## INUTES OF VIDEOCONFERENCE MEETING NO. 2432 COMMISSIONERS OF JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7

Place:

3400 Highway 73

Port Arthur, Texas

Date:

December 3, 2024

Present:

Commissioners

Richard Beaumont

Lester Champagne

James Gamble, Sr.

Albert Moses, Jr.

Allen Sims, General Manager

Glenn Steele, Attorney for District

Absent:

**Matthew Vincent** 

Visitors:

Toby Davis, DD7

Garrett Boudoin, DD7
Barron Cook, DD7
Kirby Johnson, DD7
Brian McZeal, DD7
Brady Girouard, DD7

Ike Mills, Mills Consulting

The meeting was called to order at 2:01 p.m. by Chairman Beaumont after ascertaining that the Notice of Meeting had been posted in accordance with the law. Commissioner Champagne gave the invocation.

Minutes of Meeting No. 2431

The Minutes of Meeting No. 2431 were approved as read.

### Consider Resolution Regarding Renewal of Tax Abatement Policy

Resolution No. 528 regarding the renewal of the tax abatement policy was presented for consideration. Mr. Sims stated that the policy being presented has no changes from the previous policy and continues to mirror the terms and provisions of Jefferson County's Tax Abatement Policy. Commissioner Gamble commented that, while it is good to mirror the county, in the future, the District should make sure to evaluate the whole policy to make sure it still benefits the District. Commissioner Gamble moved to approve Resolution No. 528 regarding renewal of the Tax Abatement Policy. Commissioner Champagne seconded the motion. The motion carried. A copy of Resolution No. 528 is attached hereto and made a part of these minutes.

Consider Resolution Authorizing Amended Tax Abatement Agreement with Arbor Renewable Gas, LLC Phase 2 for Property Located in the Arbor Reinvestment Zone

Resolution No. 524 Authorizing Amended Tax Abatement Agreement with Arbor Renewable Gas, LLC Phase 2 for Property Located in the Arbor Reinvestment Zone was presented for consideration. Mr. Allen Sims explained that the project had been on hold since the COVID-19 pandemic and is now beginning to start back up. Therefore, Arbor Renewable Gas asked to extend their abatement date to 2029. Commissioner Champagne moved to approve Resolution No. 524 authorizing the amended tax abatement agreement with Arbor Renewable Gas, LLC Phase 2 for property located in the Arbor Reinvestment Zone. Commissioner Gamble seconded the motion. The motion carried. A copy of Resolution No. 524 is attached hereto and made a part of these minutes.

Consider Resolution Authorizing Permanent Waiver of Penalties and Interest in Accordance with Property Tax Code 33.011(A)(1)

Resolution No. 530 Authorizing Waiver of Penalties and Interest in Accordance with Property Tax Code 33.011(A)(1) was presented for consideration. Mr. Allen Sims explained that the waiver being requested was for \$266.42 in penalties and interest incurred by Moutray Properties Working Interest LLC. He further explained that the penalties and interest were incurred due to a Jefferson Central Appraisal District employee providing the taxpayer with the incorrect payment date. Commissioner Gamble moved to approve Resolution No. 530 Authorizing Waiver of Penalties and Interest in Accordance with Property Tax Code 33.011(A)(1). Commissioner Moses seconded the motion. The motion carried. A copy of Resolution No. 530 is attached hereto and made a part of these minutes.

Consider Resolution Authorizing First Amendment to Right of Way Easement Agreement

Resolution No. 529 Authorizing First Amendment to Right of Way Easement Agreement was presented for consideration. Mr. Sims stated that this is an agreement with Linde, Inc. for the crossing of one of the District's Right of Ways. Mr. Brady Girouard explained that Linde, Inc. has an existing easement for some above-ground piping and is looking to expand the above-ground piping. Mr. Girouard explained that the District would be granting Linde, Inc. an additional 80 square feet. Commissioner Moses moved to approve Resolution No. 529 Authorizing First Amendment to Right of Way and Easement Agreement. Commissioner Champagne seconded the motion. The motion carried. A copy of Resolution No. 529 is attached hereto and made a part of these minutes.

