

## AMENDMENT NO. 5 TO REIMBURSEMENT AGREEMENT

This Amendment No. 5 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, dated as of March 11, 2019, as amended (the “Agreement”), relating to the financing, design and construction of South Conway Lift Station and Bentsen Palm Development Sanitary Sewer Line improvements within the TIRZ; and

WHEREAS, the parties wish to amend the costs of the Public Improvements to reflect a additional costs from the contractor relating to increased material costs and required dewatering due to soil conditions to the project described in the Agreement; now therefore

### AGREEMENT

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. Definitions. Capitalized terms used herein shall have the meanings provided for them in the Agreement, unless otherwise defined, or the context clearly requires otherwise.
2. Amendment to Agreement. The Project Costs attributable to the South Conway Lift Station and the 12-inch water line extension adding the costs relating to increased material costs and dewatering, are hereby approved and shall be added to the eligible Project Costs relating to such Public Improvements. Section 3.1(b), Section 5.1, and Exhibit A of the Agreement are hereby amended

consistent with the increased amount, to wit: reimbursable Project Costs attributable to the South Conway Lift Station and the 12-inch water line extension shall be increased to a total of \$2,842,658.69.

3. Agreement effective. Except as otherwise amended hereby, the Agreement remains in full force and effect as of the original date thereof.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be duly executed as of the \_\_\_\_ day of \_\_\_\_\_, 2023.

**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**

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Mayor

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City Secretary

Approved as to form:

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City Attorney