

AMENDMENT TO FACILITY LEASE
NORTH TARRANT EXPRESS - FACILITY

This Amendment to Lease (the "Amendment") is made as of _____, 2013, by and between the **TEXAS DEPARTMENT OF TRANSPORTATION**, a public agency of the State of Texas ("TxDOT") and **NTE Mobility Partners Segments 3 LLC**, a Delaware limited liability company ("Developer").

RECITALS

A. TxDOT and Developer executed a Facility Lease dated _____, 2013 (the "Lease"), covering certain premises that are a part of the North Tarrant Express Facility and the Facility Right of Way, and described in Article I of the Lease (the "Premises").

B. TxDOT and Developer desire to amend the Lease as set forth herein.

NOW, THEREFORE, for valuable consideration, the receipt and adequacy of which are hereby acknowledged, TxDOT and Developer hereby amend the Lease as set forth below:

AGREEMENT

Section 1. Definitions. Capitalized terms used but not defined in this Amendment have the respective meanings set forth in the Lease.

Section 2. Amendment of Premises. There is hereby added to the Premises under the Lease all the real property owned by the State described in Exhibit A attached hereto, together with all the improvements now or hereafter located thereon owned by TxDOT, including the portion of the Facility thereon, subject to the exclusions and reservations set forth in Section 1.2 of the Lease (the "Added Premises"). TxDOT hereby leases, lets, demises and rents to Developer, and Developer hereby leases and rents from TxDOT, the Added Premises, on and subject to all the terms and conditions set forth in the Lease. Wherever the term "Premises" is used in the Lease, it is hereby deemed to include and refer to the Added Premises.

Section 3. No Further Amendments. Except as expressly modified by this Amendment, all provisions of the Lease, as the same may have been amended prior to this Amendment, are hereby ratified and confirmed and shall remain in full force and effect.

Section 4. Counterparts. This instrument may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties, intending to be legally bound, have executed this Lease in two original counterparts on the date first written above.

[Signature Page Immediately Follows]

TxDOT

TEXAS DEPARTMENT OF TRANSPORTATION

By: 
Name: Phil Wilson
Title: Executive Director

DEVELOPER

**NTE Mobility Partners Segments 3 LLC, a
Delaware limited liability company**

By: 
Name: Nicolas Rubio
Title: Authorized Representative

By: 
Name: Sven Kottwitz
Title: Authorized Representative