

**COPY**

IN THE COMMISSIONERS COURT  
OF  
POLK COUNTY, TEXAS

**ORDER APPROVING AMENDMENT TO AGREEMENT FOR THE  
DEVELOPMENT OF THE SOUTHLAND PARK PROJECT**

WHEREAS, the County of Polk desires to promote and contribute to the rural electrification, recreational opportunities, and economic development of the County; and

WHEREAS, the East Texas Electric Cooperative, Inc., ("ETEC"), is an electric cooperative organized under the Electric Cooperative Corporation Act, Tex. Util. Code §§ 161.001 et seq.; and

WHEREAS, ETEC is developing an approximately 24 megawatt (MW) hydroelectric generating station (the "Generating Station") on the east bank of the Trinity River below the existing Lake Livingston Dam and reservoir in Polk County, Texas pursuant to a License issued by the Federal Energy Regulatory Commission (the Hydroelectric Project"); and

WHEREAS, the County owns property situated in Polk County, Texas, consisting of a parcel of approximately twenty (20) acres known as Southland Park, that is suitable in part for use in connection with the Generating Station (the "Generating Parcel") and suitable in part for development for public recreational purposes (the "Recreation Parcel"), such Generating Parcel consisting of approximately 1.965 acres and such Recreation Parcel consisting of approximately 18.035 acres, together comprising the "Premises"; and

WHEREAS, the Premises consists of land developed with the aid of a grant from the federal Land and Water Conservation Fund ("LWCF Act"), and said development was conducted pursuant to an agreement ("Project Agreement") with Polk County and the Department of the Interior, acting through the National Park Service, and in coordination with the State of Texas, represented by the Texas Parks and Wildlife Department; and

WHEREAS, section 6(f)(3) of the LWCF Act, 16 U.S.C. § 460l-8(f)(3), would require that the Generating Parcel, if it is withdrawn and converted from public recreational purposes, be replaced by nearby property of equal value that is suitable for public recreational use (the "Replacement Parcel"); and

WHEREAS, the Polk County Commissioners Court has authorized Polk County's acquisition of a real property adjacent to Southland Park to serve as a portion of the Replacement Parcel, which would be dedicated in perpetuity to public recreation uses consistent with Section 6(f)(3) of the LWCF Act, and which the County would lease to ETEC for purposes of its FERC-Licensed Hydroelectric Project; and

WHEREAS, Polk County has approved a ground lease of the Premises to ETEC, providing for the development of the Generating Parcel and the acquisition of a Replacement Parcel, for purposes of the FERC-Licensed Hydroelectric Project; and

WHEREAS Polk County and the ETEC have received approval from the Texas Parks and Wildlife Department to proceed with the lease and acquisition of a Replacement Parcel; and

WHEREAS the LWCF Act further provides that no property acquired or developed with LWCF assistance may be converted to other than public outdoor recreation uses without the approval of the Secretary of the Department of the Interior, acting through the National Park Service; and

WHEREAS the National Park Service has approved converting a portion of Southland Park into the Generating Parcel and replacing it with an adjacent Replacement Parcel; and

WHEREAS the National Park Service and Texas Parks and Wildlife Department have further approved an amendment to the Project Agreement ("Amendment") providing that 1.965 acres of Southland Park (i.e., the Generating Parcel) will be modified for ETEC's Hydroelectric Project and will be replaced with 2.974 acres of property abutting the existing park (i.e., the Replacement Parcel); and

WHEREAS Polk County must also approve the Amendment to the Project Agreement before the Generating Parcel may be modified for ETEC's Hydroelectric Project and replaced with the Replacement Parcel; and

WHEREAS Polk County must also approve certain certifications by the County which are required by the National Park Service and Texas Parks and Wildlife Department to accompany the Amendment to the Project Agreement; and

WHEREAS copies of the proposed Amendment and accompanying certifications are attached to this order and incorporated by reference.

