

**FIFTH AMENDMENT OF WATER ARTERIAL TRANSMISSION AND GRID MAIN
CONSTRUCTION AND REIMBURSEMENT AGREEMENT**

WHEREAS, the Water Arterial Transmission and Grid Main Trust Fund does not currently have sufficient funds to reimburse the Developer/Owner for Wastewater Improvements fully; and

WHEREAS, the Developer may be reimbursed when assets of the Wastewater Trunk System Trust Fund are sufficient, authorized for such purpose, and the Developer/Owner has priority per UDC §8.5.2. E.

This is an amendment to the Water Arterial Transmission and Grid Main Construction and Reimbursement Agreement, Document number 2017048024, for **Royal Creek Unit 7**, originally dated November 7, 2017, by and between MPM Development, L.P. and the City of Corpus Christi.

NOW, THEREFORE, in consideration of the mutual covenants herein, the Parties agree to amend the Water Arterial Transmission and Grid Main Construction and Reimbursement Agreement, Section 5 and Section 15 as follows:

5. DEVELOPER AWARD CONTRACT FOR IMPROVEMENTS

The Developer shall award a contract and complete the improvements to a 12-inch water line under the approved plans and specifications by **November 7, 2025**.

Section 15, Subsection e is added as follows:

e. To account for the increase in cost as shown in the Updated Cost Estimate in **Exhibit 6**, the Developer may be reimbursed an additional **\$109,742.04**. Developer/Owner may be reimbursed the additional **\$109,742.04** when assets of the Water Arterial Transmission and Grid Main Trust Fund are sufficient, authorized for such purpose, and Developer/Owner has priority per UDC §8.5.2. E.

All other terms and conditions of the original agreement remain effective and in full force.

EXECUTED IN ONE ORIGINAL and made effective this _____ day of _____, 2023.

CITY OF CORPUS CHRISTI

MPM DEVELOPMENT, L.P.

Al Raymond III, AIA, CBO
Director of Development Services

Mossa Moses Mostaghasi
General Partner

APPROVED AS TO FORM:

Buck Brice (Date)
Deputy City Attorney
For City Attorney