

STATE OF TEXAS §
COUNTY OF FORT BEND §

**THIRD AMENDMENT TO AGREEMENT FOR
PROFESSIONAL PROPERTY ACQUISITION SERVICES**
(PAS Property Acquisition Services, LLC)

THIS THIRD AENDMENT (“Third Amendment”) is entered into by and between Fort Bend County, Texas (“County”), a political subdivision of the state of Texas, and PAS Property Acquisition Services, LLC (“PAS”), a Texas Limited Liability Company. County and PAS are hereinafter collectively referred to as the “Parties” and each individually a “Party.”

WHEREAS, the Parties previously entered into the Agreement for Professional Property Acquisition Services on March 8, 2022, (the “Original Agreement”) for Professional Property Acquisition Services for Right-of-Way acquisition services for County under the 2020 Mobility Bond Program; and as amended on November 22, 2022 (the “First Amendment”); and as amended on May 9, 2023 (the “Second Amendment”); and

WHEREAS, the Original Agreement, the First Amendment, and the Second Amendment are incorporated fully by reference for all purposes, and are collectively referred to as the “Agreement” and

WHEREAS, by execution of this Third Amendment, the Parties desire to amend the Agreement to provide for additional services by PAS, to increase the total Maximum Compensation for the completion of such services, and to otherwise ratify and confirm all the terms and conditions as set forth therein.

NOW, THEREFORE, in consideration of the foregoing, the Parties do mutually agree that the Agreement between the Parties is hereby amended as follows:

1. **Scope of Services.** County shall pay PAS an additional One Million, One Hundred Ninety Thousand Dollars and 00/100 (\$1,190,000.00) for the acquisition of the following:
 - A. 1 parcel for Koeblen Road Segment 3 - Project No. 20115
 - B. 20 parcels for Reading Road Intersections – Project No. 20109
 - C. 2 parcels for Benton Road – Project No. 20104
 - D. 14 parcels for Koeblen Road Segment 1 – Project No. 20107
 - E. 3 parcels for Benton Road Extension – Project No. 20108
 - F. 6 parcels for Richmond Street – Project No. 20118
 - G. 44 parcels for Evergreen Segment 1 – Project No. 20122x
 - H. 29 parcels for Evergreen Segment 2 – Project No. 20123x
 - I. 11 parcels for McKaskle – Project No. 20408

- J. 3 parcels for Vacek – Project No. 20111
- K. 1 parcel for Willow Road – Project No. 20125x
- L. 2 parcels for West Bellfort – Project No. 20401

The Scope of Services under this Third Amendment are further described in PAS's July 27, 2023 Proposal (the "Services") attached hereto as Exhibit "A-3" and incorporated fully by reference for all intents and purposes.

2. **Limit of Appropriation.** PAS understands and agrees that the Maximum Compensation payable to PAS for Services rendered under the Agreement, is hereby increased to an amount not to exceed Two Million, Three Hundred Seventy-Four Thousand, One Hundred Dollars and 00/100 (\$2,374,100.00) authorized as follows:

\$675,200.00 under the Original Agreement;
\$265,050.00 under the First Amendment;
\$243,850.00 under this Second Amendment; and
\$1,190,000.00 under this Third Amendment

In no event shall the amount paid by County under the Agreement and this Third Amendment exceed the Maximum Compensation without a County approved change order. PAS clearly understands and agrees, such understanding and agreement being of the absolute essence of the Agreement, that County shall have available the total maximum sum of Two Million, Three Hundred Seventy-Four Thousand, One Hundred Dollars and 00/100 (\$2,374,100.00) specifically allocated to fully discharge any and all liabilities County may incur under the Agreement.

PAS does further understand and agree, said understanding and agreement also being of the absolute essence of this Agreement that the total Maximum Compensation that PAS may become entitled to and the total maximum sum that County may become liable to pay to PAS under the Agreement shall not under any conditions, circumstances, or interpretations thereof exceed Two Million, Three Hundred Seventy-Four Thousand, One Hundred Dollars and 00/100 (\$2,374,100.00).

3. **Certain State Law Requirements for Contracts.** The contents of this Section are required by Texas law and are included by County regardless of content For purposes of Sections 2252.152, 2271.002, and 2274.002, Texas Government Code, as amended, PAS hereby verifies that PAS and any parent company, wholly owned subsidiary, majority-owned subsidiary, and affiliate:

- A. Unless affirmatively declared by the United States government to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization, is not identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 806.051, 807.051, or 2252.153 of the Texas Government Code.

