

**FIRST AMENDMENT TO
REINVESTMENT ZONE NUMBER ONE, CITY OF MCKINNEY
AND DFA 205, LP
CHAPTER 380 ECONOMIC DEVELOPMENT AND
PROJECT PLAN IMPLEMENTATION AGREEMENT FOR
205 W. LOUISIANA STREET OFFICE BUILDING PROJECT**

This First Amendment to the Chapter 380 Economic Development Agreement and Project Plan Implementation Agreement (the "First Amendment") by and between Reinvestment Zone Number One, City of McKinney ("TIRZ") and DFA 205, LP, a Texas limited partnership ("DFA") is entered into by and between TIRZ and DFA.

WHEREAS, DFA entered into that certain Chapter 380 Economic Development and Project Plan Implementation Agreement for a new building construction project ("Original Agreement") for the primary purpose of installing underground utilities and fire safety systems for a new two-story office/retail/restaurant building with one floor of underground parking being constructed at 205 W. Louisiana Street, McKinney, Texas ("Structure"), and which project is known as the **205 W. LOUISIANA STREET OFFICE BUILDING PROJECT** (the "Project"), located wholly within Reinvestment Zone Number One in the "Town Center" area of the TIRZ of McKinney, Texas; and

WHEREAS, DFA and TIRZ now desire to extend the term of the Project.

NOW, THEREFORE, for and in consideration of the agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the TIRZ and DFA agree as follows:

SECTION 1. TERM OF ORIGINAL AGREEMENT

Section 1, entitled "TERM" of the Original Agreement is hereby amended by the replacement of existing Section 1 with a new Section 1 to read as follows:

"SECTION 1. TERM

This Agreement shall be effective from the Effective Date until December 31, 2018, unless terminated sooner under the provisions herein."

SECTION 2. OBLIGATIONS OF DFA

Section 4, entitled "Obligations of DFA," of the Original Agreement is hereby amended by the replacement of existing Paragraph a of Section 4 with a new Paragraph a to read as follows:

“a. DFA shall i) fund and complete the Project on or before December 31, 2018, ii) satisfy the requisites for, and receive upon final inspection, if at all, a “green tag” for the Project at the office building located at 205 W. Louisiana Street on or before that date;”

SECTION 3. MISCELLANEOUS PROVISIONS

The following miscellaneous provisions are a part of this First Amendment:

- (a) Except as specifically amended herein, all provisions of the Original Agreement shall remain unchanged and in full force and effect and exist as if set forth herein in their entirety.
- (b) In the event of any conflict or inconsistency between the Original Agreement and this First Amendment, the terms of this First Amendment shall control.
- (c) This First Amendment is and shall be effective on the date of execution by the last party to sign this First Amendment.

DFA 205, LP, a Texas Limited Partnership, acting by and through its General Partner **DFA, LTD.**, a Texas limited liability company

By:

Name: _____

Title: _____

Date Signed: _____

[Signatures continued on following page.]

**REINVESTMENT ZONE NUMBER
ONE, CITY OF MCKINNEY**

By: _____
TRACY RATH
Chairman

Date Signed: _____

ATTEST:

By: _____
Name: EMPRESS DRANE
Title: TIRZ SECRETARY
Date: _____

APPROVED AS TO FORM:

MARK S. HOUSER
Attorney for Reinvestment Zone Number One,
City of McKinney

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