

THE STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

AMENDMENT TO ROADWAY USE AND MAINTENANCE AGREEMENT

THIS AMENDMENT, is made and entered into by and between Fort Bend County, Texas (the "County"), a body politic acting herein by and through its Commissioners Court, and AP Solar 2, LLC., a Delaware limited liability company, (the "Project Company"). The County and the Project Company Owner may be individually referred to as a "Party" or collectively as the "Parties."

WHEREAS, the Parties executed and accepted that certain Roadway Use Agreement on April 27, 2021, (hereinafter "Agreement"); and

WHEREAS, the Parties desire to amend the Agreement to modify certain terms of the Agreement.

NOW, THEREFORE, the Parties do mutually agree to amend the Agreement as follows:

- I. Replace Paragraph 1. A. of the Agreement in its entirety with the following:
 - A. Pay a bond in the amount of \$3,000,000 to cover any costs of repairing the entire County Roads subject to this Agreement, if necessary; and
- II. Replace Paragraph 1. D. of the Agreement in its entirety with the following:
 - D. Place personnel and/or signage, subject to Texas Department of Transportation approval, at the following intersections to enforce delivery, access and egress routes according to Exhibit A, during scheduled delivery hours for the construction phase:
 - (I) FM 1994 and Brumbelow Road;
 - (II) FM 1994 and Wolfgang Road/Padon Road;
 - (III) Brumbelow Road and Beard Road;
 - (IV) Hughes Road and Kemp Road;
 - (V) Wolfgang Road and Beard Road;
 - (VI) Kocurek Road and FM 1462;
 - (VII) Hughes Road and FM 1994;
 - (VIII) Barak Road and Wolfgang Road;
 - (IX) Barak Road and Highway 36;
 - (X) Hughes Road and Beard Road;
 - (XI) Beard Road and SH 36;

- (XII) FM 1462 and SH 36;
- (XIII) FM 1994 and SH 36;
- (XIV) Brumbelow Road and FM 1462; and
- (XV) Padon Road at construction entrance of the Project Company's Facility;

Except as provided herein, all terms and conditions of the Agreement shall remain unchanged.

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed to multiple counterparts to be effective on the date signed by the final party.

FORT BEND COUNTY

KP George
County Judge KP George

9.14.2021
Date

ATTEST:

Laura Richard
Laura Richard, County Clerk



APPROVED:

J. Stacy Slawinski
J. Stacy Slawinski, P.E., County Engineer

PROJECT COMPANY:

AP Solar 2, LLC,
a Delaware limited liability company
8/30/2021

DocuSigned by:
By: Martin Brogaard
Name: martin Brogaard
Title: Managing Director

EXHIBIT A
Road Maintenance and Upkeep Corridors

- Wolfgang Road between FM 1994 and Beard Road – Graveled
- Kocurek Road between Beard Road and FM 1462 – Graveled
- Hughes Road between FM 1994 and Kemp Road – Chip Seal
- Hughes Road between Kemp Road and Beard Road – Graveled
- Brumbelow Road between FM 1994 and FM 1462
- Beard Road between SH 36 and Brumbelow Road
- Kemp Road between Hughes Road and Brumbelow Road
- Barak Road between SH 36 and Wolfgang Road
- Padon Road between FM 1994 to the construction entrance of the Project Company's Facility

ROAD MAINTENANCE AND UPKEEP MAP

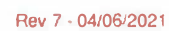


EXHIBIT B

Photo and Video Footage available upon request to the Fort Bend
County Engineering Department at 281-633-7500.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING**

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

AP SOLAR 2 LLC
Guy, TX United States, TX United States

Certificate Number:
2021-798442

Date Filed:
09/03/2021

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Ft. Bend County

Date Acknowledged:
09/14/2021

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

21-Eng-100618
Amend 1 - Roadway Use-Maintenance.v3

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

**6 UNSWORN DECLARATION**

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)