- B. If employing ten (10) or more full-time employees and this Agreement has a value of \$100,000.00 or more, PAS does not boycott Israel and is authorized to agree in such contracts not to boycott Israel during the term of such contracts. "Boycott Israel" has the meaning provided in § 808.001 of the Texas Government Code.
 - C. If employing ten (10) or more full-time employees and this Agreement has a value of \$100,000.00 or more, PAS does not boycott energy companies and is authorized to agree in such contracts not to boycott energy companies during the term of such contracts. "Boycott energy company" has the meaning provided in § 809.001 of the Texas Government Code.
 - D. If employing ten (10) or more full-time employees and this Agreement has a value of \$100,000.00 or more, PAS does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and is authorized to agree in such contracts not to discriminate against a firearm entity or firearm trade association during the term of such contracts. "Discriminate against a firearm entity or firearm trade association" has the meaning provided in § 2274.001(3) of the Texas Government Code. "Firearm entity" and "firearm trade association" have the meanings provided in § 2274.001(6) and (7) of the Texas Government Code.
- 4. **Recitals.** The recitals set forth above are incorporated herein by reference and made a part of the Agreement.
 - 5. **Human Trafficking.** BY ACCEPTANCE OF THIS AGREEMENT, PAS ACKNOWLEDGES THAT FORT BEND COUNTY IS OPPOSED TO HUMAN TRAFFICKING AND THAT NO COUNTY FUNDS WILL BE USED IN SUPPORT OF SERVICES OR ACTIVITIES THAT VIOLATE HUMAN TRAFFICKING LAWS.
 - 6. **Modifications and Conflict.** Except as modified herein, the Agreement shall remain in full force and effect and has not been otherwise modified or amended. If there is a conflict among documents that make up the Agreement, this Third Amendment shall prevail with regard to the conflict.

{EXECUTION PAGE FOLLOWS}

FORT BEND COUNTY, TEXAS



KP George, County Judge

September 12, 2023
Date

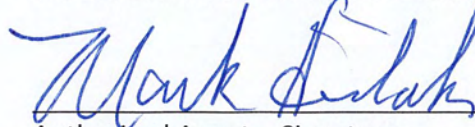
ATTEST:



Laura Richard, County Clerk



PAS PROPERTY ACQUISITION SERVICES, LLC



Authorized Agent – Signature

Mark Heidaker

Authorized Agent- Printed Name

President

Title

8/18/23

Date

APPROVED:



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

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 2,374,100.00 to accomplish and pay the obligation of Fort Bend County, Texas under this Agreement.



Robert E. Sturdivant,
County Auditor

Exhibit A-3: PAS's July 27, 2023 Proposal

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Exhibit A-3



Right-of-Way
and
Acquisition Services
Proposal

for

Fort Bend County

Fort Bend County Mobility Bond
Program (P.O. #210754)

Property Acquisition Services, LLC.
19855 Southwest Freeway, Suite 200
Sugar Land, TX 77479
281-343-7171 office
281-343-8181 fax



July 27, 2023

Mr. Guy Matula
Fort Bend County
301 Jackson St., 4th Floor
Richmond, TX 77469

Re: Proposal to provide Right-of-Way Acquisition Services

Property Acquisition Services, LLC. (PAS) hereby submits this proposal per your request for the purpose of providing land and right-of-way acquisition services to Fort Bend County under the terms of a Professional Services Agreement. In conjunction with the Fort Bend County Mobility Bond Program (P.O. #210754), we submit the following request for additional funds:

Projects Previously Approved:

10 th Street (20106)	\$641,000.00
Fairgrounds Hwy 36 (20124x)	34,200.00
Vacek Road (20111)	205,200.00
Rohan Road (20105)	42,750.00
Church Street (20119)	8,550.00
Reading Road (20117)	8,550.00
Koeblen Road (20115)	114,800.00
Reading Road Intersections (20109)	120,500.00
Stella Road (20116)	8,550.00
Total Funds Previously Approved for P.O. #210754	\$ 1,184,100.00



Additional Projects:

Koeblen Road Segment 3 (20115)

Acquire 1 parcel

Management

\$ 700.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 1,900.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 4,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 650.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 1,500.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 8,750.00



Reading Road Intersections (20109)

Acquire 20 parcels

Management

\$ 14,000.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 38,000.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 80,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 13,000.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 30,000.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 175,000.00



Benton Road (20104)

Acquire 2 parcels

Management

Includes part-time Manager for the duration of the project

\$ 1,400.00

Negotiations

Includes right of way agent that is TREC licensed and condemnation support

\$ 3,800.00

Appraisals

\$4,000 per parcel, updates for ED parcels will require additional fees

\$ 8,000.00

Title

Includes Title Agent, Title Review and Title

\$ 1,300.00

Administrative Support

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

\$ 3,000.00

Subtotal

\$ 17,500.00

Additional funds may be required if relocation services are needed



Koeblen Road Segment 1 (20107)

