

**AMENDMENT NO. 1
TO MAINTENANCE AND OPERATION AGREEMENT**

This Amendment No. 1 dated this _____ day of _____ 2018 is made a part of the Maintenance and Operation Agreement (Contract K-0304-57) dated October 14, 2003, between the Norman Utilities Authority (Authority) and MSDC properties, LLC (Developer) establishing a Lift Station Fee for the Summit Valley Lift Station.

- 1) The names of the subdivisions within the Summit Valley Lift Station service area have changed to include both the Summit Valley Addition and the Bellatona Addition. The most recent preliminary plats for these subdivisions are included as Exhibits C and D, attached hereto and incorporated by reference herein.
- 2) The Lift Station Fee calculation originally attached as Exhibit A to Contract K-0304-57 has been amended, Exhibit A (revised), to include the following revisions:
 - a. the estimated wastewater flow is modified necessitated by changes in density outlined on the preliminary plats referenced above;
 - b. the actual cost of the lift station as constructed in 2005 are included in Exhibit A (revised);
 - c. the Lift Station Fee has been re-calculated based on the changes in (a) and (b) above;
 - d. the Lift Station Fee has been inflated through June 30, 2018 in accordance with Section 7(d) of the original agreement;
 - e. Said Exhibit A (revised) is attached hereto and incorporated by reference herein.
- 3) The ownership of said Summit Valley Addition and Bellatona Addition has changed from MSDC Properties, LLC to Highway 9 Land Company, LLC and Bellatona Development, LLC. These changes are reflected in the signature lines below.
- 4) Acceptance of the terms of this Amendment is acknowledged by the following authorized signatures of the parties to the Agreement. All other particulars in the original Agreement, and not specifically referenced in this Amendment No. 1 remain in effect and unchanged.

IN WITNESS WHEREOF, Authority and Developer(s) have executed this AGREEMENT.

DATED this 7TH day of SEPTEMBER 2018.

Highway 9 Land Company, LLC – Developer of Summit Valley Addition

ATTEST

By:



Title:

Evan Nixon, President

CISS PROPERTIES, INC.
MANAGER

Mr. Ben, Secretary
Cris Properties, Inc.

Bellatona Development, LLC – Developer of Bellatona Addition

ATTEST

By:



Title:

Evan Nixon, President

*CIES PROPERTIES, INC.
MANAGER*

*Hi-Pain, Secretary
Cies Properties, Inc.*

Norman Utilities Authority- Authority

APPROVED as to form and legality this _____ day of _____, 20____.

City Attorney

APPROVED by the Trustees of the Norman Utilities Authority this _____ day of _____, 20____.

ATTEST

By:

Title:
