

AMENDMENT NO. 18 TO
FACILITY CONCESSION AGREEMENT
SH 130, SEGMENTS 5 & 6 FACILITY

THIS AMENDMENT NO. 18 TO THE FACILITY CONCESSION AGREEMENT (this "Amendment") is entered into and effective as of August 22, 2016 between the Texas Department of Transportation, a public agency of the State of Texas ("TxDOT"), and SH 130 Concession Company, LLC, a Delaware limited liability company ("Developer"), with reference to the following facts:

A. TxDOT and Developer entered into that certain Facility Concession Agreement dated as of March 22, 2007 (as amended, the "FCA"), together with related agreements collectively referred to in the FCA as the "FCA Documents." All capitalized terms used but not defined herein shall have the meanings set forth in the FCA.

B. TxDOT and Developer desire to correct the FCA Documents as provided herein.

NOW, THEREFORE, for good and valuable consideration and the mutual covenants and agreements herein contained, the receipt and sufficiency of which are hereby acknowledged, the Developer and TxDOT hereby agree as follows:

1. FCA Exhibit 20, Attachment 1 - Non-Compliance Points Table. Ref 10.1 - Uniforms under the column heading "Failure to:" is hereby deleted in its entirety and replaced with the following:

"Cause any uniforms worn by Developer's personnel to be clearly differentiated from any uniforms worn by TxDOT employees as required by Section 10.12."

2. Effectiveness of FCA Documents. Except as specifically amended hereby, the provisions of the FCA Documents, as previously amended by Amendments 1 - 17, are hereby confirmed without change.

3. Binding Effect of Amendment. This Amendment is entered into pursuant to Section 24.3 of the FCA, and shall be valid, effective and enforceable.

4. Counterparts. This Amendment may be executed in multiple counterparts, each of which shall be fully effective as an original and all of which together shall constitute one and the same instrument.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed as of the day and year first above written.

DEVELOPER:

SH 130 CONCESSION COMPANY, LLC

By: 

Alfonso Oro
Chief Executive Officer

TxDOT:

TEXAS DEPARTMENT OF TRANSPORTATION

By: 

James M. Bass
Executive Director