bend County, Texas.

I, Laura Richard, County Clerk in and for Fort Bend County, hereby certify that the foregoing instrument with its certificate of authentication was filed for registration in my office on JUNE 10, 2016, at 1:42 o'clock P in Plat No. 20160142 of the Plat Records of said County. Witness my hand and seal of office, at Richmond, Texas, the day and date last above written.

[Signature]
Laura Richard, County Clerk
Fort Bend County, Texas
By: [Signature]
Deputy DIANA PASQUALADO



4 PGS 2016060760
PLAT ATTACH

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

[Signature]
Laura Richard, County Clerk
Fort Bend County, Texas
June 10, 2016 01:42:01 PM
FEE: \$294.00 DP2 20160142
PLAT

WEST TEN BUSINESS PARK COMMERCIAL RESERVE "M"

A SUBDIVISION OF 15.54 ACRES OF LAND OUT OF THE THOMAS CRESOP SURVEY, A-369 CITY OF KATY & FORT BEND COUNTY, TEXAS

1 RESERVE 0 BLOCKS
MAY 2016

OWNER: PARKSIDE-STRATFORD/-10, LTD.
3003 West Alabama
Houston, TX 77098
713-773-5521

SURVEYOR: J.C. JONES | CARTER
Texas Board of Professional Land Surveying Registration No. 35045-02
130 West Loop South, Suite 150 - Houston, TX 77027-7339

ENGINEER: J.C. JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
130 West Loop South, Suite 150 - Houston, TX 77027-7339

STEVEN A. JARES, R.P.L.S. No. 5317
TBPLS FIRM REG. No. 10046100

SEAN P. BURCH, P.E.