

CSJ: 2964-01-040
District #: 18-Dallas
Code Chart 64#: 62855
Project: SH 161
Limits: From Union Pacific Railroad to Jefferson Boulevard and Main Streets in Grand Prairie
Funding: RTR (SH 161 Subaccount)

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT #1**

ON-SYSTEM

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and the North Texas Tollway Authority, a political subdivision of the State, acting by and through its duly authorized officials (the "NTTA").

WITNESSETH

WHEREAS, the State and the NTTA executed a contract CSJ 2964-01-040 on April 19, 2011 to effectuate their agreement to construct, with funds from the SH 121 Subaccount, the portion of the State Highway 161 toll project consisting of the Union Pacific Railroad bridge over the SH 161 main lanes, the frontage road at-grade highway-railroad crossings, and the frontage road intersections with Main and Jefferson Streets, in the City of Grand Prairie; and,

WHEREAS, TxDOT has created a separate subaccount in the state highway fund to hold the payments received from the NTTA for the right to develop, finance, design, construct, operate, and maintain the SH 161 toll project from IH 20 to SH 183 in Dallas County ("SH 161 payments"); and

WHEREAS, Minute Order Number 113221, dated July 26, 2012 authorized the reallocation of payments from SH 121 Subaccount to SH 161 Subaccount for this Project; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the NTTA do agree as follows:

AGREEMENT

1. Description of Amended Items

Each reference to SH 121 in the original contract is deleted and replaced with SH 161.

All other provisions of the original contract are unchanged and remain in full force and effect.

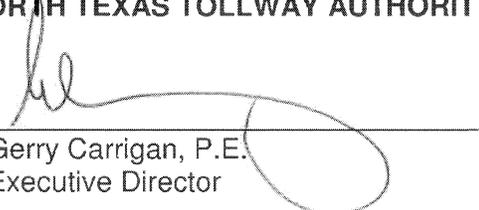
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2. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the NTTA in duplicate.

THE NORTH TEXAS TOLLWAY AUTHORITY – NTTA

By: 
Gerry Carrigan, P.E.
Executive Director

Date: 8/24/12

THE STATE OF TEXAS

By: 
Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date: September 11, 2012