### Consider Adopting Proposed 2025 Holiday Schedule

A proposed 2025 Holiday Schedule was submitted for consideration. Mr. Sims stated that the schedule was the same schedule as the Jefferson County schedule with the only difference being the addition of June 19, Juneteenth, making it the same schedule as the 2024 Holiday schedule. Commissioner Champagne motioned to approve the District's proposed 2025 holiday schedule as presented. Commissioner Moses seconded the motion. The motion carried. The days listed below are adopted as the District's holidays for 2025: New Year's Day

January 1, 2025 (Wednesday)

January 20, 2025 (Monday)

Martin Luther King Jr. Day

February 17, 2025 (Monday)

President's Day

April 18, 2025 (Friday)

Good Friday

May 26, 2025 (Monday)

Memorial Day

June 19, 2025 (Thursday)

Juneteenth

July 4, 2025 (Friday)

Independence Day

September 1, 2025 (Monday)

Labor Day

November 11, 2025 (Tuesday)

Veteran's Day

November 27 & 28, 2025 (Thursday & Friday)

Thanksgiving

December 25 & 26 (Thursday & Friday)

Christmas

### Sabine Pass to Galveston Bay Summary

Mr. Sims informed the board that after two years the District received a letter stating that the changes to the project are within the Chief's Discretionary Authority. The changes, based on updated rainfall and sea level rise models, include raising the levee in both Beauxart Gardens and Port Neches to prevent flanking around the existing levee. These changes result in a total of 8 miles of levee being raised and a price increase. All the data collected from the models went to U.S. Army Corps of Engineers ("USACE") headquarters to evaluate to determine if the project changes are within the bounds of the existing project partnership agreement. USACE headquarters determined the governing factor to be a portion of the project partnership agreement stating that we are designing for a 1% or 100-year storm. Therefore, the changes fall within the Chief's Discretionary Authority to increase the cost and continue the project, instead of going back to Congress to get additional approval. With that letter, the District can now finish the Post Authorization Change Report and the Division Commander will be able to sign off. The letter also states that this only applies to Port Arthur, not Orange or Freeport, but can set the precedent for those entities.

Mr. Sims also stated that the District had a meeting with Valero regarding utility relocations. Valero is close to coming up with an estimated cost that the District will need to provide to complete the relocations. The District has been holding funds to send to Valero for these relocations but will be requesting additional funds, in excess of what is currently being held, from the GLO in January.

### Manager Reports

Mr. Toby Davis stated that the new SCADA system is out for qualifications and proposals. This is a design-build process with the pre-qualification meeting being held December 4, 2024. The qualifications and proposals submissions will be due at the next board meeting scheduled for December 17, 2024. The team, including Commissioner Vincent, will evaluate the submissions and go through the proposal process that will last

through early March 2025. The schedule may be shortened if the team elects to forgo interviews.

Mr. Toby Davis also stated that a pre-bid meeting will be held on December 4, 2024, for the Pump Station 3 Discharge Pipe into the LNVA Canal. The current supports at the pump station are rotting and the District is looking to replace the supports with steel pipes.

Commissioner Gamble inquired about the feral hog problem in the Alligator Pump Station area. Mr. Brian McZeal stated that the hogs are an issue in his neighborhood, and he has personally removed five hogs from his property. Mr. Brady Girouard stated that his team handles the hog trapping and has three traps placed along the levee. Mr. Brian McZeal and Mr. Brady Girouard agreed to coordinate with each other to resolve the feral hog issues.

Executive Session - Consider and Take Action, if any, on Items Discussed in Executive Session

No Executive Session was held.

### **Permits**

Ecolutia Services Inc. is submitting a permit for a water de-ionization facility to have a 24" HDPE Direct Discharge with 12" restrictor pipe into Lakeview Main Drainage Canal. The permit fee is \$800. Mr. Garrett Boudoin recommended approval subject to the special conditions contained within the permit. Commissioner Moses moved to approve the permit requested by Ecolutia Services Inc. as recommended by Mr. Boudoin. Commissioner Champagne seconded the motion. The motion carried.

