

FIFTH AMENDMENT TO REIMBURSEMENT AGREEMENT

This Fifth Amendment to Reimbursement Agreement (this “Amendment”), effective as of _____, 2023 is made by and between MISSION REDEVELOPMENT AUTHORITY (the “Authority”), a local government corporation created and organized under the provisions of the Texas Transportation Corporation Act, Chapter 431, Transportation Code, and authorized and approved by the City of Mission, Texas pursuant to Resolution No. 1021 adopted on November 26, 2001, acting by and through its governing body, the Board of Directors (the “Authority Board”), REINVESTMENT ZONE NUMBER ONE, CITY OF MISSION, TEXAS (the “TIRZ”), a tax increment reinvestment zone created by the City of Mission, Texas pursuant to Chapter 311, Texas Tax Code, as amended, acting by and through its governing body, the Board of Directors (the “TIRZ Board”), and THE CITY OF MISSION, TEXAS (the “City”), a Texas home-rule city.

RECITALS

WHEREAS, the Authority, the TIRZ and the City entered into that certain Reimbursement Agreement, as amended (the “Agreement”), relating to the financing and construction of a Lift Station Project for Bentsen Palm Development and a Military Waterline Loop Project, more particularly described in the Agreement, for the benefit of the TIRZ; and

WHEREAS, the parties have determined in the Agreement to proceed with the third phase of the Bentsen Palm Development lift station project, and the parties wish to amend the Agreement to provide for the addition of the costs in the amount specified herein; now therefore,

For and in consideration of the mutual promises, covenants, obligations, and benefits contained herein, the Authority, the TIRZ, and the City contract and agree as follows:

1. Recitals. The facts contained in the recitals to this Amendment are hereby found to be true and correct.
2. Definitions. Capitalized terms used in this Amendment shall have the meanings assigned to them in the Agreement, unless otherwise defined or the context clearly requires otherwise.
3. Amendment to the Agreement.
 - a. Section 3.2 of the Agreement is hereby amended to read add the following to the existing text thereof:

'Project Costs shall include "Bentsen Palms Development Lift Station Phase III Project plus the costs of decommissioning two lift stations and to tie the facilities in to the Phase 3 project, in the amount not to exceed \$1,921,012.50 (\$1,887,995 plus \$33,017.50 Change Order), is hereby authorized and shall be considered a Public Improvement, and is an authorized Project Cost."

4. Agreement in effect. Except as specifically provided herein, the Agreement remains in full force and effect as of its original date.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have caused this Reimbursement Agreement to be duly executed as of the date first written above.

MISSION REDEVELOPMENT AUTHORITY

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

REINVESTMENT ZONE NUMBER ONE, CITY OF MISSION, TEXAS

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

CITY OF MISSION, TEXAS

Mayor

City Secretary

Approved as to form:

City Attorney