

SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT TO AGREEMENT, is made and entered into on this ^{24th} day of January 2024, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government pursuant to KRS Chapter 67A, and located at 200 East Main Street, Lexington, Fayette County, Kentucky 40507 (hereinafter referred to as "GOVERNMENT"), and **POLO CLUB PARK APARTMENTS, LLLP ("Owner")**, a Kentucky limited liability partnership, 159 Old Georgetown Street, Lexington, Fayette County, Kentucky 40508.

WHEREAS, Government and Owner entered into a HOME Agreement dated March 23, 2021 ("Agreement"), in which the Owner was allocated \$453,409 provided by the 2019 Consolidated Plan for eligible HOME costs.

WHEREAS, an Amendment to the Agreement was entered on May 1, 2023 extending the time of completion date to September 15, 2023.

WHEREAS, Owner has requested additional time to complete the funding provided by the 2019 Consolidated Plan for developmental of rental housing for low-income HOME-eligible persons and/or households.

WHEREAS, the Agreement provides for all amendments to be in writing executed by Government and Owner;

NOW, THEREFORE, in consideration of the foregoing and mutually agreed upon promises, conditions, and covenants hereinafter set forth, the parties hereto agree as follows:

1. Article I, subsection 1.40, titled "TIME OF COMPLETION" shall be amended to provide that that the Owner agrees to complete the development covered by this agreement on or before March 29, 2024.
2. In all other respects, except as specifically modified herein, the terms of the Agreement dated March 23, 2021, as Amended through First Amendment entered on May 1, 2023 shall remain in full force and effect with respect to the provisions outlined therein.

IN WITNESS WHEREOF, the parties executed this Amendment at Lexington, Kentucky, the day, month, and year above written.

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SIGNATURE PAGE TO FOLLOW.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

BY: *Linda Gorton*
Linda Gorton, Mayor

DATE: 1/26/2024

ATTEST:

Markemie Steck
Deputy
Clerk of Urban County Council

POLO CLUB APARTMENTS, LLLP, a Kentucky limited liability limited partnership

BY: Polo Club GP, LLC, a Kentucky limited liability company
Its: General Partner

BY: *Johan Graham*
Name: Johan Graham
Title: Managing Member

DATE: 1/25/2024