### Page 9551

Checks and Purchase Orders

Maintenance Fund

Ck. No. 25556 – Albert Moses, Jr. \$529 – Health Insurance Payment

<u>Ck. No. 25557 – Cintas Corp.</u> \$96.36 – Traffic Mat & Hand Sanitizer Service-Admin. Building

Ck. No. 25558 – Dan Delich Consulting \$3,500 – Legislative Consulting Services

<u>Ck. No. 25559 – Diane Smith</u> \$84.60 – Christmas Decoration Reimbursement

<u>Ck. No. 25560 – Duck's Dragline Service, Inc.</u> \$14,340 – Trackhoe Work

Ck. No. 25561 – Electrical Specialties, Inc. \$45 – Monthly Alarm System Monitoring

Ck. No. 25562 – Fidelity Exterminating Company \$225 – Quarterly Pest Control – Control Center

Ck. No. 25563 – Glenn H Steele, Jr., PLLC \$7000 – November Legal Services & December Retainer

Ck. No. 25564 – James Gamble, Sr. \$270 – Health Insurance Payment

Ck. No. 25566 – Jeffrey S. Ward & Associates, Inc. \$32,500 – Hazard Mitigation Plan Update

Ck. No. 25567 – Johnny's Towing & Recovery \$125 – Equipment Transportation

Ck. No. 25568 – LJA Engineering, Inc. \$13,288.63 – Engineering Services – Various Projects

<u>Ck. No. 25569 – LJA Environmental Services, LLC</u> \$28,257.50 – Environmental Services-A3A & Groves Detention Ck. No. 25570 – Mazzanti & Associates, LLC \$2,500 – Legislative Consulting Services

Ck. No. 25571 – Nerbert Frelow \$1,520 – Dump Truck Services

<u>Ck. No. 25572 – Pitney Bowes</u> \$225.63 – Postage Meter Rental

Ck. No. 25573 – Plumbing Specialties LLC \$288.19 – Breakroom Toilet Repairs

<u>Ck. No. 25574 – Ray Russo</u> \$4,743.33 – Legislative Consulting Services

Ck. No. 25575 – Ron Lewis & Associates \$3,500 - Legislative Consulting Services

Ck. No. 25576 – Sam & Tash Services, Inc. \$1,569.62 – Admin. Building Cleaning Services

Ck. No. 25577 – Steel Insulator Group, LLC \$3,184.80 – PS 15 Scaffold Erection

<u>Ck. No. 25578 – Texan Engineering & Consulting, LLC</u> \$13,760 – Engineering Services – General & Blocks Bayou

<u>Ck. No. 25579 – U.S. Postal Service</u> \$342 – PO Box 3244 – 12-month Rental

<u>Ck. No. 25580 – Wave Solutions LLC</u> \$5,111.57 – Monthly Software, Phone, & IT Services

<u>Ck. No. 25581 – Wells Fargo Remittance Center</u> \$1,489.96 – Software, Notary, Meetings, Project Expenses

Ck. No. 25582 – Arceneaux Wilson & Cole LLC \$4,650 – A3A Detention Pond Project

Ck. No. 25584 – David Hebert \$5,250 - Reimbursement

Ck. No. 25585 – Port Arthur Newsmedia, LLC \$1,437.68 – Public Notice Advertisements Commissioner Gamble moved that the checks from the Maintenance Fund account be approved for payment. Commissioner Moses seconded the motion. The motion carried.

Chairman Beaumont recognized Mr. Ike Mills in attendance and asked if he would like to address the board. Mr. Mills had various questions regarding the agenda items. Mr. Allen Sims answered some of his concerns and stated that he would meet with him at a later date to discuss any unanswered questions.

Chairman Beaumont asked if there was any other business to come before the Board.

There was none.

At 2:30 p.m., Commissioner Gamble moved that the meeting be adjourned.

Commissioner Moses seconded the motion. The motion carried.

Richard Beaumont, Chairman

Albert Moses, Jr., Secretary

### JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7 RESOLUTION NO. 528 REGARDING TAX ABATEMENT POLICY

STATE OF TEXAS §

COUNTY OF JEFFERSON §

WHEREAS, in order to consider requests for tax abatements Jefferson County Drainage District No. 7 (the "District") must establish guidelines and criteria governing tax abatement agreements as provided in Chapter 312 of the Texas Tax Code; and

WHEREAS, the previous tax abatement policy of the District as set forth in Resolution 498 was to adopt the Jefferson County policy set forth in the Jefferson County Amended Uniform Tax Abatement Policy-2022 established by the Jefferson County Commissioners Court; and

WHEREAS, the District finds that it is in the best interest of the District to continue to mirror the terms and conditions of the Jefferson County tax abatement policy and adopt as the District's policy the Jefferson County Amended Uniform Tax Abatement Policy-2024, and any amendments thereto or subsequent policy adopted by the Jefferson County Commissioners Court during the two years following the adoption of this Resolution.

