

**AMENDMENT NO. 1 TO  
COMMUNITY FACILITIES AGREEMENT**

STATE OF TEXAS           §                   CITY SECRETARY CONTRACT NO. \_\_\_\_\_  
                                  §  
COUNTY OF TARRANT   §                   AUTHORIZING M&C NO. \_\_\_\_\_

WHEREAS, the City of Fort Worth (City) and the Keller Independent School District (Developer) entered into Community Facility Agreement, City Secretary Contract No. 33444, wherein Developer is to make certain improvements to Keller Hicks Road within the City; and

WHEREAS, it has become necessary to execute Amendment No. 1 to the CFA to increase City participation by \$1,071,577 (City Participation) for the costs associated with construction, inspection, and materials testing for the paving and storm drain improvements for the creation of two additional lanes of Keller Hicks Road as shown on Exhibit "A" attached hereto.

NOW THEREFORE, City and Developer, acting herein by and through their duly authorized representatives, enter into the following agreement, which amends the CFA:

1.

Section II. Street and Storm Drain Facilities, is amended to be and read:

B. As shown below in the "Summary of Cost for Street and Storm Drain Facilities", the Developer and the City shall share the costs of the street, storm drainage, street lighting, and street name sign construction. City shall cause the construction of the improvements as shown on Exhibits B, B1, and C attached to Amendment No. 1. The estimated total cost of current improvements and related support services specified in this Agreement, including design, construction and inspection is estimated to be \$2,282,206. The Developer shall deposit \$795,247 (\$1,210,629 less drainage improvements already constructed) with the City prior to the date the City issues the notice to proceed. The Developer and City shall proportionately share the actual cost in excess of the estimated cost. The City will submit an invoice to the Developer for its share of the actual cost in excess of the estimated cost and Developer shall submit payment for same to the City within 30 days of the invoice date. If upon completion the actual cost is less than the estimated cost, the City shall refund to Developer its proportional share of the savings.

2.

The Summary of Cost table shall be replaced to be and read:

**SUMMARY  
OF COST**

<b>Item</b>	<b>Developer Cost</b>	<b>City Cost</b>	<b>Total Cost</b>
A. Construction			
1. Streets	\$602,881	\$788,817	\$1,391,698
2. Storm Drainage	\$519,977	\$222,105	\$742,082
3. Street Lights	\$17,600		\$17,600
4. Street Name Signs			
B. Engineering Design	\$2,800		\$2,800
C. Construction Engineering and Management by DOE (4%)	\$44,914	\$40,437	\$85,351
D. Materials Testing by DOE (2%)	\$22,457	\$20,218	\$42,675
<b>TOTALS</b>	<b>\$1,210,629</b>	<b>\$1,071,577</b>	<b>\$2,282,206</b>

3.

Exhibits B, B1, and C to the CFA shall be replaced with those attached hereto and incorporated herein by this reference.

4.

All other provisions of the CFA, which are not expressly amended herein, shall remain in full force and effect.

(Remainder of Page Intentionally Left Blank)

EXECUTED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2007, in  
Fort Worth, Tarrant County, Texas.

ATTEST:

\_\_\_\_\_  
Marty Hendrix  
City Secretary

CITY OF FORT WORTH:

\_\_\_\_\_  
Marc Ott  
Assistant City Manager

APPROVAL RECOMMENDED:

\_\_\_\_\_  
Robert Goode, P.E., Director  
Transportation and Public Works

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_  
Amy J. Ramsey  
Assistant City Attorney

DEVELOPER  
Keller Independent School District

\_\_\_\_\_  
David Farmer  
President, Board of Trustees

ATTEST:

\_\_\_\_\_  
Randy Pugh  
Secretary, Board of Trustees