

STATE OF TEXAS §

COUNTY OF TARRANT §

**AMENDMENT TO THE INTERLOCAL AGREEMENT
BETWEEN THE CITY OF COLLEYVILLE AND THE CITY
OF EULESS, TEXAS, FOR THE CONSTRUCTION OF
HERITAGE AVENUE IMPROVEMENTS BETWEEN
CHEEK-SPARGER AND GLADE ROAD.**

This Amendment to the Interlocal Agreement (the "Agreement") for the construction of paving, drainage, traffic signalization, street lighting and landscaping improvements on Heritage Avenue is made and entered into by and between the City of Colleyville, Texas, a municipal corporation located in Tarrant County, Texas, ("Colleyville") and the City of Euless, Texas, a municipal corporation located in Tarrant County, Texas, ("Euless").

PREAMBLE

WHEREAS, Colleyville and Euless executed an Interlocal Agreement for Heritage Avenue improvements dated April 2, 2008; and

WHEREAS, the "Agreement" Section II. OBLIGATIONS OF THE PARTIES, Paragraph (6), anticipated completion of the Heritage Avenue improvements by Glade 121, L.P. on or before the end of the second quarter of 2009; and

WHEREAS, economic conditions have caused a delay in the private development associated with the Heritage Avenue improvements; and

WHEREAS, the Heritage Avenue improvements will not be completed by the end of the second quarter of 2009; and

WHEREAS, Colleyville and Euless mutually desire to amend Paragraph (6) and add Paragraph (7) of Section II, OBLIGATIONS OF THE PARTIES of the "Agreement" to establish an amended completion date for the Heritage Avenue improvements and address environmental needs within the Glade Parks Development.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants, terms and conditions set forth herein, and the mutual benefits to each party, the receipt and sufficiency of which are hereby acknowledged, Colleyville and Euless hereby agree to amend the Interlocal Agreement between the City of Colleyville and the City of Euless dated April 2, 2008, as follows:

1. Paragraph (6) of Section II. OBLIGATIONS OF THE PARTIES is hereby deleted and replaced by the following:

6. The Heritage Avenue improvements are planned to be completed on behalf of Euless by Glade 121, L.P. in conjunction with the construction of the Glade Parks Development in Euless. The section of Heritage Avenue extending to Red River Drive (approximately 1730 feet from Glade Road) will be completed on or before August 31, 2010. If Glade 121, L.P. initiates construction and has not completed all improvements to Heritage Avenue prior to August 31, 2010, Euless and Colleyville may agree to extended the time for completion by another amendment to the Interlocal Agreement dated April 2, 2008.

2. Paragraph (7) of Section II. OBLIGATIONS OF THE PARTIES is hereby included as follows:

7. Until such time as Glade 121, L.P. resumes development of Glade Parks Development in Euless and initiates construction of Heritage Avenue in Colleyville, Euless shall, to the extent possible through enforcement of local ordinances or contracts, ensure that Glade 121, L.P. is responsible for all erosion and dust control within the development site and adjacent to Heritage Avenue and Little Bear Creek.

3. All other provisions of the Interlocal Agreement between the City of Colleyville and the City of Euless dated April 2, 2008, are not changed and remain in effect.

EXECUTED this the _____ day of _____, 2009.

City of Colleyville, Texas

By: _____

Mayor
City of Colleyville

(Seal)

ATTEST: _____

City Secretary
City of Colleyville

APPROVED AS TO FORM:

By: _____

City Attorney
City of Colleyville

City of Euless, Texas

By: _____

Mary Lib Saleh
Mayor
City of Euless

(Seal)

ATTEST: _____

Susan Crim, TRMC
City Secretary
City of Euless

APPROVED AS TO FORM:

By: _____
City Attorney
City of Euless