IT IS THEREFORE RESOLVED BY JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7:

That the District elects to become eligible to participate in tax abatement agreements.

IT IS FURTHER RESOLVED THAT the District adopts the guidelines and criteria governing tax abatement agreements established by the Jefferson County

Commissioners Court in the Jefferson County Amended Uniform Tax Abatement Policy-2024, and any amendments thereto or subsequent policy adopted by the Jefferson County Commissioners Court as the District's tax abatement policy as in effect from time to time during the two years following the adoption of this Resolution.

I, Albert Moses, Jr., Secretary of the Board of Commissioners of Jefferson County

Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District

No. 7, at their meeting No. 2432 held on the 3<sup>rd</sup> day of December 2024, upon motion made by Commissioner \_\_Gamble\_\_\_\_\_ and seconded by Commissioner \_\_Gamble\_\_\_\_\_ and seconded by Commissioner \_\_Gamble\_\_\_\_\_ and adopted unanimously by said Board, a quorum being present.

Given under my hand this 3<sup>rd</sup> day of December 2024.

JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7

# RESOLUTION NO. 524 AUTHORIZING AMENDED TAX ABATEMENT AGREEMENT WITH ARBOR RENEWABLE GAS LLC PHASE 2 FOR PROPERTY LOCATED IN THE ARBOR REINVESTMENT ZONE

STATE OF TEXAS §
COUNTY OF JEFFERSON §

WHEREAS, Jefferson County Drainage District No. 7 (the "District") adopted Resolution 258 on October 15, 1996, setting forth its policy concerning tax abatements; and

WHEREAS, the District has memorialized, restated, and amended its tax abatement policy several times through the years, with its last amendment being by Resolution 498 on January 3, 2023, adopting the Jefferson County Amended Uniform Tax Abatement Policy-2022 as its tax abatement policy; and

WHEREAS, the District entered into a Tax Abatement Agreement with Arbor Renewable Gas LLC, Phase 2 for property located within the Arbor Reinvestment Zone for the construction of a new Renewable Gasoline Manufacturing Facility and related improvements (the "Project") on September 15, 2021; and

WHEREAS, Arbor Renewable Gas LLC, as owner of the real property made the basis of the subject Abatement Agreement, desires to delay the beginning date of tax abatement period and obligations outlined in the abatement agreement due to reasons beyond its control; and

WHEREAS, it is in the best interest of the District to enter into an Amended Tax Abatement Agreement (in the form and content of that approved by the Commissioners' Court of Jefferson County) with Arbor Renewable Gas LLC and to authorize the District's

Manager, Allen Sims, to execute the Amended Tax Abatement Agreement on behalf of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7:

THAT it is in the best interest of the District to enter into an Amended Tax Abatement Agreement with Arbor Renewable Gas LLC for property located within The Arbor Reinvestment Zone for the construction of a new Renewable Gasoline Manufacturing Facility and related improvements to extend the completion date until the first quarter of 2029 to accommodate the production of Renewable Gasoline Manufacturing Facility, and authorize its Manager, Allen Sims, to execute on behalf of the District the Amended Tax Abatement Agreement attached hereto as Exhibit "A" and made a part hereof by reference. All other terms and conditions of the original Abatement Agreement will remain in full force and effect.

THAT the terms of the Amended Tax Abatement Agreement and the property subject to the agreement meet the applicable guidelines and criteria adopted by the Board of Commissioners of the District under Section 312.002, Texas Tax Code.

THAT the Manager be, and hereby is, authorized to take any and all action and is authorized to execute any and all instruments, documents, or filings in connection with the accomplishment of the transactions outlined in this resolution and to certify the adoption of such resolutions to such parties which such Manager deems necessary or appropriate.

I, Albert Moses, Jr., Secretary of the Board of Commissioners of Jefferson County Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District

No. 7, at their meeting No. 2432 held on the 3<sup>rd</sup> day of December 2024, upon motion made by Commissioner <u>Ghampagne</u> and seconded by Commissioner <u>Gamble</u> and adopted unanimously by said Board, a quorum being present.