Acquire 14 parcels

Management

\$ 9,800.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 26,600.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 56,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 9,100.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 21,000.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 122,500.00

Additional funds may be required if relocation services are needed



Benton Road Extension (20108)

Acquire 3 parcels

Management

\$ 2,100.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 5,700.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 12,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 1,950.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 4,500.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 26,250.00

Additional funds may be required if relocation services are needed



Richmond St. (20118)

Acquire 6 parcels

Management

\$ 4,200.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 11,400.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 24,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 3,900.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 9,000.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 52,500.00

Additional funds may be required if relocation services are needed



Evergreen Segment 1 (20122x)

Acquire 44 parcels

Management

\$ 30,800.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 83,600.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 176,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 28,600.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 66,000.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 385,000.00

Additional funds may be required if relocation services are needed



Evergreen Segment 2 (20123x)

Acquire 29 parcels

Management

\$ 20,300.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 55,100.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 116,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 18,850.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 43,500.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 253,750.00

Additional funds may be required if relocation services are needed



McKaskle (20408)

Acquire 11 parcels

Management

Includes part-time Manager for the duration of the project

\$ 7,700.00

Negotiations

Includes right of way agent that is TREC licensed and condemnation support

\$ 20,900.00

Appraisals

\$4,000 per parcel, updates for ED parcels will require additional fees

\$ 44,000.00

Title

Includes Title Agent, Title Review and Title

\$ 7,150.00

Administrative Support

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

\$ 16,500.00

Subtotal

\$ 96,250.00

Additional funds may be required if relocation services are needed



Vacek (20111)

Acquire 3 parcels

<u>Management</u>	\$ 2,100.00
Includes part-time Manager for the duration of the project	

<u>Negotiations</u>	\$ 5,700.00
Includes right of way agent that is TREC licensed and condemnation support	

<u>Appraisals</u>	\$ 12,000.00
\$4,000 per parcel, updates for ED parcels will require additional fees	

<u>Title</u>	\$ 1,950.00
Includes Title Agent, Title Review and Title	

<u>Administrative Support</u>	\$ 4,500.00
Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support	

Subtotal	\$ 26,250.00
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Additional funds may be required if relocation services are needed



Willow Rd. (20125x)

Acquire 1 parcel

Management

\$ 700.00

Includes part-time Manager for the duration of the project

Negotiations

\$ 1,900.00

Includes right of way agent that is TREC licensed and condemnation support

Appraisals

\$ 4,000.00

\$4,000 per parcel, updates for ED parcels will require additional fees

Title

\$ 650.00

Includes Title Agent, Title Review and Title

Administrative Support

\$ 1,500.00

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

Subtotal

\$ 8,750.00

Additional funds may be required if relocation services are needed



West Bellfort (20401)

Acquire 2 parcels

Management

Includes part-time Manager for the duration of the project

\$ 1,400.00

Negotiations

Includes right of way agent that is TREC licensed and condemnation support

\$ 3,800.00

Appraisals

\$4,000 per parcel, updates for ED parcels will require additional fees

\$ 8,000.00

Title

Includes Title Agent, Title Review and Title

\$ 1,300.00

Administrative Support

Includes Document Specialist for preparation of legal documents, database support for tracking status reports and general project support

\$ 3,000.00

Subtotal

\$ 17,500.00

Additional funds may be required if relocation services are needed

Total Additional Projects for P.O. #210754

\$ 1,190,000.00

Total for P.O. #210754

\$2,374,100.00



Hourly Rates

Principal.....	\$175.00/hr
Sr. Project Manager.....	\$150.00/hr
Right of Way Agent.....	\$115.00/hr
Relocation Agent.....	\$115.00/hr
Data Analyst.....	\$80.00/hr
Title Coordinator/Examiner.....	\$80.00/hr
Clerical.....	\$60.00/hr

Thank you for allowing PAS the opportunity to submit this proposal to assist you with your right of way needs. Please contact us at (281) 343-7171 if we can answer any questions or be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads 'Mark Heidaker'. The signature is written in a cursive, flowing style.

Mark Heidaker
President

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.

PAS Property Acquisition Services, LLC
Sugar Land, TX United States

Certificate Number:
2023-1061519

Date Filed:
08/18/2023

Date Acknowledged:
09/12/2023

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

Fort Bend County, Texas

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.

Fort Bend County 2020 Mobility
Right of Way Acquisition

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Heidaker, Mark	Sugar Land, TX United States	X	

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)