

AMENDMENT TO CAPITAL IMPROVEMENT AGREEMENT

WHEREAS, effective June 30, 2015, the City of Seguin, Texas ("City") and 8th Street Properties, LLC ("Developer") entered into a Capital Improvement Agreement wherein the City agreed to reimburse Developer for the City's share of the construction of 8th Street and improvements to Rio Nogales Drive.

WHEREAS, during the final design phase the City discovered that an older twelve inch, clay sanitary sewer line would be located under the 8th Street pavement.

WHEREAS, the City decided that it would be in its best interest to have this line replaced before the construction of the street.

WHEREAS, the City's engineer, TRC Solutions, has completed the design for a new line, including cost estimates for its construction.

WHEREAS, because time is of the essence, particularly with regard to Developer's construction schedule, the City believes that both parties would be better served by adding the sewer line constructions as a change order to Developer's road construction contract.

NOW THEREFORE the City and Developer agree to amend the Capital Improvement Agreement as follows:

2. Parts of paragraph 3 of the Capital Improvement Agreement to read as follows:

For the completion of the Project the City agrees to pay to Developer the actual construction costs for the City's portion of the street construction in an amount not to exceed \$1,115,987.00 (the "Original Construction Cost"), being the currently estimated cost for the City's share for the construction of the Street Project being requested by the City. Additionally the City is requesting that Developer's contractor enter into a change order to construct a 12 inch replacement sewer line. The estimate for the cost to replace the 12 inch sewer line is \$294,205.00. This cost shall be added to the City's reimbursement for the street construction.

3. All other sections of the Agreement, including the balance of Paragraph 3 not set out above, are in full force and effect.

Signed this 14th day of September, 2015.

City of Seguin:

8th Street Properties, LLC

Douglas G. Faseler, City Manager

Freddy J. [Signature]