Given under my hand this 3rd day of December 2024.

JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7

### **EXHIBIT A**

## AMENDED TAX ABATEMENT AGREEMENT BETWEEN JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7 AND ARBOR RENEWABLE GAS LLC FOR PROPERTY LOCATED IN THE ARBOR REINVESTMENT ZONE

- 1. Drainage District #7 of Jefferson County, Texas ("District") and Arbor Renewable Gas LLC Phase 2 ("Owner"), (together, the "Parties") entered into a Tax Abatement Agreement ("Agreement") on September 15, 2021 (attached hereto as Exhibit "A") with respect to the abatement of certain *ad valorem* property taxes on a new plant facility (the "Project") to be constructed by Owner, in the Arbor Reinvestment Zone which was originally adopted by the Jefferson County Commissioners Court on July 20, 2021.
- 2. Arbor Renewable Gas LLC is the owner of record in the real property records of Jefferson County, the real property on which Project is being constructed, and the owner of the improvements to the real property that constitute the Project. Owner has requested that the District modify the Agreement to delay the beginning date of tax abatement percentages agreed to and the real interests and obligations outlined in the abatement agreement.
- 3. It was and continues to be the intent of the Parties that all of the rights, duties, and obligations granted or imposed by the Agreement with respect to the tax abatement reside with and are the property of the owner of the Project.
- 4. The Parties acknowledge that circumstances beyond the control of Owner have delayed the continuation of construction and the Owner will suffer the loss of the intended benefits of the original abatement agreements, for these reasons, the parties agree that the Tax Abatement Agreement for this project shall be amended only with respect to Article 4: Term of Abatement, as reflected on the schedule on the attached page.
- 5. The Parties further acknowledge and agree that all other terms and conditions of the original Abatement Agreement shall remain in full force and effect unless amended by written agreement and it is understood that purchases for the project will be invoiced locally that Jefferson County will be credited with sales taxes for purchases. The Jefferson County Commissioners Court has approved an amendment to its abatement agreement with the Owner on identical terms as this amendment.

Signed this day of	, 2024.
FOR DD7:	FOR THE OWNER:

### EXHIBIT A

### AMENDED TAX ABATEMENT SCHEDULE ARBOR RENEWABLE GAS PHASE 2

UNIT 2 CONSTR Q126						
\$600 MIL CUMULATIVE						
32 CUMULATIVE JOBS						
2029	1	100				
2030	2	100				
2031	3	100				
2032	4	90				
2033	5	90				
2034	6	80				
2035	7	80				
2036	8	70				
2037	9	60				
2038	10	60				

### RESOLUTION NO. 530 AUTHORIZING WAIVER OF PENALTIES AND INTEREST IN ACCORDANCE WITH PROPERTY TAX CODE 33.011(A)(1)

STATE OF TEXAS §

COUNTY OF JEFFERSON §

WHEREAS, the District was informed by the Jefferson County Tax Assessor-Collector (TAC) that Jefferson Central Appraisal District (JCAD) mistakenly gave TAC the wrong address thus the 2023 tax bill was not timely received by property owner Moutray Properties Working Interest LLC, causing the 2023 taxes to go delinquent, and penalty and interest to accrue; and

WHEREAS, the TAC made the determination that as to 2023 taxes, penalty and interest should be waived pursuant to Texas Tax Code Sec. 33.011(a)(1) due to the mistake by the TAC and JCAD and so informed the District that penalties must be waived and a waiver of interest should be granted; and

WHEREAS, the Jefferson County Commissioners Court have waived penalties and interest as requested by the TAC; and

WHEREAS, Jefferson County Drainage District No. 7 will follow the instructions of the TAC and the lead of the Commissioners Court in waiving penalties and interest on the 2023 taxes.

It is therefore RESOLVED that penalties and interest on 2023 property taxes owed by Moutray Properties Working Interest LLC are waived, and the General Manager is authorized to execute an acceptable instrument confirming waiver of penalties and interest on 2023 taxes if presented.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7:

THAT it is in the best interest of the District to waive the penalties and interest on 2023 property taxes owed by Moutray Properties Working Interest LLC on its property referenced in the TAC correspondence to the District.

