

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

**AMENDMENT TO AGREEMENT FOR
RIGHT-OF-WAY MAINTENANCE AGREEMENT**

THIS AMENDMENT IS MADE by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the State; and the City of Texas City, Texas, hereinafter called the "Local Government", and it becomes effective when fully executed by all parties.

W I T N E S S E T H

WHEREAS, the State, and Local Government executed an agreement on August 25, 2000, wherein Local Government is authorized to perform services generally described as structures, plant maintenance, and illumination system within the right of way of IH 45 at FM 1764; and,

WHEREAS, Local Government has requested State permission to provide right-of-way landscape maintenance, hereinafter called the "Project," and as show on the attached EXHBIT "B"; and

WHEREAS, Article 3 specifies that this Agreement responsibilities of parties for supplemental mowing, debris, and litter control unless otherwise specified by an amendment; and,

WHEREAS, it has become necessary and desirable to amend the agreement.

A G R E E M E N T

NOW, THEREFORE, premises considered, the State, and Local Government do agree that the agreement is amended as follows:

WHEREAS, Local Government has requested State permission to provide right-of-way landscape development and maintenance, hereinafter called the "Project," and as show on the attached EXHBIT "B"; and

ARTICLE 3, Section A. 4.

Plant Maintenance

For the work of plant maintenance, all reasonable means shall be employed to preserve the plants and vegetative material existing within the project limits in a healthy and vigorous growing condition. This maintenance activity shall include but not be limited to the following:

- (1) Provide vegetative watering of plant material.
- (2) Plant bed and basin maintenance including shaping, weed control, mulch layer, and ring construction.
- (3) Plant replacement.
- (4) Insect, Disease, and Animal Control.
- (5) Fertilizing.
- (6) Mowing and Trimming.
- (7) Restaking, Reguying, Rebracing and/or Removal of Staking, Guying, and Bracing.
- (8) Pruning.
- (9) Litter pick-up

Irrigation System Operation and Maintenance

Permanent irrigation system operation and maintenance shall include, but not be limited to, water, monitoring, adjustment, repair, and proper operation of the existing irrigation system as required to ensure adequate moisture to the plant material existing on the site. All replacement parts shall be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State, prior to replacement.

Illumination System(s) Operation and Maintenance

Illumination system operation and maintenance shall include, but not be limited to, electricity, monitoring, adjustment, repair, and proper operation of the illumination system in accordance with the National Electric Code (NEC). All replacement parts should be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State prior to replacement.

Structure(s) and Surface(s) Maintenance

All structures and surfaces shown in the Project Plan shall be maintained same as originally installed. All replacement parts should be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State prior to replacement. All surfaces shall be maintained free of graffiti and vegetation.

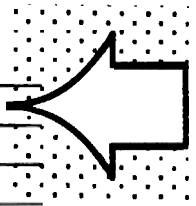
All other provisions are unchanged and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment to effectuate this agreement.

LOCAL GOVERNMENT

Signature: _____
Title: Mayor _____
Address: P.O. Box 2608 Texas City, Texas 77592-2608 _____
Typed/Printed Matthew T. Doyle _____

Date: _____
Phone: (409) 643-5902 _____



THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved by the Texas Transportation Commission under the authority of Minute Order 100002.

Signature: _____
Title: District Engineer _____
Address: P. O. Box 1386, Houston, Texas 77251-1386 _____
Typed/Printed Name: Delvin L. Dennis, P.E. _____

Date: _____
Phone: (713) 802-5001 _____