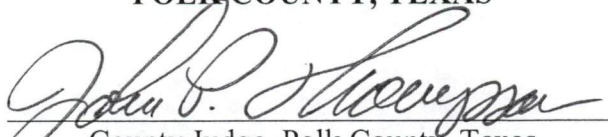
THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS:

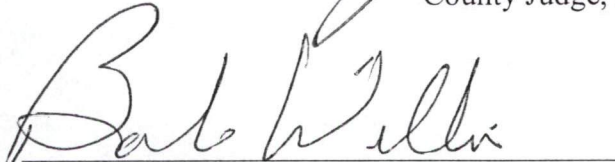
1. That the findings and recitals in the preamble of this Order are found to be true and correct and are hereby ratified, approved and adopted; and

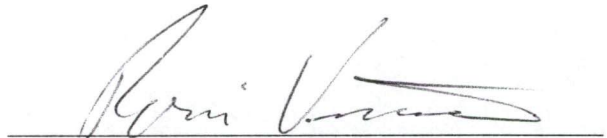
2. That Polk County hereby approves the Amendment to the Project Agreement, and the certifications which are required by the National Park Service and Texas Parks and Wildlife Department to accompany the Amendment.

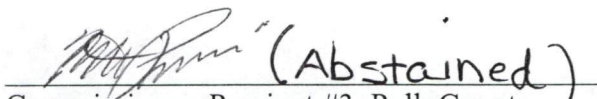
PASSED AND APPROVED on the 25<sup>th</sup> day of March, 2014.

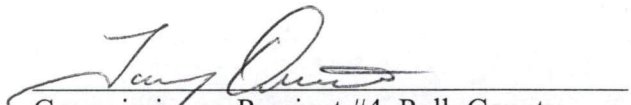
**POLK COUNTY, TEXAS**

  
County Judge, Polk County, Texas

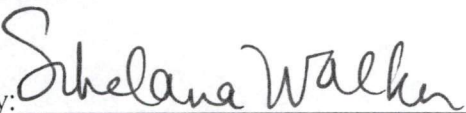
  
Commissioner, Precinct #1, Polk County

  
Commissioner, Precinct #2, Polk County

  
Commissioner, Precinct #3, Polk County

  
Commissioner, Precinct #4, Polk County

ATTEST:

By:   
County Clerk, Polk County, Texas

TEXAS PARKS AND WILDLIFE DEPARTMENT  
NATIONAL PARK SERVICE  
LAND AND WATER CONSERVATION FUND AGREEMENT  
AMENDMENT TO PROJECT AGREEMENT

Project Amendment Number: 48-000127.2

Project Name: POLK COUNTY Southland Park

\* \* \*

THIS **AMENDMENT** to Project Agreement Number **48-000127** is hereby made and agreed upon by the State of Texas, acting through the State Liaison Officer and by the undersigned subdivision pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

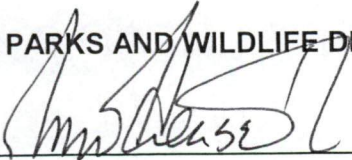
The political subdivision (sponsor) and the State of Texas, in mutual consideration of the promises made herein and in the fund agreement of which this is an amendment, do promise as follows:

A portion of land acquired (48-00081) and developed (48-00127) will be modified as follows: taking 1.965 acres for the Lake Livingston Hydroelectric Project resulting in a Section 6(f)(3) **CONVERSION**, and replacement property of 2.974 acres that abuts the existing park; located off FM 1988 on Recreational Road #5 on Lake Livingston, southwest of Livingston, Polk County, Texas. Total PROJECT will be 21.009 acres.

In all other respects the fund agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this Amendment as of the date entered below.

\* \* \*

TEXAS PARKS AND WILDLIFE DEPARTMENT

by 

Tim Hogsett, Director, Recreation Grants Branch  
Name and Title

3-10-14  
TPWD Approval Date

SAM Date – Initials N/A - re

POLK COUNTY

Political Subdivision (SPONSOR)

by 

The Hon. John P. Thompson, Polk Co. Judge  
Name and Title

**TEXAS PARKS AND WILDLIFE DEPARTMENT**  
**CERTIFICATE OF LAND DEDICATION FOR PARK USE**

***LAND AND WATER CONSERVATION FUND PROGRAM***

This is to certify that a permanent record shall be kept in the **COUNTY OF POLK** public property records and be made available for public inspection to the effect that the property described in the scope of the Project Agreement for **POLK COUNTY Southland Park, Project Number 48-000127**, and the dated project boundary map made part of that Agreement, has been acquired or developed with Land and Water Conservation Fund assistance and that it cannot be converted to other than public recreation use without the written approval of the Texas Parks and Wildlife Department.

