

**THIRD AMENDMENT TO THE CONCESSIONAIRE AGREEMENT BETWEEN
HARRIS COUNTY AND ASC OWNERS GROUP, LLC**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Third Amendment is made and entered into by and between **Harris County, Texas**, a body corporate and politic under the laws of the State of Texas ("County"), and **ASC OWNERS GROUP, LLC**, a Texas limited liability company. The County and Contractor are referred to herein collectively as the "Parties" and individually as a "Party".

Recitals

On or around June 30, 1987, County entered into an Agreement with Championship Shooting Centers, Inc. ("Master Agreement") to provide a shooting center for public use in Harris County.

On or around August 31, 1989, the Master Agreement was amended for the first time to construct additional improvements ("First Amendment").

On or around October 26, 2004, the Master Agreement was amended for the second time to extend the term of the Master Agreement ("Second Amendment").

On or around January 8, 2008, the Harris County Commissioners Court entered an Order approving assignment of rights and assumption of duties to ASC Owners Group, LLC from Championship Shooting Centers, Ltd.

The Parties now desire to amend the Master Agreement for the third time to extend the Term of the Master Agreement ("Third Amendment").

Terms

I.

This Third Amendment shall be governed by the Master Agreement, First Amendment, Second Amendment, and Order of Assignment which are incorporated herein by reference as if set forth word for word.

II.

The County Executes this Third Amendment by and through the County Judge. The Term of the Master Agreement is hereby extended, and the Agreement shall remain in full force and effect until June 30, 2047. This Third Amendment shall become effective upon final execution and

remain in full force and until June 30, 2047, unless earlier terminated in accordance with the Master Agreement.

III.

Section G shall be added to Article XVI – General Clauses of the Master Agreement and shall read as follows:

Concessionaire shall comply with Executive Order 13658, establishing a minimum wage, signed by President Barack Obama on February 12, 2014, as amended.

IV.

Section H shall be added to Article III – Purpose and Improvements of the Master Agreement and shall read as follows:

Concessionaire shall not improve or place any improvements upon, change, or alter the Property in any way without the prior written consent of the County Commissioner of the precinct in which the Park is located (“Commissioner”) and the Real Estate Contracting Officer of the U.S. Army Corps of Engineers, Galveston District (“Corps”). All requests to change, alter, or improve the Property shall be made in writing and shall include such drawings, detailed architectural and engineering.

V.

All other terms of the Master Agreement shall remain in full force and effect as originally written and subsequently amended.

VI.

It is expressly understood and agreed that the Master Agreement, First Amendment, Second Amendment, and Order of Assignment are incorporated herein by reference. In the event of any conflict between the terms and provisions of this Third Amendment, or any portion thereof, and the terms and provisions of any other part or portion of the Master Agreement or First Amendment or Second Amendment, this Third Amendment shall control.

VII.

EXECUTION

Multiple Counterparts: This Third Amendment may be executed in several counterparts. Each counterpart is deemed an original. All counterparts together constitute one and the same instrument. Each Party warrants that the undersigned is a duly authorized representative with the power to execute this Third Amendment.

[Signature Page Follows]

ASC OWNERS GROUP, LLC

By: Edward V. Arrighi
Name: EDWARD V. ARRIGHI
Title: OWNER / C.E.O.

Date: 8-26-2021

Approved: Walton Glenn Ellis
Name: Walton Glenn Ellis
Title: CFO 8/26/2021

Approved:
U.S. Army Corps of Engineers

By: _____
Name: _____
Title: _____

HARRIS COUNTY

By: _____
LINA HIDALGO
COUNTY JUDGE

Date: _____

APPROVED AS TO FORM:
CHRISTIAN D. MENEFE
COUNTY ATTORNEY

By: Sam Kirchhoff
Sam Kirchhoff
Assistant County Attorney
C.A. File 21GEN1598

ORDER OF COMMISSIONERS COURT
Authorizing execution of an amendment

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on _____, 2021 with all members present except _____.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING EXECUTION OF AN AMENDMENT TO THE AGREEMENT
BETWEEN HARRIS COUNTY AND ASC OWNERS GROUP, LLC**

Commissioner _____ introduced an order and moved that Commissioners Court adopt the order. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

Vote of the Court	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Judge Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Ramsey, P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order adopted follows:

IT IS ORDERED that County Judge is hereby authorized to execute for and on behalf of Harris County an Amendment to the Agreement between Harris County and ASC Owners Group, LLC, for the purpose of extending the term of the Agreement. The Amendment is incorporated herein as though fully set forth word for word.

All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.