THAT the General Manager be, and hereby is, authorized to take any and all action and is authorized to execute any and all instruments, documents, or filings in connection with the accomplishment of the transactions outlined in this resolution and to certify the adoption of such resolutions to such parties which such General Manager deems necessary or appropriate.

I, Albert Moses, Jr., Secretary of the Board of Commissioners of Jefferson County Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District No. 7, at their meeting No. 2432 held on the 3<sup>rd</sup> day of December 2024, upon motion made by Commissioner Gamble and seconded by Commissioner Moses and adopted unanimously by said Board, a quorum being present. Given under my hand this 3<sup>rd</sup> day of December 2024.

JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7

## RESOLUTION NO. 529 AUTHORIZING FIRST AMENDMENT TO RIGHT OF WAY AND EASEMENT AGREEMENT WITH LINDE, INC.

STATE OF TEXAS §

COUNTY OF JEFFERSON §

WHEREAS, Jefferson County Drainage District No. 7 (the "District") entered into a Right-of-Way and Easement Agreement with Praxair, Inc. July 6, 1992. Linde, Inc. is the success in interest to Praxair, Inc. in that certain Right of Way Easement Agreement dated July 6, 1992, and recorded on July 28, 1992, as document 9226552 in Volume 10435, Page 2294 in the official records of Jefferson County, Texas as more particularly described in the attached Agreement; and

WHEREAS, the District wishes to authorize the District's General Manager to execute the First Amendment to Right of Way and Easement Agreement on behalf of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7:

THAT it is in the best interest of the District to enter into a First Amendment to Right of Way and Easement Agreement with Linde, Inc. and authorize its General Manager to execute the attached instrument on behalf of the District.

THAT the General Manager be, and hereby is, authorized to take any and all action and is authorized to execute any and all instruments, documents, or filings in connection with the accomplishment of the transactions outlined in this resolution and to

certify the adoption of such resolutions to such parties which such General Manager deems necessary or appropriate.

I, Albert Moses, Jr., Secretary of the Board of Commissioners of Jefferson County Drainage District No. 7, do hereby certify that the above is a true and correct copy of a resolution adopted by the Board of Commissioners of Jefferson County Drainage District No. 7, at their meeting No. 2432 held on the 3<sup>rd</sup> day of December 2024, upon motion made by Commissioner Moses and seconded by Commissioner Champagne and adopted unanimously by said Board, a quorum being present.

Given under my hand this 3<sup>rd</sup> day of December 2024.

JEFFERSON COUNTY DR

DRAMAGE DISTRICT NO. 7

### FIRST AMENDMENT TO RIGHT-OF-WAY AND EASEMENT

THE STATE OF TEXAS	\$
COUNTY OF JEFFERSON	§

THIS FIRST AMENDMENT TO RIGHT OF WAY EASEMENT is made and entered into by and between **Jefferson County Drainage District No. 7**, whose mailing address is 4401 Ninth Avenue, Port Arthur, TX 77642, "Grantor", and **Linde Inc.**, a Delaware corporation, with offices at 1585 Sawdust Road, Suite 300, The Woodlands, TX 77380 as "Grantee" each of which may be individually referred to as a "Party" and, collectively, as the "Parties".

#### **BACKGROUND**

Linde Inc. is the success in interest to Praxair, Inc. in that certain Right of Way Easement Agreement dated July 6, 1992 and recorded on July 28, 1992 as document 9226552 in Volume 10435, Page 2294 in the official records of Jefferson County, Texas, Grantor granted to Grantee a Right of Way Agreement (the "Agreement").

#### **AMENDMENT**

NOW THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein and expected to accrue hereunder, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee hereby agree to amend the Agreement as follows:

Grantee is hereby permitted to expand its surface site on Tract No. JE-61 in the Agreement to what is described and depicted on Exhibit A, which is attached hereto and made a part hereof.

All other terms and provisions of the Agreement remain in full force and effect.

THIS FIRST AMENDMENT TO RIGHT OF WAY EASEMENT AGREEMENT is exec		
behalf of Grantor and Grantee on the respective dates indicated below their signatures	and 1	the
signature of the duly authorized representative, but effective as of the	day	of
, 2024.		

