

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

**TEXAS WATER DEVELOPMENT BOARD
AND
NUECES COUNTY**

Pursuant to the authority granted by and in compliance with the provisions of Texas Water Code, Section 6.190, as amended, the Texas Water Development Board (TWDB), duly acting by and through its Executive Administrator, and Nueces County (County) entered into TWDB Contract No. LF1000340, (the Agreement) effective as of May 13, 2015 and amended on August 31, 2016. The Agreement is hereby further amended as follows:

ARTICLE I. RECITALS

The TWDB and the County (the Parties) agree that the following representations are true and correct and form the basis for this Amendment No. 2:

1.01. The Parties entered into the Agreement in order to provide financial assistance to the County for the planning, acquisition, and design costs of water system improvements (the Project), as is more specifically described in the Agreement and corresponding supporting documentation.

1.02. The County requested that the project schedule be revised due to more time needed to complete the environmental review process.

1.03. The Parties agree that it is reasonable and necessary to amend the Project Schedule, as shown in the Amended Exhibit E to allow for the completion of the Project and to obtain the benefits of the Agreement.

1.04. The Parties mutually agree that it is in the best interests of the Parties and the public beneficiaries of the Project to amend the Agreement as provided herein.

ARTICLE II. AMENDMENTS

In consideration of the performance of their mutual agreements, as set forth in the Agreement and this Amendment, the Parties have agreed to the following amendments to the Agreement:

2.01. A new Exhibit E (Project Schedule) is hereby amended and attached as Second Amended Exhibit E. The Parties mutually agree that any reference in the Agreement as amended to the Project Schedule or Exhibit E shall be deemed a reference to the Second Amended Exhibit E.

2.02. Pursuant to Section 7.07 (Entire Agreement and Amendment), except as modified by this Amendment No. 2, all terms and conditions of the Agreement remain in full force and effect. No further modification of any provision of the Agreement or any Amendment thereto shall be effective unless such modification is in writing and signed by duly authorized representatives of each party, expressly stating that such writing is intended to be a modification of the Agreement or Amendments thereto. The failure of any party to insist upon strict performance of any of the terms provisions, or conditions of the Agreement or its Amendments shall not be construed as a waiver or relinquishment for the future performance or enforcement of any such term, provision, or condition or any other term, provision, or condition.

This Amendment is effective as of the date when both Parties have executed this document.

TEXAS WATER DEVELOPMENT BOARD

NUECES COUNTY

Jessica Zuba
Deputy Executive Administrator

The Honorable Samuel L. Neal, Jr.
County Judge

Date: _____

Date: _____

SECOND AMENDED EXHIBIT E

PROJECT SCHEDULE

Project Task	Schedule Date
Planning	04/30/17
Design Phase	06/30/17