**POLK COUNTY**

Political Subdivision

By



**The Honorable John P. Thompson**  
**Polk County Judge**

Name and Title

3-25-14

Date

**Texas Parks & Wildlife Department - Local Park Grants Program**  
**OFFICIAL PROJECT BOUNDARY MAP**  
 This project has been funded through the TPWD Local Park Grants Program. Land identified within this official boundary map is **protected as parkland in perpetuity.**  
**POLK COUNTY Southland Park** Project # 48-000127  
 Project Boundary: Total Acres: 21,009  
 Overhead Lines to Remain:  
 Tim Hogsett, Director of Recreation Grants:  
 Signature and Date: 2-12-14  
 The Honorable John P. Thompson, Polk County Judge:  
 Signature:

N/F  
 TRINITY RIVER  
 AUTHORITY  
 389.86 AC.±

PROPOSED  
 ACQUISITION FROM  
 POLK COUNTY TEXAS  
 1.97 AC.±

N/F  
 TRINITY RIVER  
 AUTHORITY  
 6.29 AC.±

PROPOSED  
 ACQUISITION FROM  
 SASPARILLA BARTON  
 ESTATE 0.80 AC.±

2.97 ac. TO BE  
 ACQUIRED BY  
 POLK CO. FROM  
 BARTON ESTATE

N/F  
 WAYNE R. BAKER  
 88.02 AC.±

N/F  
 SASPARILLA  
 BARTON ESTATE  
 13.13 AC.±

N/F  
 RENEE WALKER  
 1.41 AC.±

N/F  
 POLK COUNTY  
 TEXAS  
 29 AC.±

PROPOSED  
 SOUTHLAND PARK  
 21 AC.±

PRELIMINARY ISSUE  
 FOR PROPOSAL  
 NOT FOR CONSTRUCTION  
 01/28/13

NO.	DATE	BY	DESCRIPTION
1	01/28/13	AW	ISSUE FOR PROPOSAL
2	01/28/13	AW	FOR PROPOSAL
3	01/28/13	AW	FOR PROPOSAL
4	01/28/13	AW	FOR PROPOSAL
5	01/28/13	AW	FOR PROPOSAL
6	01/28/13	AW	FOR PROPOSAL
7	01/28/13	AW	FOR PROPOSAL
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16	01/28/13	AW	FOR PROPOSAL
17	01/28/13	AW	FOR PROPOSAL
18	01/28/13	AW	FOR PROPOSAL
19	01/28/13	AW	FOR PROPOSAL
20	01/28/13	AW	FOR PROPOSAL

**Stanley Consultants INC.**  
 2000 West 20th Street, Birmingham, Alabama 35216-1225  
 www.stanleyconsultants.com

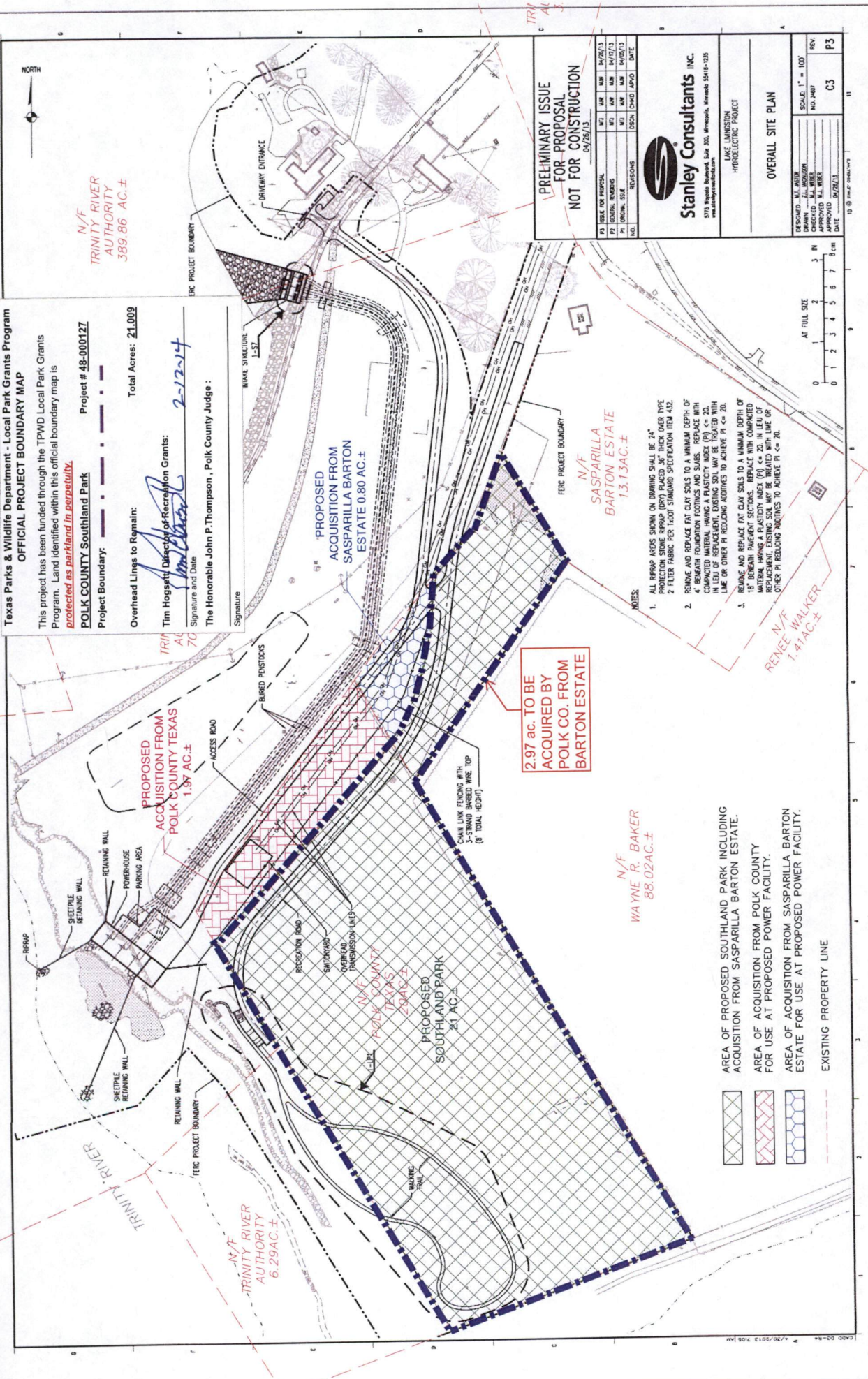
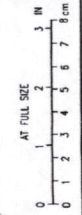
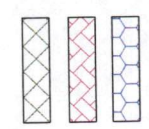
LAKE LANGSTON  
 HYDROELECTRIC PROJECT