{Signatures on following pages}

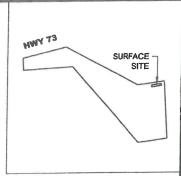
<b>GRANTOR:</b>			
JEFFERSON COUNTY DRAIN	NAGE DISTRICT NO. 7		
Name:			
Grantor's Address: 4401 Ninth Port Arthur,			
	ACKNOWLEDGEMENT	ı	
STATE OF	. <b>§</b>		
COUNTY OF			
Before me, the undersigned 202, personally appearedbe the person whose name is subscr	Notary Public, on this the of Jefferson County Drain	, tne nage District No. 7, kn	own to me t
he executed the same for the purpos	ses and consideration herein e	xpressed.	
GIVEN UNDER MY HAN 202	ND AND SEAL OF OFFICE	this day of	
	Notary Public in a	nd for the State of	

(Print Name of Notary Public Here)

GRANTEE:
LINDE INC.
By:
es:
ACKNOWLEDGEMENT
HE STATE OF NEW YORK §
OUNTY OF ERIE §
This instrument was acknowledged before me on the day of
Notary Public, State of New York

#### **EXHIBIT "B" JEFFERSON COUNTY, TEXAS** T.&N.O. RR. CO. SURVEY, A-407

NEDERLAND OCI H2 PIPELINE FEL SURFACE SITE = 0.03 AC.



VICINITY MAP

**P.O.C.** FOUND 3/8" IRON ROD N: 13,903,678.89 E: 3,540,945.79

CHO. SOM STAN SURFACE SITE N: 13,903,656.24 E: 3,540,918.80 PROPOSED LINDE POWER POLE SURFACE SITE 2 12

T.&N.O. RR. CO. SURVEY, A-407

099.000-JF-TX JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7 CALLED 7.682 ACRES VGL 1470, PG. 568 D.R.J.C.,TX

	LINE TABL	E
LINE	BEARING	LENGTH
L1	S07°37'47"E	16.50'
L2	S82°22'13"W	88.54'
L3	N07°37'47"W	16.50
14	N82°22'13"E	88.54'

- BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011), SOUTH CENTRAL ZONE, US SURVEY FEET, AS DETERMINED BY GPS OBSERVATION. ALL DISTANCES AND COORDINATES ARE GRID VALUES. THIS SURVEY WAS PREPARED WITHOUT THE USE OF A TITLE COMMITMENT. THERE MAY BE EASEMENTS THAT AFFECT THE SUBJECT PROPERTY UNKNOWN TO SURVEYOR. THE BOUNDARY LINES SHOWN HEREON, WERE COMPILED FROM A LIMITED SURVEY OF THE SUBJECT PROPERTY AND ADJOINING PROPERTIES, THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY. SURVEY PLAT WAS PREPARED FROM A SURVEY MADE ON THE GROUND IN JUNE, 2023.
- 3.
- IN JUNE 2023.
- IN JUNE, 2023. REFERENCE IS HEREIN MADE TO THE METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS SKETCH,

PERCHERON PROFESSIONAL SERVICES, LLC

SERVICES, LLC
1904 WEST GRAND PARKWAY N.
SUITE 200
KATY, TEXAS 77449
(832) 398-6400
TEXAS 3URVEYING FIRM LICENSE:
NO, 10020700

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IFC	F	ND	*****	Table Tourishment Control		-		-	BOUNDAR	Υ
				BEGINNING	P.O.E POINT OF EXIT	_	_	-	SURFACE	SIT
P.O.C.		POINT	QF	COMMENCEMENT	P.O.R.E POINT OF RE-ENTRY					
200		DOWN	ΛE	TERMINATION	<ul> <li>MONUMENT</li> </ul>					

P.O.R. - POINT OF REFERENCE

DATE: 07/13/23	REVISIONS
DRAWN BY: MJV	04/03/24
CHK BY: JLW	10/09/24
PROJECT NO: 05.101087.0000	
	SHEET 2 OF 2

PREPARED FOR Linde



RONALD PATRICK KELL REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6424

> 099.000-JF-TX DOCUMENT NO. L-MPG-1087-0129 EASEMENT ACQUISITION PLAT JEFFERSON COUNTY DRAINAGE DISTRICT NO. 7 T.an.o. RR. CO. SURVEY, A-407 JEFFERSON COUNTY, TEXAS