OVERALL SITE PLAN

DESIGNED BY	NO. 2467	SCALE	1" = 100'
CHECKED BY			
APPROVED BY			
DATE			
REV.			
C3			
P3			

- NOTES:
- ALL RIPRAP AREAS SHOWN ON DRAWING SHALL BE 24" PROTECTION STONE (DOT) PLACED OVER 18" PROTECTION STONE (DOT) PER DOT STANDARD SPECIFICATION ITEM 402. 2 FILTER FABRIC PER DOT STANDARD SPECIFICATION ITEM 402.
  - REMOVE AND REPLACE FAT CLAY SOILS TO A MINIMUM DEPTH OF 4" BEHIND FOUNDATION FOOTINGS AND SUBS. REPLACE WITH COMPACTED MATERIAL. WHERE FAT CLAY SOILS MAY BE TROUBLE WITH LINE OR OTHER PI REDUCING ADDITIVES TO ACHIEVE PI <= 20.
  - REMOVE AND REPLACE FAT CLAY SOILS TO A MINIMUM DEPTH OF 8" BEHIND UNDERSTRAINS. WHERE FAT CLAY SOILS MAY BE TROUBLE WITH REPLACEMENT, EXISTING SOIL MAY BE TREATED WITH LINE OR OTHER PI REDUCING ADDITIVES TO ACHIEVE PI <= 20.

- AREA OF PROPOSED SOUTHLAND PARK INCLUDING ACQUISITION FROM SASPARILLA BARTON ESTATE.
- AREA OF ACQUISITION FROM POLK COUNTY FOR USE AT PROPOSED POWER FACILITY.
- AREA OF ACQUISITION FROM SASPARILLA BARTON ESTATE FOR USE AT PROPOSED POWER FACILITY.
- EXISTING PROPERTY LINE



U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and  
Other Responsibility Matters, Drug-Free Workplace  
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.** See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

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**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters-  
Primary Covered Transactions**

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CHECK  IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -  
Lower Tier Covered Transactions**

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CHECK  IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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**PART C: Certification Regarding Drug-Free Workplace Requirements**

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CHECK  IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check  if there are workplaces on files that are not identified here.

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**PART D: Certification Regarding Drug-Free Workplace Requirements**

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CHECK  IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.



**PART E: Certification Regarding Lobbying**  
**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

CHECK  IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK  IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

The Honorable John P. Thompson, Polk County Judge

TYPED NAME AND TITLE

3